



Maharashtra Exempts Private Schools from RTE Quota Admissions

For Prelims: [Minority Educational Institutions \(MEI\)](#), [Right of Children to Free and Compulsory Education \(RTE\) Act 2009](#), [Cultural and Educational Rights under Article 21A](#), [Article 29 and 30 of Indian Constitution](#)

For Mains: [RTE Act, 2009](#), [Linkage between MEI and RTE](#), [Education](#).

Source: [IE](#)

Why in News?

The **Maharashtra school education department** recently issued a gazette notification **exempting private unaided schools** from the **mandatory 25% admission quota** for disadvantaged groups and weaker sections under certain conditions.

- As per **The Right Of Children To Free And Compulsory Education Act, 2009** (RTE Act) (section 12.1(C)), unaided schools are obligated to ensure that 25% of Class 1 students admitted must belong to “weaker section and disadvantaged group in the neighbourhood”.

Note

- **With this move, Maharashtra** joins **Karnataka** and **Kerala** in exempting private schools from **RTE admissions**, following **Karnataka's 2018 rule** and **Kerala's 2011 rules** which allow fee concession only if no government or aided schools are within walking distance, set at 1 km for Class 1 students.

What Exactly Does the New Rule State?

- The new rule prohibits local authorities from identifying private unaided schools for 25% admission of disadvantaged groups and weaker sections under the **Maharashtra Right of Children to Free and Compulsory Education Rules, 2013**, if the government or aided schools (which receive money from the govt) are within one kilometre radius of that school.
 - Such private schools **no longer need to adhere to the 25% requirement**; instead, students in these areas will be given priority for admission to the government or aided schools.
- The notification states that if there are no aided schools in the area, private schools will be selected for **RTE** admissions and **reimbursed for fees**, with a new list of obligated schools to be prepared accordingly.

Why have States Introduced Such Exemptions?

- **Karnataka's** state law minister stated in 2018 that the RTE's main aim is to offer education to all students, noting that the state's previous policy of permitting parents to enrol children in private schools near government schools had drastically **reduced government school enrollments**.
 - The Karnataka government's 2018 gazette notification is currently under **judicial scrutiny**.
- Private schools and teachers' organisations have noted that state governments **frequently fail to reimburse fees** for students admitted under this quota, as mandated by Section 12(2) of the RTE Act, which requires state governments to reimburse schools per-child expenses or the fee amount, whichever is lower.

What are the Likely Implications of this Exemption?

- **Arguments Against:**
 - Experts have raised questions regarding the **state's authority** to amend **central law**, stating that the notification contradicts the RTE and should be avoided.
 - The Maharashtra government's amendment has been criticised on the ground that it is **unjustified** and emphasising the importance of **Section 12(1)(C)** in combating education inequality.
- **Arguments in Favour:**
 - Maharashtra govt has highlighted that states are empowered by **Section 38** of the **RTE Act to formulate rules** for its implementation, clarifying that the changes made were to the rules drafted in 2011 and 2013, **not the original law**.
 - The **action does not contravene the RTE Act**, noting that **section 6** recommends government schools in unserved areas, making **section 12.1(C)** a temporary measure until such schools are established.
 - The private unaided schools have welcomed the new rules arguing that the move will increase the number of students in government schools.

Are Minority Schools Exempted from Following RTE Quota Admission?

- **Article 30** of the Constitution guarantees **minority communities** the right to establish and manage educational institutions to preserve their **unique culture, language, and script**.
 - Therefore, **in 2012**, an amendment to the RTE Act 2009 **exempted institutions** offering religious education from complying with the 25% reservation under the RTE Act.
- In 2014, the **Supreme Court** ruled in the **Pramati Educational & Cultural Trust vs Union Of India & Ors** that the RTE Act does not apply to minority schools.

What are the Significant Provisions of the RTE Act?

- **Right to Free and Compulsory Elementary Education:**
 - **Children aged 6-14 years** are entitled to **free, compulsory education** in local schools, with enrollment in an age-appropriate class for those above 6 not in school.
 - **Aided schools** must also offer education for free, proportionate to their funding, but **not less than 25%**.
 - **Elementary education** is free until completion, and **no child can be held back**, expelled, or required to pass a board exam before finishing **elementary education**.
- **Curriculum and Recognition:**
 - An academic authority designated by the central or state government must develop the curriculum and evaluation procedure for elementary education.
 - All schools required to adhere to **pupil-teacher ratio norms** and meet prescribed standards before establishment or recognition
 - Teacher qualification to be ensured by the **Teacher Eligibility Test (TET)** conducted by the appropriate government.
- **Responsibilities of Schools and Teachers:**
 - Teachers are forbidden from giving **private tuition** or performing non-teaching tasks,

except for census, disaster relief, and election duties.

- Schools must establish **School Management Committees (SMCs)** consisting of local authority representatives, parents, guardians, and teachers to oversee the school's use of government funds and create a school development plan.
- **Grievance Redressal:**
 - The [National Commission for the Protection of Child Rights](#) reviews safeguards and investigates complaints, with powers akin to a **civil court**; the state government may also establish a **State Commission** for similar functions.

Conclusion

While the Maharashtra government move may alleviate some **financial burdens** on **private schools** and potentially **increase enrollments** in government schools, it raises concerns about **equity** and **access to quality education** for children from **marginalised backgrounds**. The balance between supporting private schools and ensuring inclusive education for all remains a contentious issue.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims:

Q. Consider the following statements: (2018)

1. As per the right to education (RTE) Act, to be eligible for appointment as a teacher in a state, a person would be required to possess the minimum qualification laid down by the concerned State council of Teacher education.
2. As per the RTE Act, for teaching primary classes, a candidate is required to pass a Teacher Eligibility Test conducted in accordance with the National Council of Teacher Education guidelines.
3. In India, more than 90 % of teacher education institutions are directly under the State Governments.

Which of the statements given above is/are correct?

- (a) 1 and 2
- (b) 2 only
- (c) 1 and 3
- (d) 3 only

Ans: (b)

Mains:

Q. The Right of Children to Free and Compulsory Education Act, 2009 remains inadequate in promoting incentive-based systems for children's education without generating awareness about the importance of schooling. Analyse. (2022)

Q. "Education is not an injunction, it is an effective and pervasive tool for all-round development of an individual and social transformation". Examine the New Education Policy, 2020 (NEP, 2020) in light of the above statement. (2020)

