

**ECONOMIC ANALYSIS OF RIGHT TO EDUCATION:
UNNI KRISHNAN V. STATE OF ANDHRA PRADESH**

INDEX

Abstract	3
1. Introduction	3-4
2. Background Note	4-6
2.1. Educational System	
2.2. Legislative Provisions	
2.3. Significance of Education Sector	
3. Case : Unni Krishnan v. State of Andhra Pradesh	7-11
3.1. Facts	
3.2. Issues	
3.3. Petitioner's arguments	
3.4. Respondent's arguments	
3.5. Judgement	
3.6. Post Judgement Developments	
4. Economic Analysis	12-25
4.1 Cost-Benefit Analysis	
4.2 Game Theory	
5. Global Best Practices	25-26
6. Legal Precedents	27
7. Public Policy Considerations	28-29
8. Conclusion	29
References	30-33

ABSTRACT

"The future belongs to the nation that best educates its citizens." – Barack Obama

What happens when the promise of education collides with the barriers of affordability? The landmark **Unni Krishnan v. State of Andhra Pradesh (1993)** case tackled this question head-on, laying the foundation for education as a fundamental right and a catalyst for progress in India. This Supreme Court judgement recognized education as a basic right under Article 21 of the Indian Constitution with vital contributions toward social and economic development. It dealt with the balance between private educational institutions' autonomy and State responsibility toward affordable and equitable education to all.

This analysis delves into the economic dimensions of the judgment, which explores the cost-benefit dynamics of the subsequent Right to Education (RTE) Act of 2009. The study utilizes tools such as cost-benefit analysis and game theory to evaluate how the government and private schools interact with each other in executing the Act. The analysis underlines the relevant social and economic benefits including poverty reduction, enhanced human capital and long-term economic growth. The Unni Krishnan case not only confirmed education as a basic right, but it also laid the groundwork for an inclusive, prosperous future by recognizing education as a crucial engine of social fairness and long-term economic prosperity in India.

KEYWORDS: Right to Education, Unni Krishnan Case, Cost-Benefit Analysis, Game Theory, Constitutional Right.

1. INTRODUCTION

In the annals of Indian legal history, few cases have resonated as profoundly as *Unni Krishnan v. State of Andhra Pradesh*¹ (1993). This landmark judgment before the Supreme Court reinforced the right to education. In *Mohini Jain v. State of Karnataka*², the Supreme Court had stated that the right to education is a fundamental right, but the *Unni Krishnan* judgement refined the same. The issue was whether private unaided educational institutions had the autonomy to charge exorbitant capitation fees, thus potentially excluding economically

¹ *Unni Krishnan, J.P. v. State of A.P.*, (1993) 1 SCC 645.

² *Miss Mohini Jain v State of Karnataka*, AIR 1992 SC 1858.

disadvantaged students from accessing quality education. It balanced the freedom of trade of private institutions with the importance of ensuring that education remains accessible and affordable to all sections of society, particularly marginalized and economically weaker groups.

Subsequent to the judgement, Article 21-A³ was inserted into the Constitution vide the Constitution (Eighty-sixth Amendment) Act, 2002⁴, by which the State would provide free and compulsory education to all children between the ages of six and fourteen. “*The Right of Children to Free and Compulsory Education (RTE) Act, 2009*”, was passed to ensure this right, guaranteeing free elementary education of satisfactory quality to children.⁵

From a fiscal perspective, the RTE Act mandates substantial public investment in education infrastructure, teacher training and resource allocation. An educated workforce would have the necessary skills to accelerate economic growth. The RTE Act reduces inequalities in education and hence, income inequalities as well. By investing in education, not only does it enhance existing human capital but also lays the foundation for sustainable economic growth, poverty reduction and social development. This study shall explore the economic implications of the RTE Act as laid down in the Unni Krishnan case.

2. BACKGROUND NOTE

During the late twentieth century, there was a trend towards privatization in education in India, driven by increasing demand for quality education and perceived shortcomings in public schooling. Private educational institutions were charging substantial fees, often in the form of capitation fees, which raised concerns about affordability and access for economically weaker sections of society.

2.1. Education system

In 1966, the Kothari Commission first recommended the provision of free and compulsory education. It focused on the education of the backward classes and tribals.⁶ Based on the recommendations, the National Policy on Education (1986) was formulated, which reinforced the time-bound strategy of providing free and compulsory education up to 14 years of age to

³ INDIA CONST. art. 21A.

⁴ Constitution (Eighty-sixth Amendment) Act, 2002, No. 92, Acts of Parliament, 2002 (India).

⁵ Right of Children to Free and Compulsory Education Act, 2009, No. 35, Acts of Parliament, 2009 (India).

⁶ Kothari Commission, Report of the Education Commission (1964-66), Ministry of Education, India, <http://www.academics-india.com/Kothari%20Commission%20Report.pdf> (last visited Dec. 6, 2024).

all children by 1995.⁷ In 1989, the Gender Parity Index (ratio of girls to boys enrolled in primary and secondary schools) across India was a meagre 0.68. The literacy rate was no better in 1991- 52% of the population aged 7 and above was literate, but this figure was only 39.4% in the case of women.⁸ In 1990-91, government spending on education was much less than the minimum 6% recommended by the Kothari commission.

2.2. Legislative Provisions

Article 45 of the constitution is a part of the Directive Principles of State Policy and it mandates the provision of free and compulsory education to children between the ages of six and fourteen.⁹ Prior to the Unni Krishnan case, the Supreme Court had ruled in *Mohini Jain v. State of Karnataka* that the right to education is included within Right to Life, as provided by Art. 21¹⁰ of the Constitution. The Andhra Pradesh Educational Institutions Act, 1983¹¹, which sought to regulate admissions and prohibit capitation fees in private unaided educational institutions, was challenged by private institutions, on the ground that it violated their right to practice any profession, under Art. 19(1)(g)¹² of the Constitution.

2.3. Significance of Education sector

Economic growth and education are inextricably intertwined, since education affects GDP (gross domestic product) as well as individual earnings. The total employment statistics in the country often follow the investment made in education. Education is an important investment in human capital. The greater the amount of investment in the education sector by a particular country, the more successful will be its economy. Studies have revealed that countries with higher rates of education experience faster growth rates than those countries with lower rates of education.¹³

⁷ NATIONAL POLICY ON EDUCATION, 1986, https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/npe.pdf (last visited Nov. 30, 2024).

⁸ Jejeebhoy, S., *Female Literacy in India: The Situation in 1991*, 37(3) THE JOURNAL OF FAMILY WELFARE, 23-34 (1991).

⁹ INDIA CONST. art. 45.

¹⁰ INDIA CONST. art. 21.

¹¹ Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983, No. 5, Acts of Andhra Pradesh State Legislature, 1983 (India).

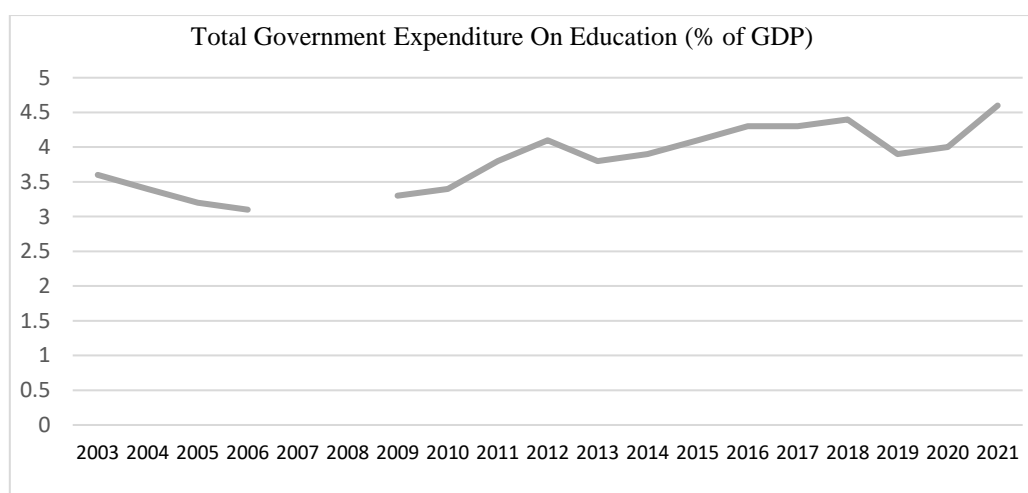
¹² INDIA CONST. art. 19, cl. 1(g).

¹³ Ruth Brooks, *What is the relationship between education and the economy?*, NORTH WALES MANAGEMENT SCHOOL (Feb. 20, 2023, 9:30 PM) <https://online.wrexham.ac.uk/what-is-the-relationship-between-education-and->

Competition between the economies of nations is a necessary consequence of globalization and global trade. Countries with thriving economies will have comparative and competitive advantages over others. The workforce's level of skills and education has a significant impact on how successfully a nation's economy will function.

India currently has the fifth largest GDP in the world at \$ 3.41 trillion, following the United States, China, Japan, Germany.¹⁴ According to World Bank estimations, a country's GDP growth might rise by 0.37% for every year if the average number of years spent in school is increased. Additionally, a 1% increase in literacy might lead to a 0.3% increase in GDP growth.¹⁵ India must prioritize the education sector in order to achieve the status of the third largest economy in the world by 2028.¹⁶

CHART 1:



Government expenditure on education, total (% of GDP) - India¹⁷

[the-economy/#:~:text=Education%20is%20intrinsicall%20linked%20to,gross%20domestic%20product%20\(GDP\)](#)
¹⁴ Top 10 Largest Economies in the World, FORBES INDIA (Nov. 29, 2024, 10:45 AM), <https://www.forbesindia.com/article/explainers/top-10-largest-economies-in-the-world/86159/1>.

¹⁵ Nilangni Bansal, *Impact of Education Policy on India's GDP Growth: Strengthening the Foundation for a Thriving Nation*, INVEST INDIA (Oct. 26, 2023, 11:09 AM) <https://www.investindia.gov.in/team-india-blogs/impact-education-policy-indias-gdp-growth-strengthening-foundation-thriving-nation>.

¹⁶ India to become third largest economy with GDP of \$5 trillion in three years: Finance Ministry, THE HINDU (Jan. 29, 2024, 10:34 AM) <https://www.thehindu.com/business/Economy/india-to-become-third-largest-economy-with-gdp-of-5-trillion-in-three-years-finance-ministry/article67788662.ece>.

¹⁷ UNESCO Institute for Statistics, *Government expenditure on education, total (% of GDP)- India*, WORLD BANK GROUP (Apr. 24, 2024, 12:09 PM) <https://data.worldbank.org/indicator/SE.XPD.TOTL.GD.ZS?end=2021&locations=IN&start=2001&view=chart>.

3. CASE –

UNNI KRISHNAN, J.P. AND OTHERS

Versus

STATE OF ANDHRA PRADESH AND OTHERS

AIR 1993 SC 2178

3.1. Facts:

Private institutions engaged in or intending to offer medical and engineering education have filed these writ petitions to contest the decision made by a Two-Judge Bench of Justices K. Singh and Justice R.M. Sahai in the case of Miss Mohini Jain v. State of Karnataka¹⁸. These institutions question the correctness of the ruling, seeking judicial review and reconsideration of the principles and legal interpretations established in the earlier judgment.

A non-resident of that state named Mohini Jain applied in the present case to a private institution in Karnataka for admission to the M.B.B.S. program. She was required to pay the first year's tuition in full. She was turned away because she could not afford this. In addition, the college administration required her to pay more than four and a half lakhs as capitation fee before she could be admitted. As a result, Mohini challenged the Karnataka Government's announcement in a case filed with the SC under Art. 32, asking to be accepted under the same terms as students from the state who were granted "Government Seats". She also requested clarification on the scope of the "Right to Free Education" for Indian citizens. The Court ruled that admissions should be granted based on the government seat requirement and that students should not be required to pay the capitation fee. The appeal was granted.

The SC did not address the restrictions of the fundamental right to education, but it did declare that everyone had one under Art. 21¹⁹ of the Constitution. The issue of the right to education, which was not thoroughly addressed in Mohini Jain's case, is discussed in the present case.

3.2. Issues:

1. Whether there exists a fundamental right to education in India provided by the constitution for its citizens?

¹⁸ Miss Mohini Jain v State of Karnataka, AIR 1992 SC 1858.

¹⁹ INDIA CONST. art. 21.

2. Does a person have the fundamental right to seek a degree in a professional field like engineering or medicine?
3. Is establishing and managing an educational institution a fundamental right for a citizen under Article 19(1)(g)?

3.3. Petitioner's arguments:

- Regardless of social or economic status, the petitioners in this case claimed that the responsibility of providing education for all of its citizens lies with the state. The state, according to the petitioners, lacked the necessary infrastructure for effective education. They claimed that efforts to develop this infrastructure could violate the Constitution, which treats education as a business activity. According to them, the state's interference disrupted the natural market dynamics, influencing the balance of the market. They contended that by attempting to control educational provisions, the state was improperly meddling in an area that should be governed by market forces, ultimately affecting the availability and quality of education.
- The petitioners equated founding a school to beginning any kind of business endeavour, profit or non-profit oriented. They argued that educational establishments should be allowed to freely charge tuition and collect money from students. According to them, this approach would allow for diverse agreements concerning development, removal and variation among institutions. They believed that such freedom is essential for the effective functioning and growth of educational institutions, ensuring they can operate without undue state interference.
- They also highlighted that educational institutions do not become state entities merely by affiliating with or receiving recognition from public authorities.
- The petitioners, who run engineering and medical schools in many southern states, said that they would be compelled to close their establishments if the state governments accepted and implemented the Mohini Jain order as required. They argued that it would be impossible for them to carry on business when the verdict was put into effect.

3.4. Respondent's arguments:

- The counsel for the respondents emphasized that, since ancient times, education in this country has always been seen as a sacred duty, deeply rooted in religious traditions like

Hinduism and Islam. They pointed out that education has been regarded as a charitable endeavour, never as a commercial business. The belief is that education is a noble mission, not a trade. This perspective against the commercialization of education has been consistently upheld. By passing the UGC Act in 1956²⁰, which gave the University Grants Commission the authority to stop the commercialization of education, Parliament reaffirmed this viewpoint. Over the years, the Legislature has repeatedly reaffirmed this goal in a number of statutes.

- The state's attempts to fulfil its duties under Article 45²¹ of the Constitution were described in an affidavit filed by the respondents. They maintained that children ages 14 and under were the only ones for whom the state was mandated to provide no-cost and mandatory education, highlighting the fact that this age range was the only focus of the state's educational mission. Concerns were expressed over the state's plan to increase its commitment to include higher education because it is significantly more expensive than basic education.

3.5. Judgement:

A five-judge SC bench re-examined the Mohini Jain ruling in the Unni Krishnan Case. In giving the court's verdict, Justice Jeevan Reddy mainly upheld the earlier decision while imposing considerable restrictions.

1. The SC ruled that the RTE is inherent in the fundamental right to life under Article 21, especially when considered alongside the directive principle on education in Art. 41. Emphasizing the need to interpret the right to education within the framework of the DPSP, the judgment particularly highlighted Art. 45. This article mandates that the state should strive to provide free and compulsory education to all children under the age of 14 within ten years of the Constitution's inception. The Court underscored that basic education is essential for the meaningful exercise of other fundamental rights. By placing the right to education within this constitutional context, the Court affirmed its critical role in promoting individual dignity, social justice and national development. The ruling thereby reinforces the state's obligation to ensure access to education as a foundation for an equitable and progressive society.

²⁰ University Grants Commission Act, 1956, No. 3, Acts of Parliament, 1956 (India).

²¹ INDIA CONST. art. 45.

2. The Court ruled that under Article 21, obtaining a professional degree is not a fundamental right. According to Article 41, education beyond the age of fourteen is dependent on the economic development and capability of the state. Although Article 21 guarantees the right to life, which are prerequisites for the right to education, these rights are not unqualified. Article 41 must be taken into consideration while interpreting their extent and restrictions. As a result, after the age of fourteen, a person's entitlement to higher education is not unqualified, rather it depends on the financial ability of the state and the advancement of society. The state's obligation to provide education is dependent on its economic potential and growth, which are determined by subjective assessments of state capability. Thus, the responsibility to offer education is limited by the state's economic constraints and developmental status, acknowledging that the extent of this duty varies according to the state's financial and developmental circumstances.
3. The State can fulfil its constitutional responsibilities by establishing its own institutions or by supporting and affiliating with private educational institutions. If the State only provides recognition or affiliation without financial aid to private institutions, these institutions cannot be compelled to charge the same fees as government-run institutions. Private educational institutions are allowed to charge higher fees within specified limits.

The Court's ruling on whether Article 19(1)(g) grants citizens a fundamental right to establish a private university was narrow. It allows all citizens the right to "*practice any profession, or to carry on any occupation, trade, or business*".²² However, the Court emphasized that education is not a trade or business, as these terms imply a profit motive, contradicting the non-profit, public nature of education.

The Court held that establishing a university might be considered an "occupation," granting a limited fundamental right to create private universities. This right is not absolute and is subject to state laws that serve the public interest. Additionally, there is no inherent right for private universities to receive recognition or affiliation from the state as the state has the discretion to grant or withhold recognition based on existing laws and policies.

²² INDIA CONST. art. 19, cl. 1(g).

3.6. Post Judgement Developments

Although the Bench's ruling in this case was more limited than the Mohini Jain ruling, it nonetheless made it clear that all children in India up to the age of fourteen had an inalienable, fundamental right to an education under the Indian Constitution. This decision was codified through the 86th amendment act²³ enacted by Parliament in 2002. This Amendment added Article 21-A to the Constitution, stating - *"The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine."* This constitutional right was later put into effect through the ***"Right of Children to Free and Compulsory Education Act 2009"***²⁴.

To account for the impact of this revolutionary act – higher secondary Gross Enrollment Ratio (GER) improved significantly between 2020–21 and 2021–22, going from 53.8% to 57.6%, suggesting more students had access to schooling. Furthermore, according to the Census of India, the country's literacy rate rose from 74.04% in 2011 to 77.7% in 2020, suggesting that more people have access to education.²⁵ Additionally, the Indian government has launched a number of digital projects such PM e-Vidya²⁶, SWAYAM²⁷ and DIKSHA²⁸ with the goal of revolutionizing a number of industries and improving efficiency and accessibility.

²³ Constitution (Eighty-sixth Amendment) Act, 2002, No. 92, Acts of Parliament, 2002 (India).

²⁴ Right of Children to Free and Compulsory Education Act, 2009, No. 35, Acts of Parliament, 2009 (India).

²⁵ *The Impact of Education Policy on India's GDP Growth: Strengthening the Foundation for a Thriving Nation*, INVEST INDIA (Dec. 7, 2024, 10:18 AM), <https://www.investindia.gov.in/team-india-blogs/impact-education-policy-indias-gdp-growth-strengthening-foundation-thriving-nation#:~:text=GER%20in%20higher%20secondary%20has,increase%20in%20access%20to%20education>.

²⁶ PM EVIDYA, Ministry of Education, India, <https://pmevidya.education.gov.in/> (last visited Dec. 9, 2024).

²⁷ SWAYAM, Ministry of Education, India, <https://swayam.gov.in/> (last visited Dec. 9, 2024).

²⁸ DIKSHA, Ministry of Education, India, <https://diksha.gov.in/> (last visited Dec. 9, 2024).

4. ECONOMIC ANALYSIS

4.1. COST - BENEFIT ANALYSIS

The economic implications of the Unni Krishnan case are most appropriately judged by the effect of the Right to Education Act, 2009. This impact will be explored by using cost-benefit analysis as a tool. This tool is used to assess the economic pros and cons of different decisions, policies, or projects. By quantifying and comparing the benefits and costs related with a particular initiative, it helps determine whether the initiative is worthwhile from a financial and economic perspective.

The foundation of cost-benefit analysis comes from the rational choice theory, which lays down that individuals make decisions by calculating the costs and benefits of a particular choice to maximize their satisfaction.²⁹ This theory assumes that individuals act rationally, considering all available information and potential outcomes to make choices that offer the greatest net benefit.

Cost-benefit analysis involves identifying, measuring and comparing all the costs and benefits of a project or policy over a specified period.

COSTS

Cost refers to the total value of resources expended to implement a project or policy. These costs can be direct, indirect, tangible, or intangible, encompassing both financial outlays and opportunity costs.

1. *Direct costs* include explicit financial expenditures like materials, labour and equipment.
2. *Indirect costs* may involve less obvious expenses such as administrative support or overhead.

Tangible costs are easily quantifiable, while intangible costs, like environmental impact or social disruption, are harder to measure but equally important.

²⁹ Scott, J., *Understanding contemporary society: Theories of the present*, Rational choice theory 129, 126-138 (2000).

Opportunity costs, a key component in economic analysis, represent the value of the best alternative use of resources forfeited. Economic cost means the value of the next-best alternative that was given up for the present resource allocation.

Fiscal Perspective –

TABLE 1: Budget Estimate of Expenditure on Education from 2017 to 2021 (in Rs Crores)³⁰

Year	States/UTs Expenditure	Centre Expenditure	Total Expenditure
2017-18	213861.97	34228.53	248090.50
2018-19	214556.19	37206.14	251762.33
2019-20	255599.92	47471.30	303071.22
2020-21	262215.98	50000.80	312216.78

Thus, 49.92% of the total expenditure on education was towards elementary education in 2020-21. This figure was 49.97% in 2019-20, 46.68% in 2018-19 and 48.8% in 2017-18. Thus, it can be seen that the main focus has been on elementary education, as compared to the other sectors.

TABLE 2: Expenditure of the Ministry of Education (in Rs. Crore)³¹

HEAD	2022-23 (Actual)	2023-24 (BE)	2023-24 (RE)	2024-25 (BE)	% Change from 2023-24 RE to 2024-25 BE
School Education	58,640	68,805	72,474	73,008	0.7%

The table compares actual and estimated expenditures for school education across multiple years. Budget allocations show a marginal 0.7% increase for 2024-25 compared to 2023-24 Revised Estimates (₹73,008 crore vs. ₹72,474 crore). The “Department of School Education

³⁰ Ministry of Education, *Analysis of Budgeted Expenditure on Education: 2018-19 to 2020-21, 2022*, (Dec. 09, 2024, 09:03 AM) https://www.education.gov.in/sites/upload_files/mhrd/files/statistics-new/budget_exp.pdf.

³¹ Ministry of Finance, *Demand No. 26, Expenditure Budget 2024-25, 2024*, (Dec. 10, 2024, 12:09 PM) [https://www.indiabudget.gov.in/budget2024-25\(I\)/doc/eb/sbe26.pdf](https://www.indiabudget.gov.in/budget2024-25(I)/doc/eb/sbe26.pdf).

and Literacy” has been allocated Rs. 73008 Crore in 2024-25, majority of which is towards the Samagra Shiksha Abhiyaan.³² However, funds under these schemes are often delayed or underutilized due to inefficiencies in state-level execution, leading to higher costs for the government.

CHART 2 - Percentage Expenditure on Education by Education Department w.r.t Total Budget³³

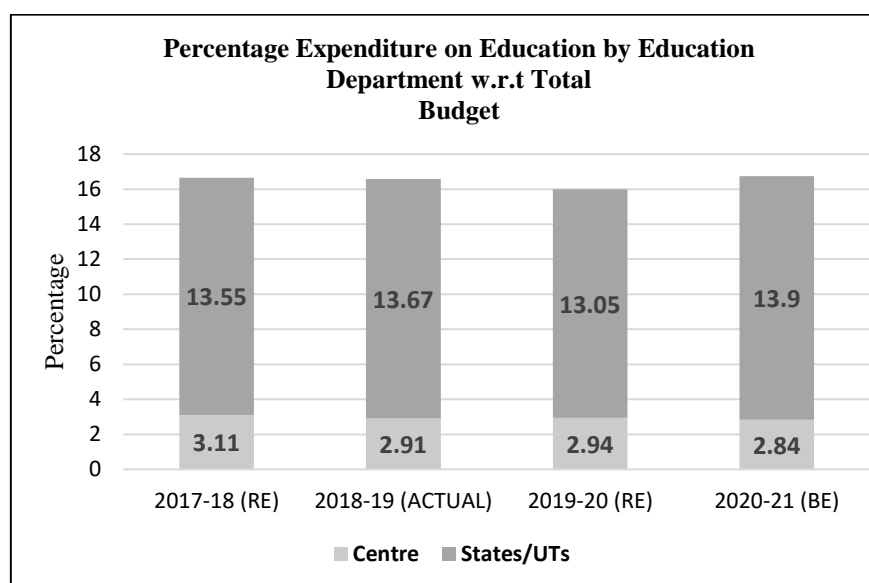


Chart 2 shows that state governments spend more on education than the Centre. Since education is a state subject, the state governments play a more important role in education expenditure. Yet, there has not been much fluctuation in the percentage expenditure on education by the respective governments, which may be a cause for concern.

The graph below illustrates the expenditure on education as a % of GDP in India, differentiated by States/Union Territories (States/UTs), the Centre and the total expenditure, over the period from 2005-06 to 2020-21.

As a proportion of GDP, overall education spending has been trending upward, rising from around 3.5% in 2005–06 to approximately 4.4% in 2020–21. The expenditure by States/UTs has also increased over the period, from about 2.2% in 2005-06 to around 2.7% in 2020-21.

³² *Demand for Grants 2024-25 Analysis: Education*, PRS LEGISLATIVE RESEARCH, (Dec. 12, 2024, 10:04 AM), https://prsindia.org/files/budget/budget_parliament/2024/DFG_2024-25_Analysis_Education.pdf.

³³ Ministry of Education, *Analysis of Budgeted Expenditure on Education: 2018-19 to 2020-21*, 2022, (Dec. 09, 2024, 09:03 AM) https://www.education.gov.in/sites/upload_files/mhrd/files/statistics-new/budget_exp.pdf.

This suggests a growing role of state-level governance in education funding. The Centre's expenditure on education has remained relatively stable, fluctuating around 0.8% to 1.1% of GDP throughout the period.³⁴

*TABLE 3: Expenditure On Training Of Teachers (in Rs Crores)*³⁵

YEAR	CENTRE	STATES/UTs	TOTAL
2017-18	4515.57	10669.92	15185.48
2018-19	5492.47	11417.33	16909.80
2019-20	5110.48	13808.77	18919.25
2020-21	6771.80	15138.57	21910.37

It can be seen that total expenditure has increased each year, from 15,185.48 in 2017-18 to 21,910.37 in 2020-21. This represents a 44.3% increase over the 4-year period and the rate of increase is accelerating each year.

OPPORTUNITY COSTS:

The implementation of the RTE Act necessitates substantial government expenditure, diverting resources from alternative public investments. As indicated, government expenditure on education in India has consistently fallen below the 6% of GDP recommended by the Kothari Commission. The allocation of even this limited budget to RTE implementation represents significant opportunity costs.

Public Infrastructure Development Trade-offs

The diversion of public funding from other important infrastructure projects is one of the biggest opportunity costs of implementing the RTE Act. Governments must allocate substantial resources to build schools, train teachers and provide learning materials. However, alternative infrastructure sectors like healthcare, transportation or energy may have benefited from these

³⁴ *Id.*

³⁵ *Id.*

investments. For example: Investment in healthcare infrastructure could have improved access to medical services and reduced mortality rates (or) Funds allocated to education might have been used to enhance rural road networks, facilitating better connectivity for economic growth. In resource-constrained economies like India, this trade-off highlights the conflict between conflicting developmental agendas.

Private Sector Revenue Loss

The RTE Act mandates private schools to reserve their seats for economically weaker sections (EWS) of society. While this promotes inclusivity, it imposes financial burdens on private institutions.

Revenue Loss: Private schools often receive government reimbursements for students at rates lower than their standard tuition fees. This results in a loss of revenue that could have been reinvested in improving infrastructure or hiring qualified teachers.

Quality Trade-offs: Resources diverted toward compliance with RTE requirements may limit investments in innovative teaching methods or advanced learning technologies.

As a result, private schools must constantly choose between upholding their financial viability and adhering to societal norms.

Human Capital Deployment Costs

The implementation of the RTE Act requires a significant allocation of human resources, particularly teachers and administrative personnel.

Teacher Deployment: The RTE Act mandates a pupil-teacher ratio of 30:1, necessitating the recruitment of additional teachers. However, this deployment means that skilled individuals who could contribute to other sectors are absorbed into public education. Also, Government officials tasked with monitoring and enforcing RTE compliance are diverted from other governance functions.

This reallocation of human capital represents a tangible opportunity cost in terms of foregone productivity in other sectors.

Economic Opportunity Costs for Families

The RTE Act has direct financial consequences for low-income families who depend on child labour as a source of additional money, even if its goal is to provide universal education.

Income Loss: When children must attend school full-time, families who rely on their employment will see a decrease in household income. Even if education has long-term advantages, the temporary wage loss might make poverty worse and put a pressure on household resources.

Alternative Skill Development: The RTE Act's emphasis on formal education may restrict children's access to apprenticeships and traditional knowledge systems as means of acquiring practical skills. Families and communities may have benefited economically right away from these alternate routes.

This highlights a socio-economic trade-off between long-term educational gains and immediate livelihood needs.

Foregone Investments in Other Social Sectors

The prioritization of education under the RTE Act often comes at the expense of other social welfare programs.

Competing Welfare Programs: Resources allocated to education might otherwise have been used to expand healthcare services, improve sanitation facilities, or fund nutrition programs like mid-day meals for non-school-going children.

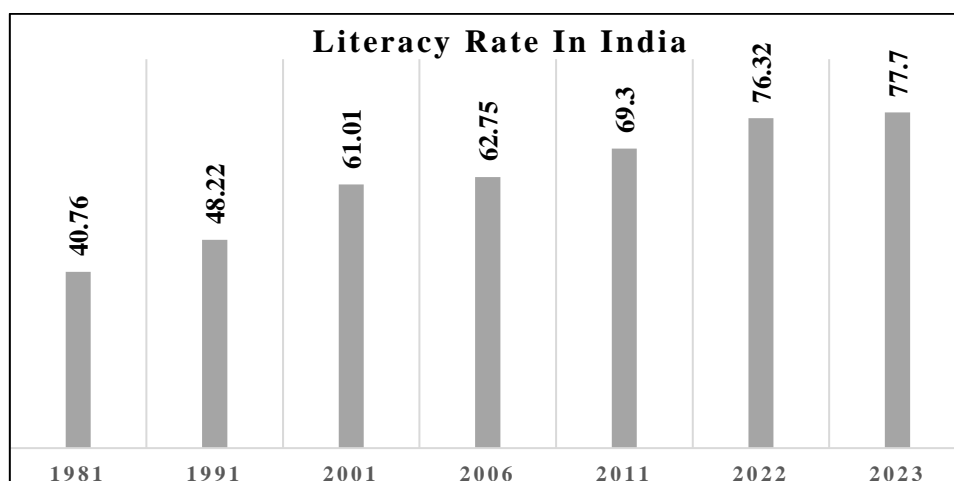
Poverty Alleviation Programs: Economically disadvantaged groups may have received quick assistance through employment guarantee programs or direct cash transfers. The emphasis on education takes money away from these other methods of reducing poverty.

This trade-off illustrates how resource allocation decisions can influence broader social outcomes beyond education.

BENEFITS

The economic benefits of no-cost and mandatory education for children upto fourteen years, include high earnings for individuals. It facilitates higher educational attainment, leading to increased lifetime earnings for individuals. Education equips students with the skills necessary to secure better-paying jobs, thereby enhancing their economic prospects. A more educated workforce results in higher productivity. The knowledge and skills acquired through education foster innovation and efficiency. Free education would also reduce unemployment rates. Educated individuals are better equipped to find and retain employment, decreasing the financial burden on social welfare systems and increasing tax revenues.

CHART 3 - Literacy Rate in India from 1981 to 2022 (percentage)³⁶



From the above graph, it can be seen that the literacy rate improved tremendously between 2006 and 2011, by almost 7 percentage points, despite not increasing much between 2001 and 2006. It may be attributed to government intervention through the RTE Act. Higher literacy rates lead to greater job opportunities, reducing unemployment and driving economic growth.

Among the social benefits of the RTE Act is a reduced rate of crime. Educated individuals, with higher earnings, have less incentive to commit crimes for sustenance. Education also promotes social values and ethics, reducing the likelihood of individuals engaging in criminal activities and subsequently lowering law enforcement and incarceration costs. Furthermore, there are more opportunities for upward social mobility by ensuring that children from all

³⁶ THE GLOBAL ECONOMY, India: Literacy Rate, https://www.theglobaleconomy.com/India/Literacy_rate/ (last visited Dec. 1, 2024).

socio-economic backgrounds receive quality education. This helps bridge the gap between different social strata, promoting a more equitable society.

LIMITATIONS

While it is theoretically possible to separate the economic implications of education from its other attributes, in practice, this division is problematic. Economists often assume that they can study the economic aspects of education in isolation and leave other aspects to be integrated at the policy level by specialists. However, this approach overlooks the inherent interconnectedness of economic and cultural dimensions of education.

The problem is that education simultaneously influences economic and "extra-economic" characteristics and these changes are inseparable from the individual undergoing the education. For example, while an educated person can sell the benefits of their education (like increased earnings), they cannot sell the education itself, which has a metaphysical rather than a financial value.³⁷

Moreover, it is difficult to quantify various costs and benefits of free education. This study is limited to analysing the government expenditure on elementary education and data gathered from government reports. In the absence of quantifiable data on the exact costs of implementing free education, a cost benefit analysis becomes difficult to achieve. However, the study provides an estimate of the various costs associated. The social benefits of free education cannot be measured - as a welfare legislation, the RTE Act simply aims to foster a more equitable society.

4.2. GAME THEORY

Game theory is a tool used to analyse how different entities behave and employ strategies to decide the outcome, where the result is dependent on their decisions. It is a framework to study competitive situations, where different bodies employ conflicting, or cooperative strategies to decide the outcome.³⁸ It can be applied to various real-world scenarios, including business negotiations and political outcomes.

³⁷ J. Wiseman, *Cost-Benefit Analysis in Education*, 32(1) SOUTHERN ECONOMIC JOURNAL, 1–12 (1965).

³⁸ Frank C. Zagare, *Game Theory: Concepts and Applications*, 41, Quantitative Applications in the Social Sciences, Sage Publications (1998).

In a typical game, each player has a set of strategies they can choose from and the outcome of the game is determined by the combination of strategies chosen by all players. The goal is often to find the best strategy for each player, considering the possible strategies of others. The game may be represented in a normal form or a matrix form.

Nash equilibrium

Named after John Nash, the Nash equilibrium depicts a situation where both the players are assumed to know the strategies of the other and neither changes their strategy unilaterally.³⁹ Each player's decision is optimal given the decisions of others. It represents a stable state of the game, where players have no incentive to deviate from their current strategies because doing so would not benefit them. For example, in a competitive business scenario, two companies may reach a Nash equilibrium where both set their prices at a level that, given the pricing strategy of the other, neither can improve their profit by altering their own price.

THE GAME

PLAYERS

Let us apply the game theory to a two-player system. In the education sector, the most important stakeholders are private schools and the government. The government is responsible for creating and enforcing the RTE Act. It has to subsidize education for disadvantaged groups. Private schools are required by law to reserve a certain percentage of seats for children from disadvantaged groups. Here, public schools may be considered as an extension of the government in its regulatory role.

STRATEGIES

The government has the option to either subsidise or not subsidise the private schools. According to S.12 of the RTE Act,⁴⁰ the schools providing free education are to be reimbursed their expenditure either to the extent of the per-child expenditure, or the fees charged to a

³⁹ *Nash Equilibrium*, SCIENCE DIRECT, <https://www.sciencedirect.com/topics/computer-science/nash-equilibrium> (last visited Dec. 7, 2024).

⁴⁰ Right of Children to Free and Compulsory Education Act, 2009, § 12, No. 35, Acts of Parliament, 2009 (India).

student, whichever is less. Clearly, the government has the choice of either reimbursing the fee, or not reimbursing it. Meanwhile, the private schools also have the option to either comply with the Act, or not to comply with it.

PAY-OFFS

The following matrix shows a representation of the outcomes of the choices made by the players. This includes four scenarios. Firstly, the government would provide full subsidy to the private schools and the schools, in turn, the schools would comply with the Act. This would provide each with the maximum utility. The government achieves its goal of equitable education by providing subsidies and schools comply which means high payoff for the government. Schools benefit from subsidies and avoid penalties, ensuring compliance.

The second scenario is where the private schools fail to comply and yet the government provides them subsidy. Schools gain short-term financial benefits by avoiding compliance but face potential risks, leading to a moderate payoff, while the government provides subsidies but fails to achieve the goal.

Third, if the government does not provide any subsidy and yet the schools comply with the law for reservations, the government gets greater utility by saving resources and using them elsewhere. It achieves some level of compliance, though not through financial support. The schools comply without subsidies, leading to moderate benefits but without government financial assistance.

Lastly, in a scenario where the government did not provide subsidy and yet schools complied with the act, the government neither provides subsidies nor achieves compliance, but saves on financial costs, meaning low to moderate payoff for the government. Schools also do not comply and do not receive subsidies, leading to a low payoff due to potential penalties or reputational damage.

TABLE 4: *Payoff Matrix*

Private Schools		Comply	Not comply
Government			

Subsidy	If both the government and private schools comply with the RTE Act, both benefit through increase in voter satisfaction and increase in reputation, respectively.	If the government provides subsidy but the schools do not comply, the schools benefit only marginally by saving on expenditure, while the government loses out by providing free subsidy.
No subsidy	The government does not provide subsidy, thus saves on expenditure, while the private schools lose out by not getting reimbursed, but gain benefits through higher reputation.	Both the government and private schools do not comply. Private schools lose reputation and the government gains marginally by saving on expenditure, which it may employ elsewhere.

Here, the best possible option for both the government and private schools is to comply with the Act. In such a case, where both players know about the strategies of the other and do not change their strategy unilaterally, both the government and the schools would choose the first scenario. Even if the private schools defect by not complying, the benefit is minimal, and even if the government does not provide subsidy, the private schools may obtain certain benefits by complying, regardless of higher expenses, such as better reputation. Thus, the Nash equilibrium scenario for both players is complying with the Act.

PARETO EFFICIENCY

A choice is said to be Pareto efficient when there exists no other alternative where one player can be better off without making the other one worse off. An outcome where one player can be better off without making the other worse off is said to be Pareto sub-optimal, or Pareto inefficient.⁴¹ Clearly, the optimal choice in this game is where both the government and private schools comply with the Act, making it the Pareto efficient choice.

GAME V. REALITY

⁴¹ INVESTOPEDIA, Pareto Efficiency, <https://www.investopedia.com/terms/p/pareto-efficiency.asp> (last visited Dec. 3, 2024).

TABLE 5: *Game v. Reality*

Scenario	Outcome	Chosen (Yes/No)
Best Strategy (Government provides subsidies and private schools comply)	<i>Equitable education is achieved, schools gain reputation and financial support; government fulfils its mandate efficiently.</i>	No
Reality (Government subsidies are inconsistent and private schools fail to fully comply)	<i>Subsidy delays strain schools, partial compliance leads to unequal access, reputational risks arise, policy goals are undermined, burden on parents.</i>	Yes

In best possible scenario, the game theory suggests that the best strategy for government as well as private schools must be provision of subsidies by the government and conformation of schools with RTE Act. Therefore, in this pareto optimal scenario, it would lead to a balanced scenario of education, more financial assistance, reputation for schools and effective achievement of policy objectives by the government.

In reality, the choices made by the players have led to an outcome that is suboptimal. The state has time and again failed to provide subsidies on time⁴², leaving private educational institutes in monetary strain.⁴³ Many schools in Nagpur are collecting fees to students accepted under RTE Act as a result of government payment delays. While RTE requires free entry for these kids, several institutions charge up to 10% of their costs, alleging nonpayment of subsidies, leading to financial burden on parents.⁴⁴

Private schools have failed to fully comply with the guidelines of the RTE Act, leading to unequal access to good quality education, especially for the marginalized section. This lack of compliance puts schools at risk of reputational loss and denies the policy the full potential it is capable of. In the very state that stood as the respondent in the judgement that affirmed RTE

⁴² *RTE Admissions Open, But Funding Delays Spark Concerns*, TIMES OF INDIA (Apr. 24, 2024, 10:08 AM), <https://timesofindia.indiatimes.com/city/chennai/rte-admissions-open-but-funding-delays-spark-concerns/articleshow/109544035.cms>.

⁴³ *Reimbursements Under RTE Section 12(2): Too Little, Too Late*, CENTRE FOR CIVIL SOCIETY, <https://ccs.in/reimbursements-under-rte-section-122-too-little-too-late> (Dec. 12, 2024, 10:05 PM).

⁴⁴ *Delayed State Payments, Schools Collecting Fees from RTE Students*, TIMES OF INDIA (Dec. 12, 2024, 10:16 PM), <https://timesofindia.indiatimes.com/city/nagpur/delayed-state-payments-schools-collecting-fees-from-rte-students/articleshow/104145560.cms>.

as a fundamental right, there is major noncompliance of the act by private schools. Private schools in Andhra Pradesh are violating the RTE Act by not giving 25% of seats to weaker sections of society, despite orders from the Supreme Court and the state government.⁴⁵

Resulting from this, the resources and opportunities that could have been channelled towards improving educational equity are not fully optimized, leading to a system where the benefits for both parties are less than what could have been achieved through mutual cooperation.

LIMITATIONS

Although this study sought to apply game theory to the working of the RTE Act, this model suffers from certain limitations. Firstly, game theory operates on certain assumptions, such as perfect information and rationality. However, in the education sector, there are different factors that come into play, such as emotional reasons and the welfare motive of the government. Further, the entire framework involves multiple players, such as parents, students, etc., apart from the government and the private schools. The payoffs that each player receives also cannot be quantified as they are often subjective. This includes the benefits of compliance with the Act, quality of education and social outcomes. Lastly, real-world policies are influenced by external factors such as political pressures, economic conditions and cultural values that the model may not fully integrate.

Case study: Delhi

The reimbursement provided for the EWS quota is one of the highest in Delhi, ranging from Rs. 26,708 to Rs. 26,908 in 2019.⁴⁶ The details of the amount reimbursed to Private unaided schools in Delhi during the years 2017-18 and 2018-19 are given in the figure under this section.⁴⁷

⁴⁵ *Free Provision of Right to Education Act Ignored in AP's Private Schools*, THE NEW INDIAN EXPRESS (Mar. 9, 2024, 09:08 AM), <https://www.newindianexpress.com/states/andhra-pradesh/2024/Mar/09/free-provision-of-right-to-edu-act-ignored-in-aps-private-schools>.

⁴⁶ Shradha Chettri, *Delhi: RTE Reimbursements elude many private schools*, TIMES OF INDIA (Oct. 12, 2019, 10:04 AM) <https://timesofindia.indiatimes.com/city/delhi/rte-reimbursements-elude-many-pvt-schools/articleshow/71588025.cms>.

⁴⁷ Samagra Siksha, *Reimbursement towards Expenditure Incurred for 25% of Admission under 12 (1) RTE Act*, EDUCATION DEPARTMENT GOVT. OF NCT OF DELHI (Oct. 12, 2019, 10:19 AM) <https://www.edudel.nic.in/samagrashiksha/content/reimbursement.pdf>.

Despite this, there exist various problems in implementation. Of the 13 districts, two of them did not receive any reimbursement in the year 2019. Delay in the process also disincentivises the schools from providing EWS quota. Thus, the reimbursement process must be streamlined to ensure compliance, by providing the funds within the academic year itself.

TABLE 6:

Year	Reimbursement done for Nursery Classes			Reimbursement done for Class-I and above			Total Amount Reimbursed (In Rs.)
	No. of Schools	No. of children	Amount Reimbursement (In Rs.)	No. of Schools	No. of children	Amount Reimbursement (In Rs.)	
2017-18	1155	30948	17,75,20,310	1155	93657	53,72,24,365	71,47,44,675
2018-19	1512	36672	12,62,50,567	1512	121570	61,74,32,413	80,36,82,980

5. GLOBAL BEST PRACTICES

“Article 26 of the Universal Declaration of Human Rights”⁴⁸ endorses free elementary education. Around 152 countries all over the world guarantee the right to education.⁴⁹ 135 countries⁵⁰ have constitutional provisions for universal education, including South Africa, Brazil and Kenya. Several countries have enacted laws similar to India’s RTE Act that mandate no-cost and mandatory education for all children. Primary education is of zero cost and mandatory in 90% of the nations that have ratified the Convention on the Rights of Child.⁵¹

⁴⁸ Universal Declaration of Human Rights art. 26, Dec. 10, 1948, G.A. Res. 217A, U.N. GAOR, 3d Sess., U.N. Doc. A/810.

⁴⁹ Debosmita Sarkar, *Beyond the Preamble: Measuring up the right to education in practice*, OBSERVER RESEARCH FOUNDATION (Aug. 1, 2024, 10:09 AM), <https://www.orfonline.org/expert-speak/beyond-the-preamble-measuring-up-the-right-to-education-in-practice#:~:text=Currently%2C%20as%20many%20as%20152,constitutional%20provisions%20for%20educational%20rights.>

⁵⁰ UNESCO, *Education For All Global Monitoring Report 2010 - Reaching the marginalized*, BPI/EPP/2010/PI/60M/02 (2010).

⁵¹ Jody Heymann, *Children’s right to education: Where does the world stand*, RIGHT TO EDUCATION (Aug. 2, 2024, 11:09 AM), <https://www.right-to-education.org/blog/children-s-right-education-where-does-world-stand.>

According to the Compulsory Education Act, primary education is free in Singapore for all the citizens.

It is also observed that countries vary widely in actual implementation of the principle. Although there are no constitutional provisions for education, Germany provides free and mandatory education at the primary and secondary levels. Germany is known for its tuition-free public universities. Public universities do not charge tuition fees for undergraduate programs for both domestic and international students. This policy has been in place to promote equal access to higher education based on academic qualifications rather than financial means. The cost of education at public institutions in Germany is largely covered by federal and state governments through tax revenues.

In Finland, education is free at every level, from pre-primary through higher education, with no tuition fees required. The only exception might be higher education, which could involve fees in certain instances. Overall, education in Finland is funded by public sources at all stages, with private funding making up just 2.6% of total expenditure⁵². In basic education, school materials, meals and transportation are provided at no cost. However, in upper secondary education, students are responsible for paying for their books and transportation. Additionally, there is a robust system of study grants and loans available. Financial aid can be granted for full-time studies in both upper secondary and higher education.⁵³

For India, integrating such economically sound practices could enhance the efficiency and effectiveness of its education system which may lead to significant improvements in both educational outcomes and economic development. By analysing these global models, India can better understand how to optimize its educational investments to maximize societal and economic returns.

⁵² *Funding in Education*, EURYDICE (Aug. 3, 2024, 11:45 PM), <https://eurydice.eacea.ec.europa.eu/national-education-systems/finland/funding-education#:~:text=In%20Finland%2C%20education%20is%20free,have%20fees%20in%20some%20cases>.

⁵³ *Introduction to Finland Education*, COUNCIL FOR CREATIVE EDUCATION (Aug. 4, 2024, 12:34 PM), <https://www.ccefinland.org/introductiontofinlandeducation>.

6. LEGAL PRECEDENTS

A Legal precedent is a court ruling that serves as an authority for resolving future cases.

State of Madras v. Champakam Dorairajan⁵⁴

In this instance, the argument focused on the legality of a Madras communal government order that established caste-based admissions quotas for schools. This order prevented Champakam Dorairajan, an upper-caste lady, from being admitted to medical school. The Madras High Court declared the decision illegal, citing the supremacy of Fundamental Rights above DPSP. This decision emphasized equality and non-discrimination in education, invalidating the order under Art. 13⁵⁵ of the Constitution.

Bandhua Mukti Morcha v. Union of India⁵⁶

The SC in this case addressed a petition from a social organization under Art. 32⁵⁷ regarding inhumane conditions for bonded labourers in mines. The Court affirmed the organization's locus standi, emphasizing that procedural laws are secondary to substantive rights. It ordered the release of labourers, emphasized the significance of PILs in addressing human rights breaches and concluded that the ability to live in dignity is a fundamental right guaranteed by the Constitution.

Maneka Gandhi v Union of India⁵⁸

In this landmark case, the SC ruled that a certain section of the Passport Act⁵⁹ was void as it violated Articles 14⁶⁰ and 21⁶¹ of the Indian Constitution. The court held that the provision was vague, did not provide an opportunity to be heard and failed to follow fair procedure. The ruling highlighted the need for a fair, reasonable and equitable legal process. This decision highlighted the connections between Articles 14, 19⁶² and 21 by extending the reach of Art. 21.

⁵⁴ State of Madras v. Champakam Dorairajan, AIR 1951 SC 226.

⁵⁵ INDIA CONST. art. 13.

⁵⁶ Bandhua Mukti Morcha v. Union of India, AIR 1984 SC 802.

⁵⁷ INDIA CONST. art. 32.

⁵⁸ Maneka Gandhi v Union of India, AIR 1978 SC 597.

⁵⁹ Passports Act, 1967, No. 15, Acts of Parliament, 1967 (India).

⁶⁰ INDIA CONST. art. 14.

⁶¹ INDIA CONST. art. 21.

⁶² INDIA CONST. art. 19.

7. PUBLIC POLICY CONSIDERATIONS

Public policy considerations are crucial in forming a society's legal framework. They guide lawmakers in balancing individual rights with the broader interests of the community. Public policy considerations that influenced the court's decision and their economic rationale in this case⁶³ are –

- Affidavit filed by the Union of India highlights the status of primary education in India, emphasizing the constitutional directive for free and compulsory education up to age 14. Government policies such as the 6th and 7th Five Year Plans and the National Policy on Education, 1986, underscore the need for universal enrolment. The number of primary and upper primary schools increased significantly from 1950-51 to 1990-91, alongside a rise in the number of teachers and student enrolment rates. By the 1990s, 94% of India's population had access to primary schools within a 1 km distance.

With the exception of private unaided schools, which make up 3.7% of all primary schools, all state governments have eliminated tuition prices for both government and private aided schools, making education essentially free. The state does not, however, pay for extra expenses like textbooks, uniforms, or transportation, with the exception of grants given to kids from low-income families or members of Scheduled Castes or Scheduled Tribes. The fact that salaries for teaching and non-teaching staff account for 96% of primary education spending presents a significant budgetary hurdle. There is not much left over for additional schooling costs.

Compulsory education laws exist in 14 states and 4 union territories, but socioeconomic barriers prevent effective enforcement. Despite these challenges, the expansion of schools and increased enrolment in the 1980s has brought enrolment rates close to 100% at the primary level. In light of this, it may be said that everyone has the fundamental RTE up to the age of fourteen, which is essential for social justice and nation-building.

- The resolution from the 48th All India Medical Conference underscores significant public policy concerns regarding unrecognized medical colleges charging high capitation fees without proper infrastructure or qualified staff. This practice, opposed by the Medical Council of India, necessitates stringent government action and denial of recognition by regulatory bodies. However, it is acknowledged that some private institutions maintain high educational standards

⁶³ Unni Krishnan, J.P. v. State of A.P., (1993) 1 SCC 645.

and require encouragement. Stricter regulatory measures are needed to stop the commercialization of education and guarantee that private schools provide the bare minimum of infrastructure and standards. Admissions should be based on merit, with reservations for disadvantaged groups and the process should be transparent and objective. The Apex Court's directive in *Suman Gupta v. State of J & K* reinforces the need for merit-based selection in medical colleges. Economically, this approach mirrors the principle that public utilities must not prioritize profit over service but should still operate on sound economic principles.

8. CONCLUSION

The Unni Krishnan case and the subsequent "*Right to Free and Compulsory Education (RTE) Act of 2009*" have profound fiscal and socio-economic implications. After the Supreme Court ruled that education is a fundamental right under Article 21, the government committed significant resources to teacher training, school infrastructure and educational resources. While the financial outlay mandated by the RTE Act is considerable, the long-term benefits far outweigh the costs. Investing in education boosts human capital, fostering a skilled and productive workforce that drives economic growth. Game theory has been used to model the strategic interactions between government and private schools, helping identify optimal strategies concerning subsidies and compliance with reservation norms.

The government must bridge the gap between policy and reality by ensuring timely subsidies, incentivizing compliance and penalizing violations under the RTE Act. Investment in education, especially in teacher training, digital infrastructure and school facilities, is essential for ensuring equitable access. Transparency and efficiency can be achieved through the strengthening of public-private partnerships and the digitisation of compliance monitoring. Ultimately, the Unni Krishnan case and the RTE Act have laid a foundation for economic progress by emphasizing educational equity as a key driver of sustainable development in India. However turning these principles into evident outcomes is the true difficulty. Strategic implementation and collective efforts are required to realise the vision behind the Unnikrishnan judgement.

REFERENCES

- Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983, No. 5, Acts of Andhra Pradesh State Legislature, 1983 (India).
- Bandhua Mukti Morcha v. Union of India, AIR 1984 SC 802.
- Constitution (Eighty-sixth Amendment) Act, 2002, No. 92, Acts of Parliament, 2002 (India).
- Debosmita Sarkar, *Beyond the Preamble: Measuring up the right to education in practice*, OBSERVER RESEARCH FOUNDATION (Aug. 1, 2024, 10:09 AM), <https://www.orfonline.org/expert-speak/beyond-the-preamble-measuring-up-the-right-to-education-in-practice#:~:text=Currently%2C%20as%20many%20as%20152,constitutional%20provisions%20for%20educational%20rights.>
- *Delayed State Payments, Schools Collecting Fees from RTE Students*, TIMES OF INDIA (Dec. 12, 2024, 10:16 PM), <https://timesofindia.indiatimes.com/city/nagpur/delayed-state-payments-schools-collecting-fees-from-rte-students/articleshow/104145560.cms>.
- *Demand for Grants 2024-25 Analysis: Education*, PRS LEGISLATIVE RESEARCH, (Dec. 12, 2024, 10:04 AM), https://prsindia.org/files/budget/budget_parliament/2024/DFG_2024-25_Analysis_Education.pdf.
- DIKSHA, Ministry of Education, India, <https://diksha.gov.in/> (last visited Dec. 9, 2024).
- Frank C. Zagare, *Game Theory: Concepts and Applications*, 41, Quantitative Applications in the Social Sciences, Sage Publications (1998).
- *Free Provision of Right to Education Act Ignored in AP's Private Schools*, THE NEW INDIAN EXPRESS (Mar. 9, 2024, 09:08 AM), <https://www.newindianexpress.com/states/andhra-pradesh/2024/Mar/09/free-provision-of-right-to-edu-act-ignored-in-aps-private-schools>.
- *Funding in Education*, EURYDICE (Aug. 3, 2024, 11:45 PM), <https://eurydice.eacea.ec.europa.eu/national-education-systems/finland/funding-education#:~:text=In%20Finland%2C%20education%20is%20free,have%20fees%20in%20some%20cases.>
- INDIA CONST.
- *India to become third largest economy with GDP of \$5 trillion in three years: Finance Ministry*, THE HINDU (Jan. 29, 2024, 10:34 AM) <https://www.thehindu.com/business/Economy/india-to-become-third-largest-economy-with-gdp-of-5-trillion-in-three-years-finance-ministry/article67788662.ece>.

- *Introduction to Finland Education*, COUNCIL FOR CREATIVE EDUCATION (Aug. 4, 2024, 12:34 PM), <https://www.ccefinland.org/introductiontofinlandeducation>.
- INVESTOPEDIA, Pareto Efficiency, <https://www.investopedia.com/terms/p/pareto-efficiency.asp> (last visited Dec. 3, 2024).
- J. Wiseman, *Cost-Benefit Analysis in Education*, 32(1) SOUTHERN ECONOMIC JOURNAL, 1–12 (1965).
- Jejeebhoy, S., *Female Literacy in India: The Situation in 1991*, 37(3) THE JOURNAL OF FAMILY WELFARE, 23-34 (1991).
- Jody Heymann, *Children's right to education: Where does the world stand*, RIGHT TO EDUCATION (Aug. 2, 2024, 11:09 AM), <https://www.right-to-education.org/blog/children-s-right-education-where-does-world-stand>.
- Kothari Commission, Report of the Education Commission (1964-66), Ministry of Education, India, <http://www.academics-india.com/Kothari%20Commission%20Report.pdf> (last visited Dec. 6, 2024).
- Maneka Gandhi v Union of India, AIR 1978 SC 597.
- Ministry of Education, *Analysis of Budgeted Expenditure on Education: 2018-19 to 2020-21*, 2022, (Dec. 09, 2024, 09:03 AM) https://www.education.gov.in/sites/upload_files/mhrd/files/statistics-new/budget_exp.pdf.
- Ministry of Education, *Analysis of Budgeted Expenditure on Education: 2018-19 to 2020-21*, 2022, (Dec. 09, 2024, 09:03 AM) https://www.education.gov.in/sites/upload_files/mhrd/files/statistics-new/budget_exp.pdf.
- Ministry of Finance, *Demand No. 26, Expenditure Budget 2024-25*, 2024, (Dec. 10, 2024, 12:09 PM) [https://www.indiabudget.gov.in/budget2024-25\(I\)/doc/eb/sbe26.pdf](https://www.indiabudget.gov.in/budget2024-25(I)/doc/eb/sbe26.pdf).
- Miss Mohini Jain v State of Karnataka, AIR 1992 SC 1858.
- *Nash Equilibrium*, SCIENCEDIRECT, <https://www.sciencedirect.com/topics/computer-science/nash-equilibrium> (last visited Dec. 7, 2024).
- NATIONAL POLICY ON EDUCATION, 1986, https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/npe.pdf (last visited Nov. 30, 2024).
- Nilangni Bansal, *Impact of Education Policy on India's GDP Growth: Strengthening the Foundation for a Thriving Nation*, INVEST INDIA (Oct. 26, 2023, 11:09 AM) <https://www.investindia.gov.in/team-india-blogs/impact-education-policy-indias-gdp-growth-strengthening-foundation-thriving-nation>.

- Passports Act, 1967, No. 15, Acts of Parliament, 1967 (India).
- PM EVIDYA, Ministry of Education, India, <https://pmevidya.education.gov.in/> (last visited Dec. 9, 2024).
- *Reimbursements Under RTE Section 12(2): Too Little, Too Late*, CENTRE FOR CIVIL SOCIETY, <https://ccs.in/reimbursements-under-rte-section-122-too-little-too-late> (Dec. 12, 2024, 10:05 PM).
- Right of Children to Free and Compulsory Education Act, 2009, No. 35, Acts of Parliament, 2009 (India).
- *RTE Admissions Open, But Funding Delays Spark Concerns*, TIMES OF INDIA (Apr. 24, 2024, 10:08 AM), <https://timesofindia.indiatimes.com/city/chennai/rte-admissions-open-but-funding-delays-spark-concerns/articleshow/109544035.cms>.
- Ruth Brooks, *What is the relationship between education and the economy?*, NORTH WALES MANAGEMENT SCHOOL (Feb. 20, 2023, 9:30 PM) [https://online.wrexham.ac.uk/what-is-the-relationship-between-education-and-the-economy/#:~:text=Education%20is%20intrinsically%20linked%20to,gross%20domestic%20product%20\(GDP\)](https://online.wrexham.ac.uk/what-is-the-relationship-between-education-and-the-economy/#:~:text=Education%20is%20intrinsically%20linked%20to,gross%20domestic%20product%20(GDP).).
- Samagra Siksha, *Reimbursement towards Expenditure Incurred for 25% of Admission under 12 (1) RTE Act*, EDUCATION DEPARTMENT GOVT. OF NCT OF DELHI (Oct. 12, 2019, 10:19 AM) <https://www.edudel.nic.in/samagrashiksha/content/reimbursement.pdf>.
- Scott, J., *Understanding contemporary society: Theories of the present*, Rational choice theory 129, 126-138 (2000).
- Shradha Chettri, *Delhi: RTE Reimbursements elude many private schools*, TIMES OF INDIA (Oct. 12, 2019, 10:04 AM) <https://timesofindia.indiatimes.com/city/delhi/rte-reimbursements-elude-many-pvt-schools/articleshow/71588025.cms>.
- *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226.
- SWAYAM, Ministry of Education, India, <https://swayam.gov.in/> (last visited Dec. 9, 2024).
- THE GLOBAL ECONOMY, India: Literacy Rate, https://www.theglobaleconomy.com/India/Literacy_rate/ (last visited Dec. 1, 2024).
- *The Impact of Education Policy on India's GDP Growth: Strengthening the Foundation for a Thriving Nation*, INVEST INDIA (Dec. 7, 2024, 10:18 AM), <https://www.investindia.gov.in/team-india-blogs/impact-education-policy-indias-gdp-growth-strengthening-foundation-thriving->

[nation#:~:text=GER%20in%20higher%20secondary%20has,increase%20in%20access%20to%20education.](#)

- *Top 10 Largest Economies in the World*, FORBES INDIA (Nov. 29, 2024, 10:45 AM), <https://www.forbesindia.com/article/explainers/top-10-largest-economies-in-the-world/86159/1>.
- UNESCO Institute for Statistics, *Government expenditure on education, total (% of GDP)-India*, WORLD BANK GROUP (Apr. 24, 2024, 12:09 PM) <https://data.worldbank.org/indicator/SE.XPD.TOTL.GD.ZS?end=2021&locations=IN&start=2001&view=chart>.
- UNESCO, *Education For All Global Monitoring Report 2010 - Reaching the marginalized*, BPI/EPP/2010/PI/60M/02 (2010).
- Universal Declaration of Human Rights art. 26, Dec. 10, 1948, G.A. Res. 217A, U.N. GAOR, 3d Sess., U.N. Doc. A/810.
- University Grants Commission Act, 1956, No. 3, Acts of Parliament, 1956 (India).
- Unni Krishnan, J.P. v. State of A.P., (1993) 1 SCC 645.