



**Implications of the Economically Weaker and Socially
Disadvantaged (EWS)Quota under Right to Education Act 2009
for the Underprivileged**

Dr. Minakshi Rana
Assistant Professor in Sociology
MCM DAV College for Women
Sec 36 Chandigarh

Abstract

Though the RTE Act 2009 has propagated free education to EWS children in private schools but in the present study it is revealed that a substantial amount had to be spent by the EWS parents for sending their children to the private schools. For most of the EWS families, the expenses on uniform and books, home tuitions, co-curricular activities and transportation to school were difficult to manage. Further, no financial assistance was given by the administration to support the EWS parents for the various expenses besides the tuition fees. This indicates that the education to EWS children under the EWS Quota had not happened to be free of cost as envisioned by the RTE Act 2009. Moreover, the EWS parents had to bear the brunt of various expenses which they could not afford and this has created stress among them Further, the present studies reaffirms one of the significant issues that remains unattended most of the times as far as policy formulation and implementation in India is concerned. It is the involvement of the stakeholders in the development and implementation of the welfare policies aimed at social upliftment of the marginalised.

Keywords: Social Inclusion, RTE Act 2009, EWS Quota.

Introduction

Provision of Quality education to all the children of school going age is envisioned with the help of Right to Education Act, 2009. A special clause of EWS Quota is provided under sec. 12 (1) (C) of the RTE Act 2009 for the children belonging to poor sections of the society. To ensure access of poor children to the private schools, the EWS Quota has been provided. However, initially the authorities of private school all over India objected the validity of provision of EWS Quota and assumed it as a violation of their fundamental rights.

When Right to Education Act, 2009 came into force, the section 12 (1) (C) provided that all the private schools are required to admit students of economically weaker and disadvantaged groups to a minimum 25% of the seats in the classes at entry level. The intention of the

Government behind the above mentioned clause was to give equal opportunity of quality education to all the sections of the society. Besides the provision of quality education for the poor and the disadvantaged sections of the society, the reservation of seats is aimed to provide a common platform of education for the different sections of the society that ensures social inclusion and cohesiveness. (Minakshi Rana, 2018)

Social Inclusion through education

For leading a dignified and liberated life, education has a very important role to play. Education as an agency helps in promoting Social inclusion. Education facilitates the socialisation of children and at the same time inculcates the life skills into them. Social disparities and cultural diversities are well accepted and valued through the process of social inclusion. A socially inclusive society is free from exploitation, discrimination and marginalisation. Social and cultural differences are well adjusted and accommodated in the system of social inclusion. (Sen 1999)

The perception of Social inclusion may be considered more crucial for children as they are immature and vulnerable. The children are excluded from the processes and institutions for a number of reasons including poor economic condition of family, illiteracy of parents, mental and physical disabilities. A society that believes in Social inclusion and equality is one where all people feel valued, their differences are respected, and their basic needs are met so they can lead life with dignity. Social inclusion is the medium to ensure that every human being is provided the opportunities to growth and development in context to his particular needs and conditions.

A Social inclusion framework should focus on the differential life experiences of all citizens within a community and in so doing it must remove barriers to equal participation without discrimination. A socially inclusive society strives to develop the talents and capacities of all members irrespective of social and economic status, promotes inclusive participation in all walks of life, actively combats individual and systematic discrimination; and provides valued recognition to groups. The society which endeavours and have faith in social inclusion would evolve a system that promotes the skills and abilities of its citizens and works towards a goal of equal opportunity and freedom.

The role of education is well accepted in achieving social inclusion and equality. School is the basic social unit for providing education and at the same time most influential medium for facilitating inclusion through education.

School as a Facilitator

The term school is derived from Greek word *Schole* meaning leisure and also that in which leisure is employed, but later “a group to whom lectures were given, school”. The concept of grouping students together in a centralized location has existed from the beginning of human civilization. In Ancient India, schools were in the form of Gurukuls for Hindu and during the Mughal periods, Madarsahs were introduced. Under the British rule in India Christian missionaries establish schools throughout the country. These schools marked the beginning of modern schooling in India.

School provides a common platform where the students belonging to different Classes and Castes come and sit together for learning. The students gain learning experiences. In school, the students learn the values of sharing, cooperation, tolerance and empathy which are the foundation stones of a just and equal society. The School as a facilitator play the role of the basic social unit which provides a universal campus to children belonging to different social-economic backgrounds to live and learn together. The students get to know the structure of the society in the school itself. Simultaneously they incorporated the norms and values of the society through the process of socialization. So, school is the medium which can exemplify the core values of a democratic country that are equality and social inclusion.

School plays important role in social interaction of students belonging to different socio-cultural setting. However, the schools have not always been accommodating to all the economically and socially disadvantaged groups. For example, in ancient India, the opportunities of schooling were restricted to the upper Castes people. However, the modern schools have come out of the shackle and opened the doors of education to all irrespective of caste, class and gender. “School of the present day is to be regarded as not merely a 'place of learning' but as a social unit or society of a peculiar kind in which the older and younger members, the teacher and the taught, share a common life, subject to a constitution to which all are in their several ways consenting and co-operation parties....” (Secondary Education The Spens Report 1938 p.147).

The EWS Quota under RTE Act 2009 is aimed at the Social inclusion of the underprivileged through opportunity of education in private schools which would not be possible otherwise as the poor people may not be able to afford the fees of private schools.

EWS Quota under RTE Act 2009

Economically Weaker and Disadvantaged Section under RTE Act 2009

According to Right to Education Act, 2009, “child belonging to disadvantaged group means 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, economical, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification.”

Further, as per RTE Act 2009, “Child belonging to weaker section means a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification. As education is in concurrent list, every State can notify the norms and guidelines regarding the identification of economically weaker and disadvantaged group according to their own policies. The annual income ceiling and the documents required for proving the disadvantaged status may differ from state to state.”

The policy of Positive Discrimination is reflected in the Right to Education Act, 2009. According to Sec. 12 (1) (C) of the Right to Education Act, 2009; a school specified in sub-clauses (iii) and (iv) of clause (n) of section 2 shall admit in class 1, to the extent of at least 25 percent of the strength of that class, children belonging to weaker sections and disadvantaged groups in the neighbourhood and provide free and compulsory education till completion of elementary education. The provision to this section states that if such a school imparts pre-school education the provision would apply for admission from such pre-school education. The unaided private schools providing such free and compulsory education are to be reimbursed by the Government to the extent of per-child expenditure incurred by the state or actual amount charged from the child, whichever is less, as prescribed in RTE rules. The RTE Act 2009 requires that it is the duty of the local authority to ensure that children admitted in the EWS Quota are not discriminated against in any manner. Social inclusion of the marginalised children and equality of educational opportunity is the rationale of this EWS Quota.

Review of related literature

Review of literature provides us with the knowledge of the research work already done in our field. It results in better understanding of the field and also helps in exploring the gaps in

the studies done previously. An attempt was made to review some of the studies to enhance our knowledge.

The Government schools are reportedly found to over report their enrolments. Over reporting and non-coverage of children studying in unrecognized schools lead to failure of developing true picture of enrolment in India. (Kingdon, 1996; Dreze and Kingdon, 1998) As far as primary education is concerned unrecognized schools form the majority in North Indian PROBE states and in Punjab. (Aggarwal 2000).

Unrecognized private schools are the major concern and on the other hand the schools which have certificate of recognition hardly fulfil all the conditions of recognition. (Kingdon 1998) In India, Government Schools dominate the delivery of education and Indian Constitution had stated that to provide education to all is the State prime responsibility. However, "Private schooling is growing all over the country. Part of the reason for this seems to be that public schools are performing poorly, with high teacher absence rates, lack of teaching activity and low pupil achievement levels" (PROBE, 1999; ASER, 2009).

Tucker Shailey and Gayatri Sahgal (2012) conducted a study on the review of rules regarding 25% reservation for EWS under RTE in the 6 states i.e. Andhra Pradesh, Madhya Pradesh, Maharashtra Rajasthan, Bihar and Himachal Pradesh. It is mentioned in the study that the definition of category EWS, their explicit entitlements and reimbursement policies tend to vary across states. Nayak Bharat Kumar (2012) conducted a study on the implementation of RTE clause 12 in Udaipur, Rajasthan. He found prevalence of discriminating practices against the poor children in private schools. Further, the private schools were trying various methods to escape the obligation of EWS Quota. The requirements of many documents for admission under EWS Quota was proving as a major hurdle. Ojha Seema S. (2013) studied the status of schools in rural Haryana on the parameters of RTE and found that most of the investigated schools are able to fulfil basic infrastructure requirements but with regard to curriculum, assessment, teachers training and other related issues, they are lagging far behind. Choudhary Sunil (2014) found in his study, the prevalence of discriminating practices against the EWS children studying in private schools of Udaipur (Rajasthan) and Bangalore (Karnataka). Hair cut is done in one of the school in Bangalore for recognition of a student as EWS category.

Significance of the present study

After going through the existing literature, we found that some studies had tried to examine the role of private sector in education whereas others had compared the private and public schooling in India. Further, few of the research studies evaluated the national schemes and social context of education. There seemed to be a scarcity of literature on finding out the perspectives of stakeholders of EWS Quota under Sec. 12 of the RTE Act 2009. Further, most of the studies done so far had been emphasised on the availability of the various provisions with the beneficiaries. However, acceptability and adaptability among the stakeholders were less studied. Thus, there was a need to focus on the cultural and social adjustment of the beneficiaries pertaining to the EWS Quota.

Methodology

We tried to look at the perceptions and experiences of the stakeholders with the help of interpretation of subjective realities through Focused Group Discussions among EWS Parents and Non-EWS Parents. We came to know that different stakeholders had different experiences with the EWS Quota. For instance, some Non-EWS Parents in the FGD said that the Government is shifting the responsibility of providing education to poor to the private schools. However, few EWS parents welcomed the EWS Quota saying that the private sector should share the responsibility with administration. Further, most of the EWS parents were happy with the availability of EWS Quota in private schools. However, some of the EWS parents complained lack of support from the administration for developing understanding of the various provisions of EWS Quota and use of nepotism in the process of admission. On the other hand, the use of nepotism and false practices by the EWS parents to secure admissions were reported by the fellow parents. The Non-EWS parents had not allowed their children to interact with the EWS children outside the school premises due to their apprehensions regarding hygiene and habits of EWS families. On the other hand, some EWS parents had blamed exposure to the fancy and luxurious belongings in schools for raised expectations of EWS children from their parents.

Following implications have been emerged from the present study:

- The condition of Government schools is pathetic on front of attitude of teachers, individual attention to children, cleanliness in the school campus and learning abilities of the children studying there. The image of Government schools is very low even among the weaker and

disadvantaged sections of the society. But due to unaffordable private school education, they are compelled to send their children in Government schools. Due to these circumstances the private schools have been flooded with the number of applications from EWS families when the EWS Quota was provided in private schools. In some cases, lottery method was followed to give admission. Thus, many EWS families were left without admission due to limited number of seats. Hence, the EWS Quota had reached to families of weaker section but still large number of EWS families is left and this may create stress among the poor section. Further, the more layers based on the privilege of availing EWS Quota within the EWS sections of the society may be created.

- The EWS Quota had increased the pressure of fee hike among the Non-EWS parents. The private schools were required to provide free education to poor children and they would be reimbursed by the Government on the basis of per child expenditure incurred by the Government in Government schools. The amount of reimbursement is inadequate as per the private school authorities and delayed too due to many formalities. The private schools to escape from burden on their earnings had shifted the cost of providing education to the disadvantaged children to the parents of General category. There was a strong discontent among the Non-EWS parents for the fee hike done by private schools after the implementation of EWS Quota. Even some Non-EWS parents had compelled to take their children out of the private schools due to the unreasonable fee hike. This would definitely create an atmosphere of malediction among the Non-EWS parents for EWS Quota.

- The EWS families faced lots of hardships during the admission of their children under the EWS Quota. Most of the parents were either illiterate or less educated. Further most of them were either self-employed or doing private job. The source of income was not fixed. They faced problems for filling income tax returns for the purpose of income certificate that was required for filling the application for admission. It was difficult for them to take off from work due to the nature of their occupation. Moreover, most of the EWS families have never filed Income tax return so they had some doubts and anxieties while doing the formalities. Paper work happened to be a source of stress for the EWS families. There was a sheer lack of foresight in the implementation of the EWS Quota by the administration.

- Home and school are the two places whose atmosphere shapes the future of the children. There is no doubt that EWS Quota has made possible for the children from disadvantaged families to study in reputed private schools. But the condition at their home remains untouched and this may impact their performance and participation largely. Most of the EWS families were living in congested, noisy and untidy residential areas. The relatives of the EWS families have been migrated in large number to take the benefit of allotted accommodation against slum and started living with them. This had put pressure on the resources of the EWS families. Thus, the home conditions may not support the EWS children.
- The Non-EWS parents had lots of apprehensions regarding the habits and spoken language of the EWS children. Those apprehensions resulted into a restricted kind of relationship among the EWS and Non-EWS children. The presence of pre-occupied mind set of Non-EWS parents towards the EWS category even after physical proximity in school raised a doubt over the Social inclusion of EWS children particularly through the EWS Quota.
- There is no sibling Quota available under the EWS Quota under Right to Education Act, 2009. It is found that boys are preferred by the EWS families for admission under the EWS Quota as there is no sibling Quota so they don't want to take chance for their boys. The tendency of Gender discrimination is reflected in the behavior of EWS families. It came to know during the present study that fruits in the lunch are more brought by EWS boys than girls. Even variety was also more in case of lunch for boys. Household work and take care of young sibling is still a reality for EWS girls even after going to affluent private school. It indicates that to improve the vulnerable condition of EWS girls the availability of EWS Quota would not be enough.
- A large number of children who got admission under the EWS Quota belonging to the class IV employees of the concerned schools. The private schools preferred the children of their class IV staff for admission under the EWS Quota in their schools. It indicates that lack of strict monitoring by administration can results into wishful implementation of the various provisions of the legislative acts by the stakeholders.
- The EWS parents were reported to be little hesitant to interact with the private school authorities for their various issues. They might be feeling obliged to that much extent that they were not able to put their issues in front of school authorities. Further, there might be a fear of denial of benefits by schools. So, it can be said EWS Quota had failed to instill confidence and trust among the EWS families.

- Despite of all the limitations, the EWS students had done well academically in the private schools. Most of the EWS children are dependent on local tutors. For the initial years local tutors in EWS colonies can handle the syllabus but for classes after V they would not be efficient enough. This indicates that EWS students may face big problems in higher classes as their parents cannot afford tutors outside of their area. The promotion to higher classes is strictly depending on the result of previous class from class V onwards. So, the successful completion of elementary education by the EWS children seems far-fetched.
- Some of the private school authorities complained that the Government is not considering the expenses on the infrastructure, sanitation, various hobby classes and the safety measures which are normally not followed in Government schools. Private schools are not satisfied with the amount of reimbursement at all. This indicates that Government has just standardized the reimbursement formula for all private schools and not considered the individual needs of different kind of private schools. This indicates towards the need of flexible reimbursement formula.
- False practices were used by some EWS families for seeking admissions. These practices include wrong addresses, hide the sources of income and fake birth certificates. The deserving EWS families would suffer in case of prevalence of false practices.
- Some private schools have been educating the poor children free of cost even before the implementation of the Right to Education Act. Their contribution towards the society is praiseworthy. It indicates that some schools consider provision of education as a noble cause and not a medium to earn money only.
- Some private schools are operating for profits and giving trouble to the parents for seeking maximum gains. The nexus between the school and uniform and book vendors has not left even the EWS families. They are compelled to bear the unreasonable rates of uniform and books due to alliance between the school authorities and vendors. All kind of alliance which comes into existence for making inappropriate money can hamper the welfare policies.

It seems that EWS Quota is working like a voucher of five star hotels being provided to the poor people by the Government. The Government is only providing the vouchers without checking whether it is reaching to the deserved and if reached, how they are taking it. On other

side, the affluent private schools are making sure only that the vouchers are availed by the customers for the sake of compulsory policy rules.

The limitations of the EWS families and the circumstances aroused while availing the EWS Quota are not being taken care of by the administration as well as by the school authorities. Besides schooling there are so many economic, social and psychological dimensions which have to be given consideration.

Conclusion

The EWS Quota under the Right to education Act 2009 has been formulated to ensure opportunity of education in private schools to poor children. The economically weaker and socially disadvantaged children got an access to the private schools with the help of EWS Quota which would not have been otherwise possible. However, the curriculum of the private schools needs to be sensitized to suit the needs of the underprivileged children. Further, the EWS parents are required to be guided as well as supported to avail the benefits. The use of false practices like nepotism and fee hike for Non-EWS parents may harm the very purpose of the EWS Quota.

References

- Aggarwal, Yash. (2000). *Public and Private Partnership in Primary Education in India: A study of unrecognized schools in Haryana*, New Delhi: NIEPA.
- Chaudhary, Sunil. (2014). *Right to Education Act 2009. letting the disadvantaged down*. Internal Research Journal of Social Science, Vol. 3 (8), 1-7.
- Kingdon, Gandhi Geeta. (1996a). *Private Schooling in India: Size, Nature and Equity*. Economic and Political Weekly, 35/51:3306-14
- Kingdon, Geeta G. and Dreze, J. (1998). *Biases in Education Statistics*. The Hindu, 6th March, 1998.
- Rana, Minakshi. (2018). *Social Inclusion through EWS Quota under RTE Act 2009 with reference to Dr B. R. Ambedkar Vision*, International Journal of Advanced Research and Development pg 343-47.
- Nayak, Kumar, Baharat (2012). *“Implementing clause 12 of the Right to Education Act 2009 in Udaipur District of Rajasthan, India: Letting disadvantaged down?”* Graduate School of Developmental Studies, The Hague, Netherlands.

Ojha, Seema S. (2013). *Implementing Right to Education: Issues and challenges*. Research Journal of Education Science vol. 1 (2) pp 1-7.

Tucker, Shailey. and Gayatri Sahgal (2012). *25% Reservation under the RTE: Unpacking the Rules in Paise States*. Accountability Initiative Policy Briefs, June 2012.

The SPENS Report (1938) *Secondary Education Board of Education*, London: HM Stationery Office.

Sen, A. (1983). *Poor relatively speaking*. Oxford Economic Papers, 35(2) July 1983, 153-169.

Sen, A. (1999), *Development as Freedom*. Oxford: Oxford University Press.

■ ■ ■