



**Privatization vs Equity: Assessing the Role of Low-Cost Private Schools
under the Right to Education Framework in India**

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Abstract:

This article looks at the conflict between privatization and equity in Indian elementary education by evaluating the role of low-cost private schools (LCPS) in the Right of Children to Free and Compulsory Education Act, 2009 (RTE). The RTE system provides free and compulsory education to children between the ages of 6 and 14, lays down school recognition and infrastructure standards, and obliges unaided private schools to provide at least 25 percent of entry-level places to children in the weaker sections and disadvantaged groups, with reimbursement limited to whichever is less between state per-child spending and the school fee. These clauses locate the private schools within a rights-based framework, yet they also add to the historical arguments on whether LCPS increase access to education among poor households or further stratify the system by providing market-driven. The current evidence explains why LCPS are appealing to most families: the parental interest in schooling in English, the perceived low quality of government schools, and the literature that demonstrates that schools in some developing-country locations tend to perform as well (or even better) than government schools at a lower price. Meanwhile, the evidence also shows significant constraints, such as the affordability of the poorest families, inadequate teacher training, questionable quality of instruction in English, reliance on shadow tuition, and being subject to shutdown under RTE recognition regulations. The argument presented in the paper is that LCPS can neither be discussed as a panacea to state failure nor as an industry to be removed in large scale. The RTE framework in question should be construed instead in a manner that safeguards Equity enhances population education and regulates the involvement of the private sector based on child-centred outcomes as opposed to more input-intensive compliance.

Keywords: *Low-Cost Private Schools (LCPS), Right of Children to Free and Compulsory Education Act (RTE), Reliance, Shadow Tuition.*

Introduction:

Indian education has been revolutionized in the past twenty years by the growth of private schooling in India. In the literature, survey evidence indicates

that the percentage of private enrolment increased consistently (between 18.7 percent in 2006 and 30.4 percent in 2014) and then levelled off, with significant interstate differences. This is a broader

diversification of schooling whereby government-aided and privately unaided institutions co-exist, and many of the low-income households are seeking better-perceived value and discipline in low-cost or low-fee private schools where English is taught. The RTE Act changed this picture by transforming elementary education into a justiciable right and establishing obligations not only on the state but also on private providers. Sections 3, 6, 8, and 9 establish responsibilities on governments and local authorities to offer free and compulsory elementary education, secure neighborhood schools, and uphold the circumstances required to access and complete. Meanwhile, Section 12(1)(c) introduces the equity agenda to unaided private schools with a 25 percent quota of disadvantaged children, and Sections 18 and 19 prescribe norms and standards. This two-fold arrangement creates the heart of the issue of this paper. When LCPS are controlled in such a way that they are too loose, education could easily turn into a commodity mediated by household buying power, as opposed to a right. When the latter are controlled too strictly with the help of infrastructure-intensive norms, numerous schools in low-income neighborhoods can be closed without a proper public substitute that can be immediately offered. The key question of the research, then, is how the RTE framework ought to comprehend and regulate LCPS in a manner that balances parental choice, social equity, educational quality, and the constitutional obligation of

the state (Bhatnagar & Sinha, 2022). In this study, the research problem is based on the normative and policy contradiction. On the one hand, the Constitution and the RTE Act place the duty to provide universal elementary education mostly on the state and determine education as a right, but not a market good. Conversely, the expansion of LCPS implies that numerous families view the private provision as more responsible than state schools, although such families are required to pay fees, although the law mandates free education. Thus, this study had four objectives: to provide a description of the legal and policy framework of the RTE Act that applies to the private school. Second, it evaluates the arguments that LCPS enhances access, efficiency, and parental choice. Third, it evaluates the equity risks of affordability, exclusion, quality differences, and regulatory implementation. Fourth, it suggests a policy stance that would coordinate the role of private participation where it is present with the equity-focused objective of the RTE framework.

Methodology:

It is a secondary literature analytical and doctrinal research paper, founded on legal text and law. The review will be based on the text of the RTE Act, policy-focused debate of the low-fee private sector of schools in India, and evidence review on learning outcomes and cost-effectiveness of private and public schools. The elementary school is the area of concern of this paper since it is the area

that the RTE Act has a direct influence on. The paper does not claim that all private schools are alike. It differentiates, where feasible, between elite and low-cost or low-fee schools where the population served is of low income. It also acknowledges that results are highly different depending on the state, urban and rural, and the distinction between known and unknown schools. This is not to make blanket generalizations but to explore what place LCPS can rightfully have within a rights-based system of schooling.

RTE Framework:

The RTE Act provides that all children aged between 6 and 14 years are entitled to free and compulsory education in a local school up to the elementary level. It prohibits charges or costs that would obstruct the enrolment and completion of elementary education by a child, and it obliges governments and local authorities to guarantee inclusion, school attendance, facilities, and standards that meet the norms of the law. This sees the state as the major duty bearer in the law. There are three characteristics of the Act

that are of particular relevance to LCPS. First, Section 12(1)(c) obliges the unaided private schools to receive at least 25 percent of students joining at the entry-level of the school who are in weaker sections and the disadvantaged groups, and to offer free education up to the completion of elementary schooling. Second, Section 12(2) restricts reimbursement to the lesser of the state expenditure per child or the school fee charged, which can put financial pressure on a private school that charges more than the reimbursement rates (Center for Global Development, 2019). Third, Sections 18 and 19 demand acceptance and adherence to norms and standards, and therefore, schools that do not conform to them may be deprived of recognition and shut down. The RTE framework does not embrace either complete privatization or total privatization thus. Rather, it establishes a hybrid regime whereby the private schools can exist, but only within a statutory framework that strives to achieve access, non-discrimination and minimum quality (CPPR, 2025).

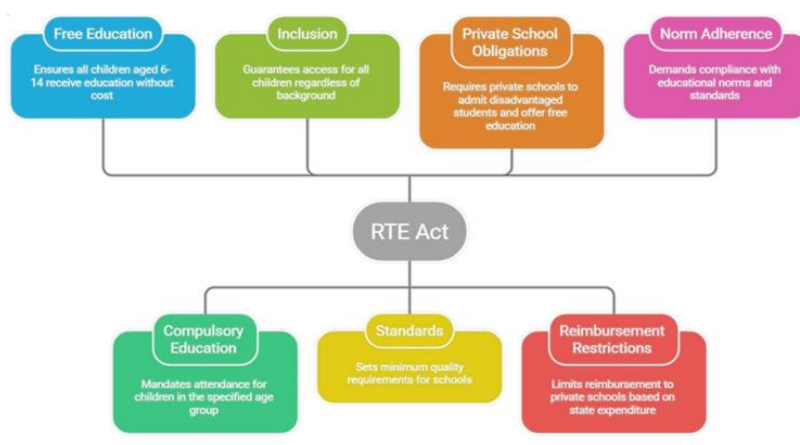


Figure 1: Overview of RTE Act

Local Responsiveness and Community Demand for LCPS:

Expanding LCPS is directly connected to dissatisfaction of parents with aspects of the public system, and to educational demands in English. The literature explains that the English language in India is a language that is closely linked with mobility, employment, status, and access to higher education, thus making English-based private schools extremely attractive to poor families. The requirement contributes to the fact that families are likely to prefer fee- charging schools to free government schools. The other factor that has led to the increase is the assertion of cost-effectiveness. A survey of the research available on low-cost private schools in developing countries revealed that eight studies had found a positive private school effect on learning outcomes, and other studies reported that in India, Nepal, and Pakistan, at much lower cost, private schools were no worse than government schools. These results uphold the argument that LCPS can provide greater value in each rupee, particularly in state systems that are afflicted with absenteeism, poor accountability, or bureaucratic inefficiency. LCPS are also frequently depicted as being more locally responsive. Since they are parent-demanded, They can be more community-demanded, school-disciplined, and school-attended than government-insured institutions. To those who support it, this responsiveness renders LCPS a viable tool in expanding

accessibility in underserved urban and peri-urban regions with poor public supply or a lack of social trust (Government of India, 2009).

Equity of Outcomes and Learning Achievement in LCPS:

Advocates of LCPS say that they would be able to advance equity because they can offer more educational opportunities to low-income families who would otherwise be confined to low-quality neighborhood government schools. Equity, under this perspective, is obtained not by equal provision to the masses, but also by facilitating the empowerment of poorer parents so that they can select schools that they feel will serve their children best. This interpretation is further supported by the RTE quota of Section 12(1)(c), which explicitly refers to the use of the number of seats in private schools to expand access by disadvantaged groups. LCPS can also minimize distance-related and supply-related barriers. In city slums and in small towns where population density is high, tuitionless small city schools may occasionally spring up more rapidly than state provision, bridging the immediate gaps in service where the responsibility to organize neighborhood schools has not been effectively fulfilled in practice. In that regard, they can serve as a de facto addition to the state provision of the right to education, which remains incomplete. Equity-of-outcomes. From an equity-of-outcomes viewpoint, proponents refer to empirical studies that indicate that

students in private schools may be able to exhibit greater measured learning, even after controlling for background influences. Assuming that these benefits are authentic and replicable, LCPS may contribute to reducing learning disparities among a part of the low-income child population instead of just recreating social privilege. However, these assertions are conditional and cannot be affirmed until the constraints of the evidence and social costs of provision by fees are considered (Government of India, 2009 a)

Socio-economic Stratification and Inequality in LCPS:

The biggest criticism of LCPS in a rights-based approach is that the charging of fees in education is a constructive block to the poorest families. The discourse on the low-fee private schools in India contends that not only are large numbers of such schools more affordable than at any previous time, but also that the term does not apply to the poorest, as many of such schools are becoming accessible to low-income families with relatively stable incomes. This is important since the RTE Act provides that elementary education is free and compulsory, and not just purchasable at a reduced cost. The second issue is stratification. As the better-off poor families can afford to purchase access to LCPS, and yet the poorest of those are left in government schools, a stratified structure arises within the population that the RTE framework is supposed to safeguard. Rather than contributing to a decrease in inequality, LCPS can then

stratify children by income, language aspiration, and parental ability to pay, with elite private schools mostly shielded at the top of both markets. The third issue is reimbursement and being covered in Section 12. In the case of the private unaided schools, the law stipulates that 25 percent of the seats in the school should be filled with the disadvantaged children, but only the lesser of the state per-child expenditure and the actual school fees is reimbursed. This may deter real inclusion; school operators will fight or redirect financial burden to the other fee-paying students and their families (Government of India, 2009 b)

Quality Concerns:

The educational difference of LCPS is not resolved unconditionally. The literature observes that not all snapshot surveys like ASER sufficiently control the family background, and thus, the raw comparisons between public and private schools can overstate the advantage of the private schools through the selection effect. Even positive results do not prove that all LCPS are always better than government schools or that their performance improvements are test-independent and pedagogically sound. Quality issues are particularly high in the English-medium instruction. A working paper about low-fee private schools in India suggests that the problem with LCPS is that most of them position themselves as English-speaking institutions, when their teachers might not be proficient in teaching subjects coherently in English.

The very idea of the RTE Act is that the medium of instruction must, as much as possible, be in the native tongue of the child, which poses a pedagogical conflict between the market requirement to use English and the law-based principles of child-centered learning (Harma, 2011).

Regulation and Closures in LCPS:

The most controversial topic concerning the LCPS debate is the RTE recognition regime. Section 18 is a mandatory recognition of all non-government schools, and Section 19 connects recognition with adherence to given norms and standards. As the literature analysis shows, these norms focus on infrastructure, qualifications of teachers, pupil-teacher ratios, and other inputs that most LCPS cannot meet without significantly increasing their fees. This poses a tough trade-off. In case of strict implementation of recognition standards, non-conforming LCPS can be shut down, which will interfere with the education of children who currently rely on it. A single study refers to the statistics of school associations and foundations, indicating that there were thousands of notices of closure or threats in various states during the years of RTE implementation, proving that the threat was not only theoretical. Nevertheless, the criticism of the closure cannot be a reason to stop standards in general. The RTE Act was meant to avoid a normalization of bad schooling purely by the fact that poor children are studying there. A rights-based framework will therefore not only enquire

about the existence of schools, but also whether they meet minimum standards of safety, dignity, inclusion, and educational content (OSEPA, 2015).

Debate on Educational Justice and Privatization:

The question of privatization and its normative debate revolves around the issue of educational justice. One theory believes that LCPS are a pragmatic reaction to the shortcomings of the official system, and they should be permitted provided that it broadens accessibility and deliver learning advantages. A third opinion cautions that the poor children being dependent on the privatized schools is an indication of the state fleeing its constitutional duty of offering quality education to its citizens, which is a universal right of the state, through the schools (National Centre for School Choice, n.d.).

This discussion cannot be presented as a mere opposition of the social good and the individual evil. The RTE Act already acknowledges a restricted role of a private school, in practice, both by the 25 percent inclusion requirement and by the presence of aided and unaided schools in the statutory order. What is even more troubling is the question of whether or not the involvement of the private sector does not still serve as a servant of the collective role of education as a common good, or is gradually redefining education as a consumer commodity sold based on ability to pay. LCPS argues with the presumption that the

only aspect of access and parental aspiration that can be met by the means of public education is access itself. But they also reveal the peril of reducing social rights to market decisions, since choice can only be real when there are actual options, when quality is not just promoted, but is reliable. Privatization under the RTE framework is only normatively acceptable insofar as it complements the role of the state, but does not replace it (OSEPA, 2015).

Results and Discussion:

The existing evidence indicates that LCPS has a reality but is a minor part within the RTE framework. They are able to increase local access, react to parental demand, and, in certain situations, yield satisfactory or even superior measured results at reduced cost. To a great number of households, they are not an ideological decision but a practical reaction to worries regarding the quality of the public schools, linguistic desires, and school culture. But the very evidence indicates that LCPS cannot be considered an equity-neutral alternative to public education. They are cheaply distributed, inconsistently high in quality, their promise to use English as a medium of instruction is often poorly fulfilled, and their low-cost model can be based on low teacher salaries and informal shadow tuition. These attributes cannot be easily aligned with a rights approach, which guarantees free, discrimination-free, and quality elementary education to all children. The best way of interpreting the RTE framework is thus not anti-private but

anti-exclusion. The presence of private schools within the ecosystem is acceptable, although it is not the place to establish the conditions of justice in elementary education. The state should continue to be the guarantor of universal quality, and regulation should address real educational outcomes, inclusion, and child welfare as opposed to compliance burdens that disregard local realities but also do not justify substandard schooling of the poor.

Policy Recommendations for Strengthening Equity and Access:

A moderated policy would be a mix of increased government investment and more intelligent regulation of LCPS. First, governments must keep on empowering neighborhood public schools as the RTE Act lays the major responsibility of providing free and compulsory education on the state and local government. In certain respects, LCPS can be added to this system, but they cannot substitute a public guarantee of universal access. Second, recognition policies must be restructured in such a way that both child-safety and non-discrimination criteria are not negotiable, whereas unnecessarily strict input policies that do not obviously enhance learning are reconsidered. The focus of regulation ought to be placed on verifiable learning support, transparent teacher placement, financial responsibility, and child protection instead of solely land or infrastructure indicators that are challenging to fulfill in the highly packed low-income settlements. Third, the

reimbursement mechanism of Section 12 needs to be improved (Right to Education Initiative, n.d.). In case the state anticipates private schools to contribute to inclusion, reimbursement should be timely, transparent, and realistic, not to create incentive perversity or token adherence. Meanwhile, the social objective of the quota must be followed attentively so that poor children are not formally accepted but informally rejected by stigma or special treatment. Fourth, pedagogy ought to be indicated in language policy along with aspiration. As the RTE Act promotes teaching in the mother tongue of the child as far as possible, English should be taught well as a language of preference without the conceptual learning in the early years being compromised by weak English-mediated branding. This would be more in tune with the market demand and child-centred educational practice (Spreen & Kamat, 2016).

Conclusion:

Low-cost, privately-operated schools lie in a grey area in the Right to Education in India. They have risen due to the demand of the families to get alternatives, and there is evidence that in some environments, the private provision may provide satisfactory results at a lower price. However, fee-based education of the poor is not necessarily fair, and more often than not, it promotes reproduction of exclusion, poor pedagogy, and fractured accountability within the discourse of choice. The RTE Act leads to a principled compromise. It does not eliminate private

schools, but it does not leave elementary education to the market with the imposition of inclusion obligations, recognition obligations, and a conception of access as a right. The correct place of LCPS in this model is thus contingent and subservient: they can be a controlled part of a child-rights system, but they cannot be allowed to usurp the role of the state to provide free, high-quality, and equitable education to all.

References:

1. Bhatnagar, R., & Sinha, S. (2022). Discrimination against private-school students under a special quota mandated by the Right to Education Act. *Asia Pacific Education Review*. <https://pmc.ncbi.nlm.nih.gov/articles/PMC9736718/>
2. Center for Global Development. (2019, October 27). Low-cost private schools: What have we learned in the five years since the DFID rigorous review? <https://www.cgdev.org/blog/low-cost-private-schools-what-have-we-learned-five-years-dfid-rigorous-review>
3. CPPR. (2025, December 28). Equity, access, and quality: Leveraging low-fee private schools for outcome-focused education reform in Karnataka. <https://www.cppr.in/reports-and-papers/equity-access-and-quality-leveraging-low-fee-private-schools-for-outcome-focused-education>

4. Government of India. (2009). The Right of Children to Free and Compulsory Education Act, 2009 (Act No. 35 of 2009). India Code. https://www.indiacode.nic.in/bitstream/123456789/19014/1/the_right_of_children_to_free_and_compulsory_education_act_2009.pdf
5. Government of India. (2009, August 26). Right of Children to Free and Compulsory Education Act,2009.India Code. <https://www.indiacode.nic.in/handle/123456789/2086>
6. Härmä, J. (2011). Low-cost private schooling in India: Is it pro-poor and equitable? *International Journal of Educational Development*, 31(4), 350–356. <https://www.sciencedirect.com/science/article/abs/pii/S0738059311000046>
7. National Centre for School Choice. (n.d.). Low-fee private schools in India: The emerging fault lines (Working Paper 233). Teachers College, Columbia University. <https://ncspe.tc.columbia.edu/working-papers/files/WP233.pdf>
8. OSEPA. (2015, March 9). Main features of the Right to Education Act, 2009. <https://osepa.odisha.gov.in/?p=content&page=11>
9. Right to Education Initiative. (n.d.). The Right of Children to Free and Compulsory Education Act–RTE. <https://righttoeducation.in/know-your-rte/about>
10. Spreen, C. A., & Kamat, S. (2016, July 17). Privatisation undermines the right to education in India. *Education International*. <https://www.ei-ie.org/en/item/26016:privatisation-undermines-the-right-to-education-in-india>