



Why does the Supreme Court want to reconsider the exemption given to minority schools from the Right to Education (RTE) Act?

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Why in News?

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Why Supreme Court wants to revisit Right to Education exemption for minority schools

Enacted in 2009, the Right to Education introduced several norms, like a quota in schools for children from disadvantaged backgrounds. However, it allowed some exemptions.



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Can minority-run schools be exempted from RTE law, SC refers question to larger Bench

A Constitution Bench, in 2014, held that the RTE law violated the minority character of these institutions and took the institutions entirely out of the ambit of the law. On Monday, Justice Datta observed that the 2014 judgment has 'unknowingly jeopardised the very foundation of universal elementary education'

Key Points:

- The Supreme Court has decided to reconsider the exemption granted to minority schools from the Right to Education (RTE) Act, 2009.
- The case came before a two-judge bench headed by Justice Dipankar Datta, which questioned whether the wide exemption granted in the *Pramati Educational and Cultural Trust vs Union of India* case (2014) was ever justified.
- The Court observed that such an exemption weakens the goal of “universal and inclusive education.”
- The matter has been referred to the Chief Justice of India with a request for it to be placed before a larger bench.

Right To Education Act, 2009: Objectives and Provisions

Child-Centric Approach

- The RTE Act aims to provide **free and compulsory education to children aged 6 to 14 years.**
- It was enacted under **Article 21A of the Constitution**, which recognizes elementary education as a **fundamental right of children.**
- The philosophy of the Act is based on **children's rights**, not on the administrative rights of schools.



Constitutional Background

- **Article 21A:** Added by the **86th Constitutional Amendment Act, 2002**, making the Right to Education a fundamental right.
 - Provision: Free and compulsory education for children between 6 and 14 years.
 - Article 21A mandated that the State shall provide this education through legislation, which led to the **RTE Act, 2009**.
- The RTE Act came into effect on **1st April 2010**.

Major Judicial Precedents (Case Laws)

(i) Mohini Jain v. State of Karnataka (1992)

- **Judgment:** Right to education is part of Article 21 (Right to Life).
- **Reasoning:** Without education, the right to life is incomplete.

(ii) Unni Krishnan v. State of Andhra Pradesh (1993)

- **Judgment:**
 - Children aged 6 to 14 years have the right to free education.
 - For children above 14 years, the right to education depends on "available resources."
- **Significance:** This case introduced the idea that primary education is a fundamental right, while further education is subject to the state's capacity.
- Following this case, the government paved the way to make education a fundamental right, which ultimately resulted in the **86th Constitutional Amendment (2002)** and the **RTE Act (2009)**.

Key Provisions

- **Government Schools:** Must provide free education to all children.
- **Aided Schools:** Required to provide free seats in proportion to the aid received.
- **Private Unaided Schools:** Must reserve 25% of entry-level seats for children from disadvantaged groups (Section 12(1)(c)).
- **Other Standards:**
 - Student-teacher ratio
 - Mandatory Teacher Eligibility Test (TET)
 - Infrastructure norms
 - Prohibition of corporal punishment and capitation fees

Objectives

- To enhance equality and inclusiveness in society
- To bring children from different social and economic backgrounds together
- To view education as a public good from the perspective of democracy and social justice

Education and Directive Principles of State Policy (DPSP)

In Part IV of the Constitution, several provisions are related to education:

- **Article 41:** The State shall make efforts to provide education and public assistance in cases of unemployment, old age, sickness and other cases of need.
- **Article 45:** Initially (1950) – Directed the State to provide free and compulsory education for children up to the age of 14 years.
 - After the **86th Constitutional Amendment (2002)** – Revised to emphasize *Early Childhood Care and Education (ECE)* for children below 6 years of age.
- **Article 46:** The State shall promote the educational and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker sections and shall protect them from social injustice and all forms of exploitation.
- **Article 51A:** A new Fundamental Duty was added, making it the duty of parents or guardians to provide opportunities for education to their children between the ages of 6 and 14 years.

2014 Pramati Judgment: Exemption for Minority Schools

Case Summary

- In *Pramati Educational and Cultural Trust vs Union of India* (2014), a Constitution Bench of the Supreme Court held that minority schools (both aided and unaided) could be exempted from compliance with the Right to Education (RTE) Act.
- The reasoning was that enforcing the 25% reservation mandate could affect the autonomy and character of such schools.

Impact of the Pramati Judgment

1. Many private schools obtained minority status to avoid RTE compliance.
2. The objective of bringing social and economic diversity into classrooms was weakened.
3. The child-centric approach of the RTE Act was somewhat diluted.

Why is Supreme Court Reconsideration Necessary?

Issue of Inclusivity

- The Court observed that the 2014 judgment weakened the goal of universal and inclusive education.
- Implementation of the Teacher Eligibility Test (TET) is necessary for all schools.

Children's Rights vs School Autonomy

- The RTE Act prioritizes the rights of children.
- According to the Supreme Court, granting wide exemptions to minority schools violates children's rights.

Regulatory Gap

- The Court warned that such exemptions “disturb the balance between autonomy and public interest.”
- Section 12(1)(c) (25% quota) should not be viewed as diluting a school’s identity, but rather as a tool to advance children’s rights and inclusivity.

Experts and Academics’ Views

- **R. Govinda:** Children’s individual rights are above group rights; there was no need to exempt minority institutions.
- **Anita Rampal:** The RTE Act is aligned with children’s rights; exempting schools undermines those rights.
- **Latika Gupta:** Implementing the 25% quota enhances classroom diversity, which improves education quality and reduces socio-economic inequality.

Supreme Court’s Current Approach

1. **TET Mandatory:** Teacher Eligibility Test should apply to all teachers, including those in minority schools.
2. **25% Quota:** Does not dilute a school’s identity; rather, it fosters social and economic diversity.
3. **Maintaining Balance:** Both Article 21A (Right to Education) and Article 30(1) (Minority Rights) can coexist.
4. **Reference to Larger Bench:** The case has been referred to the Chief Justice for consideration by a larger bench.

Supreme Court’s Objective:

- Ensure children’s rights and quality education.
- Achieve universal education while preserving the identity of minority schools.
- Promote social and economic diversity.

If the larger bench eventually applies RTE provisions to minority schools, it will be a significant step towards inclusivity and equality.

Question: The Right to Education Act (RTE) 2009 was introduced under which Article?

- (a) Article 14 (b) Article 19
(c) Article 21A (d) Article 32

Question: Consider the following statements regarding the Right to Education Act, 2009:

1. This Act gives the right to free and compulsory education to children between 6 to 14 years of age.
2. This Act got constitutional status through Article 21(A) under the Constitution (86th Amendment) Act, 2002.
3. The RTE Act came into force on 1st April 2010.

Choose the correct option:

- (a) Only 1 and 2 (b) Only 2 and 3
(c) Only 1 and 3 (d) 1, 2 and 3