

Reservation: The Reason behind the Degrading Education Quality of India

Dipika Vyas, Debashree Chakraborty

School of Law, ITM University, Raipur, Chhattisgarh, India

Abstract

It is rightly said that "Education is the most powerful weapon which you can use to change the world" so, to change the face of our country we need to change the education system by amending the reservation policy. The present reservation policy which was then formulated to up lift the minorities is infringing the Fundamental Rights of the citizens as the circumstances does not remain as then and at large minorities are misusing this policy. The country has reached at a stage where the minorities are capable to stand on equal footing with the general category students. Moreover, we need to understand that allotting seat merely on the basis of caste is degrading the quality of the education institution. If at all the policy cannot be repealed, then the reservation criteria need to be changed in the sense that the percentage cut off must be increased or else the economically weak and meritorious students should get reservation instead of getting the reservation on the basis of an individual's caste. The research was conducted in order to know the views of the students regarding the policy ways to change the present reservation policy with the help of open ended questionnaire. To which 95% students supported the notion that reservation policy needs to be amended. Therefore, this matter needs to be addressed as an urgent requirement of the hour and the present reservation policy needs to be changed so as to refine the education quality of our country.

Keywords: Education, reservation policy, minorities, meritorious, constitutional amendment.

***Author for Correspondence** E-mail: dipikavyas.1997@gmail.com; cdebotuli@gmail.com

INTRODUCTION

Education is considered as the most important pillar for the success of a country as it not only widens the horizon of the citizens of that country but also provides dignity to that country at a global level. So, in order to strengthen this pillar the policy makers must at guaranteed quality education to all the citizens irrespective of any discrimination based on religion, caste, creed, sex, birth place etc. however, in the present education system in India it can be seen that because of this reservation system many of the students fail to get admission in the best education institution not because they are ineligible but because they don't hold a caste certificate or any document which certifies them to belong to backward classes.

In order to change the present scenario, it is essential to look into the past and gain a thorough knowledge, so, similar is the case with the reservation policy in India which finds its roots in the ancient caste system leading its way to the Constitutional

provisions. However, this policy has been misused to a large extent for example; people with lower marks are getting admission against another person scoring highest marks just by the virtue of this reservation system. Due to this India is lacking behind other nations as people with no or hair like knowledge are sitting at the post most posts while there are people with capability struggling to get an opportunity. The study nowhere intended to showcase this reservation policy as vague or to disrespect the dignity of any section of citizen rather it aimed at providing with such a policy which is helpful in the real sense that means reservation must be there but on the economic basis and on caste basis or on the basis of belonging to a minority group.

So, there is a need to know the meaning of reservations and its relevance in the present scenario. This research is the combination of both doctrinal and empirical data with the help of combined study of close and open-ended questionnaire. This problem finds its place

especially with the students also with the teaching staff who has to deal with them, so the scope of this research is confined with the students and the teaching staff of schools and colleges in Raipur (C.G.).

MEANING OF RESERVATION

India in the past few years has emerged out as one of the major economic powers and is still continuously growing. However, it has been facing one of the major roadblocks and that is the 'Reservation' policy.

"Reservation in common terms refers to an act of reserving, keeping back or withholding." [1] In other words, it refers to act of securing certain portion for someone on the basis of his/her strength or weaknesses. The term reservation policy refers to "the policy of reserving a certain percentage of jobs or school or college places for members of scheduled castes, scheduled tribes, or other groups." [2]

Similarly, with reference to the Indian context the reservation policy refers to the protection given by the Indian Constitution to the people belonging to the Schedule caste, Schedule Tribes and to Other Backward Classes in terms of certain percentage of seats that is to be reserved for them in every possible sphere for their growth. Technically, "Reservation in Indian law is a form of affirmative action whereby a percentage of seats are reserved in the public sector units, union and state civil services, union and state government departments and in all public and private educational institutions, except in the religious/ linguistic minority educational institutions, for the socially and educationally backward communities and the Scheduled Castes and Tribes who are inadequately represented in these services and institutions. The reservation policy is also extended for the Scheduled Castes and Scheduled Tribes for representation in the Parliament of India." [3]

However, the motive with which the policy was formulated does not seem to fulfill its goal. The people belonging to the SC, ST or OBC are still discriminated and many of them are getting undue advantage of the same. Therefore, this policy has proved to be a deteriorating one.

HISTORICAL BACKGROUND

The present reservation policy finds its roots in the ancient caste system which prevailed before independence where people were divided on the basis of their then occupation as

- 'Brahmins' who were involved in teaching and preaching
- 'Kshatriya' who were involved in kingship and war
- 'Vaish' who were businessmen and traders, and
- 'shudra' who were basically the bounded laborers

At that time it was believed that the first three were the 'purer' one and were only entitled to read, learn and prosper and the rest were treated as untouchables and were forced to remain away from all the public places, wells and public gathering. They were not allowed to change their jobs. Their jobs were usually the 'dirty jobs' to clean dead animals, manual scavenging, and farm labor. They were considered dirty and impure because of their karma (sins) of in their past birth. [4]

In India reservation was given to people before Indian independence also when India was ruled by British people. In the year 1882 - Hunter Commission appointed. In that Mahatma Jyotirao Phule made a demand of free and compulsory education for all along with proportionate reservation/representation in government jobs. Later, in the year 1902, Chhatrapati Sahuji Maharaj, Maharaja of Kolhapur in Maharashtra, introduced reservation in favor of backward classes to eradicate poverty and give them chance to participate in the state administration. [5]

The notification of 1902 created 50% reservation in services for backward classes/communities in the State of Kolhapur. This notification is the first Govt. Order providing for reservation for the welfare of depressed classes in India. Because of caste system millions of families in India got ill treatment and no opportunities to raise in society so, in the year 1908-Reservations were introduced in favor of a number of castes and communities that had little share in the administration by the British. Also, in 1909-Provisions were made in the Government of

India Act 1909 commonly known as the Morley-Minto Reforms followed by the 1919 reforms in which provisions were made in the Government of India Act 1919. In 1921-Madras Presidency introduces Communal G O in which reservation of 44 per cent for non-Brahmins, 16 per cent for Brahmins, 16 per cent for Muslims, 16 per cent for Anglo-Indians/ Christians and eight per cent for Scheduled Castes. [6]

Moreover, in the year 1935-Indian national congress passes resolution called Poona Pact to allocate separate electoral constituencies for depressed classes also provisions were made the Govt of India Act 1935 regarding the same.

With time India got independence in the year 1947 and Dr B.R. Ambedkar was appointed as the chairman of the drafting committee of the Indian Constitution. Moreover, in 1951 - In the case of State of Madras Vs. Smt. Champakam Dorairanjan [7] Court has pronounced that caste- based reservations as per Communal Award violates Article 15(1). So, 1st constitutional amendment (Art. 15 (4)) introduced to make judgment invalid.

In 1979-Mandal Commission was established to assess the situation of the socially and educationally backward. 1980-the commission submitted a report, and recommended changes to the existing quotas, increasing them from 22% to 49.5%. As of 2006 number of castes in Backward class list went up to 2297 which is the increase of 60% from community list prepared by the Mandal Commission and the recommendations were implemented in Government Jobs by Vishwanath Pratap Singh in the year 1990.

1995-Parliament by 77th Constitutional amendment inserted Art 16(4) (A) permitting reservation in promotions to the Schedule Castes and Schedule Tribes. In 2005 August 12 - The Supreme Court delivered a unanimous judgment by 7 judges on August 12, 2005 in the case of P.A. Inamdar & Ors. Vs. State of Maharashtra & Ors declaring that the State can't impose its reservation policy on minority and non-minority unaided private colleges, including professional colleges. 2005-93rd Constitutional amendment brought

for ensuring reservations to other backward classes and Scheduled castes and Tribes in Private Educational institutions which effectively reserved the 2005 judgment of the Supreme Court. And finally, on 9th March 2010 Women Reservation Bill passed in the Upper house, Rajya Sabha. [8]

CONSTITUTIONAL PROVISIONS

WE, THE PEOPLE OF INDIA having solemnly resolved to constitute India into a **SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC REPUBLIC** and to secure to all its citizens:

Justice, social, economic and political;

Liberty of thought, expression, belief, faith and worship;

Equality of status and of opportunity; and to promote among them all

Fraternity assuring the dignity of the individual and the unity and integrity of the Nation;

- The **Article 14** of the Constitution is one of the fundamental rights of the Constitution of India which reads: "The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India". So, here there are two important concepts are being highlighted namely, equality before law which means no person shall enjoy any special privilege and will be subject to the same law of the land and the other concept is equal protection of law which states that equals must be treated equally. For example- the similar tax rates of people earning between a specific range of income.
- **Article 15** of the constitution states that no person shall be discriminated on the basis of religion, race, caste, sex or place of birth. Every person shall have equal access to public places like public parks, museums, wells, bathing ghats and temples etc. However, the State may make any special provision for women and children. Special provisions may be made for the advancements of any socially or educationally backward class or scheduled castes or scheduled tribes. [9]
- **Article 16** of the constitution provides for equality of opportunity for all citizens in matters relating to employment or

appointment to any office under the state. That means there shall not be any discrimination on the basis of religion, race, caste sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of any employment of office under the State.

- Both **Article 29** and **Articles 30** guarantee certain right to the minorities. Article 29 protects the interests of the minorities by making a provision that any citizen / section of citizens having a distinct language, script or culture have the right to conserve the same. Article 29 mandates that no discrimination would be done on the ground of religion, race, caste, language or any of them.
- **Article 30** mandates that all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice. Article 30 is called a Charter of Education Rights. [10]
- **Article 46** of the constitution provides for the promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. [11]
- **Article 335** of the Constitution originally read as under: - “The claim of the members of the Scheduled castes and the Scheduled Tribes shall be taken in to consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of the State. [12]

ILL EFFECTS OF RESERVATION POLICY IN INDIA

Undoubtedly reservation policy in India is considered to be one of the greatest step of the Indian policy makers with a pious intention of strengthening the socially and economically backward classes of India, however, it is very evident in the present circumstances that this policy is being misused by the citizens which is

ultimately leading to the downfall of our country. To justify it there are following reasons:

- i. **Slow Development of The Country:** Yes, reservation was implemented with the purpose to uplift the backward classes of the society. However, the aim with which this policy was formulated does not find its core value in the present because nowadays these backward classes are also being given the same respectful and dignified life as an uplifted caste person and therefore, still living with that old policy is only stagnating the growth of the Indian economy because even an unqualified is getting admission because of this reservation policy while the one who is qualified and more capable person suffers to get a position. [13]
- ii. **Upliftment of Dalits Will Become Impossible:** In order to uplift someone, there is a need to nourish, nurture and bring out the best from that person, however, nowadays, when admissions are guaranteed to them not on their best but on the basis of their caste they will never even try to make efforts to bring out of them. As it is rightly said that the title you gain after your hard work and perseverance and the satisfaction that you get out of it cannot ever match with the gifted title.
- iii. **Meritocracy:** It is the biggest enemy of meritocracy which means a system in which the talented are chosen and moved ahead on the basis of their achievement, but this cannot be achieved if students will be getting admission not on the basis of their ability but on the basis of their caste. It's resulting into the degradation of quality of students and workers enrolled in different institutions.
- iv. **Caste Based Society:** Its propagating notion of caste-based society instead of eliminating it. Poor people from forward castes don't have any social or economic advantage over rich people from backward caste. If this prevails, it may result into the formation of another backward caste of people belonging from poor people of forward caste. Beneficiaries of reservation are largely from dominant class in backward castes. Marginalized section still remains marginalized. [14]

RESULTS

S. No.	Questions	Total	Percentage
1	Have you ever felt that the present reservation policy has hampered you in your education?		
	Yes	39	78%
	No	11	22%
2	Whether there is a need to change the present reservation policy in India?		
	Yes	43	86%
	No	7	14%
3	If yes, then on what basis?		
	Social	1	2%
	Economic	19	38%
	Religious	6	12%
	No reservation	24	48%
4	Whether the present reservation policy hampers the Fundamental right to equality of the citizens?		
	Yes	34	68%
	No	16	32%
5	Is the present reservation policy a reason behind the slow growth of the Indian economy?		
	Yes	43	86%
	No	7	14%
6	Is it justified to reserve the seats in the educational field on the basis of caste?		
	If yes, because	5	5%
	Lack of proper opportunity	3	6%
	Talent and merit	2	4%
	If no, because	45	95%
	Taking away the opportunity of a well deserving student	13	26%
	Hampering equality for the general section	10	20%
	Merit basis	8	16%
	Reason for the slow economic growth	4	8%
	The scenario with which the policy had been formulated has changed	2	4%
	No caste- based reservation	4	8%
	Misuse of the policy by the non-deserving students	3	6%
	It should rather be on the basis of economic condition	1	2%
7	What are the possible changes you want in the present reservation policy in India?		
	No reservation	27	54%
	Merit basis reservation	10	20%
	Economic reservation	7	14%
	Economic reservation and merit reservation	3	6%
	Voluntarily giving up their seats	1	2%
	Decrease the no of seats	1	2%
	Reservation should be there for the lower caste but the cut offs must be the same as the general categories	1	1%

DISCUSSION

In order to get the opinion of the public at large an empirical research was conducted with the

aim of obtaining the views of the students from various fields. The questionnaire was a combination of close and open -ended questions.

The first question revolved around the observation of the students on their rights and opportunity being hampered by the reservation policy for which 78% students agreed that “yes” their rights and opportunities are being hampered because of the reservation policy and the remaining disagreed.

The next question was relating to their views on whether or not to change the reservation policy in India to which 86% students agreed

and remaining 14% disagreed wanting it to be the same.

The next question was in furtherance of the previous question that they want a change then on what basis it has to be changed so for that only 2% agreed with the social reservation, 38% agreed with economic reservation, 12% went for religious reservation and 48% students supposed no reservation notion in India.

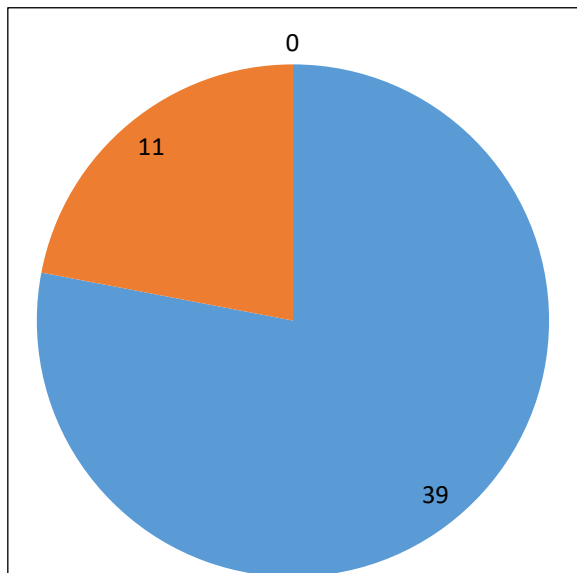


Fig. 1: Students being Hampered by the Present Reservation Policy.

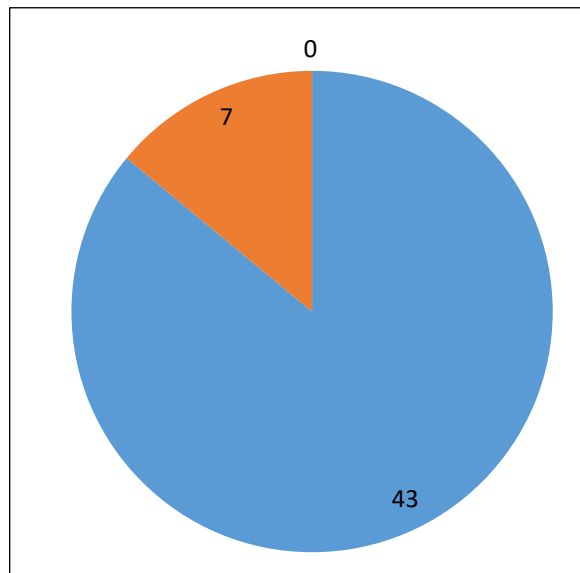


Fig. 2: Views of the Students Regarding the Change they Want to See in the Present Reservation Policy

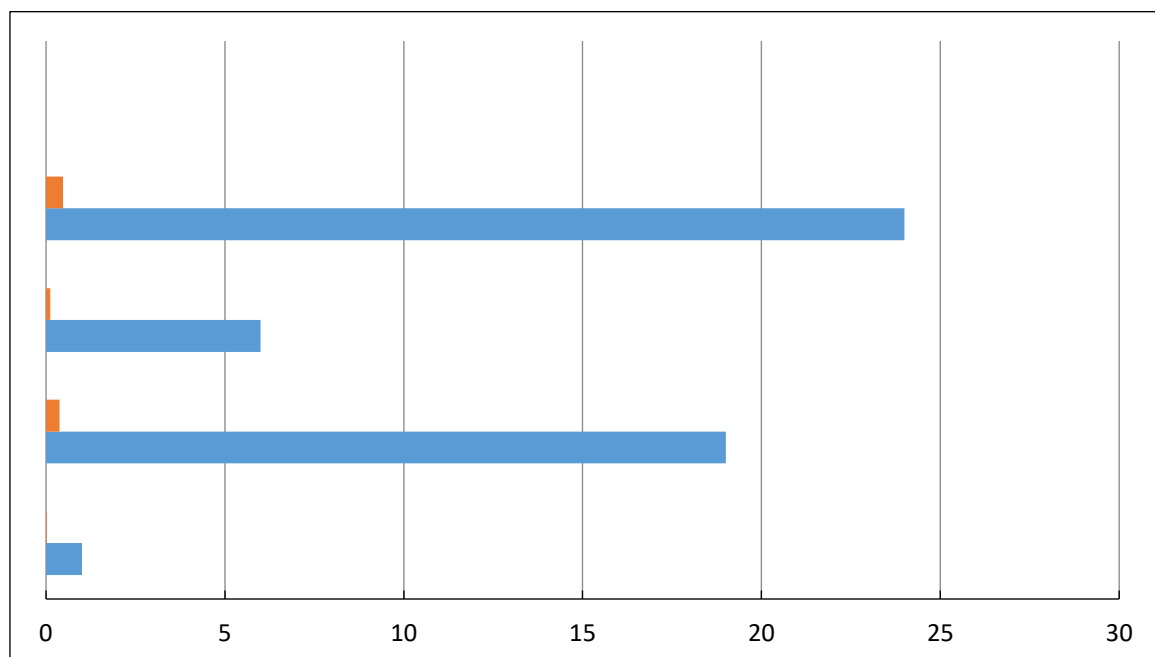


Fig. 3: Criteria in which the students want the Present Reservation Policy.

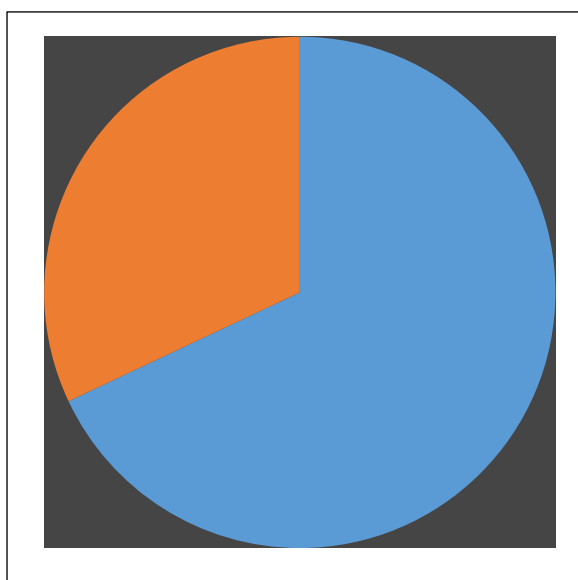


Fig. 4: Opinion of the Students that the Reservation Policy Infringes their Fundamental Right to Equality.

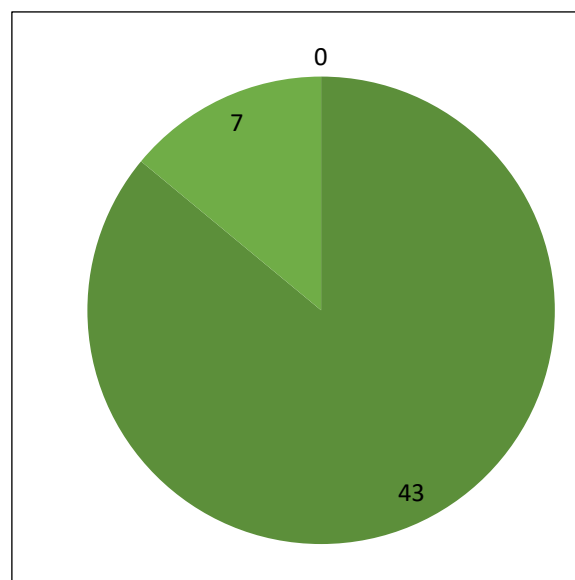


Fig. 5: Students believe that the Reservation Policy is Behind the Slow Growth of the Indian Economy.

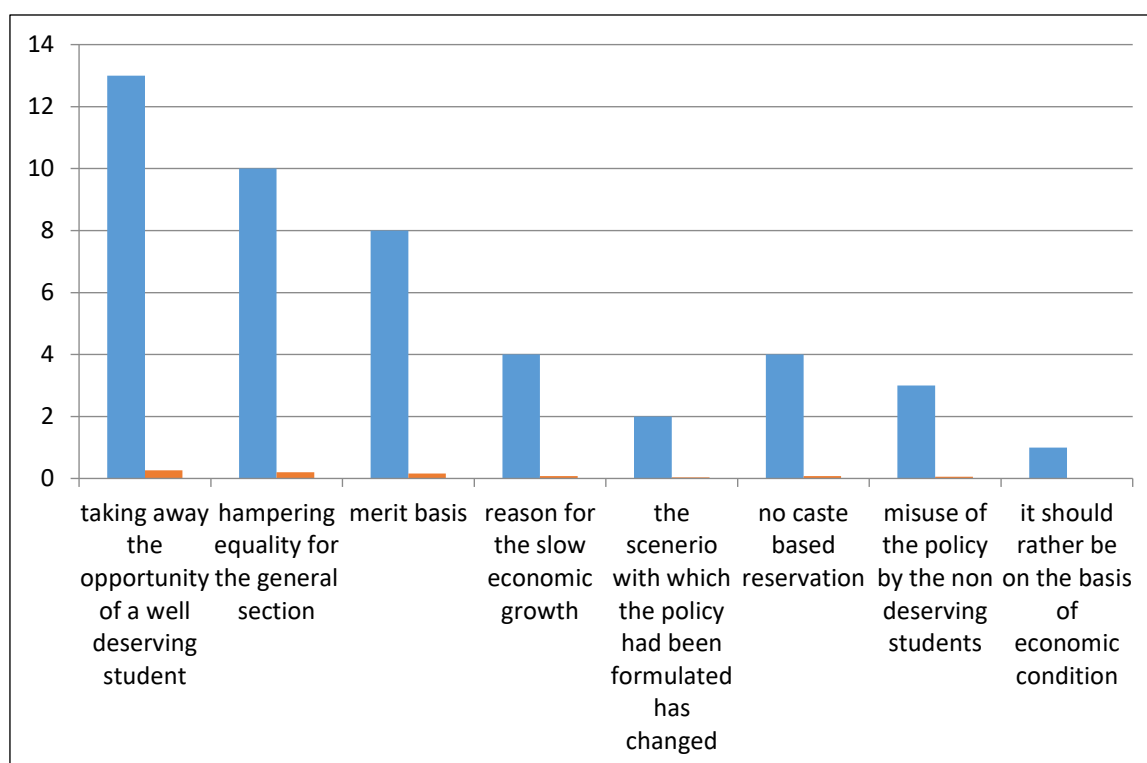


Fig. 6: Students Feeling that it is not Justified to have Caste based Reservation.

The next question was targeting article 14 of the Indian Constitution stating it to be against the Fundamental principle of Equality for which 68% students agreed while remaining 32% students disagreed. 86 % of students felt that the present reservation policy is the reason of the slow growth of the Indian Economy while 14 % of student disagrees.

The next question revolved around the reasons of whether or not the present reservation policy is justified, that is, giving reservation on the basis of caste of a person to which only 5% agreed stating it to be justified on the grounds that many backward class people lack opportunity and also their talents also needs to be appraised which the remaining 95% of

people disagreed with it by giving reasons such as it takes away the opportunity of the general category people, it should be on the basis, the scenario has been changed, it is the reason for the slow growth of the Indian economy etc.

The last question suggestion some of the radical changes which the students want in the present reservation policy of India such as it should be on the basis of merit rather on the basis of caste of the person, no reservation, reservation on the basis of economic condition, economic as well as merit reservation, voluntarily giving the seats by the students, decreasing the number of seats for such reservation etc.

CONCLUSION

The reservation policy was one of the most powerful weapons which the Indian government has built up in order to bring equality in the nation. However, with the changing scenario this policy also needs to be changed. There is no denial in the fact that there are group of people who are adequately represented in the society and also they are to a great extent exploited and discriminated but one must also look into the positive side of the

coin also that the ones who are enjoying their right of equality like any other group of society moreover, they are getting undue advantage of this policy for instance, getting seats in the educational institutions even at an extremely lower percentage of marks or getting government jobs even without having the extent of knowledge which is required for such position and the best part is they are getting this advantage simply because they belong to some socially backward group of society but here, the question arises whether they are literally gaining out of this? The answer would be no rather they are taking away the opportunity which another student who actually deserved it. So, in some ways or the other when it is clearly evident that they are capable enough represent themselves equally then this reservation policy is actually pulling them down without giving them the opportunity to learn to fight for their own self with their own capabilities.

At last, reservation must be their but for those who in the literal terms ‘require’ it and not to those who just want to sit back and get the best by stealing the chance of another. The research also shows that a majority of 95% students feel that the reservation policy must be changed.

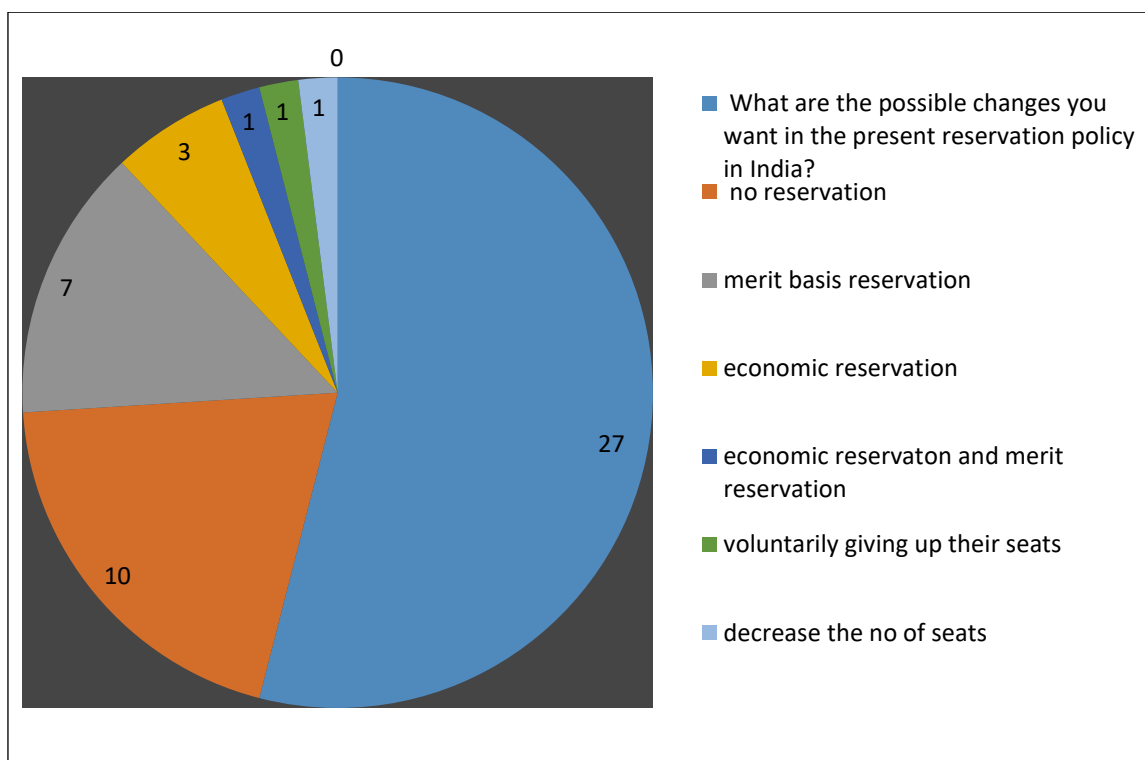


Fig. 7: Possible Changes the Students Want to see in the Reservation Policy.

SUGGESTIONS

The policies are meant for the betterment of the people residing in a particular country so, it is necessary that when it comes to its amendment it is the people who must be asked regarding their views and ideologies. Similar is the case with the reservation policy in India it is now the students who must be asked what are the changes which they want in the policy because they are only who are the most affected by this and are the future of our country.

For having a better future of our country, the majority believes that the reservation policy needs to be amended in the sense that the reservation criteria must be changed it should be on the basis of merits and talents of an individual rather to be on the basis of an individual's caste. Also the economically weak and deserving students must get reservation who would the value of what they are receiving or else if it is not possible to change the entire system the small steps can be taken by change the marking criteria of giving the admission to the socially backward students for example, when they are getting admission at 40% or 50% while the general category students' needs to fight for seats even after getting 95% which completely unjustified so that has to be changed at least the cut offs must be somewhere 80% and alike.

At the primary level it is people who should stop thinking selfishly and take away the rights of a deserving student and for that they should voluntarily get up their reservation and must stand against other with equality. This is only way that one can proof that they are equal and is also well deserved and therefore, they had achieved for which the Constitution followed the reservation policy.

At last, I want to say that "in order to grow a nation it is essential that the people must know and practice their rights diligently and justifiably especially in the educational field because when a nation will be educated it will achieve a worldwide stand and respect."

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