

NEXT IAS

**DAILY EDITORIAL
ANALYSIS**

TOPIC

RTE ACT & IDEA OF SOCIAL INCLUSION

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Context

- Recently, the Supreme Court of India reaffirmed the vision of **Section 12(1)(c) of the Right to Education (RTE) Act, 2009**, symbolising ‘equality of status’ under **Article 14 and 21A of the Constitution**.
- It reflects a **constitutional strategy of social integration**, rather than a mere welfare scheme.

About Right to Education (RTE) Act, 2009

- The **Right of Children to Free and Compulsory Education Act, 2009 (RTE Act)** operationalises **Article 21A** of the Indian Constitution, inserted by the **86th Constitutional Amendment Act, 2002**, making education a **Fundamental Right** for children aged **6–14 years**.
- It marks a **shift from welfare-based schooling to a rights-based framework**.
- **Objectives:**
 - ◆ Ensure **universal elementary education**
 - ◆ Promote **equity and social inclusion**
 - ◆ Improve **quality of education and learning outcomes**
 - ◆ Reduce **dropout rates and disparities**

Constitutional and Policy Significance

- **Article 21A:** Guarantees free and compulsory education (6–14 years).
- **Directive Principles (Articles 38, 39, 46):** Promote social justice and reduce inequalities.
- **Section 12(1)(c) of RTE Act** operationalises these by **embedding diversity within schooling spaces**.

Key Features / Provisions

- **Free and Compulsory Education:** No child (6–14 years) shall pay any fee or charges; government responsible for ensuring admission, attendance, and completion.
- **No Detention Policy (Modified later):** Originally, no child could be detained or expelled till Class 8, later amended (2019) to allow exams in Classes 5 and 8.
- **Norms and Standards:** Prescribes **pupil-teacher ratio (PTR)**; infrastructure norms (classrooms, toilets, drinking water); and teacher qualifications (as per NCTE)
- **Prohibition of Discrimination:** No screening procedures for admission; and no corporal punishment or mental harassment.
- **School Management Committees (SMCs):** Comprising parents and local authorities, responsible for school development plans and monitoring.

Why Social Integration Matters?

- India’s education system has historically been **stratified by class, caste, and income**, and marked by **elite private schools vs under-resourced government schools**.
- It leads to social isolation, reinforcement of inequality, and limited mobility.
- The RTE Act intervenes by **institutionalising ‘shared schooling spaces’**, aligning with constitutional provisions like **Article 14 (Equality)**, **Article 21A (Right to Education)**, and **Article 38 (Social Order based on justice)**.

Mechanism of Social Integration under RTE

- **25% Reservation in Private Schools (Section 12(1)(c)):** Private unaided schools must reserve **25% seats** for Economically Weaker Sections (EWS) and Disadvantaged Groups. It promotes **interaction across socio-economic divides**.
- **Neighbourhood School Concept:** It encourages **local, inclusive schooling communities**, and reduces segregation based on geography and class.
- **Inclusive Classroom Norms:** No discrimination, screening, or segregation allowed; and equal access to facilities, activities, and opportunities.

Impact of Social Integration

- **Positive Outcomes (Evidence-Based):** Reduced prejudice and discrimination among children, improved **pro-social behaviour and empathy**, access to **social capital and peer networks**, and enhanced **aspirations and self-confidence** among disadvantaged children.
- **Broader Societal Gains:** Promotes **inclusive citizenship**, reduces **intergenerational inequality**, and strengthens **national integration and democratic values**.
- **Evidence From Implementation:** Over **5 million children admitted** under the provision; **retention rates above 90%** in several states.
 - ♦ Urban centres like **Delhi and Ahmedabad** show normalization of integrated classrooms.
- **Policy & Governance Improvements:** Digital admission systems (Rajasthan, Gujarat, Delhi); **MIS-based monitoring and reimbursements**; and reduced discretion and increased transparency.

Limitations & Challenges

- **Hidden Segregation:** Instances of **labelling, stigma, or subtle exclusion** within classrooms.
- **Unequal Participation:** EWS students may face language barriers, cultural gaps, and financial constraints (uniforms, transport).
- **Institutional Barriers:** Resistance from some private schools; and inadequate enforcement of inclusion norms.
- **Administrative Gaps:** Delayed reimbursements, weak grievance redress mechanisms, and uneven implementation across states.
- Other issues lie in **quality deficits, infrastructure gaps, and teacher absenteeism**.

Conclusion & Way Forward

- Section 12(1)(c) of RTE Act represents a **transformative constitutional experiment**, moving beyond **formal equality to lived equality**.
- The Supreme Court's reaffirmation clarifies that the provision is about **creating shared social spaces where inequality is actively dismantled**.
- The real challenge now lies in **effective implementation**, ensuring that the promise of social integration becomes a **tangible reality for every child**.
- There is need to:
 - ♦ **Strengthen Public Education** alongside RTE implementation.
 - ♦ **Ensure Timely Reimbursements** to private schools.
 - ♦ **Eliminate Hidden Costs** through strict regulation.
 - ♦ **Improve Grievance Redress Systems** for parents.
 - ♦ **Enhance Awareness and Outreach** among disadvantaged groups.
 - ♦ **Monitor Inclusion Practices** to prevent discrimination within classrooms.

Source: TH

Daily Mains Practice Question

- [Q] The Right to Education (RTE) Act, 2009 is a constitutional instrument for social inclusion. Comment. Analyse the challenges in its effective implementation.