

**GOVERNMENT OF INDIA
MINISTRY OF EDUCATION
DEPARTMENT OF SCHOOL EDUCATION & LITERACY**

**LOK SABHA
UNSTARRED QUESTION NO. 2630
ANSWERED ON 09/03/2026**

Free Seats Quota for Poor Children under RTE Act

2630. Thiru Thanga Tamilselvan:
Dr. Ganapathy Rajkumar P:

Will the Minister of EDUCATION be pleased to state:

- (a) whether it is a fact that private unaided schools are not admitting 25 per cent free seats quota for poor children/EWS section under the Right to Education (RTE) Act;
- (b) if so, the details thereof;
- (c) whether the Union Government has any proposal to frame proper rules and regulations to admit 25 per cent free seats quota for poor children under the RTE Act, if so, the details thereof;
- (d) whether it is true that the Supreme Court has recently called the implementation of the 25 per cent free seats quota for poor children in private unaided schools a "National Mission" and directed the Government to frame clear and enforceable rules under the RTE Act to ensure that the mandate is actually followed on the ground and further said that without proper rules, the promise of free and compulsory education under Article 21A of the Constitution risks remaining only on paper, if so, the details thereof; and
- (e) the details of steps taken by the Union Government in this regard and to ensure 25 per cent seats to be filled compulsory under RTE Act by all private unaided schools across the country?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF EDUCATION
(SHRI JAYANT CHAUDHARY)

(a) to (c) The RTE Act, 2009, mandates the appropriate Government to provide free and compulsory elementary education to every child of the age 6 to 14 years in a neighbourhood school. The RTE Act is applicable throughout the country. Education is in the Concurrent List of the Constitution and majority of schools are under the jurisdiction of the respective State Government and Union Territory Administration which are the appropriate Government for implementation of the provision of the Right of Children to Free and Compulsory Education (RTE) Act, 2009.

Section 12(1)(c) of the RTE Act, 2009 provides for admission of children belonging to weaker sections and disadvantaged groups in Class I (or below) in the schools specified in sub-clauses (iii) and (iv) of clause (n) of section 2 to the extent of at least 25 percent of the strength of that class. For implementation of the provision of the Act, the respective State/ UT Government is required to notify the disadvantaged groups and weaker sections, per child cost and start admissions as per the laid down procedure and have a grievance redressal mechanism in place. Section 12(2) of the RTE Act, 2009 provides for reimbursement to the private unaided schools for admitting children under Section 12(1)(c).

(d) In Special Leave Petition (Civil) No. 10105 OF 2017 titled as “Dinesh Biwaji Astikar vs State of Maharashtra & Ors.”, Hon’ble Supreme Court in para 1 has observed the following:

“The obligation of a “neighbourhood school” to admit children belonging to weaker and disadvantaged sections of our society, to the extent of twenty five percent of the class strength, under Section 12 of the Right of Children to Free and Compulsory Education Act, 20091 has the extraordinary capacity to transform the social structure of our society. Earnest implementation can truly be transformative.... We have held that ensuring admission of such students must be a national mission and an obligation of the appropriate government and the local authority.”

In para 15, the Hon’ble Supreme court has observed the following :

“Without such enforceable rules and regulations, the object of Article 21A and the statutory policy under Section 12(1)(c) would be a dead letter.”

Also, in para 16, the following has been observed :

“In view of the above, we direct the appropriate authorities to prepare and issue, in consultation with the NCPCR and SCPCRs, as the case may be, as well as the National and State Advisory Councils, necessary rules and regulations under Section 38 of the Act for implementing the mandate of Section 12(1)(c) of the Act.”

(e) States/UTs claim the funds for reimbursement under 12(1)(c) of the RTE Act, 2009 from Centre in their respective Annual Work Plan and Budget (AWP&B) based on per child norms notified by States/UTs for class I-VIII. The Centre Government provides support to State/UTs through reimbursement of these claims as approved in meeting of Project Approval Board (PAB). Further, in view of the judgement dated 13.01.2026 of Hon’ble Supreme Court, States/UTs have been requested to take necessary action to comply with the judgement.