

Review Article

The Exigency for Diversity and Inclusion in Affirmative Action Policies in Higher Education

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Globally higher education is regarded as instrumental in shaping individual and societal aspirations. For an individual education beyond secondary education is key to higher social esteem, intellectual stimulation and thus expanding horizons of life options. For the society higher education is instrumental in advancement of technology, productivity, and other elements of economic growth in an international competitive market. It is believed to play a major role towards achievement of social justice, equal opportunity and democracy.¹

In India, higher education is considered to be more equitable in terms access and is also subsidized by the government in comparison to primary and secondary education.² But the reality is quite opposite; there has been a persistent educational inequity due to the shrinking opportunities.³ A stronger and more legitimate higher education system can be formed by enabling persons from all backgrounds to find representation in universities.⁴

The Constitution of India also mandates the restoration of educational opportunities to all its citizens. Educational opportunities are the opportunities that enable the individuals to acquire knowledge and skills thus leading to the cultivation of certain capacities. The goals of the educational opportunities are closely linked to access to educational institutions such as higher educational universities.⁵ This article will reflect on the need of diversity in higher education system in light of affirmative action policies in India

Keywords: Higher education; Affirmative actions; Diversity; Social discrimination; Equality of opportunity; Reservation.

Introduction

Studies have mapped overall pattern of deep discrimination.⁶ There are several studies which reveal the existing disparities around caste discrimination.⁷ There has been evidence of 63% dropout rate by class X in 2002.⁸ In sharp contrast, the percentage is between 12 per cent and 15 per cent in US. This illustrates the relative inequality

in terms of opportunities for the attainment of education in our country. Over the last 60 years the commitment towards increasing opportunities to the under privileged group have not be fulfilled.

Affirmative actions are brought in usually to win the support of the marginalized or under-represented sections of society. The public policies supporting affirmative action are justified as they aim achieve equity, justice or democracy. The

essential goal served by affirmative action policies in higher education are compensation to the victims for the past discrimination. Affirmative action's ensure redistribution of resources and opportunities to the unprivileged sections of society. Such actions help in motivating students from lower socio-economic and disadvantaged classes to aspire for better positions in society. Thus, it enhances potentiality and productivity of such students and they get higher quality education and learning due to incorporation of diversity on campuses. They end up getting better access to career opportunities. Ultimately a more legitimate democratic order is maintained.⁹

Affirmative action is usually resultant of socio-cultural, geographical, historical, political, demographical circumstances rather than of common psychological predispositions.¹⁰ Caste based discriminations are quite deeply rooted in our socio-cultural upbringing. Despite of having Article 17 of the Indian constitution prohibiting untouchability, lower castes are looked down upon in rural India. Thus, the whole concept of reservations, quotas or affirmative action can be seen as a social contract between "the winners" and "the losers".¹¹

There are multiple different kinds of criteria, based on which diversity is maintained in higher educational institutions. But the ultimate deciding factors are limited through the construction of specific meanings. And such factors vary globally, for e.g., in India, diversity is focused on caste, class, religion and language differences. Differences in race, ethnicity, and culture are being focussed upon for determining diversity in Canada. In the US context, racial differences and cultural differences remain the determining criterion for diversity in higher educational institutions.

Objectives

This article will reflect on the need of diversity in higher education system in light of affirmative action policies in India. This article will aim to disprove the argument that excellence in higher educational institutions will be affected adversely by bringing diversity through affirmative action policies. The article aims to establish that bringing in diversity in higher educational institutions will be an "educational good" itself. The article will discuss that excellence in education can be achieved by diversity and equal opportunity. Reflecting on these issues this article will help us to understand the complexities involved in the 21st century world of globalization and the expanded diversity

associated with the expansion in higher education around the world.

The Cause for Diversity and inclusion in Higher Education

Selection in higher education institutions is an opportunity to be strategically provided to a certain class an institution looks for in the candidates.¹²

Ronald Dworkin describes this as:¹³

*"Places in selective universities are not merit badges or prizes for some innate talent or for past performance or industry: they are opportunities that are properly offered to those who show the most promise of future contribution to goals the university rightfully seeks to advance."*¹⁴

A diverse student body will encourage mix of values and experiences providing an effective and fertile platform for learning and scholarship.¹⁵ By bringing diversity in universities will not only reconcile differences in ethnicity and socio-economic background but also diversify the environment of learning and achievement of goals.¹⁶ It provides a valuable platform for human interaction.

According to Patricia Gurin a diversified student body can think deeper and interpret complex situations. They are better nurtured to become responsible participants in a pluralistic, democratic society.¹⁷ In a residential university the effects of having a diversified student body are more pronounced where the students engage in constant and intense interactions.¹⁸ The validity of the diversity argument is dependent on the type of discipline or profession in question.¹⁹ In the field of legal education, researchers have highlighted the role of having a diversified student body.²⁰ In a law school a diversified student body helps to achieve twin objectives: firstly, it refines the student's capacity for intellectual, moral and aesthetic engagement as a lawyer. Secondly it prepares the candidates for a responsible participation in the public life of his community as well as the society at large.²¹ The first objective is personal and inward looking while the second objective is more outward looking and communitarian. A law school "cannot be effective in isolation from the individuals and institutions with which the law interacts."²² By a diversified student body the realities of discrimination faced by different class of persons can be strictly scrutinized.²³ Students coming from the background of social discrimination will not feel alienated from the society and will perform better to make positive sense of their professional life.²⁴

There is a great need for having the equality of opportunity in education due to the following reasons:

- a) It is needed for the establishment of an egalitarian society.
- b) It is needed because it is only through the education to all citizens the success of democratic institution is ensured.
- c) The equality of educational opportunities will essentially lead to a steady advancement of the country.
- d) Search of talent and selection in entrance examinations will happen among all the citizens and not be necessarily limited to privileged class.

The conception of Fair Equality of Opportunity is developed by John Rawls. According to the conception of Fair Equality of Opportunity the social offices and positions should be open to all individuals who are equally talented. This enables all individuals getting equal chance to attain important positions, irrespective of their social background.²⁵ By the conception of Fair Equality of Opportunity all members of the society are counted as the relevant agents. Irrespective of the social class background there should be no obstacles to achieve the desired goal in offices and other positions. The only obstacles that people may legitimately face include having fewer cultivated abilities or lack of willingness to use them. This principle closes the achievement gap between the rich and the poor who are similarly situated in terms of same talent potentials.²⁶ The Rawlsian principle of Fair Equality of Opportunity aims to eliminate the effects of discrimination on grounds of social background on educational achievement. Thus, Fair equality of opportunity offers a radical and equitable interpretation of equality of educational opportunity.²⁷

In USA, Preferential treatment was justified on the basis of "diversity" for the first time in 1978. Justice Lewis Powell in the case of *University of California Regents v. Bakke*,²⁸ supported affirmation action²⁹ based on "race discrimination" as it would enrich the quality of learning experience in higher education for all the students.³⁰ A diverse student body will enrich the learning environment for both the minority and dominant group of students. An emerging body of scholarship³¹ has linked "diversity" to individual and institutional benefits in higher education institutions. In addition to structural diversity, engagement in meaningful and periodic interactions with all diverse group of

students in the universities were found effective³²

In Canada to decide issues of Diversity reliance is given to legislation on equality and the Canadian Multiculturalism Act of 1988.³³ Both U.S. and Canada have decentralized their higher education systems which is not the case in India. In India higher education falls in the concurrent subject list. Thus, Indian higher education falls under the domain of the state governments, the union territories, and the central government.³⁴

The future of positive discrimination for every country would be different depending upon various social factors prevailing in that particular country. The conflict between equal treatment and the politics of reservation cannot be ignored while formulating reservation policies in India.

Conclusion

Our current educational system directly affects our youth population. The youth we have is not a homogenous lot; we have heterogeneous youth population and thus come the idea of differential treatment. However, what is important also is to consider the various dynamic factors while forming policies of differentiation, and to come out of the positivistic approach. The Government needs to recognize various stakeholders, of the consequences of its policies and their arguments and counter arguments.

A positive approach towards this problem lies in increasing the intake of students in educational institutions. Since the rates of literacy of SC's and ST's are found to be lower than aggregate rates of literacy, better educational facilities and environment both at primary and secondary education should be provided to these groups to make them at par with the rest. There should be improving and widening of our system of public education so that all castes can be on an equal footing.

If we are to shift away from the politics of identity and patronage, then reservation policy is surely a better way of minimizing disadvantages and nurturing the democratic ethos. Although reservations are the most practical method of achieving substantive equality, they must be used cautiously and not misused.

Though there is need to fulfil "legal" requirements for filling certain quotas, but no penalties are provided for the violation of the same. That is the reason why many quotas remain in educational institutions unfulfilled. There is serious need to

ensure that quotas get filled strictly according to the legal norms

Thus, it can be concluded that positive discrimination in higher education institutions can and does strengthen social mobility of disadvantaged groups. But positive discrimination cannot be completely adequate to remove group inequalities. For positive discrimination to be more effective it must be complemented by basic improvements in access to and quality of schooling.³⁵ The quality of education imparted at lower levels need to be improved to benefit the disadvantaged group. The environment of these institutions must not culturally isolate these groups rather must treat them as the part of the same society.³⁶

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