
Research Papers



**A STUDY ON THE IMPLEMENTATION OF RESERVE SEATS FOR
DISADVANTAGED AND WEAKER SECTIONS UNDER RIGHT TO EDUCATION
(RTE) ACT 2009 AMONG ENGLISH MEDIUM SCHOOLS IN SATARA CITY.**

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ABSTRACT :

The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21-A, means that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.

KEYWORDS : *Fundamental Right , Right of Children to Free and Compulsory Education.*

INTRODUCTION:

In common parlance, Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Classes (OBCs), Girls, Children with Special Needs (CWSN), and Minorities are considered disadvantaged sections or backward classes. The Socially and Economically Backward Classes (SEBC) have only now been taken up at the national level for attention in education. There are little or no Census data about them. Similarly there are no census data on the educational profile of Minorities and the Disabled Children.

The National Commitments

The National Policy of Education 1986, as revised in 1992, had indicated three thrust areas in elementary education:

- i) Universal access enrolment;
- ii) Universal retention of children up to 14 years age;
- iii) A substantial improvement in the quality of education to enable all children to achieve essential levels of learning.

These objectives were addressed during the Tenth Plan period mainly through the *Sarv Shiksha Abhiyan* which is the flagship programme of Government of India being implemented in partnership with States and UTs. The Mid Day Meal and Teacher Education Schemes have also contributed towards progress in the above objectives

CONCERN OF QUALITY EDUCATION

One of the primary objectives of Right of Children Free and Compulsory Education Act, 2009 is improving quality education. The quality of elementary education, particularly in government schools, is a matter of serious concern. The quality of school education depends on various variables

which includes physical infrastructure, method of teaching, learning environment, type of books, qualification of teachers, number of teachers, attendance of teachers and students and so on.

There has been substantial progress in increasing enrolment with national average now at 98.3 percent (2009-2010) according to official statistics. However, the attendance of pupils in class rooms has declined. In 2007, 73.4 percent students enrolled for Standards I-IV/V were present in class, which has fallen to 70.9 percent by 2011 (EPW, 2012). Fayaz Ahmad (2009) came with the findings that despite lack of staff in government schools, teachers remain absent on rotational bases. He adds that due to vacancies for teacher, absenteeism of teachers and poor infrastructure in government schools classrooms are multi-grade, i.e. one teacher attending to children from different grades in a single classroom. The attendance of teachers and students in schools is directly related with the quality of education.

Furthermore, mere enrolment of children in school does not fulfil the aims of RTE. Amman Madan (2003) argues ‘the question of reform in Indian education has usually been conceived of in narrow ways – putting children in school and getting schools to function efficiently’.

Despite high enrolments in schools 50 percent of children studying in the fifth grade lack the reading skills expected of children in the second grade (Annual Status of Education Report, ASER 2010).

Indian children now have a precious right to receive free and compulsory education from the ages of 6 to 14 years of age. The government will bear all the expenditures of schooling. The act has mandated for private schools to reserve quarter of classroom strength for deprived sections of society, which will change the structure of classrooms in elite schools to school who are not yet enrolled. However, there are many apprehensions with regard to achieving desired goals through RTE. By pressing for 25 percent reservation for the ‘weaker and disadvantaged sections’ of society, government has acknowledged poor quality in government schools where more than 90 percent of households in the country will have to enrol their children even if 25 percent reservation is implemented in true sense. This means that there will be further diversification of society in India. There are also concerns whether those enrolled in private schools will cope and adjust with education system and culture of elite schools. There are many other loop holes which are pressing and challenging in the way of RTE: quality education, funding, teacher skills and enhance of reservation policy are some major concerns.

Despite the flaws in the way of RTE Act, it is important to simultaneously ensure proper implementation of the Act.

REVIEW OF LITERATURE:

Right to Education Act 2009

“Ensuring 25 percent Reservation: Right to Education Act: A Critical Analysis”, By Fayaz Ahmad, Jamia Journal

The RTE, Act, 2009 clause, 12 (1) (c) mandates for private schools to admit quarter of their class strength from weaker section and disadvantaged groups¹. The constitutional validity of this clause was challenged in the apex court of country. However on 12, April 2012, a bench of Chief Justice S .H. Kapadia, Justice K. S Radhakrishnan and Swatanter Kumar upheld the constitutional validity of the Act.

In response to the Supreme Court order, HRD minister Kapil Sibal said, “I am very happy that the court has set all controversies at rest. One of the biggest controversies was on whether the 25 percent reservation applies to private schools or not... that controversy has been set to rest.”²

Reacting to the 25 percent reservation Krishna Kumar (2012) penned down “most ambitious among its objectives is the social engineering it proposes by guaranteeing at least 25 percent share of enrolment in unaided fee-charging schools to children whose parents cannot afford the fee.” Both Krishna Kumar and Kapil Sibal did not give in depth critical insight to the provision. The questions like, what will be the mechanism of selection process of 25 percent children from ‘weaker and disadvantaged sections’. Some private schools are very reputed and provide very high quality of education and some are either at par with government schools or little ahead. There is a hierarchy of private schools which are stratified in quality education. Who will go where what will be the criteria for that? Furthermore Indian society is patriarchal in nature; boys are even served good food in

comparison to girls how one can expect parents or guardians will send a girl child to these private schools, if at all they agree to send a girl child to school. The reservation benefits will go to a particular gender of society. This will further reinforce and reproduce gender bias and social inequality in society. Thus RTE itself creates a vacuum for “reproduction of culture”. Fayaz Ahmad (2009) underlines, parents prefer schooling for their girl child but prefer government schools for them in comparison to a male child.

The important finding which has been revealed by Fayaz Ahmad (2009) is the enrolment shown in schools was higher than what actually it was. This was done to get mid-day meals for more and more children so that teachers can save some money to bear other hidden expenditures and avoid wrath of authorities for poor enrolment. Despite employment of Resource Persons and Zonal Resource Persons by Jammu and Kashmir government in the department of school education, who are obliged to ensure smooth and normal functioning of schools, such kind of loopholes are observed, how can the government ensure that private schools will follow the provision of 25 percent reservation..

OBJECTIVE OF THE STUDY:

1. To know and understand the policies and programmes for the educational development of disadvantaged and weaker sections.
2. To identify the profile of the schools under the study area.
3. To identify the family profiles of the children of disadvantaged and weaker sections.
4. To bring out parental role in the views of awareness, capacity, attitude and perspective to implementation of 25% Reserve Seats under the Right to Education Act 2009
5. To explore the perspective, policy and admission procedure of the school management to implementation of 25% Reserve Seats under the RTE Act 2009
6. To explore the monitoring, procedure, feedback and action of administrative officers to implementation of 25% Reserve Seats under RTE Act 2009

OPERATIONAL DEFINITION OF THE CONCEPT:

Implementation: Implementation is the realization of an application, or execution of 25% reserve seats to disadvantaged and weaker sections under RTE Act 2009. Implementation is the admission procedure to 25% reserve seats to disadvantaged and weaker sections

25% Reserve seats: The Supreme Court upheld the Constitutional validity of the Right to Free and Compulsory Education (RTE) Act, 2009, which mandates a minimum of 25% free seats for children belonging to weaker sections and disadvantaged groups (EWS) in all private unaided primary schools. In particular, Section 12 (1) (c) of the RTE Act stipulates that the 25% reservation be implemented while admitting students to entry point of the school.

Disadvantaged Section: A “child belonging to disadvantaged groups” 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, economical, geographical, linguistic, gender or such other fact, as may be specified by the appropriate Government, by notification” (RTE Act, 2009, Section 2, Clause (d)).

Weaker section: 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, by notification” (RTE Act, 2009, Section 2, Clause (e)).

RTE Act 2009: '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 in India under Article 21A of the Indian Constitution. India became one of 135 countries to make education a fundamental right of every child when the act came into force on April 01, 2010.

English Medium School: An English medium education school is one that uses English as the primary medium of instruction of the students. It will be include the state schools of the Satara city.

RESEARCH DESIGN:

Exploratory Design research design is used for the present study. The focus is on gaining insights and familiarity for later investigation or undertaken when research problems are in a preliminary stage of investigation. Exploratory designs are often used to establish an understanding of how best to proceed in studying an issue or what methodology would effectively apply to gathering information about the issue. (Cuthill, Michael. "Exploratory Research: Citizen Participation, Local Government, and Sustainable Development in Australia." *Sustainable Development* 10 (2002): 79-89 ;)

Universe: The universe of the present study is Satara city. All the 13 English medium schools are selected for the present study.

Sample selection method and Technique: A sample is a portion of people drawn from a larger population. Since the number of schools and students from disadvantaged and weaker section is not very large hence census survey method is used for the present study.

Methods of Data Collection:

Interviewing method of data collection is used for the present study.

Tools of Data collection

A Structured interview schedule was administered to collect data.

Data analysis and interpretation

Collected data is analyzed by using SPSS and was interpreted.

MAJOR FINDINGS

1. All the schools are aware about RTE Act 2009 and its implementation of Reserve Seats for disadvantaged and weaker sections
2. Among 13 English medium schools 4 schools are minority schools.
3. All the schools are located in a conducive environment with an owned school building; infrastructure of the school is also good. But 8 schools do not have their own school ground.
4. Schools enroll the students of socially disadvantaged and weaker sections of the society under RTE Act 2009.
5. Majority of the students belongs to farmer's community.
6. Majority of the parents have studied up to secondary level
7. Monitoring about the implementation of RTE Act 2009 is satisfactory

CONCLUSION:

Right to Education (RTE) Act 2009 is very important Act as far as human development is concerned. It is rightly said by our social reformers, education is only tool can be used for the development of every nation. Without education development cannot be achieved. People belonging to disadvantaged and weaker section of the society can benefit from this RTE Act 2009. It is the moral responsibility of each and every person involved in the process of implementation not to leave a single student from benefitting this facility of free education provided by Government.

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