

**RESERVATION IN PRIVATE EDUCATION INSTITUTIONS IN INDIA WITH
SPECIAL REFERENCE TO NEET**

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ABSTRACT:

Reservation is the measure taken by the Government to set aside a specified number of seats in education sector and jobs or employment opportunities. This system was introduced in India, keeping in mind the societal inequality that prevailed in India during the time of independence for the colonial British rule. The system of reservation is still being actively followed in India due to its non recovery from the societal inequality. The Constitution of India in Articles 15(4),15(5),16(4),16(4A),16(4B),46,334,335, provide the grounds and areas for reservation that has to be provided to alleviate the discrimination of socially and educationally backward classes. One of the heating discussion since emergence of private education institutions is that, whether they are obligated to provide reservations. It has to noted that private institutions provide education with extra-curricular activities and also other amenities that are not provided in a Government institution, but this service provided by them is at a cost higher than that of Government institutions. This is to pursue the first main motive of a Private institution that is, Profit maximization, unlike Governmental institutions which are set up for the welfare of the people of the state and to provide service to them at a low and affordable cost. This research paper attempts to analyze the current trends in reservation on private education institutions and also provide insight on the ever growing debate of, whether the reservation system applies to

private education institutions and if so, are they being implemented and provided to the public with a special reference to the NEET examination scenario in India.

KEYWORDS: Reservation, Government, Education, NEET, Private Institutions, Constitution.

INTRODUCTION:

The socially and religiously-imbedded caste system in India created schisms among the Indian population, forming large groups of ethnic and caste minorities. Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Class (OBC) constitute about half of the country's population. (Shrikhande et al. 2014) Due to beliefs that the historically low castes are impure by birth and association with stigmatized occupations such as butchers and day laborers, the lower castes - SC, ST, and OBC – have been socioeconomically marginalized. Recognizing issues of discrimination against the three minority caste groups, early forms of positive discrimination policies were put in place by the British during its colonial rule. In 1892 special schools were established for SCs and in 1944 a five-year budget of 300,000 rupees were set aside for these students. The British also introduced political representation quotas in 1919 and hiring quotas for civil service in 1934. The Indian Constitution of 1950 formalized legal protection against discrimination on the basis of caste, serving as the foundational document for affirmative action protecting SC, ST, and OBC groups through Articles 16, 17, 29, and 46. The reservation policy today takes three main forms: reservations for positions in local governments, civil service jobs, and in educational institutions.(Barman 2009) Admission in educational institutions are reserved for SC and ST students through scholarships, grants, special housing, and concessions in fees as well as academic support. The concept of reservation which was first implemented in constitution through 73rd and 74th Amendment of the Constitution in 1993, mandating greater representation of SC and ST populations in the local governments.(Ji Eun Lee and Lee 2010) Despite the policy's intention to alleviate caste-based discrimination, reservation policy has at times been a point of contention among the public. Reservations in various institutions sparked debate on whether the policies have positive outcomes for society or merely provide an unfair advantage for SC, ST, or OBC individuals. Considering the high level of growth and development the Indian economy has seen, it is important to evaluate the impact of the reservation policy as a means for inclusive growth.

NEET stands for the abbreviation of National Entrance and Eligibility Test. Based on the order of the Supreme Court of India, performance in National Eligibility Cum Entrance Test (NEET) has been a sole criterion to gain admission into the medical colleges throughout India. NEET was initially conceptualized with two main aims. One was to remove the burden of students writing several separate entrance examinations for gaining admissions to medical colleges. The second was to reduce the financial inequalities that occurred during admissions to private colleges. However, due to regional diversities, there has been opposition to NEET in states such as Andhra Pradesh and Tamil Nadu. Last year, the Supreme Court of India temporarily permitted Tamil Nadu State Government to carry on the admissions to its 40 medical colleges based on the Tamil Nadu Board Examinations. However, on August 22, 2017, the top court instructed Tamil Nadu Government to admit students into medical colleges based on their NEET performance only. The paper tries to analyse the concept of merit based reservation which is brought in through NEET and compares with the actual current educational reservation system in India.

OBJECTIVES:

- To study the concept of reservation system in India.
- To analyse the current trends in reservation in private educational institutions.

HYPOTHESIS:

H₀: There exists no need for reservation in private sector educational institutions.

H_a: There exists need for reservation in private sector educational institutions.

Materials and methods:

This research is fully based on secondary sources from:

- Books
- Journals
- Articles
- Website

RESERVATION IN INDIA- AN OVERVIEW:

The Indian society is characterized by a high degree of structural inequality based on the tenets of the caste system. The caste system is based on the principles of purity and pollution,

which involve the division of people into castes with unequal and hierarchical assignment of economic and civil rights ascribed by birth. Social exclusion among the castes is ensured through the practices of endogamy and social separation. Exclusion is, thus, internal to the system, and a necessary outcome of its basic features.(Dumont 1980) In India social, educational and economic inequalities have existed from time immemorial in different social segments of the society. Early Vedic Society was a casteless and classless society. But with the Brahminical culture, caste system came and priests were its strongest supporters. The scheduled castes, scheduled tribes and other backward classes represent those social groups, suffered through the ages due to castes prejudices, economic inequality, educational backwardness and lagging behind in the field of educational and economic development in comparison to certain advance or the forward castes. To eradicate the present social, educational and economic disparities caused by purposeful societal discrimination in the past, reservation policy thought to be inevitable and justified for deprived persons to give them justice.(Indian express, 2016) Therefore, the Constitution of India authorise the state to adopt such affirmative action's in the form of reservation, as it deems necessary to uplift the backward classes of citizens to level of equality with the rest of the countrymen. In the past, the backward classes of citizens have been denied access to government services in account of their inability to struggle effectively in upon selections on the basis of merit. It is, therefore open to the government to reserve a certain number of seats in the places of learning and public services in the favour of the SCs, STs and now for OBCs also, to the exclusion of all others, irrespective of merit.(Chanana 1993) The question of reservation of jobs in the government has become an issue intimately linked to the ensuring of social justice in India. At the same time this has become(Dr.Lakshmi T and Rajeshkumar S , 2018) controversial and conflict prone particularly after the decision to implement the Mandal Commission report. The sudden decision by the central government to implement the Mandal Commission Report has infused a new life into(Trishala A , Lakshmi T and Rajeshkumar S, 2018) the already dormant and controversial reservation policy. It has sent shock waves through the entire society and political spectrum of India. In stark contrast to the government reaction to Kaka Kalelkar Commission report and Mandal commission report, it is observable that while the former was subject to intense debate and rejected, the latter was accepted without a murmur of hesitation by all political parties.(Kolpe 1997) The framers of the constitution in their determination to herald in a new era enshrined in it the provisions of the fundamental rights, thereby ensuring the

elimination of stumbling blocks towards progress in the socio-political sphere. But reservation policy which was encouraged to ameliorate the depressed classes and promote egalitarianism has only ensured the compartmentalization of society into backward and forward castes. Thus the principle of equality becomes the greatest casualty of reservation policy. Mutual suspicion and hatred engenders which would thereby be a greatest deterrent towards social egalitarianism. Discrimination is the net result of such policies which definitely bodes ill for the health of the nation.(Ambedkar 2014) Caste system gets a fresh lease of life through reservation policy. The framers of the constitution had fought tooth and nail against the caste system, which had blocked the progress of the society. Reservation on a caste basis will result in an Indian version of apartheid, an emotional balkanization, a form of reverse discrimination that will not result in the harmonious and cohesive functioning of the society.(D. Gupta 2000) Caste antagonism will deter all sorts of improvements needed to be effected on the overall progress of the nation. Mandal Commission Report (Chandran and India. Backward Classes Commission 1990)This violates the rights guaranteed to autonomous institutions, by placing restraints on their ability to manage their own affairs. Along with further requirements which necessitate the promotion of students, private institutions raise the concern that there is a strong infringement of their rights: to teach according to their ethos, as well as to establish an internal meritocracy within the institution based on this ethos. Another source of frustration for who have resisted reservations is the fact that the Supreme Court has exempted minority unaided schools from these laws. This, they say, has furthered the conception of education as a charitable act, which should be opposed.(Chanchreek and Prasad 1991) On the flipside, there are those who believe that education, regardless of the disseminating institution, is a public service. As long as an institution provides such a service, they must be subject to the restrictions and duties of a public authority, which includes the duties and obligations of representation that are taken upon by the state and other public authorities.(India Today, 2007) This interpretation, however, has been largely rejected by Indian courts, which have held the stance that the institution must be administratively tied to the government; this stand has been largely criticized as being narrow and structural. Regardless of state-ties, if an institution is actively involved in integral aspects of public life and well-being, they must be held to the standard at which we hold the state which performs similar functions. Those in favour of reservations fundamentally believe that even at its broadest level, such a right is fundamentally integral for equality. They argue that realizing

equality in this manner would provide sufficient reasoning to hold private institutions as responsible for ensuring and enforcing the provisions of the Act. Finally, there also exists a morally utilitarian stance. Class differences have been a source of resentment and conflict. As has been mentioned in a previous article –“Inclusion of the Margins – Primary and Secondary Education for the Disabled in India”– under the proper circumstances and if facilitated by a teacher, children from different backgrounds have been seen to become less prejudiced and more symbiotic as they grow together.(Priyam 2015) This can only bode well for the Indian workforce by facilitating social cohesion while enhancing the inclusivity of good quality education in India. The debate between private rights and public duties has been entrenched in our society since the constitution was drafted. In this specific context, the potential benefits to be reaped by providing high-class education and facilities to children from lesser fortunate backgrounds are conflicting on multiple levels. One is the importance of education and its public essence versus upholding the private right of an autonomous institution to practice its own ethos and impart their beliefs.(Roychoudhary 2013) The other is the issue of granting private freedoms to autonomous institutions versus setting a dangerous precedent if private institutions are treated as agents of the state. While both sides have strong arguments that work in their favour, I believe that the Supreme Court’s decision to uphold a 25% reservation in private institutions was a right-minded one. Education is a crucial (if not the most crucial) matter of public interest, and this verdict must not be understood as an infringement of rights. Private institutions must play their part in creating a truly holistic environment (both socially and culturally) so as to reduce prejudice and break class differences.(Ray et al. 2013) Indian education is in a dire state, and private institutions must do more to realize the country’s potential.

NEET EXAMINATION- AN OVERVIEW:

NEET stands for the abbreviation of National Entrance and Eligibility Test. Based on the order of the Supreme Court of India, performance in National Eligibility Cum Entrance Test (NEET) has been a sole criterion to gain admission into the medical colleges throughout India. NEET was initially conceptualized with two main aims. One was to remove the burden of students writing several separate entrance examinations for gaining admissions to medical colleges. The second was to reduce the financial inequalities that occurred during admissions to private colleges. However, due to regional diversities, there has been opposition to NEET in states such as Andhra Pradesh and Tamil Nadu. Last year, the Supreme Court of India

temporarily permitted Tamil Nadu State Government to carry on the admissions to its 40 medical colleges based on the Tamil Nadu Board Examinations. However, on August 22, 2017, the top court instructed Tamil Nadu Government to admit students into medical colleges based on their NEET performance only. NEET is said to favor students who studied Central Board of Secondary Education (CBSE) more than state syllabus. (O. P. Gupta 2018) CBSE syllabus is of high standards when compared to that of state syllabus. Furthermore, NEET is argued to disadvantage poor, rural, and economically backward families since they cannot afford costly private tuitions to crack the examinations. Private tuitions are purportedly required to score high in this difficult examination. For example, some Tamil Nadu state students even though they scored high marks in the board examinations were unable to secure a seat in NEET. Several respondents have approached the top court for exempting from NEET and to consider the marks they secured in the state board examinations. However, the apex court had then declined the request. NEET is formulated by CBSE. NEET currently appears to be disadvantageous to rural and economically backward state syllabus students. This stands especially true for students who study state syllabus of Kerala, Andhra Pradesh, and Tamil Nadu. (O. P. Gupta 2018; Shanbhag 2017) NEET examination has created an imbalance and inequality between students who study state syllabus with that of CBSE students. In addition, rich students who can afford high fees for availing private tuition for NEET examination are favored over backward, poor, and rural students who cannot afford the required special coaching. (Doebler and Foreman 1979) There are also complaints that NEET examination conducted in regional languages was comparatively tougher when compared to the one in English. There are also reports highlighting the increased fee structure in private medical colleges post NEET. India is a diverse country and making a single admission test like NEET mandatory for medical education without considering the diversity between the states will likely lead to failure, imbalance, discrimination, and injustice to several students.

NEET should be modified or exempted for medical admissions based on the prevailing current education system in the different states. State board examination requires the students to write answers to questions in detailed manner and should be sufficient to test the aptitude required for gaining admissions to medical education. The state board examination performance should certainly be considered for admission into medical colleges in applicable Indian states. Entrance examinations such as NEET are based on multiple-choice questions which need special

coaching to be cracked. State governments should make every effort to raise the current educational standards to the level of central syllabus so that students are well prepared to face examinations such as NEET. The Central and State Government after duly considering all the diverse factors should work out periodically to enforce a suitable formula that brightens the aspirations of students aspiring for medical admission. The formula should consider the prevailing education system and local conditions prevailing in individual states. Otherwise, blindly enforcing NEET on students without considering the local educational and economic conditions will lead to more chaos and misery. Entrance examinations and education systems should lighten up the lives of students, cherish their dreams, and reward their hard work. A single entrance examination like NEET in a stricter sense cannot truly reflect the aptitude and intelligence of students.

RECOMMENDATIONS:

- Caste based reservation for education should be eradicated and be replaced with merit based reservation.
- Various other examinations like NEET should be implemented in all courses and colleges and not just medicine.
- The merit based reservation shall pave way to equality to all the sections of the society.
- The drawbacks in the NEET examination has to be analysed and be removed while implementing other examinations like the same.
- The government shall lay down strict rules to private educational institutions to allow merit based admissions and not class or caste based admissions.

CONCLUSION:

Founder of Indian Constitution were intended to establish casteless and classless society. To uplift the downtrodden people and to provide them equality of status and opportunity in employment, provisions of reservation in education and employment were made. In the beginning reservation was given to Scheduled Castes and Scheduled Tribes only. Although voices were raised time to time in substantial number by members of Parliament to give reservation to Other Backward Classes also specifically in southern and northern states of India. Indian has enshrined article 15 in her constitution ensuring reservation for socially and educationally Backward Classes, Other Backward Classes and Scheduled Castes in jobs and

seats in legislative bodies. The desire for government jobs is one reason for the demand for reservation and hence the policy gets promoted by state and central government. Reservation cannot be time bound. There are so many people in the society who are covered under Scheduled castes and Scheduled Tribes but are not economically backward. They are as forward as a general category person but then also they would have the reservation benefits. Vice versa can also be held true that there are so many people who come under the general category but are as backward as a Scheduled Caste or a Scheduled tribe person. The implementation of NEET can be categorized as the basic effort to eradicate the misuse of private educational institutions of the reservation system and eradicate donations that these institutions receive to admit new students into the institution. Implementing this type of examinations could solve the problems faced in the reservation system and would provide equality to all the students from any background that is, whether rich or poor, socially forward or backward, get a chance to study in the institution they deserve through meriting into such institutions. This would create a pathway to all those who aspire to study in such esteemed institutions but lack the economically or social status, provide them a chance to prove themselves all while safeguarding the very nature of the constitution that is to provide for the people equally.

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