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# Supreme Court on Pre-Primary Education — Can Article 21A Extend Beyond Age 6?

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# Supreme Court on Pre-Primary Education — Can Article 21A Extend Beyond Age 6?

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## WHY IN NEWS

Chief Justice Surya Kant’s bench of the Supreme Court issued notices on a **PIL seeking extension of the Right to Free and Compulsory Education** under **Article 21A** from the current coverage (ages **6-14**) to include children aged **3-6 years** (pre-primary stage). The court proposed forming an expert committee involving **NCERT** to examine nationwide implementation feasibility. The case aligns with India’s **National Education Policy (NEP) 2020**, which treats Early Childhood Care and Education (ECCE) as foundational to lifelong learning.

## CONSTITUTIONAL AND LEGAL FRAMEWORK

### Article 21A — Right to Education

The **86th Constitutional Amendment Act (2002)** inserted **Article 21A**, making education a fundamental right:

PROVISION	TEXT
<b>Article 21A</b>	“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, determine.”
<b>Article 45 (DPSP — amended)</b>	Directs state to “endeavour to provide early childhood care and education for all children until they complete the age of six years”

**Key point:** Article 45 (DPSP) covers ages 0-6 but as a directive principle (not enforceable), while Article 21A (fundamental right) covers 6-14.

### Right to Education Act 2009

The **Right of Children to Free and Compulsory Education Act, 2009 (RTE Act)** implements Article 21A:

FEATURE	DETAIL
Coverage	Ages 6-14
Entitlement	Free, neighbourhood school admission
25% quota	EWS/disadvantaged group children in private unaided schools
No-detention policy	Children not detained till Class 8 (later amended)
Pupil-teacher ratio	30:1 (primary); 35:1 (upper primary)
Infrastructure norms	Toilets, drinking water, boundary wall mandated

## The Gap — Ages 3-6

Children aged 3-6 fall in a **legal grey zone**:

- DPSP (Article 45) directs the state to provide ECCE but it is not judicially enforceable
- RTE Act does not cover pre-primary (ages 3-6)
- No fundamental right exists for this age group under current law

**The PIL's ask:** Elevate ECCE for ages 3-6 to the status of a **justiciable fundamental right** by extending Article 21A or legislating under the RTE Act.

## NEP 2020 — THE POLICY ALIGNMENT

The **National Education Policy 2020** reimagined the school structure:

STAGE	AGES	CLASSES
<b>Foundational</b>	3-8 years	Pre-primary (3 years) + Grade 1-2
Preparatory	8-11 years	Grades 3-5
Middle	11-14 years	Grades 6-8
Secondary	14-18 years	Grades 9-12

NEP 2020 explicitly includes **ages 3-6 in the foundational stage**, recognising ECCE as critical. It proposed an **ECCE curriculum framework (Jaadui Pitara)** — implemented by NCERT in 2023.

**Jaadui Pitara:** Play-based, activity-based learning materials for ages 3-8; developed by NCERT under NEP 2020.

## EARLY CHILDHOOD CARE AND EDUCATION (ECCE) — WHY IT MATTERS

### The Evidence Base

Research (including studies by Nobel laureate James Heckman) shows:

- **Returns to investment in early childhood** are 13:1 per dollar in the first 5 years of life
- **85% of brain development** occurs before age 6
- Learning gaps established in early childhood are very difficult to close later

### India's ECCE Infrastructure

INSTITUTION	COVERAGE
<b>Anganwadi centres (ICDS)</b>	~14 lakh centres; cover ages 0-6; managed by Ministry of Women and Child Development
<b>Pre-primary sections in government schools</b>	Limited; expanding under NEP 2020
<b>Private pre-schools (KG/nursery)</b>	~1.5 lakh+ private schools; unregulated; unaffordable for poor
<b>Balvatika (under NEP)</b>	New pre-primary grade attached to government primary schools

**Problem:** Anganwadi centres provide **nutrition, immunisation, and basic preschool activity** but are not full-fledged educational institutions. Quality varies enormously.

### What Extension of RTE to Ages 3-6 Would Mean

- 1 **State obligation** to provide free, quality pre-primary education at neighbourhood schools
- 2 **Private schools** must reserve 25% seats for ages 3-6 (EWS/disadvantaged)
- 3 **Teacher qualification norms** — trained ECCE teachers mandatory (huge shortage currently)
- 4 **Quality oversight** — NCERT, SCERT curriculum frameworks would apply
- 5 **Legal recourse** — parents can approach courts for denial of admission

## CHALLENGES TO IMPLEMENTATION

CHALLENGE	DETAIL
<b>Teacher shortage</b>	India lacks ~15-20 lakh trained ECCE teachers for pre-primary stage
<b>Infrastructure</b>	Government primary schools lack pre-primary classrooms
<b>Anganwadi overlap</b>	ICDS/Anganwadi system covers 0-6; extending RTE could create duplication or conflict
<b>Fiscal cost</b>	Estimated additional ₹30,000-50,000 crore/year to implement fully
<b>Private school resistance</b>	Expansion of 25% quota to pre-primary will face legal challenge

## UPSC RELEVANCE

### Prelims

- Article 21A: Right to Education (ages 6-14); inserted by 86th Constitutional Amendment 2002
- Article 45 (DPSP): Directs state to provide ECCE for ages 0-6
- RTE Act: 2009; covers ages 6-14; 25% private school quota for EWS
- NEP 2020: Foundational stage = ages 3-8; includes ECCE
- NCERT Jaadui Pitara: Play-based curriculum for ages 3-8 (2023)
- Anganwadi: ~14 lakh centres; Ministry of WCD; ICDS scheme

### Mains

- “India’s right to education remains unfulfilled for the most critical developmental years. Examine the case for extending Article 21A to ages 3-6.”
- Role of ECCE in addressing learning poverty and reducing inequality

## FACTS CORNER

FACT	DETAIL
Article 21A	Right to free & compulsory education — ages 6-14
86th Amendment	2002 — inserted Article 21A
Article 45 (post-86th Amendment)	DPSP: ECCE for children up to age 6
RTE Act	2009 — implemented Article 21A
RTE 25% quota	EWS/disadvantaged children in private unaided schools
NEP 2020 foundational stage	Ages 3-8 (pre-primary + Grades 1-2)
Jaadui Pitara	NCERT play-based materials for ages 3-8 (2023)
Anganwadi centres	~14 lakh centres under ICDS; MoWCD
Heckman equation	Returns to early childhood investment: ~13:1 per dollar
PIL bench	Chief Justice Surya Kant

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