

Reservation in education – a tool of social transformation?

Critical analysis of the caste based reservation as exhibited in the Indian education system

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Abstract— India, is the world's 2nd largest populated country and hosts pluralism in culture, religion, ethnicity, language and multilayered caste system which often imposes challenges on the Indian government to structure and manage a harmonious society. The challenges include creating equal employment opportunities, providing and allocating equal distribution of resources and funds of the government and making education available to all citizens of India without discrimination on the grounds of their religion, caste, race, sex, etc. In order to overcome such challenges, the government use reservation as a tool for the smooth administration of the country. The term reservation can be described as 'certain policy measures or the techniques adopted by the Indian governance in order to empower, promote and uplift those social segments (members of community) which has remained backward, or discriminated, or historically oppressed, by reserving their access to seats (quota) in governmental jobs, or admission into educational institutes and legislatures. The categorization under reservation is based on segregation of existing castes and religion which are declared as scheduled castes (SC), scheduled tribes (ST), other backward classes (OBC), and minorities by the constitution, statutory law and the municipal rules and regulations. This paper aims to elucidate and review the status of 'reserved classes' in India and the present scenario of 'caste based reservation in Indian education sector', and provide recommendations for the scope of reservation in education system as part of Indian governance, critically.

Index Terms— Backward classes, caste-baste reservation, educational reforms, Indian education sector, scheduled castes, scheduled tribes, and social transformation.

1 INTRODUCTION

In India, the reservation is treated as a tool of social transformation for the purpose to bring change in the present social order by providing representation to the disadvantaged section of the society. The rationale behind reservation arose from the prerogative of Article 14 of the constitution which provides for the 'equality before the laws' and 'equal protection of laws'. The expression 'equal protection of laws' ensures equality among unequal's.¹ the reservation policies are created keeping in view of 'like to be treated alike' as the uniform treatment of unequal's is same as unequal treatment given to equals.

2 RESERVED CATEGORIES OF INDIAN EDUCATION SECTOR.

The social stratification through caste system continue to exist in India from the time of Vedic age (1500 BC -500 BC) which mentions about classification of Indian society into four Varnas (castes/classes) and their further sub-classification into Jatis (sub-castes/classes). The ancient Indian texts (Vedas) provided for four varnas, Brahmins (priests), Kshatriyas (Rulers and warriors), Vaishyas (merchants) and Shudras (laborers, servants, peasants,

artisans and slaves), which would decide for the person's social status based on the Varna they are born into. The Shudras were the depressed and the marginalized section of the society having unequal access to education, wealth, power and prestige.² During the British rule, the terms 'scheduled castes (SC)' and 'scheduled tribes (ST)' represented these depressed and marginalized sections of the Indian society.

Policy makers of British India, felt the need for special protection be given to SC & ST persons and to improve their social, economic and political conditions by providing them reservation in employment, education and legislatures following which 'census of India, 1931' was prepared on existing race, castes and tribes in India. The provisions regarding reservation of scheduled castes and scheduled tribes were infused in the Government of India Act, 1935 providing legitimacy to reservation on the basis of analysis of 'census of India, 1931'.³ Given the political circumstances of the country during the British rule, it was, only, in the post independence phase, when the comprehensive provisions on reservation policies in Indian education system for SC/ST's were

¹ Article 14, Constitution of India, 1950

² Minali S. Deshpande, "History of the Indian Caste system and its impact on India today", SOCS 461, 462, college of liberal arts, California Polytechnic State University, San Luis Obispo Fall 2010

the basis of distribution and movement of people, urban and rural, sex, age, civil conditions, infirmities, occupation, literacy, language, religion, caste, tribe and race. Report of census of India, 1931, Vol. 1, available at www.censusindia.gov.in (last visited on August 2 2018)

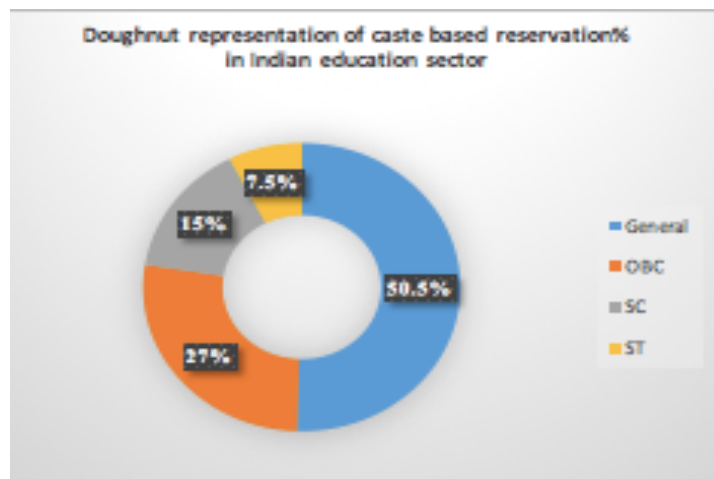
framed, enforced and developed. The scheduled castes and the scheduled tribes are often clubbed together and regarded as same because of the similarity in historical oppression and marginalization faced by them, but, they are poles apart. Though scheduled castes is the product of Indian caste system, people of scheduled tribes were marginalized due to geographical isolation.⁴ After the execution of reservation policies for SC/ST by Indian governance and experiencing the privileges provided to SC/ST persons by putting them under reserved category, other Indian castes raised their concerns about reservation and demanded inclusion under reserved category as well. Following which, Mandal commission was appointed to identify backward castes in India and providing recognition to such backward castes as 'Other Backward Classes'.⁵ Today, the scheduled castes, scheduled tribes and other backward classes together comprises reserved category and represents socially and economically weak, and educationally backward segment of Indian society.

3. Reservation in education

"Education is the most powerful weapon, which you can use to change the world" - Nelson Mandela

Possession of education enables awareness of the interests and empowerment of the rights. Education brings stability and economic growth in the society, thus, impacting social status of an individual. The injection of reservation in education sector is the initiative by Indian government to abridge the existing gap between the forward class and the backward class with an aim to cultivate caste-less society. The main purpose of creating reserved categories in education is to provide marginalized and backward classes an access to education in order to uplift their social and economic status in the society. The privileges allotted to reserved categories with respect to education includes tuition and hostel fee waiver, financial assistance, age relaxation, qualifying marks relaxations, generous scholarships and reserved admission seats in educational institutes.

In India, all the educational institutes established under central act or an act of parliament, or identified as the deemed university under section three of University Grants Commission (UGC), or directly or indirectly aided by government, or affiliated to government university, or a constituent to government institution, or any other centrally governed institution⁶ has to reserve prescribed number of seats for admission of SC, ST and OBC out of the annually permitted strength of the institute. Section 3 of the Central Educational Institution (Reservation and Admission) Act, 2006 provides legitimacy for the specific percentage of seats to be allotted/reserved for scheduled castes⁷, scheduled tribes⁸ and other backward classes.⁹



Tabular representation of the various legal remedies & instruments protecting interests of reserved categories in Indian education sector

S.no.	Particulars	Scheduled Castes (SC)	Scheduled Tribes (ST)	Other Backward Classes (OBC)
1	Constitutional Safeguards	Articles- 15(4), 15(5), 21(A) & 46	Articles- 15(4), 15(5), 21(A) & 46	Articles- 15(4), 21(A), 29(2) & 46
2	Statutes	SC/ST (Prevention of Atrocities) Act, 1989	SC/ST (Prevention of Atrocities) Act, 1989	The National Commission for Backward Classes Act, 1993
3	Concerned Ministry	The Ministry of Social Justice & Empowerment	The Ministry of Social Justice & Empowerment, and The Ministry of Tribal Affairs	The Ministry of Social Justice & Empowerment
4	Welfare Agency	The National Commission for Scheduled Castes	The National Commission for Scheduled Tribes	National Commission for Backward Classes (NCBC), and National Backward Classes Finance and Development Corporation (NBCFDC)

4 RECENT INSTANCES

- Jat Reservation Agitation: That, on February 2016, mass scale inter-caste violence over reservation erupted in India in parts of Haryana, Uttar Pradesh, Rajasthan and National Capital Regions (NCR) resulting in the killings of 30 people and heavy damage to public property. The Jats raised their demand for reservation under 'OBC' category, following which, Haryana state approved 'Haryana

⁴ Data retrieved from National commission for scheduled tribes, available at <http://ncst.nic.in> (last visited on August 1st, 2018)

⁵ Report of the Backward Class commission, Government of India, available at <http://www.ncbc.nic.in> (last visited on August 2, 20108)

⁶ Section 2(d), Central Educational Institution (Reservation and Admission) Act

⁷ Section 3 sub section 1, Central Educational Institution (Reservation and Admission) Act, 2006

⁸ Section 3 sub section 2, Central Educational Institution (Reservation and Admission) Act, 2006

⁹ Section 3 sub section 3, Central Educational Institution (Reservation and

Backward Classes (Reservation in Services and Admission in Educational Institutions) Bill' and notified on May 13, 2016 granting 10% reservation to Jats of hindu, muslim and sikh faiths, bishnois, tyagi and rors under OBC.¹⁰ The Hon'ble Punjab and Haryana High Court ruled against the bill. The demonstrations for reservations are still continuing.

- Patidar Reservation Agitation: Massive protests against the government's reservation policies started in Gujrat in the month of July, 2015 by the members of Patidar community demanding OBC status for reservation into government jobs and educational institutes. The Gujrat government created 10% reservation for economical weaker section¹¹ but the reservation was quashed by Hon'ble Gujrat High Court. The agitation is still continuing.
- Gurjars Reservation Agitation: Pursuant to mandal commission's report, Gurjars are already identified and recognised under OBC category in India. In 2008, the Gurjars community was unhappy with current regime of OBC status and raised their demand for lower scheduled tribe status and to be given 5% reservation quota. The protest turned violent and resulted in killings of more than 18 people and huge damage to public property.

5 Observations

The people of scheduled tribe and scheduled were historically oppressed and discriminated but the reverse discrimination is not the solution as prolonged by caste based reservation. Also, it cannot be assumed that all the persons of a particular caste are backward and have been marginalised. Caste based reservation regimes exhibited in Indian governance due to the extreme situations (slavery, manual scavenging, untouchability, etc.) faced by weaker and marginalised section of the society. Today, the circumstances have changed and there are special penal laws to protect the interests of backward classes from such extreme situations. The purpose to induce caste based reservation in education, employment and legislature was to eradicate class differentiation, to attain class less society, and for harmonious administration of the society but, in the recent turn of events such as Jat agitation, Maratha agitation, Gurjar agitation, etc. against the present reservation policies disrupted harmony in the society and preserves the idea of caste based society. The caste based reservation is creating division in the society and is a stumbling block to an egalitarian society.

6 Recommendations

1. That, the social stratification into scheduled castes, scheduled tribes and other backwards classes is based on the census conducted in 1931 i.e. during the period when India was the dominion state of British Empire. On August 15th, 1947 India gained independence and was partitioned into two independent states – India and Pakistan. There is no census of such large scale that has

been conducted in independent India till 2011, the report of which is yet to be submitted. The census of India, 1931 does not stand as reliable source of data for classifying persons on the basis of races, castes, regionalism, ethnicity, tribes, etc. for the year 2018. With the passage of time, circumstances have changed, and the society is developed and will continue to evolve. There has been drastic change in the social order of Indian society since the time India gained independence and the clear image of society cannot be drawn out of census of India, 1931. Till the period, the census is fully prepared and analysed, the caste based reservation is to be abolished from Indian society.

2. That, the Indian government expenditure in education sector is very low with merely 3.8%(2017-2018) of the total budget. The budget allotted to education sector needs massive inflation for the purpose to expand educational infrastructure in order to remove limitations on number of admission seats and generation of employment in the education sector.
3. That, the reservation in education is to be based on the segregation of society under economic weaker section(EWS) and below poverty line(BPL) instead of caste-based division for the reason, money constraints do not hinder education. The EWS and BPL reservation policy in education has already been implemented by the government but the categorization under EWS and BPL demands for rigorous amendment as its scope is very limited as compared to caste based reservation regimes.
4. That, a special category enforcing eligibility for reservation based on occupation of person, which is known as 'Occupationally Weak Class' can be framed and implemented. For e.g. condition of a farmer is very poor in a country like India where 70% economy is agro based and given reservation to community based on farming will be a stepping stone in building a socially, economically and politically forward nation.

7 Conclusion

Reservation in education has proved to be an active tool of social transformation by providing opportunities to backward and marginalized section of society in the public employment, education and legislatures but needs major reformations as the society has moved forward and is legally equipped to ensure social development. The provisions related to specification under reservation are outdated and requires immediate regulatory reforms keeping in mind the present social order of the Indian society.

¹⁰ Haryana Backward Classes (Reservation in Services and Admission in

¹¹ see Ordinance no. 1 of 2016. social Justice and empowerment development

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