
PAPER PROMISES AND PLAYGROUND REALITIES: THE PURSUIT OF JUSTICE AND EQUITY IN EDUCATION FOR INDIA'S MARGINALIZED SECTIONS

Fardeen Khan, Research Scholar, Aligarh Muslim University

Mohd Saifullah Khan, LLM, Aligarh Muslim University

ABSTRACT

The latter represented a paradigm shift in the approach to universalising elementary education in India, institutionalising it as a fundamental right under Article 21A of the Constitution of India with the enactment of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 (RTE Act). Yet, more than a decade after its passage, a gulf of inequity remains between the legal promises in the Act and the day-to-day educational experiences of children on the margins. This study is a critical analysis of the paradox of the grand promises of justice, equality, and access to quality education under the RTE Act and the grim reality that many Dalits, Adivasi, Muslim, migrant, disabled, and urban poor children continue to face. Although the RTE Act is based on the principles of inclusion, equality, and non-discrimination, it is implemented with inbuilt exclusion, social exclusion, infrastructural inadequacies, and a lack of accountability among those on the ground. Children on the margins must break through invisible walls like caste-based discrimination in the classroom, lack of access to second/ other languages, no access to remedial support, and financial pressures that make them forget all that they may have learned before, even if they are enrolled. The article fills an important gap in the literature: while there is much debate about policy-maker evaluations and enrolment statistics, there is a dearth of intersectional and socio-legal analysis that considers what happens when structural inequities intersect with legal shortfalls to frustrate the delivery of educational justice. Employing a doctrinal and empirical analysis, this Article probes judicial readings, state compliance histories, and field-level data in order to test whether the right to education as a matter of positive law actually delivers education equity. The paper calls for the move from access to meaningful inclusion and calls for legal reforms, enhanced social accountability, and rights-based policy-making to focus on dignity, justice, and substantive equality.

Keywords: Right to Education, Educational Justice, Marginalized Communities, Legal Implementation, Social Inclusion.

1. Introduction:

Education is more than a transaction involving the transfer of knowledge; it is an instrument of social change and empowerment, and of connecting people to their innate human dignity.¹ This core principle received legal imprimatur in India when the Right of Children to Free and Compulsory Education Act, 2009 (henceforth the RTE Act), which gives operational content to Article 21A of the Constitution, was passed. The Act was conceived as a paradigm-setting piece of legislation that would seek to provide free and compulsory elementary education to all children in the age group of 6-14 years, regardless of caste, class, gender, religion, or disability. But in practice, the RTE Act has exposed the gap between legal entitlements and social realities, especially for India's most oppressed – Dalits, Adivasis, Muslims, girls, migrant children, and those from economically backward families, for whom the RTE Act is still a promise.² The present paper emanates from this pressing necessity to understand why, over a decade after its being legislated, the RTE Act retains its status as a legal promise rather than an effective guarantee of justice and equity in several parts of the country. Although the rates of enrolment have improved in terms of numerical growth, the quality of substantive education, the non-existence of inclusive pedagogies, and the prevalence of structural inequalities – all these have perpetuated as the main obstacles to the realization of educational rights. Marginalized children frequently are at school but out of learning—on school registers but not present in the learning process—because of socio-economic, cultural, and systemic barriers. This article seeks to fill the void in legal scholarship and critical analysis by examining the RTE Act in its quest for justice and equity, and how the school education system in India remains inadequate for the very people it was intended to serve.³ It requires a more profound understanding of education as more than just access, but as dignity, empowerment, and equal opportunity. The Right to Education has been much debated in the Indian legal and academic arenas as a fulcrum for inclusive development. Academicians such as Amartya Sen, Martha Nussbaum, and others have argued that education is key to the freedom to make use of human capabilities. Following the passing of the RTE Act, a considerable amount of literature has concentrated on the policy framework of the Act, the challenges in its implementation, and its effect on access to education. Reports by Unicef, the National Commission for Protection of Child Rights (NCPCR), and Pratham's Annual Status of Education Reports (ASER), though,

¹ Amartya Sen, *Development as Freedom* 293 (Oxford University Press 1999).

² Harsh Mander, "Inequality and the Right to Education" 50(24) *Economic and Political Weekly* 31 (2015).

³ Gauri Viswanathan, "Education and the Limits of Legal Reform in India" 56(2) *Journal of Indian Law and Society* 85 (2021).

have highlighted concerns such as infrastructure issues, lack of teacher training, and learning deficits.

However, many of the studies have continued to concentrate solely on quantitative achievements such as enrolment rates, drop-out rates, and schooling infrastructure standards. The lacuna in the literature is marked for a legal and sociocultural reading, particularly from an equity and justice-based perspective.⁴ While there have been certain studies that discuss issues of caste-based exclusion or gender parity, few studies have thoroughly analysed how the legal framework of the RTE Act intersects with various vulnerabilities, such as caste, class, gender, and disability, to reinforce educational deprivation.⁵ This paper aims to bridge that gap by going beyond the rhetoric of ‘access’ and asking whether the education on offer under the RTE regime empowers the most marginalized.

2. Legal and Constitutional Framework

2.1. Constitutional Provisions

A lot has changed over the years in the constitutional vision for education in India.⁶ When dealing with education, which was initially placed as a Directive Principle under Article 45, it was looked upon as a goal for the State to pursue. Yet the vision acquired justiciability with the growing realisation of education as intrinsic to human dignity and democratic participation, through the 86th Constitutional Amendment. Article 21A was added to the Constitution, which guarantees that the State shall provide free and compulsory education to all children of 6 to 14 years of age. This made education a part of the fundamental rights and a legally enforceable obligation of the State.

This is supplemented by other provisions in the Indian Constitution, like Article 15(4), which enables the State to make special provisions for those who are educationally and socially backward. Admission to State-funded Educational Institution: There shall be no discrimination in admission to any educational institution that receives aid from State funds. Furthermore, Articles 45 and 46 are dealt with under Directive Principles, but they emphasize the moral

⁴ Niranjan Aradhya and Aruna Kashyap, “The “Fundamentals” of the Fundamental Right to Education in India” 41(22) *EPW* 2199 (2006).

⁵ Renu Singh and Madhumita Puri, “Inclusive Education in India: A Developmental Perspective” 18(1) *Journal of Indian Education* 5 (2014).

⁶ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 368 (OUP 1966).

obligation of the State to provide education for justice, above all, the weaker and deprived segment of society. These related sections see education not just as a service, but as a constitutional instrument for the transformation of society.⁷

2.2. Education in Fundamental Rights and Directive Principles: A Contrast

India's Constitution enshrines enforceable rights (Part III) alongside more general goals of social justice (Part IV).⁸ In the past, education was lodged in the latter, the State's desideratum. But the judicial activism of the 1990s read the right to life of Article 21 to cover the right to education. Landmark judgments like *Mohini Jain*⁹ and *Unni Krishnan*¹⁰ established the footing for education to be identified as an integral element of a life of dignity. In Parliamentary legislation that implemented the right as Article 21A, the normative space between rights and duties was bridged, making something that was a welfare aim by legislation earlier, a direct justiciable claim.¹¹

2.3. Features of the RTE Act, 2009

The Right of Children to Free and Compulsory Education Act (RTE), 2009, embodies the legislative intent behind Article 21A by stating the rights of the children and the duty of the State and the educational institutions.¹² According to the Act, every child between the ages of 6 to 14 years will have the right to free education in the neighbourhood school.¹³ It also bans holding, ouster, and corporal punishment. It also requires specific benchmarks like ideal pupil-teacher ratios, infrastructure, and curricula ("inclusive", encouraging creativity and independent thinking and not crude forms of crammed "learning").

The Act's unique focus on inclusiveness is particularly notable. It requests schools to identify and admit overage out-of-school children and mainstream them with appropriate grade/age in classes. The law requires that special training be given to address learning deficits. This also moves the agenda from access to participation and retention (both important), particularly for

⁷ K. T. Thomas, "The Right to Education: A Fundamental Right" 1 SCC (Jour) 1 (2004).

⁸ M P Jain, *Indian Constitutional Law* 1052 (LexisNexis 2019).

⁹ (1992) 3 SCC 666.

¹⁰ (1993) 1 SCC 645.

¹¹ Gauri Viswanathan, "Education and the Constitution: From Policy to Rights" 56(2) *JILS* 90 (2021).

¹² The Right of Children to Free and Compulsory Education Act 2009 (Act 35 OF 2009), s 3.

¹³ *Ibid.*

disadvantaged children with the multilevel disadvantages.¹⁴

2.4. Reservation in Private Unaided Schools (Section 12(1)(c))

One of the most audacious provisions of the RTE Act is Section 12(1)(c), which obliges all private unaided schools to keep aside 25% of their entry-level seats for children belonging to economically weaker sections (EWS) and the disadvantaged groups of society. This section aims for the elimination of economic and social discrimination in education as well as the intermingling of all children as members of a common class. Another group of such children is children of State employees, for whom the State pledges to pay their tuition.

Though sound in principle, this provision is considered difficult to implement. On one hand, private schools commonly refer to cost implications or administrative complications, on the other, marginalized families report discrimination and social isolation in these schools. Slow disbursement and the refusal to comply by schools, too, dilute the effect of this game-changer of a clause.

2.5. Judicial Interpretations and Impact

Interpretation of the RTE Act by the Supreme Court. The Supreme Court has been the vanguard of interpreting and upholding the ambit of the RTE Act. In *Society for Unaided Private Schools of Rajasthan v. Union of India*¹⁵ (2012), the Court upheld the constitutional validity of the 25% reservation norm, stating that the right to education was an essential part of the larger policy of interest of public interest and the cause of social justice. But it provided exclusion to minority-run unaided schools from this condition under Article 30(1), which made it fragmented in terms of its application. And subsequent cases have further elaborated on the State's obligations. In *Environmental & Consumer Protection Foundation v. Union of India*¹⁶, the Court ordered states to provide all schools with basic infrastructure, including access to drinking water and sanitation, emphasising that the right to education implies the right to a healthy and dignified learning environment. But judicial orders have been unevenly implemented, and real accountability often slips through bureaucratic cracks.¹⁷ In effect, the jurisprudence and

¹⁴ Niranjana Aradhya and Aruna Kashyap, "Fundamentals of the Right to Education in India" 41(22) *EPW* 2199 (2006).

¹⁵ (2012) 6 SCC 1.

¹⁶ (2012) 8 SCC 584.

¹⁷ Anurag Kundu, "Judicial Directions on Education: Implementation Gaps" *India Law Review* (2023).

constitutional perspective behind education in India is both clairvoyant and dynamic.¹⁸ It represents a transition from prospective governance to attributable rights premised on notions of justice and fairness. But laws cannot in themselves bring about change. To operationalize these rights, sustained political commitment, sound institutional structures, and vigilant civil society engagement are needed. Only then will the essence of Art. 21A and the RTEA can percolate down to the most marginalised, converting these constitutional promises into playground realities

3. Understanding Marginalization in Education

In the Indian scenario, educational marginalization cannot be measured just in terms of statistics on access and enrolment.¹⁹ It is a multi-faceted problem that is deeply entrenched in structural inequalities that continue to rob children from poor families of their access to the education system to which they are entitled.²⁰ Although the constitution promises and the statute book lays the path for a “guaranteed education for all,” for millions of India’s children, the promise remains an empty one. More importantly, knowing who the marginalised are and how they are excluded is important for assessing the true impact of laws such as the Right to Education Act.

The word "marginalize" includes all manner of people truly marginalized by their social, economic, cultural, or geographical identities. These are the Scheduled Castes (SCs), the Scheduled Tribes (STs), Other Backward Classes (OBCs), religious and linguistic minorities, Muslim children, children with disabilities, children who are living in a region that is located in difficult circumstance or are among the isolated and vulnerable, working children, children from families engaged in traditional and ancestral occupations, girls, children in situations of disaster and street children. Why marginalization is complex is because there are many times it is often about the intersection of vulnerabilities.²¹ For instance, if you are a girl child from a tribal background, you face both gendered and cultural barriers, and the exclusion then gets compounded.

¹⁸ Justice A.P. Shah, “Right to Education and the Judiciary” 7 *NUJS L Rev* 1 (2015).

¹⁹ Govinda, R. and Bandyopadhyay, *Access to Elementary Education in India: Analytical Overview* 1 (NUEPA 2010).

²⁰ Jean Drèze and Amartya Sen, *An Uncertain Glory: India and its Contradictions* 224 (Penguin 2013).

²¹ Nambissan, G. B., “Exclusion and Discrimination in Schools: Experiences of Dalit Children” *IDS Bulletin* 43(1) 55 (2009).

Educational exclusion is the visible and invisible ways in which people are separated from knowledge and tools that would empower them.²² Even if enrolment on paper is better, when it comes to practical terms, many children do not attend regularly or have to leave because of financial necessity, domestic chores, or a violent attitude towards them at school.²³ Others, while PLAIGM in classrooms, may be relegated to the periphery through discriminatory practices such as seating, language use, or neglect of culturally responsive pedagogy. When children from linguistic or religious minorities never see themselves in the curriculum and when classroom cultural dynamics don't reflect their background, the learning space may be as much a source of alienation as empowerment.

Poverty is still the leading cause of dropping out of education. Children of poor families are often left to fend for themselves or work as child labour or as domestic help in the absence of social security or the midday meal system. Schooling's incidental costs (uniforms, books, transport, for example)—even though the law specifically guarantees “free” education under the RTE Act, continue to be a deterrent for the economically underprivileged. Furthermore, inadequate infrastructure, such as space for girls' toilets and a disabled-friendly environment, makes schools physically inaccessible to certain groups.

For children with disabilities, it seems to be no different: Although awareness is growing, the practice in mainstream schools is either shunting such children into special schools where they ideally shouldn't be or, worse, not admitting them at all, even though the goal of the RTE, the Rights of Persons with Disabilities Act, 2016, is inclusive education. Likewise, migrant children face educational discontinuities in seasonal migration, and there are no existing systems that link migrant children's learning across states.

Linguistic and cultural estrangement is also an important dimension of exclusion. Education in an alienating language is also responsible for early disengagement from learning, like tribal children who are educated without any recognition of their indigenous knowledge or cultural context. The inflexibility of the curriculum, standardized testing, and absence of support networks make it impossible for these children to catch up, leading to marginalization in the classroom.

²² Naila Kabeer, *Social Exclusion and the MDGs: The Challenge of 'Durable Inequalities' in the Asian Context* (IDS 2006).

²³ Oxfam India, *India Inequality Report: Education 2021*, available at: <https://www.oxfamindia.org> (last visited on 1 July 2025).

Gender-based marginalization continues to exist primarily in the outlying and underdeveloped regions where education for girls is compromised as a result of early marriage, security risks, or cultural norms. While the attendance of girls has increased, retention and educational outcomes are worrying. Caste or religion overlaying the experience of being a girl makes exclusion more acute, as exemplified by Muslim girls in conservative contexts or Dalit girls enduring caste-based discrimination within and outside of classrooms.

At the end of the day, educational marginalization is not just an issue of access but meaningful inclusion, equity, and justice.²⁴ Legal frameworks such as the RTE Act will make a difference only when they are matched with what these masses live through -e culturally grounded pedagogy, sensitive infrastructure, and comprehensive support systems. The first step lies in recognizing how exclusion is always layered and nuanced; it is what could, even if it didn't, mark the start of an education that works, rather than being yet another source of inequality.²⁵

4. Discrepancies Between Law and Practice

While the Right to Education Act, 2009 presents a progressive and rights-based framework for achieving universal elementary education in India, a significant chasm exists between the legal provisions and their implementation on the ground. The Act promises free, compulsory, and quality education for every child, but in practice, the lived realities of millions of marginalized children reveal persistent gaps, systemic shortcomings, and institutional inertia that undermine the law's transformative potential.²⁶

One of the most striking discrepancies lies in the failure to meet the basic infrastructural norms laid out in the RTE Act. Despite legal requirements regarding school buildings, safe drinking water, separate toilets for girls and boys, boundary walls, and playgrounds, a large number of schools across India—especially in rural and underdeveloped regions—operate in physically inadequate or even unsafe conditions. This directly affects school attendance, especially for girls and children with disabilities, for whom infrastructural barriers often lead to dropout or non-enrolment.²⁷

²⁴ Smita, "Distress Migration and Education: Children of Brick Kiln Workers in India" 8 *CREATE Pathways to Access Research Monograph No. 56* (2011).

²⁵ Ghosh, S. C., *The History of Education in Modern India 1757–2012* 193 (Orient BlackSwan 2013).

²⁶ Jean Drèze & Amartya Sen, *An Uncertain Glory: India and its Contradictions* 222-224 (Penguin 2013).

²⁷ *Environmental & Consumer Protection Foundation v Union of India* (2012) 8 SCC 584.

Another area of concern is the issue of teacher availability and quality. The RTE mandates a pupil-teacher ratio of 30:1 at the primary level, yet many schools continue to function with fewer teachers than required, sometimes with only one teacher handling all classes. Furthermore, a considerable proportion of teachers lack proper training or qualifications, leading to poor classroom delivery, rote learning methods, and disconnection between students and teachers—especially those from different linguistic or socio-economic backgrounds. These gaps in teacher preparedness and cultural sensitivity disproportionately impact marginalized students, who already face learning disadvantages.

The provision under Section 12(1)(c) of the Act—requiring private unaided schools to reserve 25% of entry-level seats for economically weaker sections—has also seen uneven and often reluctant implementation. While this clause was intended to create socio-economic integration and equal opportunity in high-quality private schools, many institutions evade compliance through bureaucratic loopholes, delayed admissions, and lack of transparency. Moreover, children admitted under this provision frequently face social discrimination, academic neglect, or exclusionary practices such as segregation in classrooms and activities, undermining the spirit of inclusion that the law envisioned.

There is also a gap between legal entitlements and awareness among beneficiaries. Many parents from disadvantaged backgrounds are either unaware of their children's rights under the RTE Act or find the procedures for admission and grievance redressal too complex or inaccessible. The lack of effective community mobilization, information campaigns, and decentralized monitoring mechanisms limits the ability of marginalized families to assert their educational rights, turning a justiciable right into an empty promise for many.

Assessment and learning outcomes provide further evidence of this gap. Numerous independent studies and government data reveal that while enrolment rates have increased significantly since the enactment of the RTE Act, learning levels have either stagnated or declined. Marginalized children often lag behind their peers in basic literacy and numeracy due to language barriers, poor foundational instruction, or lack of remedial support. The policy of automatic promotion without detention, though intended to reduce dropout rates, sometimes results in students advancing grades without achieving minimum learning standards—leaving

them educationally disempowered despite formal school completion.²⁸

In many instances, local authorities and school management committees (SMCs), which are supposed to play a crucial role in implementing the Act, suffer from lack of training, funding, or autonomy.²⁹ This institutional weakness reduces accountability and weakens decentralized governance, particularly in schools catering to marginalized communities.³⁰ Without strong local leadership and community participation, implementation of the law remains top-down and disconnected from local realities.³¹

While, the RTE Act provides a robust legal framework to ensure equitable access to quality education, its implementation is riddled with inconsistencies that disproportionately affect children from marginalized backgrounds. These discrepancies point not to the inadequacy of the law itself, but to the failure of institutional mechanisms, political commitment, and social engagement required for its realization. Bridging this gap demands more than legal mandates—it requires a holistic restructuring of how the State, schools, and society view and value the education of the most vulnerable.

4.1. Social-Political Impediments to Achieving Educational Equity

The realization of educational equality in India is not a matter of mere policy implementation but is deeply affected by the inbuilt socio-legal barriers that inhibit the proper implementation of the constitutional and statutory promises. The Right to Education Act, 2009 (RTE Act) provides a legal source to demand access and inclusion, but multiple, intricate barriers exist in social realities and legal challenges associated with its implementation. These are man-made barriers, structural and systemic, that are rooted in historical injustices of India, and perpetuated by more recent failures in governance.

One of the main socio-legal obstacles is the perpetuation of caste-based discrimination in the school system.³² Despite constitutional safeguards provided by Articles 15 and 17, Dalit children still experience direct and indirect forms of discrimination. These include sitting separately in classrooms, giving them menial duties, not teaching them, and providing them

²⁸ Jean Dreze & Reetika Khera, *Right to Food and Education* 56 (OUP 2020).

²⁹ MHRD, *Role of School Management Committees under RTE* (2019) 7.

³⁰ *Ibid.*

³¹ Centre for Budget & Policy Studies, *Decentralized Governance in RTE Implementation* (2021).

³² K.L. Sharma, *Caste Discrimination in Education* (EPW 2019).

with partial evaluation. This is nothing but discrimination, and as much as being informal and unrecorded, it is also in the teeth of legal norms and human decency, and results in alienation of students and higher rates of dropouts among the Dalit students. It is not only a matter of implementing anti-discriminatory laws but also of tearing down the prevailing societal hierarchies that seep through educational environments.

Gender is also another axis on which educational equity is violated. It is patriarchy, especially in rural, conservative belts where patriarchy still holds strongest, that creates a gendered divide in education. Enrolment of girls in school has increased, but many drop out at an early age because of household chores, fears of sexual abuse, and because their families have married them off as children. Policy instruments such as the RTE Act and the Prohibition of Child Marriage Act have been enacted; however, poor implementation, societal indifference, and poor dissemination of legal information at the grassroots level restrict the effectiveness of these as a redressal. In addition, the obstacles to education for adolescent girls and young women due to physical infrastructure, separate toilets, and women teachers prevent them from staying in school; again, it is clear that legal indifference and social norms are working in tandem to reproduce inequality. Linguistic and cultural marginalisation of tribal and minority children is yet another aspect of marginalisation. When education is imparted in a foreign language, it not only hinders knowledge acquisition but also causes the child to become psychologically distanced from the learning environment. While the RTE Act acknowledges the significance of the mother tongue at the elementary level, it is not being utilised equally. Tribal kids are taught in the language of the dominant region, not their own, with little regard for the tribal culture. This disparity between curriculum and community leads to low student achievement and high attrition. The lack of legislation mandating culturally relevant pedagogy highlights a gap in the equity rhetoric.

Children with disability face a lot of challenges despite legislations for their protection under the RTE Act and the Rights of Persons with Disabilities Act, 2016. In reality, they are not well served, and schools do not have the resources, personnel, and pedagogy to teach them. The lack of ramps, Braille books, sign language interpreters, and universal assessments makes these children fall into the waters of mainstream education. In addition, there is a societal stigma associated with disability that discourages families from enrolling their children in formal education. The absence of legal support in terms of education and disability legislation could be regarded as “the disability of law” when it comes to inclusive education.

There is also the important legal obstacle of low enforceability and accountability in the context of the RTE. These include rules for state and local governments, which have few enforcement teeth. Numerous state regulations under the act are weak or poorly enforced. Grievance redressal systems are practically a farce, while a lack of legal literacy among the parents exacerbates the very prospect of demanding accountability. Marginalised communities in particular are less likely to know or trust 'Formal legal institutions' (five years after these legal rules have been implemented), making the law an 'irrelevant instrument' in overcoming systemic deprivation.

Social and economic exclusion, while being addressed by the principle of "free education", remains in practice because of the hidden costs — uniforms, transport, and extra material. For families living in poverty, these secondary costs become powerful disincentives. Even when offset by a range of schemes such as midday meals and scholarships, delays and leakages in their implementation significantly reduce the impact of these. And there isn't a full-on legal protection against hidden costs right now; those costs could be dealt with in the circumstance that the attack happens, not at the time of attacking, making it stay in an area where law protection does not equal economic relief.

Overall, there are multiple and interrelated socio-legal barriers for educational equity in India, which are systemically ingrained both within the society and the state. Legal measures such as the RTE Act have provided a scaffolding, but without significant and ongoing efforts to confront casteism, patriarchy, language discrimination, rights to disability, economic disadvantage, and administrative neglect, the law is a scrawny device. Justice and equity will remain out of reach in education until society and the legal system reflect empathy, accountability, and inclusive governance.

5. Policy Implications and Way forward

Narrowing the chasm between the ideal envisaged by the Right to Education (RTE) Act and the actuality faced by India's children on the margins entails a multi-pronged and complex policy response. Laws are not enough if they are not backed by strong enforcement, community participation, and institutional accountability. When we envision education not merely as a statutory birthright but as a lever of justice and equity, then the urgency and inevitability of structural overhaul are incontrovertible.

5.1. Enhancing Implementation Arrangements and Monitoring Systems

A significant flaw in the existing structure is the lack of robust monitoring and enforcement mechanisms. State governments should make such SMCs more than just symbolic by training and empowering them to monitor school performance, report complaints, and demand accountability. Independent regulatory authorities, distinct from the education departments, would be responsible for transparent monitoring to make education departments and schools comply and enforce the RTE provisions, such as 25% reservation in private schools. Regular social audits and real-time data dashboards must be institutionalized to monitor progress vis-à-vis the norms of RTE.

5.2. Inclusive Curriculum and Pedagogy

School curricula need to represent the social, linguistic, and cultural diversity of the marginalised communities of India. Teaching material shall be decolonised and localised in a manner that children belonging to Dalit, tribal, Muslim, and other minorities see themselves represented in what they are taught.³³ Language inclusion is crucial: teaching in local languages at the early levels, as envisaged by the constitution, can make a great difference to learning and drop-out rates.

5.3. Teacher Training and Sensitization

Inclusive education is mostly about teachers. Pre-service and in-service teacher training should include compulsory modules on equity, anti-discrimination, inclusive pedagogy, and rights-based pedagogy. They need to actively recruit and support teachers who are drawn from underrepresented communities. Sensitisation has to be more than symbolic to produce empathetic educators who grapple with the systemic constraints their students encounter.

5.4. Strengthening Section 12(1)(c) Implementation

Private unaided schools still underutilize the 25% quota, and their implementation has been dismal at best. However, for any of that to happen, governments need to simplify the admission and reimbursement process, punish schools that don't follow the rules, and create awareness campaigns among the most sidelined sections of society on the availability of entitlements of

³³ Sambaiah V., “Decolonising Education in India” 185–86 (2020).

this kind. Continuous monitoring and technology-driven, transparent admissions can help in eliminating such discrimination and corruption in implementation.

5.5. Enhancing Infrastructure and Accessibility

All schools should ensure that the basic amenities, as prescribed under the RTE Act, are adhered to. An enabling environment, including gender separated toilets, ramps, and disability-friendly learning aids, should receive priority in such a setting. “Investing in digital infrastructure, especially in remote and tribal areas, the digital divide exposed during Covid-19 can be bridged,” Sisodia said.

5.6. Legal Literacy and Community Empowerment

One of the main obstacles to educational justice is the absence of Law consciousness in parents and in the community. On its part, the State should, along with the civil society organizations, undertake a legal literacy campaign, especially in marginalized communities, to enable the parents to assert their rights under the RTE. Legal aid cells specializing in education-related complaints could be set up in schools or at the panchayat level to address.“

5.7. Inter-sectoral Convergence

Education cannot be considered in isolation. Child nutrition, health care, child protection, and gender equity policies need to be harmonized with the education policy. School access enablers such as mid-day meals, check-ups, free sanitary pads, and transport services are key. Prevention through a coordinated policy strategy, including departments of education, health, and social welfare, is more sustainable.

5.8. Constitutionalizing the Spirit of Equity

And beyond implementation, the other challenge is to ensure that the constitutional morality that animates Article 21A comes back to motivate and shape the practice of education; that education is about not just literacy, but empowerment, agency, and social change. The State has to restore itself as not just a provider but a guarantor of equal education, freedom from injustice, and dignity for every child.

6. Conclusion:

The Right to Education Act, 2009, was a landmark step toward democratizing access to elementary education and recognizing it as a fundamental right under Article 21A of the Indian Constitution. However, despite its progressive framework and promises of equity and inclusion, the Act's implementation reveals a persistent disconnect between legal entitlements and ground realities, particularly for marginalized groups such as Dalits, Adivasis, minorities, girls, children with disabilities, and the economically disadvantaged. Structural barriers—ranging from caste-based discrimination, gender norms, and poverty, to infrastructural deficiencies and institutional apathy—continue to impede meaningful access to quality education. Legal mandates such as the 25% reservation in private schools and inclusive infrastructure often remain unfulfilled or tokenistically applied, while socio-cultural exclusion within classrooms leads to alienation and poor learning outcomes, especially for those already at the margins. This research emphasizes that true educational equity cannot be achieved through legal reforms alone; it requires a holistic, justice-driven approach that addresses deep-rooted inequalities both within and beyond the education system. For the RTE Act to fulfill its transformative potential, it must be backed by effective implementation, community participation, culturally responsive pedagogy, trained and empathetic educators, and inter-sectoral collaboration across social welfare, gender justice, and child protection domains. The pursuit of justice and equity in education demands not just physical access but dignity, representation, and the assurance that every child, regardless of their background, can learn, thrive, and be empowered through the schooling process. Therefore, the journey from legal promise to lived reality must continue with renewed commitment, ensuring that the right to education becomes a vehicle of real transformation and not just a symbolic gesture in policy.