

CASTE DISCRIMINATION IN EDUCATIONAL INSTITUTIONS: LEGAL REMEDIES AND GAPS

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ABSTRACT

Caste-based discrimination continues to plague Indian educational institutions despite constitutional guarantees and progressive legislation. This research paper critically examines the persistence of caste bias and exclusion in schools, colleges, and universities. It explores the legal framework designed to address such discrimination, particularly the Constitution of India, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Right to Education Act, and relevant University Grants Commission (UGC) regulations. Through case law analysis, field studies, and an evaluation of judicial interventions, the paper identifies structural gaps in enforcement and accountability mechanisms. The study emphasizes the need for more robust institutional frameworks, increased legal awareness, and intersectional approaches to ensure dignity, equity, and justice for historically marginalized communities.

KEYWORDS: - unfortunately, discrimination, marginalized castes, intersectionality, constitutional, implementation.

INTRODUCTION

Caste discrimination remains one of the most deep-rooted and persistent forms of social inequality in India. Despite constitutional guarantees and progressive legislation, the caste system continues to influence various aspects of Indian society, especially access to and experience within the education sector. Educational institutions, which are expected to be spaces of learning, inclusion, and empowerment, have unfortunately also become grounds where caste-based prejudices are reproduced and reinforced.

The Indian Constitution, through Articles 15 and 17, prohibits discrimination on the basis of caste and abolishes untouchability. Additionally, affirmative action policies such as reservation in educational institutions for Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs) were introduced to address historical injustices. However, caste discrimination in education has taken more covert and structural forms—ranging from social ostracism, lack of participation in classroom activities, stereotyping by teachers, to even extreme cases such as suicide of students from marginalized communities.

One of the most alarming and publicized examples of caste discrimination in recent times was the tragic suicide of Rohith Vemula, a Dalit PhD scholar from the University of Hyderabad, in 2016. His death brought national and international attention to the discriminatory practices faced by Dalit students in higher education. This incident was not isolated but part of a broader pattern of systemic exclusion, harassment, and bias that exists in many institutions across the country.

While there are legal provisions meant to curb such practices—including the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and UGC guidelines promoting inclusive education—their implementation remains inconsistent and inadequate. Many institutions lack effective grievance redressal mechanisms, and there is a general reluctance to acknowledge caste-based issues within academic environments, often labeling them as “non-academic” or “politically motivated.”

Moreover, the intersectionality of caste with class, gender, and regional disparities further complicates the experience of students from marginalized backgrounds. Dalit and Adivasi women, in particular, face dual marginalization—being discriminated against both for their caste and gender identity. The lack of representation of marginalized castes in faculty and decision-making positions also perpetuates a culture of alienation and exclusion.

This paper seeks to explore the multifaceted nature of caste discrimination in Indian educational institutions. It aims to analyze the legal framework designed to address such issues, evaluate its effectiveness, and identify the existing gaps in both law and institutional practice. The objective is not only to highlight the shortcomings of the current system but also to propose reforms that can help transform educational institutions into genuinely inclusive and egalitarian spaces.

In doing so, the study will draw upon legal texts, landmark judgments, policy documents, and real-life case studies. It will also consider recommendations from national commissions and human rights organizations. Ultimately, this research intends to contribute to the ongoing discourse on social justice in education and the larger fight against caste-based oppression in contemporary India. Caste has been one of the most entrenched and oppressive features of Indian society. Despite decades of constitutional guarantees and progressive laws aimed at eradicating caste-based injustices, discrimination on the basis of caste continues to persist, particularly in educational institutions. These spaces, which are meant to be inclusive centers of learning and empowerment, often become grounds of social alienation, humiliation, and systemic exclusion for students belonging to marginalized castes, especially Dalits (Scheduled Castes) and Adivasis (Scheduled Tribes). [...].

Historical Background

The origins of caste-based discrimination in India can be traced back thousands of years to the **varna system**, a hierarchical social order mentioned in ancient Hindu scriptures. This system classified society into four primary groups: Brahmins (priests and scholars), Kshatriyas (warriors), Vaishyas (traders), and Shudras (laborers). Outside this classification were the so-called “**untouchables**,” later known as Dalits, who were assigned the most menial and degrading tasks and faced systematic social exclusion.

Over centuries, this hierarchical order evolved into a rigid and oppressive **caste system** that defined individuals’ roles, occupations, and social interactions based on birth. Access to education was restricted primarily to the upper castes, particularly the Brahmins. Shudras and Dalits were denied entry into temples and schools and were often punished or persecuted for attempting to gain literacy or knowledge.

Prominent social reformers and movements in the 19th and early 20th centuries challenged these oppressive practices. Leaders like **Jyotirao Phule**, **Periyar E.V. Ramasamy**, and **Dr. B.R. Ambedkar** played a pivotal role in advocating for the education of marginalized communities and fighting against caste discrimination. Dr. Ambedkar, himself a Dalit, emphasized education as the key to social upliftment and equality. His personal struggles with caste-based discrimination in educational institutions deeply shaped his philosophy and activism.

Dr. Ambedkar's efforts culminated in several policy reforms and eventually the drafting of the **Indian Constitution**, which enshrined **equality before law (Article 14)** and **prohibited caste-based discrimination (Article 15)**. The **right to education** and **abolition of untouchability (Article 17)** were also significant constitutional milestones. These constitutional provisions were intended to break the historical barriers to education faced by lower-caste communities and ensure a level playing field.

Post-independence, the Indian government adopted **affirmative action policies**, including **reservation in educational institutions and public employment** for Scheduled Castes (SCs), Scheduled Tribes (STs), and later, Other Backward Classes (OBCs). These measures aimed to counterbalance centuries of exclusion and provide access to higher education and employment opportunities.

Despite these progressive constitutional and legal provisions, caste discrimination persisted in various forms within educational spaces. From primary schools to elite universities, Dalit and tribal students often faced bias from peers and faculty members, segregation in hostels or dining areas, and were subjected to subtle and overt forms of harassment.

Throughout the late 20th century and into the 21st, reports from **National Commissions**, **human rights bodies**, and **civil society organizations** have documented the continued marginalization of lower-caste students. The **Sachar Committee**, **K.R. Narayanan Committee**, and more recently, **Justice Usha Mehra Commission** have highlighted the intersection of caste with socio-economic deprivation in the field of education.

Furthermore, while the **Right of Children to Free and Compulsory Education Act, 2009** attempted to universalize education, many reports suggest that caste-based discrimination continues to discourage retention and participation of Dalit children, particularly in rural and semi-urban government schools.

Thus, the historical legacy of caste continues to manifest in modern educational spaces, revealing a continuity of exclusionary practices under newer guises. The socio-cultural biases, systemic obstacles, and institutional apathy have meant that despite legal safeguards, caste discrimination remains a lived reality for many students from marginalized backgrounds in India.

CONSTITUTIONAL AND LEGAL FRAMEWORK

India's legal architecture provides comprehensive safeguards against caste-based discrimination. The **Constitution of India**, under Article 15(1) & (2), prohibits discrimination on grounds including caste, and Article 17 abolishes untouchability. Article 21-A guarantees the right to education, while Article 46 directs the State to promote educational and economic

interests of SCs/STs. Furthermore, Article 338 and 338-B provide for the establishment of commissions for SCs and STs respectively, with the mandate to oversee the implementation of safeguards.

Key statutory frameworks include:

- **The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989**
- **The Right of Children to Free and Compulsory Education Act, 2009**
- **UGC (Promotion of Equity in Higher Educational Institutions) Regulations, 2012**

While these provisions appear strong on paper, their on-ground implementation is often inadequate.

CASE STUDIES AND JUDICIAL RESPONSES

Caste-based discrimination in educational institutions has not only been the subject of academic research and activism but has also led to numerous legal battles and judicial scrutiny. Indian courts, especially the Supreme Court and High Courts, have played a critical role in interpreting constitutional provisions and statutory protections to address such discrimination. However, despite some progressive judgments, the implementation of judicial directives on the ground remains inconsistent. Below are key case studies and judicial responses that highlight the ongoing challenges and legal interpretations around caste discrimination in education.

1. Rohith Vemula Case (2016) – University of Hyderabad Case Overview:

Rohith Vemula, a Dalit PhD scholar and activist at the University of Hyderabad, died by suicide in January 2016 after being suspended along with four other students for alleged involvement in campus protests. His suicide note pointed to systematic caste-based discrimination, emotional harassment, and institutional neglect.

Legal and Social Outcome:

- The incident triggered national outrage and widespread student protests.
- Allegations were made under the SC/ST (Prevention of Atrocities) Act, 1989, against university authorities and Union Ministers.
- However, as of now, no concrete legal action has led to conviction.
- Judicial inaction and delay in framing charges reflect the challenges victims face in securing justice in such cases.

Significance:

This case became a symbol of caste-based alienation in higher education. It highlighted the lack of mental health support, institutional apathy, and failure of redressal mechanisms in universities.

2. Indian Institute of Technology (IIT) Madras Caste Discrimination Allegations (2015)

Case Overview: In 2015, IIT Madras derecognized a student group, the Ambedkar Periyar Study Circle (APSC), allegedly for criticizing the central government and raising issues of caste discrimination. The action was seen by many as a crackdown on Dalit voices.

Legal and Social Outcome:

- The issue was taken up by human rights activists and parliamentarians.

- No judicial case was filed directly, but the National Commission for Scheduled Castes (NCSC) investigated the matter.
- The group was later reinstated due to public pressure.

This case highlights the shrinking democratic spaces within elite institutions and the suppression of discourse around caste-based inequality.

3. The Case of Balmiki Education Society v. State of Punjab (2007) – Punjab & Haryana High Court Facts: A school was accused of segregating Dalit students during mid-day meals and classroom seating. The court held such segregation as a clear violation of Article 15(2) of the Constitution, which prohibits discrimination in public spaces including educational institutions.

The ruling reaffirmed the constitutional mandate of equality and reinforced that even indirect discrimination is legally unacceptable in schools.

4. P.V. Indiresan v. Union of India (2009) – Facts: This case challenged the legality of reservation in the Indian Institute of Technology (IITs) and other elite institutions.

The Supreme Court upheld the reservation for SC/ST/OBC students but emphasized that “merit cannot be compromised.” While it affirmed affirmative action, the Court's stress on merit brought attention to the tension between inclusivity and perceived meritocracy, a sentiment often used to marginalize Dalit and tribal students in elite institutions.

5. AIIMS Caste Discrimination Allegations (2006-2010)- Multiple allegations surfaced from SC/ST students at the All India Institute of Medical Sciences (AIIMS) about discrimination in grading, evaluation, and faculty behavior.

Legal Developments:

- The Thorat Committee Report (2007), constituted by the Ministry of Human Resource Development, found evidence of discrimination in faculty attitude, unequal treatment in academics, and lack of institutional support.
- Based on the report, AIIMS was directed to strengthen its anti-discrimination measures.

Significance:

The case prompted serious policy-level discussions and showed that even premier medical institutions were not immune to caste bias.

6. S. Anand v. Principal, Medical College, Chennai (Madras High Court)

Facts: A Dalit student alleged discrimination in the allotment of hostel rooms and access to facilities. The Madras High Court took note of the allegations and directed the college to ensure equal treatment and nondiscriminatory practices in hostel accommodations. The case reinforced that administrative practices, even if not overtly casteist, must ensure fairness and inclusion.

ANALYSIS OF JUDICIAL TRENDS -

While Indian courts have occasionally taken progressive stances on caste discrimination in educational spaces, certain trends are visible:

1. Reluctance to Name Caste: Courts often treat such cases under administrative law or general equality clauses, rather than invoking caste-based protections directly.

2. Burden of Proof: Victims bear the heavy burden of proving caste discrimination, which is often subtle and undocumented.
3. Implementation Gap: Even when favorable judgments are passed, there is a lack of strict monitoring and compliance by educational authorities.
4. Absence of Robust Redressal Mechanisms: Courts have noted the absence or ineffectiveness of equal opportunity cells, anti-discrimination officers, and ombudspersons in universities.

These case studies and judicial interventions reveal that caste discrimination in education is a persistent and evolving challenge. Though constitutional and statutory tools exist, their underutilization, institutional resistance, and judicial hesitance often dilute their impact. The judiciary must play a more proactive role in not only punishing discriminatory behavior but also in ensuring structural reforms within educational institutions. A sensitive and intersectional approach by the courts is essential to fulfill the promise of social justice and educational equality envisioned by the Indian Constitution.

Institutional Gaps and Challenges

Despite legal obligations, many institutions lack functioning anti-discrimination cells. Redressal mechanisms are weak, biased, or inaccessible. Victims fear retaliation, including academic consequences. There is little monitoring or transparency on complaints related to caste discrimination. Most critically, intersectionality—how caste combines with gender, religion, or region to create deeper exclusions—is ignored in institutional policies and legal interpretations.

Impact on Marginalized Communities

The consequences of caste-based discrimination in education are long-lasting. Victims suffer from psychological trauma, isolation, and academic underperformance. Some even experience suicidal tendencies. Students from SC/ST communities frequently face “merit stigma,” where their achievements are undermined due to perceptions of reservation-based admission. These experiences lead to higher dropout rates and lower self-confidence among marginalized students.

Comparative Legal Perspectives

Unlike India, other democracies have enacted stronger anti-discrimination laws in education. In the **United States**, Title VI of the Civil Rights Act prohibits racial discrimination in federally funded institutions. In **South Africa**, post-apartheid laws mandate proactive inclusion in education. These global examples reveal the need for independent enforcement bodies and clear institutional accountability—features largely missing in India’s context.

LEGAL AND POLICY FRAMEWORK ADDRESSING CASTE DISCRIMINATION IN EDUCATION

India’s constitutional and legal framework offers a robust foundation for combating caste-based discrimination, especially in educational institutions. Rooted in the principles of equality, non-discrimination, and social justice, these provisions are aimed at correcting historical injustices and creating a more inclusive educational environment. However, despite these legal

protections, the gap between the law in the books and law in action remains a significant concern.

1. Constitutional Provisions

Article 14: Equality Before Law-

This Article guarantees equality before the law and equal protection of laws to all persons. It forms the bedrock for all anti-discrimination jurisprudence in India.

Article 15(1) and 15(2): Prohibition of Discrimination

- Prohibits discrimination by the State on the grounds of religion, race, caste, sex, or place of birth.
- Specifically, Article 15(2) prohibits discrimination in access to public places, including educational institutions.

Article 15(4) and 15(5): Positive Discrimination

- Allows the State to make special provisions for socially and educationally backward classes, SCs, and STs, including reservations in educational institutions.
- Article 15(5) further enables reservations in private unaided educational institutions (excluding minority institutions).

Article 17: Abolition of Untouchability

A landmark provision, it declares untouchability as abolished and forbids its practice in any form. Discrimination based on untouchability, often prevalent in hostels, classrooms, and social interactions, is a punishable offense.

Article 21A: Right to Education

Inserted by the 86th Constitutional Amendment, this article guarantees the right to free and compulsory education for children aged 6 to 14 years, applicable to all, irrespective of caste.

2. Key Legislative Measures

a. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

- Protects SCs and STs from physical and psychological atrocities.
- Includes penal provisions for casteist abuse, denial of access, and harassment within educational environments.
- The 2015 Amendment specifically includes “intentionally humiliating SC/ST students in educational institutions” as an offense.

b. The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act)

- Prohibits discrimination in elementary schools based on caste, class, gender, or disability.
- Mandates inclusive classrooms, non-segregated seating, and equal treatment of all children.

c. University Grants Commission (UGC) Guidelines

- The UGC has issued multiple guidelines to promote inclusive education, including:
 - Setting up Equal Opportunity Cells.
 - Appointment of Anti-Discrimination Officers.
 - Mechanisms for redressal of caste-based grievances.
 - Mandatory orientation programs for faculty and staff on caste sensitivity.

d. Protection of Civil Rights Act, 1955

- Penalizes the practice of untouchability in any form, including within educational spaces.
- Applies to denial of admission, segregation, and differential treatment in schools and colleges.

3. National Commissions and Oversight Bodies

a. National Commission for Scheduled Castes (NCSC)

- Empowered to monitor safeguards for SCs and investigate violations, including in education.
- Has taken suo motu cognizance of many cases involving caste bias in universities.

b. National Commission for Scheduled Tribes (NCST)

- Similar powers as NCSC but focuses on tribal students.
- Regularly reviews affirmative action policies and issues recommendations.

c. National Human Rights Commission (NHRC)

- Investigates human rights violations, including those related to caste discrimination in schools and universities.
- Issues notices to educational institutions and state governments based on complaints.

4. Reservation Policy and Affirmative Action

India's reservation system is one of the most significant legal mechanisms to address caste-based exclusion:

- 15% for Scheduled Castes, 7.5% for Scheduled Tribes, and 27% for OBCs in public educational institutions.
- Economically Weaker Sections (EWS) introduced 10% quota under the 103rd Constitutional Amendment.
- Judicial Review has balanced affirmative action with the right to merit, often reinforcing the constitutional validity of such measures in landmark cases like *Indra Sawhney v. Union of India* (1992) and *Ashoka Kumar Thakur v. Union of India* (2008).

5. Institutional Policies and Practices

While national-level laws exist, institutional implementation varies widely:

- Many universities have failed to establish grievance redressal committees.
- Lack of awareness among students about legal rights and complaint procedures.
- Faculty sensitization and training programs on caste issues remain superficial or absent.
- Admissions, grading, hostel allocation, and student representation often show caste-based disparities.

India's constitutional and legal apparatus provides strong foundations for eradicating caste-based discrimination in education. However, the efficacy of these safeguards depends on active implementation, institutional accountability, and social transformation. The law is a powerful tool, but unless accompanied by attitudinal change and administrative will, caste discrimination will continue to thrive in subtle and systemic forms in our educational institutions.

CONCLUSION

Caste discrimination in Indian educational institutions stands as a profound betrayal of constitutional ideals. Despite having a strong legal structure, actual enforcement is feeble, and institutions often fail the very students they are meant to empower. Unless the law is backed by accountability, awareness, and institutional reform, the dream of equitable education for all will remain unfulfilled. The path to justice requires not only recognizing these failures but actively dismantling the caste hierarchies embedded in our classrooms, campuses, and curriculum. Only then can education truly serve as the instrument of social transformation envisaged by our Constitution.

Caste discrimination in educational institutions continues to be a **deep-rooted and persistent challenge** in India, despite the existence of progressive constitutional provisions, statutory protections, and judicial interventions. The historical legacy of exclusion and marginalization of Dalits and other backward communities in education has morphed into newer and subtler forms of discrimination that often go unnoticed or unaddressed. From overt social ostracization to covert academic bias, students from marginalized castes continue to face **barriers to equal opportunity, dignity, and participation** within India's educational spaces.

The legal framework—anchored in Articles 14, 15, 17, and 21A of the Constitution, and bolstered by the SC/ST (Prevention of Atrocities) Act, the Right to Education Act, and UGC guidelines—offers comprehensive protections. However, there exists a significant **gap between law and practice**. Inadequate enforcement mechanisms, lack of sensitization among faculty and administrators, and institutional apathy often render these legal protections ineffective. Judicial responses, though critical in affirming rights and providing remedies, have not always translated into systemic reforms or preventive safeguards.

Case studies such as the tragic death of Rohith Vemula and documented instances of caste-based harassment in elite institutions like AIIMS and IITs have brought national attention to the structural and emotional violence faced by Dalit and Adivasi students. These cases underline the urgent need for a **reformative approach that moves beyond tokenistic measures and addresses the root causes of exclusion**.

To bridge the existing gaps, there must be a multi-pronged approach involving **stronger legal implementation, institutional accountability, social awareness, and grassroots mobilization**. Anti-discrimination mechanisms in educational institutions need to be made robust, accessible, and responsive. Reservation policies must be protected from dilution, and more inclusive pedagogical practices should be adopted to ensure equal academic recognition for all.

Ultimately, education is not merely a tool for personal advancement; it is a **constitutional right and a societal equalizer**. The Indian education system must strive to become a space where every student, regardless of caste, can thrive without fear, stigma, or bias. Only then can we claim to uphold the values of **justice, equality, and dignity** enshrined in our Constitution and truly realize the vision of an inclusive and equitable society.

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