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Q18

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

UPSC Civil Services Mains 2022 · GS II · 15 marks · Health, Education and Human Resources

Issues relating to development and management of Social Sector / Services relating to Health, Education, Human Resources.

Core demand of the question

- The Right of Children to **Free and Compulsory Education Act, 2009**, remains inadequate in promoting incentive-based systems that would increase enrolment and retention of children, especially those from disadvantaged groups, without adequate awareness. Analyse

Revision summary

Article 21A and the **RTE Act, 2009**, make elementary education a right for ages 6-14, with input norms and SMCs.

Section 12(1)(c) is the Act's main private-school incentive for disadvantaged children, and it fails without awareness and timely reimbursement.

Most cash, meal and transport incentives sit in other schemes, not in the Act's core.

The 2019 amendment altered no-detention; secondary retention remains largely outside 21A.

ASER-type learning gaps showed that enrolment norms are not enough.

The Act is a necessary floor and still an inadequate incentive-plus-awareness system for the hardest to reach.

Introduction

Article 21A and the Right of Children to **Free and Compulsory Education Act, 2009**, made elementary education a justiciable right for children from six to fourteen. The Act is strong on duty, input norms, and the 25 per cent private-school clause; it is weaker as an incentive architecture, and weaker still where parents and local bodies do not know what to claim.

Body

What the 2009 Act already does

- It obliges the State to provide free and compulsory education, neighbourhood schools, and specified pupil-teacher and infrastructure norms, which is a rights approach rather than a scholarship catalogue.
- **Section 12(1)(c)** requires private unaided schools to reserve 25 per cent of entry-level seats for weaker sections and disadvantaged groups, with reimbursement - the principal incentive channel inside the Act for mixing and for private capacity.

- It prohibits capitation and screening at entry, and it originally coupled a no-detention policy with continuous evaluation, later amended in 2019 to allow detention in classes 5 and 8 subject to State choice and a re-examination.
- **School Management Committees** are meant to be the local awareness and monitoring body, including parents of disadvantaged children.

Why this is not yet an incentive-based enrolment and retention system

- An incentive-based system uses scholarships, transport, meals, cash for attendance, and girls' bicycles to change the household's cost-benefit; most of those instruments sit in parallel schemes (mid-day meal, pre-matric scholarships, KGBV, bicycle schemes), not in the core of the RTE Act.
- The Act's own 25 per cent clause fails as an incentive when reimbursement is delayed, when schools under-report seats, or when parents never hear of the lottery.
- Retention after class 8 is outside **Article 21A**'s age band; secondary drop-out among disadvantaged groups is therefore only partly an RTE problem, which the question's "especially disadvantaged" limb must admit.
- Input norms without learning outcomes produced enrolment without achievement, which ASER-type evidence made politically visible and which NEP 2020 tried to re-centre - an adequacy gap the 2009 design invited.

Awareness as a separate inadequacy

- Disadvantaged households need to know that the neighbourhood school cannot charge, that SMC seats exist, and that 12(1)(c) applications have a date; without that knowledge the Act is a department file.
- Teachers and panchayats often treat RTE as a building-and-roster statute, not as a duty to fetch out-of-school children, despite the Act's mapping and special-training clauses.
- Language, disability (RPwD intersection), and migrant work still keep children invisible to the school register; awareness campaigns that speak only to settled revenue-village parents miss them.

Analysis, not a demolition

- **Calling the Act** inadequate on incentives is fair if the yardstick is enrolment and retention of the hardest to reach; the Act assumed that a legal duty plus a school within walking distance would suffice.
- It is unfair if the yardstick is the historic shift from directive principle to fundamental right; without 21A and the 2009 Act, incentive schemes would still have had no floor of justiciability.
- **The remedy is to graft incentive and information onto the right:** timely 12(1)(c) reimbursement, portable entitlements for migrants, disability-sensitive transport, and SMC-led annual out-of-school surveys, rather than to repeal the rights frame.

What would make the system incentive-based without dropping awareness

- Publish school-wise vacant 25 per cent seats and SMS the calendar to ration-card and job-card households.
- Align mid-day meals, scholarships, and conditional cash with attendance data that the school cannot easily fake.
- Fund special training for older never-enrolled children so that "free" is not a seat in a class they cannot follow.

Flow diagram

Art 21A RTE Act 2009 -> Duty free compulsory school

Art 21A RTE Act 2009 -> s.12 1 c 25 percent

s.12 1 -> Awareness gap

Duty free compulsory school -> Parallel incentive schemes

Awareness gap -> Enrolment retention shortfall

Conclusion

The **RTE Act, 2009**, created a right and input duties; it did not, by itself, build a full incentive system for disadvantaged enrolment and retention, and it assumed awareness that still does not exist. Analyse it as a necessary floor that remains inadequate until parallel incentives, **Section 12(1)(c)** delivery, and household information catch up with **Article 21A**.

Facts & figures

Article 21A

Fundamental right to free and compulsory education for children aged six to fourteen, inserted by the 86th Amendment.

RTE Act, 2009

Statute that operationalises **Article 21A**, including neighbourhood schools, norms, SMCs and the 25 per cent private-school clause.

Section 12(1)(c)

Requires specified private unaided schools to reserve 25 per cent of entry-level seats for weaker sections and disadvantaged groups.

RTE Amendment Act, 2019

Allowed States to provide for detention in classes 5 and 8 after a re-examination, modifying the earlier no-detention policy.

86th Constitutional Amendment, 2002

Inserted **Article 21A**, recast **Article 45** toward early childhood care, and added **Article 51A(k)** on the parent's duty to provide education.

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