World Human Rights Research Council
Research Paper on RTE Act 2009 & Ground Reality
By – Dr. Sandeepkumar R. Pandya
(National Legal Advisor - WHRRC)
International Convention for Human Rights 2026
25 October 2026 | NDMC Convention Centre, New Delhi (IN)

CHALLENGES IN THE IMPLEMENTATION OF THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT 2009: ISSUES AND POSSIBLE SOLUTIONS

ABSTRACT

The Right of Children to Free and Compulsory Education Act 2009was introduced to provide free and compulsory education to children aged 6 to 14 years in India. Although the Act has improved access to elementary education, several challenges remain in its effective implementation. This study examines the gap between the legal provisions of the Act and the actual conditions of school education in India. The study highlights that, despite high enrolment at the elementary level, many children discontinue their education after Class VIII due to financial difficulties, family responsibilities and inadequate school facilities. It also examines the problem of teachers being assigned non-educational duties, which reduces their teaching time and affects the quality of education. The study proposes extending the right to free and compulsory education up to 18 years of age, providing scholarships and free learning materials, improving school infrastructure, and strengthening the implementation of existing legal provisions. It further emphasises the need for adequate public expenditure, qualified teachers and effective monitoring to reduce school dropout rates. The study concludes that the success of the RTE Act should not be measured only by school enrolment but also by the ability of children to continue and complete their education. Effective implementation of existing laws and suitable legal reforms are essential to make education more inclusive, equitable and accessible to all children.

Keywords: Right to Education Act, 2009, elementary education, school dropout, educational inequality, teachers' duties, educational reforms, India.

1. Introduction

When Parliament passed the Right of Children to Free and Compulsory Education Act, 2009 (the RTE Act), India committed itself to treating elementary schooling as a legally enforceable entitlement rather than a policy aspiration.[1] The Act, which came into force on 1 April 2010, gives effect to Article 21A of the Constitution, which obliges the State to provide free and compulsory education to children between the ages of six and fourteen.[2] More than a decade later, the record is mixed. Enrolment at the elementary stage is close to universal, yet children leave school in large numbers once the legal guarantee ends, and the teachers on whom the system depends are repeatedly drawn away from their classrooms.

This paper examines the distance between the RTE Act's legal promise and the reality in schools. It advances four arguments. First, the guarantee should be extended in stages to the age of eighteen, covering education through Class XII. Second, dropout after Class VIII, which is driven mainly by financial hardship, family responsibilities and gaps in school facilities, needs targeted measures such as scholarships, free textbooks and better infrastructure. Third, teachers' teaching time must be protected by enforcing Section 27 of the Act and by appointing separate administrative staff. Fourth, education has constitutional and social importance that goes beyond literacy: it bears on equality, employment, skills, child protection and national development.

The paper keeps two things apart throughout: what the law already provides, and what is only proposed. Article 21A today guarantees free and compulsory education to children aged six to fourteen; extending that guarantee to eighteen is a reform that would require constitutional and statutory change. Section 27, by contrast, already restricts the non-educational duties that may be assigned to teachers, subject to specified exceptions, so the case in that area concerns stronger implementation rather than new legislation.

2. The Constitutional and Legal Framework

Article 21A, inserted by the Constitution (Eighty-sixth Amendment) Act, 2002, directs the State to provide free and compulsory education to all children aged six to fourteen in such manner as the State may determine by law.[3] The RTE Act is that law. The same amendment recast Article 45, which now directs the State to provide early childhood care and education to children below six, and added

---

[1] India. Parliament. *The Right of Children to Free and Compulsory Education Act, 2009*. Act no. 35 of 2009, Ministry of Law and Justice, 26 Aug. 2009.

[2] Constitution of India, art. 21A. *The Constitution (Eighty-sixth Amendment) Act, 2002*. Parliament of India, Ministry of Law and Justice, 2002.

[3] Constitution of India, art. 21A. *The Constitution (Eighty-sixth Amendment) Act, 2002*. Parliament of India, Ministry of Law and Justice, 2002.

Article 51A(k), which makes it a fundamental duty of a parent or guardian to provide opportunities for education to a child between six and fourteen.[4]

The constitutional right pre-dated the amendment. In *Mohini Jain v. State of Karnataka* (1992), the Supreme Court read a right to education into the right to life under Article 21.[5] A year later, in *Unni Krishnan, J.P. v. State of Andhra Pradesh* (1993), a larger bench held that every child has a fundamental right to free education until the age of fourteen, while the State's obligation beyond that age is limited by its economic capacity and development.[6] This point matters for the present paper. The age ceiling of fourteen is not an accident of drafting; it reflects a judicial and legislative judgment about affordability. That judgment can be revisited, but only through a deliberate reform.

The RTE Act defines elementary education as Classes I to VIII and guarantees each child in the age group admission, attendance and completion in a neighbourhood school, free of any fee, charge or expense that could prevent the child from pursuing elementary education.[7] It places duties on the appropriate government and local authorities,[8] prescribes norms for school buildings and pupil-teacher ratios (30:1 for primary and 35:1 for upper-primary classes), limits teacher vacancies to ten per cent of sanctioned strength,[9] and requires private unaided schools to reserve twenty-five per cent of entry-level seats for children from weaker and disadvantaged sections.[10] The Supreme Court upheld the validity of the Act, including this reservation as applied to unaided non-minority schools, in *Society for Unaided Private Schools of Rajasthan v. Union of India* (2012).[11]

3. Ground Reality: Access Achieved, Retention Unfinished

The Act's headline success is access. The ASER 2024 survey of rural households found that 98.1 per cent of children aged six to fourteen were enrolled in school.[12] For a system of this size, that is a substantial achievement.

---

[4] Constitution of India, arts. 45 and 51A(k).

[5] *Mohini Jain v. State of Karnataka*. (1992) 3 SCC 666, Supreme Court of India.

[6] *Unni Krishnan, J.P. v. State of Andhra Pradesh*. (1993) 1 SCC 645, Supreme Court of India.

[7] India. Parliament. *The Right of Children to Free and Compulsory Education Act, 2009*. Act no. 35 of 2009, Ministry of Law and Justice, 26 Aug. 2009, secs. 2(f), 3.

[8] India. Parliament. *The Right of Children to Free and Compulsory Education Act, 2009*. Act no. 35 of 2009, Ministry of Law and Justice, 26 Aug. 2009, secs. 6, 8, 9.

[9] India. Parliament. *The Right of Children to Free and Compulsory Education Act, 2009*. Act no. 35 of 2009, Ministry of Law and Justice, 26 Aug. 2009, secs. 19, 25, 26 and Schedule.

[10] India. Parliament. *The Right of Children to Free and Compulsory Education Act, 2009*. Act no. 35 of 2009, Ministry of Law and Justice, 26 Aug. 2009, sec. 12(1)(c).

[11] *Society for Unaided Private Schools of Rajasthan v. Union of India*. (2012) 6 SCC 1, Supreme Court of India.

[12] ASER Centre. *Annual Status of Education Report (Rural) 2024*. Jan. 2025. Summary reproduced in *People's Archive of Rural India*, ruralindiaonline.org/en/library/resource/annual-status-of-education-report-rural-2024. Accessed 15 Oct. 2026.

The picture changes at the boundary of the legal guarantee. The same survey found that 7.9 per cent of rural children aged fifteen to sixteen were not enrolled, a figure that had barely moved since 2022 after falling sharply from 13.1 per cent in 2018.[13] Administrative data point the same way. According to Arun C. Mehta's analysis of UDISE+ data for 2023-24, the dropout rate at the secondary level was 14.1 per cent, higher than the 12.61 per cent recorded in 2021-22, and 47.44 million children aged six to seventeen were out of school, with the highest dropout in the fourteen-to-seventeen age group.[14] The primary-level dropout rate for the same year was only 1.9 per cent.[15] The sharp rise after elementary school is exactly where statutory protection ends. State variation is wide: for 2024-25, secondary dropout rates of about 20 per cent in West Bengal, 18.3 per cent in Karnataka and 16.9 per cent in Gujarat have been reported.[16] National figures for 2024-25 suggest some improvement, but analysts have questioned the consistency of recent UDISE+ dropout calculations, so these numbers are best read as indicators of scale rather than precise measurements.[17]

The reasons children leave are largely economic. In the National Statistical Office's NSS 75th Round survey (2017-18), financial constraints and engagement in economic activities were each recorded for roughly 18 per cent of persons aged three to thirty-five who were not currently attending education, compared with about 5 per cent for marriage and a negligible share for the non-availability of girls' toilets.[18] Supply-side constraints also matter. Mehta records a net decline of 17,224 schools between 2021-22 and 2023-24, which can increase the distance a child must travel, a burden that falls hardest on girls and on poor households.[19] Financial pressure, family responsibilities and weak local facilities therefore interact, and a policy that addresses only one of them is unlikely to succeed.

---

[13] ASER Centre. *Annual Status of Education Report (Rural) 2024*. Jan. 2025. Summary reproduced in *People's Archive of Rural India*, ruralindiaonline.org/en/library/resource/annual-status-of-education-report-rural-2024. Accessed 15 Oct. 2026.

[14] Mehta, Arun C. "School Education in India: Where Do We Stand? UDISEPlus 2023-24." *Education for All in India*, educationforallinindia.com/school-education-in-india-where-do-we-stand-udiseplus-2023-24/. Accessed 15 Oct. 2026.

[15] "State of School Education in India: Dropout, Transition, and Retention Rate Analysis for Universal Schooling." *Education for All in India*, educationforallinindia.com/?p=14762. Accessed 15 Oct. 2026.

[16] "UDISE+ Analysis: 68 Lakh Dropouts between 2023-24 and 2024-25; Is MoE Underestimating Dropout Rates?" *Careers360*, news.careers360.com/udise-plus-2024-25-analysis-68-lakh-dropouts-education-ministry-underestimate-enrolment-school-database-udiseplus-portal-report. Accessed 15 Oct. 2026.

[17] "UDISE+ Analysis: 68 Lakh Dropouts between 2023-24 and 2024-25; Is MoE Underestimating Dropout Rates?" *Careers360*, news.careers360.com/udise-plus-2024-25-analysis-68-lakh-dropouts-education-ministry-underestimate-enrolment-school-database-udiseplus-portal-report. Accessed 15 Oct. 2026.

[18] National Statistical Office. *Household Social Consumption: Education, NSS 75th Round, Schedule 25.2, July 2017-June 2018*. Ministry of Statistics and Programme Implementation, microdata.gov.in/NADA/index.php/catalog/151/variable/V377. Accessed 15 Oct. 2026.

[19] Mehta, Arun C. "School Education in India: Where Do We Stand? UDISEPlus 2023-24." *Education for All in India*, educationforallinindia.com/school-education-in-india-where-do-we-stand-udiseplus-2023-24/. Accessed 15 Oct. 2026.

4. Extending the Guarantee to Eighteen Years

The first reform proposed here is to extend free and compulsory education to the age of eighteen, covering Classes IX to XII. The case rests on coherence, evidence and policy history. On coherence, other laws already treat eighteen as the threshold of childhood. The Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 2016 prohibits the employment of children below fourteen in all occupations and bars adolescents aged fourteen to eighteen from hazardous work,[20] and the Prohibition of Child Marriage Act, 2006 sets eighteen as the minimum marriageable age for girls.[21] A fourteen-year-old who leaves school thus enters a legal gap: no longer entitled to free schooling, yet in many cases not lawfully able to take up most forms of work. On evidence, the ASER and UDISE+ figures above show that a significant minority of adolescents are outside school.

On policy history, the idea has been officially considered. The Draft National Education Policy 2019 recommended extending the RTE Act to cover all children between three and eighteen years of age,[22] and the final National Education Policy 2020 set the goal of universal participation in school education and a gross enrolment ratio of 100 per cent by 2030.[23] Commentators differ on how firmly the final policy commits to statutory extension, and the policy did not itself amend the Act.[24] NEP 2020 is a statement of policy and does not create a legal right.

The legal route must be stated plainly. Article 21A currently covers only the six-to-fourteen age group. Extending the constitutional entitlement to eighteen would require an amendment of the Constitution under Article 368, followed by amendment of the RTE Act or a new statute.[25] The honest counter-argument is fiscal and administrative capacity, which is the very consideration the Supreme Court identified in *Unni Krishnan*.[26] Secondary education needs subject teachers, laboratories and more classrooms, and a right that is declared without capacity may be hollow. The sensible course is therefore a phased extension: begin with fee waivers, free textbooks and scholarships for Classes IX to XII, build teacher and infrastructure capacity, and then convert the entitlement into a justiciable right.

---

[20] India. Parliament. *The Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 2016*. Act no. 61 of 2016, Ministry of Law and Justice, 2016.

[21] India. Parliament. *The Prohibition of Child Marriage Act, 2006*. Act no. 6 of 2007, Ministry of Law and Justice, 2007.

[22] Ministry of Human Resource Development. *Draft National Education Policy 2019*. Government of India, 2019. "Draft National Education Policy: What Is Its Vision for Out-of-School Children?" *Ideas for India*, www.ideasforindia.in/topics/human-development/draft-national-education-policy-what-is-its-vision-for-out-of-school-children.html. Accessed 15 Oct. 2026.

[23] Ministry of Education. *National Education Policy 2020*. Government of India, 2020.

[24] "The NEP Goes Against the Existing Constitutional Mandate of the RTE." *Janata Weekly*, janataweekly.org/the-nep-goes-against-the-existing-constitutional-mandate-of-the-rte/. Accessed 15 Oct. 2026.

[25] Constitution of India, arts. 21A, 368.

[26] *Unni Krishnan, J.P. v. State of Andhra Pradesh*. (1993) 1 SCC 645, Supreme Court of India.

5. Preventing Dropout after Class VIII

Dropout is not a single problem. At the point of transition from Class VIII to Class IX, the legal entitlement lapses, fees and indirect costs return, schools may be farther away, and older children become more useful as earners or caregivers. Section 3 of the RTE Act prevents charging of fees and other expenses that obstruct a child's education only until elementary education is completed, and Section 4 provides for age-appropriate admission of out-of-school children only up to the age of fourteen.[27] Nothing in the Act therefore obliges the State to remove the cost barriers that the NSS data identify as the most important.[28]

The measures proposed here follow from the causes identified above. Financial hardship calls for scholarships and direct financial assistance for economically weaker and disadvantaged children, along with free textbooks and other learning materials for Classes IX to XII, mirroring what the Act already provides in principle for elementary classes. Family responsibilities, especially the domestic burdens and early marriage that affect girls, call for flexible support: transport assistance, safe access to schools, and re-entry or bridge programmes for those who have left. Gaps in facilities call for secondary and higher secondary schools within reach of every habitation, adequate classrooms, laboratories and sanitation, and subject teachers in position. Finally, because the dropout figures are themselves uncertain,[29] governments should track individual students across levels so that children who stop attending can be identified and approached before they are lost to the system.

6. Protecting Teachers' Teaching Time

A school system cannot retain children if its teachers are not teaching. Section 24 of the RTE Act lists the duties of teachers, and Section 27 provides that no teacher shall be deployed for non-educational purposes other than the decennial population census, disaster relief duties, and duties relating to elections to local authorities, State Legislatures or Parliament.[30] The law therefore already restricts non-educational duties; the problem is implementation. The Delhi High Court has held that

---

[27] India. Parliament. *The Right of Children to Free and Compulsory Education Act, 2009*. Act no. 35 of 2009, Ministry of Law and Justice, 26 Aug. 2009, secs. 3, 4.

[28] National Statistical Office. *Household Social Consumption: Education, NSS 75th Round, Schedule 25.2, July 2017-June 2018*. Ministry of Statistics and Programme Implementation, microdata.gov.in/NADA/index.php/catalog/151/variable/V377. Accessed 15 Oct. 2026.

[29] "UDISE+ Analysis: 68 Lakh Dropouts between 2023-24 and 2024-25; Is MoE Underestimating Dropout Rates?" *Careers360*, news.careers360.com/udise-plus-2024-25-analysis-68-lakh-dropouts-education-ministry-underestimate-enrolment-school-database-udiseplus-portal-report. Accessed 15 Oct. 2026.

[30] India. Parliament. *The Right of Children to Free and Compulsory Education Act, 2009*. Act no. 35 of 2009, Ministry of Law and Justice, 26 Aug. 2009, secs. 24, 27.

teachers and principals cannot be asked to perform duties outside the scope of Section 24 read with Rule 21 of the RTE Rules, and that the only exceptions are those found in Section 27.[31]

The evidence of non-compliance is considerable. A report titled "Involvement of Teachers in Non-teaching Activities and Its Effect on Education", as reported by the *Deccan Chronicle*, found that government teachers spent only 19.1 per cent of their annual school hours on teaching activities, with the remainder going to non-teaching tasks of various kinds.[32]Teachers have also been pressed into surveys, vaccination drives and similar work. A recent report from Mumbai described teachers' objections to an order requiring them to serve as booth level officers, with teachers complaining that classroom teaching was being disrupted.[33] The Ministry of Education told Parliament in 2019 that Section 27 bars non-educational deployment beyond the permitted categories and that States and Union Territories had been advised accordingly.[34]

The law is not as one-sided as the slogan "teachers should only teach" suggests, and the recommendation must respect that. Election duty is an express exception under Section 27. The Supreme Court held in *Election Commission of India v. St. Mary's School* (2008) that teaching staff may be put on election work on holidays and non-teaching days but should not ordinarily be deployed on teaching days and within teaching hours.[35] The Allahabad High Court has applied that principle under the RTE Act, holding that teachers may be deployed for election duties even before a poll notification but not during teaching days or hours.[36] The Madras High Court has held that using teachers for National Population Register survey work did not violate the Act.[37] In July 2026, while hearing a public interest litigation about the deployment of teachers as booth level officers during the Special Intensive Revision of electoral rolls, the Delhi High Court recognised the Election

---

[31]Mandhani, Apoorva. "Teachers Shouldn't Be Deployed for Non-Educational Purposes Outside Purview of RTE Act: Delhi HC [Read Judgment]." *LiveLaw*, 26 Jan. 2019, livelaw.in/news-updates/teachers-deployed-non-educational-purposes-rte-act-delhi-hc-142417.

[32] "Teachers Spend Only 19.1 Per Cent Time Teaching." *Deccan Chronicle*, deccanchronicle.com/nation/current-affairs/220918/teachers-spend-only-191-per-cent-time-teaching.html. Accessed 15 Oct. 2026.

[33] "Mumbai News: School Teachers Up in Arms against BMC Order on Non-Academic Duties." *Free Press Journal*, www.freepressjournal.in/amp/mumbai/mumbai-news-school-teachers-up-in-arms-against-bmc-order-on-non-academic-duties. Accessed 15 Oct. 2026.

[34] India. RajyaSabha. "Written Answers to Unstarred Questions." *RajyaSabha Debates*, 3 Jan. 2019, pp. 333-34, rsdebate.nic.in/bitstream/123456789/693483/2/PQ_247_03012019_U2491_p333_p334.pdf.

[35]*Election Commission of India v. St. Mary's School*. (2008) 2 SCC 390, Supreme Court of India. India. RajyaSabha. "Written Answers to Unstarred Questions." *RajyaSabha Debates*, 3 Jan. 2019, pp. 333-34, rsdebate.nic.in/bitstream/123456789/693483/2/PQ_247_03012019_U2491_p333_p334.pdf.

[36] "RTE Act | Teachers Can Be Given Election Duties Even Before Issuance of Poll Notification: Allahabad High Court (DB)." *LiveLaw*, 16 Aug. 2022, www.livelaw.in/amp/news-updates/rte-act-teachers-can-be-given-election-duties-issuance-notification-non-teaching-days-hours-allahabad-high-court-206646.

[37] Cletus, Anju. "Using Teachers for NPR Work Not Violative of RTE Act: Madras HC [Read Judgment]." *LiveLaw*, 18 Feb. 2016, livelaw.in/using-teachers-for-npr-work-not-violative-of-rte-act-madras-hc.

Commission's authority but directed it to ensure that election duties do not place an unbearable burden on teachers, observing that Section 27 cannot be overlooked. The petitioners had sought a ten per cent cap on teacher requisition and the prior exhaustion of non-teaching staff, and the matter was listed for further hearing.[38]

Two conclusions follow. First, Section 27 should be enforced strictly against all deployments outside its three categories, including surveys, data collection and routine administrative work that do not fall within them. Second, because the statute itself permits election and census duty, reform should concentrate on how those duties are managed: scheduling them outside teaching hours, capping the share of any school's teachers who may be requisitioned, and drawing on non-teaching staff first. Enforcement also needs clearer definitions, since Section 24 refers vaguely to "other duties as may be prescribed" and the boundary between "non-educational" and routine school administration is contested.[39] Complaints can be made to the local authority under Section 32, and the National and State Commissions for Protection of Child Rights have a monitoring role under Section 31.[40] NEP 2020 likewise states that teachers should not be engaged in work unrelated to teaching or in strenuous administrative tasks.[41] To make that practicable, schools need separate administrative and clerical staff, so that attendance records, scheme data and reporting do not fall on teachers by default.

7. Constitutional and Social Importance

Education is both a fundamental right and the means by which other rights are realised. Article 21A gives the six-to-fourteen age group an enforceable claim, and the Directive Principles reinforce it: Article 39(f) directs the State to ensure that children are given opportunities and facilities to develop in a healthy manner and are protected against exploitation, and Article 46 directs the State to promote with special care the educational interests of the weaker sections.[42]

Extending educational opportunity serves several social ends. It promotes equality: the twenty-five per cent reservation in private schools is an attempt to bring children from different social

---

[38] Legal Desk. "Delhi High Court Directs ECI to Ensure Election Duties Do Not Overburden Teachers." *India Legal*, 28 July 2026, indialegallive.com/constitutional-law-news/courts-news/delhi-high-court-directs-eci-to-ensure-election-duties-do-not-overburden-teachers/.

[39] Accountability Initiative. "Why 'Non-Teaching' Work Should Be Clearly Defined in the New Education Policy." *Accountability Initiative*, accountabilityindia.in/blog/why-non-teaching-work-should-be-clearly-defined-in-the-new-education-policy/. Accessed 15 Oct. 2026.

[40] India. Parliament. *The Right of Children to Free and Compulsory Education Act, 2009*. Act no. 35 of 2009, Ministry of Law and Justice, 26 Aug. 2009, secs. 31, 32.

[41] Ministry of Education. *National Education Policy 2020*. Government of India, 2020.

[42] Constitution of India, arts. 21A, 39(f), 46.

backgrounds into the same classrooms.[43] It supports employment and skill development, because Classes IX to XII are the stage at which general education connects to vocational training and higher education. It strengthens child protection, since a child who stays in school is less exposed to child labour and early marriage, both of which the law already prohibits below eighteen in many forms.[44] And it contributes to national development. Drèze and Sen argue that India's progress has been held back by long neglect of basic education and health, and that human capability is central to development.[45] None of this is cost-free. The Education Commission of 1964-66 recommended that spending on education reach six per cent of national income,[46] and NEP 2020 repeats the six per cent of GDP goal.[47] Without such financing, neither an extended guarantee nor better working conditions for teachers can be sustained.

8. Existing Law and Proposed Reform Compared

Table 1 summarises the distinction on which this paper insists. The left-hand column states the law as it stands; the right-hand column states recommendations that would require new policy, spending or legislation.

Table 1. Existing legal provisions and proposed reforms

Issue	Existing legal position	Proposed reform (not yet law)
Age and class coverage	Article 21A and the RTE Act guarantee free and compulsory education to children aged 6-14, i.e., Classes I-VIII.	Extend the entitlement to age 18 / Class XII through a constitutional amendment (Article 368) followed by amendment of the RTE Act or a new statute, with phased implementation.
Dropout after Class VIII	Section 3 bars fees and charges up to Class VIII; Section 4 provides age-appropriate admission for out-of-school children up to age 14. No statutory entitlement exists beyond that age.	Scholarships, free textbooks, transport and other financial support for Classes IX-XII; school infrastructure near habitations; student-level tracking and re-entry measures.

[43] India. Parliament. *The Right of Children to Free and Compulsory Education Act, 2009*. Act no. 35 of 2009, Ministry of Law and Justice, 26 Aug. 2009, sec. 12(1)(c).

[44] India. Parliament. *The Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 2016*. Act no. 61 of 2016, Ministry of Law and Justice, 2016. India. Parliament. *The Prohibition of Child Marriage Act, 2006*. Act no. 6 of 2007, Ministry of Law and Justice, 2007.

[45] Drèze, Jean, and Amartya Sen. *An Uncertain Glory: India and Its Contradictions*. Princeton UP, 2013.

[46] Ministry of Education. *Report of the Education Commission, 1964-66: Education and National Development*. Government of India, 1966.

[47] Ministry of Education. *National Education Policy 2020*. Government of India, 2020.

Issue	Existing legal position	Proposed reform (not yet law)
Non-educational duties of teachers	Section 27 bars deployment for non-educational work except the decennial census, disaster relief and elections; Section 24 and Rule 21 list teachers' duties.	No new prohibition needed. Strengthen enforcement; define "non-educational" clearly; appoint separate administrative staff; regulate and cap election duty.
Funding, infrastructure and teachers	Sections 19, 25 and 26 and the Schedule fix infrastructure norms, pupil-teacher ratios and a ten per cent ceiling on teacher vacancies.	Raise public spending towards the six per cent of GDP target; fill vacancies; ensure qualified teachers for secondary classes.

Source: Compiled by the author from the sources cited in this paper.

9. Recommendations

On the basis of the analysis above, the paper recommends the following measures.

1. *Extend the RTE framework to Class XII or eighteen years of age.* Amend Article 21A and the RTE Act, with a phased timetable, beginning with fee waivers and free learning materials for Classes IX to XII. This is a proposed reform; it is not the present law.
2. *Introduce effective measures against dropout, particularly after Class VIII.* Combine scholarships, free textbooks, transport support, bridge and re-entry programmes, and student-level tracking, with special attention to girls and to States with the highest secondary dropout.
3. *Provide additional financial support to economically weaker and disadvantaged children.* Direct assistance should offset both the direct and indirect costs of schooling, since economic reasons feature most prominently in the data.
4. *Enforce the existing restrictions on non-educational duties.* Apply Section 27 strictly, define "non-educational" work clearly, schedule and cap election and census duties outside teaching hours, and appoint separate administrative staff.
5. *Ensure sufficient funding, infrastructure and qualified teachers.* Move public expenditure towards the six per cent of GDP target, fill teacher vacancies within the ten per cent ceiling in Section 26, and ensure that secondary classes have subject teachers, laboratories and adequate classrooms.

10. Conclusion

The RTE Act changed the legal position of India's children: elementary education became a right that can be claimed, and enrolment figures show real progress. Ground reality, however, shows that the right stops where many children's vulnerability begins. Adolescents leave school after Class VIII for economic and domestic reasons, and teachers who might help them stay are often occupied

with tasks that have little to do with teaching. The remedies are of two kinds. Some, like extending the guarantee to eighteen, are reforms that require constitutional amendment, legislation and sustained financing. Others, like enforcing Section 27, require only that existing law be taken seriously. A country that has promised every child a school should be willing to do both.

Works Cited

Accountability Initiative. "Why 'Non-Teaching' Work Should Be Clearly Defined in the New Education Policy." *Accountability Initiative*, accountabilityindia.in/blog/why-non-teaching-work-should-be-clearly-defined-in-the-new-education-policy/. Accessed 15 Oct. 2026.

ASER Centre. *Annual Status of Education Report (Rural) 2024*. Jan. 2025. Summary reproduced in *People's Archive of Rural India*, ruralindiaonline.org/en/library/resource/annual-status-of-education-report-rural-2024. Accessed 15 Oct. 2026.

Cletus, Anju. "Using Teachers for NPR Work Not Violative of RTE Act: Madras HC [Read Judgment]." *LiveLaw*, 18 Feb. 2016, livelaw.in/using-teachers-for-npr-work-not-violative-of-rte-act-madras-hc.

Constitution of India.

"Draft National Education Policy: What Is Its Vision for Out-of-School Children?" *Ideas for India*, www.ideasforindia.in/topics/human-development/draft-national-education-policy-what-is-its-vision-for-out-of-school-children.html. Accessed 15 Oct. 2026.

Drèze, Jean, and Amartya Sen. *An Uncertain Glory: India and Its Contradictions*. Princeton UP, 2013.

Election Commission of India v. St. Mary's School. (2008) 2 SCC 390. Supreme Court of India.

India. Parliament. *The Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 2016*. Act no. 61 of 2016, Ministry of Law and Justice, 2016.

India. Parliament. *The Constitution (Eighty-sixth Amendment) Act, 2002*. Ministry of Law and Justice, 2002.

India. Parliament. *The Prohibition of Child Marriage Act, 2006*. Act no. 6 of 2007, Ministry of Law and Justice, 2007.

India. Parliament. *The Right of Children to Free and Compulsory Education Act, 2009*. Act no. 35 of 2009, Ministry of Law and Justice, 26 Aug. 2009.

India. RajyaSabha. "Written Answers to Unstarred Questions." *RajyaSabha Debates*, 3 Jan. 2019, pp. 333-34, rsdebate.nic.in/bitstream/123456789/693483/2/PQ_247_03012019_U2491_p333_p334.pdf.

Legal Desk. "Delhi High Court Directs ECI to Ensure Election Duties Do Not Overburden Teachers." *India Legal*, 28 July 2026, indialegallive.com/constitutional-law-news/courts-news/delhi-high-court-directs-eci-to-ensure-election-duties-do-not-overburden-teachers/.

Mandhani, Apoorva. "Teachers Shouldn't Be Deployed for Non-Educational Purposes Outside Purview of RTE Act: Delhi HC [Read Judgment]." *LiveLaw*, 26 Jan. 2019, livelaw.in/news-updates/teachers-deployed-non-educational-purposes-rte-act-delhi-hc-142417.

Mehta, Arun C. "School Education in India: Where Do We Stand? UDISEPlus 2023-24." *Education for All in India*, educationforallinindia.com/school-education-in-india-where-do-we-stand-udiseplus-2023-24/. Accessed 15 Oct. 2026.

Ministry of Education. *National Education Policy 2020*. Government of India, 2020.

Ministry of Education. *Report of the Education Commission, 1964-66: Education and National Development*. Government of India, 1966.

Ministry of Human Resource Development. *Draft National Education Policy 2019*. Government of India, 2019.

Mohini Jain v. State of Karnataka. (1992) 3 SCC 666. Supreme Court of India.

"Mumbai News: School Teachers Up in Arms against BMC Order on Non-Academic Duties." *Free Press Journal*, www.freepressjournal.in/amp/mumbai/mumbai-news-school-teachers-up-in-arms-against-bmc-order-on-non-academic-duties. Accessed 15 Oct. 2026.

National Statistical Office. *Household Social Consumption: Education, NSS 75th Round, Schedule 25.2, July 2017-June 2018*. Ministry of Statistics and Programme Implementation, microdata.gov.in/NADA/index.php/catalog/151/variable/V377. Accessed 15 Oct. 2026.

"RTE Act | Teachers Can Be Given Election Duties Even Before Issuance of Poll Notification: Allahabad High Court (DB)." *LiveLaw*, 16 Aug. 2022, www.livelaw.in/amp/news-updates/rte-act-teachers-can-be-given-election-duties-issuance-notification-non-teaching-days-hours-allahabad-high-court-206646.

Society for Unaided Private Schools of Rajasthan v. Union of India. (2012) 6 SCC 1. Supreme Court of India.

"State of School Education in India: Dropout, Transition, and Retention Rate Analysis for Universal Schooling." *Education for All in India*, educationforallinindia.com/?p=14762. Accessed 15 Oct. 2026.

"Teachers Spend Only 19.1 Per Cent Time Teaching." *Deccan Chronicle*, deccanchronicle.com/nation/current-affairs/220918/teachers-spend-only-191-per-cent-time-teaching.html. Accessed 15 Oct. 2026.

"The NEP Goes Against the Existing Constitutional Mandate of the RTE." *Janata Weekly*, janataweekly.org/the-nep-goes-against-the-existing-constitutional-mandate-of-the-rte/. Accessed 15 Oct. 2026.

"UDISE+ Analysis: 68 Lakh Dropouts between 2023-24 and 2024-25; Is MoE Underestimating Dropout Rates?" *Careers360*, news.careers360.com/udise-plus-2024-25-analysis-68-lakh-

dropouts-education-ministry-underestimate-enrolment-school-database-udiseplus-portal-report. Accessed 15 Oct. 2026.

Unni Krishnan, J.P. v. State of Andhra Pradesh. (1993) 1 SCC 645. Supreme Court of India.