Exclusive Inequalities

Merit, Caste and Discrimination in Indian Higher Education Today

This essay suggests that questions of merit, caste and discrimination in Indian higher education can be usefully analysed in a framework defined by "exclusive inequalities". Beginning with a discussion of continuing caste inequalities in higher education, the argument outlines the specificities of this sector and its peculiarities in the Indian context. The idea of merit and the modalities of the examination are evaluated in terms of their contribution to the legitimation of higher education.

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The most acute and extensive examination of compensatory discrimination policies in independent India describes them as being framed by "competing equalities" (Galanter 1984).[1] This essay argues that the notion of "exclusive inequalities" provides a comparable heuristic framework for analysing similar policies in the specific context of higher education in 21st century India. Section I begins to spell out this argument with a description of what precisely is at stake in the recent conflicts over other backward class (OBC) reservations in elite higher and professional education. Section II outlines the reasons why the specificities of higher education require us to think in terms of inequalities and exclusion (rather than equalities and competition), and what implications this has for affirmative action policies. Section III takes up the key ideas of merit and caste and their centrality to the ideological contestations and the practical manoeuvring going on in publicly funded higher and professional education today.

I
The Problem: What Is at Stake in Mandal II?

It is hardly surprising that the recent decision to introduce 27 per cent reservation for the OBCs in elite institutions of higher and professional education met with such determined and vociferous resistance. Nor is it surprising that the anti-reservation views that dominated the media described the move as motivated by "vote bank politics" designed to benefit a particular caste-bloc which is also an electorally powerful constituency. Although in this particular instance the Congress Party on the whole appears to be more of a bemused spectator than a wily conspirator, the charge may well be true in the larger sense. However, to begin the story here is to begin in the middle; but this suits the anti-reservationists very well, for they would much rather forget the beginning.

In the Beginning

The table shows where the "Mandal II" story really began. It shows the number of graduates and postgraduates (including diplomas and other technical qualifications) in urban India who were identified in a sample survey done by the National Sample Survey Organisation (NSSO). Done in 1999-2000, this was one of the "big sample" five-yearly surveys of the NSSO covering the entire country, but the data shown here are for urban India alone, since that is where higher education is concentrated. The survey covered about 2.24 lakh people, which when adjusted for the relative weight of the particular segment of population covered, amounts to about 1.51 lakh persons. The first column lists castes and communities, while the last column gives their percentage share in the total urban population as estimated by the survey. The middle columns give the caste-community-wise number (in normal lettering) and the percentage share (in bold-italics) of graduates and postgraduates in the agricultural sciences; engineering and technology; medicine and related fields; and all other fields, which means the natural sciences, social sciences and humanities.

You need to read only one row – that for the "Hindu upper castes" (UCs) – to get the basic story line. Looking at the percentage share figures first, and reading right to left from the last column, this row tells us that according to the NSSO, the Hindu UC formed almost 37 per cent of

the population of urban India. But they accounted for almost 66 per cent of all non-technical subject graduates, more than 65 per cent of medical graduates, almost 67 per cent of engineering and technology graduates, and about 62 per cent of graduates in agricultural sciences. In sum, the Hindu UC are a little more than one-third of the total urban population, but around two-thirds of professional and higher education degree holders: their share in the highly educated is about twice their share in the general population.

We already know from this information that since the Hindu UC are heavily over-represented among the highly educated, some other castes and communities have got to be under-represented. This is indeed true for all the rows above the Hindu UC row – the Hindu scheduled tribes (STs) and scheduled castes (SCs), Muslims and Hindu OBCs are under-represented among the highly educated relative to their share of the total urban population. Hindu SCs are the most severely affected – almost 13 per cent of the urban population, they are less than 4 per cent in all fields, and only around 2 per cent in engineering and medicine. It is clear that Muslims and Hindu OBCs too are severely under-represented in higher education in urban India. On the other side, the rows below the Hindu UC are all over-represented, whether slightly like the "other religions" (Parsis, Jains, Buddhists), or quite significantly like the Sikhs and specially the Christians. However, though over-represented in proportional terms all these communities are very small in absolute terms and together account for under 6.5 per cent of the urban population. By contrast, the under-represented groups – the Hindu "lower" castes and tribes (STs, SCs, OBCs) plus Muslims – account for well over half (about 57 per cent) of the urban population. Indeed the caste divide in urban higher education is even worse than what it looks like here because the table ignores the well known caste divisions within the non-Hindu communities.[2]

But the story is not just about the caste divide – the punchline is the overwhelming dominance of the Hindu UC in higher education. This is brought out very starkly by the figures for the sample numbers. Although the point is already made by the percentage share figures, the sheer weight of the Hindu UC is palpable when you compare its absolute numbers with those of the next biggest category, the Hindu OBC. In the total sample (about 1.51 lakh persons in urban India), there were 1,359 persons with engineering degrees, of which as many as 908 belonged to Hindu UC; the next highest figure is 202 for Hindu OBCs – less than one-fourth the former figure. Similarly, Hindu OBCs account for 56 doctors out of the sample total of 535, but the Hindu UCs have as many as 350 doctors, or more than six times the OBC figure! Among the non-technical graduates 11,529 out of 17,501 are Hindu UC, which is more than four and a half times the figure for the OBCs at 2,402. The nature and extent of this dominance is reflected in the fact that the Hindu UCs alone have roughly double the total number of graduates among all other castes and communities put together. And yet this measure may be an understatement because the table includes all types of educational institutions and all types of degrees from the humble BA upwards. If we were to do a survey of postgraduate and professional education in elite institutions, it is a safe bet that the extent of Hindu UC dominance would be much more.

This is where the story of Mandal II really begins – in the undeniable fact that, more than half a century after the formal adoption of a Constitution that explicitly forbids recognition of caste (except, ironically, to provide compensatory discrimination to the lower castes), the dominance of the Hindu UCs in Indian higher education is still substantial, while the lower castes and Muslims are significantly under-represented. The story begins here, but, as they say, this is only the beginning.

From Inequality to Injustice

The table (or other evidence of this sort) surely proves that Hindu UCs and the under-represented groups are definitely different and unequal in terms of their access to higher education. Since differences of this magnitude appear to have survived for so long after the "abolition" of caste, the table also proves that these must be the product of durable, self-reproducing mechanisms that are systematic (i e, not accidental or random) and systemic (i e, relating to system properties rather than to the attributes of individuals).

In other words, looking at this phenomenon from another angle, it is clear that there is something in the gate-keeping mechanism which regulates entry into higher education that makes it discriminate in favour of the "upper" and against the "lower" castes.

However, the existence of inequality and discrimination may be necessary, but it is not sufficient to prove the existence of injustice. For there are many kinds of inequalities and of discrimination that are considered just and desirable. Most people believe, for example, that those who work more should be paid more, and vice versa; i e, they believe in unequal pay for unequal work. (This is actually a corollary of the popular slogan, "Equal pay for equal work".) Similarly, Indian cricket fans would hope and pray that the national selection committee systematically discriminates in favour of more talented players and against less talented players. In fact, the word "discrimination" bears both good and bad meanings – prejudiced or malicious bias, as well as discernment or the ability to distinguish better from worse, etc. (The contrast with "indiscriminate" also brings this out.)

So there may be inequality and discrimination behind the dominance of the Hindu UCs in higher education, but how do we know that it is not legitimate or "good"

Table 1: Sample Number and Proportion of Persons with Graduate Degrees, NSSO 1999-2000

Castes and Communities	Number and Percentage Share of Graduates in Various Disciplines in the Sample								Caste/Comm Share of Total Urban Population (Per Cent)
	Agriculture		Engineering		Medicine		Other Subjects		
Hindu ST	26	***2.4***	18	***1.3***	10	***1.8***	229	***1.3***	2.6
Hindu SC	41	***3.8***	30	***2.2***	10	***1.8***	629	***3.6***	12.9
All Muslim	101	***9.4***	68	***5.0***	54	***10.0***	1,006	***5.7***	17.0
Hindu OBC	108	***10.0***	202	***14.9***	56	***10.4***	2,402	***13.7***	24.2
Hindu UC	669	***62.1***	908	***66.8***	350	***65.3***	11,529	***65.9***	36.9
All Christian	90	***8.4***	70	***5.2***	35	***6.6***	707	***4.0***	2.8
All Sikh	18	***1.7***	30	***2.2***	11	***2.1***	419	***2.4***	1.6
All others	25	***2.4***	33	***2.4***	10	***1.9***	581	***3.3***	2.0
Total	1,078	***100.0***	1,359	***100.0***	535	***100.0***	17,501	***100.0***	100.0

Notes: (i) Figures in bold-italics show caste/community share of graduates in urban India. (ii) Includes persons with postgraduate degrees. (iii) Cells show rounded and multiplier weighted sample numbers and proportions. (iv) Columns may not add up due to rounding. (v) Total unweighted and multiplier weighted sample sizes are 2.24 and 1.51 lakh persons respectively.

Source: Computed from NSSO data on CD.

discrimination? If the gate-keeping mechanism is favouring the upper castes, is it because it is doing its job well or because it is malfunctioning? This is essentially the nature of the split between the two opposing sides in Mandal II. While the fact of upper caste dominance is undeniable and implicitly or explicitly conceded by both sides, one claims that this dominance is perfectly justified and the other claims that it is unjust. Seen in reverse, the institution of reservation for OBCs in elite higher education is seen by the upper castes as a travesty of justice – indeed, as the perpetration of injustice. The lower castes on the other hand see it as the long arm of justice finally catching up with the unfairly privileged upper castes.

We are now at the point where the anti-reservationists wanted to begin the story of Mandal II. In order to proceed further with the story we need to understand the specificities of higher education as a sector and their consequences for affirmative action.

II
Specificities of Higher Education

It may be useful to divide the specificities of higher education as a sector into those that apply in any context, and those that are peculiar to a poor and populous country like ours. These are discussed in turn below.

General Features of Higher Education

First of all, unlike primary education, healthcare or similar "basic needs", higher education is not a matter of right, leave alone a fundamental right. No person of any caste or community has a *right* to become a doctor, engineer or other kind of highly educated person. Everyone has the right to aspire to such status and to fair and equal consideration in the admissions process, according to specified norms of fairness and equality. But no one has an a priori right to actual admission.[3]

Second, by its very nature higher education is a selective field – its elitism is an integral aspect of its nature, not necessarily or only the perversion of this nature. From the point of view of both efficiency and ethics, higher education is not an "universalisable" resource. Although the relative numbers and proportions that determine ideal or desirable levels will be different in each case, and although we need much larger numbers than what we currently have, it is nevertheless intuitively clear that only a very small (sometimes minuscule) proportion of the population will ever be neuro-surgeons, space scientists, architects, or even generic non-technical PhDs. However large (relative to present levels) the ideal number or proportion is, it will still be small relative to the population. We do not need more; we cannot afford more; and there do not seem to be any obvious moral-ethical reasons why we should want to change this state of affairs.[4]

If the pattern of economic rewards and social prestige associated with higher education-based professions (relative to the rest of society) does not change drastically, it seems reasonable to suppose that the number of aspirants who wish to enter such fields will not decline and is likely to rise. In combination with what has been said above, this leads logically to the conclusion that higher education will necessarily remain a selective or elite sector. In other words, there will always be a funnel effect here – more will want to get in than can be accommodated, so at least some and probably very many will have to be turned away. The important point is that this is true and will remain more or less true even if India miraculously turns into a rich and overdeveloped nation tomorrow.

It would seem therefore that because higher education is inherently an exclusive field, modes of exclusion are built into its fundamental structure as a matter of principle. Discrimination in the sense of principled exclusion is thus a defining feature of higher education. This in turn means that concrete modalities for selection and rejection are a critical component of its institutional design. How these modalities work, how they are percieved by differently placed parties, and how they respond to the pressure of conflict and contestation are thus important questions of both principle and practice.

Given the centrality and contentiousness of the modalities of discriminating (rather than indiscriminate) selection to higher education, it is not surprising that their design follows the same general pattern. In most societies and contexts, institutional mechanisms regulating entry into higher education are based in practice on some form of scholastic *examination*, and in principle on some notion of *merit*. The idea of merit is particularly important as it bears the heavy ideological burden of legitimising a system explicitly based on exclusion by discrimination. However, despite the extensive domain of beliefs, values and norms that merit invokes, in concrete practice it depends on the mundane mechanism of the examination or some variant thereof. In modern societies, degree of dependence on the examination increases in direct proportion to the pressure of demand for scarce higher educational opportunities. The more sought after and competitive a field, the greater the likelihood that entry will be regulated by examination. The role of merit and examinations will be discussed in detail in Section III below.

A third general feature of higher education in all societies is its role as the institutional context responsible for creating and nurturing an intellectual vanguard entrusted with the task of thinking on behalf of society and preparing the present to meet the future. This abstract and rather grand description provides a telegraphic summary of what is expected of "criticism", "research" and related activities. Not all of higher education is devoted to such pursuits, nor need all such pursuits necessarily be located within higher education. But there is undeniably an institutional affinity between higher education and the research function, regardless of whether and how well higher education manages to support it. The main implication that is commonly drawn from this is that higher education, or at least some segment of it, can legitimately claim exemption from the "normal" rules and responsibilities imposed on other sectors of public life. I will return to this point later in the argument.

Higher Education in a Big and Poor Country[5]

First, in countries like India, higher education is almost entirely state funded and is still among the most important avenues of mobility for all classes including the affluent class. This is particularly true of elite professional education in India, despite the growing importance of private actors both domestic and foreign. In India, the affluent (largely upper caste) elite have seceded from school education long ago and are beginning to send their children abroad for general undergraduate education. The middle classes (with a more mixed caste composition, but still tilted towards the upper end of the status hierarchy) are now abandoning state schools, but they still need state-run colleges and universities.

But institutions like the IITs, IIMs and AIIMS are still in demand by everyone from the affluent elite downwards because they offer credentials encashable in the "first world" at "third world" prices. That is why, unlike primary or secondary or even general tertiary education, institutions of specialised and professional education are being subjected to enormous political and social pressure.[6]

This is happening because the long-standing monopoly of the upper caste and upper class elite over these resources is now being challenged by politically resurgent lower castes and classes. Previously, this monopoly worked through something akin to the "silent compulsion of economic relations" that Marx spoke of. The modalities of merit went with the grain of society so to speak; they "naturally" favoured the privileged and in effect handed over elite education to them by default. This status quo, consisting of a de facto monopoly masked by the de jure presence of open competition, is now being questioned "by any means possible".

The second feature is very closely related to the first but is important enough to be considered a distinct point. This is the fact that in a poor country with limited avenues for capital accumulation, state-funded higher education provides the safest, most legitimate and least regulated method of privatising public resources. The end product produced by the IITs, AIIMS and similar institutions is a "credentialled" individual who is a free agent but by virtue of the state's investment in him/her now owns a kind of capital that is perfectly portable and (in this instance) internationally encashable. Being a free agent, the credentialled individual can put this capital to (almost) any kind of use (almost) anywhere – the particular state and society that made the investment may or may not gain. Compare this to land or industrial capital, and the differences become clear.

Although it is obvious that the importance of credential capital has increased greatly in the era of globalisation, we must not forget the special historical role of this process. Massive expansion of state funded higher education in the Nehruvian era saw the upper caste middle classes convert their landed capital into credential capital. The state at that time fuelled both the demand and supply sides of the higher education equation – it provided educational opportunities and training, as well as employment. The castes and classes who were in the right place at the right time in the early decades of independence got to occupy an empty and expanding state sector. This kind of historic opportunity is a once only phenomenon, and no other generation will get it. While this may be treated as "historical luck", it should be kept in mind when trying to interpret the strife and acrimony that marks the present.

A third important feature of higher education in poor and populous countries is that it tends to be associated with various kinds of discrimination in practice. These may be collectively called "resource discrimination" i e, discrimination born out of inadequate endowments of the resources required to access and succeed in higher education. It is well known, for example, that higher education is biased against the poor, and against the lower castes or other groups who suffer from social disadvantages in society. This is true in developed countries as well, but is more starkly relevant in countries like India. By its very nature, higher education presupposes access to a minimum level of economic, cultural and political resources. Only those who already possess such resources can realistically expect to benefit from it. That is why the "creamy layer" argument needs to be made with care. Providing access to higher education is not a method for tackling poverty; by the same token, poverty cannot be made a qualifying condition for granting special access to it. Indiscriminate use of the creamy layer argument thus risks disqualifying precisely those segments of socially disadvantaged castes and communities who have a good chance of succeeding. Conversely, with minor exaggeration, one could claim that heavy handed use of creamy layer arguments would end up admitting students whose cumulative disadvantages make it highly probable that they will fail, thus discrediting the affirmative action programme itself.

This combination of merit-discrimination, or discrimination in principle (discussed above), and discrimination in practice, or resource-discrimination, produces a situation where one kind can in fact masquerade as another, or where claims to this effect can be made regardless of the facts of the matter. The permanent potential for misrecognition of one kind of discrimination for the other kind makes the issue very contentious and also very hard to resolve because merit-discrimination is considered legitimate and desirable while resource-discrimination is considered illegitimate and undesirable. While higher educational institutions and administrators are very eager to claim and to demonstrate that they practise merit discrimination, they are as anxious to deny that they are complicitous in the practice of resource discrimination. Similarly, victims of merit discrimination may claim to be victims of resource discrimination, or beneficiaries of resource discrimination may claim to be meritorious.

Finally, a fourth feature of the higher education sector in poor countries with large populations is that it must take on the additional burden of supporting aspirations for mobility. This is somewhat different from the point made above. Because in our context the number of desirable formal sector jobs is always much less than the number of job seekers, applicants must constantly seek to improved their credentials. One way of doing this is to acquire more degrees and this leads to "credential inflation". A significant proportion of those in higher education are there simply to improve their career prospects in non-research related fields. Thus, in a poor country, higher education must also accommodate these legitimate aspirations which are forced to take the route of higher education because of prevailing market and social conditions.[7]

One consequence of this feature is that it counterbalances the special claims made on behalf of higher education because of its responsibility to pioneer cutting edge research for the future. To the extent that higher education functions as an avenue of mobility, it must be subject to the social justice or other obligations imposed on public institutions. Exemption from these obligations means that this route to mobility is embedded in a system that is inaccessible for many.

III
Meanings and Roles of Merit

We are now in a position to return to the question of merit and its critical role as the principal source of legitimation in a field inevitably marked by discrimination and exclusion of various kinds. What does merit mean in the context of Indian higher education?

Examinations and Merit: Denotations

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At the denotative (concrete, literal) level merit usually refers to a certification of competence, aptitude or knowledge acquired through an examination of some kind. In most instances, what is actually involved is the relative rank obtained in the examination. What really matters is not really how "well" one does in the exam, but how much "better" (or worse) one does compared to others taking the same exam. The matter does not end here. In the context of entrance exams for professional educational institutions, for example, the critical factor is getting a high enough rank to qualify for admission. Suppose an institution called XIT has 3,000 places available to be filled through an entrance exam. Then "merit" for XIT – and therefore for the candidates aspiring to enter it – means all ranks from 1 to 3,000. From the point of view of XIT, ranks lower than 3,000 are all equal or the same in the sense that they all belong to the category of "Did not qualify", which is indistinguishable from the category "without merit".[8]

The dreaded "cut-off point" is the guillotine that severs the candidate pool into the mutually exclusive categories of "meritorious" and "without merit". But how is this cut-off point determined? By the number of places available. In short, the number of meritorious candidates is pre-determined; the exam is only a means to identify who they will be. How is this identification to be made? By ranking the candidates. The first social function of the exam is to produce or elicit evidence of inequality from the candidates. The exam is thus an implacable device for generating inequality along a continuous scale, the measurement units of which can be infinitesimal – three decimal places are now commonly reported. But a curious reversal takes place once this inequality is successfully generated and the ranking done – then, the obsessively continuous scale suddenly transforms into a dichotomy with the guillotine of the cut-off point creating two internally homogeneous but mutually exclusive groups. The second social function of the examination is to provide an ideologically defensible method of saying "No" to large numbers.

Examinations and Merit: Connotations

At the connotative (symbolic, figurative, ideological) level, merit functions as a kind of entitlement, a moral claim on society. It is simultaneously a claim in the sense of an assertion about myself (my capabilities, competence, and at the broadest level, moral worth); and a claim in the sense of an expectation or demand addressed to the rest of the world. Merit at this broad symbolic level functions as the raison d'etre of the examination. Or, to put it the other way around, the third social function of the examination is to identify merit. But where the first two functions were latent (i e, unrecognised by or opaque to the actors involved), this third function is a manifest function (i e, explicitly recognised or stated).

We can now resume the discussion about how higher education inherently involves exclusion, and how the merit examination

Call for Papers

Conference on Multidimensions of Urban Poverty in India, jointly organised by Indira Gandhi Institute of Development Research (IGIDR), Mumbai, and the Centre de Sciences Humaines (CSH), New Delhi, on October 6th and 7th, 2006 at Indira Gandhi Institute of Development Research, Mumbai.

Deadline for submission of paper/extended abstract of 1500 words: July 31st, 2006
Email address for submission: **urban@igidr.ac.in**

Researchers are encouraged to submit original papers based on rigorous case studies and/or empirical or theoretical research work with an India focus. The organising committee wishes to reach a balance between research on large cities and metropolises and that on small and medium towns. Papers assessing the impact of public policies and specific programmes are also welcome.

The identified sub themes are:
(i) Characteristics and determining factors of urban poverty (at the national scale or at a city scale, links with size of cities, role of migration, structure of labour markets etc)
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Further information is available on the website of the institutes:
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All submissions will be refereed and authors will be informed on the status of their papers no later than August 18th. Authors of accepted papers are requested to send the final version by September 15th. Since we are able to provide only limited travel support, authors are encouraged to seek their own travel funding. Outstation participants will be provided with accommodation at IGIDR. For further information, please send an email to **urban@igidr.ac.in**

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combination bears the burden of legitimising such necessary exclusion. From the point of view of allocation of scarce higher education resources, merit-discrimination is justified as the method of identifying persons who (a) are best prepared and qualified to enter specialised higher education; and (b) will produce the best return on this social investment. These are actually two distinct claims, but are frequently conflated – it is possible, but not necessary, that the best prepared person in the sense of scholastic aptitude will also be the person who will make the best doctor, engineer or whatever.

In principle, examinations identify merit, and merit provides sufficient justification for discriminating in favour of its bearers and awarding them admission in preference to others who do not have merit. In practice, examinations coercively generate inequality expressed in a rank ordering, and they help to persuade both the "selected" and the "rejected" that the division is fair. However, as long as they succeed in practice, examinations are presumed to have succeeded in principle. In other words, the only thing an exam *must* produce is a rank ordering that is not disputed by candidates; this is a necessary and also a sufficient condition for the system to succeed. Everything else is an optional matter of assertion and counter assertion. (Imagine what would happen if, with only 50 seats available, the AIIMS entrance exam produced a result where the top 100 candidates had the same mark…)

To put the argument sharply, the merit-discrimination system functions on the basis of formal differentiation of a candidate pool through an examination; it is institutionally required to ensure such a differentiation. It is *not* required to ensure or defend a substantive differentiation of candidates. What must be produced is a differentiated ranking; it is not necessary to explain what meaning the differentiations carry. More accurately, as long as they are present, it is permissible to simply assume that the differentiations mean whatever they are supposed to mean. This is the underlying system that, under the pressure of large numbers of aspirants, produces the arcane world of third decimal point differences and cut-offs that are accepted as justifying large claims about the presence or absence of merit.

In effect, one could say that the preceding argument establishes that the examination-rank method is of dubious reliability. This still leaves open the question of validity – do entrance tests really measure what they are supposed to measure, i e, aptitude, likelihood of succeeding, etc? Here we are on familiar ground, for it is well known how difficult it is to devise tests with good predictive power in this sense. We may know a good doctor or engineer when we see her at work, but we do not really know how to predict this before the fact.

To argue that a system is arbitrary is not to say that it is useless, or more important, that obvious alternatives exist. The purpose of this argument was to show that the moral weight that is placed on merit is in practice borne by examinations, and that examinations cannot but be arbitrary under the conditions imposed on them. Appreciation of this arbitrariness should temper one's opposition to reservations or similar proposals that appear to interfere with this system. When opponents of reservations (who have themselves survived such a system) use emotive language like "murder of merit", they are trying to leverage the moral potency of merit to foreclose tempered responses. They are suppressing or disowning their own intimate knowledge of the heartbreaking arbitrariness of merit discrimination. They are endorsing the guillotine mentality and refusing to acknowledge that the ranking game starts with the play of infinitesimal gradations.

How much "compromise" with merit a reservation scheme will entail ought to be recognised for what it is – an empirical question. How much further down the rankings will we have to go? What is the substantive meaning of this distance in marks or ranks, i e, how much of a difference does it make in terms of the quality of candidates? It is only after we have asked and answered such questions that we will be in a position to respond in a reasoned manner to proposals like the recent one for OBC reservations.

Merit and Resource-Discrimination

The preceding argument has kept within the limits of the "merit-only" position; it is time now to move beyond this self-imposed limitation.

If we return now to the argument in Section I and the figures in the table, the skewed distribution of access to higher education was explained as being due solely to merit by the anti-reservationists. However, the flaws in this argument are too obvious to need much rebuttal. As Marc Galanter has pointed out, three broad kinds of resources are necessary to produce the results in competitive exams that qualify as indicators of merit: (a) economic resources (for prior education, training, materials, freedom from work, etc); (b) social and cultural resources (networks of contacts, confidence, guidance and advice, information, etc); (c) intrinsic ability and hardwork. It is some combination of these that allows people to "acquire merit".

When it is said that merit alone is responsible for the dominance of the upper castes, what is meant is that economic and cultural resources are not important, but it is differences in sheer intrinsic ability alone that make for the inter-caste differences. This is a position that is indefensible, for it cannot be argued today that large groups numbering in the millions are more or less intrinsically able than other such groups. We have to look to inequalities in the other factors to explain the difference.

Once we recognise the causal contribution of other inequalities towards the unequal distribution of merit and hence of higher educational opportunities, this opens the door to considering interventions for their redressal. (Because these reasons for inequality cannot be called "just discrimination"; it is to foreclose this that the "merit as the only criterion" argument is made.) Once we begin to talk in terms of gradations – as we must – it becomes possible to move towards a more realistic and transparent policy framework where we can discuss the different social objectives that higher education can accommodate without excessive costs or damages being imposed on it. The present framework of debate – marked by Manichean dichotomies between merit and incompetence (as though there were nothing in between, or that each was such a singular monolithic category) – will not take us forward.

By way of conclusion, it would seem that while more conceptual work definitely needs to be done on these questions, what we need even more perhaps is more and thicker empirical descriptions. Most of all, we need good descriptions of the everyday practices that help produce and reproduce social capital and link caste to privilege or disprivilege in durable ways. EPW

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Notes

1 The title and this essay itself are a tribute to Marc Galanter's classic work, *Competing Equalities: Law and the Backward Classes in India* (Oxford, New Delhi, 1984). It is to his credit – and to

the collective embarrassment of my "caste" of social scientists and specially my "sub-caste" of sociologists and social anthropologists – that more than two decades after its publication, his superb survey still remains by far the best analysis of "compensatory discrimination" in independent India. Its own example and the events of the "Mandal decade" should have been advantage enough for us to at least match the analytical precision and careful scholarship of *Competing Equalities*. Whatever the reasons why this has not yet happened, I hope that "Mandal II" will provide collective inspiration to overcome them. This is a very preliminary version of work in progress and should be read as such. For more immediate incitement, encouragement and critical engagement I am grateful to Mihir Shah, Yogendra Yadav and Mary E John.

2 These differences are sharpest among Christians and Sikhs, and least among Muslims. The Other Religions in this table include Buddhist dalits (since SCs are limited to Hindus), and they too would be sharply differentiated from the Jains, other Buddhists, and Parsis.

3 The strict implications of this are often glossed over, as was evident in the less than even-handed application of this logic to the two sides in Mandal II.

4 Unless we reach a stage of social development where the wishes of individuals or groups to be involved in higher education for its own sake are considered sufficient to justify investment to expand this field.

5 The features noted here are not necessarily absent in a rich small country, but their effects in a poor big country are of much greater consequence.

6 This argument is made by Mary John; see 'Schooled in Inequality' in *The Hindu*, May 30, 2006.

7 This also happens in rich countries, but to a much lesser extent. No one needs a postgraduate degree merely to reach the average standard of living.

8 This is because, after the ranking is done and results declared, the XIT cannot meaningfully differentiate between different "amounts" of merit that are less than whatever was needed for being the 3,000th candidate. In other words, it has nothing (or the same thing) to say to all ranks higher than 3,000 – "Goodbye, better luck if you try next time". There is thus no demonstrable difference between saying "Not enough merit" and "No merit".