

## RESERVATION OF 25 PERCENT SEATS FOR ECONOMICALLY WEAKER SECTION AND DISADVANTAGED GROUPS IN PRIVATE SCHOOLS: PROBLEMS FACED BY SCHOOLS MANAGEMENT

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### **Abstract**

Clause 12 (1) (c) of the act shifted Right to Education from a directive principle of state policy to a fundamental right “12 (1) (c) clause of Right to Education Act, 2009 states a school belongs to specified category and an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate government or the local authority shall admit in class I, to the extent of at least 25% of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion”. All private unaided recognized schools, except for minority institutions, have to keep 25% of their total seats reserved for Economically Weaker Section and Disadvantaged Group category under the Right to Education (RTE) so it is necessary to study the problems faced by school authorities for better and effective implementation of this clause.

The present research aims to study problems faced by school authorities (management, principal, coordinators and administrators). This research is qualitative in nature. Data was collected through survey method. In the present study, three private schools got DDA (Delhi Development Authority) Land were randomly chosen from the list of schools. 2 Managers (2 schools), 1 chairman (1 school) and Principals of 3 schools were consulted. 3 coordinators of each school and 2 administrators engaged with the policy were also selected as sample. Semi-structured interview schedule for School authorities (management, principal, coordinators and administrators) was conducted to critically study various aspects. Data was analyzed qualitatively using narrative analysis. The study concluded that 25% reservation for Economically Weaker Section and Disadvantaged Group is a positive move but the question arises whether genuine people are coming or not? Income limit should be raised as presently it is one lakh per annum because no one is coming to schools from that strata. Effective implementation of clause 12 (1) (c) for all children would lead to better educational experience as well as social inclusion

**Keywords:** Right to Education Act, Economically Weaker Section, Disadvantaged Group, Reimbursement Amount, Reimbursement Procedure, Appropriate Government and Specified Category.

### **Introduction**

In the late 20th Century, large number of private school begun to cater middle class children which lead to segregation in access. Later, low-fee private schools for lower income families' children perpetuated the initial segregation. Clause 12 (1) (c) of the act shifted Right to Education from a directive principle of state policy to a fundamental right “12 (1) (c) clause of Right to Education Act, 2009 states a school belongs to specified category and an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate government or the local authority shall admit in class I, to the extent of at least 25% of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion. Provided further that where a school imparts pre-school education, the provision shall apply for admission to such pre-school education The school shall be reimbursed expenditure so incurred by it to the extent of per child expenditure incurred by the state or the actual amount charged from the child, whichever is less, in such a manner as may be prescribed. Provided that such reimbursement shall not exceed per child expenditure incurred by a school established, owned or controlled by the appropriate government or a local authority. Provided further that where such school is already under obligation to provide free education to a specified number of children on account of it having

received any land, building, equipment or other facilities, either free of cost or at a concessional rate, such school shall not be entitled for reimbursement to the extent of such obligation (The Right of Children to Free and Compulsory Education Act, 2009, pp: 5-6).”

Every school is liable to provide such information to the appropriate government or the local authority.

The rationale behind section 12 (1) (c) is to provide inclusive education to all. The reason stated by Kapil Sibal in parliament behind inserting section 12 (1) (c) was support from all stakeholders is required by the government in the system including the private sector. He stated although to ensure Universalization of elementary education is the government’s responsibility but on the ground to implement the same is very difficult. Therefore, the act ensures private school must reserve seats for Economically Weaker Section and Disadvantaged Group, as a support from the private sector which needs to be controlled in the same way.

The constitution also supports to share the responsibility with private entities (not minority institutions) to ensure fundamental right to education. The Supreme Court stated since education is a charitable activity, clause 12 (1) (c) of the act does not prohibit the fundamental right as enshrined in article 19 (1) (g) of the constitution to carry on a trade, business or profession. The court also held that in our civil society, Right to Education places an affirmative burden on all stakeholders as well as envisages a mutual agreement between the parents and the state. Ensuring social integration and inclusive schooling are two major rationales behind clause 12 (1) (c).

All private unaided recognized schools, except for minority institutions, have to keep 25% of their total seats reserved for Economically Weaker Section and Disadvantaged Group category under the Right to Education (RTE) so it is necessary to study the problems faced by school authorities for better and effective implementation of this clause.

## Materials and Methods

### Research Question

1. What are the problems faced by school authorities (management, principal, coordinators and administrators)?

### Objectives

The main objectives of the present study are as follow:-

- To study management’s (includes management, principal, coordinators and administrators) perception towards the policy and Economically Weaker Section and Disadvantaged Group students.
- To study the problems and challenges faced by management (includes management, principal, coordinators and administrators) to implement it in admission process, teaching-learning process and evaluation and other (co-curricular activities etc.) processes.

### Terms Used

1. **Economically Weaker Section:** - "Child belonging to Economically Weaker Section" means a child belonging to those parent or guardian having annual income less than one lakh rupees. In the present paper, "EWS" is used for "Economically Weaker Section".
2. **Disadvantaged Group:** - By notification, the appropriate government has specified, child belonging to the scheduled caste as well as the scheduled tribe is considered to be "child belonging to disadvantaged group". Also a child who belongs to the socially and educationally backward class is also considered as a disadvantaged group. As notified by the government, the child belongs to such group which having disadvantage with respect to gender or such other factors like linguistic, cultural, geographical, social etc. means "child belonging to disadvantaged group". In the present paper, "DG" is used for "Disadvantaged Group".

3. **Appropriate Government:** - The central government is an appropriate government in case of a school established, owned, managed or controlled by the central government. In case, the school established is administered by the administrator of the union territory, "having no legislature", the appropriate government is central government. In case of a school established, managed, owned or controlled by a union territory "having legislature", the appropriate government is the "government of that Union Territory". If a school is established, managed, controlled or owned by a state, the appropriate government is "the state government."
4. **Specified Category:** - By notification, appropriate government has specified the "Specified Category School". Specified Category Schools means a school having a distinct character in relation to a school. Schools such as Sainik School, Kendriya Vidyalaya, Navodaya Vidyalaya are known as specified category.
5. **Land Alloted Schools:-** Schools on account of receiving land, equipments, building and any other such facilities from the government either at a concessional rate or free of cost are obliged to provide free and compulsory education. Such Schools are obliged to impart education to a specified number of children as they were already got land under obligation.

### Methodology

This is a qualitative research. Data was collected through survey method.

### Sample

In the present study, three private schools got DDA (Delhi Development Authority) Land were randomly chosen from the list of schools. Sample comprises school authorities (principal, management, coordinators and administrators) of these three schools.

**Table 1 Sample of The Study**

Sample	School 1	School 2	School 3	Total
Chairman	1	-	-	1
Manager	-	1	1	2
Principals	1	1	1	3
Coordinators	3	3	3	9
Administrators	2	2	2	6
<b>Total</b>				<b>21</b>

2 Managers (2 schools), 1 chairman (1school) and Principals of 3 schools were consulted. 3 coordinators of each school and 2 administrators engaged with the policy were also selected as sample.

### Research Tools

#### Interview

**Semi-Structured Interview Schedule** for School authorities (management, principal, coordinators and administrators) was conducted to critically study various aspects.

### Analysis of the Data

Data was analyzed qualitatively using narrative analysis.

### Delimitations of the Study

1. The study was confined to only class IV and V.
2. The study was delimited to private schools located in Delhi.

### Results and Discussion

Students are actually from Economically Weaker Section and Disadvantaged Group or not, whether genuine cases are there, school authorities are not sure about it. They asserted, "it's easy to get EWS certificate. On producing certificate, one can't deny admission". All schools feel

that genuine EWS and DG people are not able to reach here. One of the Principals shared that, *"lots of people get fake certificates. There are enough people who were not EWS, they had cars, i phone etc. but they came with EWS certificate"*. Authentication issue is there. Many people come with fake certificate. They suggested income limit should be raised as presently it is one lakh per annum because no one is coming to schools from that stratum.

All schools undertaken found online centralized procedure of admission where directorate of education undertaking admission procedure with computerized lottery system better because school's work has been reduced and they are saved from allegations of parents. They feel that online system of admission is transparent.

School administrators feel that EWS and DG parents have lack of awareness regarding certificates and documents. School administrators faced lots of problems in guiding EWS and DG parents in filling up the form, terms of documents and guiding them about government rules. All schools undertaken give provisional admission and give time to parents to submit documents. All of them mentioned that they have to cooperate with them because most of them are uneducated.

One of the private schools' management shared that, *"last year government was doing online admissions, 6 students from same address were admitted. System is not at all transparent. Also, they get rent agreement to get admission whereas they are residing at a good place"*. Chairman of one private school mentioned that, *"the person who is genuinely belonging to EWS and DG, with them the problem is lack of play school education and comparatively to general category students they (EWS and DG) are blank. Other general category students before coming here in the age of 3+, go to play way school and they have motor skills development, hands on experience etc. that leads to overall growth of child, which is completely missing in the case of EWS and DG students"*.

Schools' Management also feel that government should allow preparing separate section for EWS and DG because they require more attention and when in class 4-5 students are not able to do, teachers also do not bother and they suffer. Peer pressure is also there for not performing up to the mark which hampers overall growth. Nursery admission is always a challenging task and very pressurized for parents so in case they permit schools to have classes for EWS and DG after school hours there will be two benefits, first more seats will be there and secondly these (EWS and DG) students will also grow.

Chairman of one school asserted, *"if you talk about our school, none of the teacher is aware who EWS and DG are and all are equal. Picnic and trips are free for them. We are not charging for any activities from them. Equal facilities are given to EWS and DG category at par with NON-EWS and DG. If we talk about discrimination there is no discrimination from our side"*.

Coordinators feel as parents are uneducated they don't understand what we want to explain and these students are academically weak also. Coordinators mentioned that, *"parents feel studies should be taken care by school only. They don't turn up. We have to call them again and again"*. One of the coordinators asserted, *"our experience with EWS and DG category is not good. These students are in complexes and they have some problem because of their own set of conditions. By environment they get suppressed by themselves it's not healthy. We expect that they work and behave as per general category students but they don't have facility as well as lack of parental support"*. Use of abusive language, hygiene problem, stealing and using only Hindi language are the major issues faced by coordinators in the context of Economically Weaker Section and Disadvantaged Group students. One of the coordinators also mentioned, *"difference of pronunciation is also there"*. One of the coordinators asserted, *"neither they do homework, nor want to study but disturbing others and very distracted. They do not want to come to school willingly but are forced to come. School doesn't excite them. One girl from EWS is learning disabled. We told to parents they did not pay any attention and said we don't have money"*. One coordinator mentioned, *"in assessment, they don't understand questions"*. One of the

coordinators stated, *"I think special schools should be there where they keep specially educated and dedicated teachers who are totally in this task and know how to bridge the gap academically"*. Coordinators also feel that they don't bring material, which has been asked for.

School management also feels that these students obtain less mark and have low academic performance. Management feels that Non-detention policy making EWS and DG students weaker and easy going towards studies. These students get pass till class 8 due to non-detention policy and in class 9 they are not able to cope up and flunk. Their Parents blame school only and assert that school is not teaching them properly. Online circulation of information is also problematic for EWS and DG category. Neither they have accessibility to it nor do they understand it.

Schools' management also feel that there should be some criteria for academic performance to avail this opportunity. Problem of usage of English language and difference between home environment are emphasized by schools' managers. All schools undertaken were organizing remedial classes for EWS and DG students so that they can be at par with other students.

Managers also feel burden due to pressure of other things like uniform, books, picnics etc. According to them EWS and DG parents should bear these things. One manager asserted, *"EWS and DG parents take it their right that their child should be given school education as well as other facilities free of cost but they don't realize their own duties"*. One of the principals asserted, *"they want to go for trips whereas they can't afford"*.

In the context of integration, they opined that integration is happening but due to the home difference that gelling is not there. Management also feels that these students are developing inferiority complex as well. Manager of one school asserted, *"gap is very wide and when child gets to know s/he is from EWS and DG category, s/he gets negativity. Child feels depressed and they have psycho effect. School managers also feel lack of parental support and difference between home environment, culture and thoughts impacting EWS and DG children negatively"*.

The major problem faced by all three schools' management is that they don't get reimbursement amount timely and even if they get, it is very nominal. They get very less amount as reimbursement amount that does not even cover 30% of the fees. One of the managers about reimbursement amount and procedure asserted, *"the issue is being followed up but dealing with government officials is a hurdle as this is another pretext for such officials to exercise their authority in an unauthorized manner. The government is approached but did not able to clarify the issue. The rules in this regard are not updated and compiled by the government from time to time leading to information gaps both at the government level and at the school level"*. Procedure to get reimbursement amount is very slow and it is not divided as per school's category. Principals feel that government should enhance the reimbursement amount because schools are going to be bankrupt soon.

Management also feels that government should not pressurize them but should take their services to improve government schools that will be more beneficial. One principal stated, *"they should improve government schools. Main thing to focus is to take management skills of private school and use it as public-private partnership instead of lowering down private schools"*. One of the coordinators feels *"if government keeps on increasing these things i.e., uniform, books etc. what is going to happen because of this extra expenditures coming on the school, the quality of the teaching-learning is definitely going to be effected. We will have to stop more activities and educational trips for children. Obviously the quality is going to be down"*. Coordinators feel that government should come out with very clear cut policy and on first day describe the criteria and everything clearly. They should not keep on changing day after day. One of the coordinators also feels that monitoring from government side is not proper. Coordinators asserted, *"they are only monitoring it to the extent of children availing the policy and later not concern about future prospects"*. One of the managers stated that 25% should be reduced to 10%. One manager asserted, *"the policy and guidelines are entirely managed by the government and the school has*

not given any authority or license to change or modify or even suggest improvements. Schools should be consulted in policy making. Feedback should be taken from schools”.

## Conclusion

25% reservation for Economically Weaker Section and Disadvantaged Group is a positive move but the question arises whether genuine people are coming or not? Income limit should be raised as presently it is one lakh per annum because no one is coming to schools from that strata.

Schools feel the implementation by the government tends to be oppressive and domineering and not participative or cooperative. Schools need to be incorporated in the process of policy and implementation and given a voice. Focus should be on improving and empowering State schools.

The reimbursement should be publicized on the government website for better transparency. Further the rules should be laid down to take action against staff that delay such reimbursement or impose hurdles for this or that reasons. They must become accountable for reimbursement and implementation of the act and rules with respect to its functioning and not only schools. Reimbursement amount should be directly transferred to school's bank account.

Schools should also need to put an effort in terms of language, academics and other aspects so that EWS and DG children can be at par with NON-EWS and DG students in the class.

Government should take initiatives to create awareness among EWS and DG parents as well as to take few steps to monitor and assess the policy effectively.

This policy is a positive move and the mandate should also be understood as an effort to arrest the increasing segregation in Indian schooling and promote an environment of knowledge sharing between different sections of society to encourage the narrowing of current societal divisions. Effective implementation of clause 12 (1) (c) for all children would lead to better educational experience as well as social inclusion To make our school system more inclusive as well as equitable, clause 12 (1) (c) is a purposeful endeavor. One can clearly depict clause 12 (1) (c) of the RTE act has implications not only for schools but for society at large as well.

## References

1. Centre for Civil Society (2012). *A Perception Study on the Implementation and Impact of Clause 12*. India: Hauz Khas, New Delhi.
2. Geetha, T. (2014). *Politics of the Policy, Teachers' Assumptions and the Existences of Children from Economically Weaker Section in a Private School, Delhi*. Quest Journals, Journal of research in humanities and social science, volume -2, pp 09-16.
3. <http://www.edudel.nic.in/> (Retrieved on 02 August, 2015).
4. Indus Action (2014). *Making Social Inclusion Possible within Private Unaided Non-Minority Schools under Section 12 (1) (c) of RTE*. India: Project Eklavya, Central Square Foundation.
5. Right to Education Act (2009). *The Right of Children to Free and Compulsory Education, 2009*. (Retrieved from [ssa.nic.in/rte-docs/free%20and%20compulsory.pdf](http://ssa.nic.in/rte-docs/free%20and%20compulsory.pdf) on 9 August, 2015).
6. Sehgal, A., Mukhopadhyay, R. and Rosily, T.L. (2015). *Understanding Resilience of Socially Disadvantage group: Inclusions in the Formal School System*. DU Journal of undergraduate research and innovation, Volume 1 Issue 2, page 20-33.
7. Soni, R.B.L. (2013). *Status of Implementation of RTE Act - 2009 in context of Disadvantaged Children at Elementary Stage*. New Delhi: Department of Elementary Education, National Council of Educational Research and Training.
8. Yagnamurthy, Sreekanth (2013). *Reservation for Economically Weaker Section Children in Unaided-Private Schools: Policy and Practice*. Educare: International Journal of Educational Studies, 5 (2).
9. [www.dise.in/.../State-of-the-Nation-Section-12-1-c-CSF-March-2015.pdf](http://www.dise.in/.../State-of-the-Nation-Section-12-1-c-CSF-March-2015.pdf) (Retrieved on 11 August, 2015).