

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.
All rights reserved.**

ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

RIGHT TO EDUCATION IN INDIA: AN ASSESSMENT

AUTHORED BY - SIMRANJEET KAUR

ABSTRACT

The Right to Education (RTE) in India represents a significant change in the country's education system. By making education a basic right for children aged 6 to 14 and putting it into action with the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act), India showed its strong commitment to providing universal education. This paper offers a thorough examination of the RTE, looking at its constitutional basis, how well it has been put into practice, ongoing challenges, and future policy suggestions. By analyzing enrollment trends, learning results, support for vulnerable groups, quality measures, and governance systems, this study reveals that although access to education has greatly increased, there are still major issues regarding quality, fairness, accountability, funding, infrastructure, and effective learning outcomes.

1. Introduction

Education is widely recognized as a key element for human growth, social advancement, economic involvement, and participation in democracy. In India, education has long been shaped by issues like social inequality, caste and gender differences, geographic barriers, and lack of resources. A major change occurred when the Indian government established the Right to Education as a constitutional promise. This commitment is defined in Article 21A (added by the 86th Amendment in 2002) and was further supported by the Right of Children to Free and Compulsory Education Act of 2009, which legally required the state to ensure that every child has access to education regardless of their social or economic status.

This research paper takes a close look at the philosophical ideas behind the Right to Education (RTE), its legal foundation, how it is being implemented, indicators of progress, institutional structures, and any gaps that prevent it from achieving its goals. The study combines theoretical frameworks with real evidence from national education surveys, government data, and academic analyses to provide a thorough understanding of this topic.

2. Historical background and constitutional framework

2.1 Education Policy Before and After Independence

Before India gained independence, formal education was mainly available to the wealthy elite, leaving rural areas and marginalized groups with little access. The British colonial system set up missionary and government schools, but these were often of poor quality and unequal in availability. Once India became independent, the leaders made education a key focus in their plans. The University Education Commission (1948–49) and the Secondary Education Commission (1952–53) highlighted the importance of providing education to everyone and updating the curriculum. Despite these efforts, education was still seen more as a goal in policies rather than a right that could be enforced.

2.2 Constitutional Provisions Before the 86th Amendment

When India adopted its Constitution in 1950, it did not recognize education as a fundamental right. Instead, it highlighted the importance of education through guiding principles and the duties of citizens:

- **Article 45:** This article initially required the government to ensure free and compulsory education for children until they turned 14. It was part of the Directive Principles, which are guidelines that cannot be enforced by law.
- **Article 51A (k):** After the 42nd Amendment in 1976, this article established that it is a fundamental duty for parents or guardians to provide educational opportunities for children aged 6 to 14.

However, neither of these articles created rights that could be legally enforced.

2.3 The 86th Constitutional Amendment, 2002

In 2002, the Indian government changed the Constitution with the 86th Amendment by adding Article 21A. This article clearly declared that “The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.” This change shifted education from just a goal to a basic right, greatly changing the legal framework for education.

2.4 Right of Children to Free and Compulsory Education Act, 2009

The Right of Children to Free and Compulsory Education Act, 2009, commonly referred to as the RTE Act, put into action the constitutional requirement. It became effective on April 1, 2010.

Key features of the RTE Act include:

- **Free and Compulsory Education:** Education is provided at no cost and is mandatory for children between the ages of 6 and 14 (Sections 3–4).
- **No Detention Policy:** Students cannot be retained or expelled until they finish elementary school (up to Class VIII) (Section 16).
- **Norms and Standards:** Schools must meet minimum infrastructure requirements, including classrooms, toilets, drinking water, and libraries (Section 19).
- **Teacher Qualifications and Pupil–Teacher Ratios:** The act sets professional standards for teachers and establishes required ratios (Sections 23–24).
- **Reservation of Seats:** A significant provision allows for a 25% reservation for economically weaker sections (EWS) in private unaided schools (Section 12(1)(c)).
- **School Management Committees (SMCs):** The act encourages community involvement in school governance through committees that include parents and local members (Section 21).

In summary, the RTE Act aims to ensure that all children have access to education while also maintaining a standard quality of elementary education throughout India.

3. Implementation Mechanisms of RTE

3.1 Federal Structure and Decentralization

In India, education is a topic that both the Central and State governments can work on together. The Central government sets general rules, while the states handle the actual implementation and adjust policies to fit their specific needs. This system helps make education more flexible, but it can also lead to differences in how well the policies are put into action.

3.2 Institutional Arrangements

3.2.1 Ministry of Education (MoE)

The Union Ministry of Education, which was previously known as MHRD, guides national policies, provides funding, sets curriculum standards, and conducts regular assessments like the National Achievement Survey (NAS).

3.2.2 State Education Departments

State governments carry out the Right to Education (RTE) through their administrative departments by hiring teachers, providing necessary infrastructure, and ensuring compliance with the law.

3.2.3 District and Local Bodies

District education officers, block education officers, and School Management Committees (SMCs) work together to help with implementation, address complaints, and encourage community involvement.

4. Achievements and Positive Results

4.1 Increase in Enrollment

Since the introduction of the Right to Education (RTE), India has seen a significant rise in school enrollment for primary and upper elementary grades. National statistics show that the enrollment rates for children aged 6 to 14 climbed above 95% just a few years after RTE started, indicating almost complete access to education.

- **Improved Gender Equality:** The difference in enrollment between boys and girls has greatly decreased at both the primary and upper elementary levels.
- **Fewer Drop-Outs:** Initiatives like mid-day meals, free uniforms, and textbooks have helped lower the number of students dropping out of school.

4.2 Inclusive Access Through Reservation

The 25% quota for private schools, required by Section 12(1)(c), was a significant move to bring economically disadvantaged children into regular schools. By requiring private schools to accept EWS children without charging tuition, this law made it easier for these kids to attend school and promoted social inclusion.

4.3 Improvements in Infrastructure

While progress has varied, many schools have enhanced their facilities with:

- Enough classrooms
- Safe boundary walls
- Separate restrooms for boys and girls
- Access to drinking water

These improvements used to be significant obstacles to student attendance.

4.4 Involvement of the Community

The establishment of School Management Committees (SMCs) aims to encourage local responsibility. SMCs create opportunities for parents to share their opinions, allow the community to monitor school activities, and support decision-making at a local level.

5. Challenges in Implementation: A Critical Assessment

Even though the legal framework of RTE is strong, its implementation reveals ongoing issues that limit its effectiveness.

5.1 Quality of Education and Learning Outcomes

One major concern is the difference between access to education and actual learning results:

- **Low Learning Levels:** Reports like ASER (Annual Status of Education Report) and NAS show that many young students in elementary grades find it hard to read and do basic math.
- **Curriculum Limitations:** The RTE's emphasis on minimum standards doesn't automatically ensure high-quality teaching methods.
- **Teacher Capacity Issues:** Problems such as insufficient teacher training, lack of ongoing professional development, and no effective evaluation systems harm the quality of instruction.

5.2 Infrastructure Shortcomings and Uneven Standards

Even though there are rules in place, many schools—particularly those in rural and remote locations—still lack essential facilities:

- There are not enough classrooms, which forces teachers to manage multiple grades at once without giving each student enough attention.
- Schools do not have libraries or teaching materials that support comprehensive learning.
- Unreliable electricity and internet access limits the use of technology in education.

5.3 Teacher Shortages, Hiring, and Responsibility

- **Vacancy Rates:** Many states face a high number of unfilled teacher positions.
- **Absenteeism:** The absence of both teachers and students reduces valuable instructional time.
- **Temporary Hiring Practices:** Some states hire temporary or contract teachers who do not have job security or proper training, which affects the quality of education.

5.4 Financial Limitations and Resource Distribution

India's spending on education has generally been about 3–4% of its GDP, which is lower than

UNESCO's suggested level of 6%. This lack of funding affects:

- Improvements in infrastructure
- Development of teacher skills
- Updates to the curriculum
- Systems for monitoring and evaluation

The system of decentralization needs well-funded local organizations, which often do not exist.

5.5 Exclusion of At-Risk Groups

Even with strong policies in place, many marginalized groups still encounter barriers that exclude them:

5.5.1 Children with Disabilities (CwDs)

Many schools still do not have adequate physical access for students with disabilities. Moreover, there is a shortage of teacher training focused on inclusive teaching methods and learning tools for these children.

5.5.2 Nomadic, Migrant, and Tribal Communities

Children from moving or remote communities struggle with irregular schooling because there are not enough flexible education options and they often face language challenges.

5.6 Operational Challenges of the 25% Reservation Provision

Even though the idea of a 25% reservation for certain students is groundbreaking, putting it into practice has been tough due to several challenges:

- **Late Payments:** Private schools frequently report that state governments are slow in paying back for seats reserved for economically weaker sections (EWS).
- **Lack of Knowledge:** Many families who qualify for these benefits do not know about their rights.
- **Compliance Problems:** The systems in place to enforce these rules at the local level are not strong, leading to instances of pushback or unofficial fees.

6. Evaluation of Important Indicators and Detailed Review

6.1 Enrollment and Retention

The Right to Education (RTE) period has led to a notable rise in student enrollment. However, we still need to work harder on improving the rates at which students complete their education and stay in school through secondary levels. Sometimes, high enrollment figures can hide the

reality that many children are registered but do not attend school regularly.

6.2 Learning Outcomes and Assessment Reports

Reviews of national assessments show serious issues:

A large number of students are falling behind grade level expectations in reading, writing, and basic math skills. There is also a lack of clear policies in RTE that focus on learning outcomes instead of just meeting input standards.

7. Comparative Perspectives

When we look at international models, countries like Finland and Singapore put a lot of emphasis on the professionalism of teachers, relevant curriculums, ongoing assessments, and strong early childhood education systems. In contrast, India's Right to Education (RTE) system highlights basic standards but does not focus enough on improving quality over time. While India agrees with global goals in theory, like Sustainable Development Goal 4 (SDG 4), it still faces structural issues that more developed systems have already solved.

8. Policy Changes and Future Steps

After looking at the strengths and weaknesses, we need to focus on these important policy areas:

8.1 Improving Quality through Teacher Training

- Provide thorough training for teachers along with ongoing professional development.
- Connect performance evaluations to helpful supervision instead of using punishment.
- Use digital tools and blended teaching methods with proper guidance on how to teach effectively.

8.2 Changing Assessment Systems

- Shift from memorization to learning based on skills and understanding.
- Create strong internal assessment systems in schools.

8.3 Funding for Fairness and Quality

- Raise public spending to a minimum of 6% of GDP.
- Provide targeted funding for underserved communities, inclusive facilities, and educational materials.

8.4 Inclusive Education Beyond Access

- Train teachers in methods that support all students.
- Create infrastructure that accommodates students with disabilities.
- Develop flexible school models for migrant and nomadic families.

8.5 Enhancing Accountability and Oversight

- Implement real-time data systems to monitor enrollment, attendance, learning results, and resource use.
- Give School Management Committees (SMCs) training and control over budgets.

9. Conclusion

The Right to Education in India is one of the most ambitious efforts for social justice in the country's history. It has created a legal right for millions of children, making it easier for them to go to school and ensuring they can access private education as well. Enrollment rates have increased, and recognizing education as a constitutional right has made it something that can be enforced.

Still, there is a gap between having access to education and the quality of that education. Learning results are still a big issue; schools often lack proper infrastructure and qualified teachers. Additionally, making sure children with disabilities, nomadic communities, and other underrepresented groups receive fair treatment requires careful planning and financial support. For the Right to Education to truly fulfill its promise, India needs to focus on improving the quality of education rather than just increasing enrollment numbers, emphasizing actual learning outcomes over statistics, and moving from policy ideas to meaningful action.

References

1. Right of Children to Free And Compulsory Education Act, 2009.
2. National Achievement Survey Reports, Ministry of Education, Government of India.
3. The Constitution of India (Articles 21A, 45, 51A).
4. Annual Status of Education Report (ASER), Pratham.
5. Government of India (1986). National Policy on Education & Programme of Action (1992) – important historical policy context predating the RTE Act.
6. UNESCO—Global Education Monitoring Reports.

7. Government of India. The Constitution (Eighty-sixth Amendment) Act, 2002 – insertion of Article 21A, mandating free and compulsory education.
8. NCERT publications and textbooks on Education in India.

