

“Impacts of Online Education”

Soumita Bhattacharjee
Assistant Professor of Law
George School of Law

Abstract

Article 21 of the Indian Constitution states that, “No person shall be deprived of his life and personal liberty except according to the procedure established by law.”

Keeping this in mind, after the enactment of the constitution 86th Amendment Act, Article 21A has been inserted in the constitution, which states that “ The state shall provide free and compulsory education to all children of the age six to fourteen years in such manner as the state may by law determine.”

Coming into online education, in this case, access to education is deteriorating, as there are still a class of people, who cannot avail the internet, apart from this, in a Country like India where the fulfilment of basic necessities is a challenge, online education is not fulfilling the basic fundamental right, right to education. To access online education, access to internet is not sufficient, access to laptop and smartphones are also mandatory.

So, online education has been proved to be useful for a handful class of students, but unfortunately the access to education, in case of online education has deteriorated.

Keywords: Right to life, Right to education, Right to Livelihood, Access to online Education

Right to Education

The issue of Right to education was first figured out in *Mohini Jain v. State of Karnataka*, where education was declared as a concomitant right which is related to right to life because without it other rights would lose their vitality.

Later in *Unni Krishnan v. Andhra Pradesh*, the right was slightly modified, which was limited to the primary level only until the 86th amendment Act, made the primary education, an enumerated right in article 21 A of the constitution

Article 21 provides right to life and personal liberty, whereas article 21 A provides free and compulsory education, these two rights have been given paramount position by our courts.

In *Francis Coralie V. Union Territory of Delhi*¹, it has been stated that right to life includes, right to live with human dignity, along with it the bare necessities of life such as adequate nutrition, the facilities for education, reading and writing are also included.

Education is a basic human right since ages. For the success of democratic system of Government education is one of the basic elements². An educated citizen has to choose the

¹(1981) 1SCC 608: AIR 1981 SC746

² The constitutional Law of India, J.N Pandey, Central Law Agency

representatives who form the Government. Education provides human dignity to a person which also contributes in the upliftment of our society.

The challenge which our country has been facing since ages, is Illiteracy. The common problem which our country has been witnessing since ages is, to fulfil the basic necessities of life, like food, clothing and shelter education has been kept aside, it has been given least importance.

In *Kharak Singh V. State of UP*³, it has been held that the expression life is not confined to mere animal existence.

The **right to education** has been recognized as a human right in a number of international conventions, including the International Covenant on Economic, Social and Cultural Rights which recognizes a right to free, compulsory primary education for all, an obligation to develop secondary education accessible to all, on particular by the progressive introduction of free secondary education, as well as an obligation to develop equitable access to higher education, ideally by the progressive introduction of free higher education. Today, almost 75 million children across the world are prevented from going to school each day. As of 2015, 164 states were parties to the Covenant.

Online Education

Online Education has proved to be useful specially, in a situation of lockdown, Online Education is the only option left with the teachers and students, but in a topic like anatomy online education is not sufficient, similarly we will not prefer to go to a doctor who has learnt dissection online, for practical training online education is not sufficient. Moving on to the other end of the spectrum online education is fine with the students of college, Universities, or Class 5 and above, but under that online education many times becomes a challenge for the parents, they get stuck with their children, sometimes it raises an issue on parent gender angle. The important aspect with online education is access to education, as without internet, laptop, smartphone, tab, online education is not possible. So, Article 21A, is violated with online education, as in a Country like India where fulfilment of Basic necessities is a big challenge, access to internet and the other things for online education sometimes become impossible.

Conclusion

Education is a basic human right, online education has proved to be useful for a handful class of people, the establishment of E- Seva – Kendras, where the recorded online classes can be broadcasted to the students will be helpful, for a large group people, with this online education will become easy to access and right to education will not be denied to a large number of people.

³ AIR 1963 SC 1295

References:

- 1) Mohini Jain v. State of Karnataka
- 2) Unnikrishnan v. State of AP
- 3) Francis Coralie V. Union Territory of Delhi
- 4) Kharak Singh V. State of UP
- 5) Constitutional Law of India, J.N Pandey