

## Implementation of Right of Children to Free and Compulsory Education Act, 2009: An Indian Perspective

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*"That mother and that father are enemies who don't give education to their children."*

*Chanakay*

*"Education is the most powerful weapon which you can use to change the world."*

*Nelson Mandela*

### Introduction

Education is an essential and integral component for human development, and consequently it may be regarded as a basic right, beyond security and subsistence. In fact it may even be said that if subsistence is a basic right, then education is inherent to having the capability to subsist. Here, we are not even talking about higher education, just elementary education, which is definitely necessary for everyone to be able to first realize that certain rights are denied to them or are infringed and further protect his or her other rights.<sup>1</sup> Education creates an ideal person by providing an insight into the outer world and renovates him as a judicious human being.

The word education comes from the Latin word *educare*, means "to lead out". It is indeed, difficult to define education.

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<sup>1</sup> Shradha Tiwari, "Right to Education as Human Right" Vol. XL 3 *IBR* 147 (2013).

Education is a relentless process of becoming. To the human being we educate and to the animal we train. According to Wikipedia Encyclopaedia, education in the broadest sense is any act or experience that has a formative effect on mind, character or physical ability of an individual. In its technical sense education is a process by which society deliberately transmits its accumulated knowledge, skills and values from one generation to another.<sup>2</sup>

Education is one of the important factors of development. The role of education in development has been recognised ever since the days of Plato, who believed that education, was indispensable to the economic health of a good society. The contribution of 'human capital' to economics was recognised long ago when Adam Smith, in *the Wealth of Nations* includes in the category, 'Fixed Capital', the acquired and useful abilities of all the inhabitants, or members of society.

Article 21-A, as has been inserted by the Constitution (Eighty-sixth Amendment) Act, 2002, guarantees fundamental rights of free and compulsory education to all children in the age group of six to fourteen years, in such a manner as the State may, by law, determine. To enforce Article 21-A Parliament has enacted the *Right of Children to Free and Compulsory Education Act, 2009*.<sup>3</sup>

### **Right to Education in International Scenario:**

Right to education have been widely accepted and recognised internationally. There is specific recognition of the right to education in some of the international instruments. At first, this was incorporated in the Universal Declaration of Human

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<sup>2</sup> Dr. Rattan Singh, "The Right to Free and Compulsory Education Act in India: A Transmission to Required Education Zone" Vol. XXXVIII 3 *IBR* 90 (2011).

<sup>3</sup> Justice Dharmadhikari, D.M., "Right to Education" 3 *SCC J-16* (2010).

Rights (UDHR) 1948<sup>4</sup>. Though UDHR envisages education as a human right, it has been placed or classified as a socio-economic right since capital is required to achieve the said right. Therefore, the same right has been envisaged under Principle 7 of the UN Declaration of the Rights of the Child, 1959<sup>5</sup>. Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESR), 1966<sup>6</sup> as well as Article 28

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<sup>4</sup> Article 26 of Universal Declaration of Human Rights states:

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

<sup>5</sup> “The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture and enable him, on a basis of equal opportunity, to develop his abilities, his individual-judgement, and his sense of moral and social responsibility, and to become a useful member of society. The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in first place with his parents. The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right”.

<sup>6</sup> Article 13 of the International Covenant on economic, Social and Cultural Rights. 1966 reads:

- (1) The States parties to the present Covenant recognise the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all

of the Convention on the Rights of Child 1989<sup>7</sup>, in similar terms recognise the importance of fastening State parties with

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racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

- (2) The States parties to the present Covenant recognise that, with a view to achieving the full realisation of this right: (a) primary education shall be compulsory and available free to all; (b) secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; (c) higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means and in particular by the progressive introduction of free education; (d) fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education; (e) the development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
- (3) The States parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
- (4) No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in Paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

<sup>7</sup> Article 28 of the Convention on the Rights of the child 1989 reads as under:

- (1) States parties recognise the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity they shall in particular: (a) make primary education compulsory and available free to all; (b) encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; (c) make higher education accessible to all on the basis of capacity by every

obligation to impart free and compulsory primary education to one and all.

### **Right to Education and Constitutional Provision:**

The Constitution framers were with the view that right to education should exist in India, but at that time the position was different, so they had put it under Article 45 in Directive Principles of the State Policy. Initially, this Article states that the State to make provision within 10 years for free and compulsory education for all children until they complete the age of 14 years. The object of this directive was to abolish illiteracy from the country. Unfortunately, some States failed to enact a law for free and compulsory education to the children below the age of 14 years. Even though, many States have taken steps towards free basic education, but, they could not make it compulsory.<sup>8</sup>

In early time, the question was raised before Kerala High Court regarding the justiciability of Article 45 of the Constitution but it was held that Article 45 is not justiciable, being only directive in nature. The Article does not confer

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appropriate means; (d) make educational and vocational information and guidance available and accessible to all children; (e) take measures to encourage regular attendance at schools and the reduction of drop-out rates.

- (2) State parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and conformity with the present convention.
- (3) States parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

<sup>8</sup> Krishna Pal Maik and Dr. Kaushik C. Raval, *Law and Social Transformation in India* 305 (Allahabad Law Agency 3<sup>rd</sup> edn. 2011).

legally enforceable right upon primary schools to receive grants-in-aid from the Government.<sup>9</sup>

### **Right to free education is fundamental right:**

First time the question of right to free and compulsory education was raised in the case of *Mohini Jain*,<sup>10</sup> in 1992, popularly known as “capitation fee case”. The Supreme Court held that the right to education at all levels is a fundamental right of the citizen under Article 21 of the Constitution.

### **Right to free education is fundamental right, but up to the age of 14 years:**

The Supreme Court was asked to examine the correctness of the decision given by the court in *Mohini Jain* in the case of *Unni Krishnan*.<sup>11</sup> The five Judges Bench by 3-2 majority, partly agreed with the *Mohini Jain’s* case decision and held that right to education is fundamental right under Article 21 of the Constitution as it directly flows from “right to life” and partly overruled the *Mohini Jain’s* decision and held that the right to free education is available only to children until they complete the age of 14 years. The obligation created by Articles 41,<sup>12</sup> 45<sup>13</sup> and 46<sup>14</sup> can, be discharged by the State either establishing its

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<sup>9</sup> *Joseph Valamangalam, Rev. Fr. v. State of Kerala*, AIR 1958 Ker. 290.

<sup>10</sup> *Mohini Jain v. State of Karnataka*, (1992) 3 SCC 666.

<sup>11</sup> *Unni Krishnan J.P. v. State of A.P.* (1993) 1 SCC 645.

<sup>12</sup> The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

<sup>13</sup> The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.

<sup>14</sup> The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the

own institutions or by aiding, recognising or granting affiliation to private institutions.

### **Emergence of Right to Education as a Fundamental Right:**

Of late, in the year 2002 after 52 years of the enforcement of the Constitution, the Parliament has made the fundamental right to education, free and compulsory for the children of the age 6 to 14 years by Constitution (86<sup>th</sup> Amendment) Act, 2002. This Amendment has inserted Article 21-A and clause (k) in, Article 51-A with the substitution of Article 45 of the Constitution.

***Right to education:*** The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.<sup>15</sup>

***Early childhood care and education to children below the age of six years:*** The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.<sup>16</sup>

***Fundamental duties of the parent or guardian:*** It shall be the duty of every citizen of India, who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.<sup>17</sup>

### **Right of Children to Free and Compulsory Education (RTE) Act, 2009:**

Right of Children to Free and Compulsory Education Act or RTE Act, which was passed by the Indian Parliament on 4<sup>th</sup>

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Scheduled Castes and the Scheduled Tribes, and shall protect them from Social injustice and all forms of exploitation.

<sup>15</sup> Article 21-A, inserted by Constitution (86<sup>th</sup> Amendment) Act, 2002.

<sup>16</sup> Article 45, inserted by Constitution (86<sup>th</sup> Amendment) Act, 2002.

<sup>17</sup> Article 51-A (k) inserted by Constitution (86<sup>th</sup> Amendment) Act, 2002.

August 2009,<sup>18</sup> describes the modalities of the provision of free and compulsory education for children between 6 to 14 years under Article 21-A of the Indian Constitution. India became one of the 135 countries to make education a fundamental right of every child with effect from April 1, 2010 when RTE Act was enforced. The law came into effect in the whole of India except the state of Jammu and Kashmir. The first time in the history of India a law was brought into force by a speech by the Prime Minister. In his speech, Dr. Manmohan Singh, Prime Minister of India stated that: “We are committed to ensuring that all children, irrespective of gender and social category, have access to education an education that enables them to acquire the skills, knowledge, values and attitudes necessary to become responsible and active citizens of India.”

The key features of the Right of Children for Free and Compulsory Education Act are:

- Free and compulsory education to all children of the age group of six to fourteen years.<sup>19</sup>
- A child who is above six years of age and has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age; Provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time limits, as may be prescribed. Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years.<sup>20</sup>

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<sup>18</sup> The Bill was approved by the cabinet on 2<sup>nd</sup> July, 2009. Rajya Sabha passed the Bill on 20<sup>th</sup> July, 2009 and the Lok Sabha on 4<sup>th</sup> August, 2009. It received Presidential assent and was notified as law on 3<sup>rd</sup> Sept., 2009, as the Children’s Right to Free and Compulsory Education Act, 2009.

<sup>19</sup> Section 3 of the RTE Act, 2009.

<sup>20</sup> Section 4 of the RTE Act, 2009.



- Financial burden for complying with the provisions of Act will be shared between States and Central Government.<sup>21</sup>
- This Act, also provides for 25% reservation for students of disadvantaged groups and of economic weaker section of the society in admission to Class I in all private schools excluding the unaided minorities schools. It ensures reimbursement by the government to these unaided schools, based on per child expenditure incurred towards admitting these students.<sup>22</sup>
- For the purposes of admission to elementary education. The age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1856 or on the basis of such other document, as may be prescribed. No child shall be denied admission in a school for lack of age proof.<sup>23</sup>
- No child shall be held back, expelled, or required to pass a board examination until completion of elementary education.<sup>24</sup>
- School infrastructure to be improved within three years after the implementation of this Act, else recognition cancelled.<sup>25</sup>
- School teachers will need adequate professional degree within five years from the implementation of this Act or else will lose job.<sup>26</sup>
- This Act calls for a fixed student-teacher ratio and provides that no teacher shall be deployed for any non-educational purpose except as in section 27.<sup>27</sup>

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<sup>21</sup> Section 7 of the RTE Act, 2009.

<sup>22</sup> Section 12 of the RTE Act, 2009.

<sup>23</sup> Section 14 of the RTE Act, 2009.

<sup>24</sup> Section 16 of the RTE Act, 2009.

<sup>25</sup> Section 19 of the RTE Act, 2009.

<sup>26</sup> Section 23 of the RTE Act, 2009.

<sup>27</sup> Section 25 of the RTE Act, 2009.

- This Act makes a provision for improvement in quality of education.<sup>28</sup>
- A child who completes elementary education shall be awarded with a certificate.<sup>29</sup>

## **Implementation of RTE Act 2009**

By inserting various provisions we may have won the battle but still we need to fight a war in order to implement the RTE Act in letter and spirit. Though the right to education has become the fundamental right but the question is whether are we in a position to enforce this Fundamental Right in the existing scenario where problems like absence of appropriate number of schools & teachers, qualitative education, lack of infrastructure, complex curriculum, etc. are found at every corner. RTE Act in its present form needs the support of both Governments at the level of State and Centre in order to implement the Act in a smooth manner. So many constraints in the form of finance, lack of infrastructure, shortage of teachers, etc. are bound to come in the way of implementing this Act, which needs to be contemplated.<sup>30</sup>

The Act, provides of 25% reservation for disadvantaged and weaker sections of the society seems to be an admirable step taken by the policy makers provided it is backed by the unaided recognized public schools. India has been witnessing an on-going debate on the 25 per cent reservation for disadvantaged and weaker sections in recognized private schools which is not everything about RTE Act, 2009, rather one amongst various provisions.<sup>31</sup>

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<sup>28</sup> Section 29 of the RTE Act, 2009.

<sup>29</sup> Section 30 of the RTE Act, 2009.

<sup>30</sup> Dr. Mool Chand Sharma, "*Right to Education Imperative for Progress*" 59 (Universal Law Publishing Co. New Delhi, 2013).

<sup>31</sup> *Id* at 60.

The Act makes it obligatory on the part of the state governments and the local bodies to ensure that every child gets education in a school in the neighborhood. In the age group of 6-14 years there are more than 25 crore children in India and approximately more than 1.5 crore of them are out of schools. Under the provisions of the Act, it is the responsibility of the school management committee or the local authority to identify the drop-outs or out of school children who are above 6 years of age and admit them in classes according to their suitability after providing special training.

Implementing the Act fairly, inclusively and particularly in the tribal, hilly and remote rural pockets poses a major challenge involving creative and sustained efforts. It has been provisioned that the fiscal burden is to be shared between the centre and state in the ratio 55:45 and 90:10 for North East states. An amount of more than Rs. 15,000 crores is required for implementing the Act.

The stumbling block in the way to effective implementation of the Act is availability of good and qualified teachers. Adequate trained teachers are highly essential for implementation of the Act. The Act envisages re-enrolling the dropouts out of school children and as such, the demand for the teachers will be enormous.

Absence of toilet in general and separate toilet for girls in particular is another huddle in the way to providing the basic facilities in the schools. Lack of requisite infrastructure and basically the provision of drinking water is another area of concern in the primary schools. Though there is a provision of playground for the children under the Act but most schools are deprived for such facilities. The responsibilities of the centre and state not being made clear it is a difficult task to work out the details of the Act.

## Judiciary on Right to Education

In a landmark judgment *Mohani Jain v. State of Karnataka*,<sup>32</sup> popularly known as the “Capitation Fee Case,” the Supreme Court has held that the right to education is a fundamental right under Article 21 of the constitution which cannot be denied to a citizen by charging higher fee known as the captivation fee. The right to education flows directly from right to life. The right to life under Article 21 and the dignity of an individual cannot be assured unless it is accompanied by the right to education.

In *Unni Krishna v. State of A.P.*<sup>33</sup> the Supreme Court was asked to examine the correctness of the decision given by the Court in *Mohini Jain’s case*. The petitioners running Medical and Engineering Colleges in the state of Andhra Pradesh, Karnataka, Maharashtra and Tamil Nadu contended that if *Mohini Jain* decision is correct and followed by the respective State Government they will have to close down their colleges. The five Judge bench by 3-2 majority partly agreed with the *Mohini Jain* decision and held that right to education is a fundamental right under Article 21 of the Constitution as it directly flows’ from right to life. But as regards its content the court partly overruled the *Mohini Jain’s case*, and held that the right to free education is available only to children until they complete the age of 14 years, but after that the obligation of the state to provide education is subject to the limits of its economic capacity and development. In *Gaurav Jain v. Union of India*,<sup>34</sup> the Apex Court has held that state have to provide education to the children born to prostitutes. The court further issued various directions to protract said children from exploitation and bring them into the main stream of life by educating them.

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<sup>32</sup> (1992) 3 SCC 666.

<sup>33</sup> (1993) 1 SCC 645.

<sup>34</sup> AIR 1997 SC 3021.

In the *Modern School v. Union of India*,<sup>35</sup> the Supreme Court held that the state have a duty to impart education and particularly primary education having regard to the fact that the same is a fundamental right within the meaning of Article 21 of the constitution of India, but as the Government had neither resources nor the ability to provide for the same, it appears, the legislature permitted the societies/trusts to establish the educational institutions from the savings made by them from the unaided institutions. (Para 54)

In the *State of Bihar and other v. Project Uchcha Vidya, Sikshak Sangh & Others*,<sup>36</sup> Supreme Court said, Imparting education is a sovereign function of the state. Article 21-A of the constitution envisages that children of age group 6 to 14 have a fundamental right of education. The state framed the scheme in question having the constitutional goal in mind. Although establishment of High Schools may not be a constitutional function in the sense that citizens of India above 14 years might not have any fundamental right in relation thereto, but education as a part of human development indisputably is a human right. The framers while providing for equality clause under the constitutional scheme had in their mind that women and children require special treatment and only in that view of the matter protective discrimination and affirmative action were contemplated in terms of clause (3) of Article 15 of the Constitution of India. (Para 2, 29)

In *Superstar Education Society v. State of Maharashtra and others*,<sup>37</sup> the Supreme Court held that the objects of regulating permissions for new private schools are: (i) to ensure that they have the requisite infrastructure (ii) to avoid unhealthy competition among educational institutions; (iii) to subject the private institutions seeking entry in the field of education to such restrictions and regulatory requirements,

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<sup>35</sup> (2004) 5 SCC 583.

<sup>36</sup> (2006) 2 SCC 545.

<sup>37</sup> (2008) 3 SCC 315.

so as to maintain standards of education; (iv) to promote and safeguard the interests of students, teachers and education; and (v) to provide access to basic education to all sections of society, in particular the poorer and weaker sections; and (vi) to avoid concentration of schools only in certain areas and to ensure that they are evenly spread so as to cater to the requirements of different areas and regions and to all sections of society. (Para 8)

It is the duty of the State Government to provide access to education. Unless new schools in the private sector are permitted it will not be possible for the State to discharge its constitutional obligation. (Para 11)

In *Avinash Mehrotra v. Union of India & Others*,<sup>38</sup> this Court held that Article 21-A imposes a duty on the State, while Article 51-A(k) places burden on the parents to provide free and compulsory education to the children of the age 6 to 14 years. There exists a positive obligation on the State and a negative obligation on the nonstate actors, like private educational institutions, not to unreasonably interfere with the realization of the children's rights and the state cannot offload their obligation on the private unaided educational institutions.

In *State of Orissa and another v. Mamata Mohanty*,<sup>39</sup> the Supreme Court held that Education is the systematic instruction, schooling or training given to the young persons in preparation for the work of life. It also connotes the whole course of scholastic instruction which a person has received. Education connotes the process of training and developing the knowledge, skill, mind and character of students by formal schooling. The excellence of instruction provided by an educational institution mainly depends directly on the excellence of the teaching staff. Therefore, unless they themselves possess a good academic record/minimum

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<sup>38</sup> (2009) 6 SCC 398.

<sup>39</sup> (2011) 3 SCC 436

qualifications prescribed as an eligibility, standard of education cannot be maintained/enhanced. (Para 29)

Article 21-A has been added in the Constitution with a view to facilitate the children to get proper and good quality education. However, the quality of education would depend on various factors but the most relevant of them is excellence of teaching staff. In view thereof, quality of teaching staff cannot be compromised? The selection of the most suitable persons is essential in order to maintain excellence and the standard of teaching in the institution. It is not permissible for the State that while controlling the education it may impinge the standard of education. It is, in fact, for this reason that norms of admission in institutions have to be adhered to strictly. Admissions in mid-academic sessions are not permitted to maintain the excellence of education. (Para 34)

The Constitutional validity of RTE Act was challenged in *Society for Un-aided Pvt. School v. Union of India*,<sup>40</sup> The Supreme Court by a majority 2:1 upheld the constitutional validity of the Right of Children to Free and Compulsory Education Act, 2009, which provides for free and compulsory education to children between the age of 6 and 14 years and mandates government/aided/and non-minority unaided schools to reserve 25 per cent of the seats for these children.

The Supreme Court of India also held that the Right of Children to Free and Compulsory Education Act, 2009 is constitutionally valid and shall apply to the following:

- a school established, owned or controlled by the appropriate Government or a local authority;
- an aided school including aided minority school(s) receiving aid or grants to meet Whole or part of its expenses from the appropriate Government or the local authority;
- A school belonging to specified category; and

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<sup>40</sup> (2012) 6 SCC 1.

- An unaided non-minority school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority.

Justice **K.S. Radhakrishnan** in his dissenting judgment said: “Article 21-A, as such, does not cast any obligation on the private unaided educational institutions to provide free and compulsory education to children of the age 6 to 14 years. Article 21-A casts a constitutional obligation on the state to provide free and compulsory education to children of the age 6 to 14 years.”

## **Conclusion**

The Right to Education has many provisions for ensuring accountability through decentralization, including the creation of school management committees empowered to make plans and monitor school-level expenditures. But as is well known in India, the devil lies in the implementation. How effectively these accountability provisions will work on the ground depends on getting the right design that will ensure accountability and transparency in implementation process.

In this research paper the researcher have attempted to not only clearly explain the concept of the Right to Education, but have also the implementation of the same. In the conclusion of this paper the researcher have realized that the Right to Education is an intrinsic human right, and the presence of the same is essential and integral for the purposes of a holistic human development.

The major challenge is to provide education in the unserved and rural areas. Absenteeism and lack of education and honesty in imparting education are major huddle in the way to free and fair and quality education. In case of violations of any of the provisions of the Act, the matter will be decided by the local authority. Though has empowered the National



Commission for the protection of Child Rights and State Commissions as authorities to look into the problem of violation of the provisions of the Act, these authorities are far away from the location of the school i.e. a village.

The annual status of Education Report (ASER) 2009 reveals that close to 22 percent of children of rural areas attend private schools. This number is much higher in urban areas. In the metros, at least more than 50 percent of children are in private schools. Currently a conservative estimate despite that more than 40 percent of India's children are in private schools and the number is fast increasing.