

25% NEIGHBOURHOOD ADMISSION POLICY UNDER RTE: AN EVALUATION

Vikas Mane, Ph. D.

*Associate Professor, Centre for Educational Studies, Indian Institute of Education
Kothrud, Pune-38*

Abstract

Section 12 of the Right of Children to Free and Compulsory Education Act 2009 (the Act) has made it compulsory for every private unaided school to admit at least 25% of its entry level class from children belonging to weaker and disadvantaged groups. Due to various implementation issues this policy has been criticized by many social activists, academicians and educationists as well. An empirical study of the schools from Pune and Beed show various issues in the implementation of this provision, such as - vague admission process under the RTE, reimbursement as a per child expenditure being insufficient, negative approach of the school regarding the admission under 25% admission, lack of awareness of parents about the 25% reservation, schools manipulating the provision of admission under 25% reservation policy, etc. Suggestions for the effective implementation of the 25% admission policy include a fair selection process, adequate and timely reimbursement to school, transparent monitoring and evaluation system among others. Overall this 25% neighbourhood school admission policy for the disadvantaged and weaker students is good but needs a far better implementation structure and a determined political and administrative will to succeed on greater scale. Its main objectives of social integration of children and exposure to quality education are laudable and express the best intentions of the RTE act.

Keywords - *Right of Children to Free and Compulsory Education Act, disadvantaged and weaker students, 25% neighbourhood admission, student's cultural and academic integration*



Scholarly Research Journal's is licensed Based on a work at www.srjis.com

Introduction:

The yearning and right to learning is a characteristic of a sensitized modern world where humanity and technological advancement co-habit. India after a prolonged delay has taken up the task of universalization of elementary education. And in pursuit of quality education, the Indian act for free and compulsory education has forced the private unaided schools to admit 25% of its pre-primary or first standard, with disadvantaged and weaker students from its neighbourhood. An empirical study, conducted by the author under an ICSSR sponsored project, has revealed strengths, weaknesses and moreover the contradictions of this only of its kind education provisional clause in the world.

The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE), is an Act of the Parliament of India enacted on 4 August 2009, which describes the modalities of the importance of free and compulsory education for children between 6 and 14 years in India under Article 21a of the Indian Constitution. India became one of 135

Copyright © 2017, Scholarly Research Journal for Interdisciplinary Studies

countries to make education a fundamental right for every child when the Act came into force on 1 April 2010.

The RTE Act, 2009 is a revolutionary step towards universalization of elementary education leading to a mainstreaming of all children towards a quality and holistic learning endeavour. RTE provides a justiciable legal framework that entitles all children between the ages, 6 to 14 years, free and compulsory admission, attendance and completion of elementary education. It provides for children's right to an education of equitable quality, based on principles of equity and non-discrimination. Most importantly, it provides for children's right to an education that is free from fear, stress and anxiety.

25% Reservation under RTE:-

Section 12 of the Right of Children to Free and Compulsory Education Act 2009 (RTE) has made it compulsory for every private unaided school to admit at least 25% of its entry level class from children belonging to weaker and disadvantaged groups. For this category of students the state government shall reimburse to the schools an amount equal to either the fees charged by the school or the per child expenditure in state schools, whichever is lower. The initiative of 25% reservation policy is appreciated by the parents from lower socio-economic background. But, due to various implementation issues this policy has been criticized by many social activists, academicians and educationists as well. Many private unaided schools from all over India are not ready to admit the children under this policy. In this research paper the researcher has tried to evaluate the 25% reservation policy based on the empirical study of the schools from Pune and Beed. The researcher conducted the survey in 33 private aided, unaided and government schools from the both districts. A total of 366 persons including headmaster, teacher, SMC member, students and parents were interviewed. On the basis of collected data the researcher put up a critic of the policy.

Philosophy of the 25% neighbourhood admission –

A socially inclusive society is a one where all people feel valued, their differences are respected, and their basic needs are met so they can live in dignity. The value of inclusiveness can be transferred in the society through schooling. In the form of 25% reservation policy the government is initiating inclusive values in the school system. For the all-round and comprehensive development of the students he/she needs to grow up with all kind of students. In the 'neighbourhood' schools, children from different backgrounds and with varying interests and ability will achieve their highest potential if they study in a shared classroom environment. The idea of inclusive schooling is also consistent with constitutional

values and ideals, especially with the ideals of fraternity, social justice and equality of opportunity.

For children of socio-economically under-privileged backgrounds to feel at home in private schools, it is necessary that they form a substantial proportion or critical mass in the class they join. The relevant universe in which the proportion needs to be considered is the class/section. It is for this reason that the RTE Act provides for admission of 25% children from disadvantaged groups and weaker sections in class I only. This implies that these children cannot be pooled together in a separate section or afternoon shift. Any arrangement which segregates, or treats these children in a differentiated manner vis-à-vis the fee-paying children shall be counter-productive.

The rationale for 25% lies in the fact that the composition of caste/class indicated in the Census is fairly representative of the composition of children who are seeking admission under this provision. As per Census 2001, SCs constitute 16.2%, and STs constitute 8.2% (total 24.4%) of the population. Further, the Tendulkar Committee, set up by the Planning Commission to measure poverty, has estimated the below poverty line (BPL) population to be 37.2%. It is a fact that much of the population that suffers economic deprivation also suffers from social disadvantage. Thus, taken together, the figure of 25% for admission of children from disadvantaged groups and weaker sections is considered reasonable.

The RTE Act provides for admission of 25% children from disadvantaged groups and weaker sections in Class I, not across the whole school. As children admitted to class I move to class II, new children will be admitted to class I, and so on till completion of 8 years of elementary education. The larger objective is to provide a common place where children sit, eat and live together for at least eight years of their lives across caste, class and gender divides in order that it narrows down such divisions in our society. The other objective is that the 75% children who have been lucky to come from better endowed families, learn through their interaction with the children from families who haven't had similar opportunities, but are rich in knowledge systems allied to trade, craft, farming and other services, and that the pedagogic enrichment of the 75% children is provided by such intermingling. This will require classroom practices, teacher training to constantly bring out these pedagogic practices, rather than merely make children from these two sections sit together. The often voiced concern about how the 25% children from disadvantaged groups and weaker sections can cope in an environment where rich children exist can be resolved when the teaching learning

process and teachers use these children as sources of knowledge so that their esteem and recognition goes up and they begin to be treated as equals.

With the enactment of the RTE, the state reiterates its commitment and responsibility to provide free and compulsory—and ‘good quality’ – education to all children. For quality education the Ministry of Human Resource Development promoted a model of public-private partnership in education. A consideration of this type of policy-clause, the government itself admits that the private schools are better than the public schools. Thus clearly indicating that the government is running away from its duty to provide free and quality elementary education to all, especially the socio-economically under-privileged children.

Implementation status of 25% reservation policy:-

The most important provision in the RTE act is the provision for admissions under 25% reservation quota. It is mandatory to all government schools to provide free and compulsory education to all children. But aided institutions shall provide free and compulsory education to such percentage of students in elementary classes which equals the percentage of recurring aid received by it from the Government to the annual recurring expenditure incurred by the school, subject to a minimum of 25%. Private unaided institutions and special category schools shall provide free and compulsory education to at least 25% children belonging to disadvantaged groups and weaker sections admitted to class I or pre-primary classes. Such schools would be entitled to reimbursement at the per-child cost incurred by the Government.

Section 2(d) of the RTE Act defines a disadvantaged group as a group in which a child belongs to the Scheduled Caste (SC), the Scheduled Tribe (ST), the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economic, geographical, linguistic, gender or such other factor, as may be specified by the appropriate government, considered as a disadvantaged group. Moreover, subsection (e) of section 2, “child belonging to weaker section” means a child belonging to the parent or guardian whose annual income is lower than the limit specified by the appropriate government.

After more than seven years of implementation of the RTE Act there are some major issues regarding its implementation. The attitude of the school administrator, headmaster and teacher is neglectful of the various provisions of the RTE Act. The researcher investigated the implementation of 25% reservation policy with the headmasters, teachers, parents, School

management Committee (SMC) members and students and the issues of the implementation are described below –

1) Vague admission process under the RTE:-

The RTE act 2009 gives a right to the children to get admission in a desired neighbourhood school. Most of the schools did not follow the proper admission process and excluded the needy children from the benefits of the act. It is mandatory for the government to post a notification in local newspapers as well as through speaker announcements on the community radio and local cable TV channels to build awareness of the rights of disadvantaged groups and weaker sections to seek admissions in private schools. Along with this, each school should announce the number of seats reserved under the Act on their school website and front gate notice board, besides providing information of available number of seats to the state/local authority. Most of the schools acknowledged that they did not publicize the seats available under the 25% quota. It is a gross violation of the right to free and compulsory education of the disadvantaged groups and weaker sections which includes the students from the scheduled castes and scheduled tribes.

2) Reimbursement as a per-child expenditure is insufficient, delayed or denied:-

Section 12 (2) of the RTE act specified the reimbursement process for the private unaided school. The private unaided school shall be reimbursed expenditure as incurred by it to the extent of per-child expenditure incurred by the state, or the actual amount charged from the child, whichever is lower. The per-child expenditure for the purpose of reimbursement is calculated by the government as the total annual recurring expenditure of the government on its own schools divided by the number of students enrolled in such schools. But a whopping over 75% headmasters and one SMC member said that they did not receive any amount from the government as reimbursement for admission done under the 25% reservation quota.

The private unaided school's per child expenditure has been higher than the government schools but they get reimbursement as per government norms, which may be less than the actual expenditure. This is the main reason for the opposition to the 25% reservation admissions by private unaided schools. The government is unjust with the expenditure issues of the private unaided school while in turn these schools mete the same injustice to students from the disadvantaged groups and weaker section by denying them admission under this quota.

Inadequate or irregular or non-reimbursement of the per capita students' expenditure by the government infringes on the most basic provision of access for the disadvantaged

groups and weaker section student under the right to education act. If the government, with provision of the RTE act, has forced the unaided private school to fill up 25% of their seats with deprived neighbourhood students, it is the duty of the government to reimburse the actual amount of expenditure per student that varies with the quality each unaided private school displays. Reimbursing these schools with average government per student expenditure is not only unjust to these schools, but creates huge obstacles for the neighbourhood socio-economically deprived students to be accommodated socially and educationally in the school atmosphere.

3) Negative approach of the school regarding the admission under 25% admission:-

Proper implementation of the 25% reservation quota totally depends on the positive attitude of the school towards neighbourhood students who come from the disadvantaged and weaker sections of the society. The majority of the responses from the teachers towards 25% admission provision was either of neglect or negation which expose the teacher's attitude towards this policy which expressly claims the opportunity of quality education participation to the disadvantaged and weaker students (DWS) of the neighbourhood. This indicates maladministration of a significant socially inclusive clause of the RTE. The members of school management committee also did not respond to this provision. It is extremely unfortunate that members of the school management committee, which got a statutory role in the functioning of the school system under the RTE, are either negligent or unsupportive for the participation of students from the socially and economically underprivileged sections.

4) Lack of awareness of parents about the 25% reservation:-

Parents that were eligible, but unaware, were keen to learn more about the RTE and the admission process under Clause 12. Children of the parents from the disadvantaged groups come under the 25% reservation policy, but information about the reservation quota does not reach such parents due to lack of awareness and low literacy levels. Over 53% which includes 7% SC, 14% OBC, 3% NT and 21% minority parents did not have the information about the 25% reservation quota policy. Only 39.29% parents had the information about the 25% reservation quota admission policy. This situation warrants organization of awareness programs and publication of the 25% admission quota facility in the rural as well as urban areas.

5) Schools manipulating the provision of admission under 25% reservation policy:-

The government policy regarding the reimbursement of the 25% admission is unfair and is the reason why many of the schools are not interested to admit the children under the

reservation quota. Many of the schools manipulate the records to avoid the admissions. Tamil Nadu Child Rights Observatory (TNCRO) conducted a survey in 635 schools across 15 districts in Tamil Nadu. The study reveals that, larger number of children under the disadvantaged group are being left out during admission in the 25% reservation quota under the RTE. Those who earn below 2 lakh per annum come under weaker sections, but the reality is that schools admit the students from weaker section through normal procedure and later manipulate the records to show them as RTE beneficiaries. Hence, there is a possibility that the disadvantaged groups may be denied admission. (The Times of India, 9 May, 2014)

6) Problem faced by the parents:-

The reimbursement from the government to the private school is less than the actual expenditure. In this situation most of schools recover the extra fees from the students admitted under 25% reservation quota. Some schools denied the admission to the weaker section as they were unable to pay the extra fees. It has also been observed in other studies and news published in the newspapers, that most of the private unaided schools that admitted students under the 25% quota as per RTE norms, gave discriminatory treatment to the students that are unable to pay the school fees. In this situation the parents have to face financial problems as well as mental distress.

7) Discrimination against the children from Disadvantaged and Weaker students (DWS):-

In accordance with Section 8(c) and Section 9(c) of the RTE Act the State Government/Local Authority and the private schools have to ensure that children from the weaker sections should not face discriminatory treatment, segregation from other children in the class room, denial of participation in programs apart from regular periods. The students from the surveyed schools did not report any discriminatory treatment which is a very positive contemporary aspect in schooling under implementation of the RTE act. This could be because they were responding to these queries with their head master and teacher around, who may not like any honest responses, leading to retributive actions.

More cases of discrimination against students who have secured admission under the 25% reservation scheme of the Right to Free and Compulsory Education Act (RTE) have now surfaced. Some schools have threatened to bar entry of students into the premises if they fail to pay up the tuition fees or do not report to school in proper uniforms. Pushpa Vyas, a social worker with the KagadKachPatraKashtakariSanghata' Pune, said that many of their members, whose children were admitted to private English-medium schools, have been

complaining that schools demanded money for stationery and uniforms and did not allow students to come to school, if fee payment is not made.

In other case it has been found that several private schools in Delhi issued ID cards with a 'W' marked against the names of DWS children. Some schools had different uniforms for the children, while some others conducted classes for poor children separately, at an altogether different hour. These incidents clearly indicate that many schools are discriminating against the students from DWS. It is a clear violation of the RTE act and government has to take strict action against such school.(Gole,2013)

It was also observed that the economically weaker section (EWS) category students were discriminated against by the fellow students. Students do not like to share their lunch with these students during the recess break. When asked as to why they do not share their lunch with these students, the students replied that their parents have told them not to sit or even talk to these students, as these students have a low standard of living.(Sharma and Nigam, 2015)

8) Issues regarding the student's cultural and academic integration:-

Culture of the elite students and the students admitted under the 25% reservation quota is different. The students admitted under 25% reservation quota come from poor socio-economic background. They may not have good family educational background. Most of the times the language spoken at school was different from that used at home, so students from EWS category faced communication problems in the school. They had limited exposure to English at home so these children found it difficult to cope up with their general category peers who had an edge of English language, being spoken at home. This was the reason why EWS students lacked self-confidence and were hesitant to speak with their peers. Sometimes students from EWS feel isolated when general students talk about holidays abroad, birthday celebrations, parties, cars, houses, clothes etc. and EWS students are not able to contribute during peer group interactions due to a very different life style and poor economic conditions.(Sujatha and Sucharita, 2016)All this, in turn, resulted in low participation of these students in the classroom. They tended to be withdrawn and hesitated from speaking openly and thus they lagged behind the other students.

9) Issues regarding demand by school of various fees:-

The Right of Children to Free and Compulsory Education Act, 2009 is about a child's right to education. All children between the ages of 6 to 14 can get free education from class 1 to class 8 in a nearby government school or aided school. Children who are poor or

underprivileged in some way, can get free education till class 8 in a private school with the help of 25% reservation admission policy. These students need not pay any fees to school till the end of 8th class. But some schools are demanding 'extra fees' under various heads including hall ticket, books, bag, uniform etc. Poor students cannot afford these type of fees and tend to drop out from the school. Actually the per student expenditure of the private school is much higher than the government reimbursement amount. This is the reason that the private schools oppose to admit the children under the reservation quota and demand extra fees from these students. This is a huge violation of the RTE act and government has to take strict action against such schools.

10) Teachers Negative attitude towards EWS Students:-

When children from different socio-economic backgrounds are admitted to the same school and taught together, the teacher's role becomes extremely important. A teacher working in a mixed classroom must have substantial understanding of child psychology, especially of the effect of home and social environment on the growing child. The researcher found teacher's negative approach towards weaker section students. So there is a need to bring change in the attitude of the teachers and administrators for the effective implementation of the scheme.

❖ Suggestions for the effective implementation of the 25% admission policy:-

The provision of twenty five percent reservation in private schools under RTE for children belonging to weaker sections and disadvantaged groups has garnered much debate among researchers as well as the common people. The overarching goal of this provision is to promote social inclusion in the school that recognizes the diversity of students and makes the disadvantaged and culturally distinct groups to be equal members of the society. The aim of the government to achieve social inclusion is good but the tool is not proper to fulfill this goal. There are several implementation issues regarding this provision that could be overcome through the following measures.

1) Fair selection process: -For effective implementation of the 25% reservation quota seats in private schools, there is a need to ensure a fair selection process. Schools do not conduct a fair admission process under the 25% reservation policy. This is the main reason why the government of Maharashtra has started centralized admission process for the 25% reservations quota.

2) Adequate and timely reimbursement to school:-The private unaided school's per child expenditure is higher and the reimbursement as per government norms may be less than the

actual expenditure. This is the main reason for the opposition to the 25% reservation admissions by private unaided schools. However, per-child expenditure should be calculated not only on the basis of the recurring expenditure in government schools but should also include the fixed or capital expenditures including other costs related to elementary education of the state government. This reimbursement should be given to schools on time.

3) Acknowledge minimum documents for admission:-Minimum number of documents should be required and admission of students fulfilling the criteria for 25% seats should not be refused due to lack of documents. Relevant verification of the details of the student can be made through community mobilization and using volunteers for income and address verification.

4) Increased awareness among the school officials regarding the 25% admission provision:-Primary schools need to be made aware of the provisions made for 25 percent reservation of seats for the economically and socially weaker and disadvantaged children and the role of school managing committees in this regard. The identification, selection and verification procedure of such children should be well defined and well informed. The whole process of monitoring it should also be notified.

5) Transparent monitoring and evaluation system:-Section 32 of the act is regarding redressal of grievances. Any person having any grievance relating to the right of a child under this act may make a written complaint to the local authority having jurisdiction. After receiving the complaint the local authority shall decide the matter within a period of three months after affording a reasonable opportunity of being heard to the parties concerned. Any person aggrieved by the decision of the local authority may prefer an appeal to the State Commission for Protection of Child Rights or the authority. Parents of the weaker sections and disadvantaged groups were not aware about this provision. Government will have to take strict action against the schools that do not fill the vacant seats under the reservation quota or deny admission to the children from weaker sections and disadvantaged groups.

Conclusion-

Even though misplaced now, the very articulation of such provision in the RTE act can be challenged. When we say that the disadvantaged and weaker students of the neighbourhood shall be given an opportunity to learn in the best schools of their neighbourhood, we accept subtly, that our government and aided schools are not as good as the private unaided schools. This is a huge admission and acceptance of public duty failure of the state. In another way, we admit that we are not in a position or we do not want to improve

the standards of the government and aided schools to be at par with the private. Not that the private schools are doing too well in India. But some attempt to improve standards of schooling, through this RTE clause, is better than no attempt.

Overall this 25% neighbourhood school admission policy for the disadvantaged and weaker students is good but needs a far better implementation structure and political as well as will to succeed in its entirety. Its main objectives of social integration of children and exposure to quality education are laudable and express the best intentions of the RTE act.

References-

RTE Section wise rationale –

http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/RTE_Section_wise_rationale_rev_0.pdf

Sharma, Pooja and Nigam, Shivangi (2015) 'EWS Reservation: Beyond Implementation' *International Journal of Academic Research in Education and Review*, Vol. 3(9), pp. 257-260, October 2015, <http://www.academicresearchjournals.org/IJARER/Index.htm>

Sujatha, K and Sucharita, V (2016) 'Right to Quality Education through Social Inclusion A Study of Two Schools in Delhi', *National University of Educational Planning and Administration, Occasional Paper 49*, pp. 15

Swati ShindeGole (2013) 'More parents report discrimination cases' article published in *The Times of India*, dated, 27 June 2013, <https://timesofindia.indiatimes.com/city/pune/More-parents-report-discrimination-cases/articleshow/20787176.cms>

The Right to Education Act- <http://righttoeducation.in/know-your-rte/about>

The Times of India (2014) 'Survey throws light on discrepancies in RTE implementation' article published dated, May 9, 2014, <https://timesofindia.indiatimes.com/city/trichy/Survey-throws-light-on-discrepancies-in-RTE-implementation/articleshow/34844845.cms>