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Revamp Govt schools

The State government's move to revamp school infrastructure is timely and laudable. A total of 1,000 government-run schools will witness a major infrastructure revamp in a phased manner at a cost of Rs 5,000 crore. The first step involves infrastructure augmentation in ten schools in and around the city. All these ten schools used to be vibrant centres of learning till the late 1980s before suffering a huge slump and never recovered since. Infrastructure constraints have been a major issue with our public schools – more so in recent years when teaching across the world has undergone technological shifts. A sound physical infrastructure is, therefore, a must for ensuring better learning and also for reposing the confidence of the guardians in Govt schools. Notwithstanding the growing popularity of private schools, it is still the government-run schools that account for a large majority of students of the State. Sadly, years of neglect have severely impeded the educational environment at these schools, as corroborated by their uninspiring performances in board exams. Successive annual ASER education reports have also been laying bare the abysmal learning of students at many government schools, especially in the rural areas.

The plethora of ills – concerning infrastructure as well as teaching – presents a pathetic picture of our education system and raises serious long-term concerns about the system. Infrastructure deficiencies are particularly glaring in most of the north-eastern states where less than 50 per cent schools have provision for drinking water or girls' toilets. A majority of the schools in the region do not have books in the libraries. Private schools in the State are now indubitably an integral component of the educational system and expanding rapidly. But the government cannot abdicate its responsibility to check the downward slide of the schools run by it. A thorough revamp of the government schools with thrust on improving the teaching standards and infrastructure creation is an urgent need. Training of teachers, too, should figure prominently in the revamp strategy. As for the vernacular vs English debate, it is foolhardy to ignore the importance of English in today's world, but any uncalled-for infatuation with English to the extent of undermining or marginalising the mother tongue cannot be acceptable. There is no reason why the lost glory of vernacular government schools cannot be restored. Indeed, effecting some much-needed changes in the government schools in terms of quality teaching and some special emphasis on the learning of English should be the area of the government's single-minded focus. It would also do well to take a leaf out of the functioning of government schools in Delhi where the Govt has revamped public education. In Assam too, the Assam Jatiya Bidyalay has maintained an enviable record of qualitative teaching and meeting the overall personality development needs of its students for the past two decades. The Govt can put in place a similar arrangement for the schools under it. AT/16

A transformative draft

Last week, on October 19, the Union Education Minister unveiled the draft report on the National Credits Framework (NCrF) — inviting nationwide public consultations and suggestions on the credits system. The prime objective of the proposed framework is to enhance the employability of students, throughout their education period, by ensuring multidisciplinary learning and vertical continuity along their careers. The most notable aspect of the framework is that, for the first time, it intends to extend the credit system to regular school education. Open schooling environments in India — like Indira Gandhi National Open University (IGNOU), National Institute of Open Schooling (NIOS) and others — have been already deploying credit systems. Choice-based credit systems are also used in the higher education system. While the efficiency of systems like IGNOU is internationally accepted, most other systems are relegated to secondary status. Under NCrF, students shall deposit the credits earned during their school education and higher education in the Academic Bank of Credits (ABC) — introduced earlier this year for higher education. This credit, then, can be used for gaining employment or advancing to a higher educational level. Continuity is argued to be at the heart of the framework, as students, in the case of dropping out from the education system, can re-join at some later stage using their credits stored in the data repository. It may be pertinent to note here that such a credit system is in sync with the National Education Policy (NEP) which talks of multi-modal entry and exit points for students so that the chain of education remains intact even if they are forced to go through gap years. In fact, it may be more accurate to say that a framework like NCrF is imperative for the successful implementation of the NEP. Furthermore, irrespective of their core discipline of education, students can earn credits in a range of other subjects as well, which allows them scope for seamless inter-switching between disciplines. Integration is at the core of NCrF. In the first place, it seeks to integrate various disciplines of theoretical knowledge — including science, arts and humanities. This will empower students to break the water-tight compartment of educational streams. It can be seen as a defining transformation in the Indian education system where students won't be disincentivised from learning practical things just for the sake of securing a degree. The framework also integrates theoretical learning with practical learning and skill-based vocational learning. Such integration is completely in sync with the current dispensation's focus on upskilling individuals, and not just imparting theoretical learning. Along the vertical lines, it, in a sense, integrates the primary, secondary and tertiary education systems. Under the framework, the entire education span of a student's life is divided into eight credit levels — the lowest level being grade 5 (level 1) and the highest-level being PhD (level 8). In totality, the National Credit Framework appears to ensure continuity in a student's education process, and broaden the ambit of her learning. However, the presumption of a dropped-out student returning to the fold of education might not be completely right in place. In a large part of India, particularly in rural areas, teenagers getting engaged in some or other form of manual labour, many times staying away from their homes, is a normal phenomenon. Once out of the education system, they hardly find a way in. For them, NCrF might prove to be a temptation that they can ill afford. Also, the quality of higher education in India has already dipped to the bottom. The scope of research and innovation is limited to some creamy pockets of educational excellence. Most public universities have been today reduced to the status of degree providers. The government's quest for the employability of students should not curtail the outlook of research and innovation in higher education. It must be pointed out that a mammoth proportion of skilled Indian youth is waiting for employment opportunities. Actual failure lies in the lack of provisioning of opportunities, and not with the 'unskilled' youth. It will also be folly to see the NCrF as a panacea for the ills of the education system. The rot in the Indian education system is rather too deep. Continuous efforts need to be made to improve the outlook. There is no doubt that NCrF seeks to address some key areas that have been haunting the Indian education system for a long time. Multidisciplinary education and the incorporation of practicality are desired pursuits. Proper safeguards need to be put in place to ensure that the provisions don't backfire. The Education Ministry has opened the doors for debate and discussion. Experts in the educational domain need to come up with appropriate suggestions by November 30 to ensure that this remarkable initiative reaches its intended end.

Power shifts in knowledge economy

SAYEED AHMED

Of the world's 114 smartest factories that deploy cutting edge Fourth Industrial Revolution (4IR) technologies, China owns a whopping 42, the US only seven.

These factories – lighthouses in the World Economic Forum (WEF) parlance – will lead the world to tomorrow's knowledge economy. A smart factory implements Internet of Things (IoT), Artificial Intelligence (AI), 3D printing, and advanced robotics to transform the manufacturing process, value chains and business models.

In a stiff competition, only a select group of leading companies have successfully deployed such technologies to qualify as lighthouses, symbolising the superpower race for supremacy in the emerging knowledge economy era. It is an existential question as to who will win this race.

But what has propelled China to this leading position in the first place? Dr Marina Zhang of Swinburne University of Technology, Australia thinks it's the huge innovation machine Beijing launched in the late 1970s that is behind this phenom-

nal stride. At its heart lies the vision for technological independence. It doesn't just want to make innovative and distinctive products; it wants to do so entirely with its own knowledge, investing heavily to materialise this vision.

Between 2000 and 2017, Beijing's spending on research and development (R&D) grew by 17 per cent each year. Over the same period, the US dragged far behind with a paltry 4.3 per cent growth rate. The trend continues under Beijing's 14th Five-Year Plan (2020-2025) as it intends to increase R&D spending by more than seven per cent each year. In 2017, the global R&D spending stood at USD 2.2 trillion, of which 25 and 23 per cent came from the US and China, respectively, and the gap is fast closing.

So far, Beijing's priority has been more on experimental development that is closely related to manufacturing processes and less on basic and applied research critical to the development of new scientific ideas. In 2018, it spent only five per cent of the research budget in basic research compared to the US' 17 per cent. For applied research, the corresponding figures were 11 and 20.4 per cent, respectively. In contrast, almost 80

percent of China's R&D spending went to experimental development.

Acutely aware, Beijing wants to strengthen basic research programmes and make ground-breaking innovations. Its researchers are already creating increasing impacts among the global scientific community, as Japan's National Institute of Science and Technology Policy reports. In 2019, about 27.2 per cent of the top one per cent of the most-cited papers came from Chinese institutions. The US came second with 24.9 per cent of such citations. In the total number of publications, Chinese works exceeded those from the US in 2020 (305,927 against 281,487). University rankings follow a similar trend. Successive listings of world university rankings by Times Higher Education (THE) show a steady fall in the number of US universities among the top 100 as those from China are rising. American institutions in the top 100 saw a drop from 43 to 34 between 2018 and 2022, while Chinese universities rose from two to seven. Unsurprisingly, China's share of global patents rose from 16 to 49 per cent between 2010 and 2020. Its innovation capacity is also going up, rising from 29th in 2015 to 14th in 2020 in the Global Innovation

Index. Beijing jumped from fourth to first in the global league table for patent registrations, becoming a large intellectual property (IP) exporter.

But are these developments bringing any significant tangible benefits to Beijing? The case of China's DJI Technology, the world's top drone maker, may help answer the question.

Of late, DJI is under Washington's sanctions reportedly for its involvement in surveillance of Uyghur Muslims. But unlike Huawei, it is proving difficult to eliminate because hundreds of US public safety agencies use its products including the New York Police Department. DJI's 80 per cent market share in consumer drones has dropped to 54 due to sanctions. But it's another Chinese company, Autel Robotics that has picked up most of the lost market. That is how ubiquitous Chinese technology has become in America's everyday life.

China has also made big leaps in a much larger and more complex arena, space. Space missions involve the highest level of achievement in hundreds of cutting-edge interconnected technologies. A leading space player, China is the fourth country to

have a satellite-based global navigation system (BeiDou). It boasts a near perfect heavy payload launching system (Long March rockets). All these indicate that Beijing could be well on course to achieve its goal of becoming a global tech leader by 2050.

Is the balance of power of the knowledge economy shifting?

In the book 'Crest of the Peacock: Non-European Roots of Mathematics,' University of Manchester Emeritus Professor George Gheverghese Joseph makes an interesting point about the evolution of science. Mathematics, the root of all sciences, borrowed from the Egyptians, Babylonians, Greeks, Arabs, Indians, and Chinese to become what it is today.

Similarly, China's progress in cutting edge technology has its roots in the knowledge generated by scientists from many regions over millennia. Regardless of who leads the knowledge economy, the benefit goes to everyone. University of Oxford Research Fellow Xin Xu has aptly summarised it as: 'The sun may rise in the East, but it shines across the world.' Science, innovation, and knowledge belongs to all humanity. Understanding it is essential for peaceful coexistence.

Dinesh C. Sharma



The decision of the Madhya Pradesh government to introduce Hindi as the medium of instruction in the MBBS course has triggered a debate over the feasibility of teaching technical courses in Indian languages. Union home minister Amit Shah, who launched a set of three medical textbooks in Bhopal last week, announced that engineering courses would also be introduced in Hindi. Textbooks are being translated into different Indian languages. The logic is that students can better comprehend technical subjects in their mother tongue rather than in English. The example of Russia, Germany and Japan is being cited to demonstrate the feasibility of teaching medicine and engineering in languages other than English. Closer home, Osmania University is a pioneer in this regard and has valuable lessons to offer.

The Osmania University was the first Indian higher education institution to teach all subjects — from philosophy to medicine — in Urdu when it was founded in 1917. Sir Akbar Hydari, who was secretary in-charge of the judicial, police and education departments, mooted the idea of a new university in the Urdu medium. In his view, making English the sole vehicle of higher education was a mistake as "most of the time which should be spent on the acquisition of the sci-

ences and arts is spent on the acquisition of the foreign medium". He gave the example of the English medium Nizam College which admitted 253 students from 1907 to 1914 only 13 of whom could graduate from Madras University.

Hydari suggested Urdu because it was the official language of the State and was understood by a vast majority of the population, besides being an "Aryan language" with "direct kinship with other Indian languages". Based on Hydari's appeal, the Nizam, Mir Osman Ali Khan, signed a *firman-e-mubarak* on the 1st of Rajab which was his birthday. While Urdu was made the medium of instruction, proficiency in English was compulsory for all students.

In the present context, it would help to see how the idea of teaching in Urdu was implemented. Soon after the university was announced, representative committees were formed to prepare draft curricula and the same were circulated among educational experts in England and India to see if they were in line with contemporary teaching. A bureau of translation and compilation was established for preparing standard textbooks in Urdu. Texts for translation were selected with help from linguists, subject experts and educationists as well members of various faculties (arts, law, science, engineering, medi-

cine and education). For coming suitable technical terms and finding proper Urdu equivalents, the bureau held regular meetings of "committees of technical terms".

The university council in 1920 decided that international nomenclature should be adopted for branches of medicine and engineering. For the translation of technical texts, scientific terms were divided into three groups — nomenclature, notations and terminology. For scientific nomenclature (like names of various elements and compounds, their symbols etc), transliteration was rendered into Urdu along with the terms of European languages. Terminology and notations were translated and compiled in Urdu with the help of classical and Indian languages like Arabic, Persian, Sanskrit, Urdu and Hindi. The methodology adopted in Osmania was similar to what Hyderabad official Syed Ross Masood had seen in Japan. To transplant Western sciences into Japan, the Japanese created equivalents of Western scientific concepts. While some were replaced with existing Japanese words, others were assigned new Japanese words coined deliberately.

Subjects of the books translated at the bureau included all branches of philosophy, history, law, economics, mathematics,

physics, chemistry, biology, medicine and engineering. Copies of translated books were sent to leading university libraries in India, Asia and Europe. By 1946, the bureau had published a total of 356 textbooks on these subjects. In three decades, nearly 100,000 technical terms in all subjects were compiled and incorporated into translated books.

Political and cultural reasons apart, making Urdu the medium of instruction was a well-planned exercise. It was introduced after wide consultation among experts from India and Europe, including Rabindranath Tagore. The curriculum-making was an elaborate exercise and educational experts were involved at every stage. The Nizam's government made a heavy investment in the translation bureau, hiring of experts, the printing of textbooks, etc. A proper translation strategy was evolved, keeping in mind the ground realities. The idea was implemented in such a way that students did not get isolated from their peers. Proficiency in the English language was made compulsory so that students could develop requisite communication skills. Osmania stopped teaching in Urdu in 1948 but the learnings from the experiment remain relevant.

The writer a journalist and author based in New Delhi

R.S/S

MBBS in Hindi: What Bhopal can learn from Hyderabad...



Controversy over Hindi language

■ Dr Anurag Borthakur

Amid the kerfuffle stirred by Amit Shah's off the cuff remark that Hindi should be predominant used as a language of communication in national institutes like IITs, IIMs and AIIMS, what stretches credulity is the extent of malarkey being allowed to dominate political landscape eclipsing far more pertinent issues bedeviling the country right now. While it takes little acuity to understand that such non-issues being given such pre-eminence is a perfect cover for government's failure to fulfil various promises, such ill calibrated attempts to score political brownie points have the potential to boomerang and hurt political prospects of the BJP in a big way in 2024.

Hindi, an Indo-Aryan language written in Devanagari, was adopted as the official language on September 14, 1949 by the Constituent Assembly. However, this step stirred up a lot of political polemic, ratcheting up temperatures in the non-Hindi speaking states surrounding the unfairness of such a step and how it could put to disadvantage large sections of Indians who do not share Hindi as their mother tongue. Also, there were different dialects of the language being spoken in different parts thereby questioning the rationale behind using Hindi as an official language across India. Following the adoption of the Munshi-Ayyangar formula in 1949, which allowed the use of English as an official language

along with Hindi for a period of 15 years, the Official Languages Act, 1963 was enacted to make Hindi the sole official language of the country. However, this did not go down well with the people from the north-eastern and southern parts of India who could clearly see its demerits and how such an act would make some Indians 'less Indian' than others. Therefore the Indira Gandhi government amended the Official Languages Act in the year 1967 and allowed for indefinite usage of English and Hindi as the official languages of the country.

India is a country of huge diversity and it prides itself on the peaceful coexistence of so many different languages, religions and ethnicities. There is no provision in the Indian Constitution that says that Hindi is the national language of India. As per the Eighth Schedule, there are 22 official languages, with English and Hindi being the official languages of the Union government. Previous attempts by the Indian government to impose Hindi across the country turned out to be ugly and long drawn leading even to partition of Purulia district from Bihar and West Bengal. Therefore, at a time when the country is reeling under a plethora of ills such as unemployment, inflation, malnutrition, caste-based discrimination, etc., it makes no sense

for the government to stoke the controversial issue of Hindi as a link language which will have huge repercussions for the country and trigger a strong backlash if pushed beyond a point, thus doing Hindi more harm than good.

The recent comment by Union Home Minister Amit Shah that Hindi should be used for most official work instead of English flies in the face of logic and reeks of linguistic chauvinism. Acquiring expertise in any language requires a lot of time and effort and there-

Hindi is already a link language and at least spoken and understood in every state. However, attempts to impose Hindi will only build resistance and therefore end up being counterproductive.

fore, a student from Assam, or for that matter, Kerala, has little incentive to invest too much time and effort in learning a language that does not come naturally to him or her. While English has now become the perfect whipping boy for the current dispensation, branding it as a colonial language, it is actually a failure on the part of the government to realise that English is an international language and is taught throughout the world to varying degrees in tandem with the re-

quirements of various countries. English has allowed the blossoming of the IT sector, has played a huge role in boosting our economy. The very fact that India is the 5th largest forex reserve holder, serving as a bulwark against a "Sri Lanka" like situation can partly be attributed to the widespread use of English in India. Viewing English as a foreign language is a big mistake, only reifying the contention that it is a rigid, unsophisticated and over-simplified viewpoint, shorn of nuance and suavity and leached of emotional depth.

Few months back, the Central government suggested that Hindi be taught in Assam as a compulsory subject till 10th standard. This clearly is an attempt to subdue the Assamese language that has already borne the brunt of immigration and is fighting a difficult battle for survival. While it is perfectly advantageous to know a bit of Hindi as it is true for any language, it is preposterous to say that learning Hindi would provide employment opportunities for Assamese youths outside Assam. The State government should instead focus on creating preconditions for industries to set up base in Assam that will not just provide employment but also check the brain drain that has already cost us dearly. The State government should make Assamese a compulsory subject in

the State-level civil services exams as that will provide the much needed impetus even among the English medium educated Assamese youths to learn their mother tongue properly. As regards UPSC exams, the English language provides a level playing field for everyone, putting students from both Hindi and non-Hindi speaking states at an equal disadvantage.

Patriotism, honesty, courage and forbearance are essential virtues that we must encourage young minds to inculcate and imbibe. History is a dynamic subject and can be given multiple moulds in our projection of it. However, if such projections are stretched a little too far on the victimhood side, we begin to lose the very essence of how resilient and diverse country India already is in its overall orientation. Hindi is already a link language and at least spoken and understood in every state. However, attempts to impose Hindi will only build resistance and therefore end up being counterproductive. Things were markedly different and difficult an epoch ago than they are today and colonialism affected different sections of the society differently. We can either remain stuck in the past or be under the illusion that dredging up past memories will help us move forward, or we learn our lessons well and move ahead with logic, hope and enthusiasm wisely leaving the past behind. Culture flourishes only with affluence and our prime focus should be restricted to bringing about economic prosperity in India. The debate on language can wait.

AT/DL

Sibsagar College: A dream of two architects

Manoj Kumar Borthakur

Dreams never die if they are backed by the sincerity of purpose. For 'Phuloni Kobi' Padmadhar Chaliha and his able son Parag Chaliha, Sibbsagar College was a dream and it turned into reality within their lifetime for the same reason. Till Independence, there were only two institutions of higher education in upper Assam. One was the Jagannath Baruah College at Jorhat, established way back in 1930 by a group of young self-scarifying men of great stature like Krishna Kanta Handique, Tulashi Narayan Sarma, Chandradhar Baruah, Murulidhar Baruah (the son of the first graduate from upper Assam Jagannath Baruah), P Dutta, J Sarma, GG Dutta and a few others. The other was the DHS Kanooi College, founded by the great philanthropist HB Kanooi in 1945. The third college of eminence was Sibbsagar College, established in 1947 on a picturesque location covering a 103-bigha plot of land on the eastern bank of the historic Jaysagar Pukhuri by the father and son duo with help and support from former chief minister Bimala Prasad Chaliha, Karnal Duwora, Debraj Ray, HP Barua and thousands of people with a great passion for learning.

After Parag Chaliha took over the reins in 1963, the college received a new spurt in diverse fields be-

cause of his tremendous leadership quality. He was not just an academician, but also a great statesman, a sports organiser, player, writer, dramatist, and a strict disciplinarian as an administrator. His fiery personality, resolute stand in critical situations and his impressive eloquence will linger for a long time in the memory of people who met him. For Parag Chaliha, the college was his temple and he considered the students of the college as his own children and therefore, used to get very angry whenever he saw someone bunking classes or indulging in mischief. After Parag Chaliha a number of teachers with illustrious careers led the college from the front and they included Prafulla Chandra Baruah, Jyoti Pd Chaliha, Dr Prakash Kotoky, Radhanath Baruah, M Bishwanathan, Patit Pawan Das, Ranen Gohain, Bina Baruah, Pradip Borthakur and Dr Prafulla Kalita (present Principal).

For generations of alumni of Sibbsagar College, the institution is not just their alma mater but a place of extreme reverence and heartfelt attachment. They have been contributing immensely to its growth from scratch to its massive expansion in the form of an institution of autonomous status from this year of platinum jubilee. The college began its journey on November 2,

1947, from the historic Kali Prasad Memorial Hall in the town which was inaugurated by Mahatma Gandhi. When the first buildings were ready, the college was shifted to the bank of the sprawling water body Jaysagar Pukhuri. The classes began with Padmadhar Chaliha as principal and Parag Chaliha as vice principal and the actual man behind the machine. Blessed by visits of great educationists and statesmen like Jairamdas Daulatram, the then governor of Assam; Dr Sarvepalli Radhakrishnan, former President of India and many more, the college earned an enviable reputation in the academic sphere of the country. It was due to its growing reputation that people of other districts also started sending their wards to this college despite the presence of other colleges like JB College, DHS Kanooi College, Cotton College and Darrang College in the Brahmaputra Valley.

Generous donations started pouring in from philanthropists from different parts of the district and with their donations the Tanta Bhawan, Bagori Hall, Haribox Lahoty Hall, Hiranyaprabha Memorial Library and Archive, Durga Prasad Majinder Administrative Building, Halram Dutta Bhawan, etc., buildings sprang up. The college observed its silver jubilee in 1972 and its golden jubilee in 1997.

Post-graduate classes in Assamese began in 1971 and now the

college has started MA and MSc classes in many other subjects. The UGC was pleased to accord the college 'A College with Potential for Excellence' status in 2006. Another significant achievement of the college is to begin B Ed education from its Sivasagar College of Teachers' Education which has catered to the need for professional teacher training for thousands of students. Besides academic achievements, Sibbsagar College has earned a reputation in national and international arenas in extracurricular activities like NCC, Navy, Scouts, NSS and sports. The National Assessment and Accreditation Centre (NAAC) has accorded the college 'A' Grade consecutively for many years. By dint of its praiseworthy performance the college has received donations from political leaders also. Jorhat MP Topon Kumar Gogoi has donated a substantial amount to the college for upgradation of its infrastructure.

On completion of 75 years of its existence, many new projects have been undertaken as part of the year-long platinum jubilee celebrations. Chief Minister Himanta Biswa Sharma donated Rs 5 crore for upgradation of the college to a university during his visit to attend the inaugural function of the platinum jubilee celebrations. The college teachers, employees, student body and alumni association con-

tributed generously to the installation of the massive statues of Padmadhar Chaliha and Parag Chaliha on the college premises. A former professor of the college Ajit Kumar Das has contributed funds for two well-furnished classrooms. The 1977 batch of alumni constructed a huge arch while former student **Tanmoy Gohain built a gate** for the student hostel. Sanjoy Majinder Baruah, an alumnus, rebuilt the administrative building and the family of former professor Sarat Mahanta has committed to build a modern stage while the 1982-83 batch of alumni has built a martyr column.

The college on different occasions has been publishing research journals, books and other materials of academic interest which have contributed immensely towards the improvement of quality education at higher levels and its faculty members have been invited to address seminars and workshops across the country and abroad.

The people of the district hope that as Sibbsagar College is a premier autonomous institution, the college management and faculty would take the pledge on this momentous occasion of platinum jubilee to create an environment of serious and elementary research in diverse subjects so that the students get good exposure and facilities to showcase their talents and even become Nobel laureates one day.

What makes a good educator

TRISTHA RAMAMURTHY

“Those who can, do.
Those who understand, teach.”
-Aristotle.

There is a common perception that everyone can teach. We have all had the odd bit of experience as a teacher, teaching a younger sibling or a friend, playing ‘Teacher, Teacher’ with friends, explaining a process to a colleague and demonstrating how to use an app to a senior citizen.

Is teaching a one-size-fits-all thought process that anyone can follow and succeed? There is a no-straightforward approach to teaching, and there is no one right way to teach. To teach is to be able to do many different things in a deliberate manner that fosters students’ mental, physical, and emotional development.

An educator is also a constant learner who consistently upskills herself in her ability to handle students’ needs in the classroom.

In today’s classrooms, the educator is not just a subject matter expert; he is a counselor in charge of his students’ mental well-being, a data analyst who constantly reviews scores and qualitative reports to see how best to support her students, and an inspirational leader who models habits of the heart and practises of the mind that would help the students gradually navigate life.

What does it take to be an effective educator?

1. Knowledge of learners
2. Knowledge of content
3. Knowledge of teaching
4. Interpersonal skills
5. Leadership skills
6. Communication skills
7. Tech skills
8. Commitment to supporting every child in our classrooms in the best way possible.

It isn’t easy to don multiple hats and make innumerable decisions as an educator without having a passion for teaching. This perspective of the world encourages individuals to make a change in students’ lives, and this positively impacts our world.

An educator cannot stay in the profession beyond a few years without unfailing dedication and interest in education. Globally, almost 50% of teachers quit within five years of becoming a teacher. These teachers have gone through teaching issues and have the experience they can build on further to become more effective educators.

However, they leave the profession for many reasons.



Sometimes, educators are overwhelmed by the number of complex and essential conversations they have with several young people on a day-to-day basis, which often leads to burnout and exhaustion.

Others leave the profession due to the dedication required to teach students in myriad ways, the constant need to upskill to improve student engagement; the consistency of support learners require to explore their interests, classroom management, and other professional duties.

Globally, almost 50% of teachers quit within five years of becoming a teacher — often, overwhelmed by the number of complex and essential conversations they have with several young people on a day-to-day basis, which leads to burnout and exhaustion.

However, experienced educators remain calm during a classroom brawl, which enables them to find the best pedagogical tool to engage students meaningfully in the class and to manage time to cater to different student needs.

The idea that teachers rely on past notes (built using their experience in content delivery) to teach is archaic. Teachers must understand their annual curricular goals, be familiar with content updates, and familiarise themselves with the tasks that students need to complete.

The desire to create the best learning environment for all students in a classroom motivates the educator to be creative, enthusiastic, and innovative.

Teaching is an ethical commitment to a better society, and an educator’s unfailing dedication and effort solidify this commitment. An educator’s life is dynamic as every classroom is different, every student is distinct, and unlocking their potential requires thoughtful conversations and unique methods. There is no cookie-cutter approach that works for all.

(The writer is Founder and Managing Director of Ekya Schools and Provost -CMR University) 20/11/22

Digital University ~ I

We have not thought of an equally good alternative to the classroom lecture — the discussion method that has been at the heart of the teaching-learning experience. No instructional technology has been developed to replace cooperative learning that takes place in group projects, field studies, recitals, and presentations. It is generally agreed that students do not learn merely from the textbooks; if so, teachers would not be required. Only when textbooks and supplementary study materials are brought to bear upon a topic to be discussed in the classroom does the teaching-learning process become live



In view of the UGC Chairman's latest announcement of a digital university to be set up in the coming academic session, it is time to mention that the spectre of Coronavirus haunted the policy makers of education for more than two years and it is, undoubtedly, education technology that came to their rescue. Microsoft Teams, Zoom, Skype, Google Hangout and other apps helped all to communicate and exchange knowledge with each other. The universities also embraced these solutions, but the time has come to ask if India can come up with the concept of a digital university, as visualised by the National Policy of Education (NEP 2000), thereby providing learners a new experience of learning?

It sounds exhilarating to think of attending a class whenever one wants to because of pre-recorded sessions, asking the teacher questions and receiving answers instantly as the teacher is logged on at the same time. Also, it could be a moment of enjoying financial relief because one does not have to travel or stay at some hostel.

The plan to set up digital universities is premised on the National Education Policy's objective of enhancing the gross enrolment rate in higher education in the country from the current 26 per cent to 50 per cent by 2035. However, on the basis of global experience, it is feared that the quality of education delivered by such universities may have to be compromised.

The concept of digital universities has been developed for students to obtain almost immediate feedback from teachers through emails or online discussions. When the term came into existence it applied to things that were simulated by the computer, like virtual memory. Now this came to be applied to things that physically exist and are created by means of computers.

In fact, the concept of digital universities first came with the idea for a wireless university at the BBC. In the tele-university concept, courses were taught on the radio and television in the name of "university on air" which came to take the shape of an open university.

Online courses mean that students will learn in their own time by reading course materials, working on course activities, writing assignments, and inter-

acting with teachers and other students through teleconferences. Digital classroom environments will be accessible to any student provided he or she has access to a computer or internet connection. This may allow a dynamic interaction with teachers and among the students themselves. The synergy that may exist in student-centred digital classes is one of the most vital traits of the digital learning format.

Virtual Global University in Germany offers a graduate programme in information and management where students can have access to a wide network of people and interactions. They are able to work at their own pace. Hence, the importance of the development of such skills including creativity, communication, and knowledge application.

However, the fact remains that a digital university cannot provide face to face interactions. So, the students would be deprived of opportunities for better communication and deeper understanding. Their computer literacy may also deter them from adoption of new technology that may lead to incomplete learning and low performance.

The performance of many students at DeVry University in the US was examined some time ago. The university offers online and contact versions of all its courses, using the same textbooks, assessments, assignments, and lecture materials for each format.

Even though the courses are seemingly identical, the students who enrolled online performed worse. As a result, the online students would be more likely to drop out. The hardest hit would be the unwilling few and those who enter the virtual classes with low grades in their previous examinations.

The weaker students would be the worst sufferers. An overwhelming advantage to student learning by trusting information technology has not been perceived as yet, when simple chalk and talk methods could have done equally well.

We have not thought of an equally good alternative to the classroom lecture — the discus-

sion method that has been at the heart of the teaching-learning experience. No instructional technology has been developed to replace cooperative learning that takes place in group projects, field studies, recitals, and presentations. It is generally agreed that students do not learn merely from the textbooks; if so, teachers would not be required. Only when textbooks and supplementary study materials are brought to bear upon a topic to be discussed in the classroom does the teaching-learning process become live. This is further accentuated through projects and assignments followed by term-end examinations.

Lack of access, whether it be for economic or logistic reasons, may exclude otherwise eligible students from the digital courses. This is an important issue in rural and lower socio-economic

neighbourhoods. Internet access may pose a significant cost to the users in a digital university. Both students and facilitators must be able to use a variety of search engines and be comfortable navigating on the web, as well as be familiar with newsgroups, FTP procedures and e-mail. Even the most sophisticated technology is not hundred per cent reliable.

At the same time, to successfully participate in an online programme of a digital university, students must be well-organised, self-motivated and possess a high degree of time management skills. An online teacher must compensate for lack of physical presence by creating a supportive environment in a digital classroom where all students feel comfortable participating.

Computer-related frustration and the fear to face new things on the part of teachers may make them unacceptable to students. Digital class environment means transfer of traditional pedagogy towards an electronic pedagogy in which the teacher becomes a facilitator of the learning process. This new pedagogy presupposes that the teacher should be qualified in new techniques. For many it may be a threatening experience.

It may be important to

recognise that some subjects may not be taught online in a digital university because the electronic medium does not permit the best method of instruction.

Examples are hands-on subjects, such as public speaking, surgery, dental hygiene and sports where physical movements contribute to the achievement of the learning objectives. Hybrid courses may represent a solution, thus making that area of the course more accessible to a greater number of people who would otherwise have difficulty getting to the campus.

An online curriculum should reflect the use of dialogue among students and group discussions. Quality education may be provided in a digital university only if the curriculum is developed or converted to meet the needs of the online medium.

The task of access both to the curriculum products and curriculum experts is an important issue for the success of a digital university. As the students cannot have access to the entire curriculum products, it is likely that scientific visualisation is used as an educational tool. Curriculum may not be easily updated nor very interactive. Use of email may be effective for exchange of information. Video conferencing over the internet may not be a practical substitute.

From the administrative point of view, the question of accreditation becomes pertinent. Where would the credits go? How can Intellectual Property Rights be maintained? How will the issue of faculty control over content and curriculum be preserved? These questions must be addressed initially.

The students may not be able to reach dramatic moments that occasionally result in wit, humour and other such elements that help to enhance the joy of the teaching-learning process. If a colourful presentation using PowerPoint fails to lead to a lively classroom discussion, it will be of no use. But the teacher on the dais in front of many students can do wonders. It is always challenging for the teacher in traditional mode to get his point across without facial gestures and vocal cues. He can create classroom animation — the thrill of being with the students — which is absent online.

(To Be Concluded)



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State of our education

India must transform public schooling system

FREE and compulsory education for all children in the age group of 6-14 years is a fundamental right in India. Yet, among the several disturbing facets of Unesco's Global Education Monitoring Report 2022 is the one showing that a large number of the Indian people have given up on state education. 'Only 46% of adults agreed that the primary responsibility for providing school education rested with the government, the lowest share amongst 35 middle- and high-income countries,' the report notes, citing its survey of parents. Observing that 70% of new schools established in India in the past eight years are private ones, it issues a stark verdict: 'Expansion of access through non-state provision is inequitable. In India, children from the richest quintile were seven times as likely as children from the poorest quintile to attend private early childhood institutions.'

We have known this for a long time, of course. The infrastructure and quality of education in government schools have always been suspect, and the best private schools are very expensive. It means that an unofficial apartheid situation exists in India, banishing the poorest populace to the worst schools. The Unesco survey found that '73% of parents in India chose private schools because public schools did not meet quality standards, 12% because they offered English-medium education and 10% because public schools were not available.' Even poorer people tended to avoid government schools as the survey said that 86% of children from such households were enrolled in a budget private school or expecting to transition to one in Grade 1. The rush for private schools, undoubtedly, puts an immense strain on the household budgets.

The National Education Policy (2020) envisages that public investment on education be 6% of the GDP. However, the Economic Survey presented in January showed that the expenditure on education in 2020-21 and 2021-22 has been only 3.1% of the GDP. Unesco notes that the failure of governments to increase spending on education 'leaves a ticking bomb for the poorest who are increasingly faced with high costs to access an education that should normally be free.' This verdict must act as an alarm bell for the education ministries in India. *uv 3/6*

Digital University ~ II

The adrenaline rush that is felt in the class when there is something awkward, the sudden laughter, the body language and voice inflection, the mimicry, the instant feedback including yawning and the backbenchers' bantering — all are found missing in the virtual classroom. Since most digital teaching is done through words, it is expected that the lessons should be exciting enough to kindle the imagination of learners. So, the real challenge is how to bring one's personality into the digital classroom



Classroom teaching is a performance and many of the teachers choose this profession because it gives them a sense of participation in the learning process. Physical proximity and face-to-face interactions can bring out the best in students. Engaging all the students and encouraging them to be active online becomes a Herculean task.

The adrenaline rush that is felt in the class when there is something awkward, the sudden laughter, the body language and voice inflection, the mimicry, the instant feedback including yawning and the backbenchers' bantering — all are found missing in the virtual classroom.

Since most digital teaching is done through words, it is expected that the lessons should be exciting enough to kindle the imagination of learners. So, the real challenge is how to bring one's personality into the digital classroom. Instead of keeping ahead in their academic field, teachers are expected to master newer technologies every now and again. Programming the curriculum for digital universities will be one of the biggest challenges. Interactive media courseware development is a tedious operation. A true quality educational product would require synergy between faculty experts, programmers, and digital artists. The think tank must realise that a foolproof curriculum requires an institutional investment in faculty expertise to programme in this novel content medium.

If students at a digital university have to go through a separate curriculum from the on-campus students, there may not be sufficient baseline from which to determine grades of the virtual pupils. While designing electronic curriculum for distance learners, it is important to build in a reliable testing infrastructure. If this is done, the distribution of grades between the virtual students and on-campus learners may be identical.

Also, proper market research may be done to identify the tar-

get learners — whether it is the lifelong learners whose desire to learn that will dominate over the ones who seek to obtain real university credits in order to decrease time to degree once he enters the university. This makes it difficult to directly respond to individual learners' needs for curriculum.

It must be agreed that the quality of a degree depends on the depth and scope of the one-to-one mentoring relationship with individual faculty members. To make possible the interactive aspect of the mentoring process would require an enormous investment of faculty time. Few teachers would be there to commit to a teaching endeavour that requires to spend as much time. So, it is desirable that electronic courseware and credit granting must be cost-effective. It may be argued that reduced cost per credit hour will be the prime incentive for students to go in for digital universities courses.

The virtual students would like to buy the cheapest educational products in the market where education has become a commodity. If a purely commodified market model is to be applied in the case of digital universities, then the scholarship is sure to be sacrificed especially when the budget on the education sector gets getting reduced.

When establishing a digital university, the challenge would be the pedagogical approach. In order to manage the students in virtual mode, the teachers have to develop engaging pedagogical techniques that appear to the virtual class, giving them an opportunity to engage themselves in the running of the class. Considering the value of practicum in evolving the skill of the learners, it becomes important to develop a practicum plan for digital

learners which is equally engaging.

The assessment schedules have to be exhaustive and need to navigate each aspect of the coursework. Only then will the pedagogy make sense. Since a learner's growth must be evaluated holistically and in terms of the social value they create in society, the responsibility lies on pedagogy and evaluation schemes. Along with the learning of the coursework, the faculties will also

have to work on the possibilities of the learners' coming together in the digital teaching-learning process and also creating human values.

The aim of a digital university is to promote online course delivery through the use of computer networking. It can be said to be a multimedia network learning environment that differs from more traditional learning environments in that it is customizable. Digital learning environments offer a wide range of advantages over traditional environments such as, flexibility, convenience, lower costs, access to current materials, increased retention of knowledge, and elimination of geographical boundaries. It enables students to learn anytime at any place. It can expand the time, place and pace of education and enable learning to become more individualized and emphasize interaction and collaboration between students and academics.

The role of a student may change from passive learner to active participant in the learning process. The role of the educator will change from the distributor of knowledge to the sharer of understanding and intellectual breakthrough. Thus, a virtual university may allow students to gain more independent learning skills by becoming more active partici-

pants in their own learning processes.

When utilising web-based course materials, academics are required not only to undergo training on the new technology but also time to develop teaching materials; they will need support from students and administration. Problems with computer hardware malfunctions, setting up software to provide access to an educational institution, remote dial-in access and heavy traffic on the web can create learning barriers for students. Internet shutdown may also disrupt digital learning. Digital learning readiness issues can become more acute in regions like Kashmir which face Internet shutdown on a regular basis.

According to a report released by UNICEF, merely 8.5 per cent students of India have access to the Internet. The Annual Status of Education released in November 2021 highlighted that 67.6 per cent of children in India had smartphones available at home, but 26.1 per cent had no access to it. So, any barriers can broaden learning gaps, as seen during the Covid-19 period, and as expounded in a recent UNICEF report, Reimagining our futures together: a new social contract for education.

The urban rural divide is very much visible in the fact that 23.4 per cent and 42 per cent of urban households have computers and Internet access respectively compared with a meagre 4.4 per cent and 14.9 per cent of rural households, according to the National Sample Survey (NSS) 75th round. Also, it is learnt from Mission Antyodaya 2020 that as many as 27,930 villages in India have no access to electricity. For proper functioning of a digital university, some of the guidelines may include promoting user participation and planning, designing and implementing initial training programmes for academic staff, and providing students with the opportunities and facilities to participate in class discussions online.

(Concluded)



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Assam Medical College

The platinum jubilee celebrations of Assam Medical College (AMC) mark a watershed in medical education and healthcare in Assam and the North-east as a whole. Assam Medical College – was set up in 1947, coinciding with the country's independence from British rule. The State Government has also done well to institute an award after philanthropist Dr. John Berry White, whose pioneering efforts were instrumental in setting up the region's first medical school. The yearlong platinum celebrations that concluded on Thursday were a resounding success, with the AMC alumni medical fraternity putting in their weight squarely behind the occasion. Indeed, such has been their whole-hearted involvement in the celebrations that it ought to be an example of how to give back to one's alma mater and society. We have many educational institutions that boast of a hallowed heritage and it should be incumbent on the part of the past pupils to do something lasting and meaningful on such commemorative occasions. AMCH has undoubtedly nurtured the evolution of medical education and healthcare in the region for decades, producing in the process many achievers in the field of healthcare.

While the hallowed history of the AMC will remain an intrinsic part of the State's heritage, it will be imprudent to sit on the laurels and allow complacency to take over. Times are changing, and this warrants us to come up with some serious introspection so as to prepare the AMC and AMCH to meet the emerging challenges on the fronts of education and healthcare rather than resting on past glory. Medical education as also education in general is passing through a period of transition, and the medical fraternity would do well to take a dispassionate look at the overall healthcare scenario in the region and address the critical gaps in healthcare delivery. A large number of patients of the region invariably prefer to go outside the State to meet their critical healthcare needs, raising questions over the quality and affordability of treatment in their home State. Study and research in the field of medical education and treatment, too, is highly imperative under the circumstances. A pragmatic approach will determine how far we progress in making quality and affordable treatment for all in sync with the adage 'Health for All.'

AT/E/u

'Politics' in student elections

■ Himanjali Kalita

Student union elections at different colleges, universities and other educational institutions are a common thing in Assam. A student union is formed to solve students' issues in particular and to have a greater impact on social-economic and political issues of the society in general. Students are the backbone of the country. Therefore, a healthy student election is very useful to the country in the long run as it helps to develop the values of democracy among students and also proves helpful in turning students into politically sound citizens.

In the present times in Assam, politics in student elections can be seen at every college and university. The election of students is supported by various political parties and organisations. Following a particular ideology is absolutely right and in fact, it makes students more active in different issues related to society. But the problem arises when the students are forced to follow an ideology without rational thinking. Almost every student candidate is supported financially by a particular political party or organisation, directly or indirectly. These political parties/organisations use various means to manipulate the

students like providing launch, money and, in fact, liquor during election time. Also, images of female candidates are sought to be ruined through casting of aspersions on their private matters without any solid basis. Such activities lead to the creation of an unhealthy environment of election for every student. Without the support of any political party or organisation, no student comes forward to contest an election. There are two main reasons for this. Firstly, it is not easy for a student candidate to spend money by himself/herself to make posters and other such things. Secondly, the student candidates do not get enough support to stand individually.

Under such circumstances, surely the true intention behind the election of a student union is negatively impacted. The weight of debate and discussion gets minimised. In fact, the idea of 'union' which means doing with cooperation of all for the welfare of all students becomes a utopia. This creates cracks in the unity of students and also brews rivalry among them. These developments have a negative impact on the development of the students as well as the institution. When the student union is created by

representatives from different support backgrounds, they do not have coordination among themselves and when there are representatives from only one support background, they do not involve themselves wholeheartedly for the interest of the students. Because, after getting elected they have to repay the political party or organisation for its support monetarily or otherwise. And thus, in the whole process student politics is guided not only by the interest of the students but also by the narrow interests of particular political parties or organisations and their individual benefits.

From the day of admission, there starts the game of election. Students of particular hostels or those students who support particular hostels or party or organisation, try to collect contact numbers of the newcomers by various means. At first they will try to earn the goodwill of these new students who are not aware of their particular intention and thus, the 'politics' starts right around this time to get support in elections.

Another negative impact of the involvement of political parties or organisations is that from the beginning the students are driven by particular ideologies and tend to lose the capability for rational

thinking. This not only destroys the healthy environment of discussion at colleges and universities but also destroys the whole political environment of the country. This in turn leads to the absence of the environment for a fair discussion about the good and bad impacts of policies.

Student elections ought to be held independently in the true sense of the term, without the involvement of any political party or organisation. Only then will the students and the institution benefit from student elections. Students who want to contest elections should do so on their own capabilities. There should be an environment of freedom among the students to elect the candidates of their choice who, they think, will be capable of representing them effectively in crucial matters concerning their welfare. No political party or organisation should be given the opportunity to use the students for their own personal benefits. Interests of the students should always get topmost priority.

Again, there should be a healthy environment for all the students to participate in the election as it will create political consciousness among the students in the wider sense. No doubt, there may be ideological differences among the students, but these should be re-

stricted only to peaceful debates and discussions. Under no circumstance should ideological differences be allowed to take a volatile form culminating in the use of violence against each other.

To secure the future of a country, political consciousness of the students is very important as they are the ones on whom the future of a country depends. If from the student days they can cultivate the rational thinking capacity to take part in the decision making process of the government and to critically analyse the merits and demerits of the policies of government, the government will be bound to become more accountable to the needs of the common people.

To sum up, we can well say that a healthy environment in educational institutions is important for securing the future of a country in the long run. 'Politics' in student elections is neither good for the students/institution nor for the society as a whole. Healthy debates and discussions should get utmost importance among the aspiring election candidates to prove their leadership quality and for the other students to elect their capable representatives. Then only the democratic essence of student politics can be maintained and sound political consciousness can be created. *AT/TK*

Need for efficient public servants

Practice may make perfect but not a professor

Bringing 'practice' in academia is good but cannot be done at the cost of reason and rational knowledge

NAVNEET SHARMA & FURQAN QAMAR

Universities and higher education institutions are seen as islands in themselves. They are often held responsible for widening the gap between theory and practice. They are also accused of being archaic and far removed from good governance and best practices.

Rarely taken into confidence, they are at the receiving end of the new policies, programmes and schemes that are belched out at regular intervals. The new National Education Policy, NEP 2020, has become a good pretext and a harbinger of many new initiatives. The latest in the series is to enable universities and colleges to appoint 'Professors of Practice'.

The name suggests that academia and the academic world lack hands-on experience and are not practising the teaching and research professions well enough. It assumes that academia has been disconnected from the world of professions and industry and that roping in people from there would be necessary to promote industry-academia connect.

There has never been a moment in the history of either colonial or postcolonial education where it was stressed that those with experience are not better off than those with 'reason'. The new-found love for 'experience' as a method of knowing is more about disdain for reason and rational knowledge. It is to craft a new wedge between educational institutions and society by fanning the Harvard versus hard work debate.

NEP's overemphasis on multidisciplinary, interdisciplinary, and trans-disciplinary approaches without finely combing differences among them also has led to the belief that academia is not for practitioners. It failed to recognise that practising any theoretical-rational framework necessarily required engagement with other disciplines.

There is no denying that certain vocational and practice-based disciplines may benefit from professors of practice. They can add value to domains like music, acting, management, tourism, hospitality, engineering, technology, coding, agriculture, and many other disciplines that evolved in the twentieth century with the long historical civilisational interface be-

tween practice-theory-practice. These disciplines may benefit from engaging people with long years of practice, but the way the ideology of the people in power dominates the decision-making process, this idea may be misused immensely. Will we be attracting the best of the best professionals? Recent experiences suggest that it may end up as an instrument for packing institutions with certain kinds of people.

It is good that the scheme provides autonomy to higher education institutions in fixing the remuneration and honorarium of 'professors of practice'. Yet, it could be suggested that a non-partisan structure would have been better.



The professors of practice, with experience of 15 years or more, will be placed at the highest echelons as professors, and to believe that this will not affect the already structured hierarchies of associate and assistant professors will be naïve.

Theoretically, the idea may be appealing, but there is every possibility that it might turn out to be appalling in practice. With no formal qualification, teaching and research experience, and publications, it might further accentuate the relevance of degrees and academic rigour. It is also likely to impinge adversely on the ranking and accreditation of higher education institutions because they grade and rank institutions on many parameters that have been waived under the scheme.

These professors of practice could be appointed for a year and then have a maximum of three more extensions. They shall thus serve a maximum of four years, which sounds so similar to the Agnipath and Agniveer. Consequently, this would bring in one more structure of *ad hocism*

in the academic world, even though it is well established that *ad hocism* has harmed academics and academic institutions.

India has the single largest system of higher education found anywhere in the world. With over 1,100 universities, 40,000 colleges, and 11,000 stand-alone higher educational institutions, India has no match in terms of the number of higher education institutions. With higher education enrolment exceeding 3.8 crore, India is simply the second largest system of higher education. As a whole, the system employs 15.03 lakh faculty members. Sadly, over a third of the faculty positions remain vacant even in premier higher educational institutions like the Indian Institutes of Technology (IITs). The National Institutes of Technology (NITs) have been reporting that 40 to 47% of their faculty positions remain vacant. In central and state universities, the faculty vacancies could exceed 50%.

The basic argument that universities and colleges churn out graduates lacking employable skills and thus compelling industry to re-train them to make them job-ready is equally pernicious. One must not ignore the difference between a university and a polytechnic, an IIT and an ITI. Universities are not supposed to reproduce labour with market-friendly traits. Instead, they should be a place to deconstruct and decode these relationships. They must provide for evolving market-industry systems that are oppression-free and more egalitarian, rather than shaping people to suit these crafted hierarchies.

In his *Idea of a University*, Cardinal Newman argues that universities should teach and work such that knowledge should be pursued for its own sake to cultivate (wo)men in liberal education, which must not be servile, physical, or mechanical in nature.

The discourse of education, after a long struggle with teacher-centric education, has arrived at a learner-centric approach in which the learner's socio-economic background, her learning abilities, the context of pedagogy; curriculum, and evaluation play an important role. Practice alone may make one perfect in their vocation, but to be a professor, one needs to be aware of the above concerns, which are not 'practised' in any other field but academia.

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25/7/6

IN PRIVATE

What government schools lacked in glamour they once made up in width and depth of study and aspirations towards social inclusiveness. The recent growth of private schools suggests that even their academic credentials have become suspect. According to the Global Education Monitoring Report, 2022 by Unesco, in the last eight years, seven out of 10 new schools in India have turned out to be private ones. This trend is not exceptional in South Asia, where the growth of education for 30 years has increasingly relied on private institutions. The preference for private schools from pre-primary to tertiary levels is uniformly high in India, whereas in countries such as Bangladesh or Iran, any outstanding preference is limited to a single level. That only 46 per cent of Indian adults today believe that school education is primarily the government's responsibility is a fairly recent development; the government was once supposed to be the legitimate fount of the educational structure and its institutions. One reason for the shift to private schools is the inadequate number of government institutions. Besides, the latter's standards have not kept up with the aspirations of guardians in an expanding educational set-up with children exposed to dreams and possibilities communicated through the internet and social media.

A government's interest in children's schooling is not indicated by teaching them patriotism or by changing lines in textbooks to create new histories and new perceptions of the present, but by the money it spends. Indian governments — in spite of the loud claims of increased allocation by the present one — are stingy, spending around 3 to 3.5 per cent of the gross domestic product on school education, which is poor compared to many developed and middle-income countries. The Unesco's concern is with quality and equity in education so that no child is left behind. Regulating private and State schools equally can ensure that. That is not simple in India. The dependence on coaching centres, on the rise after certain government policies, is making the classroom unimportant, while the teacher earns more by private coaching. Intense competition entangled with economic commitments make students and their parents easy prey to profiteering in the name of lessons, whether inside the school or outside it. The bustling world of private and government schools guarantees neither education nor universal access. Quality and equity are yet to be achieved.

Much needed

There are certain negative aspects to Assam's employment scenario which bear reiteration. Traditionally, the people of Assam have been sedentary, preferring to stay within the State, with only some from the middle class venturing out for education and employment. While other regions of the Indian mainland in the post-Independence phase have witnessed rapid industrialisation, the North East in general and Assam in particular have not seen much industrial growth, especially employment generating ones. This and other factors have resulted in a huge increase in the number of unemployed and underemployed youths, and in consequent societal tensions. No doubt, in recent decades, lack of employment opportunities has coerced a sizeable segment of the Assamese people, especially youths from rural areas, to venture out of the State in quest of work, resulting in a sudden enlargement of the Assamese diaspora in the rest of India. Unfortunately, because these individuals lack specialised skills, they have found work primarily in the unskilled sector, as low paid watchmen, peons, delivery employees, etc. Obviously, the solution was to empower these youths with specialised skills so as to enable them to get better paid jobs, the existing vocational schools apparently not being up to the task. This is precisely why the upcoming Assam Skill University at Mangaldai in Darrang district is much needed and can, when completed in 2025, prove to be a game-changing institution.

The Rs 1,000-crore project, undertaken through financial assistance from the Asian Development Bank, would aim at imparting multidisciplinary skill training. It will have different departments such as School of Technology, School of Design and Creativity, School of Mobility, School of Management and Finance Training, School of Healthcare, etc., which will equip students with skills needed for various fields of work, which are not normally available at other formal centres of learning. Indubitably, as pointed out by Chief Minister Himanta Biswa Sarma, the Skill University would immensely assist the upward mobility of the youths of the State by empowering them with modernistic skills. However, it is moot whether, as hoped by him, the availability of a highly skilled workforce would compel major investors from all over the country and abroad to look at the State as one of the most favourable investment destinations, and set up industries here, something that has not happened even after over seven decades of Independence. On the contrary, the danger is real that there might be a brain drain of trained skilled workers to outside the State due to the absence of appropriate job opportunities. It may be noted that Assam has not directly benefited much from the establishment of a prestigious institution like the IIT, with very few of its alumni choosing to work within this State, and it would defeat the very purpose if something similar takes place with the Skill University! 8/6

Economics, exclusion

Use of sole income criterion for quotas is questionable, but it should be made to work in a non-exclusionary way

In the face of it, a new kind of reservation in education and jobs solely based on income or economic criteria was destined to face several constitutional hurdles. However, given that the special provision in favour of 'Economically Weaker Sections' (EWS) among those who are not eligible for community-based quotas meant for Scheduled Castes, Scheduled Tribes and Other Backward Classes, was introduced through an amendment to the Constitution, only a demonstration that the new quota violated the basic structure of the Constitution would have succeeded in dislodging it. By a majority of three to two, the Supreme Court of India has ruled that the amendment does not violate the basic structure. In the process, the Court has recorded a major paradigm shift in its conception of what constitutes valid affirmative action. For the first time, it has upheld a kind of reservation that specifically excludes those from the three existing categories of beneficiaries and is extended solely on the basis of economic criteria. When in *Indra Sawhney* (1992), a nine-judge Bench upheld OBC reservation, but favoured exclusion of advanced sections of the beneficiary communities from its purview, it introduced a form of economic criteria for the first time. However, the criteria were used to exclude individuals, while the groups continued to be eligible for reservation. At the same time, the Court struck down a provision for 10% reservation for economically backward sections introduced by the Congress regime, on the ground that the Constitution does not provide for reservation solely based on economic criteria.

The logic behind this scheme of affirmative action was that reservation is a tool of reparation for groups excluded from mainstream avenues of advancement due to caste discrimination, while it should not become a benefit or reward for individual members of the same groups who may have made reasonable progress. This logic was wholly inverted in 2019 when the BJP-led regime amended the Constitution to provide reservation solely on economic criteria to sections other than those enjoying reservation under the categories of SCs, STs and OBCs. The resort to economic or income criterion as the sole marker for identifying a beneficiary is obviously unsustainable from the point of view of equality of opportunity. All five judges agree that the introduction of an economic criterion does not violate the Constitution. However, Justice S. Ravindra Bhat, with Chief Justice of India U.U. Lalit, concurring, has correctly found that the exclusion of groups that already enjoy reservation from accessing this new form of affirmative action violates the equality norm, which is a basic feature of the Constitution.

The Constitution Amendment came with considerable political legitimacy as very few members voted against it. The Court could not have lightly struck it down. The majority acknowledges Parliament's power to create a new set of criteria and a new target for affirmative action. Their opinions whole-heartedly endorse the exclusion of communities that benefit from existing reservation norms, contending that such exclusion is necessary to achieve the intended object of emancipating economically weaker sections and, if they are included, it may undermine the entire idea of providing such reservation. This approach is clearly flawed because this creates a vertical reservation scheme based on economic weakness, a factor that could be applicable to all communities, but consciously excludes a large segment. There was some merit in the argument that reservation cannot be used as a poverty alleviation measure, and that a collective remedy meant to be compensatory discrimination in favour of historically deprived classes cannot be converted into a scheme to identify individuals based on their low-income levels and confer the same benefit. The existing income criterion of ₹8 lakh a year has already been questioned by the Court in a separate case, as it is liable to result in excessive coverage of socially advanced classes. When those exempted from filing I-T returns are only those with taxable income below ₹2.5 lakh, it makes no sense to extend the reservation benefits to sections earning upto ₹8 lakh. Also, the majority view that the 50% ceiling is applicable only to caste-based quotas and not for EWS reservation is constitutionally unsustainable, as it is a vertical compartment that is carved out of the open competition segment.

Once the idea of using economic criterion alone is accepted in principle, as has been done even by the dissenting opinion, it can only be argued that the benefit should have been modulated to maximise the beneficiaries. The objective of economic emancipation could have been better achieved if the income-based reservation had been thrown open to all sections of society. The fear that some sections may corner a large share of the reservation cake had earlier been partially addressed by the 'creamy layer' norm for backward classes, but it also meant that the well-off among them will have to compete in open competition. By introducing an income criterion and barring OBCs, besides SC/ST communities, from the EWS also, there is a clear violation of equality in their eligibility to avail of a part of the open competition opportunities. The Government should consider both opening up the EWS quota to all communities and keeping the income criterion much lower than the ceiling, perhaps at the same level as the income tax slab, to identify the 'creamy layer' so that some poorer sections of communities, if they are crowded out on the OBC or SC/ST merit list, could still avail of some residual benefits under the EWS scheme. *g/c*

ECONOMICALLY WEAKER SECTIONS VERDICT

One More Quota, With Reservations



Waseem Pangarkar

Several pleas challenging the validity of the 103rd Constitution Amendment 2019 had been filed. Hearings were concluded on September 27 by NGOs Janhit Abhiyan and Youth for Equality among others, who had challenged the amendment on the grounds that economic classification cannot be the basis for reservation.

The amendment Act provides for reservation of 10% seats in public and private educational institutions, and in public employment, for the economically weaker sections (EWS) of citizens other than scheduled castes (SCs), scheduled tribes (STs) and socially and educationally backward classes. The amendment introduced Articles 176) and 16(6) into the Consti-

tuition.

Article 15(6) allows for reservations for 'economically weaker sections of citizens' other than the classes mentioned in Articles 15(4) and 15(5)—effectively, other than the SCs/STs/other backward classes (OBCs). Article 16(6) does the same for public employment.

On Monday, a five-judge constitutional bench of the Supreme Court upheld the 103rd constitutional amendment by a majority of 3:2. The bench, including outgoing Chief Justice U U Lalit, heard the petitions challenging the EWS quota on the grounds that economic criteria could not be a basis for granting reservation and granting it was violative of the 'basic structure' of the Constitution and the 50% limit set by the Mandal Commission.

While hearing the case, the bench decided three key issues, on the basis of which the constitutional validity of the amendment was determined:

► Whether the amendment changed the basic structure of the Constitution by allowing economic status as a



Space for another katori

factor for reservation.

- Whether private institutions could be compelled to follow it.
- Whether the quota could exclude communities historically sidelined based on caste, religious and tribal lines.

The bench, by its majority view, upheld the amendment stating that it was non-violative of the basic structure of the Constitution. It stated that reservation was an instrument of affirmative action to ensure an 'all-inclusive march towards an egalitarian society' and the 2019 amendment could not be struck down on the grounds of being discriminatory.

While the majority view upheld the amendment, Chief Justice Lalit and Justice S Ravindra Bhat dissented, stating that while reservation on economic criteria was not per se violative of the basic structure of the Constitution, by excluding the poor among SCs/STs/OBCs, the amendment allowed forms of discrimination prohibited under the Constitution and was clearly 'contradictory to the essence of equal opportunity'.

It is important to highlight here that the majority bench was cautious, stating that the reservation should have a defined period of time. In this context, Justice J B Pardiwala held that reservation is not an end but a means, and should not be allowed to become a vested interest. He also insisted that reservation should not continue for an indefinite period of time so that it, indeed, becomes a vested interest. This, perhaps, holds the key to both the effectiveness and shortcomings of affirmative action through reservations as a whole.

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ET/11

EWS ruling will shape quota law

The SC judgment on EWS will influence future policy debates and fresh demands for quotas

India's affirmative action programme is shaped by two landmark events. The first was in the 1950s when a young country was looking to uplift millions out of destitution. In the face of judgments striking down caste-based quotas as unconstitutional, the government amended the Constitution to explicitly state that reservation to uplift a section of society was not violative of the doctrine of equality. The second was in the 1990s, when the country was in churn over movements (and counter-movements) around quotas for backward groups. A 1992 watershed verdict of the Supreme Court (SC) ruled that quotas were lawful, but fixed a 50% upper ceiling and said well-to-do sections of a community were not eligible to avail quotas, creating the concept of creamy layer.

Monday may well be a third such event. By a 3-2 verdict, the SC upheld the 103rd Constitution Amendment Bill that created 10% reservations for economically weaker sections (EWS). Created in January 2019, months before general elections, the EWS quota was politically difficult to oppose, given it was packaged as a pro-poor move, though by excluding groups already under the reservation umbrella, it was effectively a pitch to upper castes and dominant communities. Three judges of the court backed the quota while two others opposed it, but mainly due to the fact that scheduled castes, tribes and backward groups were excluded even though these sections make up the bulk of India's poor.

The SC's split decision marks a pivotal moment for three reasons. One, by saying that the 50% cap for quotas in public jobs and education was desirable but not inflexible or inviolable (and holding that the context of whether it was obtained under Articles 15(4), 15(5) or 16(4) of the Constitution is important), the verdict may open the door for further movement around fresh quota demands. Given economic distress and shrinking government employment, it is almost certain that more communities will clamour for quotas in the future. Two, for the first time, an economic yardstick will be the sole criterion to determine eligibility for an affirmative action programme. This breaks from precedents and past definitions of backwardness that always pivoted on socioeconomic conditions and histories of oppression. Given that surveys show large sections of India's population back income-based quotas, it remains to be seen how economic parameters shape the reservation mechanism in the years to come. And three, with the EWS quota in place, an overwhelming majority of the country is now eligible for one form or other of reservation. It will be interesting to see whether this expansion changes the politics around reservation, especially the vocal opposition of upper caste groups and the now-debunked link between quotas and merit.

MANDAL PLUS

SC order on EWS quota takes the reservation debate beyond caste, can redefine welfare — and politics around it

THE MAJORITY VERDICT by the five-judge Supreme Court bench endorsing the 103rd Amendment offers an expansive view of the affirmative action vision offered by the Constitution. The 103rd Amendment, passed by Parliament in 2019, had inserted clauses in Articles 15 and 16, which allowed the government to introduce quotas for economically weaker sections of the society that did not avail of other reservation verticals. The majority verdict has rejected a challenge against the amendment, which argued that it violated the basic structure of the Constitution. The dissenting judgment by Justice S Ravindra Bhat has held that while an economic quota is justified for accessing public goods including subsidies (Article 15), it can't be extended to reservation (Article 16), which seeks representation of the community. So far, legal and policy debates on structural discrimination in India have focussed mostly on the social category of caste: Instruments such as scholarships were mooted to alleviate economic inequalities whereas reservations in education and employment were instituted to end discrimination rooted in caste.

The Modi government's decision to introduce EWS quota and the SC imprimatur on it moves the needle beyond the Mandal debate, which weighed in favour of caste reservation. Expectedly, parties that claim the legacy of social justice movements such as the DMK and Dalit groups have raised the apprehension that the introduction of a 10 per cent EWS quota could impinge on the opportunities available for Dalits and OBCs, suggesting that the move is politically fraught with the potential to polarise on caste lines. The government must engage with the concerns flagged in the dissenting judgment and address the fears of Dalits as well as socially and educationally backward classes. The EWS quota is of a piece with the Centre's attempt to fashion a new welfare architecture by reading class with caste. It has imbibed the spirit of creamy layer, formulated by the apex court in *Indra Sawhney* (1992) to exclude the economically better-off OBC candidates from the ambit of reservation, to explore differentiated quotas for the OBCs as well as religious minorities. The Justice Rohini Commission on OBC subcategorisation, the move to look at the conditions of Pasmada Muslims, the panel to look into quotas for Dalit Christians, all recently constituted, are premised on the principle that economic well-being has to be considered in policy deliberations on discrimination. This shift in approach towards social inclusion and welfare, even without diluting the existing reservation for SCs, STs and OBCs, may lead to a reconfiguration of political allegiances.

Caste continues to be the primary category of discrimination, but norms of deprivation could also include gender, economic status, region and so on. While the step to include poverty as a cause of discrimination and to propose redress is welcome, expanding the economic pie remains the principal imperative. That will need heavy lifting, social, economic and political, and could, three decades after Mandal, reshape the politics of affirmative action towards being much more inclusive.

25/8/17

The poverty test



FAIZAN MUSTAFA

EWS verdict underscores that judiciary has been a reluctant supporter of caste-based reservation

THE INDIAN CONSTITUTION as a social document promises social justice and therefore, mandates making of special provisions in favour of those who have been historically discriminated against. Due to political and electoral compulsions rather than constitutional promises, successive governments, invariably on the eve of elections, have been tweaking the reservation policy. So, it was not surprising when the Modi government introduced 10 per cent reservation for the economically backward communities ahead of the 2019 general election. The Supreme Court has now upheld the validity of the 103rd constitutional amendment. The amendment had many firsts. For instance, economic criterion was provided for this new category of affirmative action. The Scheduled Castes, Scheduled Tribes and non-creamy layer Other Backward Classes were excluded from the newly inserted clauses of Article 15(4) and 16(4). The ceiling of 50 per cent reservation was breached and the individual rather than the group became the basis of backwardness. Justice Ravinder Bhar and the outgoing Chief Justice of India U U Lalit, however, dissented with the majority view of Justices Dinesh Maheshwan, Bela Trivedi and JB Pardiwala.

A closer look at the judicial response to reservation policies from *Dorairajan* (1951) to *M R Balaji* (1963) to *Indra Sawhney* (1992) to *M Nagaraj* (2006) shows that the Indian judiciary has not been quite supportive of such policies. In many cases, it created new conditions in the implementation of such policies by introducing several exclusions/doctrines/rules etc. In fact, Parliament had to amend the Constitution through the 77th amendment to overturn *Indra Sawhney* judgment against reservation in promotions. Similarly, the 85th constitutional amendment was passed to undo the *Vijay Singh Chauhan* (1995) and *Ajit Singh* (1999) judgments that had introduced the "catch up rule" under which general candidates, who are promoted after SC/ST candidates, will regain their seniority over earlier promoted SC/ST candidates.

Basically, Indian courts have been emphasising merit and have been concerned about the dilution of "merit". In several reservation matters, the courts have been more interested in protecting the interests of general categories. As a matter of fact, the EWS reserva-

tion is for the erstwhile general candidates. The Rs 8-lakh family income provision covers over 90 per cent of our population.

Constitutional amendments are rarely struck down since this can be done only on the narrow ground of the amendment being violative of the basic structure of the Constitution. Since 1973, when the basic structure doctrine was propounded, over 70 amendments had been passed but only five have so far been struck down. The NJAC was the last one in 2016.

As per *M Nagaraj* (2006), there are two tests that courts use in any challenge on the ground of basic structure — the width test that examines the boundaries of amending power and the identity test under which the Supreme Court examines whether the latest amendment alters the identity of the Constitution. No amendment can change the personality of the Constitution. To satisfy the test, one has the heavy burden to prove that the Constitution after the amendment is virtually unrecognisable.

India's affirmative action programme so far was catering to only historical injustices and social backwardness. The extension of this benefit to others, in the opinion of Justice Maheshwan, won't change the identity of the Constitution. He observed that the new reservation is in furtherance of the Preamble's goal of achieving justice — social, economic and political. The other judges were also of the view that any provision that is consistent with fundamental rights and directive principles cannot be held to be in the teeth of the basic structure doctrine.

The majority verdict is right in saying that though reservation on economic basis is new it has not made the Constitution unrecognisable. Justice Maheshwan has quoted a number of judgments in which poverty was mentioned as a fundamental source of backwardness. Justice Trivedi said the legislature best understands the needs of the people. The majority does have a point in holding that the basic structure doctrine does not bind Parliament from laying down the economic criterion. Such a basis does not impinge on the equality code of the Constitution. Justice Maheshwan held that poverty is not merely a stage of stagnation but a point of regression.

But then, economic disadvantage is indi-

vidual, unlike caste discrimination, it carries no social stigma. The Court has gone against the earlier precedents on this point, which is why Justice Bhar was not able to persuade himself to agree with this reasoning, particularly when SC/ST/OBC categories have been excluded. The majority was of the view that such an exclusion was inevitable for the true operation and effect of new policy. If existing beneficiaries are not excluded, it would amount to excessive benefit and advantage. Justice Maheshwan said that in the vertical reservation provided to these groups also, others are excluded. He went on to say that those who are themselves receiving the benefit or others' exclusion cannot object to their exclusion in the reservation policy made for others. Justice Bhar observed that since the bulk of the poorest people belong to SC/ST/OBC groups, their exclusion is not right. The majority was also of the view that Parliament is entitled to experiment with new policies.

The majority also cited a number of earlier judgments on the 50 per cent ceiling such as *N M Thomas* (1976), in which Justices Fazal Ali and V R Krishna Iyer observed that "the arithmetical limit cannot be pressed too far". In *Vasanth Kumar* (1985), Justice Chinnappa Reddy observed that "for a court to say that reservation should not exceed 40 per cent, 50 per cent or 60 per cent would be arbitrary and the Constitution does not permit us to be arbitrary". Even *Indra Sawhney* had kept a small window for the government to go beyond the 50 per cent ceiling. The real question is would the Court have permitted such a breach at the all-India level if the same had been done for the existing beneficiaries of the reservation policy. Justice Maheshwan admitted so when he observed that the 50 per cent limit was for the benefit of general candidates and it causes no injustice to the reserved categories. Justice Bhar, though, felt this may open the floodgates.

Surprisingly, while the majority judges have raised questions about the desirability of continuing the reservation policy, they themselves have upheld the extension of reservation to a new group. Only time will tell if this is the beginning of the end of affirmative action.

The writer is a constitutional law expert. Views are personal.

12/8/0

A closer look at the judicial response to reservation policies from *Dorairajan* (1951) to *M R Balaji* (1963) to *Indra Sawhney* (1992) to *M Nagaraj* (2006) shows that the Indian judiciary has not been quite supportive of such policies. In many cases, it created new conditions in the implementation of such policies by introducing several exclusions, doctrines, rules, etc. In fact, Parliament had to amend the Constitution through the 77th amendment to overturn *Indra Sawhney* judgment against reservation in promotions.

Pyrrhic victory

Govt has won EWS quota case in the Supreme Court but the victory may be difficult to handle

The Supreme Court's verdict, allowing a 10 per cent quota in jobs and education institutions for the poor or economically weaker sections (EWS), is a major victory for the Narendra Modi Government which had brought it before the 2019 general elections. The Government stands vindicated on a critical issue. But the split judgment cannot be called a win for our democracy as well, for a red line has been crossed—the 50 per cent cap on reservations. It may be recalled that even the most enthusiastic social justice warriors in the Mandal era did not cross that line. Former prime minister VP Singh, who inaugurated the era, did not propose to augment the quota percentage; he wanted 27 per cent reservation for other backward classes (OBCs), thus taking the total to 49.5 per cent. The EWS quota was aimed at the category of people not belonging to Scheduled Castes, Scheduled Tribes, or OBCs; in effect, it sought to cover the so-called upper castes. It was immediately contested by various petitioners. Justices Dinesh Maheshwari, Bela M Trivedi, and JB Pardiwala favoured the quota, whereas Chief Justice UU Lalit and Justice S Ravindra Bhat dissented. The verdict implies that neither the EWS quota nor the breach of the 50 per cent cap can be regarded as a violation of the basic structure of the Constitution.



In his dissent, Justice Bhat said: "Amendment practices constitutionally prohibited discriminations and strikes at the heart of the quality code. Allowing breach of the 50 per cent cap set on reservation can lead to further infractions which can result in compartmentalisation." He hit the nail on the head: the kind of politi-

cians we have, only an incorrigible optimist would say that there would be no more demands for reservations as all sections have been covered; our leaders will find or invent new pretexts for more reservations. The 50 per cent cap was a good compromise between social justice and merit. But the Bharatiya Janata Party, after losing Madhya Pradesh, Rajasthan and Chhattisgarh Assembly elections at the fag-end of 2018, opted for short-term political gains and brought the 103rd Constitutional Amendment introducing the EWS quota. It didn't occur to the saffron party that reservation politics was not its strong point, for it is predicated upon the assumptions which are uncharitable to Hindu society. This is the reason that the RSS, nucleus of the saffron family, is uncomfortable with caste-based quotas. The country has witnessed a large number of agitations by various castes and communities demanding reservations, many of which went violent. At a time when the employment scenario is grim and government jobs are at premium, more quota stirs cannot be ruled out; and now that the cap has been breached, there can be demands to include more groups. Neither the Government nor the BJP would like to face such an eventuality. But, if it happens, they would have no one but themselves to blame. The Government has won but it's a pyrrhic victory.

9/11/22

Use of educational technology in the Indian government and private schools

KIRAN DHAM

India has been one of the hardest-hit countries by the pandemic, affecting every aspect of the community. Beyond the adverse impact on human lives, there was also a major disruption in access to education for Indian students, with almost 1.5 million schools closed and 247 million children affected by it, according to UNICEF. However, the educational system in India instigated every effort to reach the students and ensured that education is not interrupted. Indeed, the closure of schools affected the education system in a punitive manner, but it also gave birth to new methods of remote learning with the help of new-age technology.

Technology at disposal: How Indian schools are benefitting

Technology has simplified the unconditional accessibility of education to students regardless of a physical infrastructure and looking at the timeless benefits of this practice most of the educational institutions, government and private have totally accepted its viability. Government has taken number of initiatives to promote, implement and optimize usage of technology in classrooms which works towards settling the wide gap existing between the rural and urban education. Similarly in government schools, to provide online teaching, government has focussed towards putting equal effort in training teachers and establish digital infrastructure with heavy equipment. This has led to the advancement of traditional teaching methods to tackle issues such as a shortage of teachers and insufficient resources.

Private schools have already catered to the educational needs of students who are able to afford them. The infrastructure for online education has been set up

with top-notch facilities to provide quality education. With the help of the established infrastructure along with the internet, smartphones and tablets, most private schools can facilitate learning, and students are able to study remotely from home. In addition, conducting examinations, writing assignments and taking attendance have also become easier with the adoption of new-age technology and proper equipment. Digitalisation in education has paved

the way for modern learning tools and methods for reaching students in remote areas of the nation. Significant use of Digital Boards/ Interactive Displays

The ministry of human resource development has already launched "operation digital board", which has initiated the usage of interactive digital boards across all the schools. The initiative of the programme was to empower students with quality education in India with the help of cut-

its benefits, including children from government schools, thanks to the advent of technology and supporting government policies. It has not only increased the accountability of teachers but also equalised the state of disproportionate distribution of education services by delivering information with a rich learning experience.

Virtual Classroom and Learning Management Systems (LMS) are supporting personalised learning

ing the integrity of their educational programmes in both government and private schools effectively and efficiently.

Incorporating Skill Development Through Digital Resources: Under the NEP 2020 the focus areas of the reforms seek to cultivate '21st-century skills' among students, including critical thinking, problem-solving, creativity and digital literacy. Multilingualism has been given special emphasis in the NEP under 'three-language proficiency' and to incorporate this, special digital labs are being placed in the schools. This will help in developing language learning as skill among learners.

Enhancing Teaching Skills Through Technology: To ensure the optimum usage of the digital solutions and create a revised, improved and technologically empowered learning ecosystem in government schools, a major focus has been placed on training teachers and upskilling them as per the evolving pedagogical trends.

All things considered

With technology at their disposal, students not only have access to quality education but also get interactive ways of pursuing their courses. The curriculum, which seemed hard to optimise previously, is now updated frequently without hampering the whole system. The educational resources are available for a minute fee or, in some cases, free, which has facilitated access to education for everybody.

Web-based systems with infrastructure in place save money and time, reach a larger student pool, and are extremely secure. This has been possible due to the careful planning, coordination, and right execution of the policies with the amalgamation of new-age technologies. In the days to come, digital education will witness a surge in demand and change the landscape of the educational system in India. The accelerated adoption of technology, rapid digitalisation and affordable internet will have positive long-term impacts on the educational sector, which will shape a new norm for both private and government schools.

The author is CEO of Globus Infocom Limited

23/11/22



ting-edge technology. Several developed nations and well-established sectors in India have already used this technology. Learners who were not able to afford this advanced method are now able to enjoy

Previously, learners in remote and distant areas were not able to access desired, quality education because of inaccessibility of resources. This created a huge gap in the quality of students coming from urban and rural areas of the country regardless of student's talent and capability. However, the introduction of virtual classroom solution is now helping to revive educational quality by making desired education accessible digitally and facilitating personalised education. Technological tools are helping teachers to provide more differentiated learning based on students' performance and abilities. By empowering teachers to develop courses, deliver instruction, foster communication, and collaboration among students, evaluate student success, and provide other learning resources; the LMS aids schools in maintain-



Let's Be Clear On Quotas

EWS, like OBC, is about caste, not class. We should stop pretending reservations are about the poor

D Shyam Babu

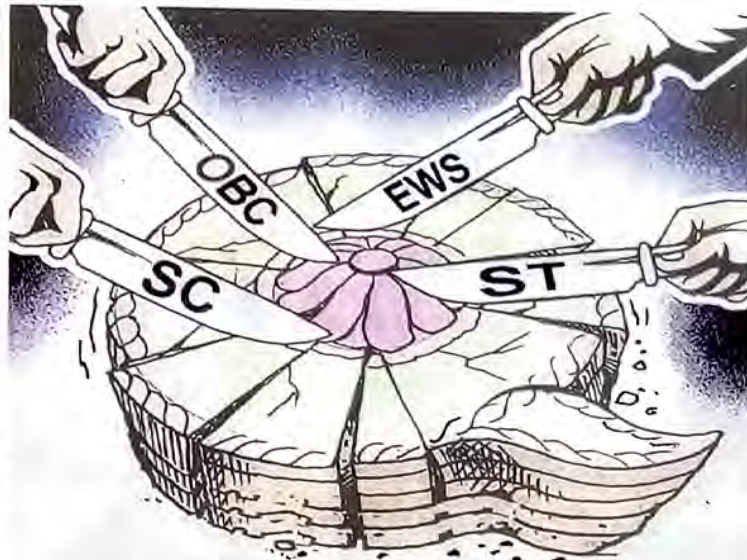


Our founding fathers had set up, through the Constitution, a small gate and a narrow path that would lead the nation to a just social order by limited reservations. But over the decades, governments widened the gate and broadened the path to such an extent that any and every group can be granted some quota. And the judiciary provides its enthusiastic support to this policy elasticity. Now it is no longer very clear what the Constitution of India stipulates, envisages or merely allows, or indeed downright prohibits.

The apex court held on Monday that the 10% quota reserved in government jobs and seats in educational institutions for the Economically Weaker Sections (EWS) among the upper castes is constitutional.

The rub is that one cannot find an article in the Constitution that envisages quotas for the EWS. Moreover, one cannot even cite an argument or a sentiment expressed in the Constituent Assembly that supports quotas for a

Why not simply accept that since India is a caste-based society, our policy preferences must reflect this reality? In doing so, we could save ourselves from a lot of trouble – for example, being forced to read something that is not really there in the Constitution or providing justifications for so-called social justice policies that beg too many questions and also create more problems than they solve. Calling a caste a caste, not a class, will bring clarity to discussions and also have larger benefits



section of the upper castes merely because they are poor:

The government inserted exceptions to Articles 15 and 16, that too to give effect to Article 46, a Directive Principle, which requires promoting educational and economic interests of weaker sections. Therefore, upper castes are now treated as a part of 'weaker sections'.

The larger irony of the saga of EWS quotas is the implicit admission by the government that even sections of upper castes suffer from such levels of poverty and backwardness that only quotas can uplift them.

One can, of course, argue and many do that every generation must be able to alter its laws to suit its requirements. Since the Indra Sawhney verdict in 1992 that upheld quotas for the Other Backward Classes (OBCs), the court seems to have agreed with the government's broader point that social and political realities demand expanding the ambit of quotas to include OBCs – and now EWS.

It's also argued that since the precedent for quotas was set under Article 335 for the SC/STs, adding other groups ipso facto should not be such a heresy.

But that's not the case.

By allowing the government to provide job quotas to any section of its choice as an exception to the fundamental right to equality, the court, since the Indra Sawhney verdict in 1992, ended up giving the executive a carte blanche. Instead, the court could have forced the government to seriously consider Article 335 of the Constitution. That's because this article, while allowing quotas, demands such quotas should be consistent "with the maintenance of efficiency of administration".

Whether newer and newer quotas meet that test should have been the court's question to all governments. True, the government inserted an exception to the efficiency clause in 2000 for the SC/STs. But Article 335 still requires a balance between equity and administrative efficiency.

The OBC and EWS quotas don't undergo any scrutiny. Unlike in the case of SC/STs whose selection is automatic since the basis is their caste/tribe, the OBC and EWS candidates are apparently, and on paper, selected due to their relative poverty, that is they are

class-based.

The failure to set transparent and rigorous selection criteria to be determined and executed by a non-political authority always results in a plethora of controversies – and often forces creation of new quotas.

OBC quotas are meant to be quotas for economically weaker sections among non-SC/ST lower castes. The current EWS variant is quotas for upper castes wherein the creamy layer is excluded. By maintaining two different definitions of economic backwardness we can produce a situation where an EWS candidate can be far richer than an OBC candidate. This is the problem with arguing that quotas other than those for SC/STs are class-based quotas. They really aren't.

So, why not simply accept that since India is a caste-based society, our policy preferences must reflect this reality? In doing so, we could save ourselves from a lot of trouble – for example, being forced to read something that is not really there in the Constitution or providing justifications for so-called social justice policies that beg too many questions and also create more problems than they solve. Calling a caste a caste, not a class, will bring clarity to discussions and also have larger benefits.

For example, the government is right in not removing the creamy layer from SC/ST candidates – because it can be justly argued that governments should be able to recruit the best talent among these sections. The government should similarly be able to recruit the best talent from any other caste and if some quotas facilitate this process, there should be no need to give additional justifications.

Similarly, if governments come clean on their intent to provide quotas to different caste groups, every political party will be freed from the burden of pretending that the reservation policy is about serving the poor. Other welfare policies can be tailored for the poor. The quota policy can simply be about power plays between caste groups, political parties and governments.

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EWS Survives

SC rightly okays economic criteria for quotas. But questions remain on 'breaching' 50% quota cap

The 3-2 Supreme Court verdict upholding the 103rd Constitution Amendment Act that provided 10% reservation for Economically Weaker Sections has given the stamp of legitimacy to economic criteria for reservations. This is welcome. The poor, irrespective of social group, are at a disadvantage and affirmative actions, reservations included, should be considered. However, the sharp disagreement between the majority and minority judgments on the question of 50% cap on reservations may have set the stage for future controversies.

The majority verdict said the 50% cap was for existing reservations while EWS is an entirely new criterion. But critics are arguing that Monday's verdict marks the first time SC has allowed breach of the 50% cap. The constitutional challenge to the 76th Amendment Act, 1994, where Parliament insulated Tamil Nadu's 69% reservation from judicial review, is still pending. Justice Ravindra Bhat, in his

dissenting verdict, referred to those pending petitions. He argued the majority view was "a gateway for further infractions". Justice Maheshwari, in his majority verdict, highlighted that the 50% cap is applicable for backward classes, SCs and STs. But it is not certain that the interpretation of the majority in the constitution bench will necessarily guide all subsequent attempts at getting new quotas. Plus, many socially dominant groups aren't satisfied with a 10% "general category"

quota. So, it's likely that as various interest groups parse the words of the judges, the EWS ruling won't be the final word.

The politics underpinning the EWS quota had run its course by the 2019 Lok Sabha elections. The exclusion of OBCs, SCs and STs from the EWS quota was politically deemed necessary because GoI had sensed considerable heartburn among unreserved groups. So, it saw the exclusion of already reserved groups from a narrow 10% band as a compromise worth making to address upper caste angst. But another kind of politics can start following the EWS ruling and as the poll schedule gets busier.

Lost in all this will be questions like whether the Rs 8 lakh income ceiling makes sense in terms of helping the truly deprived since the annual per capita income for a five-member household is Rs 6.5 lakh, as per available data. To truly benefit the poor, deprivation needs quantification via extensive government surveys. But such empirical exercises no longer find official favour.



toskalic

DEBATABLE

Few would object to opportunities created for the poor. But the Centre's decision to provide reservations to economically weaker sections among the general category or non-scheduled castes through a constitutional amendment touched on too many debatable issues to go down smoothly. That yesterday's Supreme Court verdict in response to petitions challenging the amendment was split three to one, with the majority reportedly ruling that the amendment did not go against the basic structure of the Constitution, indicated that it was not simple. The 10 per cent EWS quota for educational institutions and government jobs would be separate from quotas for scheduled castes, scheduled tribes and other backward classes. That seems fair and square. The EWS reservation, however, depends on the understanding of various concepts — social justice, for example. Does social justice include economic justice or are the two distinct? The chief minister of Tamil Nadu, Dravida Munnetra Kazhagam's M.K. Stalin, has declared the EWS quota to be a setback to social justice, while the Bharatiya Janata Party is overjoyed by what it claims to be Narendra Modi's triumph in his mission to uplift the poor.

Greeting these reservations as a pro-poor move is heartening, yet it leaves some discomfort in its wake. The quota is declaredly not for those who come under other reservations umbrellas; the poor among SC/ST and OBC groups are excluded. The Constitution is against discrimination and in favour of equality. But the Supreme Court dismissed the petitioners' objections on this score since the Constitution's basic structure is not hurt by the EWS quota. Obviously, then, representation — rather, the lack of it — is not the basis of reservations, neither, necessarily, is educational and social backwardness caused by historical injustice. The EWS quota was brought up by the BJP in 2019, before the elections. No doubt the upper caste majoritarian community would be grateful, now that 2024 looms. The huge non-upper caste population may be less entranced. The poorer among them, who often find it difficult to access the fruits of reservations anyway, may perceive an additional advantage being officially given to the upper castes; Dalits in general may fail to appreciate the importance of an exclusionary pro-poor policy. No doubt the government will tread with care in the matter, since the sentiments of so many of its people are concerned. 10

Reservation for EWS

Supreme Court upholds validity of legislation

ALMOST four years after the enactment of the Constitution (103rd Amendment) Act, which provides for 10 per cent reservation for Economically Weaker Sections (EWS) in admissions and government jobs within the general category, the Supreme Court has upheld the validity of this legislation. In a 3:2 verdict, the court has observed that the Act does not violate essential features of the Constitution. An economic criterion for giving reservation does make sense; it's an onerous task for students and job aspirants to pursue their goals in the face of miserable financial conditions. The judgment is expected to benefit millions of EWS families whose gross annual income is below Rs 8 lakh.

The split verdict, however, has laid bare lack of unanimity among the Bench's judges on the contentious issue. Justice S Ravindra Bhat has observed: 'Reservation on economic criterion is per se not violative... (but) by excluding the poor among SC/ST/OBC from economically backward classes, the amendment practises constitutionally prohibited forms of discrimination. The exclusion neglects this principle and strikes at the heart of the equality code.' Outgoing CJI UU Lalit has concurred with Justice Bhat's view 'in its entirety'. Though Justice Pardiwala has upheld the EWS amendment, he has made it clear that 'reservation is not an end, it is a means; it should not be allowed to become a vested interest.'

The basic purpose of reservation is to reduce inequality and help out disadvantaged groups. The EWS quota also has a key role to play in pulling people out of poverty, even as there will undoubtedly be fewer opportunities now for general-category candidates who don't belong to EWS. The onus is on the lawmakers to extend the economic criterion to reservation in SC/ST/OBC categories. It's lamentable that families which are no longer economically backward continue to enjoy the fruits of reservation, generation after generation. It is imperative to review quotas from time to time to assess whether they are actually benefiting the needy or not. Uplifting the underprivileged calls for a multi-pronged strategy: the importance of short-term and long-term welfare schemes cannot be overestimated. Putting all the eggs in the reservation basket should not be the way forward. 8/6

आरक्षण पर उचित निर्णय

सुप्रीम कोर्ट ने आर्थिक रूप से कमजोर वर्गों के लिए शिक्षा और नौकरियों में 10 प्रतिशत आरक्षण को वैध ठहराकर न केवल सरकार को, बल्कि इस वर्ग को भी एक बड़ी राहत दी। यद्यपि आर्थिक रूप से कमजोर तबकों को दिए जाने वाले 10 प्रतिशत आरक्षण को सही ठहराने वाला निर्णय सर्वसम्मति से नहीं दिया गया, लेकिन इससे उसकी वैधता पर कोई प्रभाव नहीं पड़ने वाला। पांच सदस्यीय पीठ के 3-2 बहुमत से आर्थिक आरक्षण को उचित बताने वाले निर्णय की महत्वपूर्ण बात यह रही कि इसे संविधान के मूल ढांचे के उल्लंघन के रूप में रेखांकित नहीं किया गया। ज्ञात हो कि इसके पहले सुप्रीम कोर्ट ने अपने कई निर्णयों में यही कहा था कि आरक्षण की सीमा 50 प्रतिशत से अधिक नहीं हो सकती। वास्तव में इसी कारण आर्थिक आरक्षण के विरुद्ध के एक बड़ी दलील यह थी कि इससे संविधान के मूल ढांचे का उल्लंघन होता है। अब जब सुप्रीम कोर्ट ने यह स्पष्ट कर दिया कि ऐसा नहीं है तो फिर यह प्रश्न उठेगा कि संविधान के मूल ढांचे वाला सिद्धांत कितना मायने रखता है? इस प्रश्न का उत्तर जो भी हो, अब आर्थिक आरक्षण के साथ-साथ जातिगत आरक्षण को लेकर होने वाली राजनीति समाप्त होनी चाहिए, क्योंकि दोनों ही तरह के आरक्षण एक-दूसरे वर्ग के अधिकारों का अतिक्रमण नहीं करते।

समझना कठिन है कि कुछ राजनीतिक दल आर्थिक आरक्षण पर सुप्रीम कोर्ट के फैसले से असहमत क्यों दिख रहे हैं? ऐसे दलों में से एक द्रमुक का यह कहना विचित्र है कि सुप्रीम कोर्ट का फैसला सामाजिक न्याय की लड़ाई को कमजोर करने वाला है। आखिर निर्धन वर्गों को राहत देना सामाजिक न्याय के विरुद्ध कैसे हो सकता है? क्या सामाजिक न्याय का निर्धारण केवल जाति विशेष को आरक्षण का लाभ देने से ही होता है? आर्थिक आधार पर आरक्षण को संविधानसम्मत ठहराए जाने के बाद यह माना जा रहा है कि अब आरक्षण की मांगों को नए सिरे से बल मिल सकता है। इसकी अनदेखी नहीं की जा सकती कि समय-समय पर जातिगत आरक्षण की सीमा बढ़ाए जाने की भी मांग होती रहती है और आर्थिक रूप से कमजोर वर्गों को दिए जाने वाले आरक्षण की भी। कहना कठिन है कि भविष्य में क्या होगा, लेकिन उचित यही है कि ऐसी कोई व्यवस्था बने, जिससे समस्त पात्र लोगों को ही आरक्षण का लाभ मिलना सुनिश्चित हो सके। यह जातिगत आरक्षण के मामले में भी सुनिश्चित किया जाना चाहिए और आर्थिक आरक्षण के मामले में भी। निःसंदेह ऐसा तभी हो सकता है, जब हमारे नीति-नियंता समाज के व्यापक हित में आरक्षण व्यवस्था के तौर-तरीकों को और प्रभावी एवं न्यायसंगत बनाने के लिए नए सिरे से विचार करेंगे, जैसा कि आर्थिक आरक्षण पर फैसला सुनाने वाली पीठ की न्यायाधीश बेला त्रिवेदी ने कहा।

Use data to frame quotas, update them periodically

Democracies start off setting for themselves lofty goals which they hope to achieve at some point in time. The Declaration of Independence of the United States insisted that all men are created equal but it took another 87 years and a civil war for it to abolish slavery and more time to give women voting rights. The Civil Rights Act which bestowed citizens of colour their basic rights was passed as late as 1964.

Passed one and three quarters of a century after the US Declaration of Independence, the Constitution of India resolved to secure to all its citizens such great goals as justice, liberty and equality, knowing well that the task was too daunting. It incorporated an Article (Article 17) to abolish Untouchability, an age-old practice of keeping people off human activity based on the caste into which they had been born, reflecting the social realities of the time. Reservation for education and in jobs based on caste and social and educational backwardness was a tool the framers of the Constitution deployed primarily to ensure representation in power to peoples who had been kept off the mainstream for ages.

There must be periodical assessment of the reservation policy and its impact based on data and changes made accordingly. Otherwise, it will be reduced to a political tool of inefficient governments...

That logic of affirmative action for handholding discriminated communities has changed now. All the five judges of the Constitution bench of the Supreme Court on Monday upheld the 103rd amendment to the Constitution which provided reservation based on economic criteria. While the majority judgments of three judges also found the 50 per cent ceiling in reservation, fixed by a nine-member bench of the apex court, can be breached, two others held that the ceiling is inviolable. The majority judgment, again, held that those who get reservation otherwise are not eligible for reservation based on economic criteria while the other two held it as discrimination.

All democracies and their Constitutions are works in progress and those who believe that it is time we introduced an economic criterion to reservation can take heart in the constitutional amendment and the court verdict. The long and short of the exercise is that it is the polity, and the will of the people as reflected in Parliament, which decides the course of the nation, not just the written documents.

The framers of the Constitution did not include economic criteria not because there were no poor people in India when they were on the job: Estimates say between 65 and 80 per cent of the population lived below the poverty line at the time of Independence. It is not that their proportion has gone up now: Various agencies would put the size of such a population now between 20 and 30 per cent. It would have been more logical if the apex court had placed on record data to support the introduction of economic criteria for reservations and to make a shift in affirmative action aiming at lifting the fortunes of people from those groups.

It is ironic that the judges who said reservation cannot be forever and must be reviewed for their efficacy added another category to the quotas, but the point cannot be missed. The Constitution has promised the creation of an egalitarian society and it is the job of governments to work towards that ideal. There must be periodical assessment of the reservation policy and its impact based on data and changes made accordingly. Otherwise, it will be reduced to a political tool of inefficient governments used in order to escape the scrutiny of the people.

As Constitutional Challenge to EWS Quota Ends, Tough Questions Begin Now

SC verdict will give fresh lease of life to demand for applying reservations in pvt educational institutions; even caste-based reservations aren't applicable for pvt educational institutions fully



R SUBRAHMANYAM

The Janhit Abhayan (EWS) judgement of the Supreme Court brings the curtains down on the debate on the constitutional validity of the 103rd Amendment which provided for 10% reservation to the economically backward sections (other than SC/ST/OBC categories) for admissions to educational institutions and for public employment. The elaborate 399-page judgement of the five-member bench is almost equally divided on crucial matters of whether the reservation violates the equality code of non-discrimination and non-exclusionary principles and whether it violates the 50% limit imposed in the

previous judgements of Balaji (1963) and Indra Sawhney (1992).

The 103rd amendment inserted in the Constitution the Articles 15(6) and 16(6) — empowering the state to make special provisions for the advancement of any economically weaker section (EWS) of citizens other than the classes in Articles 15(4) and 15(5) — that is the SCs, STs and the socially and educationally backward classes (SEBCs). It empowered governments to provide 10% reservation in admission to educational institutions, including private educational institutions, whether aided or unaided by the state, other than minority educational institutions. Article 16(6) empowered the Central and state governments to provide 10% reservation in public employment for the EWS category other than those provided for in Article 16(4) (SCs/STs/OBCs).

With the majority judgement prevailing and the constitutional challenge to the EWS reservations ending, the focus is now on implementation of the EWS criteria. This is where the tough questions begin.



ZAHID

The process of identifying the poor has been a hotly debated issue since the 1960s, with no agreed definition emerging. The criteria for drawing the poverty line has shifted from time to time, from calorie content, to daily income, to deprivation and later to a multi-dimensional poverty index.

The government official memorandum (OM) dated January 17, 2019, adopted a simple family annual income criterion with asset exceptions for identifying EWS category. The order provides that those whose family has a gross annual income below ₹8 lakh per annum (income from all sources that is

salary, agriculture, business, profession etc) can be considered for EWS reservation provided they do not own 5 acres of agricultural land and above; residential flat of 1,000 sq ft and above; residential plot of 100 yards and above in notified municipalities; or residential plot of 200 yards and above in areas other than the notified municipalities.

This criteria adopted for the identification of EWS is already being challenged in the Neil Aurelio Nunes and others versus Union of India and others before the apex court. Several questions have been raised in that litigation: whether the current definition of EWS based on family income of ₹8 lakh per annum is over-inclusive, and whether the asset criteria is valid for the country as a whole.

In response, the government constituted the AB Pandey Committee to examine the methodology prescribed in the OM issued on Jan 17, 2019, keeping in view the observations of the Supreme Court in their order dated 21.10.2021. The

committee was asked to examine various approaches followed in the country for identifying EWS.

The Pandey Committee has recommended the following: The current income criteria of ₹8 lakh should be retained provided the household doesn't own more than 5 acres of agricultural land. It has recommended that the other asset criteria shall be removed since they can't capture the diversity of ownership in the country correctly. However, the committee recommended that the new criteria shall be applied for recruitments and exams with prospective effect so that the admission or recruitment processes currently underway are not disturbed.

The committee's report is already before the apex court for final hearing. While the final orders are yet to be pronounced, the court has permitted the process of EWS reservations to go on as per the existing notifications. It is necessary that there is a finality in the criterion adopted for the process to be completed smoothly.

The apex court judgement will give a fresh lease of life to the demand for applying the reservations in private educational institutions, since Article 15(6) empowers governments to provide for reservation in admission to educational institutions, including private educational institutions, whether aided or unaided by the state, other than minority educational institutions. It is to be noted that even caste-based reservations (which were in vogue since 1950) are not applicable for private educational institutions fully. Considering that the private sector now constitutes the major provider in higher education, any move in this direction will benefit a large number of disadvantaged sections. To avoid further litigation, it is necessary that answers to these tough questions are found through a consultation process.

The country cannot afford another bout of litigation in this matter.

The writer is former secretary, Union Ministry of Social Justice & Empowerment

09/12

As tensions mount, some Raj Bhavans are on the war path

The Governor is a high constitutional authority. He needs to function within the four walls of the Constitution and be a friend, philosopher and guide to his government

P.D.T Achary

As the Kerala High Court orders a stay on the show-cause notices sent by the Governor to the State's Vice-Chancellors and with the Dravida Munnetra Kazhagam calling for the removal of the Tamil Nadu Governor, the office and role of the constitutional head of States has come under the spotlight. In this article dated January 10, 2022, P.D.T Achary, explains how the Governor's position has to be in tandem with the governments'.

Recent media reports about the confrontation between the Governors and the State governments, in Maharashtra and Kerala, have turned the spotlight on the rather delicate relationship between the constitutional head of the State and the elected government. In Maharashtra, for example, the situation was indeed bizarre in so much as the Governor refusing to accept the date of election of the Speaker recommended by the State government. Consequently, the Assembly could not elect the Speaker.

The situation in Kerala has been no less bizarre. The State Governor having reappointed the Vice-Chancellor of Kannur University in accordance with the law, made an allegation against the Kerala government that he was under pressure from the Government to reappoint the Vice-Chancellor. The Governor confessed that he had done the wrong thing by yielding to governmental pressure. He has added that he does not want to remain the Chancellor any more, though he holds this position in an ex-officio capacity which means that he would have to remain the Chancellor as long as he is the Governor. But the Governor remains adamant.

The Governor levelling allegations against his own government is not a first-time development. In West Bengal this has been a regular feature. Similarly, non-acceptance of the advice of the Council of Ministers too has been witnessed in Rajasthan as well as Maharashtra again. Of course, there have been differences between Governors and Chief Ministers in the past too, but these have been rare occurrences. But the open confrontations now clearly cross the boundaries of what is constitutionally permissible behaviour.

With discretionary powers
The relationship between the Governor and Chief Minister has, even at the best of times, not been absolutely simple and tension free. It has something to do with the whole idea of the office of the Governor and its past history. In the colonial era, the Governor was the absolute ruler of the province who was answerable ultimately to His Majesty, the King. A closer look at the debates in the Constituent Assembly on the Governor would reveal that there were divergent views on the powers to be given to the Governor. In fact, there were members in the Assembly who wanted the Governor to be as powerful as the colonial era Governors. Though B.R. Ambedkar was clear that the Governor should only be a constitutional head and the executive



In protest: Kerala's Leader of Opposition V. D. Satheshan speaks at the Raj Bhavan March against the selective discrimination of media by the Kerala Governor in Thiruvananthapuram. MAHINSHA, 5

power should vest entirely in the elected government, he promoted the idea of vesting certain discretionary powers in the Governor. In this respect he was guided by the thinking that the State governments are in subordination to the Union government and, therefore, the Governor should be given discretionary powers to ensure that they act so.

So, ultimately, the Governor who emerged from the Constituent Assembly was one with certain discretionary powers prescribed by or under the Constitution unlike the President of India who has not been given any such powers. Further, Article 163 (Article 143 in the draft Constitution) became a 'blind reproduction of Section 50 of the Government of India Act 1935' (H.V. Kamath). This exact reproduction of the provision in the Act of 1935 has, to a great extent, introduced a vagueness about the actual powers of the Governor vis-à-vis the elected government in democratic India which was corrected only with the Supreme Court of India stating the law in unambiguous terms in *Shamsher Singh (1974)*. From *Shamsher Singh to Nabam Rebia (2016)* the top court declared that the Governor can, in the exercise of executive power of the state, act only on the aid and advice of the Council of Ministers "... save in a few well known exceptional situations".

The Maharashtra case
The Maharashtra Governor's refusal to accept the date of election of the Speaker

goes against the principles of constitutional government. It must be stated here that the Constitution has not assigned any role to the Governor in the election of the Speaker under Article 178, which is exclusively the job of the House. It is only the House rule which says that the Governor shall fix the date. The date as such has no great significance. Under the procedure followed in all Assemblies, the government fixes the date and conveys it to the Secretary of the Assembly who forwards it to the office of the Governor for his signature. After the date is formally approved by the Governor - which he is duty bound to do - the members are informed about it.

Now the question is if the Governor does not approve the date, can the election be held? Fixing the date by the Governor is not of any constitutional importance; election by the House is the important thing. So, if the Governor stands in the way of the election, the only way open to the House is to amend that particular rule which empowers the Governor to fix the date. It can provide that the Secretary on receiving the date from the government shall notify the members of the same. The election can be held either through secret ballot or through a motion in the House as is done by the Lok Sabha. But it must be said that it could be for the first time in the history of free India that a Governor has refused to fix the date of election of the Speaker and, consequently, the election could not be held. The Maharashtra Assembly is

now without a Speaker being in office.

In Kerala

The Kerala situation is even more curious. There, the controversy surrounds the reappointment of the incumbent Vice-Chancellor of Kannur University. There was a suggestion from the State government routed through the Pro Chancellor who is the Minister for Higher Education for the reappointment of the incumbent Vice-Chancellor. The Governor being the ex-officio Chancellor of the university and the appointing authority, accepted the suggestion and reappointed him. After some time, the Governor went public with a serious allegation that he had signed the order of appointment under pressure from the Government and that he had done the wrong thing by reappointing the Vice-Chancellor under pressure.

It must be stated here that the Governor had acted perfectly in accordance with the law in reappointing the incumbent Vice-Chancellor. Under the University Act, an incumbent Vice-Chancellor is eligible for reappointment. Since the Act does not lay down any specific procedure for reappointment, the Chancellor was right in accepting the suggestion or the recommendation made from the Government. In fact, he or she can accept suggestions from any person including the Leader of the Opposition in the Assembly. The point worth noting here is that the Governor as Chancellor is not required to act on the advice of the Council of Ministers in the matter of appointment of Vice-Chancellor and others in the university. He can act absolutely independently. He could also have rejected the suggestion from the Government.

The Kerala High Court has clarified this legal point in *Gopalakrishnan vs Chancellor, University of Kerala*. So the Governor of Kerala needs to apply his mind independently to the case of reappointment, evaluate the performance of the Vice Chancellor and fully satisfy himself about the merit of the appointee before signing the appointment order. It is presumed that he had done this. Therefore, it is baffling why he chose to go public and level serious allegations against the Government and incriminate himself in the process. Adding to the confusion, the Governor has divested himself of the ex-officio charge of Chancellor and declared that he will not be functioning as Chancellor. Needless to say, one cannot relinquish a charge which he holds in an ex-officio capacity unless he leaves his substantive post.

Detachment is the essence

These are very bizarre situations indeed. The Governor is a high constitutional authority. He needs to function within the four walls of the Constitution and be a friend, philosopher and guide to his government. The Constitution does not allow him to be a parallel government; nor does it make him personally responsible for his actions as Governor. That such confrontations take place only in Opposition-ruled States shows that political expediency has overtaken constitutional propriety. Wading through the Constituent Assembly debates, one comes across these wise words of Pandit Thakur Das Bhargava, a conscientious member of the Assembly: "The (Governor) will be a man above party and he will look at the minister and government from a detached stand point". Detachment is the essence of India's ancient culture. But Pandit Thakur Das's voice has ended up as a voice in the wilderness.

P.D.T Achary is Former Secretary General, Lok Sabha

BICKERING GOVERNOR

Both Arif Mohammed Khan and the CPM need to step back, this daily battle does neither any good

KERALA GOVERNOR ARIF Mohammed Khan has been sparring with the state government headed by the CPM on a host of issues. He has demanded the resignation of vice-chancellors appointed by the state government on grounds of procedural violations. He took umbrage to a statement made by a minister and asked the chief minister to remove him. On Monday, he turned his attention to the media and expelled two TV channels from his press conference alleging that they were carrying out a "campaign (against him) based on falsehood". Surely, Khan's words and actions do not behove the office he occupies. Raj Bhavan has to stay above petty political battles and not be seen in an openly adversarial relationship with the elected government. Of course, Khan, a seasoned politician well read in constitutional matters, should know this.

The Constitution envisages a minimal role for the Governor's office: It is expected to function as per the advice of the Council of Ministers. Sure, he can offer wise counsel to the government, but it is unacceptable for him to insist that the chief minister follow every word of it. The Governor's office can't assume the role of the political Opposition in the state, which would compromise the dignity of the office. Unfortunately, Khan's open criticism of the government and the manner in which he does it has reduced him to an Opposition figure. Similarly, his targeting of a section of the media is in poor taste: His disagreements with the political groups that back these TV channels cannot be a reason to humiliate journalists on their rolls. Khan invoked reasons of propriety and drew parallels with a minister's relations to the CM and the governor's to the PM to back his approach to journalists. The comparisons do not hold: It is preposterous on the part of Khan to expect the media to serve at the pleasure of his office.

On its part, the CPM has sought to take the battle to the Raj Bhavan by mobilising cadres — the party has announced a march on November 15. While the Governor's overreach is unacceptable, the government has a lot to answer for the issues the Raj Bhavan has flagged. For instance, nepotism in both formal and informal appointments is a serious charge that the government can't ignore. In the end, however, the government is accountable to the public, not the Governor. Both sides have to figure out when to step back. 10/19/10

It's not about poverty

The EWS law, sanctioned by the Supreme Court, aims for but struggles to avoid stating openly that reservation is now for the Hindu upper castes



SATISH DESHPANDE

WITH ITS MAJORITY verdict upholding the 103rd Amendment to the Constitution delivered on November 7, the Supreme Court has finally performed the *antyeshti* — or last rites — of reservation as an instrument for the redress of caste discrimination. The anti-discrimination idea of reservation had already died on January 9, 2019, when the bill to provide reservation for the “economically weaker sections” (EWS) became a full-fledged act of Parliament in just three days. This idea had been on its deathbed for well over a decade as demands for reservation from relatively prosperous and powerful castes like Jats, Patidars, Marathas or Kapus gathered momentum across the country. In any case, the dominant common sense shaped by the upper castes had always rejected the idea, preferring to think of reservation as a kind of government charity driven by electoral compulsions. The Supreme Court has ensured that the upper castes can now drink from the only well that was ever forbidden to them.

The real damage to the anti-caste-discrimination dimension has been done by the unanimous opinion that economic criteria alone may be used to determine eligibility for reservation. The even-handed use of economic criteria across all castes denies the possibility of a specifically caste-based form of discrimination (or even disadvantage or deprivation). Since the majority opinion of the Court also sets aside its own earlier limit of 50 per cent on the extent of reservation, the social justice apparatus of the Indian state is poised to recreate the Madras presidency’s “Communal Government Order” of 1921 that distributed government jobs and seats to different castes and communities according to a political formula.

In fact, the November 7 judgment can be seen as the culmination of a journey that began with the Supreme Court’s 1951 decision in the *State of Madras vs. Srimathi Champakam Dorairajan* case, which struck down the Communal Government Order as violative of the fundamental right to non-discrimination guaranteed by the new Constitution. In June 1950, the Madras High Court admitted the plea of Dorairajan that she was being denied admission to a government medical college solely because of her Brahmin caste. Seats had been distributed as per the Communal GO and the Brahmin quota had been filled by candidates with higher marks than Dorairajan. But she had higher marks than some candidates awarded seats under the share allotted to other castes, and the High Court agreed that denying her admission amounted to discrimination based on caste alone. The Madras State’s appeal against this decision was dismissed by the Supreme Court on the grounds that, while an explicit exception (permitting caste quotas as part of the state’s constitutional duty to redress caste disabilities) had been made for job reservations, a similar exception had not been made for educational reservations. This omission was corrected by the First Amendment to the Constitution passed in July 1951, which inserted Clause 4 into Article 15 protecting “any special provision for the advancement of any socially and educationally backward class of citizens or for the Scheduled Castes and the Scheduled Tribes”.

The 103rd Amendment uses exactly the

same method to protect EWS reservations from challenge on grounds of discrimination. However, EWS reservation is represented here as “any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5)”. This effectively means that EWS beneficiaries are “any economically weaker sections of citizens other than” those already provided reservation — SC, ST or Other Backward Classes (OBC). By declaring that such a provision does not violate the Constitution, the majority judgment of 2022 reverses the logic of the unanimous Full Court judgment of 1951. Then, writing on behalf of his six other colleagues, Justice Sudhi Ranjan Das had argued that though the plaintiffs had not qualified for the seats within the Brahmin quota, they were still entitled to compete for the seats allocated to other castes. Now, writing on behalf of two of his colleagues, Justice Dinesh Maheshwari has effectively argued that the existence of quotas for the SCs, STs and OBCs disqualifies them from competing for seats in the EWS quota. This is despite the fact that, according to the letter of the law, eligibility for the EWS quota is determined not by caste, or social or educational backwardness, but solely by economic “weakness” — an attribute that any citizen might possess.

But the spirit behind the EWS law (now ratified by our highest court) achieves exactly what it aims for and struggles so hard to avoid stating openly — reservation for the Hindu upper castes. And so a new chapter begins in the long saga of the appeasement of our most



C R Sankar

Any illusions that this is a step forward in the fight against poverty can easily be laid to rest if you compare the EWS scheme to any of our anti-poverty schemes. Though estimating poverty after 2011 is difficult because of data issues, the most recent rural and urban all-India poverty lines are pegged at Rs 972 and Rs 1,407 respectively. Taking the average to be roughly Rs 1,200 per person per month, and assuming a household of five members, this amounts to a yearly consumption expenditure of Rs 72,000. The eligibility limit for EWS of Rs 8 lakh per annum is more than 11 times this amount. Clearly, economic “weakness” has nothing to do with poverty. Moreover, there are important differences with the “creamy layer” exclusion — also pegged at Rs 8 lakh — required for availing the OBC reservation. In the OBC case, this is a condition for the disenfranchisement or exclusion of some members of a group that is otherwise entitled to reservation. In the EWS case, it is a positive condition for creating entitlement within a group (upper castes) whose members are otherwise not entitled to reservation.

Our Constitution has continually struggled to balance the conflicting demands of tacitly supporting the status quo by insisting on strictly formal equality, and offering hope to the have-nots by promoting substantive equality. The EWS decision marks the beginning of the end of this struggle.

powerful and most pampered minority.

Our Constitution has continually struggled to balance the conflicting demands of tacitly supporting the status quo by insisting on strictly formal equality, and offering hope to the have-nots by promoting substantive equality. The EWS decision marks the beginning of the end of this struggle.

The writer teaches sociology at Delhi University. Views are personal.

Extending social justice

EWS quota is a way to empower the economically marginalised



GURU PRAKASH PASWAN

IN HIS book *Why Socialism?* Jayaprakash Narayan writes: "Socialism is not a code of personal conduct but a system of social reconstruction. When we speak of applying socialism to India, the first thing that strikes us is the strange and painful fact of inequalities — of rank, of culture, of opportunity: a most disconcertingly unequal distribution of the good things of life. Poverty, hunger, filth, disease, ignorance — for the overwhelming many. Comfort, luxury, position, power — for the select few."

Inequality, both social and economic, unfortunately, remains a significant problem for the country. The EWS quota is essentially a form of social justice for the economically marginalised.

Social justice has been one of the cherished goals of the makers of our Constitution. B R Ambedkar was instrumental in ensuring mechanisms for preferential treatment for socially marginalised sections in government education and employment. Injustices and oppression in the name of social hierarchy norms have been a dark spot in our otherwise rich civilisational history. Caste discrimina-

tion, unfortunately, continues as I write this. I read a report from Jodhpur, Rajasthan where Kishan Lal Bheel, a 46-year-old Dalit man, was beaten to death for drawing water from a tube well. Therefore, reservation — and representation — is a crucial enabling mechanism for millions of marginalised and dispossessed people in India. Taking everyone along must be a collective aspiration. In this light, Justice Dinesh Maheshwari made an important observation in the EWS quota case: "The 103rd Constitutional amendment for the EWS quota does not violate the basic structure of the Constitution." He also said that EWS reservation does not cause damage to any essential feature of the Constitution by exceeding the 50 per cent ceiling for quota since the ceiling is itself flexible.

Veteran socialist leader Ram Manohar Lohia was continuously vocal against the prevailing socio-economic disparities. His writings and speeches always inspired nuanced public debate on the issues of the socially and economically marginalised. However, history will not be kind to the self-declared followers of Lohia and JP like the

RJD and others like the DMK and AIMIM who opposed benefits that were intended to reach the last person in the line. It becomes imperative here to mention that these parochial caste-based outfits are out there solely to exploit and manipulate the fault lines in our society. For a political party to represent or speak on the behalf of only one group or community is an exclusionary approach. The RJD and DMK, which were premised on the idea of social justice, have 'stuck with one family and one caste. About the AIMIM, the less said the better: The party has roots in the Razakar movement that unleashed a violent operation against Hindus and other minorities.

It took us more than seven decades as a country to witness the rise of a woman from a tribal community to the highest constitutional office in the country. Only a person from the Dalit or tribal community can truly appreciate the meaning and implication of a tribal woman succeeding a Dalit man at Rashtrapati Bhawan. It is a matter of lived experience. Even this was opposed jointly by the so-called social justice brigade of Indian politics.

With the opening of more than 47 crore bank accounts, a war has been unleashed on financial untouchability. With the provision of more than 2 billion doses of Covid vaccines, we ensured a national bulwark to protect every citizen of our country, regardless of caste and community. Sabka Saath, Sabka Vikas is not just a slogan but a commitment for the current ruling dispensation. There has been a paradigm shift in governance in the last eight years under the leadership of Prime Minister Narendra Modi who has a firsthand experience with social and economic inequality. The landmark transformation of the empowerment mechanism under PM Modi is a product of his close familiarity with the challenges that are regularly faced by a person at the end of the line. From Gandhi to Deen Dayal Upadhyaya and from the principles of Sarvodaya to Antyodaya, our leaders always ensured the enfranchisement of the sarvahara.

The writer is a national spokesperson, BJP and an adviser to the Dalit Indian Chambers of Commerce and Industry

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EDITORIAL

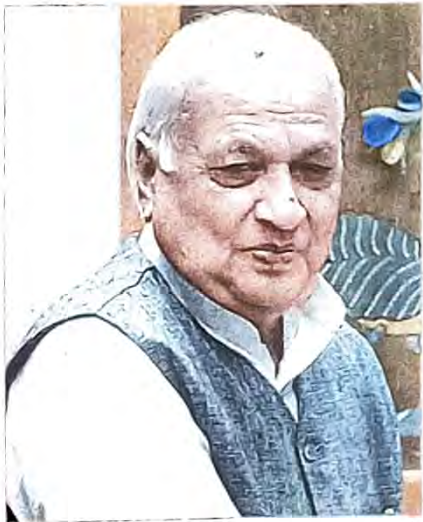
Path to chaos

By giving green signal to the Economically Weaker Section (EWS) quota, the Supreme Court has acknowledged the emergence of a new economic class that requires affirmative action. At the time of inception of the Indian Constitution, certain sections of society — who were lagging behind socially on account of historical injustices — were deemed eligible for positive discrimination that would accelerate their mainstreaming into society. Seventy-five years down the line, despite remarkable progress, their assimilation into society is not quite complete. Caste discrimination is still not a thing of past and untouchability — albeit with changed names — prevails in certain pockets of the country. Now, first the Central government and then the apex court, by approving reservation for EWS category, have erected a new vertical that needs affirmative action. This new section is by and large the by-product of 1990 economic liberalisation, accentuated further by the hyper-capitalistic approach pursued over the past decade. Amid towering claims of economic progress, the EWS quota reaffirms, we have taken a few steps backward in the course of time. What else can explain the radical shift in the conception of affirmative action! What is more problematic is that this new approach to affirmative action is contradictory — or disjoint at least — to the notion envisaged by our constitution framers. The exclusion of Backward Classes, SCs and STs from the new income criterion puts the new quota in an altogether different league, and is tantamount to violation of equality of opportunity. The most basic question before the court was whether the EWS quota violated the basic structure of the Indian Constitution. While the bench unanimously averred that introduction of an economic criterion does not violate the basic structure of Constitution, it was divided on the issue of exclusion of SCs, STs and BCs. Importantly, justices UU Lalit and Ravindra Bhatt, in their dissent note, highlighted that the exclusion of aforementioned sections from the new form of affirmative action would violate the equality norm. Parliament's prerogative to introduce a new criterion, and the Supreme Court's decision to validate and respect it, are both justifiable to a certain extent, but the exclusion of eligible candidates has raised eyebrows, and rightly so. The next important question is regarding the breach of the 50 per cent ceiling, as established in the Indira Sawhney case. The apex court played safe by not explicitly mentioning the case in its verdict. Notably, to reverse the mandate of the Indira Sawhney verdict, the SC might have needed a nine-judge or greater bench, and not a five-judge bench. The majority in the bench held that the 50 per cent ceiling is applicable only to caste-based quotas and not for EWS reservation. This twin approach to upliftment of historically deprived backward social classes and currently lagging economic sections, separately, opens up a dual front that would be hard to handle. Ironically, while Bela M Trivedi emphasised on "an egalitarian, casteless and classless society" by prescribing a time limit to reservation, the majority verdict only appears to perpetuate it and even make it more complex. Immediately after the Supreme Court verdict, BJP leader Devendra Fadnavis hailed it, and hinted on implementation of Maratha quota in Maharashtra. It should not come as a surprise if more sections ramp up their demands for reservations. By green signalling the EWS quota, the Supreme Court has narrowed the grounds on which it could counter such demands. Unfortunately, rather than taking the phenomenon of reservation towards a conclusive and meaningful end, policymakers appear to have decided to broaden its ambit. Given the political sensitivity of the reservation issue, it is tempting for political parties to take it up and gain votes by catering to demands of specific sections. However, by doing so, they might be taking the policy discourse in the wrong direction. Creation of a new EWS category is a failure on the part of successive governments in ensuring growth of variegated sections of society. Rather than making a course-correction through governance-based interventions, the Central government has decided to stir up a hornet's nest that would torment us for long. 7

Dhankhar template

By quarreling with the state Govt and now also the media, Kerala Governor is diminishing himself

Kerala Governor Arif Mohammad Khan does not cover himself in glory by his incessant quarrels with the state Government, which is under the Communist Party of India (Marxist). And now he is fighting the media in the state, a section of which he denounces as the "cadre media." He didn't allow two journalists in a press briefing he addressed on Monday at a guest house. In response, journalists in Kerala on Tuesday held a protest march to the Raj Bhavan in Thiruvananthapuram. Media protesting against a government is not unusual, but it certainly is against the Governor of a state. Not a day passes when Khan doesn't cross swords with the CPM Government. For the nth time, he claimed on Monday that the constitutional machinery has collapsed in the state. Evidently, that was normal—or, to be precise, the new normal after Jagdeep Dhankhar. The former West Bengal governor had confrontations with the Mamata Banerjee



Government on a daily basis. It became an unedifying spectacle, but with good results—that is, for Dhankhar who was rewarded with the high office of Vice-President. But Khan did not stop with the routine condemnation of the Kerala Government. He also said, "I challenge them [the state Government] to go ahead and barge into Raj Bhavan. And attack me on the road. You cannot intimidate me like this." This is the language of a Hindi movie baddie (Himmat hai to saamne aa), not that of someone occupying the office of state Governor.

Khan was referring to Chief Minister Pinarayi Vijayan's claim that he (Khan) will have to face an uprising for not signing certain Bills and issuing show-cause notices to 11 vice-chancellors. While Governors not clearing Bills is not unprecedented, issuing show-cause notices to vice-chancellors is unheard of. To be sure, the Governor is the Chancellor of universities, including General universities, agricultural universities, technical universities, and medical universities. The Chancellor has the power to appoint vice-chancellors by setting up a search committee, recommend a panel of names from which final selection and appointments are made. The Chancellor also has the authority to grant leave or institute disciplinary action and award penalties. But there are also traditions and conventions that need to be respected; in fact, our democracy, patterned on the Westminster system, is predicated on following conventions. By dealing directly with vice-chancellors, Khan is setting a precedent, whereas as Governor is expected to follow precedents. If every Governor—and President—begins setting precedents, our system will become utterly chaotic. Khan must realise that, by his regular run-ins with the state Government, he is diminishing himself. So far, he has been known as a conscientious, liberal leader who had the gumption to take of the Muslim clergy and his own government in the mid-1980s. He should ensure that history doesn't remember him as a Governor who regularly needled the state Government.

Have tech, will talk

VINATI SUKHDEV

It is strange to be at Stanford University, the crucible of all things tech, and to be writing admiringly about how advanced India is in this field – but that's exactly what I am doing and it brings me great joy. If the purpose of technology is to make life easier, then Indians have been unique in the way they have adopted technology, embraced it, given it Punjabi jhappi-pappis and let it out in the world with the unforgettable Bollywood blessing: 'Jaa apni zindagi jee le.'

Indeed, technology is never quite the same once it is released in India. It is swamped by Indians hearts and minds that stamp it all over with their particular desires. Take Facebook for instance. It started as a shy American college goner's dream to be able to socialize with girls. But the Indian Meta of today would be unrecognisable to Mark.

Indian extended families, including grandmothers, are all over it. A family that 'facebook together stays together' seems to be the rallying cry. So, Rakesh chacha, Madhu chachi, Bombaywali Bhabhi and even Rakesh's nosy sister whom nobody really wants to meet in real life, are all bonded together on Facebook. Their comment on each other's holiday photos, ooh and aah over new babies and wedding photos are 'hearted' with great enthusiasm.

It is society ratifying its own continuation with rituals and how! It used to be a tribal dance around the fire, now it is the virtual ritual on Facebook. No twigs, no flintstones, no dancing around – in fact just one simple click and you have established your social credentials. There are rules to be observed of course, every birthday greeting must be 'liked' by the recipient otherwise it reflects badly on your upbringing and your mother (also on Facebook), will be badly thought of by the tribe. Even worse, she may be on Facebook but not quite Facebook literate and may post her disapproval on your wall – beta, please thank Asha mami for her wishes, it is really rude not to do so, even if you



are busy – visible to all 1,258 of your Facebook friends of course, including Asha mami!

I am still struggling to teach my mother to post birthday greetings on the wall of the person whose birthday it is. But as soon as a grandchild's birthday comes round, it happens again: a loving message full of blessings for the grandchild appears on her own wall. As the sandwich generation, I am alert to my mother's foibles, so I alert the grandchildren, the grandchildren go to their nani's wall, thank her lovingly and another cycle begins. She does not think she did anything wrong and who is to say she did? Facebook etiquette may demand one thing, but Indian social etiquette has younger people visiting their older relatives and seeking blessings, so it is fine for the grandchildren to come to their grandmother's Facebook page to receive their birthday wish. Meta should look at modifying Indian grandparent accounts – grandchildren should be allowed access without any passwords and emojis with blessings should be available, not just hearts and champagne. Indian grandparents have to use the available emojis, but they do so grudgingly. Too much love spoils children and champagne is not good is the unsaid message.

In fact, all these social media platforms born under the blue skies of Cali-

fornia, assume a sameness in the world which leads to some hilarious situations. I remember a sister-in-law who was asked whether she was interested in 'men' or 'women' when she registered on Facebook some 15 years ago. She struggled with the answer since the truth was neither: she was getting onto Facebook to spy on her children's social life. So, she consulted her daughter. 'I am a bit confused,' she admitted, 'since I am neither interested in men nor women, and Facebook does not give the option of children. Do you think I can write interested in children?' Her horrified daughter had to patiently explain what paedophilia was!

The security questions on Western platforms also make little allowance for other cultures. The name of your first girlfriend or first pet makes little sense to someone who was born in an Uttar Pradesh village with strict social norms and no money for luxuries like pets; and yet these were the answers someone with that profile had to fill up while setting up an account on Facebook a few years ago. Surely the fact that India has about 350 million users (almost double of the estimated 180 million in the US), needs to allow for other ways of life to populate Menlo Park thinking, does it not? Yes, the multiple language interface means he can navigate Facebook or Meta in Hindi but he cannot give

his girlfriend's name in any language! (Our Uttar Pradesh Facebook user resolved the issue by giving his wife's name, for those following the story.)

If Silicon Valley needs data to drive their thinking about cultural nuances – the numbers are clear. According to Statista research, the smart phone penetration rate in India is 66 per cent in 2022 and is expected to reach 96 per cent by 2040. The growth has been exponential - in 2016 it only 23 per cent. Coupled with one of the cheapest data charges in the world (average of just \$0.68 per GB compared to \$3.33 per GB in the US), the Indian market has to be taken very seriously indeed.

As someone who sees India from the outside, I am acutely aware of these rapid changes. In fact, one of the best things about being an NRI and coming back to India is that you come back to a different India and a different Indian! On my last visit to India, I discovered there is now a whole new version of Indian English, with its own grammar, syntax, abbreviations, and spelling. All spawned by the ubiquitous smartphone.

Gone are the days when elite Indians tried to perfect the Queen's English and Indian Babus spoke in a peculiar version of present continuous tense. Comedy stereotypes like Peter Sellers and Billy Bunter's friend Hurree

Jamset Ram Singh are out! Indians with phone technology are in! We are no longer having a complex about not knowing English and speaking in our native tongue. No Siree, we are having phones and we are communicating very very well indeed!

What language modern Indians are communicating in remains a moot point. Quite often it is no language at all, or the language of technology. So, when we arrive at our destination, we do not send amessage to say 'we have arrived.' This would necessitate knowing how to spell three whole words in a foreign language aka English. We just pin our location and send it to the person whose home we have arrived at!

Or we send a recorded voice message on Whatsapp. The voice message can be in any Indian language we are comfortable speaking. Neither tech tool requires literacy in the conventional sense, just phone or tech literacy which millions of Indians have mastered successfully.

I have classmates at Stanford who have never used Whatsapp and worry about data mining; it is hard to find an Indian who hasn't! For an academically illiterate but digitally informed population, Whatsapp is the primary means of communication. And to top it all, it is free! The fact that their data may be mined is very far from Indian minds; more important is the fact that they are able to use technology to overcome their literacy handicap and communicate with people they care about or do business with. So, you have accountants in India who are numerate but not literate in English and they send voice messages; there are home helpers who use the voice recognition feature on smart TVs to find films on Netflix. They do not know how to spell Hum Hindustani in English but they can watch the film by saying out the name aloud. They are Hindustanis who live in a new India, a confident India, a technically advanced India, and they are making their voice heard.

The writer is currently a 2022 DO Fellow at Stanford University USA. She lives in London and is the author of *East or West: An NRI Mum's Manual on Bringing up Desi Children Overseas*.

Caste Away

Mushrooming quotas are a mess made by politics. Courts should stay away & let politicians sort it out

Whatever their core idea was 70 years ago, reservations today are not really about addressing deprivation. Their forceful expansion in recent decades has been fed by a boom in the politics of caste assertions. Where the courts could have defended the constitutional guardrails on the matter, their compounded actions have followed the political tide instead. This week has seen the apex court affirm both an EWS quota and an arguable breach of the 50% lakshman rekha, despite the high income ceiling of this quota and its high caste composition. Overall, the four opinions in the EWS verdict have introduced more doubts and complications.

Just last year a constitution bench had unanimously found a



Maharashtra law benefiting Marathas and taking total quotas in the state beyond 50%, unconstitutional. But, as deputy CM Devendra Fadnavis has indicated, that reservation initiative will be pushing ahead with new confidence now. As will Chhattisgarh, Jharkhand, Karnataka and Jats, Gujjars, Vokkaligas ... Even the call for reservation proportionate to population is gaining strength. The politics that has given oxygen to all this vehement jostling will find itself

balancing conflicting interest groups endlessly. Whole new cans of worms are also being opened for reservations in local body elections in different states. Perhaps courts should simply get out of the way.

The persistent legislative efforts to press through new quotas are more about solidifying vocal caste vote banks than alleviating deprivation – whether historical, economic or overlapping. India will pay a cost for all the energy spent on this disingenuous welfare route rather than the means-tested programmes that uplifted China. Until politics, communities and courts remain more invested in expanding reservation rather than good education and jobs, capture of scarce opportunities by creamy layers will persist.

7/5/24

Education That Helps Uncover Hidden Potential

Ashok Vohra

Sri Aurobindo was very critical about the nature of education imparted in schools and universities all over the world. The prevalent educational system, according to him, is largely reductionist, materialistic, ego enforcing and devoid of the joys of the spirit.

An ideal scheme of education, according to him, 'is to bring forth the inner, hidden, latent, dormant, potential secret within every human being'. Its aim is not to promote competition but harmonious learning 'in cooperation with, and from one another for personal growth, and welfare of others'. He terms this kind of education 'integral education'.

Integral education, according to Aurobindo, involves the integration of teaching and learning of the theory and praxis of physical, mental, emotional, social and spiritual aspects of human life.

It reconciles Western scientific rationalism with Eastern transcendent metaphysics into a holistic narrative of reality. The philosophy underlying integral education is a harmonious combination of the principles of idealism, realism, naturalism and pragmatism and a 'collaboration between the mind, heart and body'.

Integral education is founded on the principle that 'man is not separate from the universe but only a homogeneous part of it, as a wave is part of the ocean'. Evolution of the learner is the cardinal objective of integral education. The system of integral education provides a 'free and creative environment to the child by developing his interests, creativity, mental, moral and aesthetic senses. Finally, they lead to the development of his spiritual powers'.

The first and foremost presupposi-

tion of integral education is that 'nothing can be taught'. The pupil has an innate potential for physical, mental and spiritual learning. He has an inborn swabhav - 'genetic qualities, capacities, ideas, virtues', what we may call his distinctive DNA. Knowledge is lying dormant in him. He needs help to bring it

out. The task of the teacher is not to impart knowledge but only to guide the learner about the ways of acquiring knowledge. The teacher's task is limited to showing the student where it is, and how it can be 'habituated to rise to the surface'. For this the teacher makes sugges-

tions, he does not force his pupil to follow them. The task of a teacher is to find the learner's true swabhav and develop it.

Aurobindo considers it a 'barbarous and ignorant superstition' that a parent or a teacher can 'hammer the child into

shape'. To force a pupil to deviate from his innate swabhav is 'to do him a permanent harm, mutilate his growth and deface his perfection'. Since integral education aims at the realisation of each individual's swabhav, true self, Aurobindo upholds that it must be tailor-made for each learner and 'must not be a machine-made fabric but a true building or living evocation of the powers of the mind and spirit of a human being'.

Integral education is futuristic as it proceeds 'from that which is, to that which shall be'. It is not a utopia. Aurobindo says that such an education system was prevalent in ancient India. He traces 'the basis of the unique philosophy, literature, sculpture, architecture, jurisprudence, social structure, polity, logic and metaphysics of ancient India to the then prevalent ideal integral educational system'.

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THE SPEAKING TREE

10/9/24

आरक्षण पर 50 फीसदी की अधिकतम सीमा समाप्त होने के बाद अब नई-नई मांगें उठने लगेंगी

EWS को रिजर्वेशन, कौन से उठे सवाल



विराग गुप्ता

सुप्रीम कोर्ट के चीफ जस्टिस यू.यू. ललित न्यायापालिका के मुखिया थे। लेकिन EWS मामले में जस्टिस ललित और जस्टिस भट्ट के नजरिये को अल्पमत मानते हुए अन्य तीन जजों के फैसले को मान्यता मिल गई। विरोधाभासों से भरपूर इस फैसले के बाद EWS आरक्षण पर अमल और आरक्षण योजना के फैलाव से जुड़े मुद्दों पर विवाद बढ़ने की आशंका है। आइए, देखें कि इस फैसले से जुड़ी कुछ विसंगतियां क्या हैं:

- इस फैसले को आर्थिक आधार पर आरक्षण की शुरुआत मानना तथ्यगत और कानूनी तौर पर सही नहीं है। अगर EWS के दायरे में सभी जाति और धर्मों के गरीब लोगों को लाया जाता तो इसे आर्थिक आधार पर आरक्षण की शुरुआत माना जा सकता था।
- इस फैसले से अगड़ों और पिछड़ों के सामाजिक विभाजन को कानूनी मान्यता मिली है, जो संविधान की समानता के मौलिक सिद्धांत के खिलाफ है।
- देश में हजार रुपये महीने से कम आमदनी वाले लोगों को गरीबी रेखा से नीचे माना जाता है। इनकम टैक्स की छूट के लिए भी 2.50 लाख रुपये सालाना आमदनी का प्रावधान है। लेकिन आठ लाख रुपये की लिमिट के दायरे में लगभग 98 फीसदी आबादी आ जाती है। इससे EWS के आर्थिक मापदंड पर कानूनी सवाल खड़े हो सकते हैं।

EWS आरक्षण को वैध ठहराने के लिए संविधान के अनुच्छेद-46 को दुहाई दी जा रही है। यह नति-निर्देशक सिद्धांतों वाले अध्याय का हिस्सा है, जिसमें

सरकार को अनेक दिशानिर्देश दिए गए हैं। इनमें शराबबंदी, समान नागरिक संहिता, पंचायती राज जैसे अनेक प्रावधान हैं। लेकिन अनुच्छेद-46 में तो एससी/एसटी और कमजोर वर्गों के कल्याण की बात कही गई है। उन वर्गों को EWS के दायरे से बाहर करने के कानून से जाति आधारित आरक्षण की व्यवस्था और मजबूत होगी।

बैसिक ढांचे का उल्लंघन

सुप्रीम कोर्ट के 13 जजों की बेंच ने 1973 में केशवानंद भारती मामले में कहा था कि संशोधन की शक्ति के इस्तेमाल से संविधान के मूल ढांचे में बदलाव नहीं किया जा सकता।

- उस फैसले के बाद संविधान में 70 से ज्यादा संशोधन हुए, जिनमें से सिर्फ 5 को ही सुप्रीम कोर्ट ने रद्द किया। आखिरी बार 2015 में सुप्रीम कोर्ट ने जजों की नियुक्ति वाले एनेजेसी कानून को रद्द किया था।
- सुप्रीम कोर्ट EWS कानून को तभी रद्द कर सकता था, जब इससे मूल ढांचे का उल्लंघन होता। अल्पमत का फैसला लिखने वाले जस्टिस भट्ट ने कहा है कि आर्थिक आधार पर आरक्षण के दायरे से एससी/एसटी और ओबीसी को बाहर रखना, समानता का उल्लंघन है। उनके अनुसार पिछले 70 सालों में ऐसा विभेदकारी कानून पहले नहीं बना।
- EWS आरक्षण को लागू करने के लिए संविधान के अनुच्छेद-15 और 16 में संशोधन किया गया है। संविधान के जनक डॉ. आंबेडकर ने मूल अधिकारों को सबसे बहुमूल्य बताया था। केशवानंद भारती मामले में भी मूल अधिकारों को संविधान के बैसिक ढांचे का जरूरी हिस्सा माना गया है। चीफ जस्टिस यू.यू. ललित और जस्टिस भट्ट के अल्पमत के फैसले से साफ



जम्मू में सुप्रीम कोर्ट के ईडब्ल्यूएस आरक्षण पर आए फैसले का हुआ स्वागत

सुप्रीम कोर्ट के फैसले संसद या ज्यादा जजों की बेंच द्वारा ही बदले जा सकते हैं। 50 फीसदी की लिमिट हटाने के लिए भी 11 जजों की बेंच में सुनवाई होनी चाहिए

है कि EWS के लिए किए गए संविधान संशोधन से बैसिक ढांचे का उल्लंघन हुआ है।

खुलेगा विवादों का पिटाया

शुरू में एससी/एसटी के लिए ही आरक्षण का प्रावधान था। दूसरे चरण में वीपी सिंह ने मंडल आयोग की सिफारिशें स्वीकार करते हुए ओबीसी के लिए आरक्षण का प्रावधान किया। उस मामले

में युवाओं के उग्र विरोध को कम करने के लिए पीवी नरसिंह राव ने आर्थिक आधार पर आरक्षण का कानून बनाया था। 1992 के इंदिरा साहनी फैसले में 9 जजों की बेंच ने आर्थिक आधार पर आरक्षण के प्रावधान को निरस्त कर दिया था। साल 2006 में 93वें संविधान संशोधन से शिक्षा के अधिकार के तहत निजी क्षेत्र के कॉलेजों में आरक्षण के प्रावधान हुए थे। लेकिन निजी क्षेत्र को नौकरियों में आरक्षण के लिए संविधान में कोई प्रावधान नहीं है। तीसरे चरण में पिछले आम चुनावों के पहले EWS आरक्षण को आनन-फानन में 103वें संशोधन के माध्यम से लागू किया गया था। आर्थिक आधार पर अगड़ों के वर्गीकरण और आरक्षण को सुप्रीम मान्यता के बाद अब अनेक राज्यों में मनमाने आरक्षण को बाढ़ आने से आर्थिक और कानूनी अराजकता बढ़ सकती है।

- कागजी तौर पर EWS आरक्षण को जनरल क्वोटिंग में 10 फीसदी का वर्गीकरण बताने को कोशिश हो रही है। लेकिन व्यावहारिक तौर पर अब 60 फीसदी आरक्षण हो गया है।
- तमिलनाडु मामले में सुप्रीम कोर्ट की दूसरी बेंच 50 फीसदी लिमिट के उल्लंघन पर सुनवाई कर रही है। EWS के इस फैसले के बाद ऐसे अनेक मामलों को सुनवाई प्रभावित हो सकते हैं।
- संविधान के अनुच्छेद-141 के तहत सुप्रीम कोर्ट के फैसले लॉ ऑफ दि लैंड माने जाते हैं। इन्हें संसद के कानून या फिर ज्यादा जजों की बेंच द्वारा ही बदला जा सकता है। संवैधानिक प्रावधानों और इंदिरा साहनी फैसले के आधार पर गुजरात हाईकोर्ट ने 2016 में आर्थिक आधार पर आरक्षण को निरस्त कर दिया था। 50 फीसदी लिमिट के उल्लंघन को वजह से मराठा आरक्षण कानून को सुप्रीम कोर्ट ने पिछले साल रद्द कर दिया था। आरक्षण में 50 फीसदी की लिमिट को फ्लेक्सिबल मानने के लिए एच डी इंदिरा साहनी से बड़ी बेंच यानी 11 जजों की लाज्ज बेंच में सुनवाई होनी चाहिए।

ग्रीमी लेयर की लिमिट

रेविडियों पर बहस के बीच आम चुनावों के पहले केंद्र और राज्य सरकारों में सरकारी नौकरियों में प्ती की होड़ लगी है। संसदीय समिति के अध्यक्ष और वीजेपी सांसद ने ज़ोमीलेयर को आर्थिक लिमिट को 8 लाख से बढ़ाकर 15 लाख करने की सिफारिश की है। EWS को स्कॉम केंद्र सरकार की है, लेकिन लाभार्थियों को राज्य सरकारों द्वारा सर्टिफिकेट जारी किए जाएंगे। EWS का लाभ ज़रूरतमंद गरीब लोगों के वजाय अगर फजीवाड़े वाले लोगों को मिला तो समाज में वैचैनी के साथ अदलतातों में मुकदमेबाजों भी बढ़ेंगे।

NET/14

The Supreme Court verdict on EWS quota reveals how discrimination law in India is in disarray

Whose Priority Is It Anyway?



Lalit Panda



On Monday, a five-judge bench ruled on the validity of the 103rd Constitutional Amendment that was passed in 2019 to enable reservations for 'economically weaker sections' (EWS). A majority of three judges upheld the amendment. As readers will no doubt be aware, Indian courts are not only able to strike down laws that violate the Constitution, but they can also strike down constitutional amendments that violate certain basic principles of the Constitution. The principle in question in the EWS case was the fundamental right to equality.

The starting point, then, is this: does preferential treatment in favour of those suffering from economic disadvantage change our constitutional order into something unrecognisable? All five judges could not accept this view in principle, though government jobs remained a sticking point. Many petitioners challenging the EWS reservations strenuously argued that, as one judge in the majority put it, 'reservation... is itself reserved' for those groups that already benefit from it, and that it simply could not be used for poverty alleviation.

These claims were a significant misunderstanding of the terms on which this legal battle was being fought, as well as a betrayal of the principles of social justice.

With time, legal forms can become so entrenched in our society that even those fighting for substantive justice

find themselves enamoured by the formalism of the law. And so, wide-ranging arguments against the EWS amendment relied on existing rules on reservations, which were aimed at the social and educational backwardness of groups and their inadequate representation. But how does this in any way diminish the significance of the disadvantages faced by the poor?

A recent report by the United Nations special rapporteur on extreme poverty and human rights is illuminating on this point: poverty 'restricts access to employment, education, housing or social services', discourages enjoyment of rights and social goods, and results in prejudice, stereotyping and other forms of discrimination. The message should be clear: equality takes aim at unjustified social disadvantages. Reservations have only ever been a medium.

Defining Discrimination

The core disagreement between the three judges in the majority and the two dissenting judges came down to the question of that forlorn sibling of the right to equality: the right against discrimination. It should be no secret by now that a range of contemporary controversies centre on the question of discrimination. These relate, for instance, to the Citizenship (Amendment) Act, the hijab ban, women in places of worship, personal laws and the Uniform Civil Code (UCC), temple administration, domicile reservations, marriage equality, and marital rape.

The answers to all of these issues depend on what courts say on the as-yet-underdeveloped field of Indian discrimination law. The EWS judgment, as it happens, starkly brought out the essence of the problems involved.

First, let us be clear as to how discrimination was involved in the current case. While its defenders made it a point to reiterate that the EWS reserva-



Getting ahead in line by having others go behind

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tions did not disturb the existing quotas for backward classes, the fact still remains that they excluded members of those classes from being considered as 'economically weaker', even if they would otherwise meet the indicators of economic disadvantage evolved by the government.

Backward-class members who would have earlier received seats and jobs would be deprived of these precisely because a forward-class member is considered 'economically weak' enough to receive *priority*. The majority opinions in the judgment defend this exclusion by pointing to the adequacy of the existing quotas for addressing all the disadvantages of the backward classes.

As the dissenting opinion argues, this justification is inadequate. The Constitution has a clear prohibition on discrimination on the ground of caste and violating this would be a violation of the basic structure of the Constitution. Is discrimination ever justifiable? One judge in the majority argued that compensatory discrimination was not discrimination, and another suggested that differential treatment based on caste was justifiable if it was not prejudiced or contemptuous.

The first argument falls flat because it confuses the question. The challenge was against the caste-based exclusion

in the EWS amendment, not the economic criteria for compensating poverty. The second fails because if legislative contempt is treated as the marker for discrimination, lawmakers will simply hide their hatred. The effects must be what count.

Priority and Equality

But what about the poor among the forward castes? The government did not make out a good enough case to justify exclusion based on caste. Arguably, though, this underscores the fact that discrimination law in India is in disarray — even the judges were talking past each other. The dissent argued that caste discrimination could only be justified if it was against advantaged castes and in favour of disadvantaged ones. But there is a missing piece here.

As we learn more about the stratification of society, is it too difficult to imagine members of forward castes whose extreme poverty disadvantages them even more than some members of backward ones? In future legal battles about the government definition of 'economically weaker sections', perhaps we should look closely at this idea of priority in our continued quest for equality.

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The Constitution has a prohibition on discrimination on the ground of caste and violating this would be a violation of the basic structure of the Constitution

Needless needling

The ties between the Governor and the government in TN must be reset

The presentation of a memorandum against Tamil Nadu Governor R.N. Ravi by MPs of the ruling DMK-led Secular Progressive Alliance to President Droupadi Murmu is yet another reflection of the fractured relationship between the DMK regime and the Governor. Irrespective of their differences, this unfortunate development could have been avoided with some effort and reasoning on both sides. The memorandum has slammed the Governor's way of functioning, "openly contradicting its [Tamil Nadu government's] policy in public and unduly delaying assent to Bills". In an account of 20 Bills passed by the State Assembly and pending with the Governor, the memorandum, expectedly, dealt with Mr. Ravi's approach towards the TN Admission to UG Medical Degree Courses Bill 2021, also called NEET [National Eligibility-cum-Entrance Test] exemption Bill, which is now awaiting presidential assent. What the Alliance argued was that Mr. Ravi, instead of forwarding the Bill to the President, even in the first instance had chosen to return it to the Assembly, "which is *ultra vires* of the powers conferred on a Governor". But quite needlessly, the joint statement also took strong exception to the Governor's public statements on matters unrelated to governance such as *Sanatana Dharma*, Dravidian heritage, Tamil pride and *Thirukkural*, a Tamil classical work. Ever since he assumed charge in September 2021, Mr. Ravi, a former Nagaland Governor, has earned the DMK's wrath over the NEET exemption Bill. In addition, his presenting himself as a strong advocate of the three-language formula and the National Education Policy (NEP) has not been palatable to many parties in the State.

While it is perfectly legitimate to have contrarian views in a democratic set up, every constitutional authority should conduct himself or herself in a manner that adheres to the letter and spirit of the Constitution. Notwithstanding the correctness or otherwise of his position, the Governor should not be seen as one needlessly provoking a duly-elected government to confront him on one issue or the other. He should walk the extra mile to establish that he stays within constitutional limits. Given his non-political background, Mr. Ravi is better placed than many of his gubernatorial counterparts to present himself as being fair and objective. Meanwhile, critics including those from the ruling party should refrain from reacting adversely to every single observation as their responses may create an impression of their wanting to be in a state of perpetual conflict with the Governor. After all, the ties between the institution of Governor and the State government rest and flourish on understanding and mutual respect. Otherwise, Tamil Nadu will be the loser, undermining governance.

The EWS judgment and the shadow of Pandora

The Supreme Court of India's recent decision, upholding the constitutional validity of the law granting 10% reservation to Economically Weaker Sections (EWS) of the upper castes, has ignited much debate. Some pundits have affirmed the judgment marks the death knell of caste as a factor in reservation, while others argue that it underscores its perpetual relevance. In all the brouhaha, the media and the commentariat have overlooked another Supreme Court judgment just seven years ago which was potentially even more far-reaching for our democracy but which has been ignored entirely in the current debate.

In a 64-page decision in 2015, a bench of Justices Ranjan Gogoi and Rohinton F. Nariman struck down the United Progressive Alliance Government's 2014 notification including Jats in the Central list of Other Backward Classes (OBCs). Most significant was the rationale the justices provided: they observed that the state should not go by the "perception of the self-proclaimed socially backward class" on whether they deserved to be categorised among the "less fortunates"; new formulae, they averred, must be found to determine backwardness. The issue, the justices concluded, was not whether reservations were a tool to address millennia of caste discrimination or an instrument of affirmative action; the issue was how to determine who deserved consideration for reservation benefits.

'Open the gates for the most distressed'

Most significantly, the top court held that caste, while acknowledged to be a prominent cause of injustice in the country historically, could not be the sole determinant of backwardness. It argued in its judgment: "Owing to historical conditions, particularly in Hindu society, recognition of backwardness has been associated with caste. Social groups who would be most deserving must necessarily be a matter of continuous evolution. New practices, methods and yardsticks have to be continuously evolved moving away from caste-centric definition of backwardness." It ruled that the State should uncover emerging forms of backwardness in an evolving society.

"The gates would be opened only to permit entry of the most distressed. Any other inclusions would be a serious abdication of the constitutional duty of the State," the Court warned. It observed that "grave and important" decisions in reference to Article 14 and Article 16 of the Constitution must be made on the basis of "contemporaneous inputs", which were not



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In the recent verdict on reservation to Economically Weaker Sections, a Supreme Court judgment of 2015, which was potentially even more far-reaching for India's democracy, has been ignored entirely in the current debate

available. Most striking were the Court's observations on what constitutes "social backwardness". It said that neither educational nor economic backwardness, which the Government referred to, were enough, though both may contribute to social backwardness. "But social backwardness," the Court observed, "is a distinct concept" that emerges from multiple circumstances ranging from the social and cultural, to economic, educational and even political.

Call for new methods and yardsticks

The Court conceded that caste may be a prominent factor for 'easy determination of backwardness', but its judgment discouraged "the identification of a group as backward solely on the basis of caste" and called for "new practices, methods and yardsticks" to be evolved. It added the observation that class may be a factor too, since a class is "an identifiable section of society", but again it may not be enough to justify reservation. Citing its own decision to recognise transgenders as a distinct community with justiciable rights, the Court congratulated itself for identifying a form of social backwardness that had nothing to do with caste or class, in determining their eligibility for government benefits.

This was fascinating philosophically, but it opened up a proverbial can of worms for policy-makers. The most contentious element of the Court's judgment was its proposition that caste, and the need to right historical wrongs, is no longer sufficient grounds for government benefits. Nor is the self-perception of a caste that it is backward; not even the perception by other castes that it is. New methods, the judgment insisted, have to be developed to identify the backwardness of a group of people.

The Court, drawing a somewhat fuzzy line between 'past' and 'emerging' forms of backwardness, advanced the presumption of the "progressive advancement of all citizens on all fronts, i.e., social, economic and educational" making history an insufficient guide. You cannot keep citing historical wrongs and propose reservations as a solution to redressing them, the Court decided. This set off a conceptual bomb under the complacent edifice of the reservation system.

We have long accepted the logic of reservations in our country as a means of making up for millennia of discrimination based on birth. This is why the Constitution inaugurated the

world's oldest and farthest-reaching affirmative action programme, guaranteeing Scheduled Castes and Scheduled Tribes not only equality of opportunity but guaranteed outcomes, with reserved places in educational institutions, government jobs and even seats in Parliament and the State Assemblies. These reservations were granted to groups listed in Schedules of the Constitution on the basis of their (presumably immutable) caste identities. The addition of the OBC category – after the acceptance by the V.P. Singh government of the recommendations of the Mandal Commission – added more people to the numbers benefiting from reservations, but it did not change the basis on which they benefited: despite the "C" in "OBC" referring to "classes", the OBC lists contained castes and sub-castes.

What criteria is the question

So we witnessed the unedifying spectacle of castes fighting to be declared backward: the competitive zeal of the Meenas and the Gujjars in Rajasthan to be deemed more backward than each other, and similar agitations by Patels in Gujarat and Marathas in Maharashtra. Then the transgender judgment, and the judgment disqualifying Jats, opened the floodgates to far-reaching questions. If caste is not a good enough basis, and class is not either, and now lack of education or income does not suffice, but the misfortune of being born transgender does, then how do we determine who deserves reservations in our society? The Supreme Court says historical wrongs are passé; the Government needs to establish that a group of potential beneficiaries is suffering backwardness right now. But it does not tell us what criteria to apply.

Justices Gogoi and Nariman suggested that the Government come back with a "matrix" to justify reservations. One could imagine a list of differently-weighted categories, ranging from income, family situation, disability, education level, etc, in addition to birth in a particular caste, which together would constitute a basis to draw up such a matrix. But the Government, not wanting to touch a Pandora's box, never came back with one, and the Court did not renew or repeat its demand either – not even when one of the judgment's authors became Chief Justice of India.

With the EWS decision, the shadow of Pandora now hovers over the Supreme Court – but her notorious box may already have been opened by this dramatic, and surprisingly under-reported, judgment of 2015.

The Governor versus the government

Governance and public interest will likely be the casualties of the stand-off

STATE OF PLAY

G Anand

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Injured egos are not rare in the cut and thrust of politics. But the bitter rift between a Governor and Chief Minister has seldom played out as forcefully in public view as it has in Kerala over the past week. The escalating tensions between Governor Arif Mohammad Khan and Chief Minister Pinarayi Vijayan has assumed centre stage yet again in State politics. However, the latest tangle seems acrimonious compared to the relatively tame disputes of the past.

The incident that precipitated the stand-off was the CPI (M)'s boycott of the Vice-Chancellor of the APJ Abdul Kalam Technological University (KTU), Ciza Thomas. As Chancellor of State universities, Mr. Khan had appointed her to the post, bypassing government nominees. He did so after the Supreme Court set aside the appointment of Rajasree M.S. as Vice-Chancellor of KTU, finding it violative of the norms of the University Grants Commission (UGC).

Unleashing a full-blown attack against the LDF government, Mr. Khan alleged that the government had "initiated the process of the collapse of the constitutional machinery" by threatening him with dire consequences and not permitting the Vice-Chancellors appointed by him from performing their duties. He dared the ruling front to "barge into Raj Bhavan" and "attack" him "on the street" if they "had the guts". Mr. Khan also said he would attend the sit-in protest by LDF workers in front of the Raj Bhavan on November 15 if the leaders of the ruling front

were ready to debate with him publicly.

Mr. Khan's comments on Mr. Vijayan signalled the growing chasm between the two offices. He alleged that Mr. Vijayan "had to go home to change his clothes" when an IPS officer removed his gun from the holster to prevent the CPI(M) leader from freeing a party worker from police custody in Kannur.

The Governor threw down the gauntlet to the government by ordering other Vice-Chancellors to submit their resignations. The premise for this controversial directive was that the government had appointed these Vice-Chancellors through the same process deemed unlawful by the Supreme Court in the KTU Vice-Chancellor's case.

The government got a brief respite from the wrestling match with Mr. Khan over university administration on November 8, when the Kerala High Court restrained him as Chancellor from passing final orders on the show-cause notices issued to the Vice-Chancellors.

Mr. Khan then courted controversy during a press conference when he debarred journalists from Kairali TV and MediaOne TV from covering the event, deeming them politically partisan. He was immediately criticised by civil so-

ciety for "curtailing" press freedom. The Editor's Guild of India protested the "selective targeting of media channels by a person occupying high constitutional office". With the exception of the BJP, the LDF and the Congress-led Opposition condemned Mr. Khan's "blackballing" of the two media houses. Journalist unions marched in protest to the Raj Bhavan.

The State government has found itself in a situation with little political precedent. It believes that Mr. Khan's actions pose a severe challenge to the governing ideal of federalism. The CPI(M)-led LDF has found a common cause with other non-BJP ruled States, primarily Tamil Nadu, which have had similar run-ins with their respective Governors. The DMK has promised to send its representative to join the LDF's Raj Bhavan siege.

However, an Achilles' heel of the government's case against the Governor is its failure to convincingly address accusations of nepotism and maladministration in State universities. The government has also not addressed the glaring disconnect between State university laws and UGC norms.

The increasingly strident stand-off between the Governor and the government may lead to another season of political turmoil in Kerala. Governance and public interest will likely be the casualties if the two entities fail to strike a detente.

However, the path to reconciliation appears distant at the current juncture. The CPI(M) has said it has no choice but to take up the gauntlet thrown down by Mr. Khan. The Kerala cabinet on November 9 resolved to request Mr. Khan to promulgate an ordinance removing the Governor as Chancellor of universities. W 7

Kerala

A higher number of promotions, but lower learning outcomes

SC/ST students have been impacted disproportionately by the pandemic as their learning outcomes have declined the most

DATA POINT

Jasmin Nihalani, Rebecca Rose Varghese & Vignesh Radhakrishnan

Higher education in India is entering a worrying phase due to the unprecedented impact of COVID-19 on school education. On the one hand, with policies mandating the promotion of students, promotion rates at the secondary school level rose significantly and repetition rates nosedived during the pandemic years (2020-21 and 2021-22). On the other, the inability to attend physical school and the lack of access to digital education caused a massive drop in learning levels after the COVID-19 outbreak. Simply put, compared to students from the pre-COVID-19 years, more students were promoted from secondary to higher secondary school and graduated from school to college during the pandemic years even though their learning outcomes were poor. This is significant as even in the pre-COVID-19 era, the employability of engineers had been reducing fast due to the poor quality of education and the lack of conceptual understanding.

The Unified District Information System for Education (UDISE+) survey for 2021-22 shows that the promotion rate among secondary school students continued to increase even during the pandemic years. **Chart 1** shows the promotion rate of secondary school students across communities. Notably, the promotion rate among Scheduled Caste (SC) and Scheduled Tribe (ST) students increased sharply after the outbreak. The promotion rate among Other Backward Classes (OBC) students continued to rise unabated.

Chart 2 shows the repetition rate of secondary school students across communities. The repetition rates too drastically came down in the pandemic years with

some 1% students repeating their class across all communities. Notably, the gap in the repetition rate between SC/ST students and general category students declined greatly after the outbreak.

While the promotion rate surged and the repetition rate declined, the marks scored by school students in National Achievement Survey (NAS) exams dropped significantly across classes and in most subjects. NAS exams were conducted in November 2021 across select schools. Similar tests were conducted in 2017/2018. **Chart 3** shows the difference between the mean score in 2021 compared to the score in 2017/2018 among Class VIII and X students (SC/ST/OBC and general category) in various subjects. For instance, in the Class X Science exam, the score of general category students dropped by 34 marks, while that of SC, ST and OBC students declined by 45, 48 and 40 marks, respectively. So, there will be a disproportionately greater impact on SC and ST students as their learning outcomes reduced the most while their promotion rates saw the highest degree of rise among all the communities.

Chart 4 shows the dropout rate of children not enrolled in school across communities. Despite reports such as a UNICEF poll and an Annual Status of Education Report (ASER) survey pointing out that dropout rates increased in India during the outbreak, UDISE+ data do not reflect this drop.

Table 5 shows the percentage of children not enrolled in school across age groups in 2018, 2020 and 2021, according to the ASER survey. ASER showed that except in the 15-16 age group, the share of children who were "not enrolled" in schools in 2020 and 2021 compared to 2018 increased in every other age group. However, the UDISE+ shows an increase in enrolment rate across all levels of education (**Table 6**). This contradiction in data necessitates further scrutiny of the UDISE+ data.

Mind the knowledge gap

The data for charts 1, 2, 4 and table 6 were sourced from UDISE+ reports between 2016-17 and 2021-22. Table 5 was sourced from ASER and chart 3 was sourced from National Achievement Survey 2021 and 2017/18



Chart 1 | Promotion rate of secondary school students

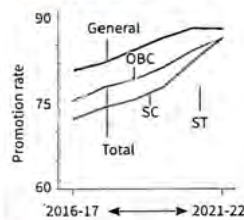


Chart 2 | Repetition rate of secondary school students

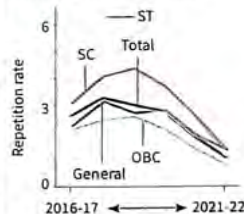


Chart 4 | The graph shows the dropout rate of secondary school students across communities

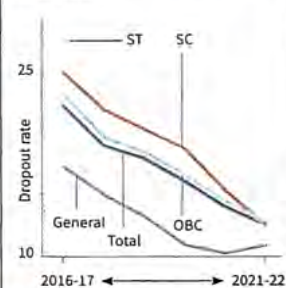


Table 5 | Share of children not enrolled in schools across age groups in 2018, 2020 and 2021, according to ASER

Age groups	Not enrolled in 2018	Not enrolled in 2020	Not enrolled in 2021
Age 6-14	2.5%	4.6%	4.6%
Age 7-16	3.9%	5.2%	4.7%
Age 7-10	1.4%	4.4%	4.4%
Age 11-14	3.2%	3.9%	4.1%
Age 15-16	12.1%	9.9%	6.6%

ASER 2021 was conducted in 25 States and 3 UTs. A total of 75,234 children in the age group of 5-16 years were covered by the survey

Table 6 | The table shows an increase in adjusted net enrollment rate in % across all levels of education from primary to higher secondary as reported by the UDISE+ data

Levels	2017-18	2018-19	2019-20	2020-21	2021-22
Primary	96.42	94.26	97.31	98.61	99.07
Upper primary	80.95	78.49	81.61	84.44	87.25
Secondary	62.24	57.59	59.98	61.85	64.71
Higher secondary	29.97	30.78	32.3	34.72	34.22

Chart 3 | The difference between the mean score in 2021 compared to the score in 2017/2018 in Classes VIII and X across various subjects among SC/ST/OBC and general category students, according to the National Achievement Survey examinations

	General	SC	ST	OBC
Class X Social Science	-8	-24	-23	-18
Class X Science	-34	-45	-48	-40
Class X Maths	-36	-34	-37	-38
Class VIII Social Science	-16	-27	-27	-23
Class VIII Science	-9	-28	-26	-19
Class VIII Maths	-5	-12	-14	-11
Class VIII Language	+13	-5	-3	+1

Failing the Constitution

The EWS judgment fails to uphold the constitutional values meant to end the perpetuation of discrimination against the SCs, STs and other backward classes



K S CHAUHAN

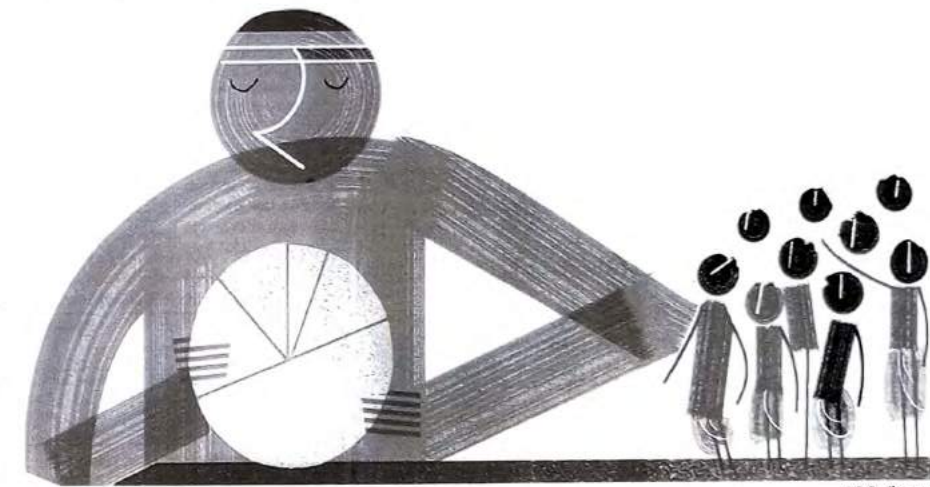
OWEN M FISS, professor at Yale University, has argued that "economic criteria" is artificial, and has no basis for discrimination in social life. On the same line, William E Forbath of the University of Texas, said that constitutional equality is equality of status or standing; different degrees of respect are attributed to status.

Caste degradation denotes membership of a group that is seen as physically different and inferior. Class and interest groups do not need constitutional protection: Their economic commonalities do not demand invocation of constitutional values. Use of economic criteria to understand marginalisation can result in the subjugation of historically-disadvantaged groups. This is why scholars reject economic criteria as the sole basis for understanding discrimination. There is no instance of deprivation or discrimination or social exclusion against any person solely on the ground of her economic standing. For instance, Babu Jagjivan Ram, the then Deputy Prime Minister, was insulted for inaugurating a statue in Banaras in 1978 because of his caste.

India is a unique country where even a President could reportedly be insulted at a temple. In another instance, Jitan Ram Manjhi, the then chief minister of Bihar, faced similar humiliation. The examples are far too many to list. There is enough evidence that points to the practice of untouchability and social discrimination continuing against the members of the erstwhile fourth varna, "Shudra". The five-member Constitution Bench that heard the validity of the 103rd constitutional amendment did not reject this fact, yet the majority verdict held that the introduction of economic criteria in reservations is constitutionally valid. Even the dissenting judgment by Justice Ravindra Bhat with the outgoing CJI U U Lalit did not say that the "criteria of economic standing alone" is bad, as they emphasised the 50 per cent ceiling. This 50 per cent ceiling, a judicially-created criteria with no roots in the Constitution, could deprive members of SC, ST and OBC communities, as well as the deprived among the Muslims and Christians.

Justice Dinesh Maheshwari justified the economic criteria and held the view that the "exclusion of classes covered by Articles 15(4) and 16(4) from getting the benefit of reservation as economically weaker sections, being in the nature of balancing the requirement of non-discrimination and compensatory discrimination does not violate the equality code and does not in any manner cause damage to the basic structure of the Constitution of India".

This view is contrary to the scheme of the Constitution and the principles settled by a larger bench in *Indira Sawhney* (1992). Justice Bela M Trivedi held that "we need to revisit the system of reservation in the larger interest of reservation of the society as a whole, as a step forward towards transformative constitutionalism". Justice J B



C.R. Sastikumar

Pardiwala held that the "reservation should not be allowed to become a vested interest... as larger percentages of backward class members attain acceptable standards of education and employment, they should be removed from the backward categories". In a case where the Supreme Court has upheld the reservation for a class, which does not deserve such a protective right, any suggestion to restrict or limit the rights of a class that has been historically deprived and socially excluded is against the spirit of the Constitution and is constitutionally impermissible. The honourable judges do not seem to understand the social conditions of the society wherein a President of India or a Chief Minister can face discrimination on the basis of their caste. To deny the recognition of social factors and to recognise economic factors alone to mark discrimination is constitutionally perverse and is meant to further perpetuate deprivation and even untouchability, which is abolished by Article 17 of the Constitution.

The rights are derived from the constitutional values, which were adopted by the Constituent Assembly after a marathon process of deliberations. *Kesavananda Bharati* (1973) held that the basic features of the Constitution are unalterable. Democracy is one of the basic features of the Constitution. Social democracy is the real facet of democracy. Adequate representation of different sections of society is the essence of democracy.

By providing an economic basis for reservation, Parliament has tried to deprive social democracy and democratic rights to all sections of the society. The savarnas or upper castes, who constitute 10 to 15 per cent of the total population are already represented in 45 to 50 per cent of the total services, whereas the SCs, STs and OBCs constitute the majority of this country, and are only provided 49.5 per cent reservation. The latter, however, are yet to achieve that level of representation in services and in educational institutions while the upper castes are already overrepresented in these sectors.

Moreover, reservation in promotions for SCs and STs is yet to be implemented 27 years after the 7th Amendment was passed. The Constitution Bench in *Jarnal Singh* (2018) said that *Indira Sawhney* is binding on *M Nagaraj* (2006). Yet, effective im-

plementation of "reservation in promotion" is yet to see the light of the day.

Parliament failed in its duty when it altered the constitutional philosophy to redress discrimination without deliberation: Neither did a parliamentary committee discuss the 103rd amendment nor a House committee effectively consider its provisions. The issue in this case is whether the category of "social and educational backwardness", devolved by the founders of the republic, could be altered to "economic backwardness" without any scientific basis or any material that demonstrates changes in the social conditions. The Supreme Court ought to have also discussed the constitutional question of "deliberative democracy", since Parliament had not adhered to it while passing the amendment.

The *Janhit Abhiyan* judgment is a negation of the constitutional principles that the Constituent Assembly accepted while drafting the visionary document. A deep-rooted caste system pervades Indian society. It has deprived the members of the backward classes (SCs/STs/OBCs) of equal treatment in the society. It has also denied human dignity to 85 to 90 per cent of the population.

Indian society has developed on the edifice of graded inequality. The Brahminical social order sanctifies social discrimination and gradation. Ambedkar, who himself suffered indignity, could develop principles (in the Constitution) to protect human dignity by assuring equal protection to the members of socially-marginalised sections of society.

The Brahminical forces are firm believers in social inequality and they work for its perpetuation. The Constitution intends to establish an egalitarian social order, allowing no scope for discrimination of any kind. Through the Constitution, Ambedkar was successful in laying the foundation for an egalitarian society by eliminating discriminatory factors including religion, race, caste, sex, descent, place of birth or residence etc.

The *Janhit Abhiyan* judgement, unfortunately, is a denial of the constitutional rights of a larger section of the population that ought to be protected under the scheme of the Constitution of India.

The writer is senior advocate, Supreme Court of India

Adequate representation of different sections of society is the essence of democracy.

By providing an economic basis for reservation, Parliament has tried to deprive social democracy and democratic rights to all sections of the society. The savarnas or upper castes, which constitute 10 to 15 per cent of the total population are already represented in 45 to 50 per cent of the total services, whereas the SCs, STs and OBCs constitute the majority of this country, and are only provided 49.5 per cent reservation. The latter, however, are yet to achieve that level of representation in services and in educational institutions while the unreserved categories are already overrepresented in the sectors.

Getting a PhD differently: What UGC's new doctoral degree rules say

SOURAV ROY BARMAN
NEW DELHI NOVEMBER 9

THE UNIVERSITY Grants Commission (UGC) has notified sweeping changes in the eligibility criteria, admission procedure, and evaluation methods for doctoral programmes in college and universities.

The UGC (Minimum Standards and Procedures for Award of PhD Degree) Regulations, 2022, which replace the Rules notified in 2016, have done away with the mandatory requirement of publishing research papers in refereed journals or presenting them in conferences.

Part-time PhDs have been launched for working professionals, and the 5 per cent relaxation in the eligibility for admissions, available to applicants in the reserved category, has been extended to the new EWS category as well.

For doctoral aspirants

Anyone with a 4-year/ 8-semester Bachelor's degree with at least 75 per cent

marks in aggregate (or equivalent grade) is eligible for a PhD programme. Those with a conventional three-year UG degree must complete a two-year Master's.

A Master's degree with at least 55 per cent marks in aggregate has so far been mandatory for doctoral aspirants. Many universities also insisted on using M.Phil as the gateway. The new Rules discontinue the M.Phil programme — scrapped by the National Education Policy, 2020 — altogether. However, that will have no bearing on those holding or pursuing M.Phil degrees currently.

Admissions procedure

There are no major changes in the procedure for admissions. Universities and colleges remain free to admit students through the NET/JRF qualification route as well as entrance exams at the level of the institutions.

In the entrance syllabus, there shall be 50 per cent of research methodology, and 50 per cent shall be subject-specific. A weightage of 70 per cent will be given to

performance in the written test, and 30 per cent to the interview.

The proposed common entrance test for PhDs has been left out of the new Regulations.

Research supervisors

Eligible professors, associate professors, and assistant professors can continue to guide up to eight, six, and four PhD candidates respectively at any given time, as earlier.

However, earlier, professors, associate professors, and assistant professors could also guide three, two, and one M.Phil scholars respectively over and above their PhD candidates. The M.Phil programme has now been scrapped.

The new Rules bar faculty members with less than three years of service left before superannuation from taking new research scholars under their supervision.

Each supervisor can also guide up to two international research scholars on a supernumerary basis over and above the permitted number of domestic PhD scholars.

Universities and colleges have been allowed to frame their own rules governing admissions of international PhD students.

Greater research rigour

The Regulations introduce a new requirement for PhD scholars, irrespective of discipline, to train in teaching / education / pedagogy / writing related to their chosen subject during their doctoral period. They may also be assigned four to six hours per week of teaching / research assistantship for conducting tutorial or laboratory work and evaluations.

Earlier, to ensure the quality of their output, research scholars had to appear before a Research Advisory Committee once in six months and present the progress of their work for evaluation and further guidance. They will now have to do this every semester.

No need to publish

The requirement to publish research papers in peer-reviewed journals before the submission of a PhD thesis has been

scrapped. The UGC had been grappling with this issue, particularly with the proliferation of so-called "predatory journals", where many doctoral scholars were found publishing their research in return for a fee. In 2019, a UGC panel had recommended that publication of research material in such journals or presentations in conferences organised by their publishers should not be considered for academic credit in any form.

UGC chairperson Prof M Jagadesh Kumar said this will also ease some pressure, so scholars can focus more on high-quality research. "That will automatically lead to their research finding space in top journals," he said.

In a study involving a central university and an IIT between 2017 and 2019, the UGC found that in the case of the university, 75 per cent of the submissions were in journals that were not Scopus-indexed. The IIT, where such submissions were not mandatory, saw 79 per cent scholars making it to Scopus-indexed journals. The outcome of this study played a role in UGC's decision.

Part-time PhDs

Although an existing feature in the IITs, this will be a new provision for most universities and colleges.

The eligibility conditions are the same for both full-time and part-time candidates. Their PhD work will be assessed in the same way as is done for the full-time PhD students.

Part-time PhD candidates will have to produce a No-Objection Certificate from their employer. The NOC will also have to spell out that they will be given sufficient time for research work. The workplace will require facilities in the employee's field of research as a doctoral scholar.

Over the years, annual enrolment in PhD programmes has risen, but it still accounts for a very small share of the higher education pie. Between 2015-16 and 2019-20, enrolment at PhD level increased from 1,26,451 to 2,02,550 (0.5 per cent of the total enrolment in higher education), according to the latest available All India Survey on Higher Education (AISHE) report 2019-20.

Ensuring last-mile excellence

Nexus of Good



ANIL SWARUP

Peepul won the well-deserved Nexus of Good Award for facilitating last-mile delivery of quality education in partnership with governments by enhancing students' engagement

One of the biggest problems in school education in India is the delivery of quality education. Peepul has addressed precisely the same, and was the well-deserved winner of the Annual Nexus of Good Award.

Peepul helps public education systems design and implement interventions that improve student learning at scale. Through deep partnerships with government school systems, they now work at scale, impacting 9.4 million+ children through their work with 270,000+ teachers — creating the conditions for the delivery of quality education for the most vulnerable in India who live on under 7,000 USD/month.

Peepul presents a perfect example of 'Nexus of Good'. To be able to scale at quality, they developed a model centred around improving student's engagement. Realising that the government school system had largely solved the problem of enrolment (through having adequate schools in remote areas) and attendance (through the mid-day meal programme), Peepul focused on moving the classroom practices from rote-based learning to a high-engagement pedagogy and learning model. Their belief has been that, in improving student engagement, children's learning would improve, and achievement against grade-level competencies would gradually become better.

This insight is an important one, and is critical to how they now operate at scale in two geographies in India — Madhya Pradesh and Delhi. Engaging every child sounds easy when you hear it but it is incredibly difficult to execute.

To be able to do this at scale, there are four things that Peepul focuses on when it partners with state government systems. First, building a toolkit of high-engagement classroom practice as an SOP/handbook of how to deliver excellence in the classroom and engage children. Second, supporting government teachers' skilling and professional development so



Peepul has been impacting 9.4 million+ children through their work with 270,000+ teachers

REPRESENTATIONAL IMAGE

that they are aware of classroom engagement practices and pedagogy, including innovations in teaching that they may never have been trained on. Third, leveraging the existing government administrative structures of BAC (Block Academic Coordinator) and CAC (Cluster Academic Coordinator) to create structures and rubrics for academic coaching and mentoring for school principals and teachers. And, finally, building new systems for accountability towards learning outcomes so that the state government can track progress.

Implementation

Peepul's approach towards implementation is unique — blending a deep practitioner understanding of education, an in-depth embedment in government systems and the ability to manage projects at scale, to strengthen system delivery in a sustainable manner. The interventions are data-, research- and policy-backed. Hence, it is among a handful of organisations focusing on learnings from direct interventions on one side, and large-scale capacity building of the government system on the other, with government adoption as the final goal.

Strategy

● **Demonstrating what is possible through their exemplary schools in Delhi:** Three model demonstration schools in Delhi show the potential of public schools. They show what

is possible. They exist to change the perception that Indian government schools can't produce quality student learning. In their exemplar schools, 85 per cent of students meet grade-level expectations. This number stood at 72 per cent all through COVID induced school closures. The schools also demonstrate ~90 per cent student retention and 75 per cent average attendance metrics — unheard of in India's public schooling context.

● Strengthening teachers' professional development at scale:

A focus is given on teacher competencies to implement high-engagement teaching practices to upskill teachers on classroom management, language teaching modules and technology for driving quality learning. During the pandemic, the teacher skilling work was able to upskill the knowledge, skills and mindset of 265,000+ teachers to create high-quality teachers for 9 million+ public school students. This work now continues through a mix of digital learning courses, face-to-face training, professional learning circles or Shaikshik Samvad, post-course classroom observations to support teachers, and rewards and recognition programmes to appreciate and call out best practices.

● **Systemic strengthening of mentoring, coaching and monitoring:** To be able to move focus from rote-based teaching to teaching students at learning

level, it is important to reduce teacher time in administrative work by increasing efficiencies in data management and student assessment, hence resulting in increased teaching time in classrooms. Together with this, there is a need to observe and recognise the efforts of school leaders, teachers and education officials through classroom observation, and to build a cadre of BAC/CACs who are skilled in mentoring and coaching, and not just monitoring and compliance. Peepul works with governments to create layers of structured academic mentorship in the school system. These principals/government officials help teachers implement what they have learned in training, overcome barriers, and get feedback on their development. Building academic mentors also helps shift the system's focus from school administration to academic enablement.

● **Aligning incentives and accountability:** They also engage with governments to create structures to reward the right behaviours and build accountability for academic outcomes. This includes strengthening the policy framework, building accountability structures, designing performance assessments and evaluations, digitising processes, and focusing on data-based decision-making. Towards this, they also leverage government technology platforms.

Impact

Delivering quality at scale has been a holy grail. Hence, it is important to understand whether there has been a trade-off in the cost/quality equation as Peepul scaled from 1 school with 300 children in 2017 to now impacting 100,000 schools, 290,000 teachers and close to 9 million children.

Some vignettes of the metrics they have observed and tracked, in the backdrop of a much deeper monitoring, evaluation and impact framework, include:

● **Teacher skilling:** An improvement from 66 per cent to 95 per cent of observed teachers in a Foundational Literacy and

Numeracy Course.

● **Teacher mindset:** A shift of 16 per cent in teacher mindsets where teachers can better identify and teach ways to depict a sustainable growth mindset among their students and themselves.

● **Academic mentoring:** An increase from 10 per cent observed teachers conducting classes to 55 per cent in 2021

● **High-engagement classroom practice:** Class observers reported that more than 40 per cent of students got a chance to speak, which increased over the months by 15 per cent (75 per cent in Feb 2022 vs 60 per cent in Oct 2021).

While these are some metrics, it is important for organisations to anchor and measure themselves continuously against metrics and milestones, something Peepul has kept as front and centre. We don't always get things right the first time but it is through collective action and learning that we can measure the impact, course-correct when needed, and demonstrate/replicate the good practices more broadly with evidence to strengthen the case for scale.

The way forward

I have been proud of what Peepul has been able to accomplish in a short period of four years, since I visited their school in 2018. As they look ahead, Kruti has in sight three key areas where she would like Peepul to pioneer and innovate and spread good practices.

First, codifying their practices so that the good practices can spread faster and more broadly. This involves developing a high-engagement teaching toolkit.

Second, leveraging the experience of quality at scale to share practices globally and be a flag-bearer of innovation and excellence from India that can be applied in other countries.

Third, system strengthening work in both Municipal Corporation of Delhi (MCD) and scaling demonstration through the audacious CM Rise School project in Madhya Pradesh

Views expressed are personal

The prime concern of Peepul has been to focus on moving the classroom practices from rote-based learning to a high-engagement pedagogy

Bogus research, trashy papers



SHUBHADA NAGARKAR

The standards published research papers have gone down significantly as now it is not about enhancing knowledge but a means to get a job.

The true goal of the research is the improvement of the quality of human life through the addition of reliable, usable knowledge. Honestly and ethically conducted research and communication of the results to society is a long-drawn-out and rigorous process. Researchers' tireless efforts, thorough basic research, experimental findings, and exhaustive literature search make the research unique. Such a study is published as a "research paper" only after a stringent review process (peer review) by editors and subject experts of credible journals. It indicates that quality is the soul of the research.

But over the last few decades, research has been linked and made compulsory for the recruitment and promotion of researchers/teachers from higher educational institutions. Therefore, the number of papers published has been given more importance without a thorough evaluation of the papers themselves. This has led to the production of research papers in thousands of predatory journals. Moreover, the weightage or marks have also been assigned to papers if published in the high "Impact Factor" journal. As a result, the researcher's new agenda is to publish more and more papers in journals claiming high Impact Factors.

In the sixties of the 20th century, Eugene Garfield, an American linguist, invented a technique to quantitatively measure the "Impact Factor" of a journal. He used the reference list given in the research paper. A reference is a citation to an earlier paper. Thus, the citation is the linkage between the two papers having a similar area of research. A journal's impact factor is calculated based on the citations received by a particular research paper, especially within two years after the date of publication. Hence, the impact factor of the journal depends on the citations received for papers published in that journal. More citations resulted in a high impact factor for the journal. So, the references play a key role. Garfield initially select-



ed 300 journals which later increased in number. These journals are referred to as "indexed journals". Today these indexes are the most popular citation databases known as "Web of Science" published by Clarivate Analytics, USA, and are accessible on a subscription basis. The company publishes "Journal Citation Report" (JCR) in June every year which lists impact factors for approximately 14000 journals.

Citation analysis is useful to reveal highly-cited authors and research, research productivity of institutes, universities, and countries. It is also used as one of the parameters in ranking universities. Garfield predicted and also cautioned that in the '80s that such statistical calculations would be misused on a large scale.

Researchers and teachers working in universities and colleges do not have complete knowledge about citation databases and the "impact factor" of journals, nor do they want to know. Taking advantage of this, bogus predatory journals flourished. Even print journals were assigned an "Impact Factor". So, taking advantage of the ignorance of the researchers, bogus companies introduced more than 25 fake impact factors. Moreover, impact factors can be pur-

chased. There is a huge competition between authors, researchers, and publishers to get more citations.

Even editorial board members of credible journals, unknowingly accept papers based on fake information and data sets. Artificial Intelligence is now used for preparing machine-generated research papers. Groups of subject experts write papers to earn huge sums of money. Many companies have sprung up all over the world to prepare research papers for profit, are "Paper Mills". In many cases, the text in those papers is meaningless.

Reputable publishers have launched the "Gold Open Access" publishing model in the last few decades which is gaining popularity among researchers. In this, the researcher has to pay Article processing charges (APCs) for publishing the papers. Although these fees are accepted only after peer review of the paper, these fees are quite high and range from 1.5 lakhs to 20 lakhs or more. This allows the readers to read the papers freely. As papers are open to all it is expected to fetch more citations to increase the impact factor of the journal. Compared to the sciences, humanities have fewer research journals. As a result,

the journals indexed in citation databases have low impact factors. In the case of fine arts, the path of the teacher-artist is difficult because they must keep their art alive even while teaching students. As a result, evaluating the work of teacher-artists should be done on a different parameter, based on their performances rather than on published work.

During COVID days there was information about the discovery of a vaccine and/or cure. Thousands of papers were published in many journals. Publishing wrong research for personal growth is harmful to society. Quality information facilitates the generation of new knowledge. Every researcher should ask the question. What kind of valuable knowledge are we going to preserve for future generations if it is based on dishonest research? The bogus journals that exist to print shoddy research, deliberately created fabricated citations and false impact factors are all signs of the decline of humans and not of progress.

(Author is Associate Professor, Department of Library and Information Science and Co-ordinator, Centre for Publication Ethics, Savitribai Phule Pune University, Pune. The views expressed are personal)

HOWEVER, WHEN IT COMES TO RESEARCH PUBLICATIONS, RESEARCHERS IN THE ARTS, HUMANITIES, AND SOCIAL SCIENCES HAVE ALWAYS HAD A DIFFICULT TIME. COMPARED TO THE SCIENCES, THESE FIELDS HAVE FEWER RESEARCH JOURNALS

FIRST COLUMN**GIRL EDUCATION CAN CHECK POPULATION**

We all must be aware of benefits of self-control and spirituality



RAJYOGI **BRAHMAKUMAR NIKUNJ JI**

It's a known fact now that overpopulation is a global problem that is faced by every country. Every year July 11 is celebrated as World Population Day in almost all the countries so as to focus the attention on the grim issue of the galloping population growth, which is, symptomatically, linked with the equally worrying issues of poverty, environment and living standards.

According to the most recent United Nations estimates elaborated by Worldometers, the current world population is 7.99 billion as of November 2022 and could attain a growth level of 9-12 billion before the year 2050. The implications of this magnitude of population-growth are too evident to need elaboration. For, it is obvious that the utilization of natural resources, faster than their regeneration or renewal, would lead to scarcity, poverty and pollution. What is more serious is the fact that it will exacerbate rural conflicts, social tensions, political instability and increase in crime and violence.

Back home, the population scenario in India is all the more serious. Based on most recent UN data, India's population is estimat-



ed at 1.40 billion which is a matter of great worry. India was the first country to start the family planning programme. But the methods which India emphasised on were not in keeping with the Indian ethos. The main emphasis of its programmes was on contraception and sterilization. Instead of building proper attitudes of its people, it made the people dependent on contraceptive devices, pills, vasectomies, tubectomies and other operative skills even knowing that these impinge on the psyche and also the most sensitive elements of human anatomy.

As a result of this, people, instead of taking upon the responsibility for family planning, became too casual in the matter of family growth. In fact, the whole strategy and the methodology made the family planning schemes look like purely governmental programmes, devoid of motivation and participation of people and they seemed to be a techno-managerial or medico-administrative exercise.

It seems that India, which was once a moral and spiritual leader of the whole world, lost its moral moorings so much that it lost faith in its own cultural heritage and in the capacity of spirituality to solve our problems. Why is it that even for our own indigenous problems also, we look to the west for their solutions?

The Government clearly knows that there is a close correlation between fertility and female literacy. It is now well-established that when female literacy goes up, fertility goes down and the number of early marriages also decreases. So, if the girls in the age-groups 6-10 get primary education, both spiritual and secular, there is a definite transformative effect on them which lasts-even after they reach the reproductive age.

So, the best solution would be to give at least two kinds of primary education to girls. If we make use of our spiritual heritage and educate parents about the value of celibacy till the child's education is complete, and give them the primary spiritual education about the identity of the self, the dependence of our people on doctors, clinics, chemists, operative techniques, etc., would be very much reduced if not totally eliminated and this would reduce the monetary burden and build up a sense of responsibility in the people and would motivate and involve them in the implementation of family planning programmes; for they would be aware of the goal of their life and the benefits of self-control and spirituality.

(The author is a foreign affairs commentator)

Concurrent Failure

Litigation over Centre vs state control of education glosses over all-round failure to improve quality

The challenge in Madras high court to the Emergency-era shifting of education from state list to concurrent list is a futile exercise in turning back the clock. Forty-six years have passed since the 42nd Constitution Amendment Act. In this period, the education sector has seen far too many changes, and most can't be reversed. For instance, a common national medical test now allows students the ease of appearing for just one examination instead of multiple ones conducted by each state. States still enjoy flexibility to operate their own universities, schools and education syllabus. Private sector is also flourishing in education.

And the policy tinkering at all levels goes on. UGC is restructuring undergraduate, PG and doctoral programmes. States are trying out clustering of schools, closing down smaller schools. Instruction in English seems to have lost favour at the Centre, even though society is irrevocably headed in the opposite direction. But the moot point is no one entity can claim complete control. It is a diverse ecosystem. Far more important issues than locating education in the Constitution are at stake.

The Constitution's bouquet of rights, directive principles and duties cannot be meaningfully enjoyed by citizens without quality education, and access to quality remains a big failure.

Against National Education Policy's goal of combined government expenditure on education at 6% of GDP, 3% of GDP was budgeted in 2021-22. States should be goading GoI to spend more; moving education to state list could reduce Centre's urgency to boost education spending. State governments must also ask themselves why state universities and many state government schools find few takers while there's a rush to secure admissions to central universities and kendriya vidyalayas. The obsession with controlling education isn't helping. Politics can wait.



Education not biz

SC ruling shows the path to pvt medical colleges

IN a significant order that should set the ball rolling towards making education accessible to a large section of our able and aspiring youth who are at present unable to pursue certain courses of their choice because of the prohibitively high fees, the Supreme Court has maintained that education is not a business to earn profit. The apex court made this observation while ruling that the tuition fee must always be affordable. Towards this end, it upheld the Andhra Pradesh High Court verdict quashing a state government decision of September 2017 to increase the tuition fee of medical colleges – by seven times of that fixed earlier in 2011 – to Rs 24 lakh annually. The court termed this hike as unjustifiable and violative of the rules prescribed for the fixation or review of fees.

The issue of fees charged by private medical colleges and their regulation by the authorities concerned has been a contentious one as many such institutes – some without proper clearances or infrastructure – have mushroomed in the country over the past few decades. That these colleges were being run by managements as businesses with the motive of profiteering was clear as they resorted to the flourishing practice of ‘paid seats’ and capitation fees, giving merit the go-by. It naturally caused much unrest not only among the meritorious poorer aspirants but also the society as people harboured doubts over the quality of doctors emerging from these institutes and the education imparted to them.

Not surprisingly, the affected parties have regularly sought the intervention of the authorities concerned, including the Central and state governments and courts, for relief. But a solution acceptable to all stakeholders has remained elusive. When regulatory authority Medical Council of India was abolished in September 2020 and replaced by the National Medical Commission by the NDA government, it was touted as a historic reform for the medical education framework as it promised to steer it towards a transparent, qualitative and accountable system. But the ground situation is still plagued by controversies, right from the admission process to fee structure. The SC ruling provides a direction to the remedial steps needed. 75/6

Dimbeswar Neog: Researcher extraordinaire

■ Bibekananda Choudhury

Born on August 7, 1899 in Kamarfadia village in Sivasagar district, Dimbeswar Neog found himself in such a juncture when people especially from mainland India had a deep-rooted notion that Assam was full of jungles and a land of barbarians, that the people hardly wore any clothes, spoke only in dialects and did not have any written texts, etc. Keeping all these in mind he indulged himself in deep studies and churned out a number of books concerning development of the Asamiyā (Assamese) language, about the ancientness of the script and literature – all in English, to establish in the national and international forums its presence and strength.

As Neog's books are considered rare and as this author had a god-send opportunity to lay hands on three of those, this piece would generally be contained within the limitation of the three books. Rather than pushing some superfluous opinions, let us peep into the prefaces and introductions to the books written by some stalwarts from those days not only from Assam but other parts of the country and even international forum that speak of the immense clout Neog had among the literary giants and how seriously his works were considered.

The book *Introduction to Assam* was published by Vora & Co Publishers Limited, Bombay-2. In the

title page, the introduction to the author is given as, "Author of a *Peep into the History of Assamese Literature from the Earliest Times; An Exhaustive History of Modern Assamese Literature; Studies in Assamese Literature Ancient and Modern; Origin of Vaishnavism in Assam*, etc."

The preface was written by none other than Gopinath Bordoloi, then premier, Assam province (Bharat Ratna, 1999), "Sri Neog in this book has not merely introduced Assam to the reading public but has undertaken Herculean labour and immense pains to impress on them the details of every phase of the activities of the people of Assam, from the pre-historic times to the modern days. In the treatment of the subject he has displayed mastery of facts, mature judgement in describing the trends of events of the times, and, above all, scholarship of considerable merit. He has attempted to compress into paragraphs what in my opinion would have taken a chapter, and a chapter into what should have been a complete part of the book."

The book *New Light on History of Asamiyā Literature (from the earliest until recent times)* including an account of its antecedents was published in the year 1962, and the introduction was written by Bisnuram Medhi, then governor, Madras (now Chennai) in December, 1960, and the preface was by Dr Suniti Kumar Chatterji. Medhi

wrote, "He (Shri Neog) is a great scholar and had devoted his whole life and has undertaken Herculean labour and immense pains for the last forty years in collecting important materials to give a comprehensive idea of ancient, mediaeval and



modern development and trend of Assamese literature and how it has played the most important part in welding together various people of the North Eastern corner of India into a single unilingual unity... I feel greatly relieved to think that my task of writing this preface has been rendered comparatively easier as eminent orientalist and world famous scholars like Prof Jules Bloch and Dr Suniti Kumar Chatterji have commended the work to the English readers of the world and late Tripitakācārya Dr Beni Madhav Barua of international fame has even given a life-sketch of the author."

Excerpts of the preface by Dr Suniti Kumar Chatterji, "For the last one thousand years, Assamese has

been the cultural vehicle of the inhabitants of an important part of India... The tremendous influence of English in the domain of literature in present-day India is apparent everywhere and Assamese has not been able to escape it... Mr Dimbeswar Neog is a versatile scholar of Assam, who is a student of science, a poet, an educationist and a historian of the literature and culture of his province, all in one... his magnum opus running upto several hundred pages will form one of the most comprehensive histories of the literature of a Modern Indian language attempted so far. (Dated 25 June 1948)."

In his foreword Jules Bloch, Chaire de langue et Literature Sanscrites, Paris, wrote, "Before it was printed, as far as I am aware, no full description of Assamese literature was to hand to be compared with the numerous histories of Bengali literature or the recent exhaustive *History of Maithili Literature* due to Dr Jayakanta Mishra. Now thanks to Mr Dimbeswar Neog, all Indians will be acquainted with a new treasure of productions due to the Indian mind; and not only Indians but friends of India everywhere, amongst which being one, I wish the present authoritative book the success which the devotion and energy of its author deserves."

In the book *Growth of the Asamiyā Language, Development of the Asamiyā script (Pre-historic and historic Assam)*, that saw the light of day in 1964, Neog writes an apolo-

gia in lieu of preface, "...every true student of research finds himself with age more and more a learner still, but not less and less prone to mistakes yet. This pleasantly pen- sive consciousness mars any possibility of indulgence in self complacency and keeps me ever alert... I own I owe the idea of making a separate treatise on the language to the wisdom of Jules Bloch and of dwelling at length on the inscriptions of ancient kings of Assam to find therein the first characteristics of the Kāmarūpa Prākṛt long looked for to that of Beni Madhav Barua... Even one history of Assam in the proper sense has not been forthcoming till this day, though institutions like the Publication Board are sinking colossal amounts of good public money annually in encouraging few works of any worth. But even history has miracles. Let us hope such a miracle will act favourably to bring Assam to her own from the moribund state she has been in. History is philosophy teaching by examples, and the history of Assam has indeed so many things to teach at least her own people."

These excerpts from the three books speak volumes about the respect and authority Neog commanded in the elite circles worldwide. It is wished that all his works are reprinted, and more importantly, in this digital era, are put in digitised form making those accessible to everyone around the world.

(Published to mark Dimbeswar Neog's death anniversary.)

Setback for social justice

Way out of constitutional conundrum of EWS judgment lies in holding the Socio Economic and Caste Census



MANURAJ SHUNMUGASUNDARAM

THE SUPREME COURT of India (SC) verdict upholding the 103rd Constitutional Amendment in *Janhit Abhiyan v. Union of India* (2022) should be regarded as nothing more than a temporary legal setback to the long trajectory of social justice. I do not doubt that the judgment will be overturned on the ground that it has irrevocably dented the basic structure of our constitutional framework. Nevertheless, constitutional repair seldom is carried out within the confines of courts alone; and it is important that these battles are endured across society at large.

The judgment suffers from serious infirmities. Firstly, the SC should introspect why it has taken nearly four years to deal with such an important issue with widespread social, political and legal ramifications. During the course of the pendency of this case, the Union and states had begun implementing the quota of Economically Weaker Sections (EWS), thereby embedding it within the constitutional psyche. As such, undoing this had become increasingly difficult with the efflux of time.

Some of the observations in the *Janhit Abhiyan* case around statements with regard to a time limit for reservations were surprising, given these issues were not central to the case itself. It is also ironic that while affirming a reservation policy, individual judges have questioned the future of reservation itself. Nevertheless, all such statements must be regarded as obiter and without any binding effect on the future legal evolution of the core issues.

The judgment is one of the most disappointing expositions of law on the judicial thinking around reservations. As recently as in January 2022, a Supreme Court bench led by Justice D Y Chandrachud (*Neil Aurelio Nunes vs. Union of India*, 2022) had explained how reservation was not at odds with merit and also the role of reservation in "remediating the structural disadvantages" faced by marginalised groups. The *Janhit Abhiyan* judgment is at stark odds with this line of argument and instead regards reservation as a poverty alleviation scheme. Therein lies the most fundamental flaw in this judgment and one that goes to the roots of the basic structure of the Constitution. In the long trajectory of constitutional evolution, the country has witnessed low points such as *ADM Jabalpur vs. S S Shukla*, which have been rectified by later courts. It is not unforeseeable that *Janhit Abhiyan* judgment will be subject to similar scrutiny in the years to come.

Reservation is not a poverty alleviation mechanism. Reservation was always implemented to address representation or the lack thereof in educational institutions and public employment. The Supreme Court has failed to recognise that the 103rd Constitutional Amendment has relied on economic criteria to extend reservations, something that has been expressly barred in law. In *Indra Sawhney vs Union* (1992), it has been categorically held that in the de-

termination of backwardness, economic condition can never be the sole criterion. The reason for this is that income is a variable factor and not a structural or systematic tool for discrimination.

On the other hand, caste is structural and systematic discrimination and poverty is a consequence of such discrimination. Various surveys have confirmed that OBCs, SCs and STs are over-represented in the proportion of poor. The forward caste groups are considerably better off as a class or group, even if there are poor individuals amongst them. Therefore, the reservation has always dealt with class poverty. By determining a class on the basis of economic criteria — income below Rs 8 lakh per annum of a family or individual — the EWS quota *ex facie* infringes the principles of constitutional equality and renders the concept of reservation, as known to the Indian Constitution, virtually unrecognisable. In short, EWS is ambiguous, arbitrary and alien to the established principles of constitutional equality.

The Dravidian Movement has an impressive record when it comes to social justice and especially affirmative action. The Justice Party (South Indian Liberal Federation) introduced and implemented the Communal Government Order in 1926, forming the basis for reservation policies in education and employment. Over the next 10 decades, the Dravidian Movement systematically extended reservations to marginalised communities. As a result, Tamil Nadu has been a pioneer in formulating and implementing reservations.

One of the earliest setbacks to affirmative action of the then Madras State was the *State of Madras vs. Champakam Dorairajan*, 1951, wherein the Supreme Court struck down the 1926 reservation policy. This eventually led to political mobilisation that resulted in the first constitutional amendment to include Other Backward Classes within Article 15 and has now become part of the basic structure of the Constitution. Over the next 60 years, affirmative action policies were successfully introduced and implemented to alleviate the caste-based discriminatory structures and age-old inequalities that prevail within society. A composite understanding of social justice has helped formulate special provisions for women, Persons with Disabilities (differently-abled persons) and transpersons to provide substantive societal inclusion and social justice.

Ultimately, issues going to the root of our Constitution and the core of our national character are seldom determined by the courts. The way ahead and out of the constitutional conundrum of *Janhit Abhiyan* judgment lies in taking forward the Socio Economic and Caste Census as an empirical basis to understand structural disadvantages in society. Though the 103rd Constitutional Amendment was enacted before the 2019 general election, political mobilisation of the discourse around reservation has now been enabled in the lead-up to the 2024 elections. The Dravida Munnetra Kazhagam has consistently opposed the concept of EWS quota, in its present form, and has called for an all-party meeting in Tamil Nadu to discuss the next steps forward, in addition to committing to filing a review of the *Janhit Abhiyan* judgment.

The writer is an advocate and DMK spokesperson. This article has inputs from
Dhileepan Pakutharivu

Free for all in Kerala

The Governor's faux pas has caused unnecessary confusion and chaos in the state

Kerala Governor Arif Mohammed Khan turning out to be a one-man army against the CPI (M)-led Government. The opposition Congress party finds itself caught between a Scylla and Charybdis situation as it cannot support the BJP-Government appointed Governor or the CPI(M), the Grand Old Party's main rival in the State. On Monday the State witnessed the Kerala media playing the role of court jesters with the Governor asking the representatives of the CPI (M) and Jamaat-e-Islami mouthpieces to get out of his session with journalists. Adding insult to the injury was a CPI(M) honcho's comment that the media was tarnishing his party's image.

The PinarayiVijayan-led CPI(M) returned to power with an increased majority in the 2021 assembly election. Vijayan is the monarch of everything that he surveys. Though haunted by Central agencies like the Enforcement Directorate, CBI, and the Customs and facing allegations ranging from gold smuggling, FERA, FEMA, and a host of corruption cases, Vijayan decimated the Congress-led UDF and the BJP in Kerala, establishing himself as the unquestioned leader of the CPI(M). There are reports that he may find himself as the Opposition's Prime Ministerial candidate at the right moment after the 2024 Lok Sabha election.



But the second term of Vijayan will be remembered for his "battle royale" against the Governor which he could have avoided with his political acumen. It is an open secret in Kerala that the CPI(M) would appoint only party nominees as vice-chancellors. Candidates for other posts too would be selected from the list of names given by the district secretaries of the party

and this has been the precedent for decades. The Governor should have been told by his advisers that this was the tradition in Kerala. The present stand-off between Governor and the Government could have been avoided had the former turned Nelson's eye towards it. The Governor by asking two media houses to get out from his press meet gave immortality to two non-entities in the media landscape of the State. Interestingly, the average Keralite has not taken these two media houses seriously. The new generation of media professionals in Kerala is not familiar with the maxim "Nemo debet esse Judex in propria causa", which means no man shall be a judge in his cause. A popular news channel's scribe was heard during his reporting that the Governor needs psychiatric treatment. This is the classic fence eating the crop syndrome. *exc/c*

Backwards Vs Forwards: Too Many Quotas Are Bad For Bharat

Dissenting judges in EWS case warn against chopping the public sphere into narrow sectarian slices

Arghya Sengupta and Raag Yadava



The 103rd Constitution Amendment, which authorises reservation in educational institutions and jobs for persons belonging

to economically weaker sections of society, was upheld earlier this week by the Supreme Court. As a result of this decision, there will now be two reservation tracks—one based on caste and backwardness, the other on poverty and economic criteria. This is a watershed moment in India's reservation story.

In social policy, reservation of seats in legislatures, universities and jobs is viewed as a tool available to governments to empower backward communities and groups. In this sense, it is like a targeted subsidy or a welfare scheme. In India however, reservation is not just another ordinary tool—it has a particular historical salience.

The Gandhi and Ambedkar pact: In September 1932, after the Communal Award had guaranteed separate electorates for "Depressed Classes", Mahatma Gandhi announced a "fast unto death". The only way to save his life was for the Depressed Classes to voluntarily give up on separate electorates. Babasaheb Ambedkar, the leader of the Depressed Classes, reacted combatively at first. Later, he mellowed and signed the historic Poona Pact, which eschewed separate electorates in return for a reserved quota of seats for representatives of Depressed Classes.

Reservations were later extended to universities and government jobs as a targeted attempt to compensate caste groups for historic injustices perpetrated against them. Gandhi's vision prevailed, and reservation became a household term in Indian politics.

The EWS reservation was challenged on the ground that using

economic criteria alone for reserving seats offends this deep-rooted understanding and consequently violates the basic structure of the Constitution. This argument, while historically grounded, makes a category mistake.

Like reservation in the Poona Pact was a response to Ambedkar's successful advocacy of Depressed Classes' claims at the 2nd Round Table Conference, the 103rd Constitution Amendment is a reflection of our garibi hatao politics today.

Diversification of national priorities: Taken together with the reservation of 25% seats for economically weaker sections in private schools under the Right to Education Act, EWS reservation represents a bipartisan resolve to use all means available to make greater educational and employment opportunities available to the poor: It is open to democratically elected governments to amend the Constitution to reflect such diversification of national priorities over time.

This marks an important political shift—reservations in the country are no longer only about caste. This does not mean, as the lead majority opinion points out, that the fight against deep-seated caste prejudices sought to be allayed through caste-based reservation stops. It simply means that additional reservation benefits will now be available to the poor as well, to cast the net wider than it has before.

EWS is not a forward caste quota:

The dissenting judges take issue with the fact that EWS reservation is available to those who have not previously had access to reservation, notably excluding SC and ST

communities. This, they conclude, is discrimination based on "social origin" as the lower caste poor are being excluded from this new track. While there is certainly an intuitive appeal in not asking a poor person for a caste certificate, the argument runs into two problems.

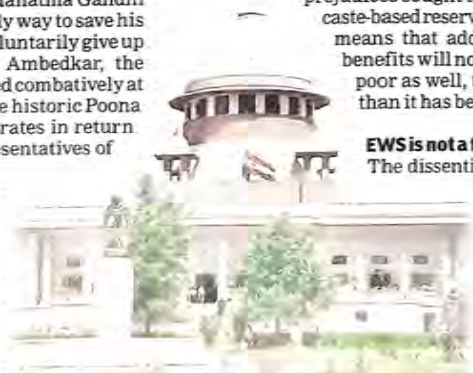
- Considering EWS reservation a "forward caste" reservation is misleading. The text of the constitution amendment is clear—it is available to anyone other than the socially and educationally backward classes who already have access to reservation. This includes, other than the poor amongst forward castes, the poor amongst Muslims, Christians and other religious minorities.

- Exclusion within the poor is not on the ground of "caste" or "social origin" but rather on the ground that access to reservation has already been provided. Those who have had one bite at the cherry are excluded from getting a second. While this choice may be questioned as a matter of policy design based on on-ground statistical realities, it is not a matter for the courts.

This is where the dissenting judges sound an important cautionary note. The excessive compartmentalisation of society through reservations does not bode well for the constitutional ideal of oneness and fraternity. Caste-based reservations have gone well beyond the Ambedkare understanding of ensuring dignity for Depressed Classes, hitherto at the margins of society. Now, as the door has been opened for non-caste based reservations, the list of aspirants for reserved seats will only grow.

The way it is unfolding, the political endgame of reservations carries the risk of chopping away at the public sphere into narrow sectarian slices. Reservation is a special antidote to cure the ills of division, but in large doses, may cause more problems than it solves. The way forward for India cannot be through new definitions of backwardness.

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India is on its way to becoming an anti-knowledge polity

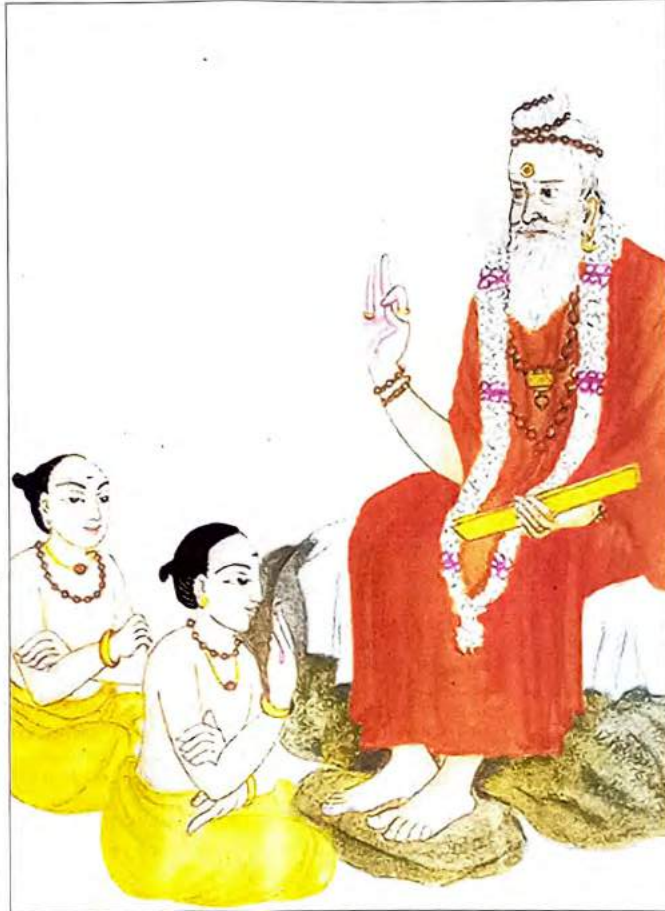
Regressive thought

G.N. DEVY

One of the recurring themes in the Bharatiya Janata Party-led government's discourse is that of making India 'vishwaguru'. The government's policy for education, its restructuring of the higher education regulators, its wishful depiction of ancient India, and its cultural politics are all oriented towards claiming for India the status of a 'knowledge-country'.

On the face of it, the idea sounds alluring. But it cannot be accomplished through patting one's back or through propaganda. Unless the deep incompatibility between the 'Sanskrit universe of knowledge and the 'universal knowledge' by which the world lives is understood, all adventurist steps taken are likely to result in the exact opposite of what is being desired. In the process, India may be pushed into becoming an anti-knowledge nation.

Throughout human history, man has attempted to understand the universe by using various ingenious methods of encrypting its formal and material features. From the ancient Egyptian hieroglyphs and Greek trigonometry to medieval Europe's magical code languages, these methods had essentially aimed at storing human experiences in ways that would make them 'transferable'—giving them life beyond their natural life. The desire to represent, store, transact and pass on to the succeeding generations what humans 'know' culminated in the conceptualisation by the 17th century German thinker, Gottfried Wilhelm Leibniz, of a 'pure language', a language of signs that do not have meaning in themselves but have the ability to represent constant and entirely non-subjective meanings. During the historical phase of transition from the use of Latin to that of the modern European languages for intellectual and imaginative expression, the obsessive attraction for inventing a symbolic method for 'stating knowledge' made it possible for European scholars to arrive at sorting ideas in terms of what came to be accepted as 'universal science'. Earlier, in 1582, Giordano Bruno had come up with the idea that combining 'associations of ideas' in manageable symbolic strings would help hold a vast amount of knowledge in a relatively small band of human memory. A century later, in 1675, Leibniz proposed his celebrated 'logical calculi', stated in the aphorism, 'existere nihil aliud esse quam harmonicum esse' — 'to exist is nothing other than to be harmonious'. In that span of a century and a



Inclusive enough?

half, from Bruno to Leibniz, Europe had discovered the ability of the human mind to reduce diverse perceptions to a 'harmonised understanding', capable of being stated in abstract terms. This ability is what is described in philosophical terms as 'rationality.' If René Descartes (1596-1650) gave to Europe the philosophical basis for its rationality, often highlighted through his claim, 'Je pense, donc je suis' ('I think, therefore I am'), Bruno, Leibniz and their contemporaries gave Europe the 'method' of stabilising knowledge on the bedrock of rationality.

The history of 'sorting out and storing ideas' in Europe should be of interest to India as well for in the process memory started getting transmuted from being just a commonly shared heritage of human societies to a higher order platform for commanding and canonising the cerebral acts of humans, resulting in the idea of a 'universal knowledge', which is the real business of universities. These historical factors would not be of relevance to the analysis of the trajectory of 'knowledge' in India had it not been for the fact that they clearly point to the use

of memory for encrypting and classifying knowledge. In Indian traditions of learning, memory had been a central interest from the earliest times. In fact, what was worth learning was described with the term, 'smriti' ('remembering' as well as 'the remembered'). The Bhagavad Gita states rather categorically that the weakening of *smriti* leads to the destruction of the intellect: *smriti-branshat buddhi-nash*. In ancient literature and theoretical compositions, special care was taken to aid and facilitate easy remembering of the text by introducing various accessible mnemonic tools, quite akin to the Ciceronian use of memory. Rarely has another civilisation in the world focused on developing natural memory as the central tool of learning as India did for millennia.

However, the fundamental difference between the turn that the 17th-century use of memory took in Europe and the fixation with memory in India was that the idea of a 'science of knowledge or a universal knowledge' did not find favour with those who were expected to cultivate knowledge. The idea of knowledge as 'knowing', bringing in a sub-

jective intuition as the horizon of intellect together with the seasoned use of memory for a flawless reproduction of the texts from the past, had resulted in 'guru-parmapara' and 'apprenticeship' becoming the privileged mode of education in India. This was a challenge. It became even more menacing when combined with the stringent gender and caste segregation that besieged Indian society more than two thousand years ago. The gender-exclusionary and clan or caste-based apprenticeship mode of knowledge transmission became a formidable hindrance to producing any genuinely 'universal science'. While a high-accuracy memorisation continued to be the tool for storing developments in ideas, the access to such memorisation was restricted by the caste origin of the learners. During pre-colonial times, two broad streams of memory-based knowledge emerged in India without the possibility for mutual exchange and cross-fertilisation: one, the memory traditions of those with access to abstract symbols, including writing; and, two, the memory traditions of those who were denied symbolic abstractions. The latter continued as 'knowledge-workers' within their limited confines. The possibility of India devising a grand scheme of classifying 'all that was known' in the diverse knowledge traditions with the help of a single and unified symbolic grid 'all memory' did not take shape.

It is with the wound of a deeply divided 'memory field' that India has been trying to internalise the idea of a 'universal knowledge' over the last two centuries. The 19th-century attempts to modernise society had to launch upon the project of creating access to a shared band of abstract signs the transition to new fields of knowledge that qualified to be 'universal' science. Similar, but far more difficult, was the struggle to get girls into formal education. After a century and a half of that difficult struggle, the BJP education policy is trying to prioritise and privilege the 'sanatan vidyas' and coaxing scientists to revisit long-forgotten theories in preference over what is described in the *Rashtriya Swayamsevak Sangh's* terminology as 'the pollution caused by Western knowledge'. Sheepish vice-chancellors and Boards of Studies are propagating the mood in order to safeguard their funding. If the project succeeds, we may soon find ourselves becoming an anti-knowledge nation. If the education policy imposed on universities asks for unquestioning acceptance of all that was ancient, the result will be a fatal loss of the ability to ask meaningful questions, the main task for which universities exist. Tel/11/10

बेवजह का विवाद

केरल की वाम मोर्चा सरकार ने एक अध्यादेश के जरिए राज्यपाल को प्रदेश के विश्वविद्यालयों के कुलपति के रूप में मिले अधिकारों से वंचित करने का फैसला किया है। राज्यपाल आरिफ मोहम्मद खान और प्रदेश की वाम मोर्चा सरकार के रिश्तों में पिछले कुछ समय से देखे जा रहे तनाव के मद्देनजर इस कदम को आश्चर्यजनक नहीं माना जा रहा है। हालांकि सरकार कह रही है कि इस फैसले का राज्यपाल



राज्यपाल की गरिमा बचाएं

के हालिया कदमों से कोई लेना देना नहीं है और यह उच्च शिक्षा में सुधार के उद्देश्य से उठाए जाने वाले नियमित कदमों का हिस्सा है, लेकिन कुछ ही दिन पहले हुए सीपीएम के राज्यस्तरीय सम्मेलन में साफ कर दिया गया था कि राज्यपाल की कथित मनमानियों पर अंकुश लगाने के लिए पार्टी किसी भी हद तक जाएगी। पिछले कुछ समय में राज्यपाल की ओर से कई ऐसे कदम उठाए गए, जिन्हें राज्य सरकार ने अपने अधिकार

क्षेत्र के अतिक्रमण के रूप में देखा है। खासकर राज्यपाल का प्रदेश के 11 उपकुलपतियों को इस्तीफा देने के लिए और मुख्यमंत्री को पत्र लिखकर राज्य के वित्त मंत्री के खिलाफ कार्रवाई करने के लिए कहना। हालांकि इन कदमों को लेकर राज्यपाल की अपनी दलील है, लेकिन फिर भी इतना तो स्पष्ट है ही कि एक-दूसरे की भूमिकाओं और दायित्वों को लेकर राज्यपाल तथा राज्य सरकार की व्याख्याओं में इतना अंतर आ गया है, जिसे पाटना संभव नहीं लग रहा है। सबसे बड़ी बात यह है कि केरल एकमात्र ऐसा राज्य नहीं है, जिसमें राज्य की निर्वाचित सरकार और केंद्र द्वारा नियुक्त संवैधानिक प्रमुख में टकराव की स्थिति बनी हुई है। दिल्ली में भी ऐसे टकरावपूर्ण हालात लंबे समय से बने हुए हैं, लेकिन दिल्ली को चूंकि पूर्ण राज्य का दर्जा हासिल नहीं है, इसलिए इसकी तुलना अन्य राज्यों से नहीं की जा सकती। मगर तमिलनाडु और तेलंगाना जैसे राज्यों में ऐसी कोई दलील नहीं दी जा सकती। तमिलनाडु में दोनों के बीच कड़वाहट इस हद तक बढ़ गई कि राज्य की स्टालिन सरकार ने राष्ट्रपति द्रौपदी मुर्मू से सार्वजनिक तौर पर अपील की कि वह राज्यपाल आरएन रवि को पद से बर्खास्त कर दें। इसी तरह तेलंगाना में राज्यपाल टी सुंदरराजन ने सार्वजनिक तौर पर संदेह जाहिर किया कि उनका फोन टैप किया जा रहा है। इससे पहले इस तरह के आरोप लगाए गए कि राज्य में विधायकों की खरीद फरोख्त की कोशिशों के पीछे राजभवन का हाथ हो सकता है। किसी भी राज्य में राज्यपाल जैसे संवैधानिक पद के इर्दगिर्द इस तरह के विवाद दुर्भाग्यपूर्ण हैं। अब तक के अनुभवों के आधार पर इतना जरूर कहा जा सकता है कि इनके पीछे संवैधानिक प्रावधानों की अस्पष्टता से ज्यादा उनकी अपने सुविधानुसार व्याख्या करने की प्रवृत्ति का हाथ है। इसलिए इसका हल निकालना भी संभव है, बशर्ते संबंधित पक्ष ऐसा चाहे।

EWS आरक्षण में OBC को क्या दिखा

नरेन्द्र नाथ

आर्थिक रूप से कमजोर वर्ग को 10 फीसदी आरक्षण देने के केंद्र सरकार के फैसले को सुप्रीम सहमति मिल चुकी है। इसके बाद अब देश में मंडल 3.0 का दौर शुरू होने की आहट सुनाई देने लगी है। भले यह फैसला केंद्र सरकार के लिए राहत की बात हो, लेकिन अब इस पर जो राजनीति शुरू हुई है, सरकार और बीजेपी के लिए उसका मुकाबला करना आने वाले दिनों में आसान नहीं होगा। कई क्षेत्रीय दल इस फैसले में अपने लिए मौका देख रहे हैं। सुप्रीम कोर्ट के फैसले ने आरक्षण की सीमा को 50 फीसदी से अधिक करने का विकल्प दे दिया है। पिछले कई सालों से आरक्षण बढ़ाने की मांग इसी सीमा को लेकर स्लीपिंग मोड में थी। लेकिन जैसे ही सुप्रीम कोर्ट का निर्णय आया, मौका देखकर पूरे देश में इससे जुड़ी मांगें उठने लगीं। समय के साथ इसमें तेजी आने की ही उम्मीद दिख रही है। आरक्षण का कोटा पिछले दो दशक से संशोधित नहीं हुआ है।

जैसे ही सुप्रीम कोर्ट का आदेश आया, बिहार से लेकर तमिलनाडु तक विपक्षी दलों ने अपना मांगपत्र केंद्र सरकार के सामने रख दिया है। हालांकि अधिकतर राजनीतिक दलों ने सुप्रीम कोर्ट के फैसले पर कोई टिप्पणी नहीं की, लेकिन सभी ने केंद्र सरकार को यह कहने में भी देर नहीं लगाई कि अब उनके सामने कोई बहाना नहीं होगा। तमाम ओबीसी संगठनों ने अपने लिए आरक्षण की सीमा को तुरंत बढ़ाने की मांग कर दी। वहीं तमिलनाडु की सत्तारूढ़ पार्टी ने इस फैसले के खिलाफ सुप्रीम कोर्ट में दोबारा जाने के संकेत दे दिए।



कसौटी

देश में सबसे अधिक तादाद ओबीसी की ही है। सवर्ण आरक्षण के बाद इनके कोटे को 27 फीसदी से बढ़ाकर 54 फीसदी करने की मांग उठने लगी है। अगड़े आरक्षण के बहाने ओबीसी के पैरोकार हर तरह से दबाव बनाने में जुट गए हैं। इसके लिए जातिगत जनगणना को सार्वजनिक कर उसी हिसाब से हर जाति को आरक्षण देने की मांग भी करने लगे हैं। उनका तर्क है कि चूंकि सुप्रीम कोर्ट के फैसले के बाद पचास फीसदी

से अधिक आरक्षण देने का रास्ता साफ हो गया है, ऐसे में अब उनकी मांग पूरी करने में कोई बाधा नहीं है। 2024 आम चुनाव से पहले इस मुद्दे के उठने के बाद बीजेपी और मोदी सरकार को अब इस मांग पर जवाब देने में परेशानी का सामना करना पड़ सकता है। देश में राजनीतिक रूप से ओबीसी सबसे बड़े वोट बैंक माने जाते हैं। ऐसे में इनकी मांगों को नजरअंदाज करना किसी भी दल के लिए आसान नहीं होता। यहीं पर विपक्ष को भी मौका दिख रहा है। अब वह इस मांग को लेकर संसद के अगले सत्र में और आक्रामक रूप से सामने आ सकता है।

पिछले कुछ सालों से ओबीसी राजनीति कई मौकों पर फिर से

पनपने का संकेत दे रही है। बिहार-उत्तर प्रदेश में नीतीश कुमार, तेजस्वी यादव और अखिलेश यादव जैसे नेताओं ने ओबीसी जनगणना करने की मांग की है। बिहार, ओडिशा, महाराष्ट्र, झारखंड जैसे राज्य इसके लिए विधानसभा से प्रस्ताव भी पास कर चुके हैं। उनका तर्क है कि ओबीसी जनगणना होने के बाद इनके लिए आरक्षण की सीमा को 27 फीसदी से बढ़ाकर कहीं अधिक करने का रास्ता खुल जाएगा।

केंद्र सरकार अब तक इसमें टालमटोल करती रही है, लेकिन अब उसके लिए और टालना मुश्किल हो जाएगा। दूसी ओर सुप्रीम कोर्ट के फैसले का साइड इफेक्ट इस रूप में भी देखने को मिल सकता है कि ओबीसी के अंदर क्रीमीलेयर में बदलाव की मांग और भी तेजी से उठे। क्रीमीलेयर के तहत सालाना आय 15 लाख करने का दबाव ओबीसी सांसदों की ओर से भी बढ़ेगा। वहीं सरकार पर ओबीसी कमिशन की बहुप्रतीक्षित रिपोर्ट सामने लाने का दबाव बढ़ेगा। 2017 में मोदी सरकार ने ओबीसी जातियों के बीच सब-कैटिगरी बनाने की पहल की थी, जिसके लिए एक कमिशन का गठन किया गया था। कमिशन की रिपोर्ट आने के बाद सब-कैटिगरी में आने वाली जातियों के आरक्षण को अलग-अलग भागों में बांटा जा सकता है।

प्राइवेट सेक्टर क्यों रहे बाहर

मालूम हो कि मंडल कमिशन की सिफारिशें लागू होने के बाद से ओबीसी को सरकारी नौकरियों में 27 फीसदी आरक्षण मिलता है। सरकार का दावा है कि ओबीसी के अंदर सब-कैटिगरी के गठन से अधिक से अधिक जरूरतमंदों को आरक्षण का लाभ मिलेगा। अब विपक्षी दलों का कहना है कि सरकार कमिशन की रिपोर्ट को सार्वजनिक करे और ओबीसी आरक्षण को नए सिरे से लागू करने की पहल करे। वहीं केंद्र सरकार संभावित विवाद को देखते हुए खुद अपने बनाए कमिशन को ठंडे बस्ते में रखने की कोशिश पिछले कई महीनों से कर रही है। इसके साथ ही आरक्षण का विस्तार प्राइवेट नौकरियों तक में करने की भी मांग उठने लगी है। साल 2018 में सवर्णों को नाराजगी को दूर करने के लिए जब 10 फीसदी का इंडब्ल्यूएस आरक्षण लाया गया, तब एससी-एसटी एक्ट में बदलाव के बाद आंदोलन हो रहे थे। अब उसी तरह से केंद्र सरकार के सामने ओबीसी तबके की मांगों का भी दबाव बढ़ेगा। आने वाले दिन ओबीसी राजनीति का नया दौर दिखा सकते हैं।

नए सिरे से कोटा तय हो

दरअसल जब से अगड़े गरीबों को आरक्षण दिया, तभी से ओबीसी के अंदर इस मसले पर अलग से तरीके से विरोध का मौका भी दिख रहा है। तब से वे आबादी के प्रतिनिधित्व के हिसाब से आरक्षण को नए सिरे से तय करने की मांग कर रहे हैं। उनकी ओर से यह तर्क आया है कि जिस तरीके से अगड़ों के लिए उनका कोटा 10 फीसदी तय किया गया, उसी हिसाब से अब उनके कोटे को भी बढ़ाया जाए।

In the Service of Job Creation



Ritam Chaurey & Gaurav Nayyar

The contribution of the services sector to structural transformation is often overlooked by policymakers who are most concerned with the movement of labour from agriculture to manufacturing. In 2018, the services sector accounted for 53% of India's GDP, rising from 37% in 1990. This reflects a larger trend of 'premature deindustrialisation' across developing economies where the services sector has grown relatively faster than manufacturing.

However, unlike many other countries, a large part of the services sector's growth in India is attributable to information and communications technology (ICT), professional and other business services that are tradeable and offshoreable just like goods. The share of these tradeable services (TS) in India's GDP increased from about 1% in 1990 to 10% in 2018. Over the same period, the share of com-

merce and hospitality services in India's GDP increased from 7% to 12%, and that of construction services from 7% to 8%. Which is why India's services-led growth story is much cited.

However, the share of ICT, professional and other business services in total employment was as low as 2.6% in 2018. Given their skill intensity, it remains unclear whether these TS can provide large-scale employment to become an engine of structural transformation. Large numbers of low-skilled workers are often employed in services like retail and hospitality associated with a high intensity of face-to-face interaction between consumers and service providers. Demand for these non-tradeable services (NTS) is typically constrained by the size of the local market. This reduces workers' opportunities to benefit from international trade.

An August 2022 National Council of Applied Economic Research (NCAER) paper (bit.ly/3tmTpUE) asks whether NTS that account for the lion's share of India's services employment can benefit from services trade. Using Economic Census data, the paper studies the effects of employment growth in TS on employment growth in NTS across Indian districts between 1990 and 2013.

A standard measure of tradability



On the job search engine

based on the ratio of intra-national to international trade flows is used to classify services sectors as tradeable or non-tradeable. TS comprise water and air transport, warehousing, IT services, media-related and cultural, arts and entertainment services, architectural and engineering activities, scientific R&D and sports activities. NTS include wholesale and retail trade, land transportation, postal and courier services, accommodation and food services, legal, accounting, education, health, personal services, residential care and repair services.

Using a standard statistical technique that identifies causal impact, a 10% increase in TS employment is found to lead to a 4.2% increase in TS employment. Also, the increase in TS employment increased the number of firms in NTS by 2.8%. It is demand-side factors rather than supply-side linkages that explain this positive relationship. House-

hold expenditures on key NTS are found to have increased in districts exposed to larger increases in employment in TS.

The analysis also shows that the impact of services trade on NTS is much larger for female workers. A 10% increase in TS employment leads to a 9.1% increase in NTS employment for women compared to 4.2% for men. The differences are even larger between women-owned and men-owned firms. A 10% increase in TS employment leads to a 13.7% increase in women-owned firms in NTS, compared to a 1.6% increase for male-owned firms.

Overall, the benefit of services trade goes beyond the jobs it creates directly in the TS sector. Each additional job in TS leads to 7-8 additional NTS jobs. The positive impact of TS growth on the number of firms in NTS also holds enormous potential for employment growth because startups are most prevalent in NTS, such as retail and hospitality.

Last, but not least, the positive impact of services trade on NTS — where women are more likely to work — can boost currently low female labour force participation.

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FILE PHOTO

ET/12/10

In EWS verdict, a discrimination antithetical to equality

In its more than 70-year-old history, the Supreme Court of India has delivered a plethora of judgments touching on the fundamental tenets governing the Constitution of India's guarantee of equal treatment. On occasion, its verdicts have contradicted each other, with different Benches championing different meanings to the Constitution's text and values.

Some of this conflict is understandable. After all, the Constitution's most important promises – among them, the rights to equal treatment, personal liberty, and freedom of expression and religion – are couched in abstract language. The job of interpreting the Constitution's words, of fleshing out their real meaning, lies with the courts. Judges perform this task by looking not only at the text of the provisions but also by appealing to the Constitution's finest moral vision, by studying its history, and by applying rules and codes that have formed over time through an accretion of precedent. Naturally, in construing the guarantees of the Constitution, judges can arrive at varying conclusions on how the document must be read. These differences assume especial salience when the Court is called on to deliberate over the features that qualify as part of the Constitution's basic structure.

Exclusionary and discriminatory

Still, as Justice S. Ravindra Bhat holds in his powerful dissenting opinion in *Janhit Abhiyan vs Union of India* (November 2022), the Court's jurisprudence has pointed to certain underlying canons at the heart of the right to equality: notable among them the idea that caste-based or community-based exclusion is impermissible. But today this norm stands subverted. For the Court, in Justice Bhat's words, has "for the first time, in the seven decades of the republic, sanctioned an avowedly exclusionary and discriminatory principle," by upholding the 103rd Amendment to the Constitution.

The amendment, introduced in early 2019, altered Articles 15 and 16 of the Constitution, and granted to the state a power to provide for up to 10% reservation in government jobs and educational institutions for "economically weaker sections of citizens [EWS]". The change also mandated that the seats reserved for EWS would only apply to citizens other than the classes that are already eligible for reservation. Hence, persons belonging to Scheduled Castes and Scheduled Tribes (SCs and STs) and persons who are not part of the creamy layer of the Other Backward Classes (OBCs) would not be allowed to occupy seats in the newly earmarked quota.

Since 1973, when a 13-judge Bench of the



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The Supreme Court's judgment upholding the 103rd Amendment to the Constitution seeks to undo the existing logic of affirmative action

Supreme Court, delivered its ruling in *Kesavananda Bharati vs State of Kerala*, it has been clear that Parliament's power to amend the Constitution is not plenary. The Court held there that the limitations on the amending power are both implicit in the Constitution and evident from the literal meaning of the word "amendment". If the Constitution that emerges out of an amending process loses its original identity, the amending law will be deemed illegitimate. In other words, Parliament's authority does not extend to damaging the basic structure of the Constitution.

Petitioners contentions

In *Janhit Abhiyan*, the petitioners contended that the 103rd Amendment violated the basic structure for at least three reasons. First, that predating reservation on individual economic status undermined the original logic of reservations. This logic, they claimed, was wedded to an understanding that affirmative action is necessary to undo, and make reparations for, structural inequalities inherent in society. Second, the amendment is discriminatory because it excludes from EWS, SCs, STs and OBCs who are otherwise entitled to reservation through measures made under the extant provisions of Articles 15 and 16. Third, some petitioners also argued that the amendment breaches the 50% cap on reservations that is now seen as an inviolable rule.

Justices Dinesh Maheshwari, Bela M. Trivedi, and J.B. Pardiwala – each of whom wrote separate opinions for the majority – and Justice Ravindra Bhat (whose opinion was also adopted by (the then) Chief Justice of India U.U. Lalit) were in unison in affirming the idea that reservation could be validly made on exclusively economic grounds. This conclusion, however, belies the founding rationale for affirmative action in India, which stemmed from a demand for a fairer share in political administration for historically marginalised groups. To that end, reservation has always been seen both as a means towards achieving substantive equality and as a measure of reparation. It is for this reason that a nine-judge Bench of the Court in *Indra Sawhney vs Union of India* (1992) held that economic status cannot serve as a sole criterion for identifying which sections of people qualified as "backward classes".

Yet, it is possible to argue – although the majority in *Janhit Abhiyan* does not quite cite this as its reason – that while the Constitution demands equality, it does not tether Parliament to any precise version of the concept. Therefore, today's State could plausibly be acting within its power in deciding that a classification resting

solely on economic status furthers substantive equality. It could well contend that the inclusion of an additional layer of affirmative action does not by itself rise to the level of a basic structure violation.

The problem with the 103rd Amendment, though, is that in establishing a quota on economic grounds, the Constitution also excludes from an otherwise open domain those classes of persons who are eligible for the extant policies of reservation. The result is the creation of a quota for the upper caste. The majority on the Bench defends this on an application of a principle of "reasonable classification". "If the economic criteria based on the economic indicator which distinguishes between one individual and another is relevant for the purpose of classification and grant of benefit of reservation under clause (6) of Article 15," writes Justice Pardiwala, "...then merely because the SCs/STs/OBCs are excluded from the same, by itself, will not make the classification arbitrary and the amendment violative of the basic structure of the Constitution."

What the ruling ignores

But the ruling fails to see that reservations permitted for SC, ST and OBCs, far from being a favour bestowed on them, are intrinsic to the guarantee of equality. This position has been regarded as an axiom of our constitutional law at least since the five-judge Bench ruling in *State of Kerala vs N.M. Thomas* (1975). Indeed, as Justice Bhat points out, the benefits accorded to SC, ST and OBCs are not a "free pass" but a "reparative and compensatory mechanism". Therefore, unless we now deem the *Kesavananda* doctrine a theoretical irrelevance, the 103rd amendment ought to be seen as anathema to the Constitution's basic structure.

What is more, as Justice Bhat points out, there was also no material placed on record before the Court to show that "those who qualify for the benefit of this economic-criteria reservation but belong to this large segment constituting 82% of the country's population (SCs, STs and OBCs together), will advance the object of economically weaker sections of society". Viewed thus, the amendment's objective becomes clear: reverse the existing logic of affirmative action and create shackles within the open category by excluding from it the most marginalised amongst us.

In ratifying this measure, the Court has condoned a most pernicious form of discrimination, a form of discrimination that is antithetical to what equality truly demands. If allowed to stand, the Court's verdict could open a Pandora's box of constitutional mischief. 11/12/22

Autonomy oils the wheels of higher education excellence

It is sad but not surprising why none of India's institutions of higher education appears in the list of top 100 universities of the world. The fact is that the best universities in the world are flush with funds. Critically, they insist and get a great degree of academic, administrative and financial autonomy. Autonomy is regarded as a necessary and sufficient condition to attain excellence.

In tandem, they allow a fairly high degree of autonomy to institutions under their jurisdiction. Their colleges and schools work as a 'university within the university', and the top leadership of the university has no qualms about this.

World rankings and India

In India, there are significant pieces of evidence to this effect. The 2023 edition of the QS world university ranking reckons that three of India's higher educational institutions amongst the top 200 of the world. Another three are counted among the top 300 whereas two more in the top 400.

The Times Higher Education (THE) ranking places only one Indian institution among the top 400 of the world. It is the same with the Academic Ranking of World Universities (ARWU). Barring one of the most eminent public-funded deemed universities of the country, all the rest are Institutions of National Importance (INIs) – the Indian Institutes of Technology (IITs), to be specific.

They are not only better funded but also generally self-governed, enjoying a greater degree of autonomy as they fall outside the regulatory purview of the University Grants Commission (UGC) and the All India Council for Technical Education (AICTE). In contrast, the best-ranked university in the country falls in the rank brackets of 521-30 in the QS, in the 801-1000th bracket by THE, and in the 601-700th bracket by the ARWU.

Funded through the University Grants Commission (UGC), universities are all subject to a very strict regulatory regime. Abiding by UGC



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regulations and AICTE guidelines, encompasses almost all aspects of their functioning be it faculty recruitment, student admission and the award of degrees. In many cases, they are micro-managed by the regulatory authorities.

Therefore, most of them have become so comfortable with the practice that they rarely assert their autonomy. Central universities in the country are also ranked on the basis of their 'obedience' to regulatory compliances. Even in the academic domain, many of them are comfortable in publicly stating that they have adopted the model curricula, pedagogy and syllabi prescribed by the regulatory bodies, even though the same may have been only indicative.

Autonomy is prime

On the contrary, the best universities in the world are continuously sensitised about the importance of their autonomy and are trained and enabled to make their own decisions. The European University Association (EUA), for example, prescribes a 'university autonomy tool' that lets each member university compare its level of autonomy *vis-à-vis* the other European higher education systems across all member countries. By focusing on four autonomy areas (organisational, financial, staffing, and academic) the EUA computes composite scores and ranks all the countries in Europe.

It is not that policy planners in India are oblivious to the idea and the importance of autonomy in higher education. A large number of commissions and committees, including the national policies on education (including the National Education Policy 2020), have highlighted the need for higher education autonomy. The new education policy seeks to completely overhaul the higher education system, and to attain this objective, repeatedly emphasises the need for institutional autonomy.

The NEP regards academic and administrative autonomy essential for making higher education multi-disciplinary, and that teacher and

institutional autonomy are a *sine qua non* in promoting creativity and innovation.

The policy considers a lack of autonomy as one of the major problems of higher education and promises to ensure faculty and institutional autonomy through a highly independent and empowered board of management which would be vested with academic and administrative autonomy.

It argues for a 'light but tight' regulatory framework and insists that the new regulatory regime would foster a culture of empowerment. Further, it goes on to say that by relying on a robust system of accreditation, all higher education institutions would gradually gain full academic and administrative autonomy.

These are but an excellent exposition of academic and administrative autonomy. Who can convince the academic bureaucracy better than the treatise called the New Education Policy? It may be reasonably assumed that such statements in the NEP genuinely mean what they propound.

Sadly, selective execution of the policy based on a convenient interpretation of the text is what is pushing higher education in the opposite direction.

Universities in India have been losing their autonomy. In the two years since the approval, announcement, and gradual implementation of the NEP, universities in India today are far less autonomous than earlier.

Higher learning centres in ancient India enjoyed no less academic, administrative and financial autonomy than the most autonomous universities in the world today. Forcing higher educational institutions to follow uniform standardised rules and regulations run counter to what the NEP provides for. Micromanagement of student admission, faculty recruitment, course contents, programme delivery and administration are a surefire recipe to take higher education farther away from excellence.

Pressure on higher educational institutions in India to follow common, uniform and standardised rules and regulations is regressive

Research first

The compulsion to publish has led to poorer quality of research

The UGC's decision to remove the mandatory requirement of getting research papers published in peer-reviewed journals before submitting a PhD thesis is a bid to stem the unhealthy practice of many scholars paying sub-standard, predatory journals to publish their papers without sufficient review, which has weakened the quality of India's doctoral education. Seen from this angle, the UGC's move is indeed the right one. Studies have shown that a majority of doctoral students publish in such journals, rather than go through the more time-consuming process of submitting their drafts to reputed journals, awaiting review and revising. Given the insufficiency of scholarships and stipends, many students are also in a hurry to complete their doctoral degrees rather than taking the time needed for quality research. The removal of a compulsory requirement is also in line with global regulatory standards. However, while paper publication is not mandated in most countries, it is certainly considered essential for any top researcher, with many theses consisting in their entirety of published papers. The UGC has also emphasised that it would be advisable for scholars to publish papers in high-quality journals for their own sake, as it would add value to their PhD for any post-doctoral opportunities. The regulator hopes that by removing the mandatory requirement, it can help create a more conducive atmosphere for self-motivated research by students and universities, as is found in the IITs which do not have such a requirement.

The removal of the mandatory requirement is also an acknowledgement of the diversity in academic disciplines; in some branches of the humanities, the publication of a monograph is a more accepted method of communicating with academic peers than journal papers, while top computer science researchers may value conference presentations over journal publications. Patents obtained are also seen as a better indication of the quality of research in some disciplines. Removing the mandatory requirement will thus allow for more innovation. There is, however, some concern that the removal of mandatory requirements will result in a further dilution of quality, as the worth of a researcher and a university is judged on the basis of papers published and cited, with funding also dependent on such benchmarks. To encourage students to publish in reputed journals even without a mandatory requirement from now puts the onus on university research advisory councils and doctoral supervisors to up their game. Given that a reason students rush to publish is the need to quickly complete their PhDs due to financial constraints, higher levels of funding are urgently needed to ensure that the UGC's move does not backfire.

Education sans employability



VIJOY KANT DAS

The higher education in India does not bother about employability of the students thereby adding to the fleet of educated unemployed

India has the demographic dividend of having 65% of its youth in the working age group. The number of pass-out graduates is also satisfactory. But the crucial issue is their employability. Businesses and industries are disappointed with the graduates lacking the right kind of employability skills. The difficulty in filling up jobs, therefore, is 58% in Bharat, which is much above the global standard of 38% (as in 2015). As per India Skills Report-2021 (Chamber of Indian Industry, CII), only 42.72% of Arts graduates, 40.30% of Commerce graduates, and 30.34% of Science graduates of the country are employable. Split into gender, 41.25% of women were considered employable against 38.91% male.

Employability surveys find in graduates, apart from a lack of technical skills, poor communication and language skills. Business and industry prefer operational expertise to sheer scientific and academic knowledge. The makers of National education policy 2020 are aware of this ground reality. The primary reason for the low employability of students in mainstream courses is the poor quality of instruction received in the HEIs. As per AISHE (2019-20) report, 79.41% of students pursuing mainstream graduate courses were enrolled in private affiliated colleges, which hardly follow the quality parameters of teaching and learning.

Such HEIs are not properly regulated by the affiliating universities and respective state governments. If the employability of graduates is to be improved, ensuring quality teaching in these institutions is the first prerequisite. Enrolment in primary and middle schools witnessed a tremendous increase with Sarva Shiksha Abhiyan (2001) preceded by District Primary Education Programme (1994) and in secondary classes under the impact of Rashtriya Madhyamik Shiksha Abhiyan (2009). Conscious efforts to raise the enrolment of girls through incentives and facilities also yielded positive results. All these



led to a massive upsurge in admission to higher education. The major initiative for higher education came as late as 2013 with Rashtriya Uchchatar Shiksha Abhiyan (RUSA). State governments and universities that grant affiliation, need to regulate the private HEIs if we have to produce quality graduates. Job-oriented courses are the panacea for the malaise of unemployability. However, the generic mindset of our society is to go for an academic bachelor's degree because vocational courses are held in low esteem.

A pragmatic approach, in this backdrop, will be to integrate vocational education with general education in colleges. NEP also wishes to overcome the social status hierarchy associated with vocational education by gradually integrating it into mainstream education. The first step should be strengthening the vocational courses running in government or university colleges. These courses need to be made skill-specific by re-orienting the curricula to National Occupational Standards (NOS) and relevant Qualification Packs

EVERY COLLEGE OF THE UNIVERSITY SHOULD OPEN COMMUNITY COLLEGE ON ITS CAMPUS TO RUN B VOC COURSES WHICH AIM AT SKILLING, RE-SKILLING AND UP-SKILLING. IN 2018-19, TOTAL ENROLMENT IN B VOC WAS ONLY 33,263.

(QP) formulated by respective Sector Skill Councils (SSC). Since these courses are run under a self-financing scheme, only guest teachers of poor quality are hired for low wages. MSDE, which regulates vocational training, and ME, which regulates vocational education, need to act in perfect coordination in this respect. Vocational courses should be accredited by the National Board of Accreditation (NBA). Some region-specific courses should be introduced after studying data on demand and supply provided by Labour Market Information System (LMIS).

Every college of the university should open Community College on its campus to run B Voc Courses that aim at skilling, re-skilling, and up-skilling. In 2018-19, total enrolment in B Voc was only 33,263. This course needs to be popularised to improve the employability of youth. Community colleges should be properly linked up with the governing authorities of the government. The courses to be chosen must be relevant to the job market.

The course composition for B Voc combines skill com-

ponents and general education credits in a ratio of 3:2. The B Voc program has multiple entry and exit options, like what NEP proposes for mainstream graduate courses. Anyone having passed higher secondary in the conventional or vocational stream may get admission. The course structure of B Voc is also similar to vocational courses in the mainstream. The German, Austrian and Swiss models that allow healthy convergence of vocational and conventional streams with flexible framework inside should also be considered. Nearly 79% of youth in the 18-23 age group, who are not enrolled in higher education, can be attracted to it if the employability of graduate courses is improved. The higher education system of Bharat is a sleeping giant which needs to be made a proactive, dynamic, and responsive sector capable of churning out good quality human resources by galvanizing it into action on the measures proposed hereinabove.

(The writer is a member, Bihar State University Service Commission. The views expressed are personal)

'Assamese science literature has glorious history'

Face to Face

Prasanta J Baruah



Assam witnesses a lot of crimes related to superstition and age-old prejudices including witch hunting. How can we fight such problems?

Generation of awareness amongst the masses and strict enforcement of law will only be able to prevent such crimes. Assam's 2015 law against witch hunting and black magic is said to be the best in the country, but its implementation is still not up to the expectation. Bodies like the Assam Science Society, the Assam Science Writers' Association, the Elora Bijan Mancha, and the Assam Chapter of the All India Peoples' Science Network have been doing yeoman's service in generating awareness against superstition and inculcating scientific temper amongst the masses, but the societal and religious dogmas are still prevailing in certain corners of the state. The state has to firmly handle the forces instigating people for such nefarious activities.

How can we inculcate scientific temperament among our people?

The bodies I have mentioned before and many others have been engaged in generation of scientific awareness and inculcation of scientific temper. Modern facilities like computer, group meetings and apps, other IT gifts and traditional methodologies like dramas, features, folk songs and dances, and *ojha-pali* and puppet shows are being used to communicate science to various target groups. These have attained their own levels of success. The government has also rendered service in this area through its various departments. However, we are still much below the expected level and greater efforts are needed in this regard. Governmental incentives must be enhanced to approach the level mandated by our Constitution which states that: it shall be the duty of every citizen of India "to develop scientific temper, humanism, and the spirit of inquiry and reform."

There are only a few science communicators in Assam who have been writing for decades. Why have we failed to produce a new generation of science communicators?

Although the content of science communication is science as related to the society, the 'communication' part of it is an art which has to be developed by the science communicators through training and practice. To communicate a con-

tent that is popularly perceived as unpleasurable demands a lot of devotion and skill which many of the writers are not ready to imbibe. Moreover, this endeavour has the potential to be a thankless and even a dangerous pursuit. One generally does not enter into this area if one does not have the inner inspiration. On the other hand training programmes for science communicators are only few and far between. In order to draw more young blood to the area, more and more training programmes and incentives should be there.

What do you feel about the role of ASTEC and Assam government in popularising science? What strategy should they adopt?

ASTEC and the Science, Technology and Climate Change Department have been carrying out a number of programmes for science popularization. The science museums and planetariums have been drawing huge crowd, the Aryabhata Science Centres in each of the development blocks have developed strong contact with communities, Children's Science Congresses are organized, various important publications are brought out, and annual and other awards are also given out for science popularization and environment preservation efforts. I feel that more and more training workshops should also be

organized.

The Assam government has proposed learning of science and Mathematics in vernacular medium schools from Class 3. What is your take on this issue?

The proposal will be detrimental to the students because their level of English is not adequate for taking this extra burden. Many of the teachers who are good in their subjects may also not be confident to teach the subject through English because they are not habituated with that. Status quo should be maintained in this matter.

What challenges did you face in pursuing science writing?

Our society is always a very good recipient of science and we don't face any challenge from the society. We faced some problems in getting source materials, but now because of internet and online book stores we don't have much of those problems.

What role can media play in popularizing science writing?

The electronic, IT and print media can play a greatly influential role in these efforts. However, sometimes they play a negative role. There should be some control mechanism against this and incentives for good work from the state and the other bodies in the field should also come forth.

Dr Dinesh Chandra Goswami is an eminent Assamese science and science fiction writer. He has written seven novels, eight short story collections, many radio dramas, 53 popular science books including many children's books. He has edited about 200 books. National Book Trust has published a collection of his science fiction short stories in Assamese and also its English version. He has been honoured with several awards by Asom Sahitya Sabha, NBT, Sahitya Akademi, Assam Publication Board among others. The President of India has honoured him for his contribution to children's literature.

Why is people's awareness of science important in a place like Assam?

Science literacy and scientific temper are important not only for the people of Assam but for every individual in every society of the world, since these attributes enable people to make proper judgment in their day to day life and participate in the process of decision-making on the issues where science and technology is involved.

What is the status of science literature in Assam? What is the reason for less production of science fiction in Assamese literature in comparison to other genres?

Science literature in Assamese has a long and glorious history and from the very beginning its quality has always been quite good in comparison with that in many other Indian languages. In 1914 itself Ambikagiri Roychoudhury wrote a piece resembling a science fiction

(SF) story and in 1937 the first Assamese SF short story *Birasatiyaar Dex* was written by Hari Prasad Baruah in *Awahan*. From then on a number of writers have penned SF stories and novels some of which can be labeled as very high quality ones even in the context of the mainstream Assamese fiction. Many of these are comparable with, if not better than, the best Indian SF stories. We can take pride in saying that NBT and Sahitya Akademi have so far published only one collection each of vernacular SF stories and both of these are in Assamese. It is difficult to say why more writers have not been attracted to the genre of SF even though readers' reception is quite good, but one reason could be that the genre demands meticulous research, and a high level of imagination and planning, for which many writers are not ready to devote enough time.

For its own sake, Hindi belt needs English more

Last month, Madhya Pradesh initiated implementing medical education in Hindi by releasing three textbooks in that language. It was of a piece with the National Education Policy 2020's mandate to empower a state's local language. A number of luminaries in the medical community (including Hindi-speakers) lit into it. They asked: In a field as important as public health, whose best practices perhaps accrue to you only through the English language, was this switch in medium required? Won't it further worsen the prospects of young Indians who have grown up without English and who necessarily need to know it?

It seems Indian policymaking has mastered the habit of tying itself up in knots over the place of Indian languages and that of English. They don't see English now as an Indian language which Indians stake claims over. The MP episode convinced me further that there is no country in the world so deluded about its past, listless about its present, and directionless about its future as contemporary India. The thought-process informing essential areas such as medical education betrays the acuity of our funk. In the 21st century, to not leverage our command over English and to be still conflating it only with colonialism is utterly self-sabotaging, even if we were to ignore the hypocrisy of it. Notwithstanding its flip sides, English has enriched and empowered India.

There is no language the people of India need more today than English. Not Queen's (or should that be King's, now) English, but working, functional English. We run around in circles on it. Why do we think of English and the Indian languages in binaries only? It assumes that our native languages are unalloyed and 'pure'. Far from it. Indian medical experts and scholars have criticised even the Hindi that is in use in the recent medical syllabi. In a language and dialect-diverse countryside, should medical students from non-English-speaking environments, who are already coping with communication issues if they move from their home state to another place, be saddled with learning a new language? Are these priorities?

It's an unpopular thing to say at the moment, but India needs much more English to grow as a country and improve its global prospects. It must reach our remotest corners. Surely, our local languages must be given a fillip, but that mustn't transpire at the cost of English. This doesn't mean India over-anglicises itself. In any case, in the present, it can be commonly assumed that most Indians with some education would easily be exposed to more than one Indian language. Hindi is most likely spoken in every part of India, although surely the extent varies from the north to the other parts. Hindi doesn't need a greater boost as our 'national' language.

Almost all the non-Hindi speaking states perceive Hindi as a hegemon. At one point of time, the Shiv Sena in Maharashtra objected to Hindi signages in Mumbai. That people so close to Hindi as the Maharashtrians saw it this way indicates how much anti-Hindi sentiment exists across India. When you have boondock bad-land states such as Uttar Pradesh exemplifying Hindi identity, you haven't any hope in hell to win people over to it. In the eyes of the non-Hindi speakers, it has a massive image problem. Hindi's connotations make it look more colonising than even English. A large part of non-Hindi-speaking India will accept English over Hindi any day. Current moves to promote the local languages must not come at the cost of English. If anything, the Hindi-belt states in the north must take the lead to promote English education. For its own sake, North India must not let the desire for Hindi hegemony mar the prospects of its own youth. 24/11/22



Rahul Jayaram

the Vidyashilp
University academic
believes we are
living through the
apocalypse

@rajayaram

EWS quota: A new politics of Leader's patronage, Voter's loyalty

GOV-SHASTRA



Yamini Aiyar
the think tank head indulges in wonkery, but is really just intrigued by the everyday life of the Sarkar



Last week's Supreme Court verdict upholding the 103rd Constitutional Amendment, which introduced a 10% reservation in jobs and seats in educational institutions for Economically Weaker Sections (EWS) among unreserved categories marks an important moment in India's democratic trajectory.

In the days that followed the legal, social and institutional ramifications of this foundational shift in India's reservation policy – which in essence created an upper caste quota – have been the subject of debate amongst the commentariat. But in the party-political arena, there is a near-consensus (with the exception of DMK) in favour of the EWS quota. The near-absence of political contestation over upper caste claims to quotas is a political puzzle. Part of the explanation lies, in my view, in caste as the primary arc of political mobilisation being complimented by an emergent model of voter mobilisation that focuses on crafting a direct connection between centralised party leadership and the voter through new forms political branding and reshaping of welfare provisioning. Unpacking this is important to understanding the dynamics of today's politics and its long-term consequenc-

es on democracy.

The interplay between reservation policy and political mobilisation has fundamentally shaped the trajectory of democratic politics in India. Reservations found place in our Constitution primarily as compensatory provisions to redress historical disadvantage. As democracy took root and successfully created space for new representational claims, especially amongst hitherto disadvantaged caste groups, reservation quotas emerged (and remain significant till today) as the tools through which different caste groups could be mobilised to lay claims on state power and resources. Over decades, party competition intensified and with it, demands for reservation acquired their own political logic and expanded, even as political mobilisation around caste was increasingly cast in the language of social justice, group rights and dignity.

Arguably, the salience of reservations as a tool for political mobilisation set limits on the promise of a genuine politics of social justice and rights, especially in North India, by creating a political context in which reservations become the end rather than the means, leading us to the present moment where we now have a quota for

everyone! It is worth pointing out that the real travesty in the introduction of EWS quotas is the attempt to rationalise it as necessary to address injustices of economic inequality and poverty. It is absurd to argue that the 10% quota is a way to address deep-seated policy failures to invest in health, education and create quality jobs.

But I digress. The trajectory of caste-based political mobilisation created a dynamic in which the relationship between the individual voter and the political party (including its leadership) was mediated primarily through group-based identification and collective, interest-based claim-making on State resources. In recent years, and especially with the dominance of the BJP, the dynamics of voter mobilisation is undergoing a profound shift. Increasingly, voters are being mobilised through a strategy of establishing a direct connection with the party leadership. The leadership is deified and a combination of tools from technology and modern communication to direct welfare benefits are deployed to establish this connect and build moral legitimacy of the leader as the sole patron and provider, in return for voter loyalty and abject trust. This is what Political Scientist Neelanjan Sircar calls the

"politics of vishwas" – a politics built around the charisma of the leader. Group identity is being carefully relegated to the background and the direct relationship is forging voter mobilisation.

This is not a new phenomenon in Indian politics. Jayalalitha, and Indira Gandhi before her, successfully created these forms of personalised, leadership-driven voter mobilisation. But what distinguishes this moment is the careful nurturing of a new category of citizen – the welfare beneficiary (or *labharthi varg* in the BJP lexicon) whose identity is shaped by "economic need" and eligibility to access welfare schemes. *The labharthi* transcends the traditional logic of group-based mobilisation. She is mobilised through appeals for loyalty to the welfare patronage of the party leader. The BJP has perfected this to an art form, but all political parties are experimenting with versions of this kind of political mobilisation. In state after state, you will find that almost every caste "category" of citizen receives welfare benefits in some form, with the party leader positioned as the primary provider of these benefits. In Bengal, for instance, Mamata Banerjee used a combination of personalised, gender-based appeals and welfare delivery to

prevent Hindu-Muslim consolidation from becoming a deciding factor in the election.

The power of the *labharthi* framing lies in its ability to reach voters outside of their group identities and blunt the mobilising edge of interest-group mobilisation. If you need proof, consider the fact that EWS quotas were implemented by the BJP in the run-up to the 2019 elections but never made their way into the electoral rhetoric. You can, in the present moment, implement upper caste quotas and hold on to the Dalit vote!

So, does this mean that the days of reservation politics and caste-based identity-claiming are over? Quite the contrary. We are now in a political arena of intense quota-based competitive political power play amongst all castes. As is evident from the fact that it is the BJP that brought in the 103rd Constitutional Amendment and facilitated the creation of a new category of upper castes as EWS. So, caste still matters for access to State resources. But the democratic promise of a genuine politics of social justice has now given way to an expedient, personalised politics of welfare premised on the deification of the leader and the loyalty of the voter. This is the real challenge that democracy in India confronts today.

How has the EWS ruling altered reservations?

What has the Supreme Court said on income-based reservation while upholding the 103rd Constitution Amendment? Why was there a dissent by two judges? How have Articles 15 and 16 been amended to allow special provisions for economically weaker sections?

K. Venkataraman

The story so far:

The Supreme Court, by a 3:2 majority, has upheld the validity of the Constitution (103rd Amendment) Act, 2019, providing reservation up to 10% for Economically Weaker Sections (EWS) in education and employment among those groups that do not come under any community-based reservation. The legislation marked a major change in the country's approach to reservation. From a form of affirmative action in which membership of a social group was the main basis for extending reservation, it moved towards using income and means as the basis for special provisions.

What did the amendment do?

In *Indra Sawhney* (1992), a nine-judge Bench had ruled that there can be no reservation solely based on economic criteria, as the Constitution did not provide for it. The 103rd amendment introduced Article 15(6), an enabling provision for the state to make special provisions for "any economically weaker sections of citizens" other than those mentioned in the previous two clauses, namely, the "socially and educationally backward classes" and Scheduled Castes and Scheduled Tribes. It also introduced a corresponding Clause 6 in Article 16 to enable reservation for "economically weaker sections", other than the SEBCs and SC/ST, in public employment and education. Article 15, which protects against discrimination on any ground, and Article 16, which mandates equality of opportunity in public employment, were thus changed to allow special provisions and

Justice Bhat noted that while introducing an economic basis for reservation, the socially backward classes had been arbitrarily excluded

reservations for the EWS category, subject to a maximum of 10%.

Following this amendment, the government also notified in 2019 the criteria to identify EWS. By this, anyone having an annual family income of less than ₹8 lakh from all sources in the financial year preceding the year of application would be identified as EWS for reservation purposes. Also excluded were those who had five acres of agricultural land, or a residential flat of 1,000 square feet, or a residential plot of 100 square yards and above in notified municipalities, or 200 square yards in other areas. The EWS quota has since been implemented in Central government and Central public sector recruitments.

What were the main grounds of challenge?

A law can be declared unconstitutional if the court finds that it violates fundamental rights. However, when the law is a constitutional amendment, it cannot normally be struck down, as it is part of the text of the Constitution. However, the Supreme Court evoked the 'basic structure doctrine' under which it has held that Parliament's power to amend the Constitution has some inherent limitations.

A substantive limitation is the principle that an amendment to the Constitution cannot abrogate or destroy its basic structure. While there is no exhaustive list, concepts central to the constitutional system such as secularism, federalism, independence of the judiciary, rule of law and equality before the law are considered its basic features.

Therefore, petitioners contended that the amendment violated the basic structure of the Constitution because it violated the equality code. The violation occurred (a) by the introduction of economic criterion when reservation was only meant for groups that were socially and educationally backward due to historical disadvantages and not due to individual lack of means, and by converting a scheme to overcome structural barriers for the advancement of social groups into an anti-poverty measure (b) by excluding OBC/SC/ST candidates from the EWS category and (c) by breaching the 50% ceiling on total reservation.

What is the majority's reasoning for upholding EWS quota?

Justices Dinesh Maheshwari, Bela Trivedi and J.B. Pardiwala, the three judges who constituted a majority of the five-judge Bench, rejected the basic structure challenge completely. They held that there was nothing wrong in addressing economic weakness through reservation as an

instrument of affirmative action. Reservation need not only be for socially and backward classes, but can also cover any disadvantaged section. Classifying a section based on economic criterion alone was permissible under the Constitution, and the EWS quota did not violate any essential feature of the Constitution.

The majority also ruled that the exclusion of the classes already enjoying reservation from the EWS category does not offend the equality principle. In fact, unless the EWS segment was exclusive, the object of furthering economic justice cannot be achieved. Regarding the breach of the 50% limit, the majority view was that the ceiling itself was not inflexible or inviolable. At the same time, another point in favour of the extra 10% quota was that the 50% limit was applicable only to the existing reserved categories (OBC/SC/ST), they said.

Why did two judges dissent?

Chief Justice U.U. Lalit and Justice Ravindra Bhat differed from the majority, with the latter writing the dissenting opinion. At the outset, the minority too agreed that introducing special provisions on the basis of economic criteria is legitimate and does not per se violate the Constitution's basic structure.

However, they held that the exclusion of backward classes from the category violated the basic structure. Justice Bhat noted that reservation was a powerful tool to enable equal access and equal opportunity, but while introducing an economic basis for reservation, the socially and historically disadvantaged classes had been arbitrarily excluded. Excluding them "on the ground that they enjoyed pre-existing benefits is to heap fresh injustice based on past disability," he said. He termed as 'Orwellian' the net effect that although all the poorest were entitled to be considered regardless of class or caste, only those from the forward classes or castes would be considered, and not those socially disadvantaged.

The conclusion was that the Amendment resulted in hostile discrimination against the poorest section of society that was socially and educationally backward, and that these classes were subjected to caste-based discrimination. Therefore, it violated the equality code, particularly the principles of non-discrimination and non-exclusion, which were part of the basic structure.

Justice Bhat had an additional ground to strike down Article 16(6). Article 16 mandates equality of opportunity in public employment, with representation for the *unrepresented classes* through reservation being the only exception. The EWS category "snaps this link between equal opportunity and representation" by introducing a category that is not premised on 'inadequate representation'. This reservation for those already represented in public employment violates the equal opportunity norm, which is part of the basic structure.



Split decision: Shiv Sena Dogra front workers celebrate the Supreme Court decision to uphold 10% EWS reservation on November 7. PH

K H A N V S V I J A Y A N

A THRILLING POTBOILER

Kerala is in the news over a bitter tussle between Governor Arif Mohammad Khan and Chief minister Pinarayi Vijayan. Not a day passes without 'gunshots' being fired from Raj Bhavan which are replied with a fusillade of missiles from the Chief Minister's office, writes KUMAR CHELLAPPAN

Kerala is in a state of turmoil. The distance between Raj Bhavan at Vellayambalam and Cliff House, Chief Minister Pinarayi Vijayan's fortified palatial mansion, has increased manifold over the last six months. Not a single day passes in the State without 'gunshots' being fired from Raj Bhavan which are replied with a fusillade of missiles from the CMO/A K Centre (the imposing State Headquarters of the CPI(M) adjacent to the Kerala University office at the heart of the capital city. Last heard, the Kerala Government under Vijayan's son-in-law Mohammed Riyaz are to stage a demonstration in front of Raj Bhavan on Tuesday against the alleged "high-handed" attitude of Governor Arif Mohammed Khan whom the Marxists describe as a "stooge" of the Sangh Parivar. There are reports that a former Home minister could join the siege of Raj Bhavan to add punch and spice to the event.

The State has never seen a situation like this though the Raj Bhavan had hosted the likes of V Viswanathan and N N Wanchoo (two widely respected and equally temperamental officers of the Indian Civil Service), P Sathasivam (former chief justice of India) and Sukhdesh Singh Kang (another retired judge of the apex court). The only exception was Ram Dulain Sinha,

appointed by the then Prime Minister Rajeev Gandhi and who held the Governorship from 1988 to 1990. The then chief minister E K Nayanar is reported to have shouted at her many times for delaying the Bills enacted by his government and sitting over the appointments made by the CPI(M) bosses to the universities as well as other quasi-judicial bodies.

Fortunately for Nayanar, with the change of Government in New Delhi in 1990, Sinha was called back and the V P Singh government appointed B Rachiah, a political lightweight from Karnataka as Governor. Not many people would remember Rachiah, who preferred to stay indoors and enjoy the salubrious environment of the Raj Bhavan. For that matter, most of the people do not remember the fact that V V Giri was the Governor of Kerala (1960-65) before he moved over to Delhi to take up the office of the vice president and then the President of India. Remember, Giri had occupied the Raj Bhavan when political shadow boxing between leaders like Pattam Thambu Pillai, R Shankar, P T Chacko were at their peak. Still, Giri managed to have an uneventful sojourn in Thiruvananthapuram except for his annual pilgrimage to Kottakkal Arya Vaidya Sala for the yearly Ayurvedic Rejuvenation Therapy, which he continued till he left the Rashtrapati Bhavan.

Arif Mohammed Khan was a stranger to Kerala when he was appointed as Governor in

2019. Except for the people who followed the political unrest in New Delhi in the aftermath of the famous Supreme Court verdict in the Shah Bano Case. But Governor Khan made a lot of difference in the social sphere of the State. His visits to the houses of young ladies who were murdered/killed for dowry and the day-long fast he observed as a mark of respect to the young brides who lost their lives to the avarice of their in-laws made him a household name in the State. This Governor did not found solace and comfort in the opulence of Raj Bhavan. He interacted with people in all spheres of life.

Governor's ties with Pinarayi Vijayan were never amenable. To say the least, Arif Mohammed Khan missed to opportunity to take a potshot at the Marxist government. The relation took a turn for the worse when the CPI(M) tried to extend the tenure of Kannur University Vice Chancellor Gopinath Ravindran, a committed Leftist. Though Ravindran, a historian reached the age of superannuation in 2020, the CPI(M) as well as Vijayan were adamant that his services should be extended for reasons known only to them. What went wrong is that there were many academics in Kerala and in the CPI(M) itself who were eyeing the post. The question being asked is what was the contribution of Ravindran in his tenure as vice-chancellor. Kannur University continues stagnating day by day and it may require an administrator-par-excellence to turn it around.

The tradition in Kerala has been that the ruling party at Thiruvananthapuram would appoint its nominees as vice-chancellors and faculty members. Both the CPI(M) and Congress do it when they are in power. When Nayanar became the chief minister in 1987, the then LDF Government brought U R Ananthamurthy as vice-chancellor of Mahatma Gandhi University. Though Ananthamurthy made a fortune, the standard of the University went down the drain from which it is yet to recover. Whether it is CPI(M) or the Congress, the post of vice-chancellors is partitioned based on caste, community, and religion. Even if the BJP comes to power in the State (though unlikely for the next many years), the situation could be the same. There are any number of Sangh Parivar members and Swayamsevaks waiting in the queue for the top job though they could be light years behind the qualifying standards.

On October 21, the Supreme Court declared as null and void the appointment of M S Rajasree, vice chancellor of Kerala Technical University for lacking the qualifying standards specified by the University Grants Commission. The vice-chancellors of other universities too were appointed in the same pattern by the LDF

THE GENERAL FEELING AMONG PEOPLE OUTSIDE THE STATE IS THAT ARIF MOHAMMED KHAN IS OUT TO DETHRONE THE LDF GOVERNMENT FROM OFFICE TO ANOINT A BJP-LED GOVERNMENT AT THIRUVANANTHAPURAM. EASIER SAID THAN DONE! EVEN LORD

ANANTHAPADMANABHA, THE PRESIDING DEITY OF PADMANABHASWAMY TEMPLE AS WELL AS THE CAPITAL CITY WOULD NOT BE ABLE TO DO THAT, AT LEAST FOR THE NEXT HUNDRED YEARS. GOVERNOR KHAN IS NOT A FOOL TO VENTURE OUT WITH SUCH A MISSION IN HIS MIND. PEOPLE ALSO FORGET THE S R BOMMAI V UNION OF INDIA CASE IN WHICH THE APEX COURT RULED THAT THE LEGISLATIVE ASSEMBLY IS THE REAL BATTLEFIELD TO TEST THE MAJORITY ENJOYED BY THE STATE GOVERNMENT

Government. Though the Governor had questioned the appointments of these persons, the chief minister had managed to win over the Governor and got the appointment cleared. But the Supreme Court verdict gave the Governor a chance for atonement, and he issued a show cause notice to the nine vice-chancellors asking them to furnish a reply why their services should not be terminated. The vice-chancellors have approached the Kerala High Court which has asked the Governor not to take any action till their pleas are disposed of.

What annoyed the Governor, according to Raj Bhavan sources, is that the Government took him for a ride. Not only vice-chancellors but faculty members and non-teaching staff too were appointed based on their political leanings. The district secretaries of the CPI(M) are the ones entrusted with the task of nominating candidates acceptable to the party. The higher education sector in Kerala is in a state of sham as Ph.D degrees are awarded based on the political leanings of the scholars. Spouses of four Marxist bigwigs were appointed as associate professors even though they did not meet the minimum qualifications mandated by the UGC. Nepotism is not the prerogative of the CPI(M) alone. The precedent in Kerala has been like that for the last five decades.

The general feeling among people outside the State is that Arif Mohammed Khan is out to dethrone the LDF Government from office to anoint a BJP-led Government at Thiruvananthapuram. Easier said than done! Even Lord Ananthapadmanabha, the presiding deity of Padmanabhaswamy Temple as well as the capital city would not be able to do that, at least for the next hundred years. Governor Khan is not a fool to venture out with such a mission in his mind. People also forget the S R Bommai V Union Of India case in which the apex court ruled that the Legislative Assembly is the real battlefield to test the majority enjoyed by the State Government.

The major mistake by the Governor was his decision to speak to the Kerala media about the discrepancies in the appointment of vice-chancellors and other faculty members. In the past, no Governors have spoken to the media in the State. Had he allowed the Marxist leaders including the Chief Minister a free run, they would have fallen into a trap.

The latest development is the ordinance prepared by the LDF Government stripping the Governor from the post of Chancellor in the universities. There was a time when the Governor would have signed on the dotted line as he had made it clear that he was ready to quit as Chancellor, but the chief minister pleaded with him not to quit and also assured him that there would not be any more interventions

from the government. But this promise was forgotten by the Government as fast as it was made. The move to oust the Governor as Chancellor has a punch of comedy in it. The Governor himself has to sign the ordinance/order and it is similar to a situation where the accused sitting as judge in his own case!

The Chief Minister and his cabinet colleagues repeat time and again that the Governor is bound to sign on whatever legislations and ordinances they send to him. But Article 163-(1) the Indian Constitution has a rider:

• There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion.

• If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Constitution required to act in his discretion, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion.

• The question of whether any, and if so what, advice was tendered by Ministers to the Governor shall not be inquired into in any Court. (Ref: The Constitution of India: BARE ACT-PBB, New Delhi, Pages 62-63).

Nowhere in the Constitution, it is mentioned that the Governor has to sign on whatever legislation enacted by the Assembly. But the sad thing is that in Kerala one cannot explain this point to the Marxists for whom anything against their line of thinking is Fascism.

Or, whether the Government is bound to sign on whatever Bills sent to him by the Government, former union minister of law and justice, Dr. Subramanian Swamy has this to say, said, "If the LDF Government sends him a Bill stating that Kerala has declared itself as an independent State and seceded from the Union of India, what do you think the Governor should do?" asked Dr Swamy.

Controversies associated with the appointment of vice-chancellors is not confined to Kerala. In neighboring Tamil Nadu, the post of a vice-chancellor commands a premium of Rs 20-Rs-40 crores, according to former Governor Emarwalai Panthiri who serves as Governor of Punjab now.

The writer is a senior journalist with The Pioneer

आरक्षण के उचित आधार



संजय गुप्त

अरिष्ट आरक्षण की ऐसी कोई व्यवस्था क्यों नहीं बन सकती, जिससे किसी भी जाति, संस्कृति, धर्म के हर पिछड़े व्यक्ति को विशेष अवसर प्रदान किए जा सकें?

केंद्र सरकार ने मतांतरित हुए दलित मुसलमानों और ईसाइयों को आरक्षण का लाभ न देने के पक्ष में जो तक सुप्रीम कोर्ट के समक्ष दिए, उनमें अग्रहमत नहीं हुआ जा सकता। दलितों को अनुसूचित जाति का दर्जा देकर आरक्षण इसलिए दिया गया था, क्योंकि वे हिंदू समाज में व्याप्त जाति प्रथा के चलते सदियों से भेदभाव का सामना कर रहे थे। आरक्षण देने का उद्देश्य उन्हें समाज की मुख्यधारा में लाना था। यह सुविधा उन दलितों को नहीं दी गई, जो मुस्लिम या ईसाई बन गए, क्योंकि वे दोनों समुदाय यह कहते हैं कि उनके यहां न तो किसी तरह का जातिवाद है और न ही जातिभेद। आम तौर पर दलितों को यह लाभ देकर मतांतरण कराया जाता है कि उन्हें जातिवाद से छुटकारा मिल जाएगा। यदि दलितों को यह भ्रान होता कि मुस्लिम या ईसाई बनने के बाद भी उनके साथ भेदभाव होगा तो वे कभी मतांतरित हो न होते। दलित मुस्लिम

और दलित ईसाइयों के संगठन खुद को अनुसूचित जाति का दर्जा देने की मांग इसीलिए कर रहे हैं, ताकि दोहरा लाभ उठा सकें-एक अनुसूचित जाति का और दूसरा अल्पसंख्यक दर्जे का। यदि मतांतरित होकर मुस्लिम और ईसाई बने दलितों को अनुसूचित जाति का दर्जा और फिर आरक्षण का लाभ दिया गया तो छल-बल और धोखे से उनके मतांतरण का अभियान और जोर पकड़ सकता है। चूंकि भारत में मतांतरण राष्ट्र की आत्मिक चेतना को कमजोर करता है, लिहाजा इसे हर हाल में हतोत्साहित करना होगा।

इससे इन्कार नहीं कि हिंदू समाज का दलित कहा जाने वाला तबका भेदभाव का शिकार रहा है और कहीं-कहीं आज भी है। आजादी के समय यह माना गया था कि इस तबके को आरक्षण देकर उसे जातिभेद से मुक्त करा लिया जाएगा। प्रारंभ में तो सफलता नहीं मिली, लेकिन कुछ दशकों बाद इसका असर दिखने लगा और आज यह कहा जा सकता है कि आरक्षित तबका पहले से कहीं अधिक सक्षम है, लेकिन हमारे नेता अभी भी इस भावना को जिंदा रखना चाहते हैं कि हिंदू समाज अब भी जातियों में बंटा है और उसी आधार पर भेदभाव होता है। इसी आधार पर वे आरक्षण की मांग करते रहते हैं। पिछले दिनों झारखंड में 1932 के डॉमिसाइल के आधार पर आरक्षण की सीमा बढ़ा दी गई। झारखंड में आरक्षण अब 75 प्रतिशत से भी अधिक हो गया है। यह आरक्षण की 50 प्रतिशत की सीमा को लांघ रहा है। ऐसी ही स्थिति कुछ अन्य राज्यों में भी है। शिक्षा संस्थानों और सरकारी नौकरियों में आरक्षण तो बढ़ रहा है, लेकिन नौकरशाहों की कार्यक्षमता



अवधेश राजपूत

नहीं बढ़ रही है। अकुशल नौकरशाही राष्ट्र पर एक बोझ है। राजनीतिक हथियार बना आरक्षण एक तरह से देश पर आर्थिक बोझ भी है। आरक्षण के दायरे में आने वाली आबादी 50 प्रतिशत से अधिक है, लेकिन कोई भी सरकार हो, वह बढ़ती आबादी के अनुपात में नौकरियां सृजित नहीं कर सकती। यही कारण है कि आरक्षण के दायरे में आने वाले कम लोगों को ही सरकारी नौकरियां मिल पाती हैं। चूंकि आरक्षण के जरिये नौकरी न पाने वाले भी अपने पैरों पर खड़े होकर देश के विकास में योगदान दे रहे हैं, इसलिए सरकारों को उनकी ओर भी देखना चाहिए।

यह एक तथ्य है कि गरीबी केवल आरक्षण के दायरे में आने वाले वर्गों में ही नहीं, बल्कि अन्य वर्गों में भी व्याप्त है। इसी को ध्यान में रखते हुए 2019 में संविधान संशोधन के जरिये 10 प्रतिशत आर्थिक आरक्षण का प्रविधान लाया गया। यह आर्थिक रूप से कमजोर वर्गों को दिया जाता है। पिछले दिनों सुप्रीम कोर्ट

ने बहुमत से दिए अपने फैसले में आर्थिक आरक्षण को उचित ठहराते हुए कहा कि इससे आरक्षण की 50 प्रतिशत सीमा का उल्लंघन नहीं होता। इससे सरकार को राहत मिली है, लेकिन अगर गरीबी को दूर करना है तो गरीबों को आरक्षण के साथ-साथ उनके लिए अन्य योजनाओं को भी चलाना होगा, जिससे वे सक्षम बनकर देश के विकास में भागीदार बनें।

आर्थिक आरक्षण को सही ठहराते हुए सुप्रीम कोर्ट की जज बेला त्रिवेदी ने आरक्षण की समीक्षा की भी बात कही। इस तरह की बात पहले भी उठती रही है, परंतु आरक्षण के नफा-नुकसान पर खुलकर बहस नहीं हो पा रही है। कम से कम अब तो आरक्षण पर नीर-क्षीर ढंग से बहस होनी चाहिए, ताकि सभी वंचित-पिछड़े तबके मुख्यधारा में शामिल होकर देश की प्रगति में योगदान कर सकें।

आर्थिक आरक्षण पर सुप्रीम कोर्ट के फैसले के बाद आर्थिक आरक्षण की विसंगतियों की चर्चा तो हो रही है, लेकिन इस चर्चा जातिगत आरक्षण को लेकर

भी होनी चाहिए, क्योंकि यह एक तथ्य है कि अभी ऐसी कोई ठोस व्यवस्था नहीं बन सकी है, जिससे सभी पात्र लोगों को ही आरक्षण मिलना सुनिश्चित किया जा सके। यह ठोस व्यवस्था कैसे बने, इस पर नए सिरे से विचार होना चाहिए। इसी तरह बहस इस पर भी होनी चाहिए कि जब सरकारी नौकरियां घटती जा रही हैं तब आरक्षण बढ़ाने की मांग करते रहना कितना लाभप्रद है? यह भी किसी से छिपा नहीं कि सरकारी शिक्षण संस्थान भी अपर्याप्त हैं। इन संस्थानों में आरक्षित तबके के सभी छात्रों को चाहकर भी प्रवेश नहीं दिया जा सकता।

यदि जाति और गरीबी के कारण किसी तरह का भेदभाव होता है तो उसे दूर करने के प्रभावी उपायों पर भी विचार किया जाना चाहिए, क्योंकि आरक्षण के बावजूद इस समस्या का पूरी तरह समाधान नहीं किया जा सका है। वास्तव में एक ऐसा समाज बनाने की दिशा में आगे बढ़ा जाना चाहिए, जिसमें जात-पात और भेदभाव के लिए कहीं कोई जगह न रहे। जाति और पंथ के आधार पर होने वाले भेदभाव को समाप्त करने के लिए यह भी आवश्यक है कि देश को अल्पसंख्यक बनाम बहुसंख्यक की धारणा से मुक्त किया जाए। आखिर आरक्षण को ऐसी कोई व्यवस्था क्यों नहीं बन सकती जिससे किसी भी जाति, समुदाय, धर्म के हर गरीब और पिछड़े व्यक्ति को विशेष अवसर प्रदान किए जा सकें? यह बहस प्रश्न है, जिसकी ओर अधिक अनदेखी नहीं की जानी चाहिए। इस प्रश्न पर व्यापक विचार-विमर्श करके ही आरक्षण के उचित आधार तैयार किए जा सकते हैं।

Focus is on education, conserving culture & customs

On the Jan Jatiya Gaurav Diwas today, the Union Minister concerned highlights the tribal legacy and programmes around it

Under the charismatic leadership of Shri Narendra Modi, Hon'ble Prime Minister of India, the Government declared that November 15, the birth anniversary of Bhagwan Birsa Munda, will be celebrated as Jan Jatiya Gaurav Divas every year. This decision was a historic moment for the entire nation as Jan Jatiya Gaurav Divas symbolises the glorious tribal legacy, heritage, culture, and achievements of India, fuelled by the spirit of Aatmanirbhar Bharat and strengthening India's position in the global forum.

"In this Amrit Kaal of Independence, the country has resolved that it would provide a more significant and majestic identity to the tribal legacy traditions of India



ARJUN MUNDA

(The author is Union Minister of Tribal Affairs)

and its heroism stories," our Prime Minister has remarked.

India is home to about 25 per cent of the world's ethnic population, making it a country with a diversified and rich cultural heritage and a large number of youthful tribal people. They are actively utilising the opportunities that are opening for them in fields like education and sports with their dedication and commitment; they are also winning the Padma awards and international recognition.

Though endowed with natural talent, the tribals had to struggle for a long time because of sheer neglect and apathy towards them. But now things have finally changed for good under the leadership of our dynamic Prime Minister.

It is pertinent to note that

Smt. Droupadi Murmu, the nation's first tribal President, is a wonderful illustration of the enormous potential of the nation's Scheduled Tribes; her appointment to this distinguished position demonstrates our government's commitment to the tribal people.

India has seen a paradigm shift towards a government that has a people-centric approach. The Prime Minister's call for "Reform, Perform, Transform" has served as the guiding principle for the last eight years of the Government. To ensure the last-mile distribution of benefits and improve development results across the nation, pro-people policies and initiatives have been put into place.

Speaking from personal experience, when I think about

our glorious motherland at hundred years of Independence, I realise that it is vital to fully develop tribal society, raise the living standards of all tribal people, address their pressing institutional issues, and integrate them into the mainstream.

The most crucial strategy for development advocated by our Prime Minister is holistic education, a potent tool that enables any community, class, or country to advance positively, make necessary reforms, and realise a successful future vision. In tribal societies, it is necessary to encourage the tradition of educational advancement, particularly for young girls. Additionally, there have been challenges in affected areas by Leftwing extremism to establish educational infra-

structure. Our goal is to address these problems at the block level by providing tribal students with quality education so that they can attend the best Eklaya Model Residential Schools and take advantage of the five scholarship programmes we offer: Pre/Post Matric, National Fellowship, Top Class Scholarship, and National Overseas Scholarship.

Our Ministry has kept up with the most recent technologies, as the globe has transitioned to a digital era, in order to speed up tribal welfare and practise good governance. In addition, our State Tribal Research Institutes, NGOs, Centers of Excellence, and other affiliated groups are concentrating on both the advancement of tribal life and culture as well as the anthro-

pological components.

The Vision for India@2047 is to achieve new heights of economic welfare. Giving momentum to this core element of Vision 2047, the Ministry of Tribal Affairs has prioritised sustainable livelihoods, income generation, education, health and the promotion of ethnic cultures of tribal people. As a result of our flagship programmes and initiatives, tribal people today feel more integrated into society. This Ministry is also attempting to preserve and nurture several tribal languages in India, and has been working with academic institutions and experts to develop primers in tribal languages.

I can say with pride that the Ministry's work encompasses both the tangible and

intangible aspects of life of tribal communities. Furthermore, in coordination with local governing entities, our programmes and policies are carried out locally with a national outlook.

In the long run, I see my country, India, as a leader in sustainable development, with a solid socio-economic foundation that offers a wide range of possibilities to all inhabitants. India is now slowly moving towards the goal of becoming a powerhouse where its voice will be heard clearly and where it will be a partner on an equal footing. Through a variety of development measures, we are embarking on this journey together to unlock India's potential and build a prosperous, people-led nation. 9/17

India's Forgotten People Are Ready To Step Up

Union minister of tribal affairs writes on the occasion of Janjatiya Gaurav Divas

Arjun Munda



Today is the birth anniversary of Bhagwan Birsa Munda and Gol has declared that November 15 shall be celebrated as Janjatiya Gaurav Divas every year. This historic decision ties together the tribal legacy, heritage, culture and achievements of India, with the spirit of Aatmanirbhar Bharat and the strengthening of India's position in global forums. As PM Modi has remarked, "In this Amrit Kaal of Independence, the country has resolved that it would provide a more significant and majestic identity to the tribal legacy traditions of India."

India is home to about 25% of the world's ethnic population, making it a country with a diversified cultural heritage and a large number of youthful tribal people.

- They are actively utilising the opportunities that are opening for them in fields like education and sports.
- With their dedication and commitment, they are also winning Padma Awards and international recognition.
- Though endowed with natural talent, tribals had to struggle for a long time because of sheer neglect and apathy towards them.
- But now things have finally changed for the good.
- The nation's first tribal President illustrates the enormous potential of the nation's Scheduled Tribes.
- President Droupadi Murmu's appointment also demonstrates our government's commitment to the tribal people. The issues facing tribal people are being

dealt with one by one as India sees a paradigm shift towards a government that has a people-centric approach.

The PM's call for Reform, Perform, Transform has served as the guiding principle over the last eight years, to ensure the last-mile distribution of benefits and to improve development results across the nation. Various programmes have placed a priority on enhancing infrastructure, expanding healthcare facilities, safeguarding farmers' welfare, and defending the vulnerable.

Speaking from personal experience, when I look ahead to hundred years of Independence, I realise that it is vital to fully develop the tribal society, raise the living standards of all tribal people, address their pressing institutional issues, and integrate them into the mainstream of society by valuing their cultural heritage.

The most crucial strategy for development advocated by our PM is holistic education, a potent tool that enables any community, class, or country to advance positively, make necessary reforms, and realise a successful future vision. And it is education that is the foundation of our policies, while conserving traditional and cultural customs in order to preserve tribal heritage.

● In tribal societies, it is necessary to encourage the tradition of educational advancement, particularly for young girls.

- Additionally, left-wing extremism has made it challenging to establish educational infrastructure in the affected areas.
- Our goal is to address these problems at the block level, provide tribal students with quality education by enabling them to attend the best Eklavya Model Residential Schools and to take advantage of the five scholarship programmes we offer.
- Our ministry has kept up with the most recent technologies and these efforts are becoming the cornerstone for advancing our tribal development programmes.
- They range from empowering tribal people digitally and upskilling them even in distant locations to helping them produce and sell their manufactured goods.
- In addition, our State Tribal Research Institutes, NGOs, Centres of Excellence, and other affiliated groups are concentrating on both the advancement of tribal life and culture as well as the anthropological components of it.
- These organisations have a crucial role to perform and their research helps in the formulation of development plans.

The Vision for India@2047 is to achieve new heights of economic welfare, provide the greatest amenities in both cities and villages, and construct the most advanced infrastructure in the world. Giving momentum to the core elements of this vision, the ministry of tribal affairs has prioritised sustainable livelihoods, income generation, education, health and the promotion of varied ethnic cultures of tribal people. As a result of our flagship initiatives, tribal people today feel more integrated into society. This ministry is also attempting to preserve and nurture several tribal languages, and has been working with academic institutions and experts to develop primers in tribal languages.

In the long run, I see India as a leader in sustainable development, with a solid socio-economic foundation that offers a wide range of possibilities to all inhabitants. We are embarking on this journey together to unlock India's potential and build a prosperous, people-led nation.



Have the policies to enable persons with disabilities pursue schooling and higher education made a difference? **Nina Mukherjee** has the story

Special call

In recent years, there have been the Rights of Persons with Disabilities Act 2016, the National Education Policy 2020, the UGC's Accessibility Guidelines and Standards for Higher Educational Institutions and Universities 2022. However, in reality, these students with disabilities face several barriers to participation and learning opportunities in higher education institutions. "This could be due to structural, attitudinal, resource-related obstacles and so on," says Afaq Ahmad, a senior research fellow in the department of sociology at Aligarh Muslim University.

Some colleges such as Jadavpur University, Rabindra Bharathi University, Shoolini University, Ashoka University, O.P. Jindal Global University have made the campus more accessible for disabled students. But in most colleges, awareness is very low.

"According to the disabilities act, there is a 5 per cent reservation for disabled students in all higher educational institutions but many colleges are not aware of it," says Biswajit Ghosh, former principal of Ramakrishna Mission Blind Boys' Academy at Narendrapur. "Sometimes, when students face problems, they bring it to our notice, and we talk to the college. In some cases, we do involve the commissioner of disabilities to resolve the issue. Jadavpur University has excellent facilities. They have a special education department, trained staff, hostels, stipends and the physical infrastructure to support these students," he adds.

Some students feel isolated when they join these institutions. Kundan Yadav, a visually impaired student who graduated in English from Jadavpur University, says, "We get facilities and help but people don't mix with us as they feel we are different."

Ishan Chakraborty, a visually impaired assistant professor at Jadavpur University, says the department of arts has a regular influx of disabled students, an accessible li-



A disabled student participates in the recent Delhi half marathon

brary, audiobooks, braille books, lifts and ramps in most buildings. He says, "We have hope, visibility and a voice for getting things addressed, which is not there outside." Jadavpur offers two master's courses in disability studies; a first for West Bengal. "After

In India, students with disabilities are dissuaded from taking science, technology or maths programmes

this students can pursue a PhD or get into special education or social work. Some also go abroad," he added.

Anurag Kashyap, advocacy manager at Sarthak, an NGO working with people with disabilities, says courses related to disability will raise awareness levels among people. "Others will also do these courses, and see

that they can learn and research in this area. This will bring equality in the university. But just a few places like Ambedkar University in Delhi and Tata Institute of Social Sciences in Mumbai offer such courses."

About the new policies being introduced, Kashyap says there has to be a huge mindset change before anything else. "If you look at Delhi University records, 500 seats for people with disability remain vacant. Sometimes students do join but drop out after a year or two. The reasons are infrastructure inaccessibility—these colleges have very old buildings; lack of special resources, and professors having no information about disabilities," he adds.

In India, students with disabilities are often dissuaded from taking science, technology or maths programmes and are diverted towards the humanities. Tanmay Singh, a student with cerebral palsy, decided to break the mould and study biolo-

gy. "I fell in love with the subject in Class VII," he says. Though his family was supportive, there were concerns about how he would manage the extensive laboratory work.

Tanmay got through Delhi University and the faculty was very supportive, he says, but he soon realised that the campus was not accessible or built to support "someone like me". This was in 2019, and the Disability Act had been passed some years ago. "I was disappointed and realised a huge gap exists between practice and policy," says Tanmay who then turned to Ashoka University. "They have an Office of Learning Support or OLS and many students with disabilities study at Ashoka. There are lifts, ramps, special needs washrooms and there is not a single location on campus which is not accessible."

Ashoka University started its OLS department in 2016 with the invisible disabilities—dyslexia (difficulty in reading), dysgraphia (inability to write coherently) and dyspraxia (childhood developmental disorder). "Now we have students with visual impairment, hearing impairment, cerebral palsy, autism and ADHD. They are all extremely bright and live on campus. So, we work to create a comprehensive system where these students can participate in all kinds of programmes and activities offered by the university," says Reena Gupta, founding director of OLS.

More students with disabilities are attempting competitive exams such as IIT-JEE. They get extra time or a scribe if required. Lovesh Gupta, who has a locomotor disability, got into IIT Bombay after clearing the JEE Advanced exam. After completing his bachelor's in computer science in 2021 he joined Amazon. He says, "Many buildings at IIT-B had ramps and lifts, but the campus can be made more accessible and some vehicles should be allowed to move between buildings." He feels it would help visually impaired students to get recordings and slides of all lectures.

Td/15/11

इधर कुआं, उधर खाई

ईडब्लूएस आरक्षण पर आए सुप्रीम कोर्ट के फैसले के बाद केंद्र सरकार की मुश्किलें बढ़ गई हैं। इसके बाद कई राज्यों ने आरक्षण की सीमा 50 फीसदी से अधिक करने की पहल की है और केंद्र से उसमें सहयोग मांगा है। पिछले हफ्ते झारखंड ने अपने यहां आरक्षण की सीमा 77 फीसदी कर दी। इसमें एससी-एसटी, ओबीसी और ईबीसी- यानी एक्स्ट्रीम बैकवर्ड क्लास का हिस्सा 67 फीसदी है, साथ में 10 फीसदी



EWS फैसले के बाद बढ़ी उलझन

ईडब्लूएस का। हालांकि यह प्रभावी तभी होगा, जब केंद्र सरकार इसे संविधान की नौवीं अनुसूची में शामिल करेगी। झारखंड सरकार ने केंद्र से इसकी अनुशंसा की है। ईडब्लूएस पर सुप्रीम कोर्ट का फैसला आने के हफ्ते भर के अंदर कई राज्यों ने आरक्षण बढ़ाने के लिए तेजी से कदम उठाए हैं। बिहार के मुख्यमंत्री नीतीश कुमार ने भी केंद्र से 50 फीसदी आरक्षण की सीमा को हटाने की मांग की है। रविवार को बिहार में सत्तारूढ़

सात-दलीय महागठबंधन के दो घटकों ने नीतीश कुमार से 23 नवंबर से शुरू होने वाले विधानसभा सत्र में एक कानून लाने के लिए कहा, जिसमें आरक्षण को 50 से बढ़ाकर 77 फीसदी तक किया जा सके। उधर, राजस्थान में भी ओबीसी कोटे को 21 फीसदी से बढ़ाकर 27 फीसदी करने की मांग उठी है। दरअसल ईडब्लूएस पर सुप्रीम कोर्ट के फैसले में भले ही आर्थिक आधार पर कमजोर वर्ग को दिए गए 10 फीसदी आरक्षण से पहले से आरक्षित वर्गों को दूर रखा गया, मगर यह बात भी साफ हो गई कि आरक्षण की 50 फीसदी की सीमा को पार भी किया जा सकता है। राजस्थान में गुर्जर, हरियाणा में जाट, गुजरात में पाटीदार और महाराष्ट्र में मराठा आरक्षण की मांग पहले भी उठती रही है और राज्य सरकारें इसके लिए कोशिश भी करती रही हैं। 2019 में ईडब्लूएस आरक्षण को जब संविधान में शामिल किया गया, उसके बाद राजस्थान ने गुर्जर और चार अन्य जातियों को 5 फीसदी आरक्षण दिया तो मध्य प्रदेश ने अपना ओबीसी कोटा 14 फीसदी से बढ़ाकर 27 फीसदी कर दिया। दोनों ही मामलों में कुल आरक्षण 64 से 70 फीसदी तक बढ़ गया। वहीं जिन राज्यों में बीजेपी विपक्ष में है, वहां वह भी 50 फीसदी की सीमा को पार करने के पक्ष में ही दिख रही है, हालांकि उसका कहना है कि इस मामले में जल्दबाजी नहीं करनी चाहिए। मगर समस्या यह है कि पहले जब राज्यों की ओर से ऐसे कदम उठाए गए तो अदालत ने उन्हें 50 फीसदी की अधिकतम आरक्षण सीमा का हवाला देते हुए नामंजूर कर दिया। अब अगर राज्य अपने नए कोटा कानूनों पर संवैधानिक संशोधन के लिए केंद्र को झारखंड जैसी ही अनुशंसा देनी शुरू करते हैं, तो सरकार के सामने कठिन स्थिति आ जाएगी। अगर सरकार इससे इंकार करती है तो उसे राजनीतिक विरोध का सामना करना पड़ सकता है। लेकिन केंद्र के लिए इन्हें मानना भी आसान नहीं होगा। ऐसे में नौकरियों और शिक्षा में मेरिट की सीटें काफी कम हो जाएंगी।