



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

THE RIGHT TO EDUCATION ACT: IMPLEMENTATION AND IMPACT

~Shubham Yadav

Introduction

Education is widely regarded as the foundation of a just and equal society, but for decades following India's Independence, education was treated in India as an abstract constitutional ideal rather than as a concrete fundamental right. Article 45, contained in the list of Directive Principles of State Policy, simply asked the State to work towards ensuring that all children had free and compulsory education until they reached the age of fourteen years, but being non-justiciable, it did not create any such right which the child could exercise before a court of law. This void was gradually filled by the Indian Judiciary. In *Mohini Jain v. State of Karnataka*, it was declared that the right to education arises out of the right to life contained in Article 21¹. This judgment was modified after one year in *Unni Krishnan, J.P. v. State of Andhra Pradesh* wherein the Court stated that right to education is fundamental only till the age of fourteen after which it becomes contingent the financial capability of the State. This paved way for Constitution (Eighty-Sixth Amendment) Act, 2002 which made Article 21A as part of the constitution and converted a directive principle into fundamental right². For giving effect to the same, Parliament enacted the Right of Children to Free and Compulsory Education Act, 2009, which came into force on 1 April 2010³.

Key Features of the Act

Right to Education Act or RTE Act is an important legislation not only because it proclaims a right but also elaborates on how to enforce it. As per Section 3, each child aged six to fourteen is

¹Mohini Jain v. State of Karnataka, (1992) 3 S.C.C. 666.

²The Constitution (Eighty-Sixth Amendment) Act, 2002, INDIA CODE (2002), inserting art. 21A.

³The Right of Children to Free and Compulsory Education Act, No. 35 of 2009.

guaranteed by law the right to free and compulsory admission, attendance and completion of elementary education in a neighbourhood school. Section 12(1)(c) of the Act obliges the private unaided schools to reserve a minimum of 25 percent of entry-level seats to the children from weaker sections and disadvantaged groups with reimbursement of corresponding per child cost by the State⁴. The Act further prescribes pupil-teacher ratios and infrastructure norms under its Schedule, mandates minimum qualifications for teachers, and prohibits capitation fees, screening procedures, physical punishment, and the detention or expulsion of a child until the completion of elementary education.

Implementation Challenges

The transition from statutory text to classroom reality has been uneven. According to the data of the Unified District Information System for Education, there is a huge number of schools which do not meet the criteria set by the Schedule such as toilet facility for girls, library and pupil-teacher ratio etc⁵. The reimbursement aspect under Section 12(1)(c) remains highly controversial and many private schools in various states have approached the court on grounds of insufficient payment. In fact, the constitutional validity of Section 12(1)(c) was raised in the case of *Society for Unaided Private Schools of Rajasthan v. Union of India* where the Supreme Court held that Section 12(1)(c) was a reasonable restriction on the right to carry on any profession/occupation under Article 19(1)(g) of the Constitution. But the Supreme Court had exempted unaided minority schools from Section 12(1)(c)⁶. The issue of exemption of minority schools from the Right to Education Act has recently been re-considered by a five-judge bench in *Pramati Educational and Cultural Trust v. Union of India*, which affirmed that Article 21A and the RTE Act cannot be extended to unaided minority schools without impairing the protection guaranteed to them under Article 30(1)⁷. These decisions illustrate the judiciary's continuing role in calibrating the Act's reach against competing constitutional guarantees.

Impact on Enrolment and Learning

From the perspective of access alone, the influence of the RTE Act is quite significant. The Annual Status of Education Report 2024 issued by the Pratham Education Foundation has indicated over 95% enrolment of children between the ages of six and fourteen in elementary schools across rural areas of India for well over a decade now⁸. However, the very same Annual

⁴RTE Act, 2009, § 12(1)(c).

⁵Ministry of Education, Govt. of India, Unified District Information System for Education Plus (UDISE+) 2023-24, at 4 (2024).

⁶*Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 S.C.C.

⁷*Pramati Educational & Cultural Trust v. Union of India*, (2014) 8 S.C.C.

⁸ASER Centre, Annual Status of Education Report (Rural) 2024, at 8 (Pratham Educ. Found. 2025).

Report highlights the inadequacies of such an approach: while overall enrolment rates have continued to remain strong, proficiency in basic reading and arithmetic skills among children enrolled in Standard III and Standard V has failed to meet grade-level standards, despite the obvious improvements that have occurred post-pandemic. This gap between enrolment and learning has come to be described as a 'learning crisis.' Clearly, the success of the Act in enrolling children in schools has not been complemented with a corresponding improvement in their learning inside school classrooms.

Conclusion

The Right to Education Act has converted the education policy of India from philanthropy-based to an entitlement-based one, the results of which have already become evident in terms of enrolment figures. However, there cannot be any question about implementation of such policies, as evidenced by the fact that while enrolment figures are good, learning outcomes are poor, which indicates that reforms in the Indian education system should continue with an emphasis on improving the quality of education. In fact, as was suggested in the National Education Policy, 2020, there should be a focus on teacher accountability and quality of education, especially early years learning. Regular judicial oversight, sufficient budget allocation to the states, and continuous monitoring using tools like Annual Status of Education Report will show whether the provision of Article 21A has become reality.