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Safeguarding the Right to Education in India: A Legal Framework amidst Covid-19 Pandemic

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ABSTRACT

The right to education is a fundamental human right enshrined in various international conventions and domestic laws, including the Indian Constitution. However, the COVID-19 pandemic has exacerbated existing disparities in accessing quality education, especially in a country as diverse and populous as India. This paper seeks to examine the legal framework surrounding the right to education in India and its adequacy in addressing challenges posed by pandemics. Employing a doctrinal research approach, this study analyses relevant constitutional provisions, statutory laws such as the Right of Children to Free and Compulsory Education Act, 2009, and judicial decisions to assess their efficacy in safeguarding educational rights during public health crises. Additionally, this paper explores the role of government policies and initiatives in ensuring continuity of education during pandemics, while also considering the impact on marginalized communities and vulnerable groups. By critically evaluating the existing legal framework, this research aims to propose recommendations for enhancing the resilience of India's education system in the face of future health emergencies, thereby advancing the realization of the right to education for all citizens.

Keywords: Right to Education, Covid-19 Pandemic, Implementation, Human Rights.

I. INTRODUCTION

The right to education stands as a fundamental pillar of a democratic society, serving as a catalyst for societal progress and individual empowerment. Recognizing its paramount importance, nations across the globe have enshrined this right within their legal frameworks, affirming their commitment to ensuring equitable access to quality education for all. In India, a country with a rich tapestry of cultural diversity and a rapidly evolving socio-economic landscape, the right to education holds profound significance, representing not only a constitutional mandate but also a moral imperative.³ Amidst the dynamic challenges posed by

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³ Right to education in India has been recognised as a fundamental right.

pandemics such as the COVID-19 crisis, the imperative to safeguard the right to education has become even more pronounced. The disruptive effects of pandemics on educational systems have highlighted the vulnerabilities inherent in existing frameworks and underscored the need for robust legal mechanisms to mitigate such challenges.⁴ This research endeavours to explore the doctrinal aspects of the legal framework pertaining to the right to education in India, particularly in the context of pandemics, aiming to analyse existing laws, judicial precedents, and policy interventions. The Indian legal landscape pertaining to the right to education is primarily governed by constitutional provisions, statutory enactments, and judicial pronouncements. At the core of this framework lies Article 21-A of the Constitution of India, which mandates free and compulsory education for children between the ages of six and fourteen. The enactment of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) further operationalized this constitutional mandate, delineating the responsibilities of the state in ensuring universal access to education.

International Human Rights law also recognizes the right to education as a fundamental human right, enshrined in various treaties and conventions. The Universal Declaration of Human Rights (UDHR) asserts this right, emphasizing that education should be accessible to all without discrimination and, ideally, free at the elementary and fundamental levels.⁵ Building upon this foundation, the International Covenant on Economic, Social and Cultural Rights (ICESCR) elaborates on the right to education, affirming its role in the full development of human personality and the promotion of respect for human rights and freedoms. This covenant underscores the importance of ensuring equitable access to education for everyone, regardless of social or economic status.⁶

⁴ Husne Mehtap Sut and Behçet Oznacar “Effects of COVID-19 Period on Educational Systems and Institutions” 13 *International Journal of Curriculum and Instruction* 537-551 (2021)

⁵ Article 26 of Universal Declaration of Human Rights provides that “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit”.

⁶ Article 13 of International Covenant on Economic, Social and Cultural Rights provides that: 1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace. 2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;
(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not

Moreover, the Convention on the Rights of the Child (CRC) specifically addresses the rights of children to education. It mandates that primary education be compulsory and available free to all, recognizing education as essential for the well-being and development of children⁷. Additionally, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) emphasizes gender equality in education, affirming women's right to education on equal terms with men. This convention highlights the need to eradicate discrimination within educational systems to ensure equal opportunities for all individuals.

Furthermore, the Convention on the Rights of Persons with Disabilities (CRPD) reinforces the right to education for persons with disabilities. It advocates for inclusive education, recognizing the importance of accommodating the diverse needs of individuals to enable their full participation in educational environments. The CRPD stresses the significance of removing barriers to education and promoting accessibility to ensure that persons with disabilities can exercise their right to education on an equal basis with others.⁸ Additionally, the Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizes the right of indigenous peoples to education that respects their cultures, languages, and traditions. It emphasizes the importance of providing culturally appropriate education and ensuring equal access to educational opportunities for indigenous communities. By acknowledging the unique educational needs of indigenous peoples, the UNDRIP seeks to address historical injustices and promote inclusive educational policies that empower indigenous individuals and communities.

However, the onset of pandemics has exposed the fault lines within this legal framework, revealing disparities in access to education, particularly among marginalized communities. The sudden closure of schools due to health emergencies has disrupted learning trajectories, exacerbating pre-existing inequalities and posing formidable challenges to the realization of the right to education for all.⁹ In this context, the role of the judiciary in interpreting and

received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved. 3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which confirm to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

⁷ Article 28 of The Convention on the Rights of Children provides that; Primary education should be free. Secondary and higher education should be available to every child. Children should be encouraged to go to school to the highest level possible. Discipline in schools should respect children's rights and never use violence.

⁸ Article 24 of The Convention on the Rights of Persons with Disabilities (2006).

⁹ Inequalities in the Challenges Affecting Children and their Families during COVID-19 with School Closures

enforcing legal provisions assumes paramount importance, as courts serve as custodians of constitutional rights and arbiters of social justice. Judicial pronouncements in India have played a pivotal role in expanding the ambit of the right to education and imbuing it with substantive content. Landmark decisions such as *Mohini Jain v. State of Karnataka* (1992)¹⁰ and *Unnikrishnan v. State of Andhra Pradesh* (1993)¹¹ have underscored the constitutional imperative of ensuring educational opportunities as an essential facet of the right to life and personal liberty. Moreover, the judiciary has adopted a proactive approach in addressing issues pertaining to educational equity, intervening to uphold the rights of marginalized groups and holding state authorities accountable for lapses in implementation.

Nevertheless, the efficacy of the legal framework in safeguarding the right to education during pandemics remains contingent upon its adaptability and resilience in the face of evolving challenges. The unprecedented disruptions caused by the COVID-19 pandemic have necessitated innovative policy interventions and legislative measures to ensure continuity in learning and mitigate learning losses. Initiatives such as digital classrooms, online learning platforms, and remote teaching methodologies have emerged as indispensable tools in circumventing the limitations imposed by physical distancing measures. However, the digital divide remains a formidable obstacle, with marginalized communities disproportionately affected by disparities in access to technology and internet connectivity. The inability to access online resources exacerbates existing inequalities, further marginalizing vulnerable populations and undermining the principles of equity and inclusivity enshrined within the right

and Reopenings: A Qualitative Study *available at*: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9883729/> (accessed on 15 April 2024)

¹⁰ In the landmark case of *Mohini Jain v. State of Karnataka*, the Supreme Court of India addressed the issue of the fundamental right to education under Article 21 of the Indian Constitution. The case was brought by Mohini Jain, a student seeking admission to a medical college in Karnataka. The state had imposed high fees for admission to professional courses, making it difficult for economically disadvantaged students like Mohini to afford education. The court ruled that the right to education is implicit in the right to life and personal liberty guaranteed by Article 21. It held that education is essential for the realization of other fundamental rights and is therefore a fundamental right itself. The court emphasized that access to education should not be denied to any citizen due to financial constraints. As a result of this judgment, the court directed the Karnataka government to reserve a certain percentage of seats in professional colleges for economically weaker sections and to provide scholarships and other financial assistance to deserving students. This decision has had a significant impact on education policy in India, emphasizing the state's responsibility to ensure equal access to education for all citizens.

¹¹ The Supreme Court held that the right to education is indeed a fundamental right implicit in the right to life and personal liberty guaranteed under Article 21 of the Indian Constitution. It ruled that the state has an obligation to provide education to its citizens, and this obligation extends to ensuring that education is accessible, affordable, and of good quality. The Court further held that the practice of charging capitation fees by private educational institutions was unconstitutional as it violated the right to equality under Article 14 and the right to education under Article 21. It emphasized that education should not be treated as a commodity that can be bought and sold, but as a fundamental right that must be protected and promoted by the state. The Unnikrishnan case had far-reaching implications for education policy in India. It laid down the principle that education is not just a privilege but a fundamental right of every citizen. This judgment led to reforms in the education sector, including the regulation of private institutions, the establishment of quotas for economically disadvantaged students, and efforts to improve the quality of education across the country.

to education. In this context, the need for targeted interventions aimed at bridging the digital divide and ensuring equitable access to remote learning assumes critical importance.

This research seeks to critically examine the doctrinal aspects of the legal framework governing the right to education in India, with a specific focus on its efficacy in mitigating the challenges posed by pandemics. By analysing constitutional provisions, legislative enactments, judicial pronouncements, and policy interventions, this study aims to elucidate the strengths and shortcomings of the existing legal framework and propose recommendations for enhancing its effectiveness in safeguarding the right to education for all, even in the face of unprecedented crises.

II. LEGAL FRAMEWORK FOR RIGHT TO EDUCATION IN INDIA

Human rights are inherent to all individuals by virtue of their humanity, not contingent on any earned privilege or bestowed by authorities. These rights are universal and inalienable, forming the foundation of dignity and well-being for every person. States that have ratified international human rights treaties are obligated to uphold, promote, and enforce these rights within their domestic laws. When human rights are violated, individuals suffer a loss of dignity and are deprived of the fundamental standards necessary for a dignified existence. Among these rights, the right to education holds significant recognition across various international and regional human rights agreements.¹² The Right to Education serves as a fundamental instrument that empowers individuals to claim their myriad economic, social, civil, and political rights, enabling them to vocalize grievances against any violations perpetrated by their respective states. State parties bear the solemn obligation to actively promote and safeguard the right to education within their domestic legal frameworks, ensuring equitable treatment devoid of any form of discrimination.¹³ As a democratic nation, India has ratified numerous international human rights treaties that acknowledge the right to education as a fundamental human entitlement.¹⁴ The right to education is enshrined as a fundamental entitlement in India,

¹² Articles 13 and 14 of international covenant on economic, social and cultural rights, 1966; Article 26 of Universal Declaration on Human Rights, 1948; Article 28 of the Convention on the rights of child, 1989; Article 10 of the convention on the elimination of all forms of discrimination against women, 1979; Article 12 of the American Declaration of the Rights and Duties of Man; Articles 14 and 15 of the European Convention on the Legal Status of Migrant Workers; Article 17 of the African Charter on Human and Peoples Rights.

¹³ Article 2 (1) of the Convention on the rights of child, 1989 provides that, "States Parties are bound to ensure and respect the rights guaranteed under the present Covenant to every child within their jurisdiction without any discrimination irrespective of the child's or her or his parent's religion, sex, Ethnic origin, race, language, political opinion and colour"; Article 2 (2) of international covenant on economic, social and cultural rights, 1966 provides that " State parties to the present covenant are bound to implement the rights guaranteed under present covenant without any kind of discrimination as to religion, place of birth, language, race, political opinion and colour."

¹⁴ India has ratified international covenant on economic, social and cultural rights, 1966 on 10 April, 1979, Convention on the rights of child, 1989 on 11 December 1992, convention on the elimination of all forms of discrimination against women, 1979 on 9 July 1993.

safeguarded under Article 21-A of the Indian Constitution.¹⁵ The provision of free and compulsory elementary education is a statutory right in India, with the State bearing the obligation to ensure that children between the ages of 6 and 14 years receive this education.¹⁶ Following China, India boasts the second-largest number of schools globally.¹⁷ Approximately 120 million children in India are enrolled in the Mid-day Meal scheme, which offers a daily free meal to children aged between 6 to 14 years attending government schools. This initiative serves as a significant incentive for children to attend school regularly and access education. The Indian Judiciary, serving as the guardian of fundamental rights, has consistently played a proactive role in advocating for and safeguarding the right to education.¹⁸ While the Government of India is diligently striving to ensure education for every child, a significant number of children in the country still remain out of school, posing a serious concern. The RTE (Right of Children to Free and Compulsory Education) Act of 2009, in line with the mandate articulated in Article 21(A), commenced its enforcement on April 1, 2010. The foundational ethos of the Act revolves around the core tenets encapsulated by the 4A's:

1. **Availability** ensures that education is universally accessible to every child, irrespective of their socio-economic background. This principle acknowledges the reality that children from disadvantaged families often face obstacles such as engaging in labor to support their households, which hampers their access to schooling. To address this, the government shoulders the financial responsibilities associated with education, ensuring that adequate infrastructure and teaching resources are provided to facilitate universal access to learning.
2. **Accessibility** dictates that educational facilities should be easily reachable from all localities, thereby eliminating any barriers related to distance that might lead to student absenteeism. This principle recognizes that many students face long commutes to reach the nearest school, and aims to ensure that no child is excluded from education due to geographical constraints.
3. **Acceptability** mandates that education be provided without any form of discrimination based on deep-rooted caste and religious divides. This principle emphasizes the importance of ensuring that all children, regardless of their background, have equal

¹⁵ Article 21-A was inserted in India Constitution by way of 86th Amendment Act, 2002, which guarantees free and compulsory elementary education.

¹⁶ The Right of Children to Free and Compulsory Education, Act, 2009.

¹⁷ UNICEF, "A case study on Asia" available at: <https://www.unicef.org/rosa/media/16511/file/India%20Case%20Study.pdf>.

¹⁸ Mohini jain v State of Karnataka AIR 1992 SC 1858; Unni Krishnan v State of Andhra Pradesh 1993 SCC (1) 645.

opportunities to access education without facing any prejudice or bias.

4. **Adaptability** necessitates that educational curricula evolve alongside societal changes. This principle underscores the importance of ensuring that education remains relevant and responsive to shifting societal needs and norms. By equipping students with skills and knowledge that are applicable in a dynamic environment, adaptability prepares them to thrive in an ever-changing world.

The Act¹⁹ mandates the following provisions:

- Every child between the ages of 6 and 14 is entitled to free and compulsory education, with access to a nearby school until the completion of elementary education.²⁰
- Children must not bear any financial burdens that could hinder their access to education.
- The government is obligated to furnish necessary infrastructure and offer training for teachers to guarantee the provision of free and compulsory education to all children.
- Local authorities are entrusted with ensuring the availability of schools, providing infrastructure and training for teachers, facilitating the admission of migrant children, and overseeing school operations within their jurisdiction.
- Teachers are accountable for adhering to the curriculum within a designated timeframe and maintaining regular attendance and punctuality.

III. RAMIFICATIONS OF COVID-19 ON THE RIGHT TO EDUCATION

The COVID-19 pandemic highlighted the vulnerabilities of education systems globally, including in India. The sudden closure of schools and universities necessitated the adoption of alternative modes of teaching and learning, such as online education and remote learning. The COVID-19 pandemic, declared by the World Health Organization on March 11, 2020, has had profound impacts worldwide. Governments were urged to take decisive action to curb the spread of this highly contagious disease. International human rights law mandates that states safeguard the health rights of both their citizens and those within their borders.²¹ Additionally, state parties are obligated to implement adequate measures for preventing and treating epidemics, including occupational diseases, and to safeguard their citizens and other individuals within their jurisdiction from such health threats. Furthermore, the International Health Regulations, adopted by the 58th World Health Assembly in May 2005, aim to control

¹⁹ THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009.

²⁰ Section 3 of RTE, Act, 2009.

²¹ Article 12 of International Covenant on Economic, Social and Cultural Rights, 1966.

and mitigate the spread of diseases on an international scale. These regulations impose a duty on states to uphold human rights, fundamental freedoms, and the dignity of all individuals.²² Throughout the first and second waves of COVID-19, virtually every nation implemented lockdowns and imposed restrictions on movement to curb the community transmission of the virus. India, in particular, faced significant impacts, with an estimated 5.4 lakh fatalities and 4.9 million direct cases attributed to the pandemic. The right to health is enshrined as a fundamental right in India, placing an obligation on both the central and state governments to safeguard this essential entitlement.²³ On March 14, 2022, the Ministry of Home Affairs invoked the Disaster Management Act, 2005, officially designating Covid-19 as a disaster.²⁴ Subsequently, on March 24, 2022, an order was issued for the implementation of a national lockdown. The primary objective of the Disaster Management Act, 2005, is to ensure the efficient handling of disasters and related matters.²⁵ To curb the ongoing spread of Covid-19, State Governments also implemented Section 144 of the Criminal Procedure Code (CRPC), imposing restrictions on the movement of individuals. Throughout the first and second waves of the pandemic, India experienced numerous national lockdowns, significantly limiting people's mobility. Certain states in India bore the brunt of the pandemic, enduring prolonged restrictions that remained in place for an extended period. The Covid-19 pandemic has triggered an unparalleled global health emergency, affecting approximately 560 million individuals worldwide. Beyond its profound impact on public health, the pandemic has inflicted severe damage on global economies. The education sector has been particularly hard hit by this crisis, with movement restrictions and stay-at-home orders leading to the closure of educational institutions. These closures, implemented to curb the transmission of the virus, have disrupted the education of an estimated 1.6 billion students across over 190 countries, representing 94% of the world's student population.²⁶ To counteract the adverse effects of Covid-19 on education, governments worldwide swiftly turned to technology, embracing e-learning as a teaching medium. The adoption of distance learning emerged as a primary strategy for mitigating the pandemic's impact on education globally. However, this approach proved ineffective for many students due to a lack of basic resources necessary for remote learning. The Indian education system, like those in other nations, was severely impacted by the Covid-19 pandemic. Approximately 250 million students enrolled in elementary and secondary schools in India, along with 28 million children aged between 3 and 6 years, were affected by

²² Article 3 (1) of International Health Regulations, 2005.

²³ *State of Punjab v Mohinder Singh Chawla* (1997) 2 SCC 83.

²⁴ Section 2 of Disaster Management Act, 2005.

²⁵ Preamble of the Disaster Management Act, 2005.

²⁶ United Nations "Policy brief: Education during Covid-19 and beyond" (August 2020).

the closure of schools.²⁷ In India, schools remained closed for an extended duration compared to many other countries worldwide due to the Covid-19 pandemic. To mitigate the detrimental effects on education, India, like other nations, transitioned to distance learning through technology. However, this shift from traditional classroom teaching to e-learning has underscored existing inequalities within India's education system. A significant portion of students in India lacks access to essential resources for online learning, such as internet connectivity, mobile phones, and computers. Furthermore, many teachers struggled to adapt to online teaching methods, which differ significantly from traditional approaches. While teachers generated and transmitted educational content to facilitate remote learning, ensuring its reach to students posed a considerable challenge. Students encountered numerous difficulties in adapting to online learning, lacking prior experience in this mode of education. The impact was particularly severe on students attending government schools, with approximately 80% of students in Chhattisgarh, Odisha, Jharkhand, Uttar Pradesh, and Bihar not receiving any form of educational materials during school closures.²⁸ In rural areas, merely 8.1% of students enrolled in government schools have participated in online classes, with only 18.3% accessing video recordings.²⁹ During the closure of schools, 92% of children in India between classes 2 to 6 experienced a loss in at least one language ability, while 82% of students experienced a decline in at least one math ability.³⁰

(A) Government's Efforts to Implement Right to Education during Covid-19

The shift from conventional classroom instruction to online learning has highlighted the disparities within India's education system. A significant portion of students lacks access to necessary resources such as internet connectivity, mobile devices, and computers required for online learning. Additionally, many teachers encountered challenges in delivering online classes as online teaching differs significantly from traditional methods. The Covid-19 pandemic has brought into sharp focus the digital disparity inherent in the Indian education system. A significant number of teachers lacked prior training in online teaching platforms,

²⁷ UNICEF, Rapid Assessment of Learning during School Closures in the context of COVID, New Delhi, UNICEF India Office, 2021, available at: <https://www.unicef.org/india/reports/rapid-assessment-learning-during-school-closures-context-covid-19> (Visited on 25 March 2024).

²⁸ Aastha Malik, Indian public schools failed to provide education during lockdown available at: <https://scroll.in/article/973138/indian-public-schools-failed-to-provide-education-during-lockdown-say-80-parents-in-a-new-survey> (Visited on 25 March 2024).

²⁹ Mehr Kalra and Shivakumar Jolad, "Regression in Learning: The High Cost of COVID-19 for India's Children", ORF Issue Brief No. 484, August 2021, Observer Research Foundation, available at: https://www.orfonline.org/wp-content/uploads/2021/08/ORF_IssueBrief_484_Covid-Education.pdf (visited on 27 March 2024).

³⁰ Azim Premji Foundation, Loss of Learning during the Pandemic, Bengaluru, Azim Premji University, 2020, available at: http://publications.azimpremjifoundation.org/2490/1/Loss_of_Learning_during_the_Pandemic.pdf (Visited on 29 March 2024).

exacerbating the challenges faced by students who had no alternative means of learning during school closures. Insufficient support from the government further compounded the situation. Teachers and students were left to fend for themselves without access to essential digital tools required for online classes. This lack of support has underscored the urgent need for comprehensive measures to bridge the digital divide and ensure equitable access to education for all.³¹ The Covid-19 pandemic exposed a glaring reality in India a vast majority of students lacked access to essential resources like the internet and digital tools. This digital divide had a profound impact on their education, particularly during the pandemic-induced closure of schools and educational institutions. Amidst the challenges brought forth by the COVID-19 pandemic, the Indian government has orchestrated a series of initiatives to ensure the continuity of education, leveraging digital platforms. SWAYAM, at the forefront, offers a diverse range of courses from primary to post-graduate levels, providing students nationwide with accessible learning opportunities. Complementing SWAYAM, DIKSHA seamlessly integrates e-content and QR-coded textbooks, enhancing the learning experience for students regardless of their background or location. Under the PM e-Vidya program, a comprehensive array of digital initiatives including online courses, educational TV channels, and radio broadcasts have been launched, serving as vital resources during these uncertain times. The National Digital Library (NDL) stands as a bastion of knowledge, offering a wealth of academic resources to students and educator's alike, providing solace and inspiration amidst the challenges of online education. e-Pathshala, with its digital textbooks and supplementary materials, further exemplifies the government's commitment to innovation and accessibility in education. By supporting institutions financially and infrastructural, the government plays a crucial role in facilitating the transition to online teaching, ensuring that the pursuit of knowledge flourishes even in times of adversity.

Recognizing the urgent need to address these challenges, the Government of India responded by implementing the National Education Policy (NEP) 2020.³² This landmark policy places a strong emphasis on leveraging technology to transform the education system. Under the NEP 2020, integrating technology into education is a central tenet aimed at bridging the gap in access to quality education. The policy acknowledges that technology can serve as a powerful tool to overcome barriers and ensure learning continuity, especially in times of crisis like the Covid-19 pandemic. By embracing digital platforms and tools, the government seeks to democratize

³¹ UNICEF, "A case study on Asia" available at: <https://www.unicef.org/rosa/media/16511/file/India%20Case%20Study.pdf> (accessed on March 30 2024).

³² National Education Policy 2020, Ministry of Human Resource Development, Government of India available at: https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf (Visited on 3 April 2024).

education and provide equal opportunities for all students, regardless of their economic or social background. Furthermore, the NEP 2020 prioritizes equity in education, striving to create an inclusive learning environment where every student has the chance to thrive. This involves not only ensuring access to digital resources but also addressing broader socio-economic disparities that hinder educational attainment. By fostering a culture of innovation and technology integration, the policy aims to empower educators and learners alike to adapt to the demands of the digital age. In essence, the adoption of the National Education Policy 2020 reflects a visionary approach to education reform, driven by the imperative to address the challenges exacerbated by the Covid-19 pandemic. Through its focus on technology integration and equity, the policy lays the foundation for a more resilient and inclusive education system that can withstand future disruptions while ensuring that no student is left behind. The Government of India's educational initiatives during the COVID-19 crisis underscore a deep dedication to providing quality education to every child, irrespective of the challenges faced. By harnessing technology strategically, the government has not only minimized the disruptions caused by the pandemic but has also established the groundwork for a more inclusive and robust education system in the years to come. As the journey towards education progresses, it stands as a testament to the potency of innovation, resilience, and collaborative efforts in navigating challenging circumstances.

IV. CONCLUSION AND SUGGESTIONS

The global pandemic caused by Covid-19 has wreaked havoc on the education systems worldwide, leaving a profound impact. Despite attempts to transition to remote learning, it became evident that a substantial portion of students across the globe lacked access to the necessary digital infrastructure, rendering such efforts ineffective. The resulting educational setbacks are substantial and are expected to reverberate for years to come. This crisis has starkly illuminated the pre-existing flaws and inequalities within educational systems on a global scale. Furthermore, it has underscored the delicate balance needed between upholding the right to education and safeguarding public health, both of which are fundamental human rights enshrined in international law. Economically disadvantaged students bore the brunt of school closures disproportionately, as they were often deprived of access to internet connectivity and essential digital tools required for online learning. In addition, teachers encountered significant challenges in adapting to online teaching methodologies, largely due to a lack of prior training in distance education. In response to the profound disruptions caused by school closures, it becomes imperative for India to develop and implement policies aimed at mitigating the adverse effects of the Covid-19 pandemic on the education sector. A human rights-centred

approach should guide these efforts, ensuring that future responses to similar crises prioritize measures that do not exacerbate existing inequalities in educational access. Furthermore, concerted efforts are needed to bridge the digital divide within India, with a focus on providing equitable access to the internet and essential digital devices for every student. Additionally, comprehensive training programs should be instituted to equip teachers with the necessary skills to effectively utilize online platforms for teaching purposes. Adequate provision of digital resources and tools to educators is essential to facilitate a successful transition to online education amidst unprecedented challenges posed by global health crises like Covid-19.

Despite constitutional guarantees and legislative frameworks safeguarding the right to education, the pandemic has exposed deep-rooted disparities and weaknesses within India's educational framework. From the sudden closure of schools to the rapid transition to remote learning, the obstacles have been multifaceted and formidable. Nonetheless, amid this upheaval, commendable efforts from various stakeholders have emerged to alleviate the pandemic's impact on education. Government-led initiatives like SWAYAM, DIKSHA, and PM e-Vidya have utilized technology to offer alternative learning avenues. These initiatives, complemented by community involvement and interventions from civil society, underscore the resilience and adaptability of India's education sector. However, challenges persist, particularly in reaching marginalized and disadvantaged communities. The digital gap, exacerbated by the pandemic, remains a significant obstacle to ensuring equal access to education. Economic disparities, inadequate infrastructure, and social inequities continue to hinder endeavours towards universal education.
