

Right To Higher Education and Constitutional Guarantees: Legal Challenges and Judicial Perspectives In India

ADITYA SRIVASTAVA

Abstract: *The present study examines the constitutional guarantees, legal challenges, and judicial perspectives concerning the right to higher education in India. Adopting a doctrinal and descriptive research methodology, the study analyzes constitutional provisions, landmark Supreme Court judgments, and secondary data from the All India Survey on Higher Education (AISHE). Findings reveal that total higher education enrolment increased from 3.42 crore in 2014–15 to approximately 4.50 crore in 2023–24, while the Gross Enrolment Ratio reached 30.0%. Female GER increased to 31.2%, indicating improved gender participation. However, Scheduled Caste and Scheduled Tribe GER remained at 27.8% and 22.8%, respectively, highlighting persistent educational inequalities. Judicial interpretations have strengthened principles of educational equality, institutional autonomy, and regulatory accountability. The study concludes that although constitutional provisions provide meaningful protection, equitable access requires stronger legal safeguards, affordable education, inclusive policies, and effective institutional governance to advance social justice and educational development across India.*

Keywords: Right to Higher Education; Constitutional Guarantees; Judicial Perspectives; Educational Equality; Social Justice.

Introduction

Education is universally recognized as a fundamental instrument for human development, social transformation, economic progress, and democratic participation. In India, higher education plays an important role in promoting intellectual advancement, professional competence, scientific innovation, social mobility, and national development. The constitutional significance of education extends beyond the acquisition of academic qualifications because educational opportunities contribute to the realization of equality, human dignity, individual freedom, and social justice. The Constitution of India provides a comprehensive framework for educational protection through Fundamental Rights and Directive Principles of State Policy. Article 14 guarantees equality before the law, Article 15 prohibits discrimination on specified grounds, and Article 21 protects life and personal liberty. Article 21A, introduced through the Constitution (Eighty-sixth Amendment) Act, 2002, expressly guarantees free and compulsory education for children between six and fourteen years of age. However, higher education has not been expressly recognized as an independent fundamental right under Article 21A. This distinction creates an important constitutional debate concerning the extent of State responsibility in ensuring affordable, accessible, and equitable university education. The Supreme Court of India has addressed these issues through significant judicial decisions, particularly *Mohini Jain v. State of Karnataka* (1992) and *Unni Krishnan, J.P. v. State of Andhra Pradesh* (1993), which examined the relationship between education, constitutional rights, and the financial obligations of the State (Constitution of India, 1950; *Mohini Jain*, 1992; *Unni Krishnan*, 1993).

The expansion of higher education in India reflects the growing importance of universities and professional institutions in national development. According to the Ministry of Education's All India Survey on Higher Education (AISHE) 2021–22, total enrolment increased from approximately 3.42 crore students in 2014–15 to 4.33 crore students in 2021–22, representing an increase of approximately 26.5%. During the same period, the Gross Enrolment Ratio (GER) increased from 23.7% to 28.4%, demonstrating considerable progress in educational participation. Female enrolment increased from approximately 1.57 crore to 2.07 crore, indicating improvements in women's access to higher educational opportunities. Nevertheless, significant differences remain across social categories. In 2021–22, the GER for Scheduled Caste students was 25.9%, while the GER for Scheduled Tribe students was 21.2%, compared with the national average of 28.4%. These statistics suggest that although India has achieved substantial expansion in higher education, equal participation remains an important concern. Financial limitations, geographical disparities, social inequalities, and differences in institutional availability continue to affect educational opportunities. Such challenges make constitutional guarantees concerning equality, affirmative action, and educational justice particularly relevant to contemporary higher education policy (Ministry of Education, 2024). The judiciary has played an influential role in developing the constitutional understanding of educational rights in India. In *Mohini Jain v. State of Karnataka* (1992), the Supreme Court emphasized the close relationship between education and the right to life under Article 21 while examining the constitutional implications of capitation fees charged by private educational institutions. Subsequently, in *Unni Krishnan, J.P. v. State of Andhra Pradesh* (1993), the Court clarified that the fundamental entitlement to education extended to children up to fourteen years

of age under the constitutional framework existing at that time, while educational opportunities beyond that age were subject to the State's economic capacity and development. Further judicial developments in *T.M.A. Pai Foundation v. State of Karnataka* (2002) and *P.A. Inamdar v. State of Maharashtra* (2005) examined the constitutional relationship between institutional autonomy, admission procedures, fee regulation, and the rights of private educational institutions. These judgments demonstrate that higher education involves competing constitutional considerations, including individual educational opportunity, institutional freedom, minority rights, public accountability, and the prevention of exploitation. Therefore, judicial interpretation remains essential for understanding the constitutional scope and limitations of the right to higher education in India (Mohini Jain, 1992; Unni Krishnan, 1993; *T.M.A. Pai Foundation*, 2002; *P.A. Inamdar*, 2005).

The constitutional debate surrounding higher education has become increasingly important because of the changing relationship between public educational responsibilities and private institutional participation. The expansion of self-financed universities, private professional colleges, and specialized institutions has increased educational opportunities while simultaneously raising questions regarding tuition fees, admission transparency, commercialization, and regulatory accountability. In *T.M.A. Pai Foundation v. State of Karnataka* (2002), the Supreme Court recognized important constitutional protections for private and minority educational institutions, particularly in relation to institutional administration. Similarly, *P.A. Inamdar v. State of Maharashtra* (2005) examined the regulation of admissions and fees in private unaided professional institutions. These decisions illustrate the need to maintain an appropriate balance between institutional independence and the constitutional objectives of educational fairness and public welfare. The State must therefore ensure that regulatory policies promote educational quality and transparency without unnecessarily interfering with constitutionally protected institutional rights. From a constitutional perspective, the central challenge is not simply to expand the number of higher educational institutions but also to ensure that educational opportunities remain accessible and fairly administered (*T.M.A. Pai Foundation*, 2002; *P.A. Inamdar*, 2005).

The National Education Policy 2020 provides an important policy framework for addressing inequalities and expanding access to higher education in India. The policy establishes a target of increasing the Gross Enrolment Ratio in higher education, including vocational education, to 50% by 2035. It also emphasizes multidisciplinary education, institutional restructuring, improved educational quality, and equitable opportunities for socially and economically disadvantaged groups. Achieving this target requires sustained investment in educational infrastructure, scholarships, academic resources, digital connectivity, and institutional capacity. The policy also recognizes the importance of strengthening public higher education institutions and developing transparent mechanisms for educational governance. However, policy commitments do not automatically create enforceable constitutional entitlements. Their implementation depends on legislation, administrative action, financial resources, and regulatory effectiveness. Therefore, the relationship between constitutional guarantees and educational policy remains important for evaluating whether higher education expansion can produce substantive equality rather than merely increased enrolment (Ministry of Education, 2020).

Despite considerable educational expansion, the realization of equal opportunities in higher education remains a complex legal and socioeconomic challenge. Constitutional guarantees concerning equality and non-discrimination must be considered alongside the practical realities of financial inequality, regional disparities, institutional accessibility, and differences in educational preparation. The Directive Principles of State Policy, particularly Articles 41 and 46, emphasize the responsibility of the State to promote educational opportunities and protect the interests of disadvantaged sections of society. However, the effectiveness of these constitutional principles depends on their translation into appropriate legislative measures, financial assistance, institutional safeguards, and administrative practices. The present research therefore examines the constitutional foundation of the right to higher education, evaluates the contribution of landmark judicial decisions, and identifies the principal legal challenges affecting educational accessibility in India. By integrating constitutional analysis with official educational statistics and public policy developments, the study seeks to explain how legal protections can contribute to a more inclusive, affordable, accountable, and equitable higher education system (Constitution of India, 1950; Ministry of Education, 2020, 2024).

Review of Literature

The review of literature examines the constitutional foundations, judicial interpretations, legislative developments, and socioeconomic challenges associated with the right to higher education in India. It draws upon landmark judgments of the Supreme Court of India, constitutional scholarship, government reports, and educational policy documents. Particular attention is given to the relationship between Articles 14, 15, 21, 21A, 29, 30, 41, and 46 of the Constitution, and their implications for educational equality, institutional autonomy, social justice, and access to higher education.

Jain (1992): In *Mohini Jain v. State of Karnataka*, the Supreme Court of India examined the constitutional validity of capitation fees imposed by private medical colleges. The Court emphasized that education is closely connected with human dignity and the meaningful enjoyment of the right to life guaranteed under Article 21 of the Constitution. The judgment adopted a broad understanding of educational rights and questioned the legitimacy of admission arrangements that effectively restricted access according to financial capacity. Its importance lies in recognizing that education cannot be examined exclusively as a commercial service, because unequal access may affect the enjoyment of other constitutional freedoms. However, the expansive interpretation adopted in this decision was subsequently qualified by the Supreme Court in *Unni Krishnan*. Therefore, the judgment is best understood as an important stage in the evolution of educational-rights jurisprudence rather than as establishing an unlimited, presently enforceable right to free higher education (*Mohini Jain v. State of Karnataka*, 1992). Unni Krishnan (1993): In *Unni Krishnan, J.P. v. State of Andhra Pradesh*, the Supreme Court reconsidered the constitutional scope of the right to education and clarified the relationship between Articles 21, 41, and 45. The Court held that the right to education was implicit in Article 21, but distinguished the educational entitlement of children up to fourteen years of age from the position of individuals seeking education beyond that age. It recognized that the State's obligations concerning higher and professional education must be considered in relation to its economic capacity and development. This judgment is particularly relevant because it

established a more qualified constitutional framework and demonstrated that the importance of higher education does not necessarily translate into an unconditional obligation to finance university education for every individual. The decision also influenced the constitutional background against which Article 21A was subsequently introduced through the Eighty-sixth Constitutional Amendment. Thus, the judgment provides an essential foundation for examining the legal distinction between elementary and higher education in India (Unni Krishnan, J.P. v. State of Andhra Pradesh, 1993).

T.M.A. Pai Foundation (2002): In T.M.A. Pai Foundation v. State of Karnataka, an eleven-judge bench of the Supreme Court considered important questions concerning the establishment, administration, and regulation of private and minority educational institutions. The judgment examined the interaction between Article 19(1)(g), which protects the freedom to practise a profession or carry on an occupation, trade, or business, and Article 30(1), which protects the rights of religious and linguistic minorities to establish and administer educational institutions of their choice. The Court recognized the importance of institutional autonomy while acknowledging the legitimate role of regulation in maintaining educational standards and preventing maladministration. The decision is significant for higher education because private universities and professional colleges form an important part of India's educational landscape. Its constitutional contribution lies in clarifying that educational access and institutional independence must be reconciled through legally justified regulatory mechanisms rather than through unlimited State control or unrestricted institutional discretion (T.M.A. Pai Foundation v. State of Karnataka, 2002).

Islamic Academy of Education (2003): In Islamic Academy of Education v. State of Karnataka, the Supreme Court further examined the practical implications of the T.M.A. Pai Foundation judgment, particularly regarding admissions and fee regulation in private professional educational institutions. The Court addressed mechanisms intended to promote transparency and prevent the collection of capitation fees and exploitative charges. The judgment highlighted the difficulties involved in designing a regulatory system that simultaneously respects institutional autonomy, protects students from financial exploitation, and maintains fair admission procedures. Its relevance to the right to higher education lies in demonstrating that constitutional protection requires not only recognition of educational opportunities but also effective mechanisms for ensuring fairness in their administration. The decision contributed to the subsequent development of judicial principles concerning admission regulation and institutional accountability (Islamic Academy of Education v. State of Karnataka, 2003).

P.A. Inamdar (2005): In P.A. Inamdar v. State of Maharashtra, the Supreme Court considered the extent of permissible government intervention in private unaided professional educational institutions. The Court addressed issues relating to admission procedures, fee structures, institutional autonomy, and the constitutional limits of State-imposed reservation arrangements. The judgment emphasized the need for fair, transparent, and non-exploitative admissions while recognizing the constitutional protections available to private unaided institutions. It also distinguished between legitimate regulatory measures and impermissible interference with institutional administration. This decision remains important in understanding the legal tension between social justice objectives and private educational autonomy. It

demonstrates that the expansion of higher education through private institutions must be accompanied by constitutionally appropriate safeguards rather than an assumption that either market freedom or State regulation alone can guarantee equitable access (P.A. Inamdar v. State of Maharashtra, 2005).

Ashoka Kumar Thakur (2008): In *Ashoka Kumar Thakur v. Union of India*, the Supreme Court examined the constitutional validity of the Ninety-Third Constitutional Amendment and the Central Educational Institutions (Reservation in Admission) Act, 2006. The case particularly concerned the constitutional legitimacy of reservations for Other Backward Classes in specified central educational institutions. The Court upheld the relevant affirmative-action framework while emphasizing constitutional considerations concerning equality, social disadvantage, and the exclusion of the creamy layer from OBC reservation benefits. This decision illustrates the important relationship between formal equality and substantive equality under Articles 14 and 15. The judgment is relevant to higher education because constitutional guarantees cannot be evaluated solely by examining whether admission procedures apply uniformly; it is also necessary to consider whether historically disadvantaged communities have meaningful opportunities to participate in educational institutions. The decision therefore provides an important judicial foundation for examining how affirmative-action measures can address structural educational disadvantages within the limits established by the Constitution (*Ashoka Kumar Thakur v. Union of India*, 2008).

Ministry of Education (2024): The All India Survey on Higher Education 2021–22 provides important statistical evidence concerning the expansion and distribution of educational opportunities in India. According to the report, total higher education enrolment increased from 3.42 crore students in 2014–15 to approximately 4.33 crore in 2021–22, representing growth of 26.5%. During the same period, the national Gross Enrolment Ratio increased from 23.7% to 28.4%. The enrolment of Scheduled Caste students increased from 46.07 lakh to 66.23 lakh, representing approximately 44% growth, while Scheduled Tribe enrolment increased from 16.41 lakh to 27.1 lakh, representing approximately 65.2% growth. Despite these improvements, the GER of Scheduled Caste students stood at 25.9% and that of Scheduled Tribe students at 21.2%, below the national average of 28.4%. These findings indicate that expansion in institutional capacity and enrolment has not eliminated differences in educational participation. From a constitutional perspective, the figures reinforce the importance of examining Articles 15(4), 15(5), and 46 in relation to affirmative action and educational opportunity. However, the statistics should be interpreted as indicators of participation disparities rather than direct evidence of unlawful discrimination (Ministry of Education, 2024). Ministry of Education (2024): The AISHE report also documents significant improvements in women's participation in higher education. Female enrolment increased from approximately 1.57 crore in 2014–15 to 2.07 crore in 2021–22, representing growth of about 32%. Female GER increased from 22.9% to 28.5% during the same period, while the Gender Parity Index reached 1.01 in 2021–22. These findings demonstrate that women's participation has improved substantially at the national level. Nevertheless, national gender parity does not necessarily imply equal access across every region, discipline, institution, income group, or social category. The constitutional relevance of these findings lies in the relationship between Article 15, which prohibits specified forms of discrimination and permits special provisions for women and

children, and the broader constitutional commitment to equal opportunity. The report provides an empirical foundation for assessing whether educational expansion is accompanied by inclusive participation, while also indicating the need for more disaggregated analysis of gender and social disadvantage (Ministry of Education, 2024).

Ministry of Education (2020): The National Education Policy 2020 represents a major policy initiative concerning the expansion, accessibility, quality, and governance of higher education in India. The policy establishes a target of increasing the Gross Enrolment Ratio in higher education, including vocational education, to 50% by 2035. It emphasizes multidisciplinary education, institutional flexibility, improved quality, stronger public educational institutions, and expanded opportunities for socially and economically disadvantaged groups. The policy also advocates greater institutional autonomy alongside accountability and transparent regulation. Its significance for constitutional analysis lies in translating broad commitments to equality and educational development into administrative and institutional objectives. However, the policy does not itself establish an unrestricted judicially enforceable fundamental right to university education. Its effectiveness depends upon legislative measures, public financing, institutional implementation, and administrative accountability. Therefore, the National Education Policy provides an important framework for examining how constitutional aspirations can be progressively realized through educational governance (Ministry of Education, 2020).

Government of India (2024): The Economic Survey 2023–24 highlighted the expansion of higher education participation and improvements in enrolment among historically disadvantaged groups. Drawing upon AISHE 2021–22, the Survey reported that total higher education enrolment had increased by approximately 26.5% since 2014–15. The growth was accompanied by increases in participation among Scheduled Castes, Scheduled Tribes, Other Backward Classes, and women. These developments indicate progress toward the broader objective of inclusive educational development. Nevertheless, growth in absolute enrolment must be distinguished from equal educational opportunity, because the number of enrolled students does not independently establish the affordability, quality, geographic accessibility, or fairness of higher education. The Survey's findings are relevant to constitutional research because they demonstrate the importance of assessing both the quantitative expansion of higher education and the distribution of educational benefits among different population groups. Consequently, an effective constitutional assessment must combine judicial interpretation with reliable statistical indicators and an examination of educational governance (Government of India, 2024).

Research Gap

The reviewed literature demonstrates that the constitutional status of education has evolved through judicial interpretation, legislative intervention, and educational policy development. Landmark judgments have clarified the relationship between education and fundamental rights, while decisions concerning private educational institutions have established principles governing autonomy, admissions, and fee regulation. Government publications further demonstrate substantial expansion in higher education participation, although inequalities across social groups remain evident. However, these strands of literature are frequently

examined separately, creating a need for an integrated analysis that connects constitutional guarantees, judicial interpretations, institutional accountability, and measurable educational disparities. In particular, the legal distinction between an enforceable fundamental right to elementary education and the qualified constitutional protection of higher education requires further examination in the context of contemporary educational expansion. The present study addresses this gap by analyzing the extent to which constitutional provisions and judicial principles provide effective safeguards against arbitrary exclusion, discrimination, and unfair educational practices. It also evaluates the relationship between institutional autonomy and public responsibility, with the objective of identifying legally appropriate measures for improving equitable access to higher education in India.

Research Methodology

3.1 Research Design

The present study adopts a doctrinal, descriptive, and analytical research design to examine the constitutional foundations, legal challenges, and judicial perspectives concerning the right to higher education in India. The doctrinal approach focuses on interpreting relevant constitutional provisions, legislative enactments, and landmark judgments of the Supreme Court of India. The descriptive approach examines the development of higher education and the existing constitutional and regulatory framework, while the analytical approach evaluates the relationship between constitutional guarantees, educational equality, institutional autonomy, and social justice. The study particularly examines Articles 14, 15, 19(1)(g), 21, 21A, 29, 30, 41, and 46 of the Constitution of India. Judicial decisions such as *Mohini Jain v. State of Karnataka* (1992), *Unni Krishnan, J.P. v. State of Andhra Pradesh* (1993), and *T.M.A. Pai Foundation v. State of Karnataka* (2002) form an important foundation for understanding the development of educational rights. The research is non-experimental and relies on documentary evidence rather than primary field surveys.

3.2 Objectives of the Study

The study has the following three objectives:

1. To examine the constitutional provisions and legal guarantees concerning the right to higher education in India, with particular reference to equality, educational accessibility, and social justice.
2. To analyze the role of judicial interpretations and landmark Supreme Court judgments in protecting educational rights and balancing institutional autonomy with constitutional obligations.
3. To identify the major legal, economic, and structural challenges affecting equitable access to higher education in India and suggest appropriate legal and policy reforms.

3.3 Research Hypotheses

The following hypotheses have been formulated in accordance with the research objectives.

Hypothesis 1: Constitutional Guarantees and Higher Education

- H₀₁: Constitutional provisions and legal guarantees do not provide a meaningful framework for protecting access to higher education in India.

- H₁₁: Constitutional provisions and legal guarantees provide a meaningful framework for protecting access to higher education in India.

Hypothesis 2: Judicial Interpretation and Educational Rights

- H₀₂: Judicial interpretations have not substantially influenced the development of educational rights and institutional accountability in higher education.
- H₁₂: Judicial interpretations have substantially influenced the development of educational rights and institutional accountability in higher education.

Hypothesis 3: Legal Challenges and Educational Equality

- H₀₃: Existing constitutional and policy mechanisms adequately address the principal barriers to equitable higher education in India.
- H₁₃: Significant legal, economic, and structural barriers to equitable higher education persist despite existing constitutional and policy mechanisms.

These hypotheses are examined through doctrinal and documentary analysis. They are not subjected to statistical significance testing because the study does not employ a representative survey or experimental dataset.

3.4 Nature and Sources of Data

The present research is based entirely on secondary documentary data, collected from authoritative legal and institutional sources. Primary legal materials include the Constitution of India, constitutional amendments, relevant legislation, and judgments of the Supreme Court of India. Secondary materials include government reports, policy documents, legal commentaries, academic publications, and official higher education statistics. Particular emphasis is placed on the National Education Policy 2020, the All India Survey on Higher Education (AISHE), and the Economic Survey of India. The AISHE 2021–22 report records approximately 4.33 crore students enrolled in higher education and a national Gross Enrolment Ratio of 28.4%, providing a statistical basis for examining educational participation and inequality (Ministry of Education, 2024). The National Education Policy 2020 is examined to understand policy commitments relating to accessibility, affordability, quality, and inclusive development (Ministry of Education, 2020).

3.5 Scope of the Study

The geographical scope of the study is limited to India, with particular emphasis on constitutional law, higher education governance, and Supreme Court jurisprudence. The legal analysis covers major judicial developments from 1992 onward, beginning with *Mohini Jain v. State of Karnataka*. The policy analysis focuses primarily on developments associated with the National Education Policy 2020 and subsequent higher education reforms. The statistical discussion uses published AISHE data, including historical comparisons from 2014–15 onward. The study considers public, private, professional, and minority educational institutions wherever relevant to the constitutional questions under examination. It does not undertake institution-specific field investigations or collect individual student responses.

3.6 Data Analysis and Interpretation

The present study employs descriptive statistical analysis, comparative constitutional analysis, and judicial interpretation to examine the relationship between constitutional guarantees and access to higher education in India. Since the research is doctrinal and based on secondary data,

the analysis integrates official statistics published by the Ministry of Education, the All India Survey on Higher Education (AISHE), constitutional provisions, and landmark judgments of the Supreme Court of India. The statistical analysis focuses on higher education enrolment, Gross Enrolment Ratio (GER), gender participation, Scheduled Caste (SC) and Scheduled Tribe (ST) participation, and educational disparities. The legal analysis evaluates the extent to which constitutional guarantees and judicial decisions address educational equality, affordability, institutional autonomy, and social justice. Percentage growth, percentage-point differences, participation ratios, and comparative indicators are employed to interpret the statistical findings. These measures help identify educational trends and inequalities but do not independently establish whether constitutional rights have been violated.

3.6.1 Analysis of Growth in Higher Education Enrolment in India

The expansion of higher education is an important indicator of India's progress toward improving educational opportunities. According to the Ministry of Education's AISHE 2021–22 report, total enrolment increased from approximately 3.42 crore students in 2014–15 to 4.33 crore students in 2021–22. This represents substantial growth in participation and reflects the increasing importance of higher education for employment, professional development, and socioeconomic mobility. However, higher enrolment does not necessarily imply universal educational accessibility because financial, regional, and social inequalities may continue to influence participation. From a constitutional perspective, the expansion of educational opportunities must therefore be examined alongside the principles of equality under Article 14, non-discrimination under Article 15, and the State's directive responsibility concerning education under Article 41 (Ministry of Education, 2024).

Table 1. Growth of Higher Education Enrolment in India

Indicator	2014–15	2021–22	Change
Total enrolment (crore)	3.42	4.33	+0.91
Male enrolment (crore)	1.85	2.26	+0.41
Female enrolment (crore)	1.57	2.07	+0.50
Gross Enrolment Ratio (%)	23.7	28.4	+4.7 pp
Female GER (%)	22.9	28.5	+5.6 pp

Source: Ministry of Education, Government of India, AISHE 2021–22. Figures are rounded; pp = percentage points.

Formula 1: Percentage Growth Rate

$$Growth\ Rate = \frac{V_f - V_i}{V_i} \times 100$$

Where V_f represents the final value and V_i represents the initial value.

Using total higher education enrolment:

$$= \frac{4.33 - 3.42}{3.42} \times 100$$

Enrolment Growth = 26.61%

The calculated increase of approximately 26.61%, based on rounded enrolment figures, demonstrates significant growth in India's higher education system between 2014–15 and

2021–22. The growth in female enrolment was particularly notable, indicating progress in women's participation. Nevertheless, the increase in national enrolment must be interpreted in relation to the eligible population and the distribution of educational opportunities across socioeconomic groups. The data therefore support the argument that constitutional commitments to equality and educational development require continued attention to the quality and inclusiveness of educational expansion.

3.6.2 Analysis of Gross Enrolment Ratio (GER), 2019–20 to 2023–24

The Gross Enrolment Ratio is an important indicator of participation in higher education. It measures total enrolment in higher education, regardless of students' ages, as a percentage of the population in the official 18–23 age group. The latest published AISHE reports for 2022–23 and 2023–24 were released by the Ministry of Education on 8 July 2026. The available data show that the national GER increased from 25.6% in 2019–20 to 30.0% in 2023–24, reflecting gradual improvement in educational participation. However, the national average conceals continuing differences across gender and social categories (Ministry of Education, 2026).

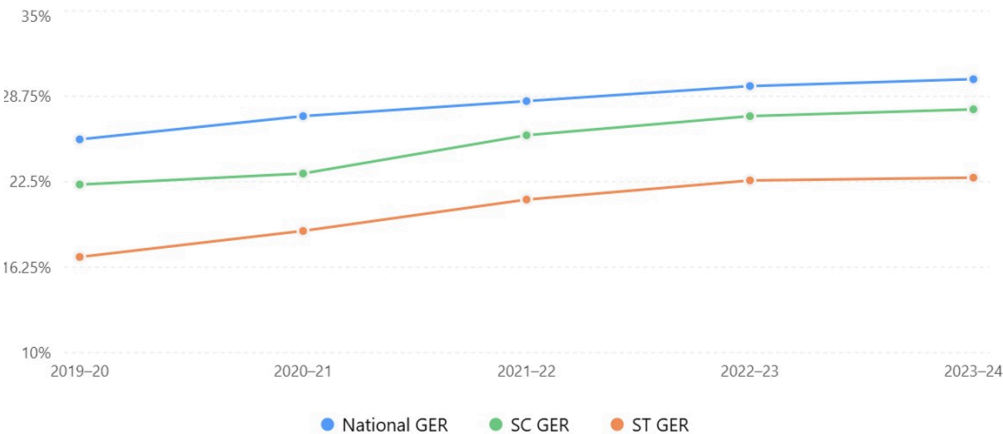
Table 2. Gross Enrolment Ratio in Indian Higher Education (%)

Academic year	Male	Female	Total	SC	ST
2019–20	24.8	26.4	25.6	22.3	17.0
2020–21	26.7	27.9	27.3	23.1	18.9
2021–22	28.3	28.5	28.4	25.9	21.2
2022–23	28.9	30.2	29.5	27.3	22.6
2023–24	28.9	31.2	30.0	27.8	22.8

Source: Ministry of Education, AISHE Final Report 2023–24, Table 47; national GER series.

Higher Education GER Trends in India

Percentage of the 18–23 age-group population, 2019–20 to 2023–24. Source: AISHE 2023–24, Table 47.



Formula 2: Gross Enrolment Ratio

$$GER = \frac{E}{P_{18-23}} \times 100$$

Where:

- E = Total enrolment in higher education, irrespective of age.

- P_{18-23} = Population aged 18–23 years.
- Formula 3: Change in GER

$$\Delta GER = GER_{2023-24} - GER_{2019-20} \\ = 30.0 - 25.6$$

$$= 4.4 \text{ Percentage Points}$$

Interpretation: The increase of 4.4 percentage points over the five academic years demonstrates measurable progress in higher education participation. Nevertheless, the GER of Scheduled Tribe students remained at 22.8% in 2023–24, which was 7.2 percentage points below the national average. These differences demonstrate why educational expansion must be assessed through the constitutional principles of substantive equality, affirmative action, and social justice. Articles 15(4), 15(5), and 46 provide important constitutional foundations for policies intended to address educational disadvantage. However, the GER figures alone cannot establish that a particular institution or government authority has violated these provisions.

3.6.3 Gender Equality and Participation in Higher Education

Gender equality constitutes an important component of the constitutional framework governing educational opportunities. Article 15 prohibits discrimination on the ground of sex, among other specified grounds, while Article 15(3) permits special provisions for women and children. The AISHE statistics demonstrate that female participation in higher education has increased over time. Female GER reached 31.2% in 2023–24, compared with 28.9% for male students. The growing participation of women is a positive development, although national averages do not capture all differences across academic disciplines, geographic areas, and socioeconomic backgrounds (Ministry of Education, 2026).

Table 3. Gender Participation and Gender Parity

Academic year	Male GER (%)	Female GER (%)	Calculated GPI
2019–20	24.8	26.4	1.06
2020–21	26.7	27.9	1.04
2021–22	28.3	28.5	1.01
2022–23	28.9	30.2	1.04
2023–24	28.9	31.2	1.08

Source: Author's calculations from the rounded male and female GER figures in AISHE 2023–24, Table 47. Calculated GPI may differ slightly from officially reported GPI based on unrounded values.

Formula 4: Gender Parity Index (GPI)

$$GPI = \frac{Female\ GER}{Male\ GER}$$

For 2023–24:

$$GPI = \frac{31.2}{28.9} \\ = 1.08$$

A Gender Parity Index of approximately 1.08 indicates that the female GER was about 8% higher than the male GER in 2023–24. This suggests improved aggregate participation by women, but it does not necessarily indicate equality in course selection, educational quality, institutional access, or employment outcomes. Therefore, gender-related constitutional protections remain important even when national participation indicators show favorable results.

3.6.4 Social Inequality and Higher Education Accessibility

The constitutional objective of social justice requires particular attention to educational opportunities among historically disadvantaged communities. Articles 15(4), 15(5), and 46 provide a framework for affirmative-action measures and the promotion of educational interests among weaker sections of society. Official higher education statistics indicate that the participation of Scheduled Caste and Scheduled Tribe students has improved, but substantial differences remain between these groups and the national average.

Table 4. Comparative Analysis of Social-Category GER

Category	GER 2019–20	GER 2023–24	Increase (pp)	Gap from national GER, 2023–24
National average	25.6%	30.0%	4.4	0.0
Scheduled Castes	22.3%	27.8%	5.5	2.2
Scheduled Tribes	17.0%	22.8%	5.8	7.2

Source: AISHE Final Report 2023–24, Table 47; percentage-point increases and gaps calculated by the author.

Formula 5: Educational Participation Gap

$$G_i = GER_N - GER_i$$

Where GER_N is the national GER and GER_i is the GER of a particular social group.

For Scheduled Tribe students in 2023–24:

$$G_{ST} = 30.0 - 22.8$$

$$G_{ST} = 7.2 \text{ percentage points}$$

Formula 6: Relative Participation Index

$$RPI = \frac{GER_i}{GER_N} \times 100$$

For Scheduled Tribe students:

$$RPI_{ST} = \frac{22.8}{30.0} \times 100 = 76.0$$

The Relative Participation Index of 76.0 indicates that the ST GER was equivalent to 76% of the national GER in 2023–24. Although the ST GER increased by 5.8 percentage points between 2019–20 and 2023–24, a substantial participation gap remained. This finding reinforces the importance of targeted educational support, financial assistance, and institutional accessibility. The data are consistent with the continuing relevance of constitutional affirmative-action provisions, but they cannot independently determine the effectiveness of individual reservation policies or establish the causes of unequal participation.

3.6.5 Comparative Analysis of Higher Education Enrolment by Social Category

The expansion of higher education among Scheduled Castes, Scheduled Tribes, and Other Backward Classes is an important indicator of educational inclusion. According to AISHE 2023–24, enrolment among Scheduled Caste students increased from 46.07 lakh in 2014–15 to 69.72 lakh in 2023–24. During the same period, Scheduled Tribe enrolment increased from 16.41 lakh to 28.83 lakh, while OBC enrolment increased from approximately 1.13 crore to 1.80 crore. These figures indicate substantial growth in participation among historically disadvantaged communities. Nevertheless, increasing absolute enrolment does not necessarily eliminate disparities in participation rates, educational quality, or financial accessibility. The findings must therefore be considered in relation to Articles 15 and 46 of the Constitution, which provide important foundations for affirmative action and the promotion of educational interests among disadvantaged sections (Ministry of Education, 2026).

Table 5. Social-Category Enrolment in Higher Education

Social category	2014–15 (lakh)	2023–24 (lakh)	Approx. growth
Scheduled Castes	46.07	69.72	51.3%
Scheduled Tribes	16.41	28.83	75.7%
Other Backward Classes	113.00	180.00	59.3%
Total enrolment, all categories	342.00	450.00	31.6%

Source: Ministry of Education (2026), AISHE 2023–24 press release. Growth percentages calculated from rounded displayed values; official percentages may differ slightly because of rounding.

Formula 7: Social-Category Enrolment Growth

$$G_s = \frac{E_{2023-24} - E_{2014-15}}{E_{2014-15}} \times 100$$

For Scheduled Tribe students:

$$G_{ST} = \frac{28.83 - 16.41}{16.41} \times 100$$
$$G_{ST} \approx 75.7\%$$

Interpretation: Scheduled Tribe enrolment increased by approximately 75.7% over the comparison period, exceeding the approximate percentage growth in total higher education enrolment. This indicates improvement in participation from a comparatively low initial base. However, the 2023–24 ST GER remained below the national GER. Thus, although educational inclusion has improved, continued attention to financial support, educational infrastructure, and geographic accessibility remains necessary. The constitutional significance of these findings relates to the State's responsibility to pursue substantive equality through lawful and appropriately targeted educational policies.

3.6.6 Analysis of Institutional Participation and Data Reliability

The availability of reliable institutional information is important for examining educational accountability. The Ministry of Education reported that 56,180 of 60,380 registered higher educational institutions participated in AISHE 2022–23, while 59,533 of 64,756 registered institutions participated in AISHE 2023–24. Although participation exceeded 90% in both years, the figures also demonstrate that the survey did not receive submissions from every

registered institution. Consequently, AISHE findings must be interpreted in light of the survey's methodology, estimation procedures, and reliance on institutional self-reporting (Ministry of Education, 2026).

Table 6. Institutional Participation in AISHE

Indicator	2022–23	2023–24
Registered institutions	60,380	64,756
Participating institutions	56,180	59,533
Non-participating institutions	4,200	5,223
Calculated participation rate	93.04%	91.93%

Source: Ministry of Education (2026), AISHE 2022–23 and 2023–24 press release. Participation rates and non-participation counts calculated by the author.

Formula 8: Institutional Participation Rate

$$IPR = \frac{\textit{Participating Institutions}}{\textit{Registered Instutitions}} \times 100$$

For 2023–24:

$$IPR = \frac{59,533}{64,756} \times 100$$

IPR = 91.93%

Interpretation: The institutional participation rate of approximately 91.93% demonstrates broad coverage of registered higher educational institutions in AISHE 2023–24. However, the absence of complete institutional participation and the self-reported nature of the data introduce limitations that should be acknowledged in legal and policy research. The figures do not themselves measure compliance with constitutional rights, but they provide an important basis for evaluating the availability and transparency of educational information.

3.6.7 Judicial Analysis of Constitutional Guarantees

The statistical analysis must be supplemented by an examination of constitutional jurisprudence because enrolment indicators cannot independently determine the legal status of higher education. The Supreme Court has considered educational rights through several landmark decisions, particularly those concerning the right to life, equality, private institutional autonomy, fee regulation, and affirmative action.

Table 7. Comparative Analysis of Landmark Judicial Decisions

Judicial decision	Year	Principal issue	Contribution to higher education law
Mohini Jain v. State of Karnataka	1992	Capitation fees and educational rights	Linked education with Article 21 and dignity
Unni Krishnan v. State of Andhra Pradesh	1993	Constitutional scope of educational rights	Distinguished elementary education from higher education

T.M.A. Pai Foundation v. State of Karnataka	2002	Private and minority institutional rights	Established important principles of institutional autonomy
Islamic Academy of Education v. State of Karnataka	2003	Admission and fee regulation	Addressed safeguards against unfair admission and fee practices
P.A. Inamdar v. State of Maharashtra	2005	Regulation of private unaided institutions	Clarified limits on State intervention
Ashoka Kumar Thakur v. Union of India	2008	Reservation in central educational institutions	Examined constitutional affirmative-action measures

Source: Compiled from the cited Supreme Court judgments. This table is a qualitative legal classification, not a statistical measurement of judicial effectiveness.

The judicial analysis demonstrates that higher education occupies a constitutionally important but qualified position. In Mohini Jain (1992), the Supreme Court emphasized the relationship between education and human dignity. However, Unni Krishnan (1993) clarified that the fundamental entitlement to education did not extend without qualification to higher and professional education. Subsequently, T.M.A. Pai Foundation (2002) and P.A. Inamdar (2005) emphasized the constitutional protection of institutional autonomy alongside legitimate regulation. The decision in Ashoka Kumar Thakur (2008) further demonstrated the constitutional relevance of affirmative action in educational admissions. Collectively, these decisions provide legal support for the study's first two research objectives by demonstrating the existence of meaningful constitutional protections and the substantial influence of judicial interpretation on higher education governance.

3.6.8 Assessment of Research Hypotheses

The hypotheses are evaluated through documentary evidence and doctrinal reasoning. Since the study does not use individual-level observations, statistical significance tests such as the t-test, chi-square test, or regression analysis are not appropriate for establishing the legal conclusions.

Table 8. Hypothesis-Wise Assessment

Hypothesis	Evidence considered	Doctrinal assessment
H ₁₁ : Constitutional guarantees provide a meaningful legal framework	Articles 14, 15, 21, 29, 30, 41 and 46; landmark judgments	Supported, with constitutional limitations
H ₁₂ : Judicial interpretations have substantially influenced higher education rights	Decisions from Mohini Jain to Ashoka Kumar Thakur	Supported by the development of legal doctrine
H ₁₃ : Significant barriers persist despite existing constitutional mechanisms	GER disparities, financial and institutional challenges	Supported in relation to continuing participation disparities; causes require further investigation

Source: Author's doctrinal assessment based on constitutional provisions, judicial decisions, and AISHE 2023–24 data.

The first hypothesis is supported by the existence of constitutional provisions that protect equality, non-discrimination, minority educational rights, and aspects of educational opportunity. However, the legal framework does not create an unrestricted right to free university education. The second hypothesis is supported by judicial decisions that have established principles governing admissions, institutional autonomy, fees, and affirmative action. The third hypothesis receives descriptive support from continuing differences in GER, particularly the 7.2-percentage-point gap between the national and Scheduled Tribe GER in 2023–24. Nevertheless, the available data cannot establish that these disparities are caused by particular legal deficiencies or prove the effectiveness of specific reforms.

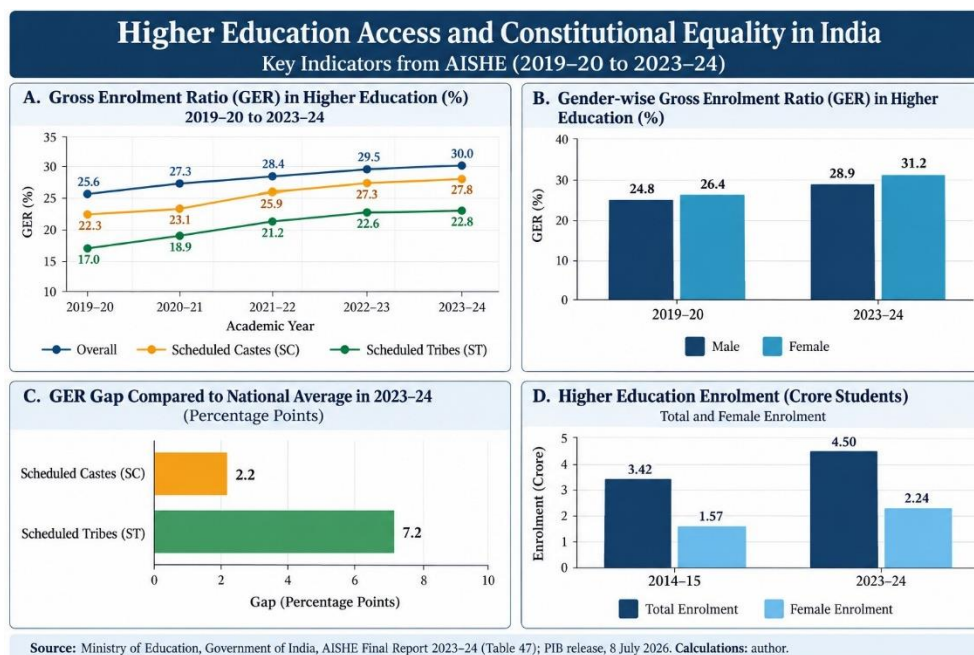


Figure 1(A): Gross Enrolment Ratio in Higher Education (2019–20 to 2023–24)

The graph demonstrates a steady improvement in higher education participation in India, with the national Gross Enrolment Ratio (GER) increasing from 25.6% in 2019–20 to 30.0% in 2023–24. During the same period, Scheduled Caste GER increased from 22.3% to 27.8%, while Scheduled Tribe GER rose from 17.0% to 22.8%. These findings indicate progress in educational inclusion, although participation among disadvantaged communities remains below the national average. The differences highlight the continuing relevance of Articles 15 and 46 of the Indian Constitution in promoting educational equality and social justice (Ministry of Education, 2026).

Figure 1(B): Gender-wise Gross Enrolment Ratio in Higher Education

The graph illustrates improvements in women's participation in higher education. Female GER increased from 26.4% in 2019–20 to 31.2% in 2023–24, while male GER increased from 24.8% to 28.9%. The female GER exceeded the male GER by 2.3 percentage points in 2023–24, indicating positive progress toward gender parity. However, national participation figures do

not necessarily reflect equality across regions, institutions, or academic disciplines. These findings reinforce the importance of constitutional provisions concerning gender equality and non-discrimination (Ministry of Education, 2026).

Figure 1(C): GER Gap Compared to the National Average (2023–24)

The graph highlights continuing inequalities in higher education participation among disadvantaged social groups. In 2023–24, the national GER was 30.0%, compared with 27.8% for Scheduled Castes and 22.8% for Scheduled Tribes. Consequently, the participation gaps were 2.2 and 7.2 percentage points, respectively. These disparities indicate that educational expansion has not eliminated social inequalities. The findings emphasize the importance of affirmative-action measures, financial assistance, and constitutional protections under Articles 15(4), 15(5), and 46 (Ministry of Education, 2026).

Figure 1(D): Growth of Higher Education Enrolment in India (2014–15 to 2023–24)

The graph shows substantial expansion in India's higher education system, with total enrolment increasing from approximately 3.42 crore students in 2014–15 to 4.50 crore in 2023–24, representing growth of approximately 31.6%. Female enrolment also increased from approximately 1.57 crore to 2.24 crore, reflecting improved educational participation among women. These developments indicate progress in educational accessibility, although financial constraints, regional inequalities, and institutional disparities remain important challenges for realizing constitutional objectives of equal educational opportunity (Ministry of Education, 2026).

Findings of the Study

The findings of the present study are derived from constitutional provisions, landmark Supreme Court judgments, and secondary statistical data published by the Ministry of Education through the All India Survey on Higher Education (AISHE). The findings are systematically correlated with the three research objectives and their corresponding hypotheses to examine the constitutional protection of higher education, the role of judicial interpretation, and the persistence of legal and socioeconomic challenges affecting educational accessibility in India.

4.1 Findings Related to Objective 1: Constitutional Guarantees and the Right to Higher Education

Objective 1: To examine the constitutional provisions and legal guarantees concerning the right to higher education in India, with particular reference to equality, educational accessibility, and social justice.

The study reveals that the Constitution of India provides a meaningful legal foundation for protecting educational opportunities through Articles 14, 15, 21, 29, 30, 41, and 46. However, higher education has not been expressly recognized as an independent fundamental right under Article 21A, which guarantees free and compulsory education to children aged six to fourteen years. The judicial interpretation in *Mohini Jain v. State of Karnataka* (1992) emphasized the relationship between education and human dignity, while *Unni Krishnan, J.P. v. State of Andhra Pradesh* (1993) clarified the limitations of the fundamental right to education beyond

fourteen years of age. The statistical findings indicate that India's Gross Enrolment Ratio increased from 25.6% in 2019–20 to 30.0% in 2023–24, representing an improvement of 4.4 percentage points. This expansion demonstrates progress in educational participation, although it does not establish that higher education has become an unconditional constitutional entitlement. The findings suggest that constitutional equality and social justice provisions remain essential for promoting fair educational opportunities and addressing arbitrary exclusion (Ministry of Education, 2026; Mohini Jain, 1992; Unni Krishnan, 1993).

Hypothesis Assessment: The findings support H_{11} , which states that constitutional provisions and legal guarantees provide a meaningful framework for protecting access to higher education in India. Accordingly, H_{01} is not supported by the doctrinal evidence. However, the protection remains qualified rather than constituting a universal fundamental right to free higher education.

4.2 Findings Related to Objective 2: Judicial Interpretations and Institutional Accountability

Objective 2: To analyze the role of judicial interpretations and landmark Supreme Court judgments in protecting educational rights and balancing institutional autonomy with constitutional obligations.

The study establishes that judicial interpretations have substantially influenced the development of educational rights, institutional autonomy, admission procedures, and regulatory accountability in India. The Supreme Court's decisions in *T.M.A. Pai Foundation v. State of Karnataka* (2002), *Islamic Academy of Education v. State of Karnataka* (2003), and *P.A. Inamdar v. State of Maharashtra* (2005) clarified important principles concerning private educational institutions, fee regulation, and fair admission practices. Furthermore, *Ashoka Kumar Thakur v. Union of India* (2008) examined the constitutional validity of affirmative-action measures in central educational institutions, reinforcing the significance of substantive equality. The AISHE 2023–24 data show that female GER reached 31.2%, compared with 28.9% for male students, indicating improvements in women's educational participation. Nevertheless, the statistical improvement cannot be attributed directly to judicial decisions without additional causal evidence. The legal findings demonstrate that the judiciary has established an important framework for reconciling institutional independence with constitutional principles of fairness, non-discrimination, and public accountability (Ministry of Education, 2026; *T.M.A. Pai Foundation*, 2002; *P.A. Inamdar*, 2005).

Hypothesis Assessment: The findings support H_{12} , which states that judicial interpretations have substantially influenced the development of educational rights and institutional accountability in higher education. H_{02} is therefore not supported by the doctrinal analysis.

4.3 Findings Related to Objective 3: Legal Challenges and Educational Equality

Objective 3: To identify the major legal, economic, and structural challenges affecting equitable access to higher education in India and suggest appropriate legal and policy reforms.

The study identifies financial constraints, regional disparities, unequal institutional availability, social disadvantage, and regulatory complexity as important challenges affecting equitable

higher education. According to AISHE 2023–24, the national GER reached 30.0%, while the GER for Scheduled Caste students was 27.8% and for Scheduled Tribe students was 22.8%. Consequently, the participation gaps were 2.2 percentage points for Scheduled Castes and 7.2 percentage points for Scheduled Tribes. Although Scheduled Tribe GER increased from 17.0% in 2019–20 to 22.8% in 2023–24, the continued difference from the national average indicates that educational participation remains uneven. The findings highlight the importance of financial assistance, regional educational investment, transparent admission procedures, and effective implementation of affirmative-action measures. These challenges are particularly relevant to Articles 15(4), 15(5), and 46, which provide constitutional foundations for addressing educational disadvantage (Ministry of Education, 2026).

Hypothesis Assessment: The findings provide descriptive support for H₁₃, which states that significant legal, economic, and structural barriers persist despite existing constitutional and policy mechanisms. H₀₃ is not fully supported. However, the available data establish participation disparities rather than the precise causes of those disparities.

4.4 Summary of Findings in Relation to Objectives and Hypotheses

Research objective	Major findings	Related hypothesis	Assessment
Objective 1: Constitutional guarantees	Articles 14, 15, 21, 29, 30, 41 and 46 provide important protections, but higher education is not an unconditional fundamental right	H ₁₁	Supported by legal analysis
Objective 2: Judicial perspectives	Supreme Court judgments have shaped educational rights, admissions, fees, autonomy and accountability	H ₁₂	Supported by legal analysis
Objective 3: Legal and structural challenges	National GER was 30.0%, compared with SC GER of 27.8% and ST GER of 22.8% in 2023–24	H ₁₃	Descriptively supported; causal claims remain untested

Source: Author's analysis based on constitutional provisions, Supreme Court judgments, and AISHE 2023–24 (Ministry of Education, 2026).

The overall findings indicate that the right to higher education in India is supported by important constitutional guarantees and judicial interpretations, although it has not been expressly recognized as an unconditional fundamental right. The country's higher education system has experienced substantial expansion, with total enrolment increasing from approximately 3.42 crore in 2014–15 to 4.50 crore in 2023–24, representing growth of approximately 31.6%. The national GER increased to 30.0%, while female GER reached 31.2%, demonstrating improvements in educational participation and gender inclusion. Nevertheless, the continuing participation gaps of 2.2 percentage points for Scheduled Castes and 7.2 percentage points for Scheduled Tribes demonstrate that educational opportunities remain unevenly distributed. The judicial analysis confirms that Supreme Court decisions have

contributed significantly to the development of educational rights, institutional autonomy, and regulatory principles. Accordingly, the study finds doctrinal support for the first two alternative hypotheses and descriptive support for the third. It concludes that achieving equitable higher education requires stronger implementation of constitutional principles, targeted public investment, financial support for disadvantaged students, transparent institutional regulation, and sustained efforts to reduce educational disparities.

Conclusion

The present study concludes that the right to higher education in India is supported by constitutional principles of equality, dignity, social justice, and educational opportunity, although it is not expressly guaranteed as an independent fundamental right. Judicial decisions, particularly *Mohini Jain* (1992), *Unni Krishnan* (1993), and *T.M.A. Pai Foundation* (2002), have significantly influenced the legal framework governing educational access, institutional autonomy, and accountability. According to AISHE 2023–24, total higher education enrolment increased from approximately 3.42 crore in 2014–15 to 4.50 crore in 2023–24, while the Gross Enrolment Ratio reached 30.0%. Female GER increased to 31.2%, demonstrating progress toward gender inclusion. However, the GER of Scheduled Castes (27.8%) and Scheduled Tribes (22.8%) remained below the national average, highlighting persistent educational inequalities. The findings support the study's three alternative hypotheses through doctrinal and descriptive evidence and emphasize the need for stronger constitutional safeguards, affordable education, transparent institutional regulation, and inclusive policies. The study concludes that achieving equitable higher education requires coordinated judicial, legislative, and policy interventions to strengthen educational accessibility and advance India's constitutional commitment to social justice (Ministry of Education, 2026).

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