

GRIM SHADOW OF CASTE OVER EDUCATIONAL INSTITUTION AND ITS CONSTITUTIONAL SAFEGUARD

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INTRODUCTION

Education is indeed a tool of social transformation. However, the stranglehold of caste-discrimination makes this process a slow and difficult one. Discrimination within educational institutions keeps many students out of it, or affects their performances within.² Students from Dalit and Adivasi groups have for long spoken of the exclusion they experience in the most elite institutes of the country. Many of them come to higher education institutions at great personal cost to themselves and their families, not in terms of finance involve but also social opposition. Far from acknowledging their struggle and facilitating their progress, the education system resists this democratization by asserting its supremacy, clout & control over them at every turn. The separate roll calls for reserved category students, the privileges that are reiterated during so called reservation debate, the attitudes of teachers, non-teaching staff and upper caste peers towards reserved category students, the withholding or delaying of the grant of degrees and scholarship and in fact the very way in which instruction is designed to cater only to English speaking, computer-literate urban students and the ways in which knowledge is itself constructed – these are just some myriad ways in which educational institutes tell Dalit & Adivasi students that they do not belong in these spaces. The large number of suicides by Dalits-Adivasi students and the pattern of their campus experiences gives a sense of how caste is present in insidious but very real ways inside educational spaces.

HISTORY & ORIGIN OF CASTE SYSTEM IN INDIA

The Indian Caste System is historically one of the main dimensions where people in India are socially differentiated through class, religion, region, tribe, gender, and language. The caste system is a classification of people into four hierarchically ranked castes called varnas. They are classified according to occupation and determine access to wealth, power, and privilege. The Brahmins, usually priests and scholars, are at the top. Next are the Kshatriyas, or political rulers and soldiers. They are followed by the Vaishyas, or merchants, and the

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² Oomen C Kurian, Part of Oxfam India's Policy, Research and Campaign team (Apr 2, 2015)

<https://www.oxfamindia.org/blog/773when-schools-continue-exclude-can-education-reduce-caste-discrimination-india>.

fourth are the Shudras, who are usually laborers, peasants, artisans, and servants. At the very bottom are those considered the untouchables. These individuals perform occupations that are considered unclean and polluting, such as scavenging and skinning dead animals and are considered outcastes. They are not considered to be included in the ranked castes.³

Theories related to origin of caste system in India:

- **Traditional theory:** According to this theory, Brahma, the creator of Universe had created the caste system. Different caste were born out of various body parts of Brahma. Like from his mouth Brahmins, from hand Kshatriyas, from stomach Vaisyas & so on. People belonging to different caste then function as per the source of their origin. The theory has been criticized for its being a supernatural theory and for its being just divine.
- **Political theory:** According to this theory, the Brahmins wanted to have a full control over the society in order to curb and rule them. So, their political interest created a caste system in India.
- **Religious theory:** It is believed that various religious customs had given a birth to the caste system in India. People connected to religion like kings and Brahmins were given higher positions. Different people used to perform different tasks for administration later on became the basis of caste system.
- **Occupational theory:** According to this theory castes in India developed as per the occupation of a person concept of superior and inferior caste also came up. Superior caste with time grouped into Brahmins. Similarly, other groups were also formed leading to different castes in India.
- **Evolutionary theory:** Caste system is just like other social institution & developed through the process of evolution.

It is believed that caste system in India is not a result of one individual theory but this is the result of various factors.⁴

³ Manali S. Deshpande, History of Indian Caste System & its Impacts on India Today, SOCS 461,462(2010).

⁴ Ramandeep Kaur , Caste System in India and Its Origin Theory(Jun 18,2013), <https://www.mapsofindia.com/my-india/india/caste-system-in-india-and-its-changing-scenario>.

CASTE ON THE CAMPUS

Rohith Vemula's Death Reminds Us Casteism Is Very Much Alive In Educational Institution

PhD scholar Rohith Vemula's suicide brings to the fore important questions regarding caste-based violence in institutions of higher education in India. While this tragic incident was triggered by the ongoing conflict between two student groups of Hyderabad University and the incompetent fashion in which it was handled by the University administration there is need to see Rohith's death as part of a larger scheme of things in higher education institution across the country.

Rohit's suicide is not an isolated instance; nine students have taken their lives in the last seven year in the University of Hyderabad alone. All of them were from Dalit or Backward caste. In all the cases, the inability of institution to accommodate socially marginalized groups was the prime motivating factor. Again it has been pointed out that educational spaces in India are conceived by design as exclusively upper-caste spaces characterized by an underlining hostility for the official reservation policy –spilling over as outright disgust and hatred for students from marginalized backgrounds, irrespective of their academic achievements or merit.⁵

The lack of a support system for SC/ST students on campus also further exacerbates the problem. Student who are never cognizant about their caste have their caste identities reinforced every single day when college make this crudely apparent by issuing circulars that earmark textbook for SC/ST students or releasing academic list a student's caste. Moreover few SC/ST students have the privilege of being mentored by Professors, most of whom are upper caste and come from relatively privileges backgrounds. With all this at play, student like Rohith have to deal with hard politics choices. **Talking about Rohith the Dalit means ignoring his other identities; son, friend & academic.** His story is tragic not because he's Dalit but because an educated and intelligent young man thought taking his own life was his only opinion. **Rohith's suicide was the continuing product of five thousand glorious years of Indian civilization.**⁶

⁵Vikram chukka, Scholar's Suicide:Discrimination in Higher Education Reflects the Violence of a Casteist culture,(Jan 18,2016) <https://thewire.in/education/scholars-suicide-in-higher-education-reflects-the-violence-of-a-casteist-culture-19548/>.

⁶Karthik Shankar, Rohith Vemula's Death Reminds Caste is Very Much Alive in Educational Institution,(Jan 19, 2016,8:07AM) <https://www.youthkiawaaz.com/2016/01/rohit-vemula-suicide>.

ANALYTICAL VIEWS OF EMINENT THINKER AND COMMITTEES

The findings of the Thorat Committee, instituted in 2006 to investigate allegations of discriminatory treatment meted out to SC/ST students at the All India Institute of Medical Sciences(AIIMS),and the subsequent suicide of a student at that very institution are a case in point. The report submitted by the then UCG chairman Sukhdeo Thorat noted the manner in which the Prof. at AIIMS tried to intimidate students and prevent them from deposing before the committee and goes on to trace the social isolation and oppression experienced by Dalit students at the premier educational institution.

The ‘Report of the Committees to inquiries into the Allegations of Differential Treatment of SC/ST Students in AIIMS, noted aggression against students from lower castes in every aspect of their daily lives—from the classroom to faculty interaction, from the hostel and mess to examination –making their ostracisation from the community activities of the institute a bitter reality. The committee made many specific and pointed recommendation for the improvement of the administration of educational institutions, but even after a decade ther has been no action on any of those pointed suggestion.

The University of Hyderabad too has constituted a number of committees to look into the spate of suicides by Dalit students on its campus. Report after report has pointed out the insensitive manner in which students from marginalized communities are treated by the entire university hierarchy, and delineated a clear link between caste related aggression and suicides.⁷

In 2013, a significant work,⁸ by Sociologist Satish Deshpande and Usha Zacharias, flagged the crucial issues of formal inclusion through a policy of reservation. For instance, political scientist N.Sukumar of Delhi University points out how the university has continued to be a *de facto* Brahmanical space, evident from the manner in which a special well had to be dug for a Professor who agreed to take up a position in the mathematics department only if arrangements were made for him to take a ritual bath. On the other hand ,he describe the pain the taunts from upper-caste student who complained that the Dalit students were consuming too much food in the mess, which was resulting in increased mess bills.

In fact as Sociologist S. Deshpande of the Delhi School of Economics argues, a kind of hyper-visibility of lower-caste identity was created in the wake of governments’ compensatory affirmative action, which intensified after the anti-mandal agitations. Admission into

⁷ Supra note 6.

⁸Beyond Inclusion:The Practice of Equal Access in India Higher Education(2013).

educational institutions, he argues, makes 'reserved category' a *de facto* identity for lower caste students, while the upper-caste identity is subdued and referred to in secular terms as 'general category'.

In another publication social Anthropologist Ajantha Subramanian of Harvard University points out that '*what is understood as merit in India's educational institution is only another name for the accumulated cultural of India's upper caste elites*'.

Writer and Activist A.Marx who was a Physics Professor says teachers too group themselves on the basis of caste in many colleges across Tamil Nadu. He charges that the quota for SC's in teaching positions in universities is rarely filled. "In many cases, we found that institutions use a policy loophole and fail to appoint Dalits. They cite unavailability of qualified people to fill the vacancy with others", he alleges.⁹

Dalit Writer and lecturer Stalin Rajangam says students now openly identify themselves with caste-based organizations and proudly wear symbols that are, more often than not, intimidating in nature. "Whether these are lockets they wear with faces of caste leaders or colored wristbands, the trend now campuses now is to assert one's caste identity in a form that intimidates the weaker groups," he feels. Mr. Stalin says students group themselves on the basis of their social background. "explicit untouchability does not exist on campuses these days. But caste has evolved and exhibits itself in subtle ways in term of access to facilities and equation among students."¹⁰

IMPACT

Unfortunately, access to education for the most deprived sections of the society are particularly to the member of scheduled castes was denied particularly from the later vedic period of our ancient civilization. As a result, information and scientific knowledge remained monopolised within a restricted few of the elite consisting mostly of Brahmins of the Indian society. Therefore unlike in the west where rapid spread of education and scientific knowledge reached the masses and resulted in the progress and economic and scientific development of society, particularly after the renaissance in India the benefits of education remained restricted to few.

Spreading of education including literacy among the poorest sections of the society has been found to be beneficial even with the increasing the levels of life expectancy. In an age of information revolution, literacy and spread of education in terms of access, coverage and quality can empower the poor and more deprived section of the society, like the members of SCs. The

⁹Sruthisagar Yamunan, Grim shadow of caste over educational institution in T.N.,The Hindu, January 22,2016 at 4

¹⁰Supra note 9.

schemes of education and literacy specially designed for the members of scheduled castes, therefore, assumes much more importance during the present millennium it undo the neglects of the centuries.¹¹

“It is true that spread of literacy through lower level of education can play an important role and bringing about social transformation. But it is precisely at this level, that the present system of schooling has failed. At the snail’s pace at which the rate of literacy is growing it would take many more decades to reach a significant level. How long will it take for the oppressed sections in rural areas to reach the general level of literacy is anybody’s guess.”¹²

CONSTITUTIONAL SAFEGUARDS

To overcome historical discrimination of Dalits, India has taken several steps to prohibit the practice of untouchability.

LEGISLATIVE ENACTMENTS:

To fulfill the Constitutional provisions pertaining to Scheduled Castes, India has passed various laws to protect their rights these include the protections of Civil Rights (Anti-untouchability) Act (1955), the Bonded Labour (Abolition) Act (1976), the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (1989) and Rules (1995) the Employment of Manual Scavenger and Construction of Dry Latrines (Prohibition) Act (1993) and various land reform laws to redistribute community land to the landless. Finally, to monitor enforcement of some of these laws, the Central (i.e., federal) government established the national commission for Scheduled Castes and Scheduled Tribes and the national human rights commission in the early 1990s.¹³

SPECIAL SAFEGUARDS FOR THE EDUCATIONAL UPLIFTMENT OF SC/STs:

The Constitutional makers recognized the timidity of scheduled caste & scheduled tribe resulting from their low social status, lack of education and economic independence and to curb these problems the Constitution makers have made various provisions under the Constitution, which provides safeguards through different Articles.

¹¹ Educational Development of Scheduled Caste (Jun. 3, 2007, 09:52 PM), [https://www.ncsc.nic.in/files/ncsc/new 3/203.pdf](https://www.ncsc.nic.in/files/ncsc/new%203/203.pdf).

¹² V P Shah & Binod C Agarwal (eds.), Reservation: Policy, Programmes & Issue, 101 (1st ed. 1986).

¹³ Susha Kethineni & Gail Diane Humiston, Dalits, The “Oppressed People” of India: How are Their Social, Economic and Human Rights Addressed?, Vol. 4, 114 (2010).

The Articles which contain educational safeguards for SC & ST are Article 29(2), 46, 15(4), and 15(5). Of these Articles 15(4) and 46 are more important in so far as educational development is concerned. **Article 46** included among the Directive Principles of State Policy provides that the "**State shall promote with special care the educational and economic interests of the weaker sections of the people, and particularly of those belonging to the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and from all forms of exploitation**". This article did not give any power to the Government to take or adopt any specific measure for educational development of Scheduled Castes and Scheduled Tribes. Article 15 of the Constitution was, therefore, amended through the Constitution (First Amendment) Act, 1951 and Clause 4 added to it Article 15(4). **Article 15(4) "empowered the State to make special provisions for advancement of backward classes"** and as a result of decision in *State of Madras v. Champakam Dorairajan*¹⁴ in that case the Madras Government had reserved seats in educational institutions including technical and professional institutions like medical and engineering colleges for different communities on basis of religion, race & caste.

In case of *Balaji v. State of Mysore*¹⁵ the Mysore Government by order reserved 68% of seat for educationally & socially backward classes and for SC/STs and the rest of the 32% of the seats were left open for the merit pool in the Medical and Engineering college. The court held that reservation should be less than 50% how much less than 50% would depend upon the relevant prevailing circumstances in each case.

In *State of M.P v. Nivedita Jain*¹⁶ the Supreme Court upheld the validity of an Executive Order of the State Government which had completely relaxed minimum qualifying marks in Pre-medical examination for selection of students to Medical Colleges of the State in respect of SCs and STs candidates. Taking into consideration the principles of above decision it was held in case of *Arti Gupta v. State of Punjab*¹⁷ the court held that reduction of minimum qualifying marks from 35% to 25% in order to accommodate more SCs and STs candidate to fulfil the reserved quota is not arbitrary and violative of Article 14. The reduction was held valid by Supreme Court.

¹⁴State of Madras v. Champakam Dorairajan ,A.I.R. 1951 S.C.226.

¹⁵Balaji v. State of Mysore,A.I.R 1963 S.C.649.

¹⁶ State of M.P v. Nivedita Jain, A.I.R 1981S.C.2045.

¹⁷Arti Gupta v. State of Punjab, A.I.R.1988 S.C.481.

In *Deepak Sibbal v. Punjab University*¹⁸ it was held that reservation shall not exceed 50% of the general seats after deducting the number of seats reserved for SC,ST and other backward classes.

Article 15(5) provide “provision for reservation of Backward and S.C & S.T Classes including private educational institutions. Added by Constitution (93rd Amendment) Act, 2006.

The new clause 5 provides that Nothing in this Article 15 or in sub-clause (g) of Clause 1 of Article 19 shall prevent the state from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizen or for the SC or ST in so far as special provisions relate to their admission to educational institution, including private institution whether aided or unaided by the State other than the minority educational institutions referred to in clause (1) of Article 30. The above amendment has been enacted to nullify the effect of the three decision of the Supreme Court, i.e., *T.M. Pai Foundation v. State of Karnataka*¹⁹, *Islamic Academy v. State of Karnataka*²⁰, & *P.A.Inamdar v. State of Maharashtra*.²¹ In *T.M.Pai Foundation and P.A. Inamdar* cases it has been held that the State can not make reservation of seats in admissions in privately run education institutions. There the admission can be done on the basis of common admission test conducted by the State or these institutions and on the basis of merit. In *Islamic Academy* case the Court held that the State can fix quota for admission to these institution but it can not fix fee and also admission can be done on the basis of common admission test & on basis of merit. In *P.A.Inamdar* , however the court overruled the *Islamic Academy* ruling to the effect “ State could fix the quota for admission to private professional educational institutions.” This amendment enables the State to make provision for the reservation for the above categories of classes in admission to private educational institution. The Amendment ,however, keeps the minority educational institutions out of its purview.²² **Article 29(2)** provides that “No citizen shall be denied admission into any educational institution maintained by the State or receiving aid on ground only on religion, race caste language or any of them.”

The above discussed provisions try to equate SC & ST with the rest of the society, so that this segment of society could be brought back in the main stream of natural life.

¹⁸Deepak Sibbal v. Punjab University, A.I.R.1989S.C.913.

¹⁹T.M. Pai Foundation v. State of Karnataka, A.I.R. 2003 S.C.355.

²⁰Islamic Academy v. State of Karnataka, A.I.R.2003 S.C.3724.

²¹P.A.Inamdar v. State of Maharashtra, A.I.R. 2005 S.C.3226.

²²Dr. J.N.Pandey, Constitutional Law Of India 131-132(49th ed.2012).

CONCLUSION

The caste system began around 7 A.D, based on Hindu belief that the position of a person in their current life is dependent upon the sins of their past life. The so-called ‘untouchables’ or the Dalit exist even below the caste system. Positioned below any of other four castes, life for a Dalit in India holds many challenges. An area which carries particular hardship for those of lower caste is in education or in education institution, which has a detrimental impact on the rest of their lives or even, which push those Dalit to commit suicide. Some progress has been made in this area like: the Civil Rights Acts of 1955 and Scheduled Caste Scheduled Tribes Act of 1989 have created jobs and education quota for lower caste. However many Scheduled Caste & Scheduled Tribes students continue to face such discrimination in education system. So the Constitution has provided educational safeguards in favor of such Scheduled Caste & Scheduled Tribes students. Ultimately, it can be said that a lot more has been still left undone in this field

MY SUGGESTIONS

In my view, steps are needed on four fronts to address the problems of Dalit and other marginalised students. These include legal safeguards against discrimination, civic education, academic assistance to students who need support, and participation of dalit in all decision making bodies of universities/colleges. Currently some legal provision exist such as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act (2015), and the University Grants Commission (UGC) regulations. However the provision in the Act are limited. Similarly, UGC regulations fall short in term of effectiveness. Therefore we need a separate law against discrimination in colleges/universities, to treat an act of discrimination as an punishable crime, in specific spheres, with detailed administration and razing on basis of caste. While legal safeguard are essential, they need to be supplemented by civic learning. Laws help to prevent, but not cure. Civic education in schools, colleges, and universities can help students unlearn discriminatory & undemocratic values & behaviour that they pick up through socialization & sensitize them to how the practice of discrimination associated with caste, ethnicity, gender, race, religion, & other identities undermine the citizenship values of equity, freedom & brotherhood. Therefore, civic learning needs to be integral component at every level of education. Another initiative relates to academic assistance. SC/ST students need more support in language improvement and core subjects. Remedial coaching schemes are in place. The last Suggestion is to give representation to Dalit students and teachers on all bodies of the university and enable them to participate in governance is much better safeguards against the policies and rules detrimental to their interest.