

## **Policy of Reservation: A Study on the Relevance of Caste Based Reservations in Higher Education of India**

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### **Abstract:**

Diversity is an identity as well as unique nature of Indian society, where the socially and economically weaker section of the society always discriminated, deprived, exploited, and excluded since the time of immemorial. They are known as socio-economically disadvantaged sections, Dalit, Untouchable, Abarna, Harijan, etc, which termed as scheduled caste, and scheduled tribes in Indian constitution. During the time of British Raj, several social reformers and voluntary organizations or associations tried to remove such types of inequality, discrimination, exploitations from Indian society, but they didn't successes at all. After the independence, the constitution of India provides some affirmative action's, positive discrimination or policy of reservation for the socio-economic and educational upliftment of the weaker sections as well as to remove and compensate historical injustice, inequality, discrimination, exploitation, and to established justice, equality, fraternity in the Indian society. Some proponents claim that the policy of positive discrimination or reservation is a significant way to rectify the past injustices against socio-economically disadvantaged section of the society. This reservation policy makes it easier for depressed classes to get into higher educational institutions or get a government job as well as political representation to some extent. On the other hand, some opponents claim that reservation policy creates perverse incentives that strengthen traditional caste boundaries and encourage backwardness in Indian society. In this particular research paper, we would like to analyze the actual need of caste-based reservation policy specially in the field of higher educational sector in India. This article is purely based on the secondary sources of data, collected from various books, journal articles available in internet.

**Keywords:** Reservation, Affirmative Action, Positive Discrimination, disadvantaged section, weaker section, Higher Education.

### **Introduction:**

Reservation policy has become one of the most significant issues in the field of research among the social scientists in recent times. Various debates are seen around this issue. Reservation also sometimes denotes as "Affirmative Action" or "Positive Discrimination". Reservation can be said as policy or program or giving certain preferences to certain groups, mainly the underprivileged sections of the society. Reservations or affirmative action is a continuous issue for policymakers and academics across the world, including the United States, India, Sri Lanka, Malaysia, Nigeria, and Brazil (Gaurav, 2020). As like other countries of the world, reservation is one of the most controversial issues that of India. In India reservation is a form of quota based affirmative action or positive discrimination which follows the concept of "There is nothing more unequal than the equal treatment of unequal people" (R.R., 2020, p. 6176). After the independence, the framers of Indian constitution enshrined the rights to equality in the preamble of the constitution, fundamental rights, fundamental duties, directive principals of state policy in the constitution. Still a wide range of gape is still there between the goals enunciated in the

constitution, legislations, policies, and plans, and the ground reality of the status of socio-economic, religiously deprived sections of the society (Dinesha, 2015). Therefore, after independence the policy of reservation is introduced in India. And through these certain extra-privileges are reserved for historically disadvantaged groups such as SC, ST, and OBCs in higher educational institution, government services, federal and state legislative assemblies, and for women at all levels of the panchayat system (Esther, 2005). The original goal of the reservation policy is to end and compensate the historical socio-economic religious injustice suffered by specific backward class people like SCs, STS, and OBCs. In India reservation is given on the basis of caste, religion, domicile, and by gender. In this particular research paper, we would like to investigate only on the caste-based reservation policy, in the sectors of higher education in India.

### **Caste-based Reservation:**

Caste structure has been playing a great role in Indian society from very long time. Caste determines various aspects of a people life in India, like what they eat, with whom they eat, where they live, whom they can marry, what is their occupations etc. The origin of caste system in India can be traced back to the Manusmriti. Manusmriti divided people on the basis of their livelihood in four groups, which were known as four Varna. This caste system was so rigid and occupation of a person was based on his caste. The traditional hierarchical ordering of castes was based on the distinction between purity and pollution. The lower caste people were not thought equal and pure as higher caste people. So common dining, inter-caste marriage etc. are not allowed between higher caste and lower caste. The people of lower caste had to do menial and other subordinate works. Life opportunities like job, education, marriage etc. were very limited for them. They were denied access to various public places like shops, temples and other places. Thus, people of lower caste and outer caste had to face extreme form of social exclusions and discrimination. Indian society still not completely moved away from the caste system. Discrimination, exploitation and injustices on the basis of caste are still a reality to many parts of India. This age-old caste system of India is responsible for the origin of the reservation system in the country. In the ancient time reservation was made on the basis of caste system in India where the upper caste like Brahmins, and Kshatriyas were supposed to perform elite functions and enjoyed jobs opportunities, educational opportunity and various privileges in social life. On the other hand, the lower caste people did not enjoy such privileges. The atrocities and exploitation of the lower castes in those ancient times has its contribution to the advent of modern form of reservation system, which is put in place to protect and secure the interest of the lower caste. The system was expected to provide equal opportunities, equal status in society, and to uplift the lower caste people (Sonkhotang, 2019).

The idea of caste-based reservation system was originally conceived by William Hunter and Jyotirao Phule in 1882 (R.R. G., 2020). In 1901, reservation was introduced in Maharashtra by Shahu Maharaj. The Maharaj of Kolhapur in Maharashtra introduced reservation in favor of non-Brahmin and backward classes as early as 1902. He provided free education to everyone and opened several hostels in Kolhapur to make easy access of education. He also appealed for a class-free India, and the abolition of untouchability. The notification of 1902 created 50% reservation in services for backward classes in the state of Kolhapur. This is the first official instance providing reservation for depressed classes in India (P, 2015). The British Government gave special attention towards betterment of depressed classes. They took various initiatives, such as special scholarships, special schools, and other programs. In 1925 the British introduced a form of reservation system to reduce Brahmin domination in government and administration. In 1927, the Communal Government Order in Madras Presidency reserved five of every twelve jobs for non-Brahmin Hindus, two each for Brahmins, Christians, and Muslims, and one for Others. In Madras council, 28 of 65 seats were reserved for non-Brahmins (Gurpreet, 2008). The reservation system which exists today was introduced in 1933, when British Prime Minister Ramsay Macdonald presented the Communal Award. This made a provision for

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separate electorates for Muslims, Sikhs, Indian Christians, Anglo-Indians, Europeans, and the depressed classes (schedule castes). This was highly opposed by Mahatma Gandhi, but B. R. Ambedkar expressed his support (R.R. G., 2020). Mahatma Gandhi took fast unto death against this Communal Award. At last Poona Pact took place that retained the Hindu joint electorate and gave reserved seats to the depressed class.

Even before independence reservation were introduced in many places of India. Many times, various Indian leaders talked about preferential treatment for groups who faced economic and social discrimination because of the caste system. After independence the government of India introduced the policy of caste reservation. The reservation is made in order to eliminate the historical oppression, inequality and discrimination of these weaker sections. The main objective of the reservation system in India is to improve the social-economic, educational status of underprivileged communities in order to improve their lives and to achieve the promise of equality enshrined in the constitution (R.R., 2020). Article 15(4) of the Indian constitution states that, "Nothing in this article shall prevent the state from making any provision for the reservation of appointments or posts in favor of any backward class or citizens, which, in the opinion of the state, is not adequately represented in the service under the state." (Sunil, 2013). Article 16(4 B) of the Indian Constitution states that, " Nothing in this article shall prevent the state from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause 4 and clause 4 (A) as a separate class of vacancies to be filled up any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty<sup>00</sup> reservation on total number of vacancies of that year." The article 46 talks about promotion educational and economic interest of the weaker section of the people by the State. Again 29(2) article of Indian ensures that no citizen will be denied admission into any educational institution maintained by the State or receiving aid out of State fund or any of them.

The government of India had set up various commissions to discuss and provide reservation in jobs and educational institution for backward classes, as for example the Kaka Saheb Kalekar Commission. In 1979 Mandal commission was constituted to identify other-backward classes of India. The commission recommended for 27 percent reservation for other backward classes in government jobs under central Government and public sector. In 1982 it was specified that 15% and 7.5 percent vacancies in public sector and government aided institute. National Policy on Education, 1986 gave special attention in improving educational status of STS. The 93 constitutional amendment allowed state to make special provision for backward classes especially to Schedule Caste and Schedule Tribe. Recently in 2019 the government announced 10 percent reservation in educational institutions and government jobs for economically weaker section of general category.

### **Reservation in Higher Education:**

The progress and prosperity of a nation depends upon the development of its human resources. For this purpose, we need highly educated people in large number. Higher education imparts knowledge to people, provides opportunity to reflect on the social, economic, cultural, moral and spiritual issues and enhance critical outlook. It also gives him a wider perspective of life and the world around. It contributes to the national development through dissemination of specialized knowledge and skills. Indian higher education system, which includes technical education, is one of the largest in the world, just after United States and China. Article 15(4) of the constitution of India empowers the state to make reservation for SCS and STS. It is also extended to OBCs. Over the years, several constitutional changes have added and revised the reservation system, for providing social justice (R.R., 2020). In 1954, the Ministry of Education suggested that 20% of the seats should be reserved for the STS, and SCS candidates in educational institutions with a provision to relax 5% minimum qualifying marks for admissions wherever required, along with this it was specified that 15% and, 7.5% of the vacancies in

public sectors and, educational institutions should be reserved for the SCs and, STS candidates respectively (R.R., 2020, p. 6177). National Policy on Education, 1986 gave special attention in improving educational status of STS. The Central Educational Institutions (Reservation in Admission), Act 2006 governs reservation in admission of the students belonging to the SCs, STS and, OBCs of citizens in certain educational institutions like Central Universities, Institution of National importance, Deemed Universities etc. Section 3 lays down the seats matrix for admission purpose. It provides that out of the annual permitted strength, in each branch of the study or faculty, 15% of the seats shall be reserved for the SCs, 7.5 % of seats for STS and, 27% shall be reserved for the OBCs. But it excludes the minority educational institutions and course requiring high level of specialization from the preview of reservation (Srinivas). However, this reservation covers only public institution. Most of India's important higher educational institutions are public in nature. In case of educational institute controlled by state, the percentage of SC and ST reserved seats are determined by approximate proportions of these groups in the state population. But we can also see that there is growing number of various private educational institutions since 1990s. This reservation policy doesn't include such private educational institutions.

### **Relevance of Reservation in Higher Education:**

The caste-based reservation policies have done a great work in increasing the literacy rate of SCs, STS, and OBCs. It is evident that the India's reservation policy plays a great role in increasing enrollment of SC and ST students in higher educational institutes (Weisskopf, 2004). Still their representations in higher educational institution don't match with the share of population by these communities in the population of the country. The SC and ST students are distributed quite unevenly across the various degree programs offered at Indian colleges and universities. Roughly 40 percent of all higher education students in India are enrolled in arts programs, but corresponding figure for SC students over 60 per cent and for ST students roughly 75 percent (Weisskopf, 2004). Their representation is yet low in master's and PhD programs as well as in law, engineering and doctoral courses. The picture is gloomy in case of enrollment in premiere higher educational institutions like IITs, IITs, and IIMs. (Dinesha, 2015).

The supporters of caste-based reservation argued that there has been existed caste-based discrimination in India from the very beginning. The weaker section of Indian society is suffering from educational and economic backwardness. The policy of reservation or affirmative action is very essential to eradicate and compensate the historical injustice of the backward section of Indian society. It is needed for the advancement of Schedule Caste, Schedule Tribe or any other socially or educationally backward classes of citizens. It also evident that without reservation system the representation of Schedule Caste and Schedule Tribe could be more unsatisfactory.

On the other hand, those who refused to agree with them, they argued that all the seats regarding educational institutions, employment opportunities etc. should be allotted based on merit and caste-based reservation doesn't do equality. Reservation in education is the biggest enemy of meritocracy. Another argument given against the reservation in education is that the reserved students have lesser score requirement. This might help them get a seat but after getting into the college, universities, they would struggle to sustain and this seat would be wasted if they quit in between. Sometimes it is also seen that Politicians use reservation to create separatism among people. Politicians also use caste-based reservation for their vote-bank politics. Allegations are also there that caste reservation have further perpetuated caste system by highlighting the difference on the basis of caste instead of destroying the caste-system, which is the real evil of Indian society. Many times, it can be seen that the benefits of reservation are not enjoyed equally by members of the group or community for whom it is meant to. The dominant and elite section within these disadvantaged communities has appropriated the benefits of reservation and the most marginalized within the backward caste have remained marginalized. So

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internal dissension can be seen within the categories of beneficiaries scheduled Castes, scheduled Tribes or Other Backward Classes and, minorities. For Example, in Punjab the Valmiki Samaj is asking for separate quota of reservations on the ground that Ramadasis and, Mazbis have cornered the benefits. Likewise, Chamars in Uttar Pradesh and, Mahars in Maharashtra are said to be benefited from the reservations more than other castes identified in the scheduled tribes (Sunil, 2013).

### **Conclusion:**

Based on the above discussion, it's clear that the affirmative action still has relevance in India. To make the country a developed one higher education should be accessible to every section of the society. So, reservation policy still has a role to play. But at the same time there are some drawbacks in the system which should be removed and the policy should be implemented in a careful way. There is also need for a strict Reservation Act and a provision of strict checks against those who willfully avoid the implementation of reservation policy and, in order to improve participation level of SC, ST students in admission to institution of higher learning emphasis should be laid on primary and secondary level education and, basics should be strong (Dinesha, 2015). No doubt, since independent government of India is initiating several steps and policies to uplift the socio-economic and educational conditions of the weaker section of the society. In spite of this, the status and position of the depressed classes improved not much. They remain at the bottom of the social hierarchy and have still face discrimination exploitation and exclusion from the mainstream of the society. Therefore, we may not completely deny the relevance of caste-based reservation policies especially in the sector of the higher education in India, but there should be needed some kind of changes for removing the drawbacks of caste-based reservation policies in the sector of higher education. Tritha Chatterjee and Thiagu Ranganathan in their working paper wrote that they found reservation related policies had some positive impact on likelihood of getting a job (1.4 percent in case of OBCs). But the policy has not been able to successful in transgressing caste-based hierarchy in occupational categories. So, reservation policy alone could not able to make all needed change (Chatterjee & Ranganathan, 2020). Dr. B. R. Ambedkar in his book "The Annihilation of Caste" mentioned about the need of social integration for eradication of such kind of discrimination. In this regard the government has to focus on increase of job opportunities, establishment of higher educational institutions such as colleges, universities, research institutions etc. As well as standard of education should be improved in the whole country and easy access of such education to every section of society should be ensured. This will help in proper development as well as progress of the society. Various initiatives to be taken for remove all existing caste-based discrimination, injustices and exclusions. The goal is to establish an egalitarian society in real sense which should be always remembered.

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