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GENERAL STUDIES 2: SOCIAL JUSTICE

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TOPIC: RESERVATION

It's time for reservation in private universities

1. Context: Renewed Political Demand for Reservation

- The Congress party has reiterated its demand for extending reservation (affirmative action) for Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs) in private educational institutions (PHEIs).
- This has revived the national debate on social equity, affirmative action, and the role of private sector institutions in upholding constitutional values.

2. Legal Foundation: Reservation in Private Institutions is Constitutionally Valid

- The 93rd Constitutional Amendment introduced Article 15(5), allowing the state to make special provisions for socially and educationally backward classes in all educational institutions, except minority-run ones.
- The Supreme Court has already upheld this through major rulings:
 - Indian Medical Association (IMA) vs Union of India (2011)
 - Pramati Educational & Cultural Trust vs Union of India (2014)
- Legally, there is no barrier to implementing reservations in private unaided institutions — only political will and bureaucratic inertia stand in the way.

3. Structural Inequality and the Case for Reservation

- Marginalized groups—SCs, STs, and OBCs—face institutional disadvantages in accessing high-quality education.
- Private institutions, with superior infrastructure, remain out of reach for the poor, both due to high tuition fees and non-inclusive admission practices.
- This has resulted in a two-tier system:
 - Lower-income, disadvantaged groups attend underfunded public colleges.
 - Privileged, often upper-caste students dominate elite private institutions.
- Without reservation, social mobility remains a distant dream for the majority.

4. Rising Demand vs Elite Privatization

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- India is witnessing:
 - A **surge in demand for higher education**, especially from historically excluded communities—SCs, STs, OBCs, and Muslims.
 - Simultaneously, there is a **decline in public institutions' quality** and a **boom in private sector education**.
- While private institutions offer better infrastructure and employment outcomes, they **lack inclusion mechanisms** like reservations, scholarships, and support services.

5. Caste Composition in Private Institutions: A Data-Driven Disparity

- The All India Survey on Higher Education (AISHE) 2021–22 reveals:
 - **Upper-caste Hindus**, though only about **20% of India's population**, constitute **over 60% of students** in private colleges and universities.
 - SCs, STs, and OBCs remain **grossly underrepresented**, far below their **population proportion**.
- This shows that **private education in India replicates caste privilege**, functioning as **gated spaces of exclusivity**.

6. Effectiveness of Affirmative Action in Public Institutions

- In **public institutions**, where reservation is implemented:
 - SCs, STs, and OBCs have gained **better access and representation**, although still not proportional.
- The absence of similar policies in private institutions has **widened the gap**.
- The evidence clearly indicates that **reservation policies work** and are **essential for inclusive education**.

7. National Education Policy (NEP) and Its Contradictions

- The **NEP 2020** makes **broad claims** about equity and inclusion.
- In practice, however, it promotes the **commercialization of education** by encouraging **private investments** without mandating **inclusive policies**.
- The result: **marginalized students are further alienated** from quality education.
- The state must ensure that **equity doesn't end with public institutions**—it should **extend to private campuses** as well.

8. What the State Must Do



- Revive the **public education system** by increasing funding and faculty.
- Make **reservation mandatory in private unaided institutions**, based on legal provisions already in place.
- Encourage **private colleges** to offer **scholarships, mentoring, and support** to underrepresented students.
- Enforce **regulatory mechanisms** that promote **diversity, inclusion, and social accountability** in private education.

9. Political Apathy and Bureaucratic Resistance

- Despite legal backing, **reservation in private institutions is not implemented** due to:
 - **Lack of political urgency**
 - **Resistance from powerful lobbies**
 - A deeply entrenched “**deep state**”—a nexus of bureaucracy, elite education providers, and upper-caste privilege
- Implementation requires **strong legislative and executive will**, backed by **grassroots movements** and public support.

10. Conclusion: A Moment for Comprehensive Reform

- Extending reservation to private institutions is **not just a legal possibility** but a **social and moral necessity**.
- It is essential for:
 - Ensuring **equity in access to quality education**
 - **Empowering historically excluded communities**
 - Rejuvenating the **politics of social justice**, which has fragmented in recent years
- A bold policy initiative on this front could **unify Dalits, Adivasis, and OBCs** under a **common platform** for inclusion and opportunity.
- The **democratization of education** must not stop at the gates of private institutions—it must **penetrate them**.

Source: <https://indianexpress.com/article/opinion/columns/yogendra-yadav-writes-its-time-for-reservation-in-private-universities-9930857/>



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