



Ph. Studio/December, 1957/K.L., A46e/A45d. N.E.S. Block at Daula (Distt. Meerut, U.P.) (November 19, 1957). Students of primary school playing at the Children's park. Public Resource via Internet Archive

Reservations in Private Schools: Towards a Common School System?

Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009 mandates that unaided private schools set aside at least 25 per cent of entry-level seats for children from 'economically weaker sections' and 'socially disadvantaged groups in the neighbourhood'. The precursor to this Act was Article 21 A of the Constitution, introduced by the 86th Constitutional Amendment, which mandates the provision of free and compulsory education to all children between the ages of 6 and 14. Section 12(1)(c) specifically brings private unaided schools within a rights-based framework. The mandate is motivated by the argument that educating underprivileged children is 'not merely the responsibility of schools run or supported by the appropriate governments, but also of schools which are not dependent on government funds'.

Reservations in Private Schools: Towards a Common School System?

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Section 12(1)(c) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 mandates that unaided private schools set aside at least 25 per cent of entry-level seats for children from ‘economically weaker sections’ and ‘socially disadvantaged groups in the neighbourhood’. The mandate has dominated mainstream discussions of the Act and has few parallels globally as a policy instrument. It brings private unaided schools within a rights-based framework, potentially expanding the choices available to eligible parents. Yet it has also been described as the ‘most retrogressive provision’ of the Act by advocates of equity in education, pointing to the paradoxes and possibilities it entails.

In this chapter, we first describe essential features of the mandate, situating it within the broader context of the RTE and other education policies in India and globally. To organise the core of the chapter, we draw on Fischer’s four-level schema (Fischer 1995), which allows empirical and normative criteria to be examined in relation to each other alongside the theoretical foundations of the policy. We adapt

this schema to structure the discussion, while also moving beyond it to foreground key empirical concerns.

At the first level, ‘program verification’, we examine performance across a range of indicators. These include the number of children admitted under Section 12(1)(c), the number of participating schools, school fill rates, and variations across

RTE Mandate

RTE Act mandates non-minority private unaided schools to keep aside at least 25% of their entry-level seats for children belonging to disadvantaged sections to create a more integrated and inclusive schooling system.

Eligibility criteria

Economically Weaker Section (EWS) and Disadvantaged Groups (Scheduled Caste, Scheduled Tribes, non-creamy Other Backward Caste, children with disability, orphans) in neighbourhood schools.

Year of introduction

2009, implemented post-2013 Supreme Court upholding the Act.

Why this scheme?

Affirmative action policy in private schools — aims for increased diversity and representation in classrooms, allowing for greater choice for children from marginalised backgrounds

different geographies, types of schools and over time. We also draw on studies that assess whether parents have access to information and whether reimbursements occur on time.

While these indicators are important, interpreting them requires engagement with the normative objectives of schooling. This takes us to the second level of ‘situational validation’, where we examine debates around the criteria used to evaluate the mandate, along with the evidence associated with them. We identify criteria that we consider most relevant and review literature addressing questions such as whether the mandate has expanded school choice for parents and encouraged integration and inclusive practices by schools. We also identify areas that require further research and others that may be less central to evaluating Section 12(1)(c).

A policy such as Section 12(1)(c) has implications not only for schooling but also for society more broadly. While schools are systems in themselves, they are also critical components of larger systems and are assigned multiple roles within

society. At the third level, that is, ‘societal vindication’, we move beyond school-level outcomes to examine the implications of the mandate for broader systemic and societal outcomes. These include its potential to challenge or deepen existing structural inequalities like caste, gender and class, as well as its implications for public finances. A central question in this discourse is whether the mandate represents an abdication of state responsibility or an overreach of the state. We discuss these areas of contestation, along with the assumptions underlying arguments in support of the mandate. We also review the empirical evidence on the validity of these assumptions.

The Act and its impact, like other public policies, cannot be evaluated without foregrounding the central question of what constitutes a ‘good society’—a society we consider worth living in. The criteria we employ, the weights we assign to them, and the trade-offs we recognise and accept in interpreting empirical evidence are all shaped by deeply moral and value-based considerations. Fischer describes this as the fourth level, ‘social choice’ (Fischer 1995). Drawing on Ferguson’s concept of a ‘rightful share’ (Ferguson 2015), we argue for the need to reimagine the mandate in ways that are not only pragmatic but also grounded in a commitment to social justice. We conclude by discussing how citizens and civil society have engaged with the Act and by identifying directions for future work.

Table 8.1: Key provisions of Section 12(1)(c) of the RTE Act

| Policy category | Policy criteria for states to notify | Policy example |
|-------------------------------------|--------------------------------------|---|
| Eligibility (of children) | Economically Weaker Section (EWS) | EWS definition using income certificate or poverty proxies |
| | Disadvantaged Groups (DGs) | Scheduled Caste (SC), Scheduled Tribes (ST), non-creamy Other Backward Caste (OBC), children with disability, orphans |
| | Entry-level class | Either all of nursery, kindergarten, class 1 or lowest entry-level class in the school |
| | Neighbourhood school criteria | 1 km, 3 km, 6 km, >6 km as home-school distance categories to choose schools |
| Admissions (to schools) | Offline or online applications mode | Online school and parent registration modules |
| | Offline or online lottery mode | Online lottery matching modules balancing equity criteria across gender and other DGs |
| | Monitoring and grievance redressal | Appointment of State Commission for Protection of Child Rights (SCPCR) as Appellate authority |
| Reimbursement (by state) | Calculation of per-child cost | Appointment of state Per Child Cost (PCC) Committee to publish normative guidelines for method, amount and tranches, revision frequency, grievances, etc. |
| | Offline or online reimbursement | Online reimbursement and Public Financial Management System (PFMS) integration modules |

Sources and notes: Authors’ compilation based on state rules notified under Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009

Responsibilities* of Schools and Teachers

Section 12 explains the responsibility of schools for providing free and compulsory education** to children, namely:

- a.** All Government schools shall provide free and compulsory education to all children
- b.** Government aided institutions shall provide free and compulsory education to such percentage of students in elementary classes which equals the percentage of recurring aid received by it from the Government to the annual recurring expenditure incurred by the school, subject to a minimum of 25%
- 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.



Ph.CPA (Garo Hills)/May,1957,A46e/A57f. Dambuk-Aga multipurpose Community Development Block P.D. Baghmara, Garo Hills, Assam. (May, 1957). Village children who were persuaded to attend school regularly. Public Resource via Internet Archive

* This is the exact phrasing in the RTE Act as of 2009. However, since then there have been some clarifications relevant to Section 12(1)(c).

** Free and compulsory education to children refers only to primary education (until Class VIII)

*** Minority schools are exempt from implementing Section 12(1)(c)

8.1 Origin, evolution and comparison

Unlike most other countries in the world, the expansion of education in India has occurred without the development of a Common School System (CSS). While the Sarva Shiksha Abhiyan focused on expanding government school infrastructure and contributed to near-universal enrolment, this growth has been accompanied by a rapid increase in the share of private schools. According to the *Comprehensive Modular Survey (CMS): Education 2025* (Ministry of Statistics and Programme Implementation 2025), private unaided schools enrol 51 per cent of urban and 24 per cent of rural school-going children.

Even though a large percentage of them attend what are often labelled as ‘affordable’ private schools – where the monthly fee is between ₹500 and ₹1,000 per month (Central Square Foundation 2022) – the CMS suggests that that average household expenditure per child in private unaided schools (urban: ₹35,758; rural: ₹22,869) is nearly nine times the expenditure incurred by households enrolled in government schools.

The failure to develop a CSS has been attributed to several interlinked causes. These include low levels of public expenditure on education; a lack of ‘political will’; an emphasis on English-medium education and the exit of the middle class from the vernacular public school system; the caste system and the concomitant absence of a belief in and support for universal education, along with a desire for differentiation and exclusivity. While Section 12(1)(c) of the Act was arguably aimed at reviving the ‘common school’ vision of the *Kothari Commission Report (1966)*, its existence and implementation need to be placed within the broader context of the failure to institutionalise a true CSS in India.¹

Officially, the mandate is motivated by the argument that educating underprivileged children is ‘not merely the responsibility of schools run or supported by the appropriate governments, but also of schools which are not dependent on government funds’ (Government of India 2009, 6). However, in 2010, the *Society for Unaided Private Schools of Rajasthan* challenged the provision in the Supreme Court, arguing that the clause impinged on their autonomy [(*Society for Un-aided Private Schools of Rajasthan v. Union of India & Ors.*, WP 95/2010) 2012]. The argument was rejected in April 2013, when the Supreme Court upheld the provision, stating that schools are public institutions with social responsibilities and that a 25 per cent entry-level quota was in the public interest. Implementation in its true earnest only began thereafter.

Drawing on the idea of a CSS, a recent *Supreme Court judgment (2026)* more forcefully articulates the obligations of private unaided schools in fulfilling

¹ Although influenced by it, the mandate is distinct from the EWS quotas that many elite private unaided schools in Delhi had agreed to as a condition of land allotment at concessional rates by the Delhi Development Authority (Juneja 2005: 3685).

the right to education (Bakshi 2026). It refers to them as ‘common local schools’ and brings private unaided schools within the category of ‘neighbourhood schools’ that serve as ‘common local schools’. This intervention acknowledges both the widespread prevalence of private schools and the state’s inability to address the ever-growing, differentiated and hierarchical access to schooling (Vasavi 2019).

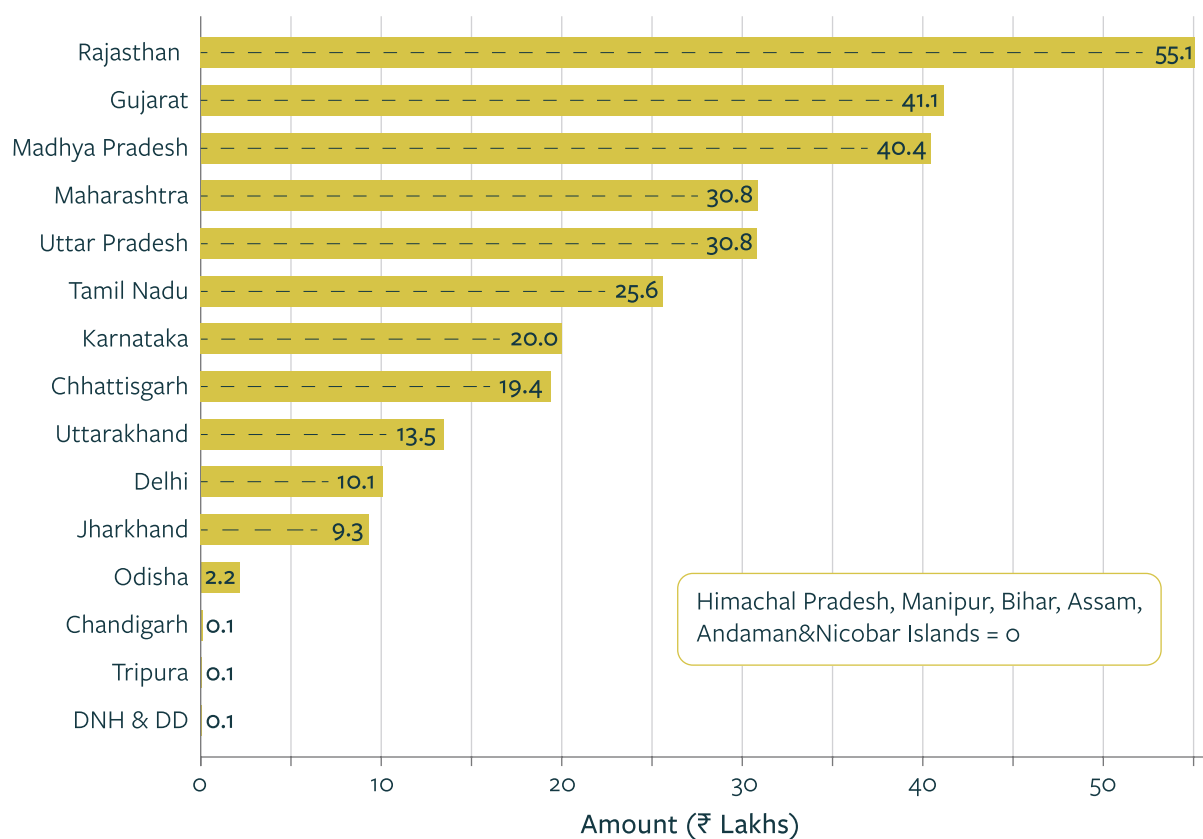
Not surprisingly, in attempting to walk what might seem like a middle path, Section 12(1)(c) has generated vehement opposition and criticism. The opposition from both sides has served to undermine the mandate in different ways.

The Court reasoned that the RTE Act is “child centric and not institution centric”, “... the obligation is on the State to provide free and compulsory education to all children of a specified age. However, ... the manner in which the said obligation will be discharged by the State has been left to the State to determine by law. Thus, the State may decide to provide free and compulsory education to all children of the specified age through its own schools or through government aided schools or through unaided private schools.”

On one side, critics argue that the mandate represents an abdication of state responsibility and diminishes efforts to improve public schooling on three grounds: (a) it legitimises private schooling and promotes the marketisation of education; (b) it encourages exit from government schools; and (c) it transfers public resources to private actors, weakening government schools and straining public finances while simultaneously promoting corruption. This critique largely originates from those who view education as a public good with the promotion of social justice as a paramount objective. Given that these motivations have historically characterised large parts of civil society work in education, such criticism has sapped energy and resources that could have otherwise strengthened the implementation of the mandate.

Ironically, even as the mandate has attracted criticism for promoting privatisation of education, most private schools and

associations have also been critical of it. Since the failed attempt to challenge it in the Supreme Court, several schools continue to resist it in various ways. Reflecting the diversity among private schools, this criticism has also been varied. Some view the mandate as a coercive instrument used by the state and continue to question its legitimacy, while others express alignment with its objectives but remain critical of its implementation. These concerns include delays, ambiguities and corruption in the admissions process; the authenticity of those availing the entitlement; and inadequacies and delays in reimbursements.

Figure 8.2: Reimbursement amounts across FY 2024-25

Sources and notes: Data from RTI Response

(UTs) (20+) now implement the Section 12(1)(c) provision, with nearly fifty lakh students cumulatively admitted over the last decade. Figures 8.1 and 8.2 show the latest enrolment and reimbursement data. Access to the mandate has remained stratified within segments targeted by the provision, despite experiments with different application modes (offline/online).

Relatively early in its implementation, Dongre, Sarin and Wad (2017) find that, even with a concerted information campaign, it is the better-off among the targeted groups who are able to apply successfully under the mandate in Ahmedabad. Likewise, Romero and Singh (2022), in Chhattisgarh, reveal significant implementation challenges – only 20 per cent of households in the bottom quintile had information about the policy, and only 9 per cent had internet access to complete the online application – which undermine the policy’s redistributive goals, even when application processes are online. Similarly, offline admission processes used in Delhi during the mandate’s early years were found to exclude the most disadvantaged groups (girls, SC/ST and children with disabilities), with nearly 95 per cent of eligible children unable to secure admissions through the offline mode (Indus Action’s Admission Campaigns Funnel Analysis).

In one of the most exhaustive examinations of the mandate, using panel data of applicants and non-applicants from 2013 to 2018 in Madhya Pradesh for Classes

1 to 8, Sahai (2023) finds that, while around 30 per cent of eligible children attend private schools, only 12.5 per cent apply under the mandate. In contrast to other studies, the analysis also finds that, while the applicant pool is more likely to be from upper castes and from relatively better-performing blocks in the state, applicants are also more likely to be from lower-income families. A plausible explanation offered by Sahai for the differences between Madhya Pradesh and Chhattisgarh is the greater maturity of policy implementation in the former, with Madhya Pradesh having five times as many applicants and twice as many applicants per capita.

Dongre, Sarin and Wad (2017) find that the mandate leads to a ‘better’ set of schools in Ahmedabad. Similarly, using the panel of nearly ten million children in Madhya Pradesh, Sahai (2023) argues that the mandate ‘enables students to move from less preferred schools at cost to more preferred schools for free’ and that ‘this delivers academic gains through cognitive and non-cognitive benefits of enrolling in preferred schools, as well as non-trivial financial benefits through avoiding tuition fees otherwise paid’. In contrast, using administrative data, both Romero and Singh (2022) in Chhattisgarh and Damera (2017) in Karnataka find that the mandate does not substantively change the schools that parents would choose for their children. Rather than expanding school choice, the mandate may therefore subsidise choices that households would have made anyway. These contrasting findings point to the importance of context and suggest that the matter is not settled.

Implementing states have had varied experiences with reimbursement claims under the RTE from the Government of India, with an average approval rate of 88 per cent in 2024–25 against claims made by states. A recent landmark ruling by the Madras High Court in June 2025 established several precedents in the reimbursement cycle (*V. Eswaran v. Government of Tamil Nadu. W.P. No. 18427 of 2025*). States cannot withhold reimbursements to schools citing non-receipt of central funds, and the government cannot link RTE funding obligations to other educational policies. Delays in reimbursements from the Union to states have left schools under severe financial strain, particularly during COVID-19. In 2022, nearly 1,300 schools in Maharashtra boycotted the RTE cycle due to payment dues of ₹700 crore. Across multiple states, reimbursement delays have forced schools either to refuse RTE admissions or operate at financial losses. These delays also undermine the legitimacy of states in enforcing RTE entitlements and strengthen the bargaining power of schools.

8.2.2 Assessing policy performance against intended objectives: What should the policy be evaluated on?

The Ministry of Human Resource Development (MHRD, now the Ministry of Education) further clarified the core objective of the policy as social inclusion within schools (Ministry of Human Resource Development 2012):

The idea that schooling should act as a means of social cohesion and inclusion is not new; it has been oft repeated. Inequitable and disparate schooling reinforces existing social and economic hierarchies, and promotes in the educated sections of society an indifference towards the plight of the poor. The currently used term 'inclusive' education implies, as did earlier terms like 'common' and 'neighbourhood' schools, that children from different backgrounds and with varying interests and ability will achieve their highest potential if they study in a shared classroom environment. The idea of inclusive schooling is also consistent with Constitutional values and ideals, especially with the ideals of fraternity, social justice and equality of opportunity.

The larger objective is to provide a common place where children sit, eat and live together for at least eight years of their lives across caste, class and gender divides in order that it narrows down such divisions in our society. The other objective is that the 75% children who have been lucky to come from better endowed families, learn through their interaction with the children from families who haven't had similar opportunities, but are rich in knowledge systems allied to trade, craft, farming and other services, and that the pedagogic enrichment of the 75% children is provided by such intermingling.

Dimensions of Policy Evaluation

A mandate like Section 12(1)(c) can be evaluated along several dimensions. We emphasise those that require specific attention.

Democratic Access

The first dimension is democratic **access**: Is the policy currently accessible to the most disadvantaged children in implementing states? While seven large states (Karnataka, Telangana, Punjab, Haryana, Assam, West Bengal and Jharkhand) are yet to implement the spirit of Section 12(1)(c) without diluted notifications, a majority of the states/UTs (20+) have contributed to nearly five million cumulative admissions through end-to-end online portals and last-mile outreach activities.

Democratic Participation

The second dimension is of democratic **participation**. Policy implementation in India cannot be taken for granted. Given that the mandate seeks a fundamental transformation in the conduct of schooling, the utilisation of the policy by parents and the participation of schools in fulfilling their obligations need to be understood as outcomes, albeit intermediary ones. On this account, the trends are clear: the mandate has been implemented in an increasing number of states and has included more children over time. The next question that arises is the nature of participation and utilisation: which schools are participating, and which are not?

Research conducted by J-PAL, in partnership with Indus Action, shows that low fill rates in the initial years do not primarily reflect low parental demand but instead result from barriers to information, the ability to apply and the ability to provide documentation (Romero and Singh 2022). Administrative burden surveys by Indus Action (during their RTE admission campaigns) indicate that it takes, on average, ten interactions – or high-burden last-mile engagements (one interaction includes a physical visit and time away from work) – for parents to overcome these barriers.

Retention

Given the policy's stated emphasis on social inclusion, an important question is whether children who enrol under the mandate remain in school and for how long (**retention**). Recent retention surveys across four states (Andhra Pradesh, Chhattisgarh, Odisha and Uttarakhand) show a high average retention rate of 91 per cent among surveyed students in their admitted RTE schools, with girls having higher retention rates (Annual Retention Survey Of Students Studying under RTE Section 12(1)(c), 2025 2025). In the same survey, 61 per cent of parents reported an ancillary fee burden for books, uniforms, transport and projects.

State Reciprocity

The final dimension is **state reciprocity**. Timely reimbursements are essential for the state to fulfil its part of the governance contract and to ensure sustained participation from schools. Further delays are likely to affect schools that operate with tight financial margins.

Although a few studies (Agarwal 2024; Rao 2019; Sahai 2023) have examined learning outcomes – and it would be difficult to argue against its salience – there is also a need to recognise that this is not a primary outcome targeted by the mandate. Monica Agarwal's experimental evidence (Agarwal 2024) from Maharashtra shows significantly improved learning outcomes in English, particularly strong gains in elite private schools for students admitted under the mandate. Gautam Rao's study of Delhi's elite schools (Rao 2019) confirms the development of more egalitarian behaviours in mixed classrooms, measured by an increased likelihood of volunteerism, higher levels of generosity and reduced levels of discrimination. These pro-social improvements are observed without any decline in classroom discipline or academic performance. In one of the few studies directly examining integration, Joshi (2020) finds that while children's social networks (in terms of friendship) remain segregated, better-integrated children perform better academically.

We have very limited information on how elite schools are performing under the mandate. While they constitute a small proportion of schools, they shape benchmarks and aspirations for what is considered high-quality education. The

limited evidence suggests a mixed but highly skewed response. While some schools have been proactive and fairly holistic, for instance, by promoting parental literacy through their initiatives under the mandate, others have openly violated the law by separating children admitted under the mandate from fee-paying students. The primary factor determining a school's response appears to be the vision of its management and leadership (Sarin and Gupta 2014).²

A decade of serious implementation later, the policy's performance reflects the realities of India's state and civic capacities. While progressive elements within the state and civil society have moved the needle forward, the median school management and state leadership remain unconvinced of the policy's egalitarian ambitions. What does this imply for the second-order effects of the policy on the broader discourse?

8.2.3 **Evaluating the implications for schooling and welfare systems**

Proponents of private schools point to their greater efficiency while remaining relatively silent about the segregation they promote by making access to schooling contingent on the ability to pay. As discussed earlier, countering this increasing segregation was one of the principal objectives of Section 12(1)(c), and Sahai (2023) estimates that the provision increased school integration by around 22 per cent across all private schools. Nevertheless, the mandate continues to attract criticism at the systemic level.

At this level, two fundamental design elements have generated the most conflict: (a) the requirement that all private schools admit children under Section 12(1)(c); and (b) the state's obligation to reimburse these schools (at least partially) for providing 'free' education. A third concern that has emerged during implementation relates to allegations of corruption arising from state control over the admissions process. Nevertheless, empirical work on this question remains limited. To our knowledge, Sahai (2023) is the only study that examines both individual- and system-level effects of the mandate. Its findings are unequivocal. The study argues that:

'increases welfare and quality for all SES groups, but the largest for the lowest SES group. This reduces the gap in education quality between low and high SES groups by roughly 20%. This is accomplished by the explicit targeting of the voucher system toward lower caste and poverty populations. This demonstrates that the policy is able to increase the overall efficiency of the education system (by delivering a ben-

² For pointers for school best practices, see *Realising the Potential of RTE in Private Schools in India by Shifting the Conversation from Admissions to Learning Outcomes*. 2024. Issue Brief. Alstonia Impact and Indus Action. <https://www.linkedin.com/feed/update/urn:li:activity:7156516601616338944/?originTrackingId=D%2F6%2FLlqZ-R5ii%2Fmfsevs26g%3D%3D>

efit-cost ratio that exceeds 1) while also making progress toward equity goals (by increasing school integration and reducing educational inequality).’

The enrolment of nearly half a million children every year through this redistributive policy into private unaided schools has created enrolment pressures at entry levels in single-teacher, multi-grade and resource-constrained public schools. Nearly one lakh public schools in India operate with a single teacher and now compete for enrolment with RTE students. Policymakers are caught in a bind: they seek to ‘rationalise the lower end of the public school system – often by closing such schools – while simultaneously upgrading higher performing institutions through ‘schools of excellence’ programmes.

As children exit public schools, the per-child expenditure in government-run schools is likely to increase (assuming that a significant share of government expenditure on schooling is fixed). Since reimbursements to private schools are linked to this expenditure, the fiscal burden of the mandate is also likely to increase. Moreover, as states often conceive their role as that of a ‘provider’ of education for government school-going children, rather than as a ‘regulator’ of quality education for all, private schools receiving Section 12(1)(c) reimbursements are sometimes perceived as an existential threat to the already constrained public education resources.

Apprehended to be ‘a blow to the government (public) schooling system’ (Behar 2012), the mandate could potentially have had a positive impact if increased competition for enrolment had driven government systems to improve. However, studying the first six years of its implementation in Madhya Pradesh, Sahai (2023) finds that ‘there is little evidence of the policy’s effect on public school entry, exit or quality measures’ and, somewhat paradoxically, that this is ‘particularly true for those public schools closer to private schools that would presumably face greater competition from the voucher program’.

Beyond its impact on government schools, and depending on private school responses, the current reimbursement design may also lead to adverse welfare effects for those not studying under the mandate (non-recipients). Schools with fees below the stated maximum have an incentive to increase their fees in order to raise revenue, while those above the cap may be motivated to do so to compensate for possible losses. Sahai (2023) finds evidence of the former in Madhya Pradesh between 2013 and 2018, but does not find any evidence of the latter. Arguing that this harm to non-recipients reduces the net benefit-cost ratio, Sahai’s simulations suggest a potential gain of 40 per cent (to benefit-cost ratio) if the state were to move to a fixed (or flat) reimbursement model. This highlights the need for reimbursement committees across states to pay closer attention to this policy choice and its timely execution.

In the recent past, debates have emerged around the inclusion of minority

educational institutions under the provision in the Supreme Court, with the bench requesting the Chief Justice of India to review the *Pramati* judgement (Pramati Educational & Cultural Trust v. Union of India 2014).

8.2.4 Questions of a good school and the quest for a good society

The Supreme Court judgement [(Society for Un-aided Private Schools of Rajasthan v. Union of India & Ors., WP 95/2010) 2012], was emphatic in asserting that even private schools have a ‘public’ role to play and an obligation to fulfil that role. Unlike affirmative action in higher education, which applies only to public institutions, Section 12(1)(c) extends a public and social justice obligation to private institutions as well. However, the failure of this constitutional clarity to translate into a social norm raises uncomfortable questions about the form that schooling should take and, ultimately, what constitutes an equitable distribution of resources in Indian society.

Unfortunately, polarised positions on the mandate have also diverted attention from several unresolved questions. These include: other than its infeasible (and, in our view, undesirable) elimination – given the widespread prevalence of private schools – what role do critics of the mandate envision for private schools? How much importance should be given to ensuring that all parents, not just the economically advantaged, have meaningful choices in schooling? Likewise, setting aside legal issues, in states where governments have declared Section 12(1)(c) to be valid only in geographies where government schools are not present, should the government have the authority, and be compelled, to specify substitutive obligations for private schools? What substantive commitments to strengthening civic life and fraternity are private schools willing to make? How do elite schools imagine themselves offering a good education without a student body that is representative of the society in which they function? Addressing these questions may require a very different imagination of schooling from the currently dominant ones.

In an important intervention, Gilbertson and Arnold (2022) draw on Ferguson’s concept (Ferguson 2015) to explore the possibility of building a discourse that views Section 12(1)(c) as a legitimate instrument for providing a ‘rightful share’. Such a conceptualisation demands that schooling can be understood as part of a larger commons to which all citizens are entitled. Examining the discourse in the English-language media, they argue that the legitimacy of ‘rightful shares’ is undermined both by critics who favour market-governed allocations and by supporters who advocate for the mandate on traditional welfare grounds rather than on a rights-based framework. The undermining is further reinforced by the targeted nature of the mandate, which creates scope for disproportionate attention to concerns about corruption and fraudulent beneficiaries.

In contrast to the concern that ‘legislation cannot infuse social purpose and commitment’ (Behar 2012), we share Ferguson’s interest in the ‘radical political indeterminacy that always attends any specific governmental technique’ (Ferguson 2015, 31). Section 12(1)(c) is a site of distributive politics and, like any other such site, a terrain of struggle rather than a paternalistic ‘solution’. By blurring the boundaries between neoliberalism (where efficient markets are treated as the only end goal) and state welfarism (where the state is seen as the sole provider of universal goods and services), Ferguson offers an imaginative read of policies like Section 12(1)(c). This perspective urges those who view education as a right to engage more directly with the realities of markets, particularly in a context where citizen-state relationships are evolving beyond existing theoretical frameworks.

If the moral imagination of schools as commons remains possible in India, it prompts a fundamental question: what is the ‘rightful share’ of these commons for every child, irrespective of the pin code of their birth? Taking the successful implementation of Section 12(1)(c) as a starting point in the quest for a good society, we outline key strands of implementation that need to be reimaged in the policy’s second decade.

8.3 Recommendations on the way forward

8.3.1 Can the burden of applying to the programme shift from citizens to the state?

As discussed earlier, barriers to equitable participation in the mandate persist. A key driver resulting from this inequity is the administrative burden associated with accessing the mandate—burdens that increase with disadvantage. A democratic state should seek to reverse these. A theory of change for addressing these barriers at the state level is outlined below:

- **Action:** Administrative data—such as social registries that most states are building at the household level—can be used to identify disadvantaged households facing application barriers, rather than requiring parents to discover the programme and apply on behalf of their children. For example, Tamil Nadu’s Unified Scholarships Portal enables the automatic enrolment of students in scholarship programmes from primary grades through to postgraduate levels, across multiple ministries.
- **Output:** Information and assistance delivered through discovery protocols—personalised text messages and WhatsApp notifications—can help relax these constraints, enabling more disadvantaged families to apply. For example, pilot initiatives by the University of Chicago’s Centre for Applied Artificial Intelligence in Chhattisgarh and Bihar.

- **Outcome:** As more disadvantaged households are able to apply with fewer transactions, the programme becomes more progressive in its targeting and more cost-effective in reaching the most vulnerable children, while also reducing administrative burdens for both citizens and the state.

8.3.2 **Research: What are the medium- and long-term returns to a good school?**

As the policy completes fifteen years of implementation and earlier cohorts of students graduate from elementary grades, this presents a valuable opportunity to study the impact of schooling for students admitted under Section 12(1)(c) on their medium- and long-term outcomes. We outlined planned research in this regard.

The objective of this research is to generate evidence on the policy's impact on students' academic and life outcomes, assessed across the following medium- and long-term categories: completion of school education (up to Class 12); academic and school performance; career planning including preparation for college entrance; college attendance, and the type of institution and degree pursued; socio-emotional outcomes; and labour market outcomes.

Existing research on the medium- and long-term impacts of affirmative action policies is primarily based on higher education contexts in high-income countries. This research will, therefore, provide first-of-its-kind evidence on the social returns to investment in affirmative action at the school level.

Knowledge barriers to effective implementation are beginning to reduce through the open-source publication of administrative platforms (to ease admissions) and school-level best practices (to support retention). This suggests that,

Table 8.2: Bright spots—protocols for potential national replication

| State or Samaaj organisation | Bright spot protocols for potential scale |
|-------------------------------|---|
| Rajasthan and/or Indus Action | Open-source, end-to-end MIS code on GitHub |
| Delhi and Uttarakhand | Lottery preferences for girls and children with disabilities |
| Odisha and Chhattisgarh | Decentralised validation by local officials |
| Andhra Pradesh and Tamil Nadu | Auto-validation using state family registries/databases |
| Delhi and Andhra Pradesh | Per-child cost committees and normative reimbursements |
| Chhattisgarh and Bihar | Experimental studies for discovery protocols; Bihar's PFMS system for reimbursements |

Sources and notes: Bright Spots Reports (various years), Indus Action

despite initial implementation challenges and capacity constraints within the state, significant progress has been made in admitting and retaining a large share of eligible students. Table 8.2 presents a summary of ‘bright spots’ in implementation.

8.4 Conclusion

A decade of implementation of a radically distributive public policy, such as Section 12(1)(c) of the RTE Act, and two decades of its progressive imagination, offer an appropriate moment to pause and reflect as a society. How do we realise the promise and potential of this positive right?

Building on recent Supreme Court judgements, institutions such as National Commission for Protection of Child Rights (NCPCR) and Central Board of Secondary Education (CBSE) can commission independent longitudinal studies of students admitted under Section 12(1)(c) across India, building on smaller-scale studies by researchers and civil society organisations. A nationally representative sample across key stages—Class 3, Class 8, Class 12 and postgraduation—would help illuminate the value of a good school across different types of institutions, and the long-term returns to this policy. We need look no further than MGNREGA (twenty years) and PDS (sixty years) for their achievements, despite limited state capacity in realising their full potential.

The India we know, and continue to believe in, is one where Arjun and Eklavya study in the same classroom. It is an India in which schools are sites of democratic practice; a commons open for every child to learn and grow. This is not a gift to be extended by political and social elites out of enlightened self-interest, but a right that must be realised. Give every child their rightful share, and let them all lead us into the future.

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