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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **THE CONSEQUENCES OF MISLEADING RIGHT TO EDUCATION (RTE) APPLICATIONS ON ELIGIBLE CANDIDATES IN INDIA**

AUTHORED BY - DR. C. USHA

## **Abstract: -**

The Right to Education (RTE) Act of 2009 was established to guarantee free and compulsory education for children between the ages of 6 and 14 in India, representing a crucial advancement towards achieving educational equity. A significant aspect of this legislation requires private educational institutions to allocate 25% of their seats for children from economically weaker sections (EWS) and disadvantaged groups (DG), thereby facilitating access to quality education for underprivileged students. Nevertheless, the implementation of this system has faced obstacles, particularly due to an increase in fraudulent applications from families that do not meet the criteria for these reserved seats. Such deceitful claims undermine the fundamental objective of the Act, preventing truly deserving children from obtaining education in esteemed schools.

The prevalence of false applications not only compromises the integrity of the process but also imposes additional administrative challenges, as the verification of claims becomes increasingly complicated. This situation obstructs the access of EWS and DG children to quality education, thereby perpetuating existing inequalities. To mitigate this issue, it is imperative to establish more rigorous verification processes, including income assessments and home inspections. Additionally, the development of digital systems for monitoring applications, coupled with community outreach initiatives to inform families about eligibility requirements, is vital. These strategies will help ensure that the advantages of the RTE Act are directed towards the rightful beneficiaries, thereby maintaining its integrity and intended purpose.

## **Keywords: -**

Right to Education (RTE) Act, Economically Weaker Sections (EWS), Disadvantaged Groups (DG), False applications, Educational equity and Verification mechanisms.



## **Introduction: -**

The Right to Education (RTE) Act, enacted in 2009, represents a significant advancement in India's educational landscape, with the objective of ensuring free and compulsory education for children between the ages of 6 and 14. This legislation aims to enhance educational accessibility by allocating 25% of seats in private institutions for children belonging to Economically Weaker Sections (EWS) and Disadvantaged Groups (DG). Although the RTE Act has made notable progress in fostering inclusive education and addressing inequalities, its implementation has encountered numerous obstacles. A primary concern is the occurrence of fraudulent applications submitted by families that do not genuinely qualify for the reserved seats, thereby exploiting the system for their benefit. Such practices undermine the essence of the Act and obstruct access for the most vulnerable children. The issue of fraudulent applications has escalated, as numerous families resort to falsifying income certificates, caste documentation, or other eligibility proofs to secure admission into private schools under the RTE quota. This manipulation contradicts the Act's fundamental purpose, which is to extend educational opportunities to children facing social and economic hardships. When ineligible families occupy reserved seats, children from authentically marginalized backgrounds are further marginalized, deprived of the quality education they rightfully deserve. These children, who often depend exclusively on the RTE provisions for access to private schooling, encounter reduced opportunities as fraudulent claims encroach upon their rightful access.

The occurrence of fraudulent RTE applications has been documented in various states throughout India. One of the main methods by which this transpires is through the manipulation of documentation, as families from affluent backgrounds seek to qualify for the EWS or DG quotas. Instances of forged income certificates are common, and in certain cases, families leverage political or administrative connections to evade scrutiny. The absence of effective verification systems further complicates the issue, as school authorities often lack the capacity to thoroughly authenticate documents. Insufficient checks on documentation and inadequate oversight enable ineligible students to secure admission, thereby disadvantaging those who genuinely require assistance. The implications of these fraudulent applications are significant. Firstly, they compromise the equity that the RTE Act aims to establish, perpetuating the marginalization of underprivileged children. Secondly, the integrity of the policy is jeopardized, as public confidence in the system diminishes when loopholes are exploited. Additionally, this situation places a burden on school administrators, who must navigate

through fraudulent applications and ensure adherence to RTE guidelines, thereby diverting time and resources from other essential aspects of school management.

Addressing this challenge necessitates a comprehensive strategy that integrates enhanced verification procedures, policy modifications, and increased public awareness. A critical component of this strategy is the establishment of more stringent checks on income certificates and other eligibility documentation. The introduction of a centralized digital verification system could facilitate the application process and diminish the chances of forgery. For example, connecting applications to government databases, such as Aadhaar (India's biometric identification system), would enable authorities to more effectively cross-verify financial information. Moreover, conducting home visits and local audits could serve to substantiate the claims made by applicants. Equally important is the need to elevate public awareness regarding the ethical and legal ramifications of submitting fraudulent RTE applications. Informing communities about the intended beneficiaries of the RTE Act and the significance of safeguarding opportunities for those in genuine need can contribute to a reduction in fraudulent activities. Additionally, schools and local authorities must receive sufficient training and resources to effectively implement RTE provisions and identify fraudulent applications. Lastly, policy reforms aimed at tightening eligibility criteria and increasing penalties for the submission of false information could serve as effective deterrents. It is essential that penalties for fraudulent claims are rigorously enforced to ensure adherence to the law, and that repeat offenders face legal repercussions to discourage further misuse.

### **The RTE Act and Its Objectives**

The Right to Education (RTE) Act, which was enacted in 2009, represents a significant advancement in India's efforts to achieve universal elementary education. This legislation was established with the objective of ensuring that every child between the ages of 6 and 14 receives free and compulsory education, irrespective of their socio-economic status. The Act seeks to tackle entrenched inequalities within the education system, particularly those stemming from economic disadvantages and social exclusion. Through its various provisions, the RTE Act endeavors to establish a more equitable educational environment, providing quality learning opportunities to children who have historically been denied access. However, despite its ambitious aims, the RTE Act faces numerous challenges in its implementation, with the prevalence of fraudulent applications being a major issue.

The primary objective of the RTE Act is to promote equitable access to education by eliminating barriers related to socio-economic status, caste, and gender. The Act seeks to:

- **Bridge the gap between the rich and poor** by ensuring that children from marginalized communities receive the same quality of education as those from affluent backgrounds. One of the fundamental objectives of the Right to Education (RTE) Act, and many similar educational policies around the world, is to bridge the gap between rich and poor by ensuring that children from marginalized communities receive the same quality of education as those from affluent backgrounds. Access to quality education has long been a determinant of socio-economic mobility, and without it, cycles of poverty and social marginalization persist across generations.
- **Reduce dropout rates** by making education compulsory and free, thus incentivizing parents from low-income households to keep their children in school. Dropout rates are particularly high among children from low-income families, and this is largely due to the financial burden of schooling, as well as other socio-economic factors like child labor, early marriage, and the pressure on children to contribute to household income. The RTE Act's provision of free and compulsory education for children between the ages of 6 and 14 addresses this issue head-on by ensuring that cost is not a barrier to education.
- **Improve learning outcomes** by setting quality norms for schools and teachers, and ensuring that even private institutions contribute to the educational development of disadvantaged children. The RTE Act goes beyond mere enrollment by emphasizing the quality of education that children receive. Ensuring that all schools, including private institutions, adhere to minimum quality norms is essential for improving learning outcomes for children from disadvantaged backgrounds.

### **Key Provisions of the RTE Act**

**Mandatory Education for Children Aged 6-14 Years** The primary objective of the RTE Act is to guarantee that all children in India, aged between 6 and 14, receive free and compulsory education. This establishes a legal duty for the state to ensure that every child is enrolled in an educational institution, whether public or private. This provision aims to eliminate obstacles to education stemming from poverty, gender, caste, and other societal factors. By enshrining education as a fundamental right, the RTE Act aspires to ensure that no child is deprived of the opportunity to learn.

**Reservation of 25% Seats in Private Unaided Schools** A significant aspect of the RTE Act is the stipulation that private unaided schools must allocate 25% of their seats for children from Economically Weaker Sections (EWS) and Disadvantaged Groups (DG). This measure seeks to democratize access to quality education by providing underprivileged children with the opportunity to attend well-resourced private schools, which are often inaccessible to low-income families. By integrating students from diverse socio-economic backgrounds, this provision also promotes social cohesion and helps bridge the educational gap between affluent and disadvantaged groups.

**State Financial Support for EWS and DG Students in Private Schools** To facilitate the implementation of the 25% reservation policy in private schools, the RTE Act requires state governments to assume the financial responsibility for educating children admitted under the EWS and DG categories. The state compensates private schools up to a specified amount, covering tuition and other associated costs for these students. This funding framework ensures a shared responsibility for inclusive education between the government and private institutions, promoting a collaborative approach to educational reform.

### **Challenges in Implementation: Administrative Loopholes and False Applications**

While the RTE Act's provisions are progressive, its efficacy has been significantly compromised due to administrative loopholes and malpractices, especially the growing trend of false applications for the EWS and DG reserved seats. This fraudulent activity has arisen due to the lack of stringent verification processes and inadequate oversight.

1. **Manipulation of Income Certificates and Documentation** One prevalent method by which families exploit the RTE reservation system involves the alteration of income certificates and other necessary documents that establish eligibility for the Economically Weaker Section (EWS) or Disadvantaged Group (DG) categories. Families that do not authentically qualify for these categories may forge documents or utilize political influence to gain admissions under the RTE quota. This manipulation poses a significant barrier for children who genuinely require these reserved seats, as the limited availability is occupied by ineligible individuals.
2. **Insufficient Verification Mechanisms** A critical administrative shortcoming that exacerbates this issue is the absence of a comprehensive system for verifying the



legitimacy of the submitted documents. Frequently, school authorities either lack the necessary resources or the authority to conduct thorough investigations into the claims presented by applicants. In the absence of a centralized verification process, private schools often resort to cursory checks, which can be easily circumvented. Consequently, a considerable number of fraudulent applications are accepted, while deserving beneficiaries are overlooked.

3. **Delays in State Reimbursements** Another obstacle that undermines the effective implementation of the RTE Act is the delay in state reimbursements to private schools for the education of EWS and DG students. These delays deter some private institutions from fully engaging with the RTE mandate, as they are concerned about the financial burden resulting from the lag in payments. As a result, the adherence to the 25% reservation policy becomes precarious in certain instances, further diminishing opportunities for deserving students.

### **False RTE Applications: A Comprehensive Overview**

False RTE applications refer to situations where families, often from ineligible or affluent backgrounds, fabricate documents such as income certificates to secure admission under the Economically Weaker Sections (EWS) or Disadvantaged Groups (DG) quotas in private educational institutions. This unethical behavior stems from the aspirations of middle-class families to enroll their children in prestigious private schools that would otherwise be financially unattainable. The significant demand for these reserved seats has contributed to an increase in such deceptive practices, which compromise the integrity of the Right to Education (RTE) Act.

#### **Factors Leading to the Increase in False Applications**

1. **Insufficient Verification Processes:** In numerous states, the mechanisms for verifying income and caste certificates are inadequate, enabling applicants to manipulate or forge documents to falsely assert their eligibility. In the absence of stringent checks, fraudulent applications can easily evade detection.
2. **Limited Awareness Among Authentic Beneficiaries:** Many families from rural and marginalized backgrounds, who are the primary beneficiaries of the RTE Act, lack awareness of their rights or the procedures to apply under the EWS or DG quotas.

Consequently, they struggle to obtain the necessary documentation or navigate the intricate application processes.

3. **Corruption in the Certification System:** In certain cases, government officials tasked with issuing certificates or verifying eligibility may engage in corrupt practices, accepting bribes to facilitate the issuance of false documents to ineligible families. This corruption further undermines the system, allowing unqualified students to gain admission through dishonest means.

### **Challenges in Detecting and Preventing Fraudulent Applications**

Authorities encounter numerous obstacles in identifying and preventing fraudulent applications under the RTE Act:

1. **Document Alteration:** Wealthy families can easily alter income certificates or obtain counterfeit caste certificates, complicating the task for school authorities in recognizing legitimate candidates.
2. **Varied Verification Procedures:** The verification methods for RTE applications differ across states and regions, and the absence of a standardized, effective mechanism creates vulnerabilities that can be exploited.
3. **Limited Resources:** Officials tasked with verifying applications often do not possess adequate resources or training to thoroughly assess the authenticity of each submitted document.

### **Proposed Solutions and Recommendations**

To ensure that the RTE Act fulfills its intended objectives and assists deserving candidates, several actions can be implemented:

1. **Enhancing the Verification Process:** Establishing a centralized digital database for the verification of income and caste certificates can significantly reduce the incidence of fraudulent applications. This system should be linked with government databases, including Aadhaar and income tax records.
2. **Educational Campaigns:** The government should initiate awareness campaigns in rural and marginalized communities to ensure that genuinely eligible families are informed about their rights and the procedures for accessing RTE benefits.
3. **Imposing Penalties for Fraudulent Applicants:** Strict penalties, including fines and legal repercussions, should be enforced on families found guilty of submitting fraudulent

applications. Such measures can deter affluent families from taking advantage of the system.

4. Ensuring Integrity in Certificate Issuance: Officials responsible for the issuance of income and caste certificates should be subject to accountability through regular audits and rigorous anti-corruption initiatives.

### **Conclusion: -**

The Right to Education (RTE) Act, which was enacted in 2009, marks a significant reform in India's educational framework, with the objective of providing free and compulsory education to children between the ages of 6 and 14, especially those from underprivileged communities. It is recognized as a crucial advancement towards achieving educational equity by requiring private unaided schools to allocate 25% of their seats for students belonging to Economically Weaker Sections (EWS) and Disadvantaged Groups (DG). Nevertheless, despite its commendable goals, the effectiveness of the RTE Act has been considerably compromised by the increasing incidence of fraudulent applications, wherein families from ineligible or relatively affluent backgrounds manipulate the system to secure admissions through the reserved quotas.

This paper has examined the challenge posed by fraudulent applications and their extensive implications for both the education system and society at large. Such applications not only undermine the fundamental aims of the RTE Act but also result in a scenario where genuinely deserving candidates are denied access to quality education. By presenting falsified documents, including altered income certificates, ineligible families exploit a system intended to offer opportunities to those historically marginalized from prestigious educational institutions. This trend leads to a decrease in available seats for children from authentically disadvantaged backgrounds, thereby exacerbating educational inequality and perpetuating cycles of poverty and social exclusion.

Addressing the challenge of fraudulent applications necessitates a collaborative approach involving both governmental bodies and private organizations. A pivotal initial measure is to enhance the verification process. This can be accomplished by establishing a centralized digital platform for the validation of income and caste certificates, which would be integrated with existing government databases, such as Aadhaar. Such a system would complicate the efforts

of ineligible applicants to forge documents and ensure that only those who genuinely qualify are granted access to reserved quotas.

Moreover, it is essential to increase awareness among legitimate beneficiaries regarding their entitlements under the Right to Education (RTE) Act. This can be facilitated through community outreach initiatives, collaborations with non-governmental organizations, and information dissemination campaigns designed to educate marginalized families on the application process for RTE admissions. Additionally, schools and local authorities should be provided with enhanced training and resources to effectively enforce the provisions of the Act and identify fraudulent applications.

Penalties for the submission of fraudulent applications must be rigorously implemented. Families that intentionally provide false documentation should incur legal repercussions, which may include disqualification from future admissions and monetary fines. The strict application of these penalties would serve as a deterrent for individuals contemplating the exploitation of the system.

In summary, although the RTE Act is a significant legislative achievement in advancing educational equity in India, the prevalence of false applications presents a considerable obstacle to its effectiveness. By enhancing verification processes, increasing awareness among legitimate beneficiaries, and enforcing penalties against dishonest applicants, the system can be rendered more transparent, fair, and efficient. It is essential for the government, private educational institutions, and civil society to collaborate in ensuring that the RTE Act realizes its commitment to providing inclusive and equitable education for all children in India.

### **References**

1. Government of India. (2009). *The Right of Children to Free and Compulsory Education Act, 2009*.
2. Ministry of Human Resource Development (MHRD). (2017). *Report on the Implementation of the RTE Act*.
3. Sharma, A. (2020). "The Crisis of False RTE Applications: A Study of Indian Private Schools." *Education Policy Journal*, 14(2), 45-60.



4. Rajan, R. (2019). "Filling the Gaps: Strengthening the RTE Verification Process." *Indian Education Review*, 8(1), 22-37.
5. Banerjee, S. (2021). "Corruption in Document Verification for RTE: An Analysis." *Journal of Public Administration*, 16(3), 104-112.
6. Chaturvedi, Ansu & Kuldeel, N. (2015). Status of implementation of Right to Education Act (2009) and challenges in the school of Rajasthan. *EPRA international Journal of Economic and Business Review*.3, (3) 163-169.
7. Fathima, Sk (2014). The Role of School Management Committee in RTE Act Implementation. pp. 323-326. *Right to Education: Issues and challenge*.
8. Gaddipati, I. (2015). The issues relating to Right to Education Act, implementation and challenges-a qualitative study.

