

Manifestations of Academic Untouchability in India: Exclusionary Practices that Subvert Reservations in Admissions in Higher Education

C. Jerome Samraj¹

Abstract

The notions of ritual purity and pollution hierarchically grades people according to their castes, and this hierarchy is socially expressed in terms of unequal rights to space, and the idea of ‘untouchability’ is socially realized either in terms of a complete denial or the most inferior participation. As a corrective measure of the historical injustices to certain sections of the society, the state and union governments in India have enacted reservation policies in education and employment. Nevertheless, the administrators of several institutions show reluctance in implementing reservations in letter and spirit, despite the fact that the University Grants Commission has emphasized about proper implementation of reservations at various points in time. The demand for proper implementation of Central Educational Institutions (Reservation in Admission) Act, 2006, subsequently amended in 2012, in Pondicherry University exposes how an ambiguity inherent in the act’s amended version has been used to justify the systematic exclusion of Scheduled Caste and Scheduled Tribe doctoral aspirants in several departments of the university. Based on interactions with the university administration, the essay attempts to understand the politics behind the method of implementing reservations in admissions in higher education. It emphasizes that the bodies governing higher education should provide proper directions in regard to the implementation of the act. It further calls for the establishment of administrative mechanisms, directly under the apex regulatory bodies, to oversee implementation of reservation policies in all the government educational institutions.

Keywords

CEI Act 2006, CEI Amendment Act 2012, reservation, roster, Scheduled Castes,

¹Assistant Professor, Department of Economics, School of Management, Pondicherry University, Puducherry, India
Email: jeromesamraj@gmail.com

Scheduled Tribes, Other Backward Classes

The Context

Given the structural inequalities in Indian society, education has been the only hope for upward mobility for people belonging to socio-economically and culturally oppressed communities. The reservation policies enacted by the union and state governments in India are intended to facilitate educational opportunities for people from socially vulnerable backgrounds. In May 2016, a student belonging to the Scheduled caste (SC) category had applied to the PhD programme in mass communication in Pondicherry University and had secured the fourth place in the all-India entrance examination conducted by the university. There were two seats in the PhD programme in mass communication, and having secured the fourth rank this candidate should have been called for an interview. But the university called three students from the unreserved category who had secured the first three ranks and three Other Backward Classes (OBC) students. When the Scheduled Caste (SC) candidate sought a clarification, he was told that since there were only two seats in the mass communication programme, one seat had been allotted to a general category candidate and the other to an OBC candidate. Since no seat was allotted for SCs that year, he was not called for an interview.

The department of electronic media and mass communication in Pondicherry University has eight faculty members and offers PhD programmes in electronic media and in mass communication. Five out of the eight faculty members guide doctoral students. In 2016, there were 14 PhD scholars enrolled in the PhD programme in electronic media and 21 in the mass communication programme. Among these scholars, two were SC and one ST, and all three had been granted the Rajiv Gandhi National Fellowship even before they had been admitted to the course. Also, these SC and ST students were admitted under the general category. According to the rules, three seats in electronic media and five seats in mass communication programmes should have been reserved for students from SC and ST categories. This means that the university did not allot seats to SC and ST candidates under the reserved categories.

This is the reality in many departments where the number of faculty and the number of eligible guides is less than 10. The minimum period of completion of a PhD degree is three years, and it is very common to see PhD scholars taking twice as many years to complete their doctoral research. Therefore, PhD vacancies may not arise in departments as regularly as in the case of postgraduate or undergraduate courses. When the intake is less, and this continues for a few years, then it will amount to a systematic exclusion of SC and ST communities as it has been the case in many departments of Pondicherry university.

The student representatives and faculty members of the Pondicherry university raised concerns regarding this matter in a meeting with the administration in February 2016.¹ The authorities agreed that the existing reservation policies were unjust in

¹In February 2016, the students organised a protest and raised several demands, including the lack of certain basic amenities, following which they were invited for a meeting. Several demands, including the provision of three months' time for students belonging to the SC and

regard to the SC and ST communities and added that the administration was only implementing the existing policies, and that any changes to these could only be carried out by the Parliament. While initiating the process for a policy change would be time consuming, the adoption of the roster system could accommodate the SC and ST students in research programs under the existing policies. Reservation roster is a method to allocate an emerging position in a particular cadre by considering the existing number of posts and allocations already made to different categories of the reserved/unreserved depending upon proportional reservation.² This system was suggested with a view that, social groups which could not be allotted seat(s) in a particular year can be allocated seats in the subsequent admissions. However, the Pondicherry University administration replied that there was no rule that directed the university to follow the pointwise reservation roster in admissions.

With changes in reservation policies and other relevant communications not being placed in the public domain, the stakeholders—that is, faculty members, students, and the faculty, non-teaching, SC-ST employees or students' associations—are ignorant of the rules. This ignorance makes them accept the oral replies from the administration personnel at face value. The possibility of reserving seats for SC and ST categories when the vacancies are less than eight remain bleak. Therefore, this essay attempts to understand the politics behind the method of implementing reservations in admissions in higher education, especially in PhD programs, based on the interaction with university administration.

Understanding CEI Act, 2006 and Amendment Act, 2012

The University Grants Commission (UGC) has time and again emphasised upon the strict implementation of reservation rules. In a letter dated 23 March 2016, the UGC undersecretary stated:

I am directed to inform you that it has been observed that some of the Central Universities have not maintained the point wise reservation roster. Therefore, it is to inform you to frame the point wise reservation roster as per rules framed by the Govt. of India. Further, it is also to inform you that as per instructions of Govt. of India/UGC, the educational institutions receiving grant-in-aid from Central Government have to follow the prescribed percentage of Reservation i.e. 15 per cent for SCs, 7.5 per cent for STs and 27 per cent in OBCs in the matter of teaching and non-teaching posts as well as in admissions to various

ST communities facing financial difficulties to pay their fee, were discussed in the presence of the then registrar (i/c) and the vice chancellor (i/c). As the finance officer, deputy and assistant registrars were also present in the meeting, the feasibility and modalities of implementation were immediately discussed, and two demands were met by the authorities. Incinerators were installed in the women's hostels to dispose of sanitary napkins, and the SC and ST students who were admitted in 2016–17 were exempted from paying the fees immediately, and could pay within three months.

²For a detailed explanation about rosters, see https://persmin.gov.in/DOPT/Brochure_Reservation_SCSTBackward/Ch-05_2014.pdf

courses except Minority educational institutions under Article 30(1) of the Constitution. (UGC 2016a)

The UGC joint secretary, in a letter dated 3 June 2016, directed the universities to follow the provisions of the Central Educational Institutions (Reservation in Admission) Act, 2006 (hereafter, the CEI Act) and the Amendment Act, 2012 in admissions along with directions regarding reservations in non-teaching and teaching positions (UGC 2016b). Section 3 of the CEI Act, 2006 states that:

3. Reservation of seats in Central Educational Institutions: The reservation of seats in admission and its extent in a Central Educational Institution shall be provided in the following manner, namely:

- (i) out of the annual permitted strength in each branch of study or faculty, fifteen per cent seats shall be reserved for the Scheduled Castes;
- (ii) out of the annual permitted strength in each branch of study or faculty, seven and one-half per cent seats shall be reserved for the Scheduled Tribes;
- (iii) out of the annual permitted strength in each branch of study or faculty, twenty-seven per cent seats shall be reserved for the Other Backward Classes;³ (GoI, 2007).

All the policy documents on reservation call for reservations in the following order: 15 per cent for SCs, 7.5 per cent for STs and 27 per cent for OBCs. The implementation of reservation policy based on percentages alone may be acceptable in cases where the number of available seats is more than eight, as each of the categories would get their share as per the proportions prescribed by the CEI Act. For example, if there are two seats in a particular department, 50 per cent of these have to be kept unreserved. Therefore, only one seat will be available for the general category and one would be reserved. When the proportions are applied, 0.54 seat (27 per cent of two) will be due to OBCs, 0.3 for SCs, and 0.15 for STs. Since the share of OBCs exceeds 0.5, the first reserved seat will be allotted to an OBC candidate. Therefore, one seat will be reserved for a SC candidate only when there are four seats in a course (15 per cent of four is 0.6) as the share of SCs is more than 0.5. In the case of STs, their share will cross the 0.5 mark only when there are seven seats. But given the 50 per cent capping on reservation, four will have to be kept unreserved, two seats will be allotted to OBCs and one seat to SC. Hence, one seat is allotted to STs only when there are eight seats available in a particular course or department in an academic year (Pondicherry University 2016b, 2016c).

Therefore, if a department continues to admit three candidates for ten consecutive years, approximately twenty students would have got admission under the unreserved (general) category, ten or more students would be admitted under the OBC category, and no seats would be allotted to candidates belonging to the SC or ST categories. This might be true in departments where there are fewer number of eligible research

³This was duly communicated to registrars of all central universities by the UGC No F 36-2/2003 (CU) dated 8 January 2007.

supervisors.⁴ Therefore, it can be said that, the method of allocating seats based on percentage prioritises reservation of the socially dominant over that of the oppressed. This method becomes a serious problem in cases where the annual intake is less than eight seats.

However, some sections of the CEI Act, 2006 were amended in 2012 and the following provisions were added to Section 3 of the principal act:

Provided that the State seats, if any, in a Central Educational Institution situated in the tribal areas referred to in the Sixth Schedule to the Constitution shall be governed by such reservation policy for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes, as may be specified, by notification in the Official Gazette, by the Government of the State where such institution is situated:

Provided further that if there are no State seats in a Central Educational Institution and the seats reserved for the Scheduled Castes exceed the percentage specified under clause (i) [Section 3 of the principal Act] or the seats reserved for the Scheduled Tribes exceed the percentage specified under clause (ii) [Section 3 of the principal Act] or the seats reserved for the Scheduled Castes and the Scheduled Tribes taken together exceed the sum of percentage specified under clauses (i) and (ii), but such seats are-

(a) Less than fifty per cent of the annual permitted strength on the date immediately preceding the date of commencement of this Act, *the total percentage of the seats required to be reserved for the Other Backward Classes under clause (iii) shall be restricted to the extent such sum of percentages specified under clauses (i) and (ii) falls short of fifty per cent of the annual permitted strength;*

(b) More than fifty per cent of the annual permitted strength on the date of immediately preceding the date of commencement of this Act, in that case *no seats shall be reserved for the Other Backward Classes under clause (iii) but the extent of the reservation of seats for the Scheduled Castes and the Scheduled Tribes shall not be reduced in respect of Central Education Institutions in the specified north-eastern region.*⁵ (Emphasis added) (GoI, 2012).

The provisions quoted above attempt to provide a solution when the number of seats reserved for the SCs and STs exceed the stipulated 15 per cent, and 7.5 per cent, or 22.5 per cent if both taken together. Clause (a) of the amended Section 3 discusses the

⁴It is also not clear whether the UGC/ the Ministry of Human Resources Development (MHRD) obtain and maintain department wise annual admission data from all the universities so that they can oversee the proper implementation of the reservation policy. Even if the universities include this data as a part of their annual report, it is not clear whether the UGC has a mechanism to check how effectively the policy has been implemented. Also, the question that needs to be looked into is what kind of administrative penalties are imposed on universities/departments/ authorities that do not implement the reservation policy in each department.

⁵This was amendment was duly communicated to registrars of all central universities by UGC letter F. No 35-19/2008/CU dated 28 September 2012.

scenario where seats reserved for SCs and STs exceed 22.5 per cent but are less than 50 per cent. It suggests that given the 50 per cent cap on reservation, the percentage of reserved seats remaining after allotments to SCs and STs shall be given to the OBCs. This clause does not say that the reservations for SCs and STs shall be made after ensuring reservations for OBCs. Rather, it says that the reservations for OBCs shall be made only after ensuring reservations for SCs and STs. If the percentage of seats reserved for SCs and STs exceed the stipulated 15 per cent and 7.5 per cent, respectively, the number of seats “required to be reserved” for the OBCs shall be restricted. Therefore, it is clear that reservations for SCs and STs are prioritized over the reservations for OBCs. Since reservation is a social justice mechanism devised by the government, such a prioritization has serious socio-economic, political and historical reasons behind it.

However, there is a possibility of confusion when one reads Clause (b) of the amended Section 3. The clause states that in case the reservations for SCs and STs exceed 50 per cent no seats shall be reserved for OBCs. It further states that the number of seats reserved for SCs and STs shall not be reduced in respect of central educational institutions in North-East India. Since Clause (b) has to be read in conjunction with other paragraphs of the amended Section 3 quoted above, that define the context, there are two ways in which the clause can be interpreted. First, the jurisdiction of the amended Section 3 may be understood as pertaining only to central educational institutions in the North-eastern region. Second, the said clause can also mean that the number of reserved seats for SCs and STs shall be reduced in central educational institutions in all other regions except the North-East.⁶

Further, it can also be stated that, the jurisdiction outlined in Clause (b) could very well be used to deny the prioritisation of reservations for SCs and STs provided in Clause (a), saying that the amendment pertains only to the North-eastern region.⁷

⁶The personnel in administration have a peculiar way of reading laws/policies/statutes and have enacted these according to their convenience. Here, their interpretation is that the Amendment Act, 2012 does not say that the seats reserved for SCs and STs shall not be reduced in the entire country. Rather it only specifies that the seats reserved for SCs and STs shall not be reduced in the central educational institutions in North-East India. So, reducing the percentage of seats allotted to SCs and STs in rest of the country is not wrong.

⁷It is worthwhile to note here that during our discussions with the administration regarding adopting roster system in PhD admissions, the administration said that there is no rule that compels the university to adopt it. When it was specifically asked if there is any rule that prevents its adoption in admissions, the deputy registrar (Academic) responded that has not been adopted since there is no rule mandating the university to follow it in admissions. However, neither the officers concerned, nor the students and other faculty members were aware of the CEI Act 2006, or its 2012 amended version during that meeting. While the personnel in administration look for clear rules to facilitate admissions of the oppressed, the ambiguity that arises due to the lack of clarity is always used to the advantage of the socially dominant. The very act of allocating the first reserved seat to the OBCs without any direction is an evidence for this.

This ambiguity was exploited by the Pondicherry University administration to justify their exclusion of SC and ST candidates in PhD admissions when the intake was less than four and eight, respectively in a reply dated 25/11/2016 to National Commission for Scheduled Castes (NCSC).⁸

In response, the Pondicherry University administration stated in paragraph 21 that “The University has strictly implemented CEI Act 2006 and is following reservation percentage as prescribed in it. The CEI amendment 2012 cannot be implemented in the rest of India and the extent of its application is only for those North Eastern Region specified in it.”⁹ It is worthwhile to note here that Section 4 of the CEI Act, 2006 which includes the list of all institutions exempted from this act does not include Pondicherry University, and this clause has not been amended thereafter (GoI, 2007).

Given the inherent ambiguities in the Amendment Act, 2012, the entire claim of the stakeholders belonging to SC and ST communities was seen by the Pondicherry University administration as “totally false, misconstrued and illogical.”¹⁰ Nonetheless, the Two Hundred Thirty Fourth Report on the Central Educational Institutions (Reservation in Admissions) Amendment Bill, 2010 (henceforth, the 234th report), which examined the Amendment Bill, provides a better insight (GoI, 2011).¹¹

3.3 b. more than fifty per cent of the annual permitted strength on the date immediately preceding the date of commencement of this Act, in that case no seat shall be reserved for the Other Backward Classes under clause (iii) and the extent of reservation of seats for the Scheduled Castes and the Scheduled Tribes under clauses (i) and (ii) shall, notwithstanding anything contained in section 6, be-

⁸The author had represented this issue of non-implementation of reservations as per CEI act and denial of reservations for SC and ST in PhD admission to the National Commission for the Scheduled Castes, and this is quoted from the University’s response to the author’s complaint “Para wise remarks on the petition filed by (...) to National Commission for Scheduled Caste (NCSC),” PU/DR/Aca2/2016-17/295 dated 07/12/2016.

⁹Paragraph 21 of the “Para wise remarks on the petition filed by (...) to National Commission for Scheduled Caste (NCSC),” PU/DR/Aca2/2016-17/295 dated 07/12/2016. The deputy registrar stated that “Further, he (...) has no right or business to make his own interpretation and ask the University to reduce the reservation percentage to OBC which is also a statutory right given by GOI to a particular sector of people.” It is clear from their communication that the university administration has twisted the demand to ensure reservations for SC and ST as a demand to reduce the reservations for OBC. This way of posing the demands raised on behalf of one social group as motivated against another social group and thereby deny reservations to SCs and STs only endorses the concerns raised by this article. It is to be noted here that the authorities involved in the preparation this reply to the NCSC and those who endorsed and forwarded are neither SC nor ST.

¹⁰Para 21 of “Para wise remarks on the petition filed by (...) to National Commission for Scheduled Caste,” letter PU/DR/Aca2/2016-17/295 dated 07/12/2016.

¹¹Two Hundred Thirty-Four Report on the Central Educational Institutions (Reservation in Admissions) Amendment Bill, 2010 was presented to the Rajya Sabha on 25 February 2011 and to the Lok Sabha on 25th February 2011) by the Rajya Sabha Department Related Parliamentary Standing Committee on Human Resource Development.

(I) reduced to fifty per cent of the annual permitted strength in the academic year immediately succeeding the commencement of the Central Educational Institutions (Reservation in Admission) Amendment Act, 2010, in respect of a Central Educational Institution situated in any area other than the specified north eastern region;

(II) not reduced in respect of a Central Educational Institution situated in the specified north-eastern region. (Emphasis added) (GoI, 2011).

The Amendment Act, 2012 retained the first three paragraphs of Section 3 contained in 234th report, including Clause (a). But Clause (b) of the amended act does not include the sub-clauses (I) and (II) as mentioned in the report which clearly demarcate the jurisdiction of the CEI Act. Looking at the sub-clauses I and II quoted above, it is clear that Clause (a) applies to all central educational institutions in every region other than the specified North Eastern region, and Clause (b) applies to central educational institutions in the North-East.

Further, paragraph 3.5 of the 234th report (quoted below) categorically says that SC and ST reservation is a compulsory component of the reservation policy.

While [...]. The Committee is also aware of the fact that reconciliation has to be made between 50 per cent cap on reservations and 27 per cent OBC quota. The committee is of the view that OBC percentage is to be decided by taking SC and ST reservation as a compulsory component. Since the extent of reservation is 50 per cent whatever remaining after fulfilling the SC/ST reservation may go to OBCs.¹² (GoI, 2011, pp 17–18)

It can also be inferred from Section 5 of the CEI Act, 2006 that “mandatory increase in number of seats” is only to facilitate reservation for OBC, and hence no central educational institution is authorized to reduce the allocation for SC and ST categories in order to allocate seats for the OBCs. This is also emphasized in the 234th report that OBC reservations have to be made after reserving seats for the SCs and STs.

Hence, as per the CEI Amendment Act, 2012 if a department calls for four seats, two seats are unreserved and one seat each for SC and ST categories is reserved. And this 15 per cent and 7.5 per cent for SCs and STs, respectively are not the maximum, as clauses (a) and (b) of Section 3 of the Amendment Act, 2012 discuss the modalities when the reservation for SCs and STs exceed their stipulated percentages. When this combined percentage exceeds 22.5 per cent, the act says that the seats have to be increased in order to accommodate the OBCs in such a way that the remaining percentage of reserved seats shall be allotted to the OBCs even if it is less than 27 per cent. In that case, four seats should be increased to six seats and one seat shall be allotted to the OBCs, and this brings the reservations for SCs and STs below 50 per cent in states other than North-East India. The Amendment Act, 2012 also states that when the seats reserved for SCs and STs exceeds 50 per cent in central educational institutions in North-East India, then there shall be no seats for OBCs. Overlooking

¹²Please see Clause 3: Section 3: “Reservations of seats in Central Educational Institutions under the title Recommendations/Observations at a Glance,” (GoI, 2011).

the recent communications from UGC, instructing the universities to follow the Amendment Act, 2012, the Pondicherry University administration has reduced a social justice mechanism to a mere statistical tool and accommodated SC and ST Ph.D., aspirants only when the share of SCs or STs exceeded 0.5 seats taking the department wise annual intake into account.

Therefore, the allocation of seats in regions other than the North-East would be:

Table 1: Comparison of allocation of seats across categories

Total intake	Current method of allocation in Pondicherry University ¹³				Method as per CEI Act and Amendment Act ¹⁴			
	Unreserved	SC	ST	OBC	Unreserved	SC	ST	OBC
1	1				1			
2	1			1	1	1		
3	2			1	2	1		
4	2	1		1	2	1	1	
5	3	1		1	3	1	1	
6	3	1		2	3	1	1	1
7	4	1		2	4	1	1	1
8	4	1	1	2	4	1	1	2

Therefore, a central university in regions other than the North-East may provide representation to SCs, STs and OBCs when there are six seats in a department. However, if the percentage proportions have to be maintained then there need to be eight vacancies in a department in an academic year. While some universities adopt the strategy of accumulating eight seats in each department to ensure representation to all categories, some universities, such as the Pondicherry University, do not do so.¹⁵ In this scenario, the university calls for PhD admissions without declaring seat allocation across categories, and invites applications openly. If there is more than one seat, the university allots the first reserved seat to an OBC candidate. This method of allocation could be justified only if the university adopts the roster system as other categories left out in one year shall be accommodated in subsequent admissions. By not adopting the roster in admissions, the university systematically denies reservations to the SC and ST categories. Also, this manner of allotting seats to the OBCs not only violates the

¹³This is evident from the details of PhD admissions uploaded by various departments in the university website. For details see Pondicherry University 2016b, 2016c, 2016d.

¹⁴This table is presented so as a counter to the Pondicherry University's practice of calling for PhD admissions even when there is just a single seat available in a department. The CEI Amendment Act, 2012 treats SC and ST reservations as a compulsory component of the reservation policy and OBC reservations as reconciliatory. Hence, a central institution cannot choose to allot seats to OBC candidates before allotting seats to the SC and ST students. Strictly going by the provisions of the Amendment Act, 2012, the institutions in regions other than the North-East cannot call for admissions if the annual intake is less than six.

¹⁵It can be observed from the 2016-17 prospectus that Pondicherry University has called for PhD admissions even if there is one seat in a department. It should also be noted here that in 2017-18 admissions, the University has made minimum four seats to call for PhD admission and one seat has been allotted to SC, the allocation is not as per CEI Amendment Act 2012, as it continues to exclude STs in departments where the annual intake is less than eight.

CEI Act but is also against the spirit of social and distributive justice envisaged by the reservation policy.

The Pondicherry University authorities have argued that OBCs are allotted seats because a higher proportion of seats are reserved for them and not because they are given preference over SCs and STs. In a reply to a right to information (RTI) query on the role of the liaison officer of the Special Reservation Cell in the Pondicherry University in the process of admissions, the assistant registrar replied that the cell is not involved in the admission process and the entire process is executed by the academic section.¹⁶ Excluding a few departments where the number of eligible supervisors are more, most departments with fewer eligible guides have called for admissions to less than eight seats for several years, and, therefore, have systematically denied reservations to SC and ST categories continuously.

Even in 2016, about 31 departments called for admissions to six or less PhD seats, amounting to a total of 115 seats in which not even a single seat was reserved for STs and no seat was reserved for SCs in 14 departments where the intake was less than four. It is to be noted that two departments had advertised even for a single PhD seat, and if they continue to do so, even the OBCs will be denied reservation. As per the provisions contained in the CEI Act, 2006, a department in a central educational institution cannot admit students unless six seats are available. However, even those departments where there are six seats, the university has chosen not to reserve seats for STs, but have allotted two seats to OBC candidates and one to the SC applicant.

Table 2: Total number of PhD seats (less than eight seats per department) in 2016–17

Method of allocating seats across categories	Total	Open	SC	ST	OBC
Currently allocated by the University	115	63	17	0	35
As per CEI (tentatively computed taking SC and ST reservation as compulsory)	115	63	28	17	7
Difference	0	0	-11	-17	28

Source: Computed by the Author based on information from Pondicherry University Prospectus 2016–17.

Therefore, a central university can ensure the representation of all categories of reservation only if it adopts the roster system. While a few central universities follow the roster system in PhD admissions, the Pondicherry University has declined this demand citing the UGC guidelines,¹⁷ and have continued to systematically exclude SC

¹⁶“The admission matters have been dealt with by academic section. The reply may be sent to the applicant directly by the Academic Section,” PU/SRC/AR/RTI/2016/ dated 07/10/2016.

¹⁷For details see Clause 9 (b) in the UGC “Guidelines for Strict implementation of Reservation Policy of the Government in Universities, Deemed, to be Universities, Colleges, and other grant-in-aid institutions and centers,” p 3.

and ST students from being admitted to PhD programs by conducting admissions even when there are one or two seats.

However, the policymakers should take keen note of the argument made by the university about the roster system. In their reply to the NCSC, in addition to Clause 9 of the UGC guidelines, the university stated that:

even if roster is adopted, only the 7th point will go to SC and the 14th point will go to ST; whereas the University is now providing seat to SC at 4th vacancy and ST at 8th Vacancy. Moreover, as per the Act 2006 reservation is to be provided on the annual strength and there is no provision for a running roster or carry forward. Moreover, nowhere in the CEI Act (2006) or in the Amendment Act (2012) the word “Roster” has been mentioned and the University has been strictly following all the guidelines issued in this regard.¹⁸

What has not been stated explicitly in the above quoted point is that if the roster is accepted for implementation, the categories that were excluded in a particular year will get their due in subsequent years. The details of PhD admissions declared by a few departments in the university website proves that the university authorities’ claim that the university is implementing reservations according to the CEI Act is false as SC candidates have not been allotted seats when the intake is less than 4, and STs have not been allotted seats in many departments even when seven to eight candidates have been admitted (Pondicherry University (2016b, 2016c, 2016d).

The university administration has justified their act by arguing that the CEI Amendment Act, 2012 does not apply to the Pondicherry University. Their reluctance to follow UGC’s recent guidelines proves their unwillingness to implement the reservation policy as per the CEI Amendment Act. 2012 as it clearly prioritizes reservation for SCs and STs over OBC reservation. It is the bitter truth that the university went ahead to complete the admission process in 2016 even after strong objections were raised by SC and ST students, faculty members, and Pondicherry University SC/ST employee welfare association. While the PhD admission was kept in abeyance owing to a mismatch between the policy and the method that university followed, in a meeting held on 10 August 2016, the registrar cited “oral instructions” from the UGC and subsequently ordered the departments to proceed with admissions. However, in his reply to an RTI query on the matter, the UGC joint secretary categorically denied this and stated that “there is no convention or relevance of anything called as ‘oral instruction’ nor was any occasion or reason for the same here in this matter.”

Notwithstanding this, the deputy registrar (academic) in her reply to the Pondicherry University SC/ST Employees Welfare Association (PUSC-STEWA), stated that the “university is implementing 15 percent for SCs, 7.5 percent for STs, and 27 percent for OBCs” and it is worthwhile to note here that the CEI Act has not been referred to in this letter.¹⁹ Moreover, the details of admission presented in the annual

¹⁸Para 3 of “Para wise remarks on the petition filed by (...) to National Commission for Scheduled Caste,” letter PU/DR/Aca2/2016-17/295 dated 07/12/2016.

¹⁹PU/AS/Aca-2/Ph.D. Admission/2016-17/184 dated 25/08/2016.

report of the university proves that this claim made by the deputy registrar in her reply can hardly be substantiated with department wise data. It can be observed that in 2013–14 several departments did not admit SC/ST students even when the intake was more than ten students in PhD programmes.²⁰ A number of other departments where the intake was less than four did not have SC candidates and several departments with an intake of less than eight did not have ST candidates. Thus, the facts are contrary to the claim made by the deputy registrar (academic) and even the then vice-chancellor (i/c) is also reported to have given a similar statement to the press (Senthilir S. 2016b).

While the university has responded to the NCSC that the Amendment Act, 2012 does not apply to the Pondicherry University, in a response to the UGC and Ministry of Human Resource Development (MHRD) the deputy registrar (academic) stated that “the admission to the PhD programme in the university has been completed as per the Central Educational Institutions (Reservation in Admissions) Act 2006 and as amended in 2012.”²¹ Given these two responses, it will not be an exaggeration to call this a systematic exclusion of SC and STs from PhD programs by the university authorities as willful. It should also be noted that university administration has presented different facts to different bodies.

Need for an Effective Monitoring System

The way Pondicherry University has implemented reservations necessitates a serious introspection because a central educational institution which is governed by acts and statutes of the Parliament has avoided implementing the directions received from the UGC and MHRD. Why should an institution run by the government not implement schemes meant for the upliftment of the SCs and STs? Does the government take a serious note of institutions undermining the authority of the ministry and governing bodies such as the UGC?

The failure of these institutions to effectively implement the reservation policy points towards the fact that mere communication of these policies to universities alone is inadequate to ensure the deliverance of social justice, and it is high time that the policy makers realise this. In regard to the RTI query “whether the communications from UGC regarding implementation of reservation in admissions and appointments are displayed in the university website?,” the Pondicherry University administration replied that “All communications on reservation policies on appointments received from UGC are not displayed in University website. Reservation is adopted and followed in appointments/promotions as per Government of India Policies.”²²

This reply demonstrates the unwillingness of the authorities to keep the public and the stakeholders informed about policy changes and did not provide a reason for this practice. It is also to be noted that this reply is silent about the reservation policy followed in admission. The very non-transparent state of affairs raises serious doubts

²⁰See Table 8.2 Details of SC/ST Student Admitted to Various Courses, presented in *28th Annual Report of Pondicherry University for the year 2013-2014*, pp 227–28

²¹Reply written by the deputy registrar (academic) to the UGC and MHRD— No: PU/AS/Aca-2/Reser./2016-17/273 dated 21/11/ 2016.

²²Pondicherry university circular number PU/ESTT/NT-I/II-5/540/2016/208 dated 27/8/2016.

whether the policies enacted by the government are seriously followed, and if so, why are these circulars not made available in public domain? The resultant ignorance about policy changes among the stakeholders reduces implementation of government policy in a public institution to a matter of administrative discretion and benevolence of individuals in positions of power.

In this context, unless the personnel in administration respect the rights of vulnerable sections, the government institutions cannot achieve the goal of social and distributive justice. Nevertheless, the implementation of a significant social justice mechanism like reservations cannot be dependent on the whims of a benevolent administrator. Hence, it is better to create administrative mechanisms to prevent subversion of social justice mechanisms and to ensure that the system cannot be used for the vested interests of individuals in decision-making authority. While the CEI Act, 2006 and its 2012 amended version were communicated to the registrars of all central universities, we encountered a group of administrators who were ignorant about these rules even in June 2016. The only document they seemed to be aware of were the UGC guidelines put forth in the year 2006. It is once again a mockery of the system that the administrators cite guidelines as a counter to a central act enacted by the Parliament of the country.

Unless the personnel in decisive positions share the concern / ideals of the state with regard to social justice and empowerment, the policy initiatives by apex bodies governing higher education institutions in India would never be implemented in letter and spirit. The Pondicherry University example amply demonstrates that that administrations can follow policies of exclusion despite repeated representations made by the stakeholders. An institutional mechanism should be in place to ensure that the policies are implemented as intended by the government rather than being subverted by the vested interest of individuals in administrative capacity.

In this context, the intervention of the liaison officer of the special reservation cell of Pondicherry University and the response of the university administration to that is an example of how the members of dominant social groups use their position to further their vested interests. On 5 July 2016, the liaison officer of Pondicherry University has moved a file seeking details of students admitted across social categories to PhD courses since 2007. The section officer of the academic section in response to that noted,

4) Moreover, when the issue' regarding reservation in Ph.D. admission is under consideration of the University authorities, moving a file by the Special Reservation Cell unilaterally to the Academic Section without any approval of the higher authorities seeking details for a longer period of 10 years with an observation that reservation has not been followed in the University as per the norms of the Govt. rules *is not good office practice*. It may cause unnecessary embarrassment to the University.²³

²³Special Reservation Cell note file No PU/SRC/LO/2016/02 dated 05/07/2016 obtained through RTI. The liaison officer had sent two reminders and he had been subsequently transferred from that post and another person has been appointed as the assistant registrar of the Special Reservation Cell, and not as liaison officer. Though the transfer is claimed as

This remark has to be seen in the light of the responsibilities and privileges vested with the liaison officer as laid down by the office memorandum issued by the department of personnel and training of the Ministry of Personnel, Public Grievances and Pensions

3. Cases of negligence or lapse in the matter of following reservation and other orders relating to the Scheduled Castes, the Scheduled Tribes, the Persons with Disabilities, and the Other Backward Classes coming to the light through the inspections carried out by the Liaison Officer or otherwise, should be reported/ submitted by him to the Secretary/Additional Secretary to the Government of India in the respective Ministry/Department or to the Head of the Department in respect of offices under the Heads of Department, as the case may be. The concerned Secretary/ Additional Secretary/Head of the Department shall pass necessary order on such reports to ensure strict compliance of the reservation orders by the appointing authority concerned. (GoI, 2013).

Thus, the administration's reply not only hinders the liaison officer from discharging his responsibilities but also denies the independence vested upon the position as it condemns his initiative of seeking relevant information about PhD admissions across different reserved categories as "not good office practice."

The difficulties faced by the stakeholders belonging to SC and ST categories to ensure proper implementation of reservation as envisaged by the CEI Act and the recommendations of the Parliamentary Standing Committee talk volumes about the discriminatory tendencies prevalent among individuals holding administrative positions. Things could have been a little different if the apex bodies had also clarified the method in which the representativeness of SC, ST and OBC communities has to be ensured in educational institutions. The Pondicherry University example clearly demonstrates that any ambiguity in rules will be exploited in favour of the socially dominant, which automatically proves to be a systematic exclusion of SCs and STs.

It is disappointing and depressing to realize that the SCs and STs have to take up a relentless fight even to implement a right that is already granted by the Parliament. These experiences indicate that the system that is currently in practice is insufficient to ensure proper implementation of both social justice mechanism and also welfare measures. Given the vulnerabilities of SCs and STs, the UGC and MHRD should place a system that compels the institutions to report with evidence that the policy changes/ welfare measures are implemented without any deviation within a specific time period. Rather than deputing an officer within the university as a liaison officer, the liaison officer should ideally be an autonomous authority appointed by the UGC / MHRD or the National Commission for SCs or National Commission for STs so that they are not controlled by the administrative hierarchies within an institute. Such a setup

"normal administrative actions," replacing the liaison officer with assistant registrar need not be accepted as "normal."

would protect a proactive liaison officer being transferred at will by the university administration.

Further, there cannot be a worse atrocity than a government servant holding a responsible position failing to implement the welfare measures and social justice mechanism brought in by the government itself. Taking the number of students/families who are adversely affected by non-implementation of policies, this is much worse than crimes/ violence that affect individuals as it produces irreversible outcomes and the loss is incurred by the most powerless and vulnerable sections in a casteist society. Given that these decisions are taken by public officials, it is high time that the government realizes that these are not unintentional lapses, rather these are systematic denials in the guise of ignorance. Hence, the UGC/MHRD should take serious note of how the CEI Act, 2006 and Amendment Act, 2012 are implemented and issue directives to universities to ensure the representation of all vulnerable sections in each and every program in every department. Given that they have not implemented roster in admission since 2006, the governing bodies of higher education should ensure that the university should declare backlog vacancies in PhD as it does in recruitment.

The regulatory bodies should contemplate punishment as per the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and other acts if any of the reserved categories are excluded systematically. Personnel who undermined the constitutional right to equality and other safeguards of the oppressed should be held guilty of discrimination and be punished stringently. Such administrators should be publicly blacklisted as discriminators and should be prevented from occupying any administrative post in the future. Only such stringent action would protect the sanctity of administrative positions in education which is undoubtedly the most significant pillar to facilitate an inclusive economic and social development.

Article Note

This article is an outcome of series of initiatives by faculty members, students, and Pondicherry University SC ST Employees Welfare Association to ensure the proper implementation of the CEI Act in the Pondicherry University. Thanks are due to Lakshmanan, Valarmathi, Singson, and Thambidurai, for their comments on earlier versions of this paper. This article is also benefited by several discussions with SC and ST faculty members of Pondicherry University who had been involved in several deliberations, and thanks are due to them. The views expressed in this article are mine.

References

- Senthalir S. (2016a). Implement reservation in Ph.D. admissions. *The Hindu*, 21 August, 2016 <http://www.thehindu.com/news/cities/puducherry/implement-reservation-in-phd-admissions/article9013934.ece>

- . (2016b). Reservation Act not implemented: Students. *The Hindu*, 24 September, <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/reservation-act-not-implemented-students/article9144334.ece>
- The Hindu*. (2016). Protesters seek quota in PhD admission. 12 August <http://www.thehindu.com/news/cities/puducherry/protesters-seek-quota-in-phd-admission/article8977028.ece>
- Deccan Chronicle*. (2016). Malayali student fights Pondicherry University. October 7, <http://www.deccanchronicle.com/nation/in-other-news/071016/malayali-student-fights-pondicherry-university.html>
- Government of India. (2007). Central Educational Institutions (Reservations in Admission) Act 2006, *Gazette of India*, Extraordinary, Part II, Section I, No 5 dated January 4, 2007, duly communicated to registrars of all central Universities by UGC No F 36-2/2003 (CU) dated 8 January 2007.
- Government of India. (2011). Two hundred thirty-four report on the Central Educational Institutions (Reservation in Admissions) Amendment Bill, 2010, (Presented to the Rajya Sabha on 25 February 2011), Rajya Sabha Department Related Parliamentary Standing Committee on Human Resource Development, Rajya Sabha Secretariat, New Delhi. <http://www.prsindia.org/uploads/media/Centralpercent20Educationalpercent20Institutionspercent20SCR.pdf>
- Government of India. (2012). Central Educational Institutions (Reservations in Admission) Amendment Act 2012 *Gazette of India Extraordinary*, Part II, Section I, No 33, June 20, 2012, duly communicated to registrars of all central universities by UGC letter F. No 35-19/2008/CU dated 28 September 2012.
- Government of India. (2013). Subject: -Nomination of Liaison Officer and Setting up of Cell in each Ministry/Department for enforcement of orders of reservations in posts and services of the Central Government. No.43011/153/2010-Estt.(Res.), Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), 4th January.
- Pondicherry University. (2016a). 2016-17 Prospectus. https://backup.pondiuni.edu.in/sites/default/files/downloads/Prospectuspercent202016-17_210616.pdf
- Pondicherry University. (2016b). Provisional admission to the PhD degree programme - Dept. of English. 19-08-2016, <https://backup.pondiuni.edu.in/news/provisional-admission-phd-degree-programme-dept-english>
- Pondicherry University. (2016c). PhD Admission Provisional select list - Dept. of Mathematics. Notification, 22-9-2016, <https://backup.pondiuni.edu.in/news/phd-admission-provisional-select-list-dept-mathematics>
- . (2016d). PhD (French) Admission - 2016-17 - Provisional List of Selected candidates. 22-8-2016, https://backup.pondiuni.edu.in/sites/default/files/admission_ph_-d_french22082016.pdf
- UGC (University Grants Commission). (2016a). Subject: Revised Estimates for 2015–16 under Non-Plan of Central Universities — Regarding Point wise Reservation Roster. F.No 21-2/2015 (CU) dated 23 March 2016, http://www.ugc.ac.in/pdfnews/6320608_reservation-Policy.pdf, pg 2.
- . (2016b). Subject: Implementation of Reservation Policy in Admission and Appointment. F.No.59-6/2012 (CU) dated 3 June 2016, http://www.ugc.ac.in/pdfnews/6320608_reservation-Policy.pdf
- . (2006). Guidelines for Strict implementation of Reservation Policy of the Government in Universities, Deemed, to be Universities, Colleges, and other grant-in-aid institutions and centers. UGC, New Delhi, www.ugc.ac.in/.../4130592_Guidelines-Reservation-Policy-of-the-Government.pdf