



## Unequal access to Online Learning Platforms: Examining How the Digital Divide undermines the implementation of the Right to Education in rural areas

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### Abstract

The swift transition into digital education has further compounded the pre-existing disparities on access to education especially in rural regions where technological infrastructure is still insufficient. This paper discusses ways in which the digital divide hinders proper realization of the right to education that is a basic and internationally acknowledged human right. It examines the legal and policy framework of educational access, specifically referring to constitutional provisions, international obligations and digital educational initiatives. It also examines the structural obstacles, including internet access, internet illiteracy, and socio-economic differences that influence isolated communities at a higher rate. Evaluating the effect of disparate access to online education services, the paper identifies the consequent educational marginalization and violation of rights. It ends with policy suggestions to close the digital divide and provide inclusive and equitable access to education in rural settings.

**Keywords:** Digital divide, right to education, online learning, rural inequality, educational access

### Introduction

Digitization in education has greatly changed the traditional education system especially as online platforms are used more frequently. Although digital education is increasing access and flexibility, it has revealed chronic disparities in access to technological resources. In the rural regions, insufficient internet access, absence of electronic gadgets, and insufficient digital literacy are barriers to successful engagement in online learning. This gap, popularly known as the digital divide, begs the issue of concern over the actualization of the right to education, which is a constitutional and international right to education. The growth of digital learning is progressive but can widen the existing inequalities in education provided they are accessed unequally.

### Background of the Study

The idea of the digital divide has become popular with the spread of information and communication technologies with the focus on inequalities in access to digital infrastructure. This problem was especially noticeable during the COVID-19 pandemic, when schools switched to the online system of education. In India, with a large number of the population living in rural communities, several students were forced out because they did not have access to devices and reliable internet connections. Despite the right to education being enshrined in Article 21A of the Constitution of India and being backed by statutory provisions, the switch to digital education has added new obstacles that put the practicality of its realization into question.

### 1. Significance of the Study

This paper explores the nexus between digital inequality and right to education in rural settings. It brings to light the discriminatory nature of discrepancies in digital accessibility to educational equity and hindering the achievement of one of the paramount human rights. The research is relevant to the current legal and policy discussions because the researcher has determined loopholes

in the application of learning rights within the digital age. It also offers grounds where more inclusive policies can be drawn that can work out technological disparities and allow equal access to education.

### 2. Scope of the Study

This research will be narrowed down to the effects of the digital divide on the realization of the right to education in rural communities. It dwells on the legal, infrastructural and socio-economic barriers to access to online education. The research principally makes use of the secondary sources including academic literature, governmental reports, and legal documents. Although the main target is India, international views are also involved as they are considered to offer a global perspective of the issue.

### Conceptual Framework: Digital Divide and Right To Education

The increased reliance of digital technologies in education has radically changed the paradigm of the perception and implementation of the right to education. In the modern society, the possibility to engage in the learning process does not require a visit to an educational institution anymore but means access to digital tools and an internet connection. Inequality in access to these resources has however led to structural inequality that negatively affects the effective achievement of the rights to education. The conceptual representation of the digital divide and the historical development of the right to education is thus vital to determine the impact of technological inequalities on educational inclusion and equity.

### 1. Concept of Digital Divide

The digital divide is largely considered to be the disparity in access to, use of, and the benefits, which are brought about by the use of digital technologies. It does not only dwell on physical access, it also entails the difference in digital skills and being able to use technology fully. It has been highlighted by scholars that the divide exists at a variety of levels, including access divide, usage divide, and quality of

use divide, each of which results in social and economic inequalities. These inequalities are exacerbated in rural settings because of inadequate infrastructures, reduced income, and institutional backup, which all limit access to online learning platforms. Therefore, the digital divide is a complex issue with serious educational access and social justice.

## **2. Evolution of the Right to Education**

The right to education has gradually evolved in the form of international conventions and national legal frameworks as one of the pillars of human development. The Convention on the Rights of the Child, 1989<sup>[9]</sup>, points out that states have the duty of ensuring primary education is available and mandatory to every student. Moreover, the Incheon Declaration and Framework of Action (Education 2030) supports the pledge of the inclusive and equitable quality education as the sustainable development goal 4. Judicial interpretation in the Indian context has been very crucial as the means of identifying the aspect of education as a part of the right to life and dignity even before its explicit inclusion in the Constitution. This development is an indication of a transition no longer being to access educational opportunities but to quality, inclusivity and equality in educational opportunities.

## **3. Digital Access and Educational Rights Relationship**

With the current digital age, the achievement of the right to education is strongly connected with digital infrastructure access. The adoption of the online learning platforms has increased access to education but has also put a new exclusion pattern to individuals who are not digitally enabled. Lack of sound internet connectivity and digital resources is a sure way of depriving students of access to new and innovative systems of education and thus compromises the ideals of equal opportunity. This interdependency identifies the requirement to ensure that states focus on a rights-based approach that entails the digital inclusion as a key issue in the educational policy. It is thus important to make sure that digital access is equitable to ensure that the substantive realization of the right to education in modern society is met.

## **4. Objectives of The Study**

The paper seeks to reflectively analyze how the lack of access to digital learning platforms equally affects the achievement of the right to education, especially in rural communities. As we continue to rely more and more on technology in the learning process, it is necessary to evaluate whether legal and policy frameworks are sufficient to manage emerging inequalities due to the digital divide. The research aims to investigate the structural, legal, and socio-economic aspects of digital exclusion and its effect on the access to and equity in education. It also strives to make a contribution to the further discussion of the provision of inclusive education in the digital age by establishing the gaps and suggesting informed policy interventions.

### **4.1 Primary Objectives**

The main aim of the research is to examine the impact of the digital divide on the successful application of the right to education within a rural setting. It also aims at investigating whether the transition to online learning platform has caused indirect discrimination and unequal education opportunities. Also, the research tries to determine the sufficiency of

current legal and institutional frameworks in protecting the educational rights in a digitally transforming society.

## **4.2 Secondary Objectives**

The secondary objectives are to identify the major causes of the digital divide which can be lack of infrastructure, financial factors and the illiteracy of the digital. The research also aims to evaluate how the government policies and initiatives can close the digital divide. Moreover, it attempts to propose some steps toward improving digital inclusion and providing marginalized and rural people with quality education opportunities in an equal manner.

## **5. Literature Review**

The problem of digital inequality and its role in education has gained a great academic interest during the recent years. As pointed out in the existing literature, although digital technologies can have a positive impact in terms of democratizing education, they tend to cement previously existing socio-economic differences. Researchers have investigated the digital divide not only as a technological divide but as a multi-dimensional phenomenon which influences access, skills and outcomes. Regarding education, research focuses on the fact that inequitable access to digital infrastructure has a direct impact on students and their possibilities to engage in online learning, consequently impacting educational equity and inclusion.

### **5.1 Review of National Studies**

Within the Indian context, a number of studies have been done to explore the issue of the digital divide menace in the education sector. According to a report released by National Sample Survey Office (NSSO), only a minor proportion of rural households have internet and access to computers, which further shows there is a sharp disparity between rural and urban areas in India and another study by the Azim Premji University of the effects of schools closing in the COVID-19 pandemic showed that most students in rural regions had problems accessing online education because of devices and connection issues. According to another study conducted by National Council of Educational Research and Training (NCERT), the presence of digital illiteracy between parents and pupils created a further barrier towards effective

### **5.2 Review of International Studies**

On the international level, the level of research has covered the relationship between education and digital access in an in-depth manner. A report by Organization for Economic Co-operation and Development revealed that disadvantaged students have lower access to digital devices and access to a favorable learning environment, which further increases educational inequalities, which are further reinforced through academic research that digital inequality is closely related to other problems of social exclusion.

### **5.3 Research Gap**

Although the digital divide and education have been studied extensively, the legal aspect of the matter, especially regarding the right to education, is not well represented. The focus of most research is on technological and socio-economic quotient, with the lack of appropriate attention on the impact of digital inequality on the enforceability of educational rights. Also, there is lack of detailed analysis that combines the provisions of the constitution, the policy

and the ground realities in the rural regions. This paper aims to fill this gap by using a legal approach to analyzing the importance of the digital divide on the right to education implementation and to suggest ways of solving the issue.

## **6. Research Methodology**

This research takes the form of a doctrinal and analytical research approach to understand the effects of the digital divide to the exercise of the right to an education in the rural regions. Since the research issue is at the cross of the law and the socio-economic policy, the study is interdisciplinary in combining legal analysis with information gathered in the form of empirical reports. The doctrinal approach allows a close analysis of the provisions in the constitution, the statutory systems, and the judicial rulings whereas the analytical approach considers their effectiveness in curbing the digital disparity in education.

### **6.1 Research Design**

This research is qualitative and its design is descriptive and analytical. The descriptive part is employed to describe the current situation with digital access and educational infrastructure in rural communities, and the analytical one critically reviews legal and policy reactions. This is a method commonly used in legal research when analyzing the disjuncture between legal theory and legal practice.

### **6.2 Sources of Data**

It is a research that relies on secondary sources of information. These encompass provisions of the constitution like Article 21A of the Constitution of India, the Right of Children to Free and Compulsory Education Act, 2009 and pertinent judicial rulings. Furthermore, the statutory and regulatory reports of such authorities as the Telecom Regulatory Authority of India (TRAI) and international organizations are considered to learn the tendencies of digital access. Peer reviewed journal articles and books are also consulted in aid of the analysis.

### **6.3 Methods of Data Collection**

The information is gathered with the help of systematic reviewing of legal articles, policy reports, and scholarly literature. The case of judicial pronouncements is examined to comprehend the changing vision of the right to education, whereas policy documents and institutional reports are considered to evaluate the attempts at being inclusive in relation to the digital world. This approach will be used to ensure that the study relies on credible, verifiable, and authoritative sources, thus, a rigorous approach to academics.

### **6.4 Limitations of the Study**

The researchers also have a limitation in the fact that they used secondary sources and they might not be enough to qualify recent or region specific development in rural settings. The lack of first-hand information, like the field survey or the interview, limits the presence of personal point of views. Additionally, there are differences between data collection and reporting procedures among various sources that can also influence consistency in analyses. Despite these shortcomings, the study provides a well-organized and valid study of the problem in the scope of the study.

## **7. Digital Access and Right To Education Law And Policy**

The legal and policy framework emphasizing the right to education in the digital age is synonymous with a blend of

the constitutional provisions, international commitments and the efforts by the government. Although the right to education is ensured by the law, the introduction of the digital learning has introduced new issues concerning access and equal opportunities. To solve the digital divide, it is important to interpret the current legal stipulations as they relate to technological changes and to be sure that the policies are conducive to delivering digital access to everyone.

### **7.1 Constitutional rights to Education**

In India, education is a fundamental right in the constitution of Article 21A of the Indian constitution which outlines that the State must provide free and compulsory education to children aged between six to fourteen years. The Constitution (Eighty-sixth Amendment) Act, 2002, put this provision in because of the importance the State has put on universal education. This mandate is operationalized in the Right of Children to Free and Compulsory Education Act of 2009 which sets standards of access to, the quality and non-discrimination of education. The interpretation by the judicial has gone a step further to broaden this right by associating it with the umbrella right to life and dignity in Article 21. Within digital education, these provisions provide the State with the obligation of making sure that the technological obstacles do not prevent the right to access an education.

### **7.2 International Legal Instruments**

Several international legal instruments also identify the right to education. The Universal Declaration of Human Rights, 1948 confirms that all people are entitled to education, and it is important to note that it is both accessible and equal. On the same note, the international covenant on Economic, Social and Cultural rights, 1966 binds State Parties to the progressive realization of education without any form of discrimination. The Convention on the Rights of the Child, 1989<sup>[9]</sup> also strengthens the need to ensure that education is made available to every child. Over the past few years, the world has made several commitments like the Sustainable Development Goal 4 that underline the importance of inclusive and even equitable quality education, and the contribution of technology to this goal. All these tools put a responsibility on States to make their education systems compatible with the digital era so as to be inclusive.

### **7.3 Digital Education Government Policies**

The Government of India has come up with a number of policies and initiatives to enhance the digital education and close the digital divide. The National Education Policy, 2020 acknowledges the significance of technology in education and requests the inclusion of digital tools in order to improve learning outcomes. Programs like the Digital India programme and the PM eVIDYA scheme are meant to increase digital infrastructure and offer online learning opportunities to students throughout the nation. In spite of these endeavors, the issues of accessibility, affordability, as well as digital illiteracy still affect the rural people. Thus, the inclusion and effective implementation is the key to making sure that digital education can contribute to the right to education, instead of negating it.

## **8. Digital Divide In Rural Areas: Major Problems And Determinants**

The infrastructural, economic, and social factors that influence the digital divide in rural settings determine inequalities in accessing digital education. Although digital

platforms have increased access to education, the distribution of their benefits is unequal because of the difference in connectivity, affordability, and social situations. The rural setting aggravates these difficulties, and access to online learning, in turn, becomes a major hindrance to the achievement of the right to education.

### **8.1 Technological Barriers (Internet, Devices, and Electricity)**

One of the major barriers to digital inclusion in the rural communities is technological constraints. The availability of good internet connectivity is still low, with the wide gaps between cities and towns with respect to broadband uptake. However, digital devices like smartphones, tablets, and computers are also subject to economic constraints, meaning that they are either not available at all or shared among students. Whereas the recent years have seen some improvement in the process of electrification, uneven distribution of electricity supply remains an issue that affects the functionality of digital devices and web services. All of these infrastructural gaps are barriers to effective use of digital learning and strengthen educational inequalities.

### **8.2 Socio-economic Factors**

Digital access to education is greatly affected by the socio-economic situation. Families living in rural communities are usually financially crippled to cater to internet services and other digital devices. Reduced awareness and a lack of capacity to aid digital learning occurs due to income inequality and reduced education levels of parents. Moreover, economically disadvantaged students are disproportionately impacted because they do not receive institutional and domestic support of online learning. All these contribute to disparity in learning chances and widen the learning gap.

### **8.3 Gender and Social Inequality**

Digital divide has been further aggravated by gender and social inequalities in the rural areas. There are reasons to believe that women and girls have poorer access to mobile phones and internet services than men, especially in developing areas. Girls are often denied access to digital education because of social norms and intra-household distribution of resources which are often focused on male members. Also, marginalized groups, such as Scheduled Castes and Scheduled Tribes, are disadvantaged structurally and have limited access to digital learning platforms. These disparities prove that the digital divide lies in the deep-rooted social structures and has to be addressed specially to enable all people to have access to education.

## **9 Effects Of Digital Disparity On The Right To Education**

The imbalance in the access to digital resources has impacted on the fulfillment of the right to education, especially among rural and marginalized populations. The growing dependence on online platforms of learning has turned access to technology into a condition of education. Nevertheless, unequal connectivity and affordability has led to unequal access, thus compromising the value of equal opportunity in education. The digital divide has not only the effect of access but also learning outcomes as well as the overall legal framework of educational rights.

### **9.1 Obstacles to Online Learning Platforms**

Restrictions to online access to the internet and digital technology pose significant obstacles to online education. Lack of personal devices and poor network coverage are

some of the problems that students in rural areas have whenever accessing virtual classes. Also, internet services and digital tools are too expensive and limit access to economically weaker groups. These obstacles make it impossible to sustain online learning experiences, which leads to the lack of participation in the formal learning activities and the efficiency of digital education programs.

### **9.2 Educational Inequality and Learning Loss**

Digital divide has also heightened the inequality in education by bringing unequal learning opportunities and outcomes. Those students who have sufficient access to digital equipment can proceed with their studies without interruption, whereas students who do not have this factor suffer serious learning losses. It is reported that the achievement gap between other socio-economic groups has been increased due to extensive school closures and the use of online educational opportunities during the COVID-19 pandemic. The implication of this unequal access on academic performance is not only short term but long term implications on the development of skills and employability.

### **9.3 Legal Implication and Right Infringement**

The isolation of students in digital learning creates some legal issues in terms of infringing the right to education. The inability to provide equitable access to digital capabilities when it becomes a necessity in online learning can constitute indirect discrimination and the refusal of the right to education. Courts have stressed on the fact that the right to education needs to be addressed in a way that guarantees meaningful and effective access. It is in this sense that the State has a role to play in dealing with digital inequalities and making sure that technological innovations do not pose a barrier to the basic rights. The digital divide persistence in this regard therefore underscores the necessity of the right based approach to digital education policies.

## **Findings And Discussion**

### **1. Key Findings**

The research is able to indicate that disparity in access to digital infrastructure is one of the main obstacles to the achievement of a right to education in rural communities. Poor internet access, inability to afford digital technology, and unreliable electricity connection also limit access of students to online education. This gap is further promoted by socio-economic disadvantages where marginalized communities are disproportionately excluded. Gender inequalities are also present, restricting both girls and continuing to support the already existing inequalities.

### **2. Critical Analysis**

The results show that although the legal framework officially establishes the right to education, the actual application is limited by the inequalities in technology. The move towards online education has revealed a discrepancy between legal and real access. This is due to the fact that there are no clear-cut legal provisions to cater to digital access and therefore the deprived groups find it impossible to enjoy equal opportunities in education.

### **3. Policy Implications**

The paper reminds that there is a necessity to incorporate the digital access into the learning rights context. There should be a rural digital infrastructure policy; affordable

connection policy and inclusive devices policy. The rights-based approach is also necessary so that digital transformation in education does not destroy equality but enhances universal access.

## Conclusion and Recommendations

### Conclusion

The paper concludes by assuming that the digital divide has become a grave threat to the successful implementation of the right to education in the rural regions. Despite the legal provisions which acknowledge education as being a fundamental right, disparate accessibility to digital sources has curtailed practical application of the concept. Digital education will only serve to strengthen existing inequalities without curbing them unless some actions are taken to mitigate these disparities.

### Policy Reform Suggestions

Specific policy initiatives are required to close the digital divide, such as increasing rural internet connectivity, subsidizing digital devices and devices, and digital literacy. The collaboration between the government and the non-governmental stakeholders can be enhanced to strengthen the coverage and the impact of the digital education programs.

### Future Scope of Research

Further studies can be carried out with a focus on the peculiarities of regions and the usefulness of digital education policies, with comparative or empirical research. The continued investigation of the changes of the legal frameworks tackling the issue of digital inclusion may also be utilized to consolidate the right to education in the digital era.

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