



**Legislating Access, Ignoring Quality:
Legal Loopholes in the RTE Act 2009
and the Structural Non-Compliance
of Rural Government Schools in
India**

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ABSTRACT:

India made education a fundamental right in 2009 through The Right of Children to Free and Compulsory Education Act. Sixteen years later, millions of children in rural government schools cannot read, calculate or even hold the state accountable for either failure. The Act promised them quality education. What it delivered was only enrollment.

Arguments presented in this paper address the gap between promises and reality as not simply a failure of governance but of legislation. Through a doctrinal socio-legal methodology drawing on ASER Reports (2014–2024) and UDISE+ Annual Reports (2020–2024), it identifies three structural loopholes in the Act: a compliance framework that exempts the very schools it should govern most strictly, a complete silence on what children must actually learn and an enforcement mechanism that places the burden of accountability on those least equipped to bear it.

INTRODUCTION:

In 2002, the 86th Constitutional Amendment Act added Article 21A into the Indian Constitution and through it, declared education a fundamental right for every child between the ages of six and fourteen ([Constitution \[Eighty-Sixth Amendment\] Act, 2002](#); [India Const. art. 21A](#)). Seven years later, on 4th August 2009, the Right of Children to Free and Compulsory Education Act was passed; the legislative instrument through which Article 21A finally acquired legal force and practical meaning. It was, on paper, a comprehensive statutory guarantee.

However, Sixteen years after its enactment, a stark paradox persists: enrollment figures have approached near-universality, yet the quality of education in rural government schools remains deeply and systematically inadequate. The Right to Education Act 2009, in its present form is a guarantee of enrolment but not of education. For millions of children in rural India, that distinction has defined their lives.



The Act mandates free schooling, prescribed minimum infrastructure standards, fixed teacher-pupil ratios and prohibits the detention of children up to Class VIII. As a concept, it appeared to be a comprehensive legal framework. In practice, it has produced an anomaly.

Across the developing world, the prevailing explanation for this anomaly focuses on administrative shortcomings.

Meanwhile, India offers a different lesson: sometimes law itself is the obstacle.

The perpetual non-compliance of rural government schools with minimum quality standards is not merely a consequence of poor administration. It is a consequence of poor legislative design. The RTE Act contains structural loopholes that permit non-compliance without legal consequences.

This paper argues that until those loopholes are identified, understood and remedied, no administrative reform will be sufficient to deliver the quality education that Article 21A promises.

Three legislative deficiencies form the core of this paper's argument and they recur as themes across the data, case studies and legal analysis that follow, they are:

- 1. Legislative exemption and institutional asymmetry.**

Section 18 of the RTE Act conditions school recognition on compliance with Schedule norms covering infrastructure, teacher-pupil ratios and working days, within 3 years of the enactment of the act. However, government schools, the very institutions upon which rural India's children are overwhelmingly dependent, are not required to seek recognition under the Act. The compliance framework therefore applies exclusively to private schools, creating a two-tiered system in which the schools serving the most vulnerable children are held to the lowest standard of legal accountability.

- 2. Prioritisation of access over quality.**



The Act mandates physical inputs such as classrooms, toilets and playgrounds but is entirely silent on learning outcomes. It defines what a school must have, but never what a child must learn. A school can satisfy every norm under the RTE Act and still produce children who cannot read. This legislative silence renders the constitutional guarantee of quality education under Article 21A legally unenforceable and administratively unmeasurable.

3. Enforcement without accountability.

The grievance redressal mechanism under Section 32 of the Act is entirely complaint-driven, placing the burden of enforcement on rural parents who are often first-generation literates with no awareness of legal processes rather than on the state that is constitutionally obligated to provide quality education. There is no proactive inspection power, no escalating penalty mechanism and no suo motu authority vested in any statutory body to act against non-compliant government schools.

The distinction between a legislative deficiency and an implementation failure carries significant legal and policy consequences. An implementation failure can theoretically be remedied through administrative reform, increased budgetary allocation or stronger political will all without touching the statute. A legislative deficiency, by contrast, requires the Parliament to act. If the loopholes identified in this paper are structural features of the statute, and this paper argues they are, then no degree of administrative effort can fully cure rural non-compliance without statutory amendment.

This reframing of the problem, from governance failure to legislative failure, is the original contribution this paper makes to Education law in India.

As Katarina Tomaševski, the first UN Special Rapporteur on the Right to Education, observed: *"making education compulsory without making it free means little; making it free without making it good means even less."*

The RTE Act 2009 has successfully made elementary education both compulsory and free. Although it has failed in making it good. By means of this paper, we argue that the reason lies not only in the failure of those who administer the law, but in the failure of the law too.



DATA OVERVIEW

Enrolment Trends (under RTE Framework)

Under the RTE Framework, enrolment trends are observed that the RTE Act has made substantial contributions to access to education. The Annual Status of Education Report (ASER) 2024 indicates that the participation rate in the school for children aged 6–14 is still more than 98% ([ASER Centre, 2024](#)), which is demonstrating a significant effort towards achieving universal enrollment for children at the elementary level in rural India. The expansion of educational access is one of the most successful achievements of the RTE framework. However, enrolment alone cannot be considered a complete indicator of educational success. The effectiveness of schooling must also be evaluated through learning outcomes, quality indicators, infrastructure standards, and institutional accountability.

Learning Outcomes in Rural Government Schools

The ASER 2024 results show an improvement in the basic learning outcomes when compared to the previous years. The percentage of class III students who can read class II level text is 23.4% in government school (2024) compared to 16.3% in 2022. Likewise, in arithmetic, performance did show some gains at a few grade levels. ([ASER Centre, 2024](#))

Despite these gains, a considerable number of students continue to struggle with grade-appropriate competencies. The persistence of learning gaps suggests that improvements in enrolment have not been accompanied by equivalent improvements in educational quality. ([ASER Centre, 2024](#))

Infrastructure Conditions

The RTE Act also sets minimum norms and standards in terms of infrastructure, classroom facilities, sanitation, teacher-student ratio and educational resources. However, there are still multiple government and independent studies that have reported on the weaknesses of rural education facilities. ([Right of Children to Free and Compulsory Education Act, 2009, Section 19 & Schedule](#))

Key concerns include:



1. Inadequate classroom availability.
2. Limited digital infrastructure.
3. Insufficient library resources.
4. Issues with electricity and connections.
5. Inadequate sanitation facilities in some localities.
6. Quality gaps with maintenance and infrastructure.

The challenges have direct implications on the learning environment and learning experience of the learner.

Availability of teachers and gaps in the faculty.

The issue of shortage of teachers persists to be a major problem in rural government schools. There are chronic shortages and uneven teacher distribution in several states. Multi-grade classes are still used in many rural schools, which restricts effective classroom interaction.

(Ministry of Education, Government of India, 2024)

One of the most important variables for determining educational quality is the number of faculty available. As a result, learning outcome gaps between rural and non-rural areas are partly due to teacher shortages.

Digital Divide

Digital Accessibility is a crucial issue in the post-pandemic educational environment. While smartphone use has grown significantly, there are still differences in access to the internet, digital literacy and technology while learning opportunities. *(UNESCO,2022)*

Internet access to educational content is often more difficult for students in rural areas than for those in urban areas, thus exacerbating the educational inequalities that already exist.

Rural-Urban Educational Disparities

The data currently available also shows that there continues to be a disparity between rural and urban educational institutions. The disparities are reflected in a variety of measures such



as infrastructure quality, faculty availability, learning outcomes, technological access and so on.

Such disparities demonstrate that educational access alone cannot guarantee educational equality. Unless accompanied by broader quality-focused reforms, increased enrolment may not necessarily translate into meaningful educational outcomes or equitable learning opportunities for all students. ([ASER Centre, 2024](#); [UNESCO, 2022](#))

TABLE 1: Reading level by school type: All India (Rural) 2014-2024

YEAR	Std III: % of children reading at std II level			Std V: % of children reading at std II level		
	Govt	Pvt	All	Govt	Pvt	All
2014	17.2	37.8	23.6	42.2	62.6	48
2016	19.3	38	25.2	41.7	63	47.9
2018	20.9	40.6	27.3	44.2	65.1	50.5
2022	16.3	33.1	20.5	38.5	56.8	42.8
2024	23.4	35.5	27.1	44.8	59.3	48.8

([ASER Centre, 2024, p.19](#))

TABLE 2: Arithmetic Levels by School Type: All India (Rural), 2014–2024

YEAR	Std III: % of children who can do at least subtraction			Std V: % of children who can do division		
	Govt	Pvt	All	Govt	Pvt	All
2014	17.2	43.4	25.5	20.7	39.3	26.1
2016	20.3	44.1	27.7	21.1	38	26
2018	20.9	43.5	28.2	22.7	39.8	27.9
2022	20.2	43.1	25.9	21.6	38.7	25.6
2024	27.6	47.5	33.7	26.5	41.8	30.7

([ASER Centre, 2024, p.19](#))



RESEARCH METHODOLOGY:

This paper adopts a doctrinal socio-legal methodology to examine whether the endless non-compliance of rural government schools with minimum quality standards under the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the RTE Act) consists of a legislative flaw rather than an administrative failure. This distinction forms the core of the paper and shapes every methodological choice made in its construction. The method operates across two layers:

1. Doctrinal legal analysis as the primary framework,
2. Socio-legal empirical verification as the secondary layer

Doctrinal legal analysis:

This means the paper closely reads, interprets and analyses the text of the RTE Act 2009, its Schedule and associated Rules against the constitutional guarantee of free and compulsory education under Article 21A of the Indian Constitution.

Six provisions are examined with particular attention:

1. Section 18, which conditions school recognition on compliance with Schedule norms,
2. Section 19, which mandates structural standards for all schools,
3. Section 23, which sets minimum teacher qualifications,
4. Section 25, which fixes the Pupil-Teacher Ratio,
5. Section 32, which provides the only grievance redressal mechanism in the Act,
6. The Schedule, which prescribes the norms and standards for schools.

[\(The Right of Children to Free and Compulsory Education Act, 2009\)](#)

The analysis pays equal attention to what the statute does not say as to what it does. Because this paper argues that the omissions and exemptions in the Act are legally significant.



Socio-Legal empirical analysis:

Once the doctrinal baseline is established, empirical data is employed to test if the legislative gaps identified produce real and measurable non-compliance on the ground. This is the distinction between law on the books and law in action, and it is the methodological bridge between statutory analysis and ground reality that gives this paper its socio-legal character.

Two sources provide this empirical layer.

1. The Annual Status of Education Reports (ASER) published by Pratham track rural learning outcomes annually and provide the only consistent longitudinal dataset on reading and arithmetic levels in government schools. ASER was chosen because no other source tracks rural learning outcomes with the same consistency and geographic reach.
2. The Unified District Information System for Education Plus Annual Reports published by the Ministry of Education, Government of India (UDISE+) provide official school-level data on infrastructure compliance, enrollment, and teacher availability. UDISE+ was chosen because it is the government's own data. When the state's own records confirm widespread non-compliance, that evidence is particularly difficult to dismiss.

Two limitations are acknowledged. UDISE+ data from 2022–23 onwards is not directly comparable with earlier years because the data collection method changed under the National Education Policy 2020. ASER is a sample survey and not a census, so its findings reflect national trends rather than a complete picture of every district. Neither limitation undermines the paper's argument. They are noted here in the interest of methodological transparency.



RELEVANT JUDGEMENTS:

Pramati Educational and Cultural Trust v. Union of India 2014

This was a landmark judgment of the Supreme Court of India that tested the constitutionality of the Right to Children to Free and Compulsory Education Act, 2009 and related constitutional amendments. It clarified the extent of the State's power to mandate educational obligations on private and minority institutions.

Case details:

Court: Supreme court of india

Bench: Hon'ble Chief Justice R.M. Lodha , A.K. Patnaik, S.J. Mukhopadhaya, Dipak Misra, F.M. Ibrahim kalifulla

citation: [\(2014\) 8 SCC 1; AIR 2014 SC 2114](#)

Date of judgment: 6 May, 2014

Background:

the case stemmed from challenges by private unaided schools to the 86th (2002) and 93rd (2005) Constitutional Amendments, which inserted Article 21A (rights to free and compulsory education for children aged 6- 14) and Article 15 (5) (state power to reserve seats for socially and educationally backward classes, SCs and STs in private institutions).

Various minority educational institutions, trusts and private schools challenged the constitutional validity of Article 21A and Article 15(5) and certain provisions of RTE Act, 2009.



Petitioners argued that these provisions and the RTE Act implementing them, violated the basic structure of the Constitution and the freedom to practise any occupation under Article 19(1)(g)

The matter was referred to a constitutional Bench because it involved an important conflict between the RTE and minority educational rights under the constitution.

Issues:

1. Whether the provisions of the RTE Act, 2009 could be constitutionally applied to minority educational institutions?
2. whether the act violated articles 19(1)(g), 21A and 30(1) of the constitution?

Application:

The Petitioners argued that applying the RTE act to minority institutions would interfere with their constitutional right under Article 30(1) to administer their institutions. The Supreme Court examined the relationship between article 21A and minority rights under Article 29 and 30

Judgment and reasoning:the constitutional bench upheld the validity of Articles 15(5) and 21A, declaring that the State's power to promote inclusive education served the Directive principles of State policy and did not destroy the constitution's basic structure.

However, it exempted minority educational institutions both unaided and aided from the RTE Act's obligations, holding that mandatory admissions would infringe their rights under Article 30(1) to administer institutions of their choice.

The court maintained that requiring a 25% quota for disadvantaged children in non-minority private schools did not unreasonably restrict their autonomy.

Environmental & Consumer Protection Foundation v. Delhi Administration



This landmark PIL popularly known as School Infrastructure case decided by the Supreme Court of India concerning the constitutional right of Children to safe and adequate schooling conditions. The judgement addressed persistent deficiencies in government school infrastructure across Delhi and India.

Case details:

Court: Supreme court of india

Decision : 2012

Petitioner: Environmental & Consumer Protection Foundation (ECPF)'

Respondent: Delhi Administration and Union of India

Background:

The case began as a petition by the ECPF, a Non-profit organisation, highlighting inadequate infrastructure in Delhi's Government schools. Inspections revealed unsafe buildings, lack of toilets and poor sanitation. The matter evolved into a nationwide concern over basic educational standards under the RTE Act, 2009

Issues:

1. Whether the failure of governments and educational authorities to provide basic infrastructure such as toilets, drinking water, classrooms etc violated the constitutional right to education under Article 21A and standards prescribed under the RTE Act.

Application:

The Supreme Court examined reports showing that numerous schools lacked separate toilets for boys and girls, drinking water facilities, classrooms, and other essential infrastructure.



The court observed that the right to education cannot be meaningfully exercised where children are forced to study in schools lacking basic facilities. The court repeatedly directed states and union territories to ensure compliance with the infrastructure requirements prescribed under the RTE Act.

The court further emphasised that educational rights are not limited to admission into schools but require conditions that make education effective and accessible in practice.

Impact and implementation:

The judgment significantly influenced education policy and monitoring frameworks. It prompted the ministry of education to strengthen infrastructure norms and enforce school mapping and inspection systems.

KEY FINDINGS:

Education plays a pivotal role in the Indian constitution and it is the bedrock of social mobility, economic growth, democratic involvement and human dignity. Though the Act has brought considerable improvement in access to education, this study revealed that there are still many problems regarding educational quality, accountability and implementation in both rural government schools and built-in schools.

Expansion of Educational Access without Corresponding Improvements in Quality

Increased enrolment in schools in rural areas is one of the most important successes of the RTE. The Act was successful in enhancing access to elementary education and helped to improve participation in schools. The studies, however, suggest that simply expanding enrollment has not necessarily led to improvement in educational quality. Learning outcomes, standards of infrastructure and accountability of the institution are still inconsistent in many rural government schools, although there has been wider access to them.



The rural government schools infrastructure is substandard and inadequate.

The study highlights ongoing gaps in the basic educational infrastructure even when there are statutory requirements as per the RTE framework. The issues of classroom space, sanitation facilities, electricity, digital infrastructure, libraries and teaching materials remain a challenge in many rural schools (*Ministry of Education, Government of India, 2024*). Although the Act prescribes minimum norms and standards for educational institutions, implementation remains uneven across different regions of the country. (*Right of Children to Free and Compulsory Education Act, 2009, Section 19 & Schedule*)

Faculty Distribution Gaps and Teacher Shortages

Another significant discovery is about teacher staffing and quality. Rural government schools continue to experience vacant teaching posts(*ASER Centre, 2024*), unequal teacher distribution, multi-grade teaching arrangements, and limited opportunities for teacher training and professional development. Inadequate teachers' numbers have a direct impact on learning in the classroom, engagement of the students and educational outcomes.

Differential Accountability and Regulatory Asymmetry

The study also highlights structural accountability issues in RTE. The Act provides for recognition requirements of schools in Section 18, which does not apply to the government schools which do not issue formal recognition certificates. This differential regulatory system establishes a distinctive accountability system, with governmental schools still having a constitutional duty to provide education. This raises questions about whether there are equivalent compliance and monitoring procedures for government schools as there are for private schools. (*Right of Children to Free and Compulsory Education Act, 2009, Section 18*)

Ensuring Learning Outcomes Remain a Significant Concern



The findings indicate that despite the improvement in enrolment, concerns around the foundational learning outcomes are not fully addressed. Many of the rural schools are still not achieving the desired grade level in reading comprehension and arithmetic skills. This suggests that educational access alone is insufficient to ensure the meaningful realization of educational rights unless accompanied by reforms that prioritize educational quality and learning outcomes. (*ASER Centre, 2024*)

The Structural Governance Issue of Rural Non-Compliance

The research shows that non-compliance is not just about the individual school. Rather, government issues that impact the education system as a whole, such as budget constraints, administrative inefficiencies, tracking problems, teachers' absences, and facility shortages, are often reflected in educational gaps in rural areas. Thus, this is not just an institutional problem but rather structural.

Contribution to Sustainable Development Goals

The findings of this study indicate that the impact of poor educational quality extends far beyond the classroom. Inadequate learning outcomes not only affect students' academic development but also limit future employment opportunities, restrict social mobility and impede efforts towards poverty reduction(*United Nations Department of Economic and Social Affairs, 2024*). Since education serves as a key driver of economic and social progress, persistent deficiencies in rural education continue to undermine equitable development and the achievement of Sustainable Development Goal 4 (Quality Education). Moreover, these challenges indirectly affect other development objectives, including the reduction of inequalities and the promotion of sustainable economic growth. (*United Nations Department of Economic and Social Affairs [UN DESA], 2024*)



DISCUSSION:

Legislating Access while Neglecting Educational Quality

The main finding of this study is that there is a difference between access to education and the quality of education. The RTE Act has certainly changed the way education is accessed in India and has made a good contribution to the goal of universal elementary education as enunciated in the Constitution. Nonetheless, the evidence examined in this study suggests that improvements in access have not always been accompanied by corresponding improvements in educational quality.

Structural Accountability Gaps within the RTE Framework

The issue of accountability in the RTE framework has been one of the most discussed issues. Schools that are not government established, owned or controlled are eligible for a recognition certificate under the provisions of section 18, but government schools are not eligible. This is not a release for government schools from constitutional duties and obligations in law. However, the framework of differentiated recognition generates what can be called a “regulatory asymmetry.” Private schools continue to be recognised formally and be subject to possible withdrawal of recognition for failure to comply with the formal recognition requirements, while government schools are subject to alternative administrative accountability mechanisms.

The question that might be raised in policy is the extent to which there are similar pressures for compliance as an equivalent across the categories of educational institutions.

State Responsibility and Governance Challenges

The results indicate that overall in rural schools, the issue of non-compliance is not solely attributed to individual schools. The lack of a good governance system around infrastructure



provision, teacher recruitment, monitoring systems, financial allocation and policy implementation are often to blame for some of the deficiencies.

The State has primary responsibility to provide meaningful education access and quality as per Article 21A, 41, 45 and 46 of the Constitution. So, failing educational performance consistently indicates not only the weakness of educational institutions but also the weakness of educational governance and implementation.

Constitutional concerns Under Article 14.

The unequal treatment of public and private schools will generate some significant constitutional issues regarding equality and accountability. There are concerns that varying regulations could result in disparities of accountability. But backing for the government schools argues that they are a different category since they serve a public welfare purpose and actually perform their constitutional duties.

In general, the constitutionality of the RTE framework has been upheld by judicial decisions. The Supreme Court in *Society for Unaided Private Schools of Rajasthan vs. Union of India* case upheld the important provisions of the Act. Later cases like *Pramati Educational and Cultural Trust v. Union of India* established the balance between the rights of education and autonomy of the institution.

The framework for recognition has not been struck down by courts, but the underlying discussion about accountability, quality assurance and implementation remains pertinent.

Constitutional Balance between Educational Rights and Institutional Autonomy

The constitutional structure strives to reconcile a pluralism of values: the right to education, minority rights, cultural maintenance and institutional autonomy. This is an approach to balance which is more evident in Judiciary interpretation related to Articles 21A, 29 and 30 of the Constitution.



Education is still a constitutional priority, but there are ongoing concerns about the quality of education without compromising the constitutional freedom of institutions. The relationship between educational regulation and institutional autonomy therefore remains an important area of legal and policy discussion.

Comparative Perspectives

Learning models from other countries are helpful to reform. Finland values the quality of teaching, equal standards, and high accountability of the public schools. Japan is a place where learning and service to the community and society go hand in hand. Singapore has a wide range of monitoring, training, and assessment practices based on performance.

One of the hallmarks of all these systems is their connection of access to robust quality-assurance systems. They experienced that, as well as participation in school, continued attention to educational outcomes and institutional accountability are also important factors in achieving educational success.

Educational Quality and Sustainable Development,

The quality of education is linked directly with sustainable development. Poor educational performance has negative consequences on employment, productivity, social mobility and poverty alleviation. That is why it is necessary to improve the quality of rural education, as it is part and parcel of reducing inequalities and enhancing public institutions in general, as reflected in Sustainable Development Goal 4 with regard to achieving quality education.

Bridging the Gap between Access and Quality

The implications of this study show that the upcoming educational reforms in India should go beyond the agenda of increasing enrollments and focus more on quality assurance,



institutional accountability, teacher development, infrastructure improvement and learning outcomes.

Access to education is not enough to achieve the constitutional promise of education. To reach the vision of the Right to Education, children must not only be admitted to school, but they must also be provided with quality education that assist their personal, social and democratic growth further Education should enable children to develop critical thinking, creativity, problem-solving abilities and practical life skills while also fostering respect for others, ethical conduct, civic responsibility, cultural awareness, and social harmony. It should help students understand their rights and duties, appreciate the diverse cultural heritage of the nation, cultivate character and moral values, and explore their individual talents in fields such as arts, sports, science, technology, and vocational skills. Ultimately, the objective of education should extend beyond literacy and employability to nurturing informed, responsible, and capable citizens who can contribute meaningfully to society and democratic life. (*ASER Centre, 2024*)

LIMITATIONS:

Like all research studies, the present study is subject to certain limitations. First, the current research adopts legal and doctrinal analysis of the Right to Education (RTE) Act of 2009, constitutional principles, judicial interpretations and policy frameworks. Consequently, broader socio-economic, socio-cultural and socio-political factors influencing educational outcomes may be overlooked.

Secondly, the study is confined to rural government schools in India. Therefore, the findings and conclusions cannot be generalized to the urban institutions or private schools institutions or aided schools, or minority institutions, all of which operate in entirely different administrative frameworks. Furthermore, educational conditions vary significantly across Indian states and regions. Differences in governance practices, resource allocation,



infrastructure development, and policy implementation may result in varying educational outcomes that are not fully captured within a nationwide analysis.

Finally, the concept of educational quality. Quality education encompasses many factors such as infrastructure, effectiveness of teaching process, achievements of students, efficiency of school administration, etc. Given the complexity of the subject, it is not possible to analyze all dimensions within a single research project. In addition, the study primarily relies on secondary data sources like statutes, government publications, judgments, scholarly writings, policies and survey studies done in the educational field. The lack of empirical research such as field visits, interviews, or stakeholder surveys, may limit the study's ability to capture the lived experiences of students, teachers, administrators, and local communities.

Important Limitations

1. It has been found that many states find it difficult to move to the CCE system of assessment. This is chiefly due to a lack of teachers' training and orientation.
2. Another criticism levelled against the Act is that instead of increasing the standards and outcomes of the public education system in India, it passes the buck to private schools with some respect.
3. There is no focus on quality of learning, as shown by multiple ASER reports, thus RTE Act appears to be mostly input oriented.
4. Five States namely Goa, Manipur, Mizoram, Sikkim and Telangana have not even issued notification regarding 25% seats for underprivileged children of society under the RTE.
5. More focus is being given over statistics of RTE rather than quality of learning.
6. Lack of teachers affects pupil-teacher ratio mandated by RTE which in turn affects the quality of teaching.



FUTURE IMPLICATIONS:

1. Universal Social Inclusion:

Through the affirmation of Section 12(1)(c) of the Act, which provides that 25% seats be reserved in private schools for children belonging to the Economically Weaker Sections (EWS) as a “national mission” to end caste/class based exclusion, the Supreme Court has reiterated.

2. NEP 2020 Consistency:

The proposed future framework is moving towards expanding the guarantee of free and compulsory education from the existing age group of 6 to 14 years to children aged 3 to 18 years.

3. Learning Outcome Focus:

Going forward, emphasis will increasingly be placed on the continuous assessment of competency-based learning outcomes and not automatic promotions according to age groups.

4. School Infrastructure & Teacher-Student Ratio:

The pressure will increase on states to improve the infrastructure in schools and maintain a standardized teacher-student ratio. (*Rajan, 2024*). The 2019 amendment removed the no-detention policy, thereby allowing state governments to reintroduce examinations in Classes 5 and 8. Under the revised provisions, students who fail these examinations may be detained, provided that they are first given remedial instruction and the opportunity to appear for a re-examination. On 7 May 2014, the Supreme Court of India ruled that the provisions of the RTE Act do not apply to minority educational institutions, thereby exempting them from certain requirements under the Act. In 2011, the government took an in-principle decision to extend the right to education up to Class X (age 16) and to include preschool education within its ambit. However, in subsequent years, the government's policy emphasis shifted towards the development and implementation of a new (NEP) rather than expanding the scope of the RTE Act. The NEP 2020 proposes further reforms, including the possible extension of the RTE framework to cover early childhood care and education (ages



3–6) and secondary education. It also emphasizes integrating digital learning, vocational training, and other innovations to address contemporary educational challenges.

SUGGESTED AMENDMENTS

Many improvements have been made under the Right to Education Act of 2009 in respect to the right to education; however, the findings of this study suggest that further legislative and policy reforms are necessary to ensure the realization of meaningful and quality education.

1. The scope of the RTE Act should be expanded from 6–14 years to 3–18 years in alignment with the National Education Policy (NEP) 2020.
2. Reform under section 18 where Government schools should be subjected to periodic compliance assessments similar to recognition standards applicable to private schools.
3. Independent district and state-level educational monitoring bodies should be established. These authorities should regularly inspect schools and publish compliance reports.
4. Academic, financial, and infrastructure audits should be conducted annually in all government schools. Audit findings should be made publicly accessible to ensure transparency.
5. Educational authorities should conduct regular inspections of schools at fixed intervals.
6. Higher qualification standards recruitment procedures should be prescribed for teacher recruitment, particularly at foundational learning stages. Recruitment should prioritize teaching competence, subject knowledge, and child-centred pedagogy.
7. Teachers should undergo periodic professional development and skill-enhancement programmes such as teaching methods, digital education, and child psychology.
8. Competitive salaries and performance-based incentives should be provided to attract qualified teachers. Special incentives may be offered for service in rural and remote areas.
9. Educational success should be assessed through learning outcomes and skill development rather than enrolment alone. Periodic assessments should identify learning gaps and provide remedial support.



10. The education system should gradually remove rote learning. Greater emphasis should be placed on conceptual understanding, creativity, and critical thinking.
11. Schools should introduce students to diverse career opportunities beyond traditional professions. Career guidance programmes should help students identify their interests, talents, and future pathways.
12. Rural schools should be equipped with reliable internet connectivity, digital classrooms, and technological resources.

CONCLUSION:

From the findings presented in the report, it is clear that the act stresses the issues of accessibility and infrastructure while paying relatively less emphasis on the quality of learning. Many reports have revealed that despite high numbers of children enrolling at schools, there is not much improvement in terms of learning outcomes. Problems like those concerning poor teacher training and discrepancies in its implementation by various states are additional examples of this problem.

In addition, it seems that not all the states were able to implement the provision on reserving seats for the less fortunate children. This makes the objective of social inclusion even harder to achieve. It seems that the amendment abolishing the no detention clause represents efforts of the government to tackle issues connected with the falling educational standards, but it brings up certain questions regarding the problem of child-friendly education. It should be acknowledged that quality of education is multi-dimensional and requires improvements in areas like physical conditions of schools, teaching ability of educators, achievements of students, efficient management of institutions and involvement of the local communities. Only tackling the issue from several angles can bring desired results.

Going forward, the future prospects of the RTE framework can be seen through the prism of the vision set out by the National Education Policy 2020. Ensuring that the right to education encompasses early childhood and secondary education, developing competency-based



learning and creating teacher development programs will improve the efficacy of the Act. Increased focus on learning outcomes and regular testing will contribute towards bridging the gap between enrolment and education.

To conclude, while the RTE Act, 2009 has succeeded in making education more widely available, it has been less successful in meeting the Act's ultimate goal of providing quality education to all children. As evidenced by the structural non-compliance within rural government schools, it is time for stronger measures of implementation, policy changes, and monitoring. With certain amendments as discussed, the RTE Act may eventually transform from a mere promise of access to education into one of meaningful and high-quality learning.



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