

Role of Private Schools in Implementing 25% Reservation under RTE Act: Opportunities and Challenges

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Abstract

The enactment of the **Right of Children to Free and Compulsory Education Act, 2009 (RTE Act)** marked a transformative phase in India's educational framework by recognizing education as a fundamental right under Article 21-A of the Constitution. One of the most debated and significant provisions of the Act is Section 12(1)(c), which mandates that private unaided schools reserve 25% of seats at the entry level for children belonging to economically weaker sections (EWS) and disadvantaged groups. This provision recognizes private schools as critical stakeholders in achieving universal elementary education and reducing socio-economic inequalities in access to quality schooling. Private schools play a pivotal role in implementing this provision by accommodating disadvantaged children within mainstream educational environments. However, despite its progressive intent, the implementation of the 25% reservation has faced numerous challenges, including financial reimbursement delays, administrative complexities, infrastructure constraints, and socio-cultural barriers. At the same time, the policy has created opportunities such as social integration, improved educational access, and promotion of inclusive learning environments. This research paper critically examines the role of private schools in implementing the 25% reservation mandate under the RTE Act, focusing on both opportunities and challenges encountered during implementation. It analyzes the legal provisions, policy frameworks, judicial interventions, and empirical realities associated with this provision. The paper further explores the impact of the reservation policy on educational equity and institutional functioning of private schools. Finally, the study proposes policy recommendations aimed at strengthening collaboration between government authorities and private institutions for the effective realization of the right to education.

Key words: Right to Education, Private Schools, Reservation

INTRODUCTION

Education is widely recognized as a fundamental human right and an essential tool for social transformation and economic development. In India, the constitutional recognition of education as a fundamental right under **Article 21-A** represented a significant milestone in ensuring universal access to elementary education. The legislative implementation of this constitutional mandate occurred through the enactment of the **Right of Children to Free and Compulsory Education Act, 2009**, which established legal obligations on the state and other stakeholders to ensure access to quality education for all children between the ages of 6 and 14 years.

One of the most innovative and controversial provisions of the Act is **Section 12(1)(c)**, which requires private unaided schools to reserve 25% of seats at the entry level for children belonging to economically weaker sections and disadvantaged groups. This provision acknowledges the growing presence of private schools in India and seeks to utilize their infrastructure and educational capacity to achieve the broader objective of universal elementary education. Private schools constitute a substantial portion of India's education sector, accounting for nearly 40% of total enrollments, making their participation essential for implementing inclusive educational policies.

The primary objective of introducing the 25% reservation was to reduce social and economic segregation in education and provide disadvantaged children with access to quality schooling that was traditionally available only to privileged groups. This provision also reflects the constitutional philosophy of equality and social justice by integrating children from diverse socio-economic backgrounds into common learning spaces. The policy aims not only to improve access but also to foster social cohesion, mutual understanding, and cultural exchange among students from different backgrounds. Despite its progressive nature, the implementation of this provision has generated significant debate among policymakers, educators, private school managements, and civil society organizations. Private schools have often raised concerns regarding financial sustainability, delayed reimbursements, administrative burdens, and infrastructural constraints. At the same time, government authorities emphasize the importance of shared responsibility among public and private institutions in fulfilling the constitutional mandate of education for all. Recent developments further highlight the continuing challenges associated with implementing the 25% reservation policy. For instance, authorities in several states have had to intervene to ensure compliance with reporting requirements and admission procedures in private schools, reflecting ongoing administrative complexities in implementation.

This research paper explores the multifaceted role played by private schools in implementing the 25% reservation policy under the RTE Act. It examines both the opportunities created by the policy and the challenges encountered during its execution. By analyzing legislative provisions, judicial interpretations, policy frameworks, and empirical findings, the study seeks to provide a comprehensive understanding of the effectiveness of private school participation in promoting inclusive education.

OBJECTIVES OF THE STUDY

The present research study is undertaken with the following objectives:

1. To examine the legal framework governing 25% reservation under the RTE Act.
2. To analyze the role of private schools in implementing Section 12(1)(c) of the RTE Act.
3. To identify the opportunities created by private school participation in the reservation policy.
4. To evaluate the challenges faced by private schools in implementing the 25% reservation mandate.
5. To assess the impact of the policy on educational equity and social inclusion.
6. To examine judicial interpretations relating to private schools under the RTE framework.
7. To suggest policy recommendations for improving implementation and strengthening institutional coordination.

LEGAL FRAMEWORK GOVERNING 25% RESERVATION

Constitutional Provisions

The constitutional basis of the 25% reservation policy lies in **Article 21-A** of the Constitution of India, which guarantees free and compulsory education to all children between the ages of 6 and 14 years. This provision was introduced through the **86th Constitutional Amendment Act, 2002**, marking the recognition of education as a fundamental right.

The Constitution further strengthens the right to education through:

- Article 14 — Right to Equality
- Article 15(3) — Special provisions for children
- Article 45 — Directive Principle on early childhood education

- Article 46 — Promotion of educational interests of weaker sections

Statutory Provision: Section 12(1)(c) of RTE Act

Section 12(1)(c) of the RTE Act imposes a statutory obligation on private unaided schools to admit children from disadvantaged groups and economically weaker sections to the extent of **at least 25% of the strength of entry-level classes**.

The key features of this provision include:

1. Reservation of 25% seats at entry level
2. Free education provided to eligible children
3. Government reimbursement to private schools
4. Inclusion of disadvantaged groups and weaker sections
5. Implementation through state-level admission mechanisms

The provision recognizes that universal education cannot be achieved solely through government schools and requires collaboration with private educational institutions.

ROLE OF PRIVATE SCHOOLS IN IMPLEMENTATION OF 25% RESERVATION

Private schools function as **key implementation partners** under the RTE framework. Their role extends beyond mere admission of students and includes several operational responsibilities.

- 1. Admission of Eligible Students.** Private schools are required to admit eligible children under the EWS quota and follow transparent admission procedures. They must avoid discriminatory practices and maintain records of reserved admissions. This responsibility represents the foundational step in implementing inclusive education.
- 2. Providing Free Education.** Private schools must provide free education to all the children aged 6-14 years. They also provide free textbooks and uniforms and also equal classroom access to all students. The cost incurred by schools is reimbursed by the government according to state norms.
- 3. Promoting Inclusive Learning Environment.** Private schools contribute to Social integration, inclusive classroom practices and Reduction of socio-economic segregation. The integration of children from diverse backgrounds promotes mutual understanding and social cohesion
- 4. Administrative Coordination.** Private schools coordinate with Education departments, Admission authorities and Local government bodies. Administrative collaboration ensures compliance with policy guidelines and monitoring procedures.

OPPORTUNITIES CREATED BY 25% RESERVATION UNDER THE RTE ACT

The introduction of 25% reservation under Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009 represents a transformative initiative aimed at promoting inclusive and equitable education in India. By mandating private unaided schools to admit children belonging to economically weaker sections (EWS) and disadvantaged groups, the policy has created numerous opportunities across educational, social, and institutional domains. These opportunities extend beyond mere access to education and contribute significantly to the broader goals of social justice, national development, and reduction of inequality.

Private schools play a central role in realizing these opportunities by functioning as facilitators of inclusive education and equal opportunity. The reservation policy has enabled a reconfiguration of the education system by integrating children from diverse socio-economic backgrounds into a common learning environment. This section examines the opportunities generated by the implementation of the 25% reservation policy, focusing on its educational, social, institutional, and equity-based impacts.

EDUCATIONAL BENEFITS OF 25% RESERVATION

- 1. Expansion of Access to Quality Education.** One of the most significant opportunities created by the 25% reservation policy is the expansion of access to quality education for children belonging to economically weaker sections and disadvantaged groups. Prior to the enactment of the RTE Act, access to private schools was largely restricted to families with financial resources. The reservation policy has enabled underprivileged children to enroll in schools equipped with better infrastructure, trained teachers, and improved learning resources.
- 2. Improvement in Learning Outcomes.** The integration of EWS students into private schools provides them with opportunities to learn in academically stimulating environments. Research studies indicate that children studying in private schools often demonstrate improved literacy and numeracy skills compared to those in under-resourced government schools. By gaining access to higher-quality educational resources, disadvantaged students are better prepared for future academic and professional opportunities. This contributes to reducing learning disparities between socio-economic groups.
- 3. Reduction in Dropout Rates.** Access to quality education through private institutions contributes significantly to reducing school dropout rates among disadvantaged children. The supportive learning environment, availability of teaching aids, and parental awareness programs help sustain student participation in education. Lower dropout rates are essential for achieving universal elementary education and improving national literacy levels.
- 4. Exposure to Holistic Development Opportunities.** Private schools often provide diverse extracurricular opportunities such as: Sports activities, Cultural programs, Creative arts and music etc. Participation in such activities enhances students' confidence, creativity, and leadership skills. The inclusion of disadvantaged children in these activities contributes to their overall personality development and strengthens their social competencies.
- 5. Promotion of Social Integration.** The 25% reservation policy promotes meaningful interaction among students from different socio-economic backgrounds. By studying together in the same classrooms, children learn to appreciate diversity and develop mutual respect. Social integration leads to: Reduction of caste- and class-based segregation, Promotion of equality and dignity, Development of inclusive attitudes. Private schools serve as platforms where children from varied social groups interact, collaborate, and learn from each other. This integration contributes to social harmony and national unity.¹¹
- 6. Reduction of Social Inequality.** Education is widely regarded as a powerful tool for breaking cycles of poverty and inequality. By providing disadvantaged children access to private school education, the reservation policy reduces socio-economic disparities and enhances social mobility. This opportunity is particularly important in rural and urban marginalized communities, where educational inequality remains a persistent challenge.
- 7. Empowerment of Marginalized Communities.** The admission of children from disadvantaged groups into private schools contributes to the empowerment of their families and communities. Parents gain increased awareness regarding education, health, and social rights. The policy fosters long-term social transformation by strengthening the educational foundation of marginalized communities.
- 8. Promotion of Inclusive Educational Practices.** The reservation policy encourages private schools to adopt inclusive teaching strategies designed to accommodate students from diverse backgrounds. Teachers develop innovative approaches to address varied learning needs. Inclusive practices include: Remedial teaching programs, Language support initiatives and Collaborative learning methods. Such practices contribute to the professional development of teachers and improve the overall quality of education.

9. Strengthening Public-Private Partnerships.The implementation of the 25% reservation policy fosters collaboration between government authorities and private educational institutions. This partnership contributes to better coordination in planning, monitoring, and evaluation of educational programs. Public-private partnerships play a vital role in expanding educational access and improving service delivery.

CHALLENGES FACED BY PRIVATE SCHOOLS IN IMPLEMENTING 25% RESERVATION UNDER THE RTE ACT

While the provision of 25% reservation under Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009 has created significant opportunities for inclusive education, its implementation has posed several challenges for private schools across India.¹ Private unaided schools, which operate largely on self-financing models, often face financial, administrative, infrastructural, and socio-cultural difficulties while fulfilling their obligations under the RTE framework. These challenges arise due to the complex nature of policy implementation, inadequate reimbursement mechanisms, and lack of uniform guidelines across states.³ The practical execution of the reservation mandate requires private schools to adapt their institutional structures, teaching methodologies, and administrative procedures to accommodate students from economically weaker sections (EWS) and disadvantaged groups. This section critically examines the major challenges faced by private schools in implementing the 25% reservation policy under the RTE Act.

1.1 Delay in Government Reimbursement.One of the most significant challenges faced by private schools is the delay in reimbursement of expenses incurred for educating students admitted under the 25% reservation quota. Under Section 12(2) of the RTE Act, the government is required to reimburse private schools for expenditures incurred on EWS students based on per-child expenditure in government schools. However, in practice, reimbursement is often delayed due to bureaucratic procedures, verification requirements, and budgetary constraints. These delays create financial pressure on private institutions, particularly smaller schools that depend heavily on fee collections for operational expenses. Such financial strain undermines the sustainability of private school operations and discourages compliance with reservation requirements.

1.2 Inadequate Reimbursement Rates.Another financial concern is the inadequacy of reimbursement rates provided by the government. In many states, the reimbursement amount is significantly lower than the actual cost of educating students in private schools. Private schools incur expenses such as: Teacher salaries, Infrastructure maintenance, Teaching materials and Administrative costs.

When reimbursement rates do not reflect actual costs, schools are compelled to absorb financial losses. This situation has led to dissatisfaction among private school managements and has contributed to resistance against full implementation of the reservation policy.

1.3 Increased Administrative Costs.The implementation of the reservation policy involves additional administrative responsibilities, including documentation, verification of eligibility, and coordination with government authorities. These processes require dedicated staff and technological infrastructure, resulting in increased administrative expenditure. These expenses further strain financial resources and reduce operational efficiency.

2.1 Complex Admission Procedures.The admission process under the 25% reservation quota involves multiple stages, including application submission, eligibility verification, and centralized lottery systems. While these procedures aim to ensure transparency, they often create administrative complexity for private schools. The complexity of admission procedures increases workload and reduces administrative efficiency.

2.2 Lack of Uniform Implementation Across States.The implementation of Section 12(1)(c) varies significantly across different states due to differences in rules, reimbursement rates, and admission mechanisms.

This lack of uniformity creates confusion among private schools, especially those operating in multiple states. Uniform national guidelines are necessary to ensure consistency and clarity in implementation.

2.3 Inadequate Monitoring Mechanisms.Effective implementation requires continuous monitoring by government authorities. However, many states lack adequate monitoring mechanisms to track compliance and resolve operational issues. Weak monitoring systems result in: Delayed reimbursements, Inaccurate data reporting, Lack of accountability, Inefficient grievance redressal. Strengthening monitoring frameworks is essential for ensuring transparency and accountability in implementation.

3.1 Limited Capacity in Private Schools.Many private schools operate with limited physical infrastructure and fixed classroom capacity. The requirement to reserve 25% of seats for EWS students may reduce available seats for fee-paying students, thereby affecting revenue generation.

Infrastructure-related constraints include: Limited classroom space, Shortage of teaching resources, Overcrowding in classrooms, Pressure on school facilities. These constraints affect the overall functioning of private schools and reduce educational efficiency.

3.2 Requirement for Additional Facilities

Students admitted under the reservation quota may require additional support services such as remedial classes, transportation assistance, and counseling services. Providing these services requires additional infrastructure and financial investment. Without adequate financial support, schools face difficulties in maintaining quality standards

4.1 Learning Gaps Among Students.Students admitted under the 25% reservation quota often come from diverse socio-economic and educational backgrounds. Many may lack prior exposure to structured learning environments, resulting in learning gaps. Academic challenges include: Differences in language proficiency, Lack of foundational literacy, Limited exposure to digital tools etc. These challenges require schools to adopt remedial teaching methods, which increases the workload of teachers.

4.2 Teacher Preparedness and Training Issues.Teachers in private schools may not always receive adequate training to handle diverse classroom environments. The inclusion of students with varied academic abilities requires specialized teaching strategies and inclusive pedagogical skills. Professional development programs are necessary to equip teachers with skills required for inclusive education.

5.1 Social Integration Difficulties.Despite policy efforts to promote inclusion, social differences among students may create barriers to effective integration. Children from economically weaker sections may face discrimination or exclusion in private school environments. Social challenges include: Peer discrimination, Social isolation, Cultural differences, Language barriers etc. Such issues affect the psychological well-being of students and reduce their academic performance.

5.2 Parental Awareness and Participation Issues.Parents from disadvantaged backgrounds may lack awareness regarding school procedures, curriculum requirements, and communication channels. Challenges include: Limited parental involvement, Difficulty attending school meetings and Lack of familiarity with school systems. Improving parental awareness is essential for successful implementation of inclusive education programs.

6.1 Resistance from Private School Managements.Some private schools have challenged the constitutionality of Section 12(1)(c), arguing that mandatory reservation interferes with institutional autonomy and financial independence. Judicial intervention has played a significant role in resolving these disputes and clarifying legal obligations.

6.2 Compliance Burden and Documentation Requirements.Private schools are required to maintain extensive documentation related to admissions, reimbursement claims, and compliance reports. These responsibilities increase administrative workload and create operational challenges for school authorities.

7.1 Dependence on Online Admission Systems

Many states have adopted digital platforms for managing admissions under the RTE quota. While these systems enhance transparency, they also create technical challenges for schools lacking digital infrastructure. Technological issues include: Server failures, Data entry errors, Limited technical expertise, Cybersecurity risks etc. Such issues delay admission processes and create administrative inefficiencies.

IMPACT ON ACCESS AND EDUCATIONAL EQUITY

1. Enhancing Universal Access to Education

The 25% reservation policy significantly contributes to achieving universal elementary education by expanding enrollment opportunities for disadvantaged children. Access to private schools ensures that children from marginalized communities are not excluded from quality education due to financial constraints.

2. Bridging Urban-Rural Educational Gaps

Private schools play a vital role in bridging disparities between urban and rural educational systems. In many regions, private schools supplement government education systems by providing additional learning opportunities. This leads to:

- Improved access to educational infrastructure
- Greater availability of trained teachers
- Increased availability of learning resources

The reservation policy enables disadvantaged rural students to benefit from these resources.

3. Promotion of Educational Equity

Educational equity refers to providing fair opportunities for all students to achieve their full potential. The reservation policy addresses systemic inequalities by ensuring that children from disadvantaged backgrounds receive equal access to educational resources. Educational equity contributes to sustainable social development and economic growth.

JUDICIAL INTERPRETATIONS RELATED TO 25% RESERVATION

Society for Unaided Private Schools of Rajasthan v. Union of India (2012) 6 SCC 1

The case of **Society for Unaided Private Schools of Rajasthan v. Union of India** is one of the most significant constitutional decisions concerning the implementation of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act). The constitutional validity of the Act, particularly Section 12(1)(c), was challenged by associations representing private unaided schools. The petitioners argued that the requirement imposed by the RTE Act to reserve 25% of seats in private unaided non-minority schools for children belonging to Economically Weaker Sections (EWS) and disadvantaged groups violated their fundamental right to practice any occupation under Article 19(1)(g) of the Constitution. They also contended that compelling private institutions to admit students under the quota interfered with institutional autonomy and imposed financial burdens on them. The Supreme Court examined the constitutional mandate under Article 21-A, which guarantees free and compulsory education to children between the ages of six and fourteen years, and held that the State has a constitutional obligation to ensure universal access to elementary education.

The Court upheld the constitutional validity of the RTE Act and ruled that Section 12(1)(c) was a reasonable restriction on the rights of private schools in the interest of achieving social justice and equality in education. However, the Court clarified that minority institutions, both aided and unaided, are exempt from this obligation in order to protect their rights under Article 30(1) of the Constitution. This judgment significantly strengthened the implementation of the Right to Education by making private unaided schools active participants in achieving inclusive education and reducing educational inequality.

Pramati Educational & Cultural Trust v. Union of India (2014) 8 SCC 1

The case of **Pramati Educational & Cultural Trust v. Union of India** further clarified the constitutional scope of the RTE Act in relation to minority educational institutions. After the decision in *Society for Unaided Private Schools*, several minority institutions filed petitions challenging the applicability of the RTE Act to their institutions. The petitioners argued that imposing the provisions of the RTE Act, particularly those relating to compulsory admission of students from disadvantaged groups, would interfere with their right to establish and administer educational institutions under Article 30(1) of the Constitution. They also questioned whether the insertion of Article 21-A through the 86th Constitutional Amendment allowed the State to override minority rights. The Supreme Court examined the constitutional balance between the right to education under Article 21-A and the protection granted to minority institutions under Article 30(1). The Court held that the RTE Act does not apply to minority institutions, whether aided or unaided, as its application would infringe upon their constitutional autonomy and identity. The Court emphasized that minority institutions play a crucial role in preserving cultural and linguistic diversity and must therefore be protected from regulatory measures that compromise their autonomy. This judgment reinforced the principle that while the State has a duty to ensure universal education, such duty cannot override constitutionally guaranteed minority rights. The ruling provided clarity regarding the extent to which RTE provisions apply to different categories of schools and ensured constitutional harmony between competing rights.

Modern School v. Union of India (2004) 5 SCC 583

The case of **Modern School v. Union of India** addressed the issue of commercialization of education and the regulation of private school finances. The dispute arose when private unaided schools challenged government directions regulating the collection of fees and the management of school funds. The government had issued guidelines requiring private schools to maintain financial transparency and restricting the misuse of school funds, particularly the diversion of funds to private trusts or societies. The petitioners argued that such regulations interfered with their right to manage educational institutions and imposed unreasonable restrictions on their autonomy. The Supreme Court, while recognizing the right of private institutions to administer their affairs, held that education is not a commercial activity but a charitable function intended to serve public interest. The Court ruled that private schools may generate a reasonable surplus to ensure growth and development, but they cannot engage in profiteering or commercialization of education. It further held that the State has the authority to regulate school fees to prevent exploitation of parents and students. This judgment laid an important foundation for later educational reforms, including the regulatory framework introduced under the RTE Act. It emphasized the principle that education is a public service and must remain accessible, affordable, and free from commercial exploitation.

Conclusion

The challenges faced by private schools in implementing the 25% reservation policy highlight the gap between legislative intent and practical execution. While the policy aims to promote inclusive education, its success depends on addressing financial, administrative, and social barriers faced by private institutions. Without adequate financial support, effective monitoring, and teacher training programs, the long-term sustainability of the reservation policy may be compromised. Therefore, a balanced approach that ensures both social inclusion and institutional sustainability is necessary for the successful implementation of Section 12(1)(c).

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