



## Social inclusion through EWS Quota under RTE Act 2009 with reference to Dr. B.R.

### Ambedkar's vision

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#### Abstract

The theme of reservation usually ignites controversies and gives pushes to debate and strong reactions. The idea of favoring backwards with the help of reservations and quota for a definite time period came from the legendry Dr. B.R. Ambedkar. He expected that the policy of reservation initially could compensate the backwardness of marginalized. But the irony is, after so many years of implementation of reservations, the policy of reservation has not created a noticeable impact over the society. The reserved category complains of inaccessibility and corruption and the unreserved category is frustrated and disappointed due to the edge, the reserved category has in education and employment due to reservation. The EWS Quota under RTE Act 2009 i.e. a Quota of 25% seats to be reserved in private unaided schools for poor children has reaffirmed in the belief of providing reservation for ensuring Social Inclusion. Although this Quota has roots in the philosophy of Dr. Ambedkar but there is a need to examine its relevance in the present scenario.

**Keywords:** positive discrimination, social inclusion, social psychology, EWS quota

#### Introduction

An Egalitarian society where all the members are leading a dignified life without discrimination and exploitation is what Dr. B.R. Ambedkar has aspired for and at the same time strived for. Any kind of discrimination and exploitation leads to marginalization and social exclusion of the afflicted groups of the society. Social exclusion is a relative term and a process where a person is being excluded from participating in all those social activities which are assumed to be normal for others persons. For e.g. due to poverty many children are devoid of a balanced and nutritional diet and as a result suffering from malnutrition. So malnourished children are marginalized and excluded from leading a healthy life.

In India, exclusion takes many forms; it may happen due to poverty, language, caste, region, religion, gender and color too. Here it has to be maintained that untouchables who later on termed as scheduled castes have bear the brunt of discrimination, untouchability and severe exploitation from the upper castes. They are placed at the bottom of caste hierarchy and had been excluded from being educated, employed & leading a free life for thousands of years.

Dr. B.R. Ambedkar himself belongs to the family of lower caste and has gone through the pain of untouchability & discrimination. He has gone through the inhuman treatment and couldn't get rid of it even when he became administrative official. Ambedkar was fortunate enough to get the opportunity to study so that he became well aware of the vicious circle and exploitative system of caste in India. He advocated a policy of positive discrimination for the depressed classes in the form of reservations and quota in education and employment. With the help of this policy, he was of opinion that up to some extent; the marginality can be compensated. Here it is important to mention that he suggested a time bound

reservation policy which can be extended if needed. But after approximately 70 years of independence, we still depend on reservations. We are not only having the reservation continued but it has reaffirmed through the implementation of EWS Quota under RTE Act 2009. With the help of this paper an effort is being made to examine the relevance of EWS Quota in the present educational system.

Before indulging in the examination of EWS Quota under RTE Act 2009, some emphasis should be placed on the existence of graded inequality in India.

#### Existence of Graded Inequality in India.

The Indian society is based on caste system. Caste system is quite unaware of the ethics of equality and universal brotherhood. Specifically, we can mention the scheme of Manu and by following the scheme of Manu, Hinduism does not recognize equality of men. Hinduism follows a ranking system and order of gradation: first rank, Brahman, second rank, Kshatriya; third rank, Vaishya; fourth rank, Shudra; fifth rank, the Ati-shudra (untouchables).

Graded inequality is more dangerous than inequality. Inequality creates general discontent which may take the form of revolution. Revolution and expression of discontent gives the sufferers an opportunity to rise against the discrimination and to fight for the common grievance. But graded inequality prevents the rise of general discontent and revolution against the system. For instance, regarding the Manu's governance of marriage, the Brahman has the right to take a woman for marriage from the three lower classes, but the Brahman is not allowed to give woman to lower class. Although the Kshatriya and Vaishya may have resentment towards the Brahman, but they will not stand up against the Brahman as they also have the right to take a woman from lower class. Here we can also

mention that each and every caste is very conscious of their rank in the hierarchy and they don't stand against their upper class because it increases the chances of lower class to come to their status. Like the Kshatriya if stands against the Brahman, there can be a chance that the other lower classes (Vaishya & Shudra) may rise to the same level. So in order to retain the ascribed status the upper castes give their acceptance but the lower caste especially the untouchables have to bear the inhuman treatment, the discrimination and exploitation. This Graded inequality compels the untouchables to accept their status as destined and they deserve to be mistreated and to do work which is commonly not done by upper castes.

The persistence of this graded inequality in India is mainly due to the some principles of Hinduism. Hinduism still persists with its official doctrine of inequality. Further the principle of ranked and graded caste system of Hinduism perpetuates the inequality in the social order. The caste system determines the social order in Indian society. Moreover, up to a great extent determines the various kind social relationships that can be made among members, the economic order of society in terms of relation of workman to workman and most essentially the political order of people to people.

So the graded inequality which has its base in the caste system of Hinduism clearly sets the norms for social relationships. Though many efforts have been done from the eminent social reformers from Jyotiba Phule to Dr. B.R. Ambedkar to make society free from caste apprehensions but it is so deeply rooted in the Indian society in the form of religion & culture that it still exists. The more grievous part is that now caste not only affirms inequality but has become the source of vote bank politics in India. Now Indian politics harness the caste system where vote bank decides the propaganda of elections, not the common welfare.

After discussing one of the major sources of inequalities in Indian Society, it is significant to mention Ambedkar, the crusader who fought against the evils of caste system. Later on as a founder of Indian Constitution he came up with a vision to support the marginalized in the form of reservation and quota.

### **Ambedkar as the Pioneer Revolutionist**

Bhimrao Ramji Ambedkar, known as Babasaheb belonged to the untouchable caste of mahars of Maharashtra. In his early life he was also suffered from various prejudices in school and society but fortunately he was supported by many Social reformers for his studies. For instance, when a Hindu reformer K.A. Keluskar; got to know about the Ambedkar's outstanding capabilities he aided Ambedkar's education. K.A. Keluskar also provided Ambedkar with the insight into Buddha's thought by giving a book on the life of the Buddha in Marathi language. Ambedkar was also supported by Non-Brahman prince of Baroda and Kolhapur. All this assistance eventually lead him to the degree of PhD From Columbia University in New York, a D.Sc. degree at the University of London, and the title of barrister at Grey's Inn in London in the academic achievements of Babasaheb.

Ambedkar in spite of having high academic achievements, had experienced the inhuman attitude of the upper caste people. At the times when people recognized him as a man of learning

and high official in the Baroda state in 1917, he was treated very poorly. There was no drinking water in his office, his subordinates kept a distance from him; low paid workers threw files and paper on his desk from a distance due to the fear of being polluted. So Ambedkar decided to fight for the social and political rights of the untouchables. In the midst of his education abroad, he returned to India in 1917 for a three year period and participated in two conferences for the depressed classes. At that time he also initiated a newspaper entitled Muknayak (the voice of the mute) which later became the foundational hallmarks of his life long political and social reformation. Ambedkar founded the independent labor party during the British government reforms of the mid 1930s. He demanded separate electorate for the untouchables in the round table conferences held in London in 1930 and 1931. His newspapers Bahishkrat Bharat (Excluded India), Janata (People) and Prabuddha Bharat (Awakened Bharat), which succeeded Muknayak were widely circulated. His revolutionary thoughts for the emancipation of untouchables gave the lower caste, a place of consideration in Government policies in pre and post Independent era. Ambedkar advocated the policy of positive discrimination for the welfare of the disadvantaged.

### **Positive discrimination as a policy**

Positive discrimination was emerged in India in the early decades of the 20<sup>th</sup> century and was subsequently given a constitutional basis in 1950's. Indian policies of Positive discrimination rely primarily on reservations through quotas. The claims for reservation were first made in the late 19<sup>th</sup> century in education and employment and the earliest quotas date back to 1920 in Mysore, Bombay and Madras Presidencies. Indian policies of positive discrimination are primarily located in the educational, political and administrative domains and have not yet been legislated for the corporate sector or for civil society organizations. Positive discrimination in India is directed at members of the Scheduled caste (SCs), the Scheduled tribes (STs) and more recently members of the Other Backward Class (OBCs).

Caste is the substantial feature of Indian society. Reservations and quotas were initially meant for the lower castes in India. But this was full of complexities. It is almost impossible to enumerate or describe caste with any degree of accuracy. There are believed to be anywhere 2000-3000 caste/sub caste in India and are arranged hierarchically in the four fold ritual Varna order. Dr. B R Ambedkar strived for separate electorate and reservation of assembly seats for the depressed classes so that the lower castes could also be properly represented. The kind of mental, physical and emotional pain, a lower caste person has to go through in the complex Varna system; only a representative from a lower caste can understand and do the needful. But due to large number of castes and sub castes in India with huge disparities in terms of language, region and religion, it is almost an impossible task to develop a system which is satisfactory and beneficial to all.

The policy of Positive discrimination is justified to compensate the educational, social and economical backwardness of the marginalized. However, only a provision cannot do much for the marginalized. The poor and disadvantaged have to be made capable of availing the various

benefits meant for them. Education as one of the strongest means to improve the status of backwards, was propagated by Ambedkar.

Ambedkar sought the emancipation of the depressed classes through education as education can only make them efficient, aware and organize. Education would ensure that the downtrodden not only enjoy their constitutional rights but participate in the system of administration too.

### **Ambedkar on Education**

According to Dr. B.R. Ambedkar, the backward classes have to realize that education is the greatest material benefit for which they can fight. He said, we may forego material benefits of civilization but we cannot afford to forego our rights and opportunities to reap the benefits of the highest education to the fullest extent. Without education the existence of the marginalized is not safe. Babasaheb advocated education to emancipate for the depressed classes. The status of untouchable in the Hindu caste system was the serious impediment of their education. The traditional caste system of Hinduism prevented the lower castes from education and their access to knowledge was strictly prohibited so Ambedkar realized that lack of education was the main cause for the backwardness of poor lower caste people. Ambedkar suggested to the youth of the lower castes that the education is the only way to improve their social status and image. Ambedkar has done tremendous efforts to provide education to the masses so that they may know their own conditions, have aspirations and rise to the level of highest Hindu and be in the position to use political power as a means. This is best reflected in the slogan given by Ambedkar i.e. educate, agitate and organize.

According to Ambedkar, "education empowers the individual with creative thinking, knowledge, reasoning and compassion for fellow being". If the avenues for education are closed and restricted for a particular group of society, this equals to make that group handicapped. The caste system of graded inequality in India has existed from centuries because of differences in the opportunities of education. Ambedkar suggested that the gulf which has been created between the Brahman and Non-Brahman can be ended only with the help of higher education. The Government and its institutions have the responsibility of ensuring education to all without discrimination so that the people from backward castes too come in front and occupy significant places in the governance and administration. On similar lines, Right to Education Act 2009 has been implemented to ensure quality education to all. Within the Right to Education, an EWS Quota is being implemented to ensure access of poor families to education in private schools which would not be possible otherwise, to achieve their Social Inclusion.

### **EWS Quota under Right to Education Act 2009**

In a judgment of 1993 in Unnikrishnan case, Supreme Court made a reinterpretation of Article 21 and emphasized that Right to dignified life should be seen together with Right to Education because if the person is uneducated, he wouldn't be able to understand his rights properly and cannot lead a life of dignity. This judgment proved as a milestone to the efforts of many eminent Educationists, NGOs, civil society

organizations and social workers who were striving for education to be accepted as a fundamental right. In April 2009, a historic act was implemented by the Government of India i.e. Right to Education Act 2009. RTE Act 2009 was passed so as to ensure education to all with a special mention of EWS Quota. This has certainly the reflection of Ambedkar's philosophy. He advocated education for the depressed classes with the help of positive discrimination so that they can be made aware of their conditions and become capable to improve their status.

The RTE Act 2009 ensures free and compulsory elementary education to the children of 6-14 years of age in India. Mapping of children of school-going age was suggested to ensure enrolment of all children. Any kind of segregation, discrimination and corporal punishment were prohibited to ensure smooth availability and accessibility of education to all. No detention policy was suggested to be followed till the completion of elementary education. All the features of RTE Act 2009 have the intention that all children must enroll, retain and successfully complete their elementary education without any hindrance. The major obstacles like requirement of various age and residence proofs at the time of admission were also tried to be removed as under RTE Act 2009 no student can be denied admission due to non-availability of age and residence documents.

One of the features supporting Ambedkar's ideology of RTE Act 2009 is the provision of Economically Weaker Section (EWS) Quota in private unaided schools. All the private unaided schools have to reserve 25% of seats in their entry level classes for the children belonging to the economically weaker and socially disadvantaged section of the society. The private schools would not charge fees from the children who sought admission under EWS Quota and the Government shall reimburse the fee of these children to the private schools. But the Government would reimburse the fees to the extent per child expenditure incurred by the Government on education in State Government Schools or actual fees of the Private school, whichever is lower. So if the expenses of the school on the children admitted in the Quota are more than the reimbursement, then the private schools have to bear the difference themselves.

Social inclusion and equality is the rationale behind the provision of the EWS Quota. According to Hon'ble Supreme Court in 2010. When children from different classes of the society sit together and learn together, they get the opportunity to learn the values of equality & fraternity. Further, the chance to recognize the diversities of real life may be helped to develop among children. To take the advantage of quality education in private schools and to share the responsibility of provision of education was intended by the Government. Further to give equal opportunities of accessibility to quality education available in neighborhood areas is envisioned under EWS Quota of RTE Act 2009. However, it is very much evident that mere provisions of quotas and reservations cannot do much. For the attainment of inclusion of the marginalized in the main team society, social psychology of the people has to transform as suggested by Ambedkar.

### **Ambedkar on Social Psychology**

Ambedkar emphasized strongly the very wrong notion of

untouchability. According to Ambedkar, untouchability is an aspect of social psychology and it is deeply rooted in the mindset of the people who believe in the Varna system. Varna system advocates and also perpetuates the principle of graded inequality in Indian society. So Ambedkar was against the Varna system which compels the lower caste people to accept the discrimination, humiliation and exploitation as destined. Sometimes they might feel that as they are born in the lower caste so they deserve to be maltreated. Ambedkar came to this conclusion because in spite of his acceptance as a man of high learning and the status of being an administrative officer in Baroda, he tolerated the inhuman treatment given by his subordinates. Ambedkar was of view that although the marginalized castes and depressed classes need support in terms of reservation and quotas but to emancipate completely from the undignified life they have to come out of their inferiority complex. At same time, upper caste people have to accept them as human being who have equal rights for leading a dignified life.

Ambedkar stressed upon the reformation of the mind of the man and mind of the world. He believed in the philosophy of equality, liberty and fraternity. For the attainment of the principles of equality, liberty and fraternity; he proposed development of democracy and that democracy should be rested in there spheres of human life; political, social and economic. He upheld that the social psychology of people which compels people to accept the social inequality as destined and could not be changed, has to be transformed to get rid of the disease of casteism and graded inequality.

During his lifetime, Ambedkar refuted the principles of Hinduism and concluded that Hinduism is devoid of any set of principles that would guide the moral conscience of the individual. He converted to Buddhism as he believed that Buddhism is essentially rationalist and humanist in its approach to life. He suggested conversion to the scheduled caste to get rid of their inferiority complex. He believed that the identity of being Indian is the supreme and should be accepted mentally by all the people of the Indian society. And like this we can change that Social psychology of the people which helps in perpetuating the system of inequality.

### **Would the EWS Quota be sufficient enough for ensuring Social inclusion and equality?**

The rationale behind the EWS quota is to bring social inclusion and equality for the children who have been deprived of quality education due to poverty and disadvantaged status. The children from economically weaker and disadvantaged section are provided 25% seats in the entry level classes in the private unaided schools. The reason of the fixed and prescribed percentage as provided by Hon'ble Supreme court of India in 2013 is to give fair number of EWS children in the class so that they may not feel lonely and can relate with each other. The Government is keen to take advantage of the quality education being provided in the private schools.

Here a very crucial debate arises. Firstly Government schools are the major provider of school education in India but at the same time the dilapidated condition of education in Government schools is clearly mentioned in the Annual School Education Report (ASER 2013, 2014). So Government

schools, which are supposed to be relied upon by the masses for education, are continuously poor performing. Secondly private schools which are commonly highly paid and out of the reach of the poor and depressed sections of society would not able to compensate for the poor performing Government school. They may not able to serve the whole population of school going children as they have limited resources.

The EWS Quota offers a unique opportunity to the poor children to access the private schools and share the space with the privileged children. However the administration with the help of EWS Quota should not leave the poor and disadvantaged children at the mercy of private schools. For the purpose of providing support to poor children, the intention of those affluent private schools which serves the elite; cannot be trusted.

So the policy of providing quota needs to be monitored and regulated at every step to remove the various kinds of barriers that may come in way of poor children while accessing the private schools.

Further, it can be said that various kind of reservations have been able to entertain a prescribed percentage of only those EWS families which luckily got to know about the benefits of EWS quota available for them. There would be many more that either did not know about such facility or would not be capable enough to fulfill the requirements and complete the procedure of availing the benefits. So reservations can secure the representation of marginalized in a prescribed way in private schools but certainly not able to guarantee the social inclusion of all the poor and people.

### **Conclusion**

For the people who have suffered the pain of humiliation and discrimination for thousands of years, a more sensitive and sensible attitude is required. One of the measures suggested in the pre and post-independence era in India is the policy of positive discrimination. Under the policy of positive discrimination reservation in employment and education are provided so that the participation of the depressed can be ensured.

The legacy of reservation belongs to the pioneer educationist, philosopher and eminent lawyer Dr. B. R. Ambedkar. He envisioned a time bound, which can be extended if needed; framework of reservation to uplift the depressed. Ambedkar suggested, education is the medium through which a Dalit can become aware and capable. After app. 70 years of independence, the policy of reservation still exists even now extended to other backward classes also. Demands of reservations from different castes and sub caste all around India are very common these days.

The people who were at times couldn't tolerate even the sight of the untouchables are now very keen to get themselves listed in the same category in which all the depressed castes are listed. So reservation instead of a kind of compensation to the disadvantaged has become a tool of securing seats in employment, politics and education. This must be surely not envisioned by Ambedkar. Further the Government in times of debated feasibility of strategy of reservation, has come with another reservation policy i.e. EWS Quota under RTE Act 2009 in privately unaided schools. The private schools are expected to facilitate the Social Inclusion of the poor and



disadvantaged children with the help of EWS Quota under the RTE Act 2009. The success of providing EWS Quota in private schools for the social inclusion of the poor is doubtful as if the policy positive discrimination was so good, it would have achieved success in the last 70 years of implantation and we no longer need it.

The administration has to evolve different kind of strategies besides providing quota and reservations for the welfare of poor and disadvantaged.

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