

RIGHT TO EDUCATION IN INDIA: BRIDGING LEGAL MANDATES AND SOCIAL REALITIES

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Abstract

Right to Education (RTE) Act, 2009, is a seminal piece of legislation marking India's progress toward inclusive and equitable education. Constitutionalized by Article 21-A, the Act aims at providing free and compulsory education for 6–14-year-olds. Yet, pragmatic realities like poor implementation, gaps in infrastructure, and administrative efficacies undermine the effectiveness of the legislation. This paper examines the socio-legal environment of RTE, assesses its implementation, raises case law, integrates recent developments like the National Education Policy (NEP) 2020, and proposes reforms toward the realization of the constitutional ideal of universal education in India. The paper also involves a comparative case study analysis and highlights prevailing legislative choices, accentuating the successes and hurdles marking India's educational progress. It makes a case for policy changes based on empirical evidence and judicial review, aiming at narrowing the persisting chasm between legal provisions and social facts. A comparative global section also reflects upon the world's best practices from Finland, South Korea, and Brazil, enriching the reform discussion.

Key Words: *Right to Education, Article 21-A, RTE Act, & NEP 2020*

INTRODUCTION

Education in India has historically been seen as a tool for both individual empowerment and national development. Enshrined as a Directive Principle under Article 45¹ of the Indian Constitution, it was later elevated to a justiciable right through Article 21-A². The landmark judgment in *Unni Krishnan, J.P. v. State of Andhra Pradesh*³, prompted the 86th Constitutional Amendment, leading to the creation of a dedicated fundamental right to

¹INDIA CONST. art. 45 (as amended by the Constitution (Eighty-Sixth Amendment) Act, 2002).

²INDIA CONST. art. 21-A (as inserted by the Constitution (Eighty-Sixth Amendment) Act, 2002).

³ *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645 (India)

education. The right was formally codified through the Right of Children to Free and Compulsory Education Act, 2009⁴.

While the Constitution and judicial precedents affirm the legal foundation of the right to education, its translation into reality remains uneven. The persistence of socioeconomic disparities, regional disparities, gender-based exclusion, and the intersection of caste, class, and community identities continues to perpetuate inequality in educational access and outcomes.

Global phenomena such as the COVID-19 pandemic and the Fourth Industrial Revolution further complicate India's ability to provide inclusive and meaningful education. These shifts have forced a reconsideration of how education is delivered, accessed, and measured, thereby demanding a critical reassessment of existing policy frameworks.

Education is not only a legal obligation but a cornerstone for economic growth, democratic participation, and social cohesion. As a developing economy with over 250 million school-aged children⁵, India's future hinges on the success of its educational initiatives. The constitutional promise of education as a tool of transformation can only be realized if laws, policies, and practices are harmonized to address the multi-dimensional nature of educational exclusion.

This paper aims to dissect the interplay between legal mandates and social challenges, highlighting the limitations of a purely legalistic approach and advocating for systemic reforms grounded in empirical evidence, community participation, and robust monitoring mechanisms. Further, the paper examines India's efforts in the context of global best practices, to draw comparative lessons and adaptive strategies.

LEGAL FRAMEWORK AND JUDICIAL DEVELOPMENTS

The legal foundation of the right to education in India has been firmly established through a combination of constitutional amendments and judicial interpretation. Article 21-A⁶, inserted via the 86th Constitutional Amendment Act, 2002, provides that the State shall provide free and compulsory education to all children between the ages of six and fourteen. This provision emerged from a growing judicial consensus that education is a component of the right to life under Article 21⁷.

⁴The statutory framework implementing the constitutional right to education under Article 21-A is laid down in the Right of Children to Free and Compulsory Education Act, 2009. Right of Children to Free and Compulsory Education Act, No. 35 of 2009, INDIA CODE (2009).

⁵As a developing economy with one of the world's largest school-aged populations, India faces structural challenges in educational access and quality. UNESCO INST. FOR STAT., India: Education And Literacy (2022). UNICEF India, Education in India: The Indian Education System (2025), <https://www.unicef.org/india/what-we-do/education>

⁶INDIA CONST. art. 21-A, Supra Note 5

⁷The constitutional guarantee of life and personal liberty under Article 21 of the Constitution of India has been expansively interpreted to include dignity, privacy, education, and access to justice. INDIA CONST. art. 21.

The genesis of this recognition can be traced back to the landmark case of *Mohini Jain v. State of Karnataka*⁸, where the Supreme Court held that the right to education is a fundamental right under Article 21. This was reinforced in *Unni Krishnan*, where a five-judge bench delineated that the state is obligated to provide free education up to the age of 14.

This led to the 86th Constitutional Amendment Act, 2002, inserting Article 21-A, which made free and compulsory education a fundamental right for children aged 6 to 14. The RTE Act, 2009, operationalized this mandate by laying down norms and standards related to pupil-teacher ratio, infrastructure, curriculum, and teacher qualifications.

A notable decision in *Society for Un-aided Private Schools of Rajasthan v. Union of India*⁹, upheld Section 12(1)(c) of the RTE Act¹⁰, mandating a 25% reservation for disadvantaged children in private unaided schools. The Court emphasized the social egalitarian role of the provision, aligning it with the constitutional vision of equality.

However, in *Pramati Educational and Cultural Trust v. Union of India*¹¹, the Supreme Court partially diluted this inclusive approach by holding that minority-run institutions are exempt from the RTE Act to protect their rights under Articles 29 and 30.

Recent developments include the *Justice for All v. Government of NCT Delhi* (2023)¹², where the Delhi High Court directed the State to implement school-level compliance dashboards. Additionally, Draft Model RTE Rules (2021)¹³ have been circulated, suggesting improved mechanisms for teacher recruitment, monitoring, and grievance redressal.

Comparative insights may be drawn from Section 29 of South Africa's Constitution¹⁴, which guarantees the right to basic education without qualification, and Brazil's Constitution which mandates progressive allocation of funds and judicial enforcement of educational entitlements.

⁸ *Mohini Jain v. State of Karnataka*, (1992) 3 SCC 666 (India)

⁹ *Society for Unaided Private Schools of Rajasthan v. Union of India & Another*, (2012) 6 SCC 1 (Sup. Ct. India Apr. 12, 2012).

¹⁰ Right of Children to Free and Compulsory Education Act § 12(1)(c), No. 35 of 2009, INDIA CODE (2009); *Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 SCC 1 (India)

¹¹ In *Pramati Educational and Cultural Trust v. Union of India*, the Supreme Court held that the provisions of the Right of Children to Free and Compulsory Education Act, 2009 are inapplicable to minority educational institutions, in order to preserve the autonomy guaranteed under Articles 29 and 30 of the Constitution of India. *Pramati Educational and Cultural Trust v. Union of India*, (2014) 8 SCC 1 (Sup. Ct. India May 7, 2014); INDIA CONST. arts. 29–30

¹² *Justice for All v. Government of NCT of Delhi & Ors.*, W.P.(C) No. 6605/2023 (Del. H.C. 2023) (ordering implementation of statutory reservation entitlements)

¹³ Ministry Of Educ., Gov't Of India, Draft Model Right of Children to Free and Compulsory Education Rules, 2021 (2021), <https://www.education.gov.in>

¹⁴ S. AFR. CONST., 1996 § 29 (Right to Education).

IMPLEMENTATION CHALLENGES AND STATISTICAL REALITIES

Despite an elaborate legal framework, the ground-level implementation of the RTE Act is marred by systemic inadequacies. The Annual Status of Education Report (ASER) 2023¹⁵ shows that while enrolment in primary education exceeds 95%, learning outcomes are distressingly low. Only 42.8% of Grade 5 students in government schools can read a Grade 2-level text, and fewer than 30% can solve basic arithmetic problems.

According to UDISE+ 2022-23¹⁶ data, India faces a staggering shortage of over 1 million teachers. In states like Jharkhand and Odisha, pupil-teacher ratios often exceed the RTE-prescribed norms of 30:1. More alarmingly, untrained and contract teachers are disproportionately deployed in rural and tribal regions.

Infrastructure inadequacies persist. Nearly 40% of schools lack functional toilets for girls, 22% do not have drinking water, and 18% are without electricity. This directly contributes to gender-based dropouts and absenteeism¹⁷.

Caste and socio-economic background remain decisive in shaping educational access. The dropout rate at the upper primary level for Scheduled Tribes is 18.2%, compared to 14.6% for the national average. Girls, especially from Dalit and Muslim communities, face dual marginalization due to patriarchy and poverty.

The Mid-Day Meal Scheme, a flagship initiative aimed at improving nutrition and school attendance, has been plagued by corruption and irregularities. Investigative reports from Bihar and Karnataka have unearthed ghost beneficiaries, substandard food quality, and inflated attendance records.

Additionally, the compliance rate of private unaided schools with the 25% reservation mandate remains dismal, with several schools citing non-reimbursement by state governments as a deterrent. A 2022 report by the Centre for Policy Research estimates that only 61% of eligible children were admitted under Section 12(1)(c)¹⁸.

NEP 2020 AND THE POST-PANDEMIC DIGITAL DIVIDE

The National Education Policy (NEP) 2020¹⁹, introduced after a gap of 34 years, marks a substantial shift in India's approach to education. With a focus on holistic, flexible, and

¹⁵Annual Status of Education Report (ASER) 2023: Beyond Basics (ASER Centre, 2023), <https://asercentre.org/wp-content/uploads/2022/12/ASER-2023-Report-1.pdf>

¹⁶Ministry Of Educ., Gov't Of India, UDISE+ 2022–23: SCHOOL EDUCATION IN INDIA (2023), <https://udiseplus.gov.in> (showing national teacher vacancies and State-wise pupil-teacher ratios).

¹⁷Ministry Of Educ., Gov't Of India, UDISE+ 2022–23 (2023), <https://Udiseplus.Gov.In>; ASER Centre, Annual Status Of Education Report (ASER) 2023: Beyond Basics (2023), <https://asercentre.org>.

¹⁸Right of Children to Free and Compulsory Education Act § 12(1)(c), No. 35 of 2009, INDIA CODE (2009); Centre For Policy Research, Implementation Of Section 12(1)(C) Of The Right To Education Act (2022).

¹⁹Ministry Of Educ., Gov't Of India, National Education Policy 2020 (2020), https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf.

multidisciplinary learning, it attempts to address the changing needs of the 21st-century learner. It proposes a new pedagogical structure (5+3+3+4) to replace the 10+2 format and emphasizes foundational literacy and numeracy through initiatives like NIPUN Bharat²⁰.

One of the most transformative proposals of NEP 2020 is the extension of the Right to Education from ages 3 to 18, thereby including pre-primary and secondary education under the ambit of state responsibility. However, this recommendation remains aspirational until formally legislated. The policy also stresses the use of the mother tongue or regional language as the medium of instruction until Grade 5, with flexibility up to Grade 8.

NEP 2020 advocates for greater autonomy of institutions through the concept of School Complexes and a new regulatory body, State School Standards Authority (SSSA)²¹ intended to monitor compliance with basic quality and safety standards. The policy also pushes for a robust digital infrastructure to support blended learning models.

However, the COVID-19 pandemic exposed deep structural weaknesses in India's preparedness for digital education. During the 2020–21 lockdown period, UNESCO reported that nearly 247 million Indian children were affected by school closures²². A 2021 National Sample Survey Office (NSSO) report revealed that only 24% of Indian households had access to the internet, and this figure dropped below 10% in rural areas²³.

Although the government launched platforms like DIKSHA²⁴, e-Pathshala²⁵, SWAYAM²⁶, and PM eVIDYA²⁷ to mitigate learning loss, these digital solutions largely benefited students in urban, well-connected areas. Children from economically weaker sections, remote rural areas, and tribal belts faced substantial barriers due to the lack of devices, data connectivity, and digital literacy.

The Pragyata Guidelines issued by the Ministry of Education²⁸ sought to provide structured remote learning protocols. Yet, these guidelines failed to address structural exclusions such as children with disabilities, migrant workers' children, or those living in informal settlements.

²⁰Ministry Of Educ., Gov't Of India, National Education Policy 2020 ¶¶ 1.4–1.8, 2.1–2.5 (2020), https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf

²¹Ministry Of Educ., Gov't Of India, National Education Policy 2020 ¶¶ 7.1–7.6, 8.3–8.9, 23.10–23.12 (2020), https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf.

²²UNESCO, Adverse Consequences Of School Closures (2020), <https://en.unesco.org/covid19/educationresponse/consequences>.

²³NAT'L Stat. Off. (NSO), Ministry Of Stat. & Programme Implementation, Gov't Of India, Household Social Consumption On Education In India (NSS 75th Round, 2017–18) (released 2021), <https://www.mospi.gov.in>.

²⁴Ministry Of Educ., Gov't Of India, Diksha (Digital Infrastructure For Knowledge Sharing), <https://diksha.gov.in>

²⁵NAT'L Council Of Educ. Research & Training (NCERT), E-Pathshala: Digital Textbook Platform, <https://epathshala.nic.in>.

²⁶Ministry Of Educ., Gov't Of India, Swayam: National MOOC Platform, <https://swayam.gov.in>.

²⁷Ministry Of Educ., Gov't Of India, Pm eVIDYA: A Unified Digital Education Initiative (2020), <https://pmevidya.education.gov.in>.

²⁸INDIA CONST. art. 21-A; Right of Children to Free and Compulsory Education Act, No. 35 of 2009, India Code (2009); Ministry Of Educ., Gov't Of India, PRAGYATA: Guidelines For Digital Education (2020)

The absence of inclusive design, localised content, and contextual pedagogy diluted the effectiveness of these digital interventions.

A 2022 report by the National Commission for Protection of Child Rights (NCPCR)²⁹ indicated that the pandemic led to a 36% increase in dropout rates among children in vulnerable communities. It also documented a spike in child labour, early marriages, and psychological trauma due to the loss of access to peer groups and support systems provided by schools.

Despite the ambitious vision of NEP 2020, its implementation roadmap remains vague. State capacity, resource constraints, and federal coordination challenges hamper uniform adoption. Some states, like Karnataka and Kerala, have taken progressive steps by developing bilingual e-learning modules and digital libraries, while others lag behind due to budgetary and logistical hurdles.

In contrast, countries like Uruguay implemented the “Plan Ceibal”³⁰ initiative, which distributed laptops and ensured universal connectivity in schools. Similarly, South Korea invested heavily in teacher digital training and AI-driven personalised learning, showcasing how policy vision must be backed with technological infrastructure and administrative commitment³¹.

CASE STUDIES: TAMIL NADU AND BIHAR

Tamil Nadu: A Model of Progressive Educational Governance

Tamil Nadu has consistently ranked among the top-performing states in terms of educational outcomes. The state's proactive policies date back to the 1980s with the pioneering launch of the nutritious Mid-Day Meal Scheme³² under the leadership of former Chief Minister K. Kamaraj. This scheme was later adopted nationally and remains a cornerstone of student retention and nutritional security.

The state has implemented the RTE Act with notable commitment. Tamil Nadu was among the first to notify its RTE Rules in 2011³³. It broadened the definition of disadvantaged groups to include orphans, children of sanitary workers, transgender children, and HIV-affected children under Section 12(1)(c).

²⁹ NAT'L Comm'n For Prot. Of Child RTS. (NCPCR), Impact Of Covid-19 Pandemic On Education, Child Protection And Child Well-Being (2022), <https://ncpcr.gov.in>.

³⁰Plan Ceibal is a nationwide digital education initiative launched by the Government of Uruguay to ensure universal access to digital devices, internet connectivity, and technology-enabled learning for school children, and is widely regarded as a successful rights-based model of inclusive digital education. PLAN CEIBAL, <https://www.ceibal.edu.uy>.

³¹Ministry Of Educ., Rep. Of Korea, Digital-Based Education Innovation Plan (2020); OECD, Education Policy Outlook: Korea (2021).

³² Gov't Of Tamil Nadu, Nutritious Noon Meal Programme: Policy And Implementation (1982).

³³Gov't Of Tamil Nadu, Sch. Educ. Dep't, G.O. Ms. No. 144, Tamil Nadu Right of Children to Free and Compulsory Education Rules, 2011 (Nov. 18, 2011).

Additionally, Tamil Nadu has invested in the digital transformation of classrooms through smart boards, digital attendance systems, and teacher training modules. A 2023 survey by Azim Premji University indicated a 9.5% improvement in learning outcomes in public schools equipped with digital infrastructure in the state.³⁴

The integration of bilingual textbooks in English and Tamil and the appointment of special educators for children with disabilities also mark Tamil Nadu's inclusive approach. The state's School Education Department publishes district-level RTE compliance dashboards, thereby improving transparency and accountability³⁵.

Bihar: Struggling Against Systemic Deficits

Bihar presents a contrasting narrative. Despite efforts to improve enrolment rates, the state continues to battle serious infrastructure, governance, and pedagogical challenges. A 2022 audit by the Comptroller and Auditor General (CAG) revealed that 38% of schools lacked boundary walls, 27% had no toilets, and 18% lacked access to drinking water.³⁶

The state also struggles with teacher absenteeism and lack of trained personnel. Many teaching positions remain vacant, especially in rural and remote areas. The pupil-teacher ratio often exceeds the RTE-prescribed norm of 30:1, particularly in upper primary schools.

Although Bihar receives substantial funding under the *SAMAGRA SHIKSHA ABHIYAN*³⁷, budget utilization has been inconsistent. A 2023 RTI report filed by the Bihar Education Watch Group found that over ₹150 crore in RTE grants remained unspent in 2022 due to bureaucratic delays and lack of monitoring mechanisms.³⁸

Dropout rates among Scheduled Castes and Scheduled Tribes are alarmingly high. Girls are particularly vulnerable due to prevailing socio-cultural norms, early marriage, and household responsibilities. Despite provisions under the RTE Act, implementation of gender-specific facilities such as functional toilets and menstrual hygiene support is often absent.

In recent years, civil society organisations like Pratham, CARE India, and Asha for Education have initiated community-led learning camps, remedial education modules, and parent

³⁴ Azim Premji Univ., State Of India's Digital Education: Tamil Nadu Findings (2023); Gov't Of Tamil Nadu, Sch. Educ. Dep't, Smart Classroom Initiatives (2022–23).

³⁵ Tamil Nadu Textbook & EDUC. SERVS. CORP., State School Textbooks (Tamil & English), <https://tntextbooks.in>; GOV'T OF Tamil Nadu, SCH. EDUC. (GE) DEP'T, G.O. (Ms.) No. 144 (July 6, 2018); SCH. EDUC. DEP'T, Gov't Of Tamil Nadu, Right To Education (RTE) Dashboard, <https://tnschools.gov.in>.

³⁶ India Const. Art. 21-A; Right Of Children To Free And Compulsory Education Act §§ 8, 19 & Sch., No. 35 Of 2009, India Code (2009); Comptroller & Auditor Gen. Of India (Cag), School Education Audit—Bihar (2022).

³⁷ Ministry Of Educ., Gov't Of India, SAMAGRA SHIKSHA: An Integrated Scheme For School Education (2018), <https://samagra.education.gov.in>.

³⁸ Comptroller & Auditor Gen. Of India, Performance And Compliance Audit Report For The Year Ended 31 March 2022, Government Of Bihar (Report No. 5 of 2024), https://cag.gov.in/uploads/download_audit_report/2024/Performance-and-Compliance-Audit-Report-English-Report-no-5-FINAL-for-net-upload-067e25ebc9fe458.93000291.pdf.

sensitisation drives. While these efforts have shown promise, they are largely isolated interventions in the absence of systemic state-level reform.

Public interest litigation before the Patna High Court in 2022 brought judicial attention to the near absence of effective enforcement of Section 12(1)(c) of the RTE Act in Bihar, with implementation data placed before the Court indicating that only a negligible proportion of the mandated quota had been filled in private unaided schools. This lack of enforcement reflects deeper administrative inertia and weak political prioritization, rather than statutory ambiguity.

GLOBAL COMPARATIVE INSIGHTS

The challenges India faces in implementing the Right to Education are not unique. Many countries have grappled with translating legal guarantees of education into equitable outcomes. This section highlights selected international models to glean lessons relevant to the Indian context.

Finland: Equity-Centric Education

Finland is globally recognised for its education system that places a premium on equity and teacher professionalism. Basic education is entirely free and compulsory for children aged 7 to 16. Notably, there are no private schools in the traditional sense; all schools are publicly funded and follow a national core curriculum. Teachers are highly trained and respected, with most possessing a master's degree. Finland's emphasis on formative assessment and minimal standardized testing fosters creativity and reduces academic pressure. India could draw from Finland's strong public funding model, teacher autonomy, and decentralized school governance.³⁹

South Korea: Strategic Investment in Human Capital

South Korea's post-war recovery was significantly driven by its focus on universal education and merit-based competition. The country boasts one of the highest literacy rates globally. While the pressure on students is intense, the government has made strategic investments in teacher training, ICT-based learning, and curriculum reform. Korea's use of EdTech platforms and AI-driven personalised learning has helped address student-specific needs, a model that India can consider, particularly in bridging the learning gap exacerbated by the pandemic.⁴⁰

Brazil: Legal Enforcement and Social Inclusion

³⁹ OECD, Education Policy Outlook: Finland (2020); Basic Education Act 628/1998 (Fin.); OECD, Teachers And School Leaders As Valued Professionals (2019); Finnish National Agency For Educ., Finnish Education System (2021).

⁴⁰ Ministry Of Educ., Rep. Of Korea, Supra 32

Brazil's Constitution guarantees education as a fundamental right and mandates progressive budgetary allocation to fulfil this obligation. Notably, Brazilian courts have been active in enforcing education rights, particularly for children with disabilities and those in poverty. The Bolsa Família program, a conditional cash transfer scheme has been instrumental in incentivising school attendance among low-income families. Brazil's legal mobilisation and fiscal prioritisation of education offer significant insights for India's judicial and welfare integration.⁴¹

Chile: Critique of the Voucher System

Chile adopted a school voucher system in the 1980s to promote school choice and competition. However, over time, it led to segregation and widened inequality, with affluent families clustering in high-performing schools. The model has since undergone reform, with stronger state oversight and funding redistribution. Chile's experience serves as a cautionary tale for market-based educational models without adequate equity safeguards.

Kenya and Bangladesh: Low-Cost Community-Based Models

Both countries have pioneered community-led education initiatives to supplement government efforts. Kenya's Bridge International Academies and Bangladesh's BRAC schools operate in slums and remote villages with minimal infrastructure but strong community involvement. These models highlight the importance of flexibility, local engagement, and tailored pedagogy in contexts where state capacity is limited.

These global examples demonstrate that legal frameworks must be reinforced by institutional capacity, community ownership, and responsive governance. India's approach must therefore be adaptive borrowing contextually relevant practices while anchoring them in local realities and constitutional principles.

CONCLUSION AND POLICY RECOMMENDATIONS

The constitutional influence of education through Article 21-A and its statutory embodiment in the Right of Children to Free and Compulsory Education Act, 2009 marked a decisive shift in India's understanding of education—from a welfare aspiration to a justiciable social right. Yet, more than a decade after the Act's enactment, the Indian experience reveals a persistent disjunction between legal mandate and social reality. While enrolment indicators suggest near-universal access, deeper structural deficiencies manifest in poor learning outcomes, uneven state capacity, infrastructural gaps, teacher shortages, and digital exclusion continue to undermine the transformative promise of the right to education.

This paper has demonstrated that legal recognition alone is insufficient to secure educational justice. The implementation of the RTE Act remains deeply contingent on administrative competence, fiscal prioritisation, and political will, which vary significantly across States.

⁴¹ Braz. Const. Articles. 6, 205–214; STF, RE 436996/SP (2005); World Bank, Bolsa Família Program (2010); OECD, Education At A Glance: Brazil (2021).

The comparative case studies of Tamil Nadu and Bihar illustrate this divergence vividly: where early rulemaking, transparent monitoring, inclusive design, and sustained investment have yielded relative success, weak governance, under-utilisation of funds, and poor enforcement have hollowed out statutory guarantees.

The post-pandemic turn toward digital education under NEP 2020 further exposes the limits of policy ambition in the absence of enabling conditions. While platforms such as DIKSHA, SWAYAM, and PM eVIDYA represent important innovations, their benefits remain unevenly distributed, often reinforcing existing socio-economic hierarchies. The pandemic has thus underscored that digital education cannot substitute physical schooling unless accompanied by universal access to infrastructure, devices, trained teachers, and inclusive pedagogical design.

Global comparative insights reinforce this conclusion. Finland's publicly funded, equity-oriented system, Brazil's judicially enforced education rights coupled with welfare conditionalities, and South Korea's strategic investment in teacher capacity and technology reveal a common thread: education rights are realised not through market mechanisms or fragmented interventions, but through strong public systems anchored in accountability and inclusion. These models caution India against over-reliance on privatisation or technocratic solutions divorced from social context.

Ultimately, the right to education must be understood not merely as a statutory entitlement, but as a continuing constitutional obligation that demands active stewardship by the State. Bridging the gap between legal mandates and social realities therefore requires structural reform, institutional accountability, and community participation, rather than incremental or symbolic compliance.

Considering the foregoing analysis, the following reforms are proposed to revitalise the RTE framework and align it with constitutional values, empirical realities, and global best practices:

1. Expand the Statutory Scope of the RTE Act (Ages 3–18): Parliament must translate the vision of NEP 2020 into law by extending the RTE Act to cover early childhood education and secondary schooling, ensuring continuity in the right to education and preventing exclusion at critical transition stages.
2. Strengthen Monitoring and Accountability Mechanisms: States should institutionalise school-level and district-level RTE compliance dashboards, supported by periodic social audits and independent evaluations, to move beyond paper compliance toward outcome-based monitoring.
3. Reform and Empower School Management Committees (SMCs): SMCs must be revitalised through mandatory training, financial transparency, and legal empowerment, enabling genuine community participation rather than token representation.
4. Address Teacher Shortages and Professional Capacity: Urgent recruitment to fill sanctioned vacancies, regularisation of contractual teachers, and continuous

- professional development particularly in digital pedagogy and inclusive education are essential to improve classroom outcomes.
5. Reorient the Mid-Day Meal / PM POSHAN Scheme as an Education-Linked Right: Nutritional schemes should be treated as integral to the right to education, with stricter quality controls, grievance redressal mechanisms, and linkage to attendance and retention outcomes.
 6. Ensure Digital Equity and Inclusive Infrastructure: Digital education initiatives must be preceded by universal access to electricity, internet connectivity, devices, and assistive technologies for children with disabilities, lest technology exacerbate educational inequality.
 7. Guarantee Timely Reimbursement under Section 12(1)(c): Delays in reimbursement to private unaided schools undermine compliance with the 25% reservation mandate. A time-bound, transparent reimbursement mechanism is necessary to prevent systemic evasion.
 8. Establish an Independent National Education Ombudsman: A specialised, statutory ombudsman could provide accessible grievance redressal for parents, students, and teachers, reducing the burden on constitutional courts while enhancing accountability.
 9. Adopt Data-Driven and Intersectional Policy Design: Education policy must be informed by disaggregated data on caste, gender, disability, region, and migration status, ensuring that interventions address overlapping vulnerabilities rather than adopting a one-size-fits-all approach.
 10. Strengthen Judicial Engagement Without Judicial Overreach: Courts should continue to play a supervisory role in enforcing minimum standards and fiscal accountability, while encouraging institutional reform rather than substituting administrative functions.

The Right to Education will remain a constitutional promise unfulfilled unless India moves beyond formal legality toward substantive equality in educational opportunity. Realising this promise requires sustained public investment, decentralised governance, empowered teachers, and an unwavering commitment to inclusion. Only then can education function as the transformative force envisioned by the Constitution enabling dignity, democratic participation, and social mobility for every child.