



UPSC & STATE PCS CURRENT AFFAIRS · UJIYARI.COM

EDITORIAL ANALYSIS

Right to Early Childhood Education: Why Article 21A Must Extend to the Foundational Years

 INDIAN EXPRESS

18 April 2026 · POLITY · SOCIAL ISSUES · GS2

CURATED & WRITTEN BY

**Bharat Choudhary**

UPSC Educator & Content Creator

 [linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)

ALSO FROM THE CREATOR

BharatNotesFree UPSC notes, MCQs, PYQ analysis. **100% Free.**bharatnotes.com →

ADVERTISE

Advertise with Ujiyari

Reach thousands of UPSC aspirants daily.

 epicbharat@gmail.com

Right to Early Childhood Education: Why Article 21A Must Extend to the Foundational Years

 The Indian Express 18 April 2026 **GS2**

IE The Indian Express

3 tags ▾



INTERVIEW ANGLE

"A Supreme Court PIL before the bench of CJI Surya Kant seeks to extend the fundamental right to free and compulsory education under Article 21A from its current 6-14 age range to children aged 3-6 years (Early Childhood Care and Education). Indian Express argues that the constitutional commitment to equality of opportunity is hollow without ECCE — the foundational stage where 85% of brain development occurs and where socio-economic gaps are first set. Should the 86th Amendment be revisited, or can the Court read Article 21A expansively?"

Source: [Original editorial](#)  [The Indian Express](#)

EDITORIAL SUMMARY

Indian Express argues the SC PIL to extend Article 21A to ages 3-6 should succeed on constitutional, pedagogical, and equity grounds. NEP 2020 already recognises Foundational Stage 3-8; 85% brain development by age 6; Heckman 7-10% ROI on ECCE. The 86th Amendment 2002 placed ECCE in Article 45 DPSP as fiscal compromise; 2026 conditions allow reconsideration. Calls for constitutional amendment, Anganwadi integration, NCTE standardisation, fiscal scaling toward 6% GDP education spending.

THE 86TH AMENDMENT 2002 — THREE CHANGES

PROVISION	STATUS AFTER AMENDMENT
Article 21A (NEW)	Right to free compulsory education ages 6-14 — Fundamental Right
Article 45 (MODIFIED)	Early childhood care/education ages below 6 — DPSP (non-justiciable)
Article 51A(k) (NEW)	Parents’ duty to provide opportunities for 6-14 education — Fundamental Duty

ECCE COVERAGE GAP

INDICATOR	INDIA	OECD AVERAGE
Pre-primary (3-6) enrolment	~40%	90%+
Anganwadi Centres	~13.9 lakh	NA (different system)
Education spending (% GDP)	~3%	5-6%
Foundational Literacy by Grade 3	~60-70% (NIPUN target 100%)	85-95%

NEP 2020 5+3+3+4 FRAMEWORK

STAGE	AGES	YEARS	COVERAGE STATUS
Foundational	3-8	5	ECCE 3-6 NOT under Article 21A
Preparatory	8-11	3	Under Article 21A
Middle	11-14	3	Under Article 21A
Secondary	14-18	4	NOT under Article 21A

ARTICLE 21 EXPANSION JURISPRUDENCE (RELEVANT PRECEDENTS)

CASE	YEAR	RIGHT RECOGNISED
Maneka Gandhi v. Union of India	1978	Just, fair, reasonable procedure
Francis Coralie v. Delhi	1981	Right to live with dignity
Olga Tellis v. BMC	1985	Right to livelihood
Bandhua Mukti Morcha	1984	Right to health
Unni Krishnan v. State of AP	1993	Right to education (pre-86th Amendment)
MC Mehta v. Union of India (series)	1986+	Clean environment
Vishaka v. State of Rajasthan	1997	Sexual harassment workplace
Puttaswamy v. Union of India	2017	Right to privacy

UPSC RELEVANCE

PAPER	ANGLE
GS2 — Polity	Article 21A, 86th Amendment 2002, Article 45 DPSP, Article 51A(k), Concurrent List Entry 25
GS2 — Polity	Maneka Gandhi 1978, Unni Krishnan 1993, Puttaswamy 2017, judicial expansion of Article 21
GS2 — Schemes	NEP 2020 Foundational Stage, NCPFFS 2022, ICDS, Saksham Anganwadi 2.0, Vidya Pravesh, NIPUN Bharat Mission
GS2 — Social Justice	ECCE access equity, first-generation learners, intergenerational mobility
GS3 — Economy	Heckman ECCE ROI, education spending as % GDP, demographic dividend
GS1 — Society	Child development, foundational literacy and numeracy (FLN), gender equity in early years
Mains Keywords	Article 21A, 86th Constitutional Amendment 2002, Article 45 DPSP, RTE Act 2009, NEP 2020 Foundational Stage, ICDS, Anganwadi, Saksham Anganwadi 2.0, NCPFFS 2022, Vidya Pravesh, Heckman ROI, Maneka Gandhi 1978, Unni Krishnan 1993, Puttaswamy 2017, Kothari Commission 1966, NIPUN Bharat

• **KEY ARGUMENTS AT A GLANCE**

The fundamental right to education under Article 21A — currently limited to ages 6-14 by the 86th Constitutional Amendment Act, 2002 — fails to recognise that early childhood care and education (ECCE, ages 3-6) is the foundational stage where 85% of brain development occurs and where socio-economic gaps in learning readiness are first established; without ECCE as a justiciable right, the formal equality of Article 21A is undermined by substantive inequality at the starting line, and the National Education Policy 2020's Foundational Stage commitment (3-8 years) lacks constitutional foundation; the Supreme Court PIL seeking Article 21A extension to ages 3-6 is therefore both a constitutional necessity and a developmental imperative.

✓ **SUPPORTING**

- Research consensus (cited in NEP 2020) demonstrates that **85% of brain development occurs by age 6**. Heckman (Nobel Economics) research shows **early childhood interventions yield 7-10% rate of return** — the highest among educational investments.
Without quality ECCE, children from disadvantaged households arrive at age 6 with cognitive and language gaps that formal schooling cannot fully bridge.
- The current ECCE coverage in India is approximately **40% of the 3-6 age band** — delivered through Integrated Child Development Services (ICDS) Anganwadi Centres (~13.9 lakh nationwide). OECD average pre-primary enrollment is 90%+.
The gap reflects both delivery infrastructure deficiency and the absence of constitutional mandate.
- The 86th Constitutional Amendment Act, 2002 — which inserted Article 21A — also modified Article 45 to provide for ECCE for under-6 children, but **ONLY** as a Directive Principle of State Policy (DPSP), making it non-justiciable. This was a deliberate design choice in 2002 reflecting fiscal capacity concerns.
A fresh assessment in 2026, with India's GDP at \$4+ trillion, allows reconsideration.
- The NEP 2020 5+3+3+4 framework explicitly defines the **Foundational Stage as ages 3-8 (5 years)** — encompassing 3 years of ECCE and Grades 1-2 of formal schooling. The curricular framework (NCPFFS 2022) operationalises this.

Article 21A's 6-14 limit is therefore inconsistent with the policy framework already in place.

COUNTER

Extending Article 21A to ages 3-6 would impose substantial fiscal cost — an estimated ₹1.05-1.40 lakh crore per year for universal ECCE infrastructure, ECCE-trained teachers (~12 lakh additional), and quality assurance. India already underspends on education (~3% of GDP vs Kothari Commission 1966 recommendation of 6%).

Extending fundamental right status to ECCE without commensurate fiscal commitment risks constitutional promise without delivery capacity. The current ICDS Anganwadi system can be strengthened administratively without constitutional amendment.

WAY FORWARD

Six-pillar reform: (1) **Constitutional amendment** to extend Article 21A to ages 3-14 — politically difficult but constitutionally clean; (2) **Anganwadi-to-Foundational-Stage integration** — converting Anganwadi Centres into formal ECCE institutions under Joint MoWCD-MoE oversight, with NEP 2020 NCPFFS 2022 curriculum; (3) **NCTE pre-primary teacher qualification** standardisation — making ECCE-specific Diploma in Pre-school Education (DPSE) the minimum requirement; (4) **Phased implementation** — start with Aspirational Districts and SC/ST/OBC majority blocks, then expand nationally; (5) **Funding architecture** — earmark MGNREGS work components for Anganwadi infrastructure, use 16th Finance Commission devolution to incentivise state-level ECCE investment, leverage Samagra Shiksha Abhiyan; (6) **Outcome accountability** — annual ECCE quality reporting, learning outcome assessments at Grade 1 entry to track Foundational Stage effectiveness.

PRACTICE TODAY'S QUIZ



[Take the 18 April 2026 Quiz →](#)



MAINS ANSWER FRAMEWORK

QUESTION

Article 21A (right to free and compulsory education for ages 6-14) does not extend to early childhood care and education (ages 3-6). Critically examine the constitutional, pedagogical, and equity case for extending Article 21A to the foundational years, and suggest a reform framework. (250 words)

INTRODUCTION

The fundamental right to free and compulsory education under **Article 21A** — inserted by the **86th Constitutional Amendment Act, 2002** — covers children aged 6-14 years only. Early Childhood Care and Education (ECCE) for ages 3-6 remains a non-justiciable Directive Principle of State Policy under **Article 45** (as amended by the same 86th Amendment).

The current Supreme Court PIL before the bench led by **CJI Surya Kant** seeks to elevate this from DPSP to fundamental right status. The Indian Express editorial argues that without ECCE as a justiciable right, India's constitutional commitment to equality of opportunity remains hollow at the foundational stage where it matters most.

BODY

The constitutional architecture: The 86th Amendment introduced three connected changes: Article 21A inserted (FR for ages 6-14), Article 45 modified (DPSP for ECCE ages below 6), Article 51A(k) inserted (parents' fundamental duty for 6-14 education). The deliberate choice in 2002 was to create a constitutional gap between ECCE (DPSP-only) and primary-secondary education (FR).

The Supreme Court PIL seeks to close this gap. **The pedagogical case:** Research consensus — cited in NEP 2020 and reinforced by international literature — establishes that 85% of brain development occurs by age 6. Foundational Literacy and Numeracy (FLN) outcomes at Grade 3 are largely determined by pre-primary preparation.

Heckman (Nobel Economics) research demonstrates 7-10% rate of return on early childhood investments — higher than primary, secondary, or tertiary education investments. The economic case for ECCE is decisive. **The equity case:** Children from privileged households attend pre-schools and arrive at Grade 1 with substantial cognitive, language, and social-emotional preparation.

Children from poor households often arrive without these foundations — and the formal schooling system cannot fully bridge the gap. Article 21A's formal equality is thus undermined by substantive inequality at the foundational stage.

ECCE as fundamental right would address this gap from the constitutional level. **The NEP 2020 framework:** NEP 2020 explicitly defines the **Foundational Stage as ages 3-8 (5 years)** — encompassing 3 years of ECCE plus Grades 1-2. The curricular framework NCPFFS 2022 operationalises this.

NEP also commits to **universal ECCE by 2030**. Article 21A's 6-14 limit is now inconsistent with the policy framework.

Extending Article 21A to ages 3-6 would align constitution with policy. **The implementation infrastructure:** India already has ~13.9 lakh **Anganwadi Centres** under the Integrated Child Development Services (ICDS, 1975) operated by the Ministry of Women and Child Development. The **Saksham Anganwadi 2.0** initiative is upgrading this network.

The PIL's extension would require formal integration of Anganwadis into the education ministry framework, with quality standards, teacher qualifications (NCTE-recognised pre-primary diploma), and

curricular alignment. **The fiscal challenge:** Universal ECCE infrastructure, ECCE-trained teachers (~12 lakh additional), quality assurance would cost approximately ₹1.05-1.40 lakh crore per year — ~0.4% of GDP. India spends ~3% of GDP on education vs the Kothari Commission 1966 and NEP 2020 target of 6%. Substantial fiscal commitment expansion is required for genuine operationalisation. **The judicial expansion alternative:** The Supreme Court has historically expanded Article 21 (and related rights) through expansive interpretation: *Maneka Gandhi v. Union of India* (1978), *Francis Coralie v. Delhi* (1981), *Olga Tellis v. BMC* (1985), *Unni Krishnan v. State of AP* (1993, recognised education as part of Article 21 pre-86th Amendment), *Puttaswamy* (2017, right to privacy). The Court could read Article 21A expansively to include ECCE without formal amendment — though this would likely require Centre's cooperation for fiscal implementation.

CONCLUSION

Extending Article 21A to ages 3-6 is constitutionally appropriate, pedagogically necessary, and economically rational. The pathway should combine: (a) constitutional amendment for clean alignment with NEP 2020 Foundational Stage; (b) Anganwadi-to-Foundational integration through MoWCD-MoE coordination; © NCTE pre-primary teacher qualification standardisation; (d) phased implementation starting with Aspirational Districts and marginalised communities; (e) substantial fiscal commitment scaling toward 6% of GDP education spending; (f) outcome-based accountability through learning assessment.

The Supreme Court PIL provides the constitutional opportunity for India to align its educational rights framework with its policy framework — and to honour the foundational commitment to equality of opportunity that Article 21A symbolises.

RELATED DAILY ARTICLES

18 Apr [Current Affairs Today — April 18, 2026](#)

18 Apr [131st Amendment Defeated in Lok Sabha: A First in 12...](#)

18 Apr [Article 21A and Early Childhood Education: The Supreme...](#)

18 Apr [Meghalaya Recognises Khasi and Garo as Official...](#)

← **NEWER EDITORIAL**

[Deservedly Dead: Why the 131st Amendment's Defeat is a...](#)

OLDER EDITORIAL →

[Eighth Schedule and Language Recognition: Why Khasi and Garo...](#)



CURATED & WRITTEN BY

Bharat Choudhary

UPSC Educator & Content Creator

[linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)[Read Full Article on Ujyari →](#)<https://ujyari.com/editorials/2026/04/article-21a-early-childhood-foundational-years/>

ALSO FROM THE CREATOR

BharatNotes

Free UPSC study platform — subject-wise notes across all 4 GS papers, Prelims MCQs, Mains answer frameworks, PYQ analysis & progress tracking. **100% Free • No Login Required.**

[Start Preparing → bharatnotes.com](http://bharatnotes.com)

📌 OPPORTUNITY

Advertise with Ujyari

Reach **thousands of serious UPSC & State PCS aspirants** daily through our PDFs, website, and social channels.

Ideal for: Coaching institutes • EdTech platforms • Book publishers • Exam prep apps

[✉ epicbharat@gmail.com](mailto:epicbharat@gmail.com)

Write to us for rates & media kit

Free UPSC & State PCS Current Affairs · ujyari.com · bharatnotes.com