

Extending the Scope of Article 29(2) Of The Indian Constitution: Inclusion of Private Unaided Educational Institutions

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Abstract

This study investigates the constitutional effects of protecting Article 29(2) of the Indian Constitution to the 29(2) to the private unaided educational institutions. Article 29(2) now excludes only the discrimination based on religion, race, caste, or language in the state-maintained or state-aided institutions. Nevertheless, the increasing prevalence of the private unaided institutions in the Indian education system has led to access inequalities in access to higher quality education by the marginalized and the economically disadvantaged in the Indian society. This research approach finds out the current gap in the constitutional protection and presents the need to amend it to protect equality and inclusiveness in every institution of learning irrespective of the source of funding.

*In a descriptive legal approach with the usage of the constitutional provisions, analysis of the case law, and literature, the paper examines the discriminative aspects in the field of the private institution that is not aided and discusses their social and legal consequences. The judicial landmarks that include *T.M.A. Pai Foundation v. State of Karnataka*, The balance of institutional autonomy and constitutional imperative of equality are evaluated by analyzing union of India. The research discovers that although autonomy is a key to educational excellence, it must not undermine the right to non-discrimination and equal educational opportunity that are provided by the Constitution.*

The paper is summed up with policy and legislative changes such as revising the Article 29(2) to include private unaided institutions, application of open admission policies, providing disadvantaged groups with reservation and scholarship policies and regulation bodies. This would bring the ideals of equality, secularism, and social justice as outlined in the constitution of India, into the educational system, which would in turn empower the democratic system and provide inclusive education to every citizen of India.

Key Words: Article 29(2), Private Unaided Educational Institutions, Educational Equality, Non-Discrimination, Constitutional Rights

Introduction

India is a diverse country they have different religion live in this country, in India they have own separate constitution to frame by Ambedkar they have lengthiest constitution in the country so it's the main work to promote equality and fairness in the country without differentiates any religion. Article 29(2) of the Indian Constitution makes it clearly stated that no one shall be denied admission into any educational institution maintained by the state or receiving aid out of state funds on grounds of religion, race, caste, language, or any of these grounds. So, this article is crucial to promote educational rights of the minorities.² So, I proposed in this amendment how this private unaided education institution could be applicable under article 29(2) of the Indian constitution. however, this article could not fill

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² INDIA CONST. art. 29, cl. 2.

by the gap of public institution and its discriminated various ways. According to article 15(1)³ Stated that to prohibits discrimination by the state in the grounds of religion, race, caste, sex, place of birth so but private unaided institution come under the ambit of state control and also reflect article 15(5) of the Indian constitution⁴ defines allows for reservation in private unaided educational institution for scheduled castes, scheduled tribes, and other backward classes.

This is due to the rising influence of private institutions in the Indian education system. For the last few decades, private educational institutions have proliferated, providing more access to education but also offering a pathway for exclusion and discrimination based on the entrance criteria that private institutions apply independently. Such an arrangement can create inequalities wherein certain groups of students are represented inadequately in high-quality private institutions. Adding private unaided institutions to Article 29(2) will make it a requirement for these institutions not to discriminate and embrace diversity, which will help eliminate disparities in education access.

This amendment will bring private institutions closer to the core values of the Constitution: equality, secularism, and social justice. Providing education is a fundamental right that every Indian citizen has; thus, making sure institutions are not discriminatory will make India stronger in providing equal access to education. This would also be in step with international trends and recommendations from international human rights bodies, which highlight equal access to education as a fundamental human right.

The proposed amendment doesn't seek to interfere with the operational autonomy of private unaided institutions but ensures the right to the enjoyment of all other fundamental rights. In particular, private institutions will retain freedom to decide admission standards and curriculum but ensure the said standards don't form grounds for exclusion based on the identity factors that the Constitution seeks to protect against discrimination.

In general, the amendment takes the scope of Article 29(2) to more inclusive and equitable school-going. Education is made accessible and unbiased in all institutions, be it public or private, and maintains the spirit of unity and integrity present in the Indian Constitution.

Research Methodology

A descriptive study approach based on case law was used. The study was supported by primary and secondary data as well as information from books, journals, research-based papers, and case laws that were available.

Review of Literature

In this article the author analysis right to education act and given by the detail explanation of all the provision and then the author finds out the problem right to education act, in this act give 25 % reservation of the free education, so the author analysis this act.⁵

The paper argues the case that, if the government school system is the only tool utilized, even a 6% GDP allocation to the education budget would not be enough to finance universal schooling until very far into the future. Relying on affordable private schools as a key component of government education strategy is the only way to fulfil the Right to Education responsibility. Conversely, clauses that would be against low-cost private schools are introduced in the proposed Right to Education Act draft. As a result, the Right to Education

³ Ibid. art. 15, cl. 1.

⁴ Ibid. art. 15, cl. 5.

⁵ Ramachandran, V (2009): "Right to Education Act: A Comment", Economic & Political Weekly, Vol XLIV, No 28:155.

Act must be amended and reworded to include explicit clauses pertaining to private-public collaboration.⁶

In this article the author challenged the act of right to education to create impacts of the economically weaker section and EWS people and in this paper the author mentioned the discrimination of marginalized group under right to education act.⁷

Research Objectives

1. Legal provisions and framework surrounding Article 29(2) that have implications for the admission practices of private unaided educational institutions.
2. To study discriminatory practices in private unaided institutions and examine the impact of exclusion from Article 29(2) on the marginalized and economically weaker sections of society.
3. To develop policy recommendations on the scope of article 29(2) coverage of private unaided institutions toward greater balance, diversity and equity in educational fields.

Research Questions

1. Whether the existing legal framework of Article 29(2) is adequate to take care of admissions practices in private unaided educational institutions and what would be the implications of this limitation?
2. Whether exclusion of private unaided institutions from Article 29(2) leads to discriminatory practices against the marginalized and economically weaker sections of society?
3. To what extent would inclusion of private unaided institutions under Article 29(2) improve the fairness, inclusivity, and equity of education? What are the specific policy recommendations in this regard?

The Legal Framework of Article 29(2) and its Impact on Admission Practices

One of the vital tools for people is education. Resources, including wealth, are finite and become scarce when used. However, once we acquire knowledge, it stays with us forever. In order to fulfil all other human rights, access to education is essential. Minorities and non-minorities equally create private educational institutions that fight for their rights. The Indian Constitution's article 29(2) did not maintain the private, unaided institution's existence. Because of its discriminatory policies and lack of fairness in our society, it violates our constitution. Minority student or economically weaker student could be affected even if have right to enter this institution but the institution does not allow on the status of minorities.

According to Article 30(1) of the Indian Constitution Every minority group, regardless of religion or language, is entitled to create and run the educational institutions of their choosing. however, under article 29(2) of the Indian Constitution, minority rights could not be protected.

The word "private unaided institution," which is not included in Article 29(2), could bias against the rights of minorities. But in article 15(5) of the Indian constitution defines the State from enacting any special laws for the advancement of any socially and educationally underprivileged classes of people, or for Scheduled Castes or Scheduled Tribes, insofar as

⁶ Jain, P S and R H Dholakia (2009): "Feasibility of Implementation of Right to Education Act", Economic & Political Weekly, Vol XLIV, No 25: 38-43.

⁷ Rana, Minakshi. "Implications of the Economically Weaker and Socially Disadvantaged (EWS) Quota under Right to Education Act 2009 for the Underprivileged".

those laws pertain to their admission to private educational institutions, whether with or without state assistance, aside from the minority educational institutions mentioned in Article 30 Clause (1).

No citizen may be subjected to discrimination by the state just on their religion, race, caste, sex, place of birth, or any combination of these. are private, independent institutions under state jurisdiction?

Children from disadvantaged marginalized groups and weaker sections are allowed to study at private unaided schools under Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009, which also requires private unaided schools to reserve 25% of their seats for these students in grade 1 or elementary.⁸ The government proposes paying schools a sum equal to the government's own year per-child spending for children admitted under the RTE statute, which rights children to free education. State governments have established regulations that specify the format and type of admissions that should take place.⁹

Clause No. 2 of the RTE Act, 2009 relating to the set-aside of 25 percent seats for students belonging to weaker sections and underrepresented groups was upheld in the much-awaited judgment that the three-judge Bench of Chief Justice S. H. Kapadia delivered April 12 while holding as constitutionality valid the enactments to provide free quality education through government, aided as well as unaided non-minority schools though inapplicable to private, unaided minority educational institutions. He agreed with this and Justice K.S. Radhakrishnan dissented.

Article 21A requires the State to provide free and compulsory education for children aged 6-14, and private unaided schools supplement this obligation, according to the court's majority opinion. By viewing education as a charitable endeavour, the ruling struck a balance between educational responsibilities and Article 19(1)(g) (the right to pursue a profession), thereby defending legitimate limitations under Article 19(6). But Justice Radhakrishnan disagreed, stating that the State should not force free education on unaided schools since Article 21A places the entire burden on the State and not on private organizations.¹⁰

Furthermore, discussions concerning other systemic issues such as student learning outcomes and government school accountability have been triggered by the RTE Act's emphasis on the right to education. According to Article 30(1) of the Constitution, the ruling upholds the autonomy of private, unaided minority schools, guaranteeing their ability to run their institutions free from state-imposed reservations.

In the facts of *Society for Unaided Private Schools v India*¹¹, The Society for Unaided Private Schools was a collective body of privately owned schools challenging the legality of section 12 of the RTE Act on two grounds. First, that the provisions of the regulatory provisions infringed on private schools' right to carry on any profession or occupation free from state interference, and secondly, that the right of minority groups to establish and administer schools under Article 30 of the Constitution.

In 2009, the Indian Parliament passed the Right of Children to Free and Compulsory Education Act, popularly known as the RTE Act, coming based on Article 21-A of the Indian Constitution whereby the government is mandated to make free and compulsory education accessible to all children aged between 6 and 14 years. It gives 25 percent reservations from

⁸ Ramachandran, V (2009): "Right to Education Act: A Comment", *Economic & Political Weekly*, Vol XLIV, No 28:155.

⁹ Jain, P S and R H Dholakia (2009): "Feasibility of Implementation of Right to Education Act", *Economic & Political Weekly*, Vol XLIV, No 25: 38-43

¹⁰ "Supreme Court Upholds 25% Reservation in Private Schools." PRS Legislative Research, <https://prsindia.org/theprsblog/supreme-court-upholds-25-reservation-in-private-schools>. Accessed 1 Nov. 2024.

¹¹ *Soc'y for Unaided Priv. Schs. of Rajasthan v. Union of India*, (2012) 6 S.C.C. 1.

the economical weaker sections for admissions under sections 12 of RTE Act that both aided schools being Government-run and Unaided one being run privately should share 25 percent.

The Court reminded that the primary obligation of the State is to afford free and compulsory education to all children, especially to those who cannot afford the same in primary education. Even though Article 19 allowed the right to practice any trade or profession, the Court held that this right existed only if the school continued to be charitable and not for profit.

The Court holding the view that the state has jurisdiction to regulate private schools and impose reasonable restrictions in public interest under Article 19(6) proceeded to hold that 25% quota imposed upon private schools is a 'reasonable restriction' for Article 19(6). In 2009 SC held that the act was constitutional and enforceable against private schools. However, a distinction between private schools and private schools coming under the purview of Article 30 of the Constitution cannot be made whereby private minority schools cannot be mandatorily compelled to increase the ratio of 25%. This would violate the rights of the minority groups to establish private schools under Article 30. The court further reasoned that Article 29(1) of the Constitution protects the right of minorities to conserve their language, script or culture, and Article 30(1) protects their right to establish and administer schools of their choice.¹² Since, therefore such quotas imposed on such schools would change their character and would, therefore, contravene these rights, a similar violation of article 30 and article 19(6) by similar provisions could be thought of with regard to the rights of minorities.

Discrimination Practices of Private Unaided Institutions

The exclusion of private unaided institutions from Article 29(2) of the Indian Constitution has been debated and criticized in the sense that it generally opens up the doors to discriminatory practices that adversely affect marginalized and economically weaker sections of society. Article 29(2) provides that no citizen shall be denied admission into any educational institutions maintained by state or receiving aid out of state funds on grounds only of religion, race, caste, language, or any of them.¹³ This exclusion, however is conferred on the private unaided institutions only when they are completely funded from sources other than government funding. It thereby allowed discrimination against deprived group in the above institutions to continue undeterred and has thwarted equal access so far. In the present paper, we discuss the discrimination practices of private unaided institutions, scrutinize their exclusion under article 29(2), and see the implications it brings about to the marginalized group while referring to landmark judgement.

A. Discriminatory practices of private unaided institutions

Private unaided institutions are without any government support. They are able to have selective admission criteria and high fees, resulting in many discriminatory practices. Such practices prohibit the entry of poor and marginalized students, thus hindering access to quality education for these students.

In article 29(2) of the Indian constitution could not mentioned the term private unaided institution the main motive of this article to protect the interest of minorities but the non-minority unaided institution could be discriminated by minorities student in various ways such reservation policies, selective admission policies.¹⁴

¹² Supra note 2, Art.30

¹³ Supra note 2, Art.29(2)

¹⁴ Kumar, Krishna, Quality and Equality in School Education: The Challenge of the Right to Education Act, 45 Econ. & Pol. Wkly. 51 (2010).

In the case of *T.M.A. Pai Foundation v. State of Karnataka*,¹⁵ the facts are that Dr. TMA Pai was in Madras in 1942, and the institutions became a part of the state of Karnataka after the states were reorganized. The Karnataka Educational Institutions Act, which was issued by the governor in 1984, restricted educational institutions from charging students high tuition rates. The Karnataka government issued an order that same year reserving 40% of the seats in the previously mentioned college as a government quota. To challenge the constitutionality of the aforementioned Ordinance and the State Government's order, a writ petition was filed. The Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984, which set the tuition and capitation fee rates for private, unaided educational institutions, went into effect while this petition was still ongoing, since the previously mentioned college received no funding from the state government, it was a private, unaided educational establishment. The court held that in this case the private unaided institution has full right in the admission policies but no discrimination on the basis of article 29(2) of the Indian constitution. Also the supreme court upheld the autonomy of private institutions but emphasized that they must follow certain social obligation including fair admission policies. And also, the *P.A. Inamdar* case the court held that private unaided institutions must implement reservations ¹⁶for SC's, STS and OBC, showcasing a balance between autonomy and social responsibility.

Selective admission policies: private unaided institutions can usually decide their admission policy in some institutions, there is an entrance examination and interview while others favor students from better-off backgrounds. These conditions will be excluded marginalized students who have not had equal opportunities for resource and preparation.

High fees additional costs: Generally, private, unaided institutions charge far higher tuition fees than any government-funded institutions. This is because the high-tuition fee along with what is paid as registration, uniforms, and activity charges acts as a financial obstacle that disproportionately falls on an economically weaker section. As late as in *T.M.A. Pai Foundation v. State of Karnataka* (2002),¹⁷ the Supreme Court allowed private institutions to fix fees that they themselves decide is reasonable. What is considered "reasonable" is an issue of discretion, while more often than not fees are set at levels to which marginalized communities cannot aspire.

Spoor Bias and Lack of Diversity: Private unaided institutions sometimes address a profile that inherently suggests bias in admission. In *P.A. Inamdar v. State of Maharashtra* (2005),¹⁸ the Supreme Court emphasized that a private unaided institution had the right to autonomy over admissions. This autonomy, constitutionally protected, has led some institutions to design policies where certain groups are chosen above others, which thus creates the bar against the underprivileged Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Classes (OBC).

Limited access for disabled students: Given the lack of state funding or a statutory obligation to provide accessible structures, private not-for-profit

¹⁵ *T.M.A. Pai Found. v. State of Karnataka*, (2002) 8 S.C.C. 481.

¹⁶ Mehrotra, Santosh, *The Cost and Financing of the Right to Education in India: Can We Fill the Financing Gap?*, 45 Int'l J. Educ. Dev. 38 (2015).

¹⁷ *Supra* note 15.

¹⁸ *State of T.N. v. P.A. Inamdar*, 2006 13 SCC 293

universities normally lose facilities to these students.¹⁹ This would therefore keep out students with disability, especially those that are socio-economically even more disadvantaged, from access to quality education. After all, under the Rights of Persons with Disabilities Act 2016, education for all is made enforceable, and a binding provision remains somewhat of an impediment, especially coming from private not-for-profit university providers.²⁰

B. Impacts of exclusion under article 29(2) of the Indian constitution

Many implications can arise from excluding private unaided institutions from Article 29(2) of the Indian Constitution for minority rights and equal access to education. While Article 29(2) gives protection against discrimination on grounds of religion, race, caste, or language in admission, it only applies to the state-funded institution. Therefore, leaving the protection to not apply to the private unaided institution allows scope to discriminate against the minorities, denies better educational opportunities to them, and socially weakens the cohesion.

It has been held that education is the primary route to socio-economic empowerment, but private unaided institutions, if outside the purview of Article 29(2), can function on selective admission policies that prejudice the interest of minority groups. In *T.M.A. Pai Foundation v. State of Karnataka (2002)*,²¹ the Supreme Court of India stressed the right of private unaided institutions to decide upon their own admission criteria and policies and stressed autonomy over government intervention. However, such autonomy may also encompass exclusionary policies where admissions are channelled to specific groups at the cost of creating unreasonable impediments in the way of minority students. When it bars minority students from gaining access to quality education for such reasons, it merely cements divisions within a society socially and economically further weakening the role of education as a bridge across communities. An extension of Article 29(2) towards private unaided institutions will, therefore, encourage greater inclusiveness toward establishing equality of educational opportunities from all backgrounds.²²

Only state-funded institutions being held to non-discriminatory standards would result in inconsistency in the Indian educational system. The rules regarding the type of institutions can result in discrimination based on the type of institution that the student is applying for. In *P.A. Inamdar v. State of Maharashtra (2005)*²³, the Court clarified that private unaided institutions are not bound by the reservation policies of the state and remain free in admissions. However, it creates a lacuna regarding accountability since students from other backgrounds are not allowed to contest their admissions in the private unaided institution in case of discrimination. This could be done by giving protection of Article 29(2) to the private unaided institution as well so that it may be non-discriminatory standard across all educational institutions, reinforcing equal treatment to all students, and strengthening the right of education to the minority community.²⁴

Policy Recommendation to Include Private Unaided Institutions

¹⁹ O'Neil, R. M. (1969). Private universities and public law. *Buff. L. Rev.*, 19, 155.

²⁰ Nambissan, Geetha B., Exclusion and Discrimination in Schools: Experiences of Dalit Children, 45 *Econ. & Pol. Wkly.* 33 (2010).

²¹ *Supra* note 15.

²² O'Neil, Robert M., Private Universities and Public Law, 19 *Buff. L. Rev.* 155 (1969).

²³ *Supra* note 15.

²⁴ Ramachandran, Vimala, Right to Education Act: A Comment, 44 *Econ. & Pol. Wkly.* 155 (2009).

Only if the private, unaided institutions are subject to Article 29(2) will there be new inclusiveness, equality, and fairness in the Indian educational system. All institutions that receive state money are prohibited from discriminating in admission on the basis of race, caste, language, or religion under the existing provision of Article 29(2); hence, state-funded institutions remain accessible to all. Because they are not covered by Article 29(2), those who operate private, unaided institutions put the weaker and marginalized economic sectors at a disadvantage. These policy suggestions aim to promote a fairer educational system by extending Article 29(2) to private, unaided institutions.²⁵

A. Legal amendment to infuse private unaided institutions under article 29(2)

Current article 29(2): where it is specified that is antilocality provision also apply to the private unaided institutions. By opening up the scope of this provision, it becomes mandatory for all the private unaided institutions to provide equal opportunities to each and every student irrespective of their socio-economic status, caste, or religion.

Constitutional Provisions for Institutional Autonomy: The amendment would expand the protection under article 29(2) but would still maintain that institutions should remain as autonomous as possible in what they do but are at the same time, not discriminatory. That is to say, institutional autonomy will be maintained while encouraging and promoting inclusiveness.

B. Mandatory Admission Policies and Reservation Quotas

Forced Quotas in Reservations: The policy must enforce compulsory quotas for students belonging to the economically and socially disadvantaged section of society in private unaided institutions. Just as the 25% quota that has been made under the RTE Act for the weaker sections and the weaker groups of society,²⁶ it would provide a base-line guarantee for their entry into private institutions too for quality education.

Privatisation incentives for raising their quota: Incentives the private institutions to enhance the number of reservation quota to encourage more students into educational studies. This would work out to be very possible using incentive-based motivation through various tax exemptions and/or provision of grants in areas identified by the specific state administration.

Admission Transparency: For private unaided institutions, require them to bring the admission process more in public view by posting information about socio-economic composition of the students and laying down selection criteria clearly. This will also prevent the institutions from opting for discriminatory admissions practices as well as keep the institution accountable.²⁷

C. Scholarship and subsidy schemes for weaker sections of the economy

Public Scholarship and Grants: Offer a scholarship and grant program to support students who have an economic background from poor strata who study in private non-state schools. The funding by the government could cater for tuition fees and fees related to education, meaning it would be easy and without much financial pressure that would affect their study progress.

²⁵ Chudgar, Amita & Thomas F. Luschei, National Income, Income Inequality, and the Importance of Schools: A Hierarchical Cross-National Comparison, 54 Am. Educ. Res. J. 984 (2017).

²⁶ Rana, Minakshi. "Implications of the Economically Weaker and Socially Disadvantaged (EWS) Quota under Right to Education Act 2009 for the Underprivileged".

²⁷ Rampal, Anita & Asha Menon, Equity and Quality in Elementary Education: Lessons from the Right to Education Act, 47 Soc. Change 45 (2017).

Fee Regulation for Reserved Seats: Capping tuition fees for students admitted under the reserved quota ensures that such students do not suffer financial burdens. Institutions may be reimbursed by the government for any fee difference, thereby maintaining institutional revenue while making the courses more affordable for students.²⁸

CSR Initiatives: Encourage private institutions to undertake CSR initiatives in support of scholarships or sponsorships for marginalized students. This will bring in private funding sources and allow private institutions to contribute to equitable education.

D. Programs in consciousness and institutional leadership education

Management Sensitization Programmes: In addition to the training programme, introduce sensitization programmes for the school management, administrators, and faculty with regard to the significance of inclusiveness and equal opportunities in education. This social and ethical responsibility of educational institutions would create an encouraging environment for disadvantaged students.

Workshops on Non-Discriminatory Practices: Organize workshops on best practices for admissions, fee structures, and student support services keeping in view the principles of non-discrimination. Workshops can be organized that would guide private unaided institutions in building a culture that actively supports equality and inclusivity.

Engage the community: Institute engagement with the local community in the search for potential students from the marginalized backgrounds. Such engagements will help bring trust and awareness of an institution's commitment to inclusive excellence and, therefore encourage more applicants from diverse socio-economic backgrounds.²⁹

Suggestion & Recommendations

To address discrimination against minorities in educational institutions, especially private unaided ones, and to ensure equitable access to education, the following recommendations are proposed:

A. Constitutional Amendment

Article 29(2) of the Indian Constitution should be amended to specifically include private unaided institutions. It should make all educational institutions, public or private, fund based or non-fund based, follow the principle of non-discrimination. The proposed amendment will bridge the existing gap through which private institutions can exploit and may even discriminate against a community in admissions, thereby providing equal opportunities for education for all communities.³⁰

B. Legislation for All-Around Anti-Discrimination

Establish a powerful anti-discrimination law which should extend to all education institutions-private unaided institutions-also. Any discrimination whatsoever, on account of religion, caste, gender, ethnicity, or economic background would be considered within its scope. So making legal protection for the students of private institutions a real power tool of law which makes law enforce the right to education as

²⁸ Rana, Minakshi & M.J.P. Kaur, Implications of the Economically Weaker and Socially Disadvantaged (EWS) Quota Under Right to Education Act 2009 for the Underprivileged, 99 *Man in India* 353 (2019).

²⁹ Singal, Nidhi, Education of Children with Disabilities in India and Pakistan: Critical Analysis of Developments in the Last 15 Years, 15 *Prospects* 1 (2016).

³⁰ Thapan, Meenakshi, Education, Social Exclusion and Inclusion in India, 41 *Indian J. Soc. Work* 147 (2010).

non-discriminatory and further entrenches equality principles given by the Constitution.

C. Increasing Checks on Monitoring Mechanism

Create distinct regulatory bodies at the central and state levels to monitor admissions and prevent any kind of discrimination practiced in any educational institution. These regulatory bodies should perform periodical audits, redress grievances, and be empowered to impose penalties in case of violations. Increased monitoring would ensure transparency in admissions and make institutions accountable.

D. Public Awareness

Publicity, educational programs, and involvement with civil society will be used to increase awareness among the people for the importance of no discrimination in education. This will create public advocacy that can help push a good change in policy and popularize a culture of non-discrimination, making parents as well as students advocate more strongly for their rights. These recommendations if implemented could bring India closer to its constitutional mandate of equality and non-discrimination in education and pave the way for creating a more inclusive educational environment that benefits all sections of society.

Conclusion

Education is the best tool both for individual and collective advancement, and its right must be available to all citizens on an equal footing. There is certainly substance in the protest that Article 29(2) deprived private unaided institutions of the freedom. While the Indian Constitution protects the autonomy of minority institutions under Article 30, there is a great need to consider extending the principles of non-discrimination to private unaided institutions in order to encourage greater inclusion and fairness within the educational landscape. If equal access, fair admission policies, and regulated fee structures in private unaided institutions are made mandatory, there would be a balanced approach that respects institutional autonomy and promotes broader social responsibility. In the final analysis, such an amendment of the Constitution under Article 29(2) incorporating private unaided institutions would prove a bridge for the educational gap so that the right to education would act as an equalizer in all sectors of society.