

Case for Caste-based Quotas in Higher Education

The roots of discrimination in India go so deep that social and economic disparities are deeply intertwined, although in increasingly complex ways. We still need reservations for different groups in higher education, not because they are the perfect instruments to rectify long-standing discrimination, but because they are the most workable method to move in this direction. The nature of Indian society ensures that without such measures, social discrimination and exclusion will only persist and be strengthened.

JAYATI GHOSH

Reservation in public sector education and employment is a particularly (but not uniquely) Indian practice enshrined in the Constitution, a legal form of affirmative action designed to provide greater opportunities to communities and social groups that have been traditionally deprived and excluded. While the quotas in public sector employment and education that are allocated for scheduled castes (SCs) and scheduled tribes (STs) are now taken for granted in most discussions, the current debate is around the recent decision of the ministry of human resource development to provide quotas for backward castes in all institutions of higher learning funded by the central government.

There is no question that this is a highly emotive subject; the current protests leave no doubt about the passions that are aroused by what may appear to be one of the less significant of government policies in terms of the number of people it directly affects. Indeed, it is interesting to find that so much very strong reaction has been generated among people who otherwise would automatically condemn public action such as strikes, demonstrations, etc. and are hardly ever involved in them, or aroused by “public” issues. Not only that, but the (relatively few) strikes and street protests by those who are against reservation have received disproportionate attention and coverage in both electronic and print media.

The role of the mainstream media in covering both the policy decisions and the subsequent anti-reservation reactions deserves further commentary. It is quite remarkable that, even in the past year, very large demonstrations involving tens of thousands of people, and sometimes even

hundreds of thousands of people, involving crucial issues of survival and livelihood (such as direct job losses, or the impact of displacement and the lack of rehabilitation) or concern about national policies that affect the entire citizenry (such as signing international treaties with possibly adverse conditions), have received desultory treatment in the mainstream media. They have been largely ignored by television and obtained minuscule coverage on the inside pages of newspapers. In sharp contrast, when even a few hundred students – and mostly even less – have gathered in protest against reservations or engaged in any other form of protest, there has been almost continuous and prime time coverage on all the national television news channels and front page banner headlines have graced the major newspapers. The nature of the coverage also has had little pretension to objectivity and leaves no doubt as to the biases and prejudices of most of the media, who – like so much of the other elites in India – “just happen” to be upper caste.

Reaction of Media

In fact, the reaction of the media, along with the response of others in privileged positions, throws a lot of light on the undercurrents of social discrimination that are still so pervasive amongst us. Indian society is probably unique in the complex, subtle and yet deep and widespread forms of social discrimination that have developed historically, and which have withstood the many challenges posed by the modernisation process. These peculiarly Indian forms of social stratification have combined with other more structural forms of inequality such as property ownership

and access to economic opportunities. So caste divisions have not really been eroded by other economic and political changes, but have been made more complex and subterranean, and have sometimes even been reinforced by such changes.

It would be a mistake to blame this on cynical politicians who manipulate caste sentiment for their own ends, or on government policies that use caste identities for differential treatment, since these essentially recognise an existing reality and do not create it. The rise of political parties based on caste identity – which in itself should be a cause for distress, since it serves to distract from so many other critical issues – also reflects this underlying reality, rather than creating it. The truly extraordinary thing about Indian society is the degree to which it has been resistant to all the various attempts by governments and civil society to dislodge caste perceptions (which are often unacknowledged, but no less powerful for that) from determining patterns of discrimination and social exclusion, and how new forms of “caste” have come up in the midst of all this.

This is evident from the very composition of the elites. It is not common in public discussion to inquire into the caste composition of any group that “matters” in the establishment in general – in terms of material wealth, the exercise of power, involvement in skilled professions, or even the ability to influence policies and opinion. In fact, such a question would be considered not merely impolite but also revanchist and backward-looking. But despite this squeamishness in public discourse, it is unfortunately still the case that any examination of caste origins is likely to reveal that all such elite groups “just happen” to be dominated by upper castes and social groups that account for no more than 20 per cent of the population.

Of course, in the case of the SCs and STs, discrimination is more evident since it has been historically compounded by oppression, which still continues in blatant and often vicious form in many parts of the country. This has persisted despite the official policy of reservations for these communities in government employment and public institutions of higher education, but it does not reflect the “failure” of reservation policy so much as inadequate implementation of it in both letter and spirit. It also shows that exclusion is not something that social institutions stop doing in “voluntary” fashion, in response to a more general social pressure for affirmative

action, since the exclusion of SCs and STs is particularly marked in private sector education and employment.

The case of “other backward classes” (OBCs) is more complicated, since there is no similar history of overt oppression. Rather, it is the simple exclusion of what turns out to be the majority of the population, and effective “cornering” of the privileges offered by both public and private establishments by a relatively small proportion of the population. This is almost inevitably the case unless there has been an overt concern with diversity and including others from different backgrounds, or where there has actually been (as in Tamil Nadu, for example) a tradition of the same quota systems that are being resisted in north India today. So it is hardly surprising that there is so much resentment among the vast majority of the population, who have been so excluded from various forms of privilege.

Indeed, few people would deny the reality of continued discrimination and exclusion, and certainly even the opponents of reservation, such as the protesting students and medicos, accept this reality. Therefore, the debate appears to hinge more on the precise form that affirmative action should take, and whether there should be a quota-based system rather than a more complex and voluntary system based on several different indicators of deprivation.

Those who oppose the policy of reservation operate primarily with the following arguments:

- It does not address the basic problem of inadequate expansion and poor quality of public education at elementary and secondary levels.
- It militates against “merit” and allows degrees and qualifications to be awarded with less than deserving aptitude and performance.
- It is “inefficient” compared with openly competitive and therefore implicitly “market-based” systems.
- It creates perceptions of “victimhood” and democratically undesirable identity politics.
- Inequalities within the specified communities allow a “creamy layer” to take advantage of the reservations and benefit unduly while depriving the rest of the community.
- The rigid and inflexible nature of the instrument of reservation does not allow for more creative modes of affirmative action.
- It privileges caste-based discrimination and therefore ignores other and possibly

more undesirable forms of exclusion.

– It compresses the notion of social justice into only reservation, instead of encompassing broader socio-economic policies such as land reform and other asset redistribution, strategies of income generation, etc.

There is certainly some relevance to each of these points. Certainly no one would deny that the system that has operated in India thus far has been inadequate not only in addressing these issues, but even in achieving the goals set in terms of filling the allocated quotas for SCs and STs in public education and employment. It is also true that caste-based quotas are relatively crude and blunt instruments to address a very complex socio-economic reality. But all of the arguments against them are also flawed. I will consider several of the more prominent arguments in turn, and finally conclude that quotas currently remain the most effective instrument among the many imperfect instruments available to us in dealing with this issue.

Education for All

A peculiar feature of the current debate is that anti-reservationists (many of whom have rarely bothered about issues of mass education before this, and are also resistant to other education policy proposals such as common schooling based on neighbourhoods) present the problem as a choice between reservations, on the one hand, and better primary and secondary education for all, on the other. But the two are not alternative choices at all.

Of course, it is true that the quota issue has become so prominent mainly because poor performance in education is among the major failures of the development project in India thus far. And there can be no debate on the need to provide universal good quality education up to secondary level for all of our population. There are huge inadequacies in government school infrastructure (with an inadequate number of schools, nearly one-fifth of rural schools operating without any building at all and another one-fifth functioning with only one classroom and one teacher for up to five classes).¹ Across India in the government school system, there are massive problems in terms of too few teachers, uneven quality of teachers and other staff and lack of prior or continuous training for school teachers. But this requires really massive increases in spending on education by the government,

which are not immediately forthcoming, and for which there has been no concerted campaign even by those who now raise this as the main issue.

This is certainly a priority matter, and there must be public pressure to ensure that the government goes even part of the way in this, for example by meeting its commitments made in the national common minimum programme and in the right to education bill. But this is still a different issue from the need to address and reduce social discrimination, which requires – in addition to more and better public schooling – different measures. Note that this is not about economic inequality but social exclusion. Nearly 60 years after independence, it is not possible to ask the majority of the population, which has been excluded so far from elite institutions, to wait until the promised increases in quantity and quality of public education finally come about, while a small elite continues to garner all the benefits of the public investment that have been made so far. What quotas seek to do is to ensure that a wider set of social groups get access to the higher education institutions that do exist, than occurs at present.

Issues of ‘Merit’ and Efficiency

The most common argument against reservations is that they will affect quality and undermine “merit”. But the supposed contradiction between reservations on the one hand, and merit and efficiency on the other, is a false one. First of all, there are many reasons to believe that drawing upon a wider social base increases the diversity and, therefore, the quality of institutions of higher education. Secondly, there are good reasons to be sceptical regarding the extent to which current systems of selection are genuinely “merit” based.

Internationally, there is substantial theoretical literature on the coexistence of markets and discrimination (whether in terms of caste, community or gender), and on how such discrimination reduces the efficiency of the economy – in which case affirmative action to reduce such discrimination can only increase efficiency.² It is well known that the Indian private sector employs wide-ranging discriminatory practices (such as inheritance determining managerial control, preferential employment based on social networks, and so on) which are inherently inefficient. It is now widely accepted across the world that diversity makes economies more, rather

than less, competitive. The example of countries like Malaysia, which combined a very severe and restrictive form of reservation and other affirmative action with remarkable economic growth for several decades, points to this.

But how truly competitive is the current system of selection that operates for the elite higher education institutions in India? We are all agreed that there is huge excess demand for higher education in the country, and that good quality higher education is extremely under-provided. Therefore, there is severe rationing for places, especially in the best institutions. The question is therefore not whether we should have rationing or not, but, which form of rationing is the best in the prevailing social circumstances.

It is currently believed that the current system is based on “merit”, that is, ranking of performance in all-India entrance examinations or such similar criteria. Yet any teacher or administrator at some of these top institutions (such as IITs or IIMs) will agree that there are typically several hundred candidates of equally good quality at the top, and they are able to admit only a small fraction of them, so that there is a large element of luck and randomness in the process of selection.

For example, at the national entrance examination to the IITs every year, there are more than 3,00,000 entrants, yet only around 3,000 gain admittance to the various IITs. Yet it is quite likely that the top 20,000 are equally good if not better than those few who are fortunate enough to get selected, since performance at one single examination is rarely a complete indicator of actual aptitude or quality. In any case it is also well known that these entrance tests typically test not intelligence or ability in the subject per se, but a certain aptitude for answering such tests. This is itself a skill that can be learnt, and there are now training institutes all over the country, especially in certain cities for this purpose. Such training in turn costs time and money, which effectively excludes most potential candidates. So the flourishing “coaching” industry for these competitive exams amounts to another form of exclusion, or “reservation” for those who can afford to spend enough time and resources to ensure this prior coaching.

A further reservation effectively exists for those who can come in through “NRI quotas” which are now to be found in many institutions, or in institutions which require capitation fees or charge very large

annual fees from students. This is a system of reservation of seats in higher education based on wealth, parental income or access to credit in the expectation of future incomes – all of which exclude the majority of the population. It is interesting that the sudden and apparent concern about merit has not touched on the implications of such admissions based on fees and whether students who get in through this means are “deserving” or not, although such processes have been going on for years.

If we accept that intelligence and talent are not the monopoly of any particular social group but are normally distributed across society, then this means that the current system is inefficient since it is effectively picking up candidates from only a small section of society instead of the whole population. It is elementary logic that this would give sub-optimal results for society. This is an argument on social efficiency grounds, which is quite separate from other arguments about creating a more democratic and inclusive education process in general.

The most convincing empirical argument against the idea that reservations will inevitably lead to inferior quality comes from the actual experience in several southern states, where there have been large quotas on seats in higher education in operation for several decades. In Tamil Nadu, for example, reservations account for around two-thirds of such seats, even in private institutions, and in Karnataka they are close to half. Yet there is no evidence of inferior quality among the graduates of such institutions; instead, it is widely acknowledged that graduates from the medical and professional colleges in the south are among the best in India. Surely no one would contest that Vellore Medical College, for example, is one of the best medical colleges in India; yet, it has consistently operated with an extensive system of reservations accounting for more than half of the seats. It is notable that even in the north, elite “minority institutions” such as St Stephens’ College in Delhi University have functioned for decades by reserving around half the students’ seats for different categories, and still maintained their reputation of being among the best in the country.

Economic Inequalities and Creamy Layers

It is true that reservations do not address the most fundamental problems of economic inequality or access to opportunities

in India. There is no question that asset inequalities and related income inequalities are at the heart of the issue of unequal access in our country. So it is clear that reservations can in no sense be seen as any kind of substitute for the more serious and still necessary strategies of change with respect to land reform and other asset redistribution.

In turn, the lack of asset ownership among deprived communities is critical in determining other forms of discrimination. Deprivation in terms of early access to quality education is increasingly becoming the most crucial determinant of subsequent life achievement for many socially and economically marginalised groups. The emergence of professional activities and “knowledge-based” employment as a major source of not just income but also privilege has meant that ownership of physical property is not the only means to material comfort and economic enhancement. Higher education, especially in certain areas and in certain professional courses, has become the most obvious means to mobility and access to both material wealth and social privilege. Inequality of access to this increasingly important source of economic and social mobility compounds the structural inequalities created by asset ownership. This is precisely the reason why it has emerged as an area of social contestation and why the apparent monopolisation of even such access by a relatively small number of upper castes is seen as so unfair by the majority of the population. This is why the demand for reservation in higher education for deprived social groups has such strong political resonance.

However, there are some complications in this matter. The first is the issue that is frequently raised, about the relative significance of economic inequality and social deprivation. It is argued that the main divide in India is economic, and that economically speaking, many of the so-called “backward castes” are not at all deprived, either in terms of property ownership or control over resources stemming from political power. The system of reservations would allow these relatively better off groups within the OBCs as generally defined to corner all the benefits, excluding those who are more genuinely in need of special concessions. Meanwhile, the poor and needy among upper caste students would not only receive no benefit in terms of scholarships, etc, but would also

be deprived of access despite being more “deserving”.

Economic inequality, while important, requires a separate set of measures which must operate in addition to others that are devoted to rectifying social discrimination. The most important way to deal with this in higher education is a system of needs-blind admission in all institutions combined with very extensive provision of scholarships, so that no student is prevented from access to higher education because of lack of resources. This is something that should be implemented across public institutions with immediate effect, and rules need to be framed for ensuring similar systems in privately-run institutions as well. This would actually be in contrast to recent trends in higher education, where the proportion of scholarships provided to students in higher education has been declining, even as costs of higher and professional education have been rising steadily, thereby imposing a significant burden not only on poor families but even on the middle classes. So there is certainly a strong case for reducing disparities in access to higher education resulting from income differentials. But this is different from the impact of social discrimination, which, as pointed out above, requires specific and separate measures.

The second issue relates to the fact that some “OBCs” are not really socially, politically or economically backward and have been included in the list mainly because of political pressure and because the original list in the famous *Report of the Mandal Commission* was derived in a somewhat haphazard way. Clearly, there is a case for a systematic survey and assessment of the current social context, which would allow for a more systematic listing of other backward classes, avoiding as far as possible the errors of unjustified inclusion or unfair exclusion. So the government should undertake a more careful assessment of “backwardness” to enable the proposed reservations to be implemented in the most socially desirable way. This is an urgent task for social scientists, many of whom are unfortunately more occupied in railing against the proposed reservations than in thinking of ways to make them truly effective.

The third issue relates to differences within deprived communities and castes, whereby an elite within the caste group that has benefited from past systems of reservation, or which has disproportionate political/economic power, can grab the

benefits and leave the majority still deprived. This is the problem of the “creamy layer”, which is currently receiving much attention. Once again, this is not a trivial issue, and clearly something that needs to be addressed, even though it could be argued that centuries of exclusion and deprivation cannot be corrected in one generation alone. Several methods of dealing with the creamy layer have been proposed: for example, an economic cut-off, above which there would be no eligibility for a reserved seat; or allowing a maximum of two or three generations of any particular family to benefit from reservations. These have their merits, especially as they are not so difficult to administer, and could be considered as part of the package to ensure that the system is as just and fair as possible.

Reservations versus Other Forms of Affirmative Action

Caste-based reservations are often critiqued on more sophisticated grounds as well. One criticism is that they promote unhealthy forms of identity politics that distract from more substantive and critical social issues. However, this argument tends to mistake cause for effect in social analysis, assuming that caste consciousness is a creation of the government’s policies rather than a historical tendency that has permeated our society and meshes in complex ways with other more current social attributes. The very fact that so many people who constitute the elite can claim to be without caste consciousness, even while they “just happen” to come from certain castes (as noted above), testifies to the extensive discrimination that runs so deep in Indian society that it can even appear to be invisible. While such innocence may be excused to some extent among the elites in general, it is indefensible in social scientists who should know better. Caste-based identity politics has emerged as such a powerful force not because it has been generated by public policy, but because public policy has for too long swept it under the carpet, and thereby allowed patterns of discrimination to replicate and become more entrenched. (Similarly, the greater demands for more gender equality and women’s empowerment that are being made both socially and politically are certainly not the result of public policy promoting gender differences, but rather emerge from past and present gender oppression and discrimination against women.)

A more persuasive argument against reservations is that they do not allow for more flexible and creative forms of affirmative action that would incorporate more complex criteria of deprivation. In particular, a case is made for a more comprehensive “deprivation index” that would incorporate a range of criteria where differences in access are known to exist. For example, such an index could take account of rural or urban residence, gender differences, income differences, and so on – since in all of these, there is strong evidence of differential access to higher education. Such a system certainly appears attractive, especially as it would be a more apparently just and efficient way of ensuring diversity as well. The problem with such schemes is twofold: they are very complex to administer, and indeed impossible on a national scale; and because they incorporate a number of different criteria, with unclear impact, they can end up not actually ensuring a more diverse student intake as desired.

Thus, such schemes can work in those institutions for which there is a national entrance examination, but that is the case in only relatively few institutions. Even in these cases, there is already evidence of strong regional bias, with applicants from some metros and certain cities where there is a proliferation of “coaching institutes” dominating the examination results. Further, if a deprivation index involves simply adding numbers onto existing examination marks rather than quotas, it does not necessarily ensure that the final student intake will actually be diverse. The most telling argument, however, is a practical one: the larger the number of criteria that are evoked, the greater are the administrative costs of such a system, and the greater the pressure on individual students to procure the necessary certificates, etc. For most institutions, the costs of administering such a system, with uncertain effects in terms of resulting student diversity, will become an excessive burden compared to the greater simplicity of a quota system. So, while reservations have been inadequate and relatively rigid instruments of affirmative action, they do have certain advantages which explain why they have been preferred. They are transparent, inexpensive to implement and monitor and therefore easily enforceable. Any other system of affirmative action must have these attributes in order to be practical.

Another proposal that has been made is a voluntary system of affirmative action to be enforced by the higher education institutions themselves, which would then be periodically monitored to ensure that it fulfils certain criteria of diversity. Once again, this is an attractive idea, especially because it would allow for flexibility and recognition of the particular features of different institutions. The problem with systems based on the periodic audit of institutions to check on their “diversity” is that they do not have the transparency and enforceability of quotas. Also, unfortunately in India, the experience with voluntary action is thus far dismal. We have too many examples of this not only with respect to caste but also in other areas where we are still relying on voluntary action, and where inevitably those chosen “just happen” to be the already privileged. Even in areas where there are legally binding commitments, such as in the case of private hospitals and medical clinics that have benefited from public land and other government subsidies on the promise of providing a certain number of free beds and cheaper medical care to poor patients, there has been an appalling lack of adherence to these promises or even responses to Supreme Court strictures. So hoping for a sudden change of culture whereby individual institutions of higher education will themselves enforce effective systems of affirmative action is probably too idealistic: if they wanted to do so, they could and would have done so already. If they do not want to do so, there are too many ways of avoiding it in the absence of some compulsion.

One of the problems of the current system of reservation in the public sector is that there has been no institutional mechanism of incentives and disincentives to ensure effective affirmative action. At the moment, there are “legal” requirements for filling certain quotas, but there are no penalties for public institutions that do not fill them, or rewards for those that more than fulfil them. That is at least part of the reason why so many quotas remain unfulfilled. So this may be one of the issues that deserve greater attention: how to ensure that quotas do actually get filled.

The basic issue, of course, is that the roots of discrimination go so deep that social and economic disparities are deeply intertwined, although in increasingly complex ways. In this imperfect world, none of the proposed solutions is perfect either: the choice is between imperfect instruments with

different degrees of effectiveness. That is why we still need reservations for different groups in higher education – not because they are the perfect instruments to rectify long-standing discrimination, but because they are still the most workable method to move in this direction. And most of all, because the nature of Indian society ensures that without such measures, social discrimination and exclusion will only persist and be strengthened. [27]

Email: Jayatig@bol.net.in

Notes

- 1 As indicated by the NSSO, *Report on Education Infrastructure*, 1996-97.
- 2 Some of this literature is surveyed in Thorat et al (eds) 2005.

Reference

- Sukhdeo Thorat, Aryama and Prashant Negi (eds) (2005): *Reservations and Private Sector: Quest for Equal Opportunity and Growth*, Indian Institute of Dalit Studies and Rawat Publications, New Delhi.