Breaking the Barrier: Universality, Inclusiveness and EWS Reservation in Private (Public) Schools

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INTRODUCTION

Education has been an immensely powerful instrument of social change and development of human civilization. Therefore, one of the primary objectives of every society (State) is to make education available to its members universally without any discrimination on the basis of race, religion, caste, gender and economic status. Over the years, education has emerged as a basic human right in all democratic and progressive societies of the world. Since the adoption of democratic constitution, education has been one of the major priorities of the Government of India. However, despite various educational policies implemented under different five-year plans till date, around one-third of India’s population is still illiterate.

The most striking feature of the Indian education is that people belonging to economically and socially weaker sections of the society constitute majority among the illiterates. These people are either deprived of education or have access to only to substandard education in the ill-equipped and poorly maintained government schools. The reason for this can substantially be rooted in the ways in which our school education has developed. Most unfortunately school education reflects the class and caste character of Indian society. Schools, the most fundamental agents of socialization, ironically are based on the principle of social exclusion rather than spreading the ideas of equality, justice and social inclusiveness. Gradually, over the years, schools in terms of the quality of education are broadly divided into two categories- one that caters to the upper class, caste and elite sections and the other that is available only to the marginalized and deprived sections of the society.

In the light of the above scenario, Right to Education Act, 2009 came as a historic step to make education free, compulsory and universal. Besides this one of the primary objectives of the Act is to make education equal and inclusive by making it available to the children belonging to all class, caste and community. In order to address the educational needs of the Economically Weaker Sections (EWS) of the society, 25 per cent of seats under this Act were reserved for the children belonging to these sections in public schools (private Schools) across the country. Though the above provision of reservation is a noble idea, but its implementation has emerged as a great challenge because of the hindrances that come from the established elite structure of the society and particularly from these public/private schools.

This paper, which is based on the findings of a study undertaken by us under the innovation research scheme of the University of Delhi, intends to make a study of various socio-economic and administrative factors that come as hindrances in the process of implementation of the above provisions of the Act in Delhi. The elitist and insensitive approach of public schools, apathy and lack of administrative will and ignorance and various socio-economic disabilities of the economically weaker sections of the society defeat the purpose of developing an inclusive policy and practice of education. A moderate attempt has been made in the paper to prepare a comprehensive policy guideline that would help both

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ABSTRACT

Education, though considered as the backbone of every modern civilised society, is one of the most neglected areas in the post-colonial countries including India. The irony of the school education in our society is that unlike the developed countries it is not accessible uniformly and universally to all sections. The growth of private (public) schools and subsequent decline of the quality of government schools in last few decades has created a strong divide in the schooling system. People belonging to economically and socially weaker sections of the society have no access to the private (public) schools; most of which, though not all are considered better in terms of quality of education. The former emerged as a school of elite and upper classes while the latter as a school of poor and under-privileged sections of the society. This type of division that reflects the class character of schools violates the fundamental values of education and cardinal principles of ‘Rights to Education’. However, the provision of reservation of 25 % of seats for economically weaker sections (EWS) in public schools or private unaided schools across the country under the Rights of Child to free and Compulsory Education Act, 2009 (RTE Act) has created a ray of hope for the EWS to get their children educated in such schools. This paper is an attempt to evaluate the implementation of this provision and critically examine its potency towards promoting inclusive and uniform school education in India. The paper concludes that, the said provision is a step in the right direction in achieving the above objectives, but lots need to be done at the school administration level to develop a culture of inclusive education.
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THE CLASS CHARACTER OF INDIAN SCHOOL EDUCATION

The values of equality, social justice and democracy and the creation of a just and human society can be achieved only through provision of inclusive elementary education to all. One of the fundamental rights under the broad spectrum of ‘rights to life’ in Indian constitution is ‘rights to education’. However Indian state has failed till date to achieve its constitutional obligations of providing education to all its citizens. Contrary to the basic objectives of our constitution, the socio-economically weaker sections of society are always deprived of the opportunities to have education. The Rights to Education Act of 2009 is a significant step by the government of India in the direction of making education universal and compulsory up to the age of 14 years for all sections of the society. This Act besides making education a ‘fundamental right’ through constitutional amendment contains number of measures to make education accessible to all irrespective of caste, class, gender, religion and community.

The greatest disadvantage that is associated with the Indian school education is that it is not uniform and universally available to all section of the society. The Delhi High Court in its recent decision on the elite Sanskriti School in 6th November, 2015 said that the objective of any school should be to root the divides in society. It also said that a common school system rejected “uni-cultural regimentation or mono-cultural domination”. In the Indian context, where forging of a nation is at a greater stake, the circle of citizens has to be broadened and the children of whatever parentage to be made of one blood and educated to be one harmonious people. However ironically Schools today are sharply divided into two categories- one that is popularly known as ‘Public Schools’ and the other is the ‘Government Schools’. Ironically the standard of education is better in public schools in comparison to government schools and secondly these schools are considered to be better place for the all round development of the children because of the availability of better facilities and English as a medium of instruction.

However, unfortunately these schools are only accessible to the middle and higher class people of the society because of their high fee structure and most importantly their elitist character that they been inherited from the British colonial time. The Delhi High Court in the above-mentioned case said “privileged who can afford to buy education, have access to the high-quality elite schools, while the poor and the marginalized are left to wallow in ill-equipped (government) schools”. The common man particularity the economically and socially backward people of Indian society are deprived of sending their children to such so called ‘high class schools’. This reflects the class character of the India democratic state which intends to promote equality and social justice.

EWS RESERVATION UNDER RTE ACT

The recently implemented Rights of Child to free and Compulsory Education Act, 2009 (RTE Act) has created a ray of hope for the EWS to get their children educated in such schools through the provision of reservation of 25 % of seats for these sections in public schools or private unaided schools across the country. According to Section 6 of the Act every child of the age of six to fourteen years shall have the right to free and compulsory education in a neighborhood school till the completion of elementary education. Elementary education in this Act is referred to education from First class to Eighth class. The objective behind this act is to provide good quality education to children belonging to all sections of the society irrespective of their socio-economic status.

With a purpose to make education inclusive and to provide equal opportunity to children belonging to weaker sections, this Act mandates a minimum of 25% free seats reserved for children belonging to economically weaker sections (EWS) and disadvantaged groups in all private unaided schools. Such schools run by religious and linguistic minorities have been exempted from the purview of the Act.

Child belonging to disadvantaged group refers to “a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economic, geographical, linguistic, gender or such other fact, as may be specified by the appropriate Government” [RTE Act, 2009, Section 2, Clause (d)] while a child belonging to “weaker section” refers to “a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government” [RTE Act, 2009, Section 2, Clause (e)].

Apart from the obligation imposed on private schools to reserve 25 per cent of seats, the Act requires the State government as well as local bodies to make sure that every child between 6 and 14 years of age is admitted in a class appropriate to his age (in order to avoid embarrassment) and provided with special training to cope with the educational standard of the respective level. Section 10 of the Act states that parents are duty-bound to ensure that their children pursue elementary education. The Act also ensures that no capitation fee is collected by the schools and no child is denied admission through screening of parents or due to lack of age proof. Further, Section 28 asserts that no teacher should engage in private tuition or private teaching activity and Section 21 mandates the State government, local bodies and government aided private schools to constitute School Management Committees (SMCs) consisting of representatives of the local authority, parents or guardians of children admitted in such schools, and others, for performing various duties.

The Rights to Education Act demands that all private and unaided schools must:

- Ensure that the child belonging to the weaker section and the child belonging to the disadvantaged group are not discriminated against and also are not prevented from pursuing and completing elementary education on any grounds.
- Provide infrastructure including school building, teaching staff and learning equipment.
- Provide special training facility which has been included in the section 4 of the RTE Act.
- Ensure and monitor admission, attendance and completion of elementary education by every child.
- Ensure good quality elementary education conforming to the standards and norms specified in the schedule.
- Timely ensure the prescribed curriculum and courses of study for elementary education.
- To provide training facility to others.
A CASE STUDY OF DELHI

Delhi has always been at the forefront in the field of school education. Many big and small private (public) schools have developed in Delhi because of many socio-economic and administrative reasons such the paying capacity of people, government support to such schools and decline in the teaching standard of government schools. However, Delhi government has taken a lot of initiatives to implement RTE, 2009 in general and EWS reservation in particular. As a result, we observe strict implementation of EWS scheme in Delhi’s Private schools. Because of the above factors we considered to conduct our research in Delhi.

RESEARCH PROBLEM/HYPOTHESIS/OBJECTIVES

This research project intends to make a study of various socio-economic and administrative factors that come as hindrances in the process of implementation of the above provisions of the Act in Delhi. The elitist and insensitive approach of public schools, apathy and lack of administrative will and ignorance and various socio-economic disabilities of the economically weaker sections of the society defeat the purpose of developing an inclusive policy and practice of education. The primary objective of the project is to prepare a comprehensive policy guideline that would help both government and schools to go in the direction of promoting an inclusive educational system.

Objectives of the study are:

- To evaluate the implementation of the provisions of reservation for the children of EWS in public schools under the Right to Education Act, 2009.
- To examine the policies and practices adopted by the public schools in respect to EWS students.
- To identify the problems faced by the parents of EWS students during the process of admission and schooling.
- To explore the possible socio-psychological impacts of public schools on the children of EWS.
- To identify the problems faced by the school administration in implementing the above provisions under Right to Education Act.
- To suggest appropriate measures to improve the situation in particular and to develop an inclusive education system in general.

METHODOLOGY

The research starts with an attempt to understand the philosophy and system of school education in India by analyzing the ideas, information, and various viewpoints collected from the existing literature, documents and reports. Members of research team, for this purpose, visited various libraries, government offices and institutions including NGOs working in the field of education to collect materials. The team prepared a theoretical framework of the problem after analyzing the data collected from secondary sources.

In the second stage, the members of the research team visited the field that is the Delhi with a purpose to gather some field experience. During these visits researchers had informal discussions with various sections such parents of EWS category students, school teachers, government officials and educational activists and gathered information that helped them understand the problem at the ground level.

The study is primarily based on data collected from the field through empirical methods. Social survey method was adopted in the study. Both method of collecting data through questionnaire and interviews were selectively adopted by the researchers. On the basis of the data and understanding gathered from the secondary sources and primary field visits, the research team prepared two sets of questionnaire—one for the parents of the children belonging to the EWS and one for the teachers teaching those students in the public schools.

Data collected from the primary and secondary sources were analyzed and projected through statistical means such as graphs and tables.

IMPLEMENTATION OF RTE ACT IN DELHI

After Independence, the drive for urban planning placed schools at the centre of all towns-planning measures. Hence, the Master Plan of Delhi in 1969 included the availability of large portions of urban land to build school at extremely subsided rates. Delhi has always been at the forefront in developing inclusive education in schools and has set benchmarks for other states to follow through its land Use Act. Under this Act, schools had the contractual and social responsibility to admit and educate people from marginalized sections in the scheme of free seats. However the experience of Delhi regarding the provision of 10 per cent “free ship seats” for weaker sections under Land Use Act was not very satisfactory. Most of the private schools violated this provision by adopting various tactics and government failed to check it.

Lack of awareness among the EWS regarding this provision was also a major cause behind its half-hearted implementation.

The Government of NCT of Delhi however implemented the Rights to Education Act of 2009 with lots of new directions to private schools with a purpose of its strict enforcement. It issued an order on November 8, 2011 which expanded the definition of disadvantaged groups to include orphans, HIV-affected children, transgendered and children of scavengers. It also defined ‘child belonging to weaker section’ to mean one whose parents or guardians earned less than Rs. one lakh a year. The Government of Delhi in its order titled “Delhi School Education (Free seats for Students belonging to Economically Weaker Sections and Disadvantaged Groups) Order, 2011 specifies:

Weaker Section:

- Parents whose annual income is less than one lakh rupees from all sources
- Who have been staying in Delhi for the last three years

Disadvantaged group:

- Scheduled castes (S.C.)
- Schedule tribes (S.T.)
- Other Backward classes (OBCs) not falling in the creamy layer,
- Child with special needs and suffering from disability as defined in the PWD Act, 1996

Government directions supported by Delhi High Court make it mandatory for private schools to admit EWS category children falling in 1KM distance. To facilitate the smooth implementation of this provision, the Directorate of Education, Govt. of NCT of Delhi has already issued many directives to schools and provides reimbursements for stationery and books (as per their norms) to children enrolled under EWS quota in private schools.

The implementation of this provision of RTE Act is not uniform in the whole country. At a time when even the basic features of this provision have not yet been implemented in many states, Delhi which is a land of many prestigious private schools, has the distinction of implementing it in all most all private unaided schools despite strong and consistent resistance from the elite private school system. It was found out in our study that every private school-big or small- gives 25 percent of their seats at the pre-school level admissions to the children belonging to the EWS. In fact, the violation of this provision is taken very seriously by the officials of the Delhi Government and is very much highlighted by the RTE activists.

Our study revealed that it is not the private schools, but many other factors responsible for making this a partially successful story. Firstly, the previous experience regarding the implementation of the provision of 10 percent reservation for weaker sections in private unaided schools under Land Use Act helped the Government of NCT of Delhi to design a better strategy for this provision. Secondly, the pressure from the civil society and particularly from the active RTE activists and organisations contributed a lot in implementing this Act. Thirdly, the sincere efforts made by the Directorate of Education, government of Delhi, in making all schools implement this provision of the Act through their timely directives and orders to the schools. Fourthly, the judicial decisions in few cases also helped substantially towards the above ends. Lastly, the awareness of parents belonging to weaker sections in a Delhi acted as positive factor in making this a success. As a result Delhi emerged as one of the few states who have successfully implemented EWS reservation in private unaided schools.

BOTTLENECKS IN IMPLEMENTATION

The implementation of the RTE act and particularly the provision of EWS reservation have raised important questions that draw immediate attention of both policy makers and implementers. Though the above provision of EWS reservation in private schools is a significant step in the direction of developing an inclusive policy of school education, its implementation has emerged as a great challenge because of the resistances that come from the established elite structure of the society and these schools. The socio-psychological and financial problems that the parents of such children are facing during the process of getting their children admitted to such schools and during the initial years of schooling is a matter of great concern. Our study revealed the following facts that need to be addressed in the process of implementation of this provision of Rights to Education Act.

- Lack of awareness among the people of EWS about the Right to Education Act and its provision of reservation of 25% seats in private unaided schools.

Even if those who knows about this provision are very ignorant about the procedure and documentation required for the admission which sometime the study found, de-motivate them.

- Many schools adopt different tactics to discourage EWS parents to get their children admitted to their schools and very often, our study revealed, the school officials misbehave with these people. EWS parents are subjected to humiliation by officials of these schools during their interaction by asking them with disgraceful questions.

- More than 50% parents find difficulties in arranging documents required for the purpose of admission.

- Majority of parents fails to cope up with the demands of such school in terms of uniform, transportation, cocurricular activities, books, stationeries, etc after getting their child admitted to the school.

- Thirty percent parents who feel it as a financial burden to continue in such schools are planning to shift their children from public schools to government schools. However interestingly seventy present are strongly in favour of continuing in these schools despite financial burden and other related problems.

- The teachers who are teaching those students are facing the problems regarding communication as the medium of instruction is mostly in English. And these students fail to cope with the teaching because of their family background.

- There is no uniform practice and treatment towards the parents and children belonging to EWS category by these schools. Different schools adopt different approaches to deal with the issue of EWS reservation. Some reputed schools adopt good practices while others adopt the practice of discrimination and discouragement.

- The advantages of this provision are taken mostly by relatively better-off classes among the EWSs rather than the extreme poor people. Within the EWS section, upper caste EWS people are found to have been privileged in comparison to the other lower caste section.

- Universally all people belonging to EWS feels that quality of education in ‘Public Schools’ are better than that of Government Schools. However Parents whose children are studying under the scheme in various public schools have not yet fully realized the impacts of such school on their children’s personality development.

SUMMING UP:

The measure so far taken by both Union and State governments to implement the RTE Act is not sufficient in developing equal and inclusive education. However, the implementation of the Act and more particularly its provision of EWS reservation in public/private schools in Delhi are better than other states. It was observed in the study that the problems related to developing an equal and inclusive policy of education have been partly identified. The common men of India including the socially and economically backward sections feel that quality of education in public/private schools is better than that of government schools. Therefore people belonging to EWS are eager to send their children to these
Schools at any cost. The study also explored that the people of upper caste and economically better up among the EWS are taking the advantages of this provision. Ironically the people belonging to the bottom in the class and caste hierarchy are taking little advantage of this provision.

Along with the above the study finds that the negative and elitist approach of public/private school and half-hearted attempt of the government agencies act as a major obstacle in achieving the mission of the Act. In order to make the equal and inclusive education a reality there is a need to promote machinery to ensure accountability of such schools, and to make efforts to evolve collective actions of government agencies, school administration and NGOs besides spreading awareness regarding this provision among the economically weaker sections and marginalized people of the society. This paper put fourth certain specific suggestions that need a due consideration by the administration of both government and public/private schools.

- Centralized selection process should be conducted by the Directorate of Education of Government of Delhi for all the public and private unaided schools for admission in EWS category to avoid admission hassles and improper implementation of RTE Act.
- There should be a separate government agency to supervise the implementation of EWS reservation of the Rights to Education Act in public schools.
- As provided in the ACT, there should be representatives from EWS parents in the management committee/board of the schools to ensure the achievement of the mission of this Act.
- An annual report should be published by the Government about the fulfillment of the provisions related to EWS along with the performances of the private unaided schools in this regard.
- Efforts should be made both by Government and civil society organisations including NGOs to spread awareness about this provision among EWS population.
- Provision of government funding for books, uniforms, stationeries and other expenditures to EWS students should be provided directly to their parents’ bank account like other subsidies.
- Fresh admissions in every class should be allowed for this category and no student of this category should be detained till they complete school education.
- Efforts should be made by the government through its policies and directions to extent this facility to the weakest caste and class among the EWS category.
- Last but not the least every private/public schools should take extra efforts to take care of students admitted under EWS category keeping their socio-cultural and economic condition in mind.
- Lastly and most importantly efforts must be taken in all fronts to improve the quality of education in the government schools.

REFERENCES


