

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

**LOK SABHA
UNSTARRED QUESTION NO. 5944
ANSWERED ON 30/03/2026**

Awareness of RTE Act, 2009

5944. Shri Anand Bhadauria:

Will the Minister of EDUCATION be pleased to state:

- (a) whether education finds mention in Concurrent List of the Indian Constitution;
- (b) if so, whether the Government is aware that Right to Education (RTE) Act, 2009 is fully applicable on Government, aided and non-aided private schools run/recognized by the State Governments;
- (c) if so, whether the Government would bring legislation on line of RTE Act, 2009 to implement Article 15(5) of the Indian Constitution to provide reservation to SC, ST, OBC and EWS categories in private higher education institutions;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor?

ANSWER

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

(a) and (b): Education is in the Concurrent List of the Indian Constitution. The RTE Act, 2009 is applicable throughout the country.

(c) to (e): For implementation of reservation in the Central Higher Educational Institutions (HEIs), the Central Government has notified the Central Educational Institutions (Reservation in Admission) Act, 2006 for reservation in admission of the students belonging to the Scheduled Castes(SCs), the Scheduled Tribes(STs), and the Other Backward Classes(OBCs). Further, in accordance with the provisions of the Constitution (One Hundred and Third Amendment) Act, 2019, on 17th January 2019, the Department of Higher Education has issued instructions to provide reservation for Economically Weaker Sections (EWSs) for admission in Central Education Institutions.

As Education is in the Concurrent List of the Indian Constitution, State (Public/Private) Universities are established under Acts passed by the relevant State legislatures and are governed as per the Acts, Statutes, Ordinances, Rules, and Regulations approved by the respective State Governments. It is thus also the responsibility of the State Governments to make suitable legislative provisions for providing reservation in the HEIs established by them. Some States have enacted Acts for providing reservation in admissions in the State Private Universities e.g. Maharashtra Private Universities (Establishment and Regulation) Act, 2023; Karnataka Act No. 15 of 2023; the Uttar Pradesh Private Universities Act, 2019; the Bihar Private Universities Act, 2013; the Apex Professional University (Amendment) Act, 2022 of Arunachal Pradesh.

Further, as per the All India Survey on Higher Education (AISHE) the percentage enrolment from 2014-15 to 2022-23 (provisional) has increased by 30.6%; with 50.1% for SCs, 75% for STs and 54.6% for OBCs.
