

# Beyond Access: Exploring Challenges and Opportunities for RTE Section 12(1) (c) Students in Private Education

Anuj Vashistha<sup>1</sup>, Dr. Noora Abdul Kader<sup>2</sup>

<sup>1</sup>Research Scholar A.M.U.

<sup>2</sup>Assistant Professor, A.M.U.

## Abstract

Education<sup>1</sup> in India has historically been multifaceted, serving diverse levels and needs of society, thereby transcending its mere definition to become a powerful tool for social upliftment. However, during the colonial era, India's rich cultural and educational values were overshadowed, leading to a decline in learning rates. Following independence, significant efforts were made to restore the nation's educational stature, with the enactment of the pivotal Right to Education Act in 2009 marking a significant milestone. The act not just made education an obligation but also forced the private institutes to reserve 25% of their total seats for the socially marginalized sections of the country, under Section 12(1) (c) of RTE<sup>2</sup> Act. Unfortunately, the act which was an iron stone has to face some major challenges both from the schools and society which needs to be highlighted. India in 2020 also gave an updated educational policy with some major recommendations regarding the RTE act 2002. This paper uses case studies of 10 students from Private schools<sup>3</sup> and how the act has helped them to uplift their social status and take on a ride on the rocket of education. Also, we will highlight the challenges faced by these samples in their elementary education as well in future secondary education, along with the solutions. In the end this paper will also highlight the ways to overcome to these challenges and provide more inclusive and efficient education.

## 1. Introduction

Education plays a crucial role in shaping a nation's future path. The Right to Education (RTE) Act, enacted in 2009, aimed to provide universal access to elementary education for children 6 to 14 years. In India, the educational sector encompasses both public and private establishments. In India public schools are generally more affordable, private institutions often offer higher educational standards along with superior facilities and infrastructure. The Right to Education (RTE) Act of 2009 stands as a significant stride towards realizing Mahatma Gandhi's vision of "Basic Education for All". This legislation enshrines basic education as a fundamental right through the 86th Amendment Act passed by the Parliament. Additionally, it mandates private institutions recognized by the Government of India to allocate 25% of their seats for underprivileged and economically weaker sections of society under Section 12(1)(c) of the act.

---

<sup>1</sup> Education

<sup>2</sup> RTE- Act

<sup>3</sup> Private schools

The act states Section 12-1 (c) “Private unaided institutions and special category schools shall provide free and compulsory education to at least 25% children belonging to disadvantaged groups and weaker sections admitted to class I or pre-primary classes. Such schools would be entitled to reimbursement at the per-child cost incurred by the Government. It has also since been clarified that residential private unaided schools, which do not start at class I, would not be required to admit 25% children from disadvantaged groups and weaker sections in their schools.”

## 1.1 Private Education Landscape

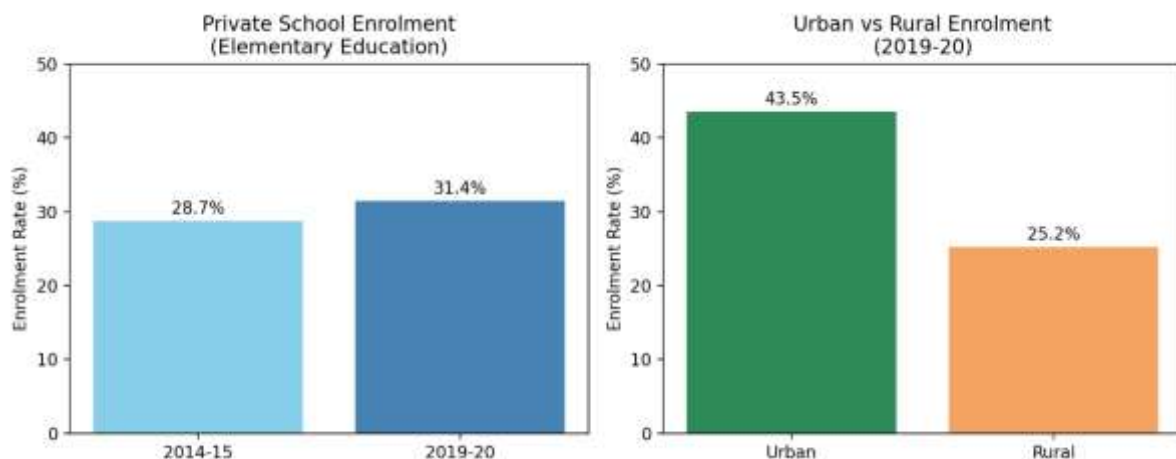
The private education landscape is characterized by a diverse and enriched array of institutions that vary in facilities, mission, vision and educational philosophies which collectively shape the experiences of RTE students who are getting benefit of this act.

## 1.2 Why Provision Section 12-1 (c)?

Research findings indicate significant disparities between private and government schools in India across, Section 12(1)(c) was put in place to make high-quality private education more accessible to everyone. It turns the constitutional right to education into a powerful tool for promoting social justice. The social justice to ensure:

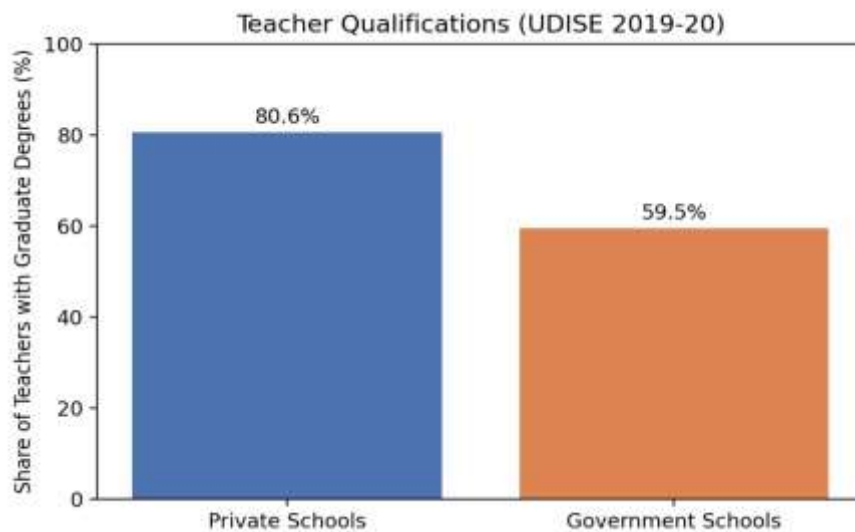
**1.1.1 Student Achievement:** A study conducted by the National Sample Survey Organization (NSSO) highlighted superior learning outcomes among students in private schools compared to those in government schools. This was evident in higher average test scores across all levels of education.

**1.1.2 Enrolment Rates:** Data from the District Information System for Education (DISE) for the year 2019-20 revealed a growing trend in enrolment rates in private schools, reaching 31.4% in elementary education, up from 28.7% in 2014-15. Urban areas recorded a higher enrolment rate of 43.5% compared to rural areas at 25.2%.



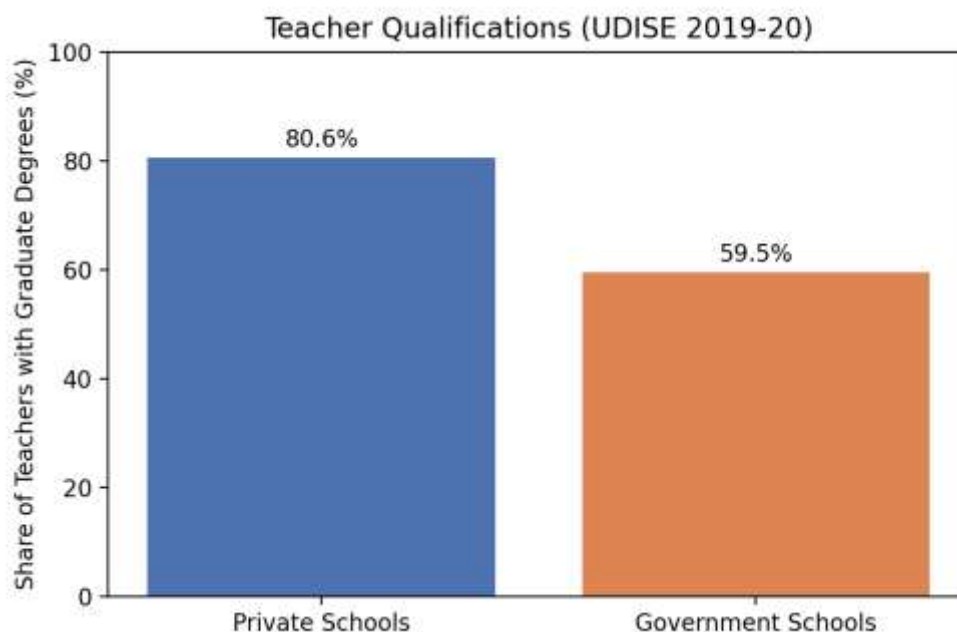
**Figure 1: Enrolment Rates**

**1.1.3 Quality of Infrastructure:** Private schools in India typically boast superior infrastructure, offering amenities like libraries, computer labs, and playgrounds. According to UDISE 2019-20, the proportion of government schools equipped with functional libraries stood at 55.4%, contrasting with 80.4% in private schools.



**Figure 2: Quality of Infrastructure:**

**1.1.4 Teacher Qualifications:** Private schools often employ teachers with higher qualifications and experience compared to government schools. UDISE 2019-20 data indicated that 80.6% of teachers in private schools held graduate degrees, whereas the figure was 59.5% for government schools.



**Figure 3: Teacher Qualifications**

**1.1.5 Cost of Education:** Private schooling in India tends to come at a higher cost, rendering it financially inaccessible for many families. ASER 2019 reported an average monthly fee of Rs. 672 for private schools in rural areas, significantly higher than the Rs. 112 for government schools.

**1.1.6 Vision of Equity and inclusivity:** this section also aims to provides the vision of equity where the poor and rich family students learn from each other and help each other to understand diverse India. The

then Government of India stated that *“it is not merely the dream the poor that their child can study with rich children now poor and rich will study in same classroom”*

These reasons and disparities in the education system of India lead to the section 12(1) (c), which provides not just quality education but also promotes Inclusiveness among the learners

### 1.2 Research Objectives

1. To study the impacts of RTE Act Section 12-1 (c) act on the sampled students.
2. To study the challenges faced by these students in accessing and benefiting from basic education due to the implementation of the RTE Act, especially Section 12-1 (c)
3. To study practical solutions to overcome the identified challenges, enhancing the efficacy of the RTE Act Section 12-1 (c)

### 1.3 Research Questions

1. What are the challenges and academic achievements of the samples studying under RTE Act 2009 section 12-(1)C?
2. What are the impacts and achievement levels of the samples studying under RTE Act 2009 section 12-(1)C?
3. What could be the solutions for the challenges faced by the students studying under section 12-(1)C of RTE Act 2009?

### 1.4 Delimitations

#### Delimitations

**This study has certain limitations as well:**

- The research primarily relies on qualitative analysis of ten case studies and secondary data.
- The paper specifically targets students enrolled under Section 12(1)(c) in private unaided schools, leaving out those in government and aided institutions.
- The study is limited to two districts in one state i.e. U.P. of India.
- The research mainly highlights cases from urban and semi-urban areas majorly.

## 2.0 Review of Literature

**2.1 Srivastava (2013)** studied the application of RTE Section 12(1)(c) in low-cost private schools and observed administrative and attitudinal constraints hindering access and integration. She emphasized the requirement for policy-level reforms and support structures in ensuring inclusion and equity.

**2.2 Muralidharan and Sundararaman (2015)** implemented a randomized assessment of education quality in India and discovered that although private schools tend to provide superior test scores, pedagogical and curriculum alignment gaps at the systemic level remain for RTE students.

**2.3 Jain and Dholakia (2019)** examined the operational and financial issues that private schools in India experienced in meeting Section 12(1)(c) requirements and highlighted the importance of timely reimbursement and regulatory clarity to maintain inclusive models of education.

## 3.0 Methodology

This study uses a qualitative research approach and utilizes secondary data from a variety of sources, including government reports like UDISE+ and ASER, NGO studies. Along with that it also highlights ten case studies that focus on RTE Section 12(1)(c) students in urban and Rural private schools across India.

## 4.0 Analysis of Data

### 4.1 Challenges and academic achievements of the samples studying under RTE Act 2009 section 12-(1)C

**4.1.1. Case Study 1:** Academic Excellence and Aspiration to Become a Doctor Background: the daughter of a tailor in Aligarh, earned a spot at a well-respected private school thanks to the RTE.

Achievement: She consistently ranks in the top 5 of her class, particularly shining in science and English.  
Support System: School counsellors and teachers have recognized her potential and have been providing valuable mentorship.

Challenge: She initially faced difficulties with spoken English but managed to overcome this with the support of her peers and extra classes.

Current Status: She is aspiring to be a doctor and prepare for NEET exam, but needs to change the school post class VIII as her father is not ready to pay the Fees of the school.

**4.1.2. Case Study 2:** Technically sound and Building a Future in Engineering Background. Sample's father is a bus driver in Pune, and he got into a top private school through the RTE.

Achievement: Aarav has bagged several awards in science exhibitions.

Support System: The school's STEM club and mentorship from senior students have played a crucial role in his success.

Challenge: Financial pressures made it tough to afford resources, but the school has stepped in to help.

Current Status: He's now in Class 9, pursuing the Science stream and aiming for engineering at IIT or NIT, but the school has just given a partial waiver and the sample seeks more financial help.

**4.1.3. Case Study 3:** Struggling to Cope, Seeking Future Opportunities sample hails from a slum in Jaipur and was admitted to a convent school under the RTE.

Challenge: She faced a language barrier due to her Hindi-medium background, which, combined with a cultural mismatch with her peers, led to feelings of anxiety and isolation.

Academic Status: Her scores are below average, and she's in need of remedial support.

Intervention: She's currently receiving teacher's guidance to take part in bridge classes.

Current Status: Sample is now in Class VIII, trying to overcome her academic challenges and ensure that she passes her exams and later change her schooling to free Hindi Medium Public School.

**4.1.4. Case Study 4:** Average Performer with a Highly Aspirational Mother the sample is doing average in class.

Academic Status: The student is currently scoring between 60% and 65%, showing growth.

Parental Support: Despite facing financial challenges, the mother has hired a private tutor and makes it a point to attend parent-teacher meetings, highlighting her aspirations and importance of education to their ward.

Current Status: The student has been promoted to Class 8 and is steadily making progress. Thanks to the help of a committed private tutor and the consistent involvement of their parents, they're on the right track!

**4.1.5. Case Study 5:** Struggling Due to Weak Foundation and Lack of School Support. Sample is from a disadvantaged background, and marginalized section, whose Parents can't assist with studies due to their own illiteracy.

Challenges: Struggles with English, Maths, and Science, and doesn't receive the individual attention needed from the school.

Academic Status: Just scraped through Class 7 and was conditionally promoted to Class 8.

Current Status: The parents stated clearly that the child will change the school and look for alternative options whose fees they can pay easily despite admitting that the sample may suffer.

**4.1.6. Case Study 6:** Another Struggler with Language and Conceptual Gaps. The sample is studying in a private school in Lodha, Aligarh under RTE provisions.

Challenges: Sample has a tough time with English comprehension and solving math problems. The school hasn't provided adequate support and expects her to have prior knowledge.

Academic Status: Promoted to Class 8 conditionally, despite significant gaps in knowledge.

Current Status: The parents and the child both want to change the school and also stated if they would have been in any other Private School her Academic Achievement would be better.

**4.1.7. Case Study 7:** High Achiever with Strong Institutional Support in class VIII. Sample Comes from a low-income family; her father is a street vendor in Aligarh.

Achievements: Consistently scores over 90%, especially excelling in Science and English, highly benefitted from focused academic enrichment classes and mentorship from teachers.

Challenges: Lack of Digital Resources and Support system to cope up with the Peers as well as changing education system.

Current Status: Sample is among the top students in her school and actively participates in co-curricular academic competitions, but the child is concerned about the future as the family is unable to pay the fees.

**4.1.8. Case Study 8:** Co-curricular Talent with Average Academics. Sample attends a private ICSE school in a semi-urban area, currently in class VIII and is highly interested in sports and dance.

Academic Status: Maintains average scores (50%–60%) but is well-behaved and engaged.

Challenges: Sample struggles in academic achievement as well as less focussed on them, needs support in Science and English.

Current status: The sample is actively participating in school-level sports and cultural events and wishes to make a future in the same, for higher education sample is looking for a good public school with similar facilities and opportunities.

**4.1.9. Case Study 9:** Average Performer with Modest Ambitions. Student belongs to a poor family in Lucknow; the mother is employed as domestic help.

Achievement: Performs adequately, especially in Social Studies and Hindi.

Support System: Gets emotional support at home but has no access to digital resources and academic facilitation.

Challenge: Suffers from low self-esteem because of socio-economic disadvantage due to classmates.

Current Status: Recently elevated to Class 9 with average marks; with no school fees payment yet, but mother wants to pay the fees so the child can be a police officer.

**4.1.10. Case Study 10:** Dropped Out after passing Class 8, Confronted with Premature Workforce Entry sample is from a small village, and the family depends on wages on a daily basis.

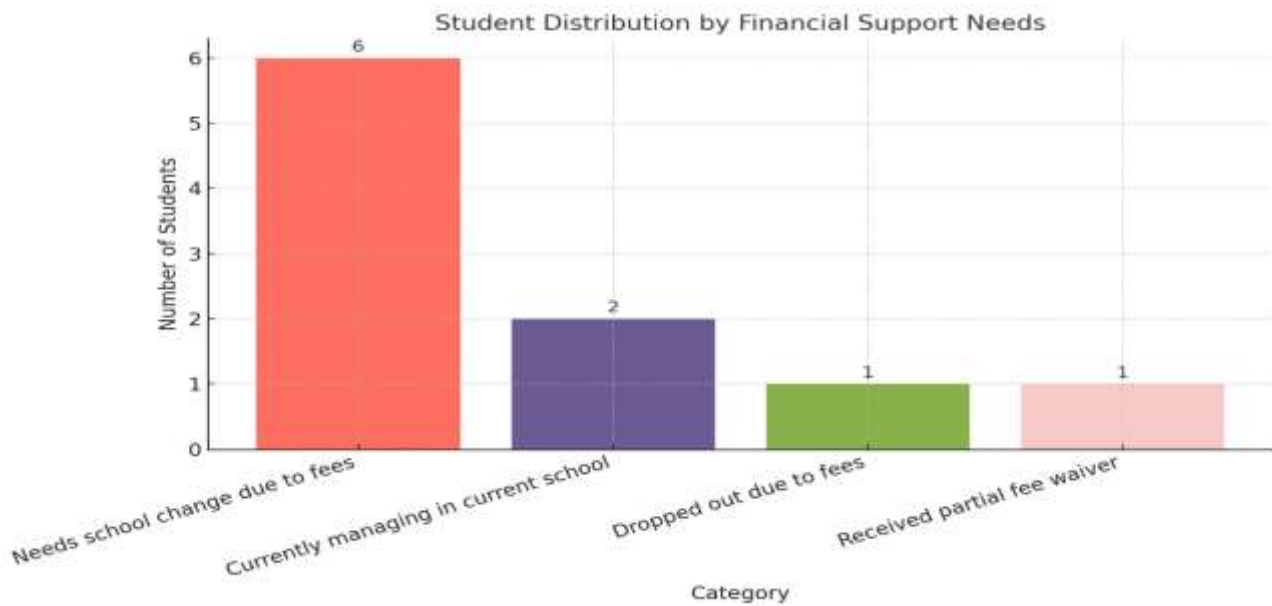
Achievement: The sample was average in studies but good in English and Maths.

Challenge: Experienced academic challenges with science, bullying, and absence of parental academic sponsorship.

Outcome: Upon completing Class 8, the student dropped out due to high fees and lack of free educational support from the Government.

Current Status: Now working as a waiter in a roadside restaurant, while assisting family and Aspire to keep his younger brother's education continued.



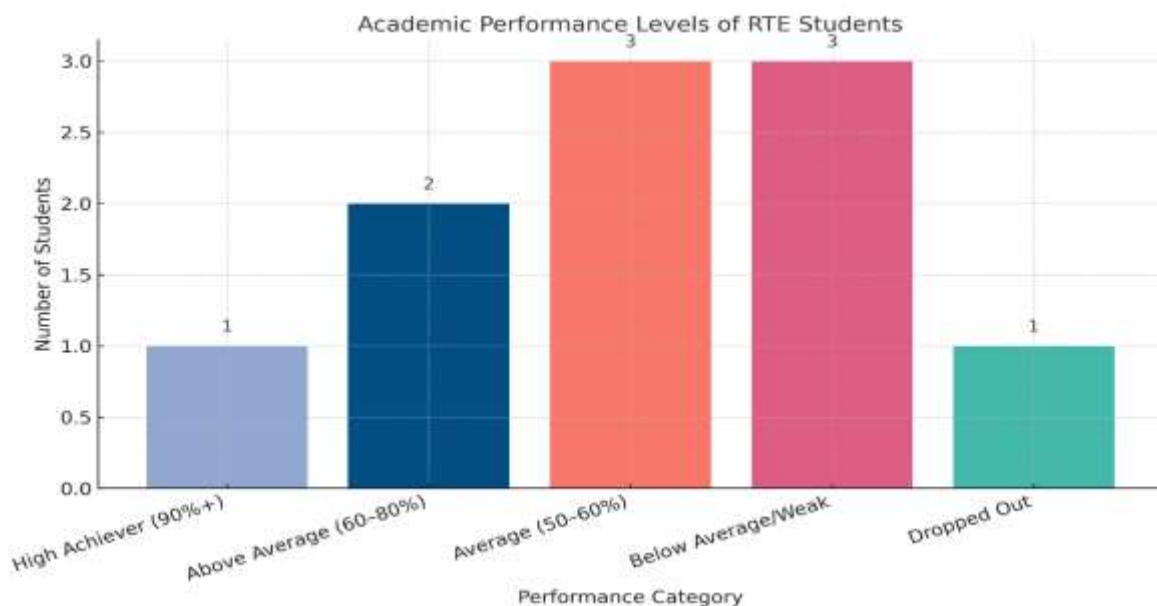


**Figure 4: Students Distribution by Financial Support needs.**

These case studies highlight the diverse trajectories of RTE beneficiaries, showcasing both remarkable potential and persistent challenges. While some students are excelling academically and aspiring for professional careers, others struggle due to systemic gaps and socio-economic barriers but most importantly financial support from the government, remedial education, and policy intervention are crucial to sustain and uplift these students' educational journeys.

## 4.2 The impacts and achievement levels of students studying under RTE Act 2009 Section 12(1)(c)

The rollout of Section 12(1)(c) of the RTE Act has made a notable, though mixed, impact on students from economically disadvantaged backgrounds. Studies and data collected indicate that while access to private schools has led to some academic gains, it has also introduced new social and structural hurdles.



Muralidharan and Sundararaman (2015) conducted a randomized controlled trial and found that students who received private school vouchers performed a bit better in language and math than those students who are enrolled in government schools. However, they also pointed out that these improvements were modest and heavily depended on factors like the quality of the school, teacher training, and how relevant the curriculum was.

The ASER Report (2019) also pointed out that students under the RTE Section 12(1)(c) often enjoyed better facilities and a more supportive academic atmosphere. Yet, they frequently encountered social exclusion and language barriers, which hindered their full participation in learning.

Jain and Dholakia (2019) also noted that students enrolled under Section 12(1)(c) had greater access to extracurricular activities and opportunities for overall development. Still, financial pressures from expenses not covered by the program (like uniforms, books, and transportation) and a lack of remedial academic support impacted their ongoing progress.

In summary, while RTE Section 12(1)(c) has opened doors to improved educational resources, its long-term effectiveness hinges on overcoming integration challenges, providing additional academic support, and ensuring that underprivileged families can afford the associated costs.

### **4.3 Solutions for the challenges faced by the students studying under section 12-(1)C of RTE Act 2009?**

To address the challenges, the following solutions are crucial:

#### **4.3.1. Extension of Free Education Support till Class 12**

The premature withdrawal of financial support following Class 8 is one of the major implementation holes in RTE. This breeds uncertainty and frequently results in students dropping out or changing schools because of the exorbitant tuition. Maintaining the help through Class 12 would guarantee learning continuity and avoid impeding academic advancement. This viewpoint is supported by the National Education Policy (NEP) 2020, which emphasizes universal access to education from preschool through secondary school and aims to attain a 100% gross enrolment ratio in schooling by 2030. Therefore, this crucial gap can be closed and inclusive education strengthened by aligning policies with NEP 2020 (Ministry of Education, 2020).

#### **4.3.2. Enhanced Financial Support from the Government**

Many students face unexpected costs like uniforms, transportation, and books. It's crucial to establish timely and thorough reimbursement policies to cover these extra expenses. Without this support, even free tuition can feel out of reach (Jain & Dholakia, 2019).

#### **4.3.3. Remedial and Bridge Education Programs**

Students from the RTE often enter private schools with noticeable learning gaps. To help them catch up academically, we need bridge courses and remedial classes, ideally scheduled after school or during breaks (ASER Centre, 2019).

#### **4.3.4. Institutional Support and Awareness**

Private schools should be required and trained to foster inclusive, non-discriminatory environments. Initiatives for teacher training and parent awareness can help reduce stigma and promote social integration (Srivastava, 2013).

#### **4.3.5. Effective Monitoring and Grievance Redressal Systems**

Implementing digital grievance platforms, maintaining transparent admission records, and conducting third-party audits can help prevent the misuse of the RTE provisions and ensure that students receive the



benefits they deserve (Muralidharan & Sundararaman, 2015).

#### 4.3.6. Policy Reforms and Collaboration with Stakeholders

Government agencies should collaborate closely with NGOs and civil society organizations to raise awareness, streamline processes, and advocate for policy changes that reflect local needs.

### 5.0 Conclusion

The Right to Education Act—particularly Section 12(1)(c)—has increased economically disadvantaged kids' access to high-quality education and provided them with a vital first step toward private schools. But there are still many systemic obstacles in the way of achieving fairness, from social exclusion and financial discontinuity to insufficient remedial assistance. In order to turn these opportunities into long-lasting change, inclusive school policies, increased financial support through secondary education, and governmental reinforcement are desperately needed. The real goal of RTE, which is to enable the underprivileged to flourish in addition to being admitted, can only then be achieved.

### References

1. ASER Centre. (2019). Annual Status of Education Report (Rural) 2019. Pratham. Retrieved from <http://www.asercentre.org>
2. Government of India. (2002). The Constitution (Eighty-sixth Amendment) Act, 2002. Retrieved from <https://legislative.gov.in/constitution-eighty-sixth-amendment-act-2002>
3. Jain, S., & Dholakia, R. H. (2019). Implementing RTE Section 12(1)(c) in Private Schools: Challenges and Policy Options. *Indian Journal of Public Administration*, 65(3), 543–561. <https://doi.org/10.1177/0019556119853437>
4. Ministry of Law and Justice. (2009). The Right of Children to Free and Compulsory Education Act, 2009. Government of India. Retrieved from <https://legislative.gov.in>
5. Muralidharan, K., & Sundararaman, V. (2015). The aggregate effect of school choice: Evidence from a two-stage experiment in India. *The Quarterly Journal of Economics*, 130(3), 1011–1066. <https://doi.org/10.1093/qje/qjv013>
6. National Sample Survey Office (NSSO). (2015). Education in India: 71st Round (January-June 2014). Ministry of Statistics and Programme Implementation, Government of India. Retrieved from <http://mospi.nic.in>
7. Press Information Bureau (PIB). (2010). RTE to Create Equal Opportunity for Children. Ministry of Human Resource Development, Government of India. Retrieved from <https://pib.gov.in>
8. Srivastava, P. (2013). Low-fee private schooling: Issues and evidence. In P. Srivastava (Ed.), *Low-fee private schooling: Aggravating equity or mitigating disadvantage?* (pp. 7–35). Oxford: Symposium Books.
9. Unified District Information System for Education Plus (UDISE+), 2019-20. Department of School Education and Literacy, Ministry of Education, Government of India. Retrieved from <https://udiseplus.gov.in>