

Evaluating the Impact of the RTE Act on Infrastructure in Private Schools

¹Ms. Veebha Singh, ²Dr. Nagesh Sawant, ³Dr. Sameena Mir

¹Ph.D. Research Scholar, School of Doctoral Studies, Ajeenkya DY Patil University, Pune,

²Associate Professor, Guide Ajeenkya DY Patil University, Pune,

³Assistant Professor, Co-Guide Ajeenkya DY Patil University, Pune.

School of Doctoral Studies Ajeenkya DY Patil University, Pune

Abstract: -The RTE Act is a significant Indian legislation that ensures free and mandatory education for children between the ages of 6 and 14. Implemented in 2009, this legislation incorporates measures for mandatory and free education, the ban of entrance refusal, and a 25% allocation for marginalised populations. The Act has had a substantial impact on India's education system, resulting in a notable rise in enrollment rates, especially among girls and underprivileged children. Nevertheless, the execution is impeded by insufficient financial resources and a dearth of experienced educators. Increased government investment in education is necessary to alleviate the budgetary challenges faced by numerous states. Notwithstanding these obstacles, the RTE Act represents a noteworthy stride in guaranteeing equitable and comprehensive possibilities for all children in India to access high-quality education. The Supreme Court has historically acknowledged education as a public benefit and philanthropic endeavour but has recently shifted its attention towards enhancing educational facilities and curbing excessive commercialization. In 2012, unassisted private schools contested the constitutional legitimacy of the RTE Act. However, the court determined that the terms of the act were reasonable and legally binding limitations on the autonomy of private schools, with the exception of minority institutions.

Keywords: School, RTE, Free, Private, Education.

1. Introduction

The Right of Children to Free and Compulsory Education Act (RTE Act) is a significant piece of law in India that ensures that children between the ages of 6 and 14 have the right to receive education that is both free of charge and mandatory. The legislation was passed in 2009 and was implemented in 2010. The Right to Education (RTE) Act is founded upon the constitutional provision that recognises education as a fundamental right. This recognition was established by the 86th Amendment Act of 2002 in the Indian Constitution. The RTE Act has several important aspects, such as the provision of free and mandatory education, the prohibition of entrance refusal, and the allocation of a 25% quota for disadvantaged populations.

The Act has had a substantial influence on education in India, leading to a notable rise in enrollment rates, especially among girls and children belonging to marginalised communities. Furthermore, it enhanced the calibre of instruction in numerous educational institutions. Nevertheless, the implementation of the RTE Act is hindered by insufficient finance and a dearth of trained teachers. The legislation mandates that the government allocate substantial funds towards education, although numerous states face challenges in fulfilling their financial responsibilities.

Notwithstanding these obstacles, the RTE Act represents a substantial advancement in guaranteeing equitable access to high-quality education for every kid in India. It is an influential instrument for advocating social justice and equality, with the capacity to revolutionise the lives of countless youngsters.

Historically, the Supreme Court has seen education as a public benefit and philanthropic endeavour, recognising the vital contribution of private schools in fulfilling this entitlement. Nevertheless, the court has increasingly

highlighted the state's obligation to allocate resources towards enhancing educational infrastructure and curbing the commercialization of education. The Gujarat High Court has determined that the responsibility to offer education extends beyond the mere establishment and funding of schools. It also include the implementation of legislation that address the requirements of disadvantaged groups and foster academic superiority. In 2003, the T.M.A. Pai decision determined that private schools possessed significant independence in determining their admission policies and prices. However, it was explicitly stated that making excessive profits was not allowed, and only a reasonable surplus could be generated. In 2012, unassisted private schools contested the constitutional legitimacy of the RTE Act, asserting that it infringed upon their rights as outlined in Article 19(1)(g) and the T.M.A. Pai legislation. Nevertheless, the court deemed the provisions of the RTE Act to be justifiable and legally binding limitations on the independence of private schools, with the exception of unaided minority institutions, which are excluded from Section 12(1)(c). Hence, all private schools that are not minority institutions are required to comply with the access and quality standards set forth in the RTE Act.

2. Importance Of Evaluating Its Impact On Teacher Qualifications And Infrastructure In Private Schools

The Right to Education (RTE) Act is a vital legislation that enforces basic requirements for instructors in all schools, including those in the private sector. Evaluating the influence on private schools aids in verifying compliance with these criteria and ascertaining that teachers possess the requisite expertise and understanding to provide high-quality education. Sufficient infrastructure, encompassing classrooms, libraries, laboratories, and playgrounds, is necessary for optimal learning outcomes. The RTE Act facilitates equity and access by bridging the disparity between government and private schools. Nevertheless, there are apprehensions regarding the calibre of education provided in certain private schools, namely those that serve low-income communities. Evaluation serves to detect discrepancies and guarantee that every kid is provided with a high standard of education.

Adhering to the provisions of the RTE Act fosters responsibility and openness in the education system. Utilising data to make informed decisions helps effectively tackle difficulties and enhance the educational standards in private schools. Examining the successful methods employed by private schools in adhering to the RTE Act can reveal effective models that can be more widely implemented, so enhancing the general standard of education.

Assessing the influence can also provide insight into the difficulties encountered by private schools, such as fiscal limitations, recruitment of competent educators, and fulfilment of infrastructural needs. Gaining comprehension of these factors is crucial for optimising teachers' workload, identifying their training requirements, and enhancing their job satisfaction, hence fostering improved student outcomes.

Conclusively, it is crucial to assess the influence of the RTE Act on teacher credentials and infrastructure in private schools to guarantee high-quality education, advance fairness and accessibility, provide guidance for policy-making, and accomplish the objectives of the Act.

The major objective of the International Covenant on Economic, Social and Cultural Rights (ICESCR) is to ensure that elementary education is both free of charge and mandatory, while also striving to gradually provide free and accessible secondary education to all individuals. This policy upholds the parents' prerogative to select schools that satisfy the minimal requirements set by the state. It also maintains the availability of adequate and operational schools, guarantees equal access without discrimination, and promotes affordable, high-quality, and pertinent curriculum and teaching methods. The Convention on the Rights of the Child (CRC) highlights the obligation of the state to fulfil the right to education for every child without discrimination, guaranteeing that school discipline upholds human dignity and eradicates detrimental practices that hinder children's education.

The primary objective of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is to eradicate all forms of discrimination in the field of education and guarantee equal educational opportunities for girls who are not currently attending school. It actively opposes gender stereotypes in education by implementing curriculum, pedagogy, and advocating for co-educational schools. The primary objective of the Convention on the Rights of Persons with Disabilities (CRPD) is to achieve the realisation of the right to education in a manner that is free from discrimination and encompasses everyone.

3. Objectives And Scope Of The Research

The research aims to assess the impact of the RTE Act on teacher qualifications in private schools, focusing on the distribution of qualified teachers across different subjects, grades, and school types. It also aims to identify disparities in teacher qualifications based on factors like school location, fee structure, or student socio-economic background. The research will also evaluate the impact of the RTE Act on infrastructure in private schools, assessing the availability and quality of essential facilities, and measuring compliance with infrastructure norms. The research will also examine the challenges and opportunities faced by private schools in complying with the RTE Act, such as financial constraints, teacher recruitment and retention issues, and difficulties in meeting infrastructure requirements. The findings will provide data-driven insights to inform policy decisions and interventions, identifying areas where the RTE Act's implementation needs improvement. The research can be national or state-level, focusing on specific types of private schools or a broader range of schools.

The research will employ quantitative and qualitative methods to gather data and gain a deeper understanding of the issues. Ethical considerations, such as informed consent, data privacy, and confidentiality of participants, will be considered. By defining the objectives and scope of the research, it can provide valuable insights into the impact of the RTE Act on teacher qualifications and infrastructure in private schools, contributing to improving the quality of education for all children.

4. Results And Analysis

The study reveals a significant improvement in school and infrastructure parameters over the decade from 2009-10 to 2019-20. The most significant improvements were observed in the areas of "Schools receiving textbooks supplied by the Govt.", "Schools with computer facility", and "Schools with ramp for CWSN". The kitchen shed for Mid-day Meal (MDM) increased from 43% in 2009-10 to 65% in 2019-20. Schools with library facilities also saw an increase from 72% to 89% in 2019-20. Schools with electricity connections also saw an increase from 95% to 99%. Computer facilities increased from 16% to 44%. Schools with boundary walls also saw an increase from 68% to 87% in 2019-20. Schools with playgrounds also saw an increase from 69% to 82% in 2019-20. Girls' toilet facilities and boys' toilet facilities also saw an increase. Schools with school management committees also saw an increase from 73% to 88% in 2019-20.

The enrollment rate for students across all social categories has steadily increased from 2010 to 2020, reaching 95.6%. However, the percentage of enrolled SC students consistently lagged behind the SC population percentage, with an enrollment rate of 92.9% in 2020 and 16.4% in 2010. The enrollment rate for ST students was also lower than their population percentage, with an enrollment rate of 74.3% in 2010 and 88.3% in 2020. OBC students' enrollment rate was closer to their population share, with an enrollment rate of 90.3% in 2010 and 96.2% in 2020, while the population share remained around 44%. Muslim students' enrollment rate was also close to their population share, with an enrollment rate of 85.8% in 2010 and 94.1% in 2020.

The overall improvement in enrollment rates across all social categories suggests that efforts to promote education access have been successful to some extent. However, the persistent gap between enrollment rates and population percentages for SC and ST students indicates challenges in ensuring equitable access to education for these marginalized communities. The relatively closer enrollment rates for OBC and Muslim students may indicate better access to educational opportunities compared to SC and ST students.

The data shows that 75% of children in India struggle with basic reading and math skills, with 74% not able to read a Class 2 textbook every week. In Class 5, 50% of children struggled with reading a Class 2 textbook fluently, and 74% could not do division. In Class 2, 19.5% of children were unable to recognize numbers up to nine, and 25% could not read a Class 2 level textbook.

This suggests that a significant number of children in India are struggling with basic reading and math skills due to factors such as inadequate quality of education, lack of qualified teachers, and socioeconomic factors. The data is based on a survey conducted by ASER, a non-profit organization working on education in India, and it

does not provide information on the reasons why children are struggling in school. More research is needed to understand the root causes of these problems. Overall, the data suggests a need to improve the quality of education in India, particularly in rural areas, and the government and other stakeholders need to work together to address these challenges. The graph reveals a higher female employment rate (88.2%) in Ireland compared to male employment (86.5%). However, there are significant differences across different sectors. Agriculture, forestry, and fishing have the lowest female employment rate (40.2%) and the highest male employment rate (79.8%).

Accommodation and food service activities have a higher female employment rate (60.6%) compared to male employment (43.2%). Information and communication have a nearly equal female and male employment rate (49.7%). Financial and insurance activities have a significantly higher male employment rate (70.5%) compared to female employment (29.5%).

Public administration and defense; compulsory social security have a higher female employment rate (61.2%) compared to male employment (38.8%). Education has a higher female employment rate (79.3%) compared to male employment (20.7%). Health and social work has a higher female employment rate (84.3%) compared to male employment (15.7%). The higher overall female employment rate may be due to increased female participation and changes in societal norms. The significant differences in female and male employment rates suggest gender segregation persists in the Indian labour market, possibly due to occupational stereotypes, unconscious bias, and discrimination.

The study examined the successful execution of the Right to Education (RTE) Act in West Bengal using a survey methodology. The findings demonstrated a literacy rate of 100% and a populace that was highly knowledgeable, suggesting that the RTE Act was effectively executed. Nonetheless, the sole disadvantage was the absence of birth certificates within the populace, since the Act permits youngsters lacking certificates to obtain primary school. The recommendations for policy execution centred on enhancing the calibre of education and fostering consciousness in rural regions. The proposal entailed raising the age threshold to 18 years and augmenting the education department's budget to facilitate additional school infrastructure development. Additionally, regular inspections were required to safeguard against schools taking advantage of the uninformed public. The Right to Education (RTE) Act, enacted by the Indian parliament, is anticipated to have a pivotal impact in attaining inclusive primary education. It is imperative for the youth and civil society of India to actively advocate for education among illiterate parents and tackle social disparities and monopolisation. Universal access to tuition-free education should be provided to individuals until a specific age. India and other nations should collaborate in order to accomplish this objective.

The dissemination of information on the RTE Act in India was predominantly conducted through television, newspapers, and government initiatives, resulting in 43% of the population claiming awareness. 14% of individuals obtained information from newspapers, whilst 37% indicated awareness from government programmes. Nevertheless, a notable 6% of the population remained oblivious to the existence of the Act. The data indicates that mass media, namely television, had a notable impact on increasing awareness among the Indian populace in 2010. Government initiatives have had a significant impact in spreading awareness regarding the Act. The 6% stated unawareness indicates a moderate level of achievement in the awareness effort. The data is derived from a research conducted in 2010, which may not accurately represent the current level of awareness and lacks demographic information. It is crucial to acknowledge that awareness does not automatically imply comprehension of its provisions or execution.

In December 2017, the National Institute of Public Finance and Policy (NIPFP) released a research report that specifically examined 11 states and one Union Territory (UT). The analysis indicated that Bihar and Uttar Pradesh have the biggest infrastructural deficiency, followed by Rajasthan and MP. Tamil Nadu, Maharashtra, and Karnataka are the top-performing regions. Kerala, although often regarded as the most exceptional state in India, was regrettably excluded from the study. The majority of children who are not attending school are located in Uttar Pradesh, accounting for 12.3% of the total. Bihar follows closely behind with 9.9%, followed by

Rajasthan with 9.3%, and Madhya Pradesh with 7.5%. The states of Bihar and Jharkhand have the highest number of teacher openings.

Bihar and Uttar Pradesh have the greatest yearly funding requirements, with each state requiring over 43,000 crore. Nevertheless, Bihar's current expenditure amounts to about 30% of the entire amount needed, making it the lowest among Jharkhand (43%) and Odisha (46%). The overall funding required varies significantly among states, with states such as Bihar, which have a low Gross State Domestic Product (GSDP), experiencing a more significant deficit in existing infrastructure.

Assigning a specific percentage, such as 6% of GSDP, as prescriptions for basic education in individual states is not logical. In order to bridge the infrastructure gap between poorer states such as Bihar, Jharkhand, and Odisha and other states, the Central government should increase its financial allocation to these states. The teacher's wage alone accounts for almost 80% of the annual recurring budget, leading to subpar learning outcomes even after 7 years since the implementation of the Right to Education (RTE).

5. The Infrastructure Improvements Made In Private Schools To Comply With Rte Act Requirements

The RTE Act enforces the enhancement of facilities in private schools to guarantee improved education quality and equal access for all children. The enhancements encompass the expansion of classroom facilities, improvement of classroom size and quality, investment in superior furniture and equipment, establishment of dedicated playgrounds, provision of sports equipment, enlargement of library collections, construction of separate toilets for girls and boys, enhancement of sanitation and hygiene, installation of water purifiers or filtration systems, assurance of proper accessibility and maintenance of drinking water facilities, upgrade of electrical connections, investment in computer labs and IT resources, provision of accessible toilets for students with disabilities, and provision of specialised learning materials.

Nevertheless, there are persisting obstacles. Insufficient financial resources can impede schools from carrying out essential infrastructure improvements, particularly in densely populated urban regions with limited physical capacity. Expanding the infrastructure within the confines of current school grounds might provide difficulties, particularly in metropolitan settings where space is constrained. Furthermore, the ongoing financial resources and dedication are necessary for the maintenance and upkeep of new infrastructure.

Ultimately, although private schools have achieved substantial advancements in their infrastructure to adhere to the RTE Act, they still face obstacles such as budgetary limitations, spatial constraints, and the necessity for ongoing maintenance and upkeep. Nevertheless, these endeavours have effectively enhanced the calibre of education and ensured equitable access for every student.

India's entitlement to education got substantial impetus following its ratification of the UN Convention on the Rights of the Child in 1992. In a landmark 1992 ruling in the case of *Mohini Jain v. Union of India*, the Supreme Court of India acknowledged education as a basic right. The court declared that the right to life encompasses all other rights and must be protected by the judiciary, as they are essential for the dignified and fulfilling existence of individuals. The right to education is a direct consequence of the right to life, and it is the responsibility of the State Government to ensure that educational resources are available to all citizens at every level.

6. Recommendations

The supply side of the Right to Education (RTE) infrastructure is impeded by several obstacles, such as inadequate adherence to specific regulations regarding boundary walls, cooking sheds, libraries, and ramps, discrepancies in the data collected by the District Information System for Education (DISE), and inconsistent overall compliance with all RTE requirements. The Right to Education (RTE) Act is not in accordance with the recently enacted Rights of Persons with Disabilities (RPWD) Act of 2016, and schools lack sufficient resources to accommodate children with special needs (CWSN). Additionally, there is a significant dearth of instructors under the Sarva Shiksha Abhiyan (SSA) programme, as well as a scarcity of teachers for Children with Special Needs (CWSN). Paraeducators are still being recruited, while the number of qualified teachers remains

alarmingly low. Single-teacher schools persist, where instructors are burdened with non-academic responsibilities and there is a dearth of mechanisms for addressing complaints.

The implementation of Clause 12(1)(c) has resulted in significant deviations from the prescribed standards across different states. There is also evidence of bias against parents who are seeking admission under the 25% quota. Additionally, the application forms are overly complicated, leading to delays in completing the admission process. Furthermore, parents are being charged exorbitant fees that are not related to tuition. Lastly, there are inconsistencies in determining the cost per child.

Monitoring and grievance redressal processes face several obstacles. These include the absence of School Management Committees (SMCs) in over 20% of schools, inconsistencies in their formation across different states, limited awareness among parents about the existence and responsibilities of SMCs, unethical practices during SMC elections, inadequate training and capacity building for SMC members, insufficient investment in SMCs, imbalances of power between marginalised parents and teachers with

The government and financing sectors encounter obstacles, including a lack of clarity regarding the convergence of roles in finance, administration, and monitoring for the Samagra Shiksha Abhiyan programme. Additionally, the consolidation of schools has resulted in a decrease in student enrollment, privatisation has hindered the inclusion of marginalised groups and economically disadvantaged sections of society, local authorities are overwhelmed with excessive responsibilities, and more than 20% of the SSA funds are not being fully utilised.

7. Conclusion

The Right to Education Act, 2009 in India has faced criticism due to its exclusion of children aged below 6 and over 14, which limits the age range of those who can benefit from it. Critics contend that the period spanning from birth to six years is often regarded as the most crucial phase in a child's growth, and terminating it at the age of 14 would lead to an unfinished endeavour.

The issue of out-of-school children is a considerable concern in highly populated states like Uttar Pradesh, Bihar, Madhya Pradesh, and Odisha. According to the 2014 National Survey on Estimation of Out-of-School Children, approximately 60.41 lakhs (2.97%) of children are not currently enrolled in school. The Muslim community exhibits the largest percentage of children who are not enrolled in educational institutions, with a rate of 4.43%. Factors such as the practice of marrying at a young age, insufficient security measures in educational institutions, and limited aspirations for female education all contribute to the high rates of dropout among girls.

Girls are coerced by societal norms to participate in domestic chores and assume responsibility for their younger siblings, leading to irregular school attendance and ultimately causing them to drop out prematurely. The dropout rates of females are influenced by various factors, including the high occurrence of early marriage, insufficient security measures in schools, and limited aspirations for female education. Introducing initiatives like distributing bicycles to girls and hiring escorts (referred to as Tola Sevaks in Bihar) help establish a more secure atmosphere for females to go to school and enhance their chances of continuing their education. Improving school infrastructure should involve the installation of fully operational lavatory facilities. Kerala is the leading state in providing free sanitary napkins in schools, acknowledging the propensity of adolescent girls to be absent during menstruation.

The Right to Education Act, 2009 does not include children with special needs (CWSN), who make up the largest group of children in India who are not currently enrolled in school. The issue of Children with Special Needs (CWSN) is of great significance because India ratified the UN Convention on the Rights of Persons with Disabilities in October 2007 at an early stage. This agreement ensures that individuals with disabilities are not excluded from the mainstream education system because of their disabilities. It also guarantees that children with disabilities are not deprived of free and mandatory primary or secondary education because of their disabilities.

The implementation of the Right to Education Act (RTE) in India has faced several challenges, including the lack of formal admission announcements, the financial load per student, and the need for reliable record-keeping. Goa, Manipur, Mizoram, Sikkim, and Telangana have not yet released official notifications regarding admissions under the RTE Act. Furthermore, there is an absence of a proficient and structured mechanism for allocating funds at both the Central and State levels.

The plight of disadvantaged children in private schools is an additional concern, as education plays a pivotal role in promoting equality. The Continuous and Comprehensive Evaluation (CCE) process for primary education is commonly considered to be problematic due to its inadequate implementation and absence of effective monitoring. Professionals recommend that the skillful creation of evaluations and the application of knowledge gained from them can greatly improve the excellence and originality in the realm of education.

The Right to Education (RTE) Act in India is hindered by various shortcomings, such as the practice of advancing pupils from one grade to another without a formal assessment, which distorts the notion of evaluating learning outcomes. Expert committees have recommended the removal or discontinuation of the no-detention provision in the RTE Act. However, it has been noted that students lack the drive to work hard and perform, while teachers lack the ambition to improve their teaching abilities or inspire students to gain knowledge.

The NITI Aayog has recommended a reassessment of the RTE Act, and the government has revised the RTE Act to remove the no-detention policy and allow for regular tests in the 5th and 8th grades. If a student fails, they will receive further training and subsequently undergo a re-examination. The retention of the student will be determined by the relevant State or Central authority.

The successful implementation of the Right to Education (RTE) is heavily contingent upon the calibre of educators, given that the primary level of the education system is already grappling with a shortage of teachers. The dearth of adequately qualified instructors has emerged as a substantial impediment in efficiently implementing the Right to Education Act. The District Institutes of Education and Training (DIETs) were formed in 1986 to assume the role of educating teachers, as mandated by the National Policy on Education. Nevertheless, the majority of states, notably Bihar, Uttar Pradesh, Jharkhand, Orissa, Chhattisgarh, Assam, and West Bengal, have failed to prioritise the enhancement of the institutional capacity of these District Institutes of Education and Training (DIETs) and have overlooked the hiring of teacher trainers.

Following the implementation of the RTE Act, it was estimated that 10.6 lakh teachers would need to undergo professional training, with the goal of completing this training within a five-year period, ending in March 2015. Nevertheless, as of 2017, the number of instructors lacking proper training stood at 1.1 million. A solution was implemented to provide these teachers with an extension until March 2019 to acquire the necessary certifications.

The absence of bridge classes is also a matter of worry, as entrance is exclusively determined by age. The Right to Education Act stipulates that students must be assigned to courses according to their age, regardless of their level of intellectual attainment. Implementing mandatory adaptive training sessions for underachieving students is essential to achieve uniform competence levels among all students in a class.

The RTE Act has been criticised for compromising the autonomy of private schools, as seen in the TMA Pai Foundation versus State of Karnataka case. Private schools, including those who provide free or significantly reduced admission to underprivileged children, oppose the requirement of the RTE Act to allocate 25% of their seats for centralised admission of impoverished students.

Amending the Right to Education (RTE) policy to require missionary schools to reserve 25% of their seats for underprivileged children and include science, mathematics, and teachings on various religions in their curriculum would promote greater integration among Muslim and non-Muslim children. This would foster mutual respect and counteract the negative depiction of non-Muslims as unworthy "Kafirs" found in religious texts.

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