



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME: B.A.,LL.B(HONS.)FYIC

DETAILS OF COURSE OFFERED

EVEN SEMESTER (X) – ACADEMIC YEAR

SL. NO	COURSE CODE	COURSE TITLE	L	T/P	CR	CH
1	BL1005.6 CONSTITUTIONAL LAW, SPECIALIZATION GROUP PAPER- VIII	LAW ON EDUCATION	4 PER WEEK	1 PER WEEK	4	

- A. CODE AND TITLE OF THE COURSE: BL1005.6, CONSTITUTIONAL LAW, SPECIALIZATION GROUP PAPER- VIII, LAW ON EDUCATION**
- B. COURSE CREDIT: 4 (TOTAL MARKS 200)**
- C. MEDIUM OF INSTRUCTION: ENGLISH**
- D. COURSE COMPILED BY: DR KASTURI GAKUL**
- E. COURSE INSTRUCTOR: DR KASTURI GAKUL**

1. COURSE OBJECTIVES

Education is an empowerment right which is indispensable for the realization of all other human rights. Recognizing the need to ensure right to education, efforts have been made at international, regional and national level for adopting and enacting legal instruments, laws and policies. The present course is designed to discuss the international and regional instruments relating to education and also to analyze the laws on education in India.

The objectives of the course are-

- i. To familiarize the students with the international and regional framework on right to education.
- ii. To acquaint students with the provisions relating to education under the Constitution of India.
- iii. To analyze the provisions under the specific legislation on right to education in India.
- iv. To discuss the impact of COVID-19 on right to education.
- v. To explain relevant judicial decisions relating to right to education in India.
- vi. To discuss the policies on education in India.
- vii. To briefly discuss about the concept, aim and objectives of legal education along with the initiatives undertaken in India for legal education.

2. TEACHING METHODOLOGY

For teaching the paper on 'Law on Education' in the National Law University and Judicial Academy, Assam lecture method along with alternative and supplementary strategies for effective teaching will be utilized such as permissive style of teaching, group discussion and seminar presentation. There will be participatory teaching with discussion on important concepts and judicial decisions relating to the subject of study. To encourage self-study, individualized instruction and to inculcate study attitudes seminar topics are allotted to students in advance. The students are to prepare their topics from the list of sources suggested to them under the supervision of the teacher-in-charge of the subject. In the classroom every student is required to present their respective topic through seminar presentation and to have their doubts cleared through discussion. The teacher will guide the students in their pursuit of learning the subject and clarify doubts and queries of students, if any, and put forward suggestions for further readings. The topics will be taught through projected teaching aids like power point presentation and white board.

3. COURSE LEARNING OUTCOMES

- i. On completion of the Course the students are expected to understand the nuances of each module.
- ii. Produce at least one research paper of publishable quality
- iii. To improve the knowledge-base of the law students and encourage them to pursue research on the area of law on education at Ph.D. level.

4. COURSE EVALUATION METHOD

The course shall be assessed for 200 marks. The Evaluation scheme would be as follows:

Internal assessment: 70% (140 marks)

Semester End Examination: 30% (60 Marks)

Sl. No.	Marks Distribution	
1	Project Work	40 marks
2	Seminar/Group Discussion	20 marks
3	Assignment/Assessment	30 marks
4	Mid-Semester Test	40 marks
5	Attendance in class	10 marks
6	Semester End Examination	60 marks

5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)

MODULE I

INTERNATIONAL FRAMEWORK AND RIGHT TO EDUCATION

- Universal Declaration of Human Rights 1948
- International Covenant on Economic, Social and Cultural Rights 1966
- Convention on the Rights of the Child 1989

- Convention on the Elimination of All Forms of Discrimination against Women 1979
- Convention on the Elimination of All Forms of Racial Discrimination 1966
- Convention on the Rights of Persons with Disabilities 2006
- Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 1990
- Convention Relating to the Status of Refugees 1951
- International Covenant on Civil and Political Rights 1966
- Declaration on the Rights of Persons belonging to National or Ethnic Religious and Linguistic Minorities, 1992
- Declaration on the Rights of Indigenous Peoples, 2007
- Declaration on Human Rights Education and Training, 2011
- Sustainable Development Goals

REGIONAL INSTRUMENTS AND EDUCATION

- Protocol 1 to the European Convention for the protection of Human Rights and Fundamental Freedoms 1952
- Council of Europe - Revised European Social Charter 1996
- Charter of the Organisation of American States 1967
- Additional Protocol to the American Convention on Human Rights, Protocol of San Salvador 1988
- African Charter on Human and People's Rights 1981
- African Charter on the Rights and Welfare of the Child 1990
- Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa 2003
- African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) 2009
- Arab Charter on Human Rights, 2004
- ASEAN Human Rights Declaration 2012

MODULE II

LAWS RELATED TO EDUCATION IN INDIA

The Constitution of India 1949

- Fundamental Rights
- Directive Principles of State Policy
- Fundamental Duties
- Other Constitutional provisions

Right of Children to Free and Compulsory Education Act 2009

- Right to Free And Compulsory Education
- Duties of Appropriate Government, Local Authority and Parents
- Responsibilities of Schools and Teachers
- Curriculum and Completion of Elementary Education
- Protection of Right of Children
- Role of the National Commission for Protection of Child Rights

MODULE III

POLICIES ON EDUCATION IN INDIA

- Historical Development of policies relating to education in India (1948-1992)
- National Policy for the Empowerment of Women 2001
- The National Policy for Children 2013
- National Education Policy 2020
- Schemes and Initiatives relating to Education of Children in India

MODULE IV

LEGAL EDUCATION IN INDIA

- Legal Education- Concept, Aims and Objectives
- Constitutional Provisions
- Advocates Act 1961
- Bar Council of India
- University Grants Commission

- Role of the Supreme Court of India
- Legal Education Reforms – Issues and Challenges

6. PRESCRIBED READINGS

- N.Sudarshan, (ed.), *Right to Education: Emerging Scenario* (Amicus Books 2007)
- Vinay Rai , *Right to Education: The Way Forward* (Perfect Publications 2010)
- Mool Chand Sharma, *Right to Education: Imperative for Progress* (Universal Law Publishing 2013)
- Deepa Idnani (edr.) *Right to Education and Schooling* (Rawat 2017)
- Mamta Rao, *Law Relating to Women and Children* (4th edn, EBC 2014)
- Katarina Tomasevski, UNESCO, *Manual on Rights-Based Education- Global Human Rights Requirements Made Simple* (2004) (Available at - <https://www.right-to-education.org>)
- Manoj Kumar Sinha, *Right to Education: Indian and International Practices* (<http://rwi.lu.se>)
- UNESCO and UNICEF, *A Human Rights Based Approach to Education for All* (2007) (<https://www.right-to-education.org/resource/human-rights-based-approach-education-all>)
- Ranbir Singh, *Constitutional Law* (Lexis Nexis 2006)
- N.K Acharya, *The Constitution of India* (Asia Law House 2009)
- M.P. Jain, *Indian Constitutional Law* (Lexis-Nexis, 2014)
- J.N Pandey, *The Constitutional Law of India* (Central Law Agency 2007)
- *International Instruments Right to Education* (Available at -<https://www.right-to-education.org>)
- Katarina Tomasevski, *Primer No.2: Free Compulsory Education for all Children: the Gap between Promise and Performance* (2001) (Available at - <https://www.right-to-education.org>)
- OIDEL, *The International Right to Education* (2015) (Available at - <http://www.oidel.org>)
- International Justice Resource Center, *Right to Education* (Available at - <https://ijrcenter.org> › thematic-research-guides › education)

- Archana Mehendale, *Handbook for Local Authorities: On Commissions for Protection of Child Rights and Grievance Redressal under the Right of Children to Free and Compulsory Education Act, 2009* (Centre for Child and the Law National Law School of India University 2012)
- Shantha Sinha *Monitoring Children's Rights National Commission for Protection of Child Rights – India* (Available at - <https://violenceagainstchildren.un.org>)
- N.R Madhava Menon, *The Transformation of Indian Legal Education A Blue Paper* (Harvard Law School Program on the Legal Profession 2012)
- (Available at - <https://clp.law.harvard.edu> › Menon_Blue_Paper
- Conference of Vice-Chancellors of National Law Universities on Legal Education
- Reforms (1-2 September, 2018) (<https://main.sci.gov.in> › proceeding_book051018)
- General Comment No. 13 (Twenty-first session, 1999) The right to education (article 13 of the Covenant) Committee on Economic, Social and Cultural Rights (<https://undocs.org/E/C.12/1999/10>)
- Special Rapporteur on the right to education, *Report on the impact of the COVID-19 crisis on the right to education* Concerns, challenges and opportunities UN Human Rights Council's 44th session (June-July 2020) A/HRC/44/39 (<https://www.ohchr.org/EN/Issues/Education/SREducation/Pages/COVID19.aspx>)
- G.Manohar Rao, *Legal Education in India: Challenges & Perspectives* (Haritha Graphics 2007)
- Scenario of Legal Education in India (Avilable at <https://pdfcoffee.com/13-chapter-4-5-pdf-free.html>)
- Muthuja, Babu Muthuia, *Human Rights Education* (Centrum Press 2009)
- Siddheswar Saikia, *History of Education in India* (Mani Manik Prakash 1998)
- Suresh Chandra Ghosh, *The History of Education in Modern India 1757-1986* (Orient Longman Ltd 1995)
- JP Naik and Syed Nurullah, *A Students History of Education in India 1800-1973* (Macmillan India Ltd)
- Kailesh Rai, *Public Interest Lawyering, Legal Aid and Para Legal Services* (7th edn, Central Law Publications 2014)
- Sushma Gupta, *History of Legal Education* (Deep & Deep Publications 2006)

- P.L. Jayanthi Reddy , *Legal Education : New Horizons* (The Icfai University Press)
- Anjana Kaul, *Human Rights Education* (APH Publishing Corporation 2011)

Cases

Miss. Mohini Jain v. State of Karnataka and Ors.	AIR1992SC1858, (1992)3SCC666
Unni Krishnan, J.P. & Others v. State of Andhra Pradesh & Ors.	(1993) 1 SCC 645
Bandhua Mukti Morcha v. Union of India & Ors	(1997) 10 SCC 549
R.D. Upadhyay v. State of A.P. & Ors	AIR 2006 SC 1946
Election Commission of India v. St. Mary's School & Ors	(2008) 2 SCC 390
Avinash Mehrotra v. Union of India (UOI) and Ors	(2009)6SCC398
Ashoka Kumar Thakur v. Union of India	(2008) 6 SCC 1
Bachpan Bachao Andolan v. Union of India (UOI) and Ors	AIR2011SC336, (2011)5SCC1
State of Tamil Nadu & Ors. v. K. Shyam Sunder & Ors	(2011) 8 SCC 737
Society for Unaided Private Schools v India Supreme Court of India	(2012) 6 SCC 1
Environment and Consumer Protection Foundation v. Delhi Administration and Ors.	AIR2013SC1111, [2012]8SCR1060
Pramati Educational and Cultural Trust ® and Ors. v. Union of India (UOI) and Ors	AIR2014SC2114 (2014)8SCC1
Archana Girish Sabnis v. Bar Council of India	AIR2015SC913
B.Ashok v. The Secretary	W.P.(MD)No.9533 of 2015
Rajneesh Kumar Pandey and Ors. v. Union of India (UOI) and Ors	2018(2)SCT260(SC)
Disabled Rights Group and Ors. v. Union of India (UOI) and Ors.	(2018)2SC C 397
Rashtrasant Tukdoji Maharaj Nagpur University and Ors. v. State of Maharashtra and Ors	AIR2020Bom135