

Over-centralisation in Education - NEET

What is the issue?

- The NEET (National Eligibility-cum-Entrance Test) for medical courses is becoming a sign of over-centralisation in education.
- The interests of democracy call for arresting the trend towards the governmental domination of the educational process.

What were the judicial pronouncements in this regard?

- NEET was initially struck down as unconstitutional in Christian Medical College, Vellore (2013) case by a 2:1 majority.
- In 2016, a review of this judgment was allowed.
- Also, the dissenting judge of the 2013 judgment made NEET compulsory even prior to a full hearing by the constitution Bench.
- In April 2020, the Supreme Court held that there was no fundamental right violation in prescribing NEET for medical courses admissions.
- The observations made by a Commission (1948-49) do not seem to have been kept in mind in the April 2020 judgment.
- [The Commission was appointed by the Government of India to report on Indian University Education and suggest improvements and extensions.]

What were the observations by the 1948-49 Commission?

- Freedom of individual development is the basis of democracy.
- Exclusive control of education by the government has been an important factor in facilitating the maintenance of totalitarian tyrannies.
- In such countries, institutions of higher learning controlled and managed by governmental agencies -
 - i. act like mercenaries
 - ii. promote the political purposes of the State
 - iii. make them acceptable to an increasing number of their populations
 - iv. supply them with the weapons they need

How does it work with NEET?

- In the case of education, over-centralisation is becoming a reality.
- NEET is much an assault on the autonomy of universities and higher

education institutions, particularly private, unaided ones.

- In the name of state's power to "regulate", the rights of unaided private institutions and minority institutions cannot be violated.

How disadvantaged do students become?

- With NEET and other similar national tests such as the JEE and CLAT, coaching institutes are prospering.
- Since most of them are in cities, poorer students from a rural background face a disadvantage.
- The case is similar with students who have studied in the vernacular medium.
- There is also large-scale variation in the syllabus and standards of the Central Board of Secondary Education and State boards.
- Besides, the NEET paper was leaked twice in the last four years.
- Therefore, there is not much confidence in NEET's fairness and transparency.
- Also, there is the issue of wrong translation.
- In the 2018 NEET, as many as 49 questions had errors in Tamil translation.
- [This led to a Madras High Court order to award 4 marks for each of the 49 wrongly translated questions to all 1.07 lakh candidates of the state.
- The Supreme Court overruled this order as the HC had arbitrarily ordered for grace marks to everyone.
- It did not examine whether the student even attempted such a question.]
- However, the advantages of NEET include a student having the possibility of giving multiple tests.
- By this, students would have a chance to qualify without losing a year, if they fail in one test.

Does NEET really promote merit?

- The idea of meritocracy requires competition and equality of opportunity.
- In the case of NEET, competition cannot be termed as fair and just, and the equality of opportunity becomes illusory.
- Certainly, NEET and other such admission tests do not meet the fundamental criteria of meritocracy.
- It is unclear if NEET is adequately measuring the multidimensional construct of merit.
- Common admission tests fall short of measuring the abilities that are essential for learning such as imagination, curiosity and motivation.
- Empirical research in the U.S. on such tests reveals that these tests are biased against the poorer and underprivileged sections of population.
- Thus, there is also an element of 'class' in NEET, which the Indian judiciary

has so far overlooked.

How important is differential treatment?

- Minority rights are not the violation of the equality provision in Article 14 as the Constitution does permit classification.
- In fact, substantive equality, as opposed to formal equality, mandates differential treatment.
- There are even hundreds of minority institutions of Hindus as linguistic minorities.
- The Court's opinion in Kerala Education Bill 1957 [1958], on minority rights, deserves mention.
- A crucial statement in the judgement observes that the key words in Article 30 are 'of their own choice.'
- It held 'choice' to be the dominant word.
- The then Chief Justice Das said that 'the content of the article is as wide as the choice of the particular minority can make it'.
- In the present case, a minority institution may want additional qualifications over and above the NEET score.
- In that case, denial of such additional and superior qualifications undermines its choice.
- Due to centralised counselling, several minority institutions and private medical colleges are unable to fill their seats.
- This is an encroachment of their rights.
- Moreover, every vacant seat is a national loss. COVID-19 has only demonstrated India's extremely poor doctor-population ratio.

What are the alternatives?

- In T.M.A. Pai Foundation case, the Court had held that admission by the management can be by a common entrance test held by "itself or by the State/University".
- Notably, here, universities and states were treated on a par, and the admission tests conducted by them as well.
- In all, an admission process must be fair and transparent rather than just one test for all institutions.
- It is nobody's case that minority institutions can grant admission on their whims and fancies.
- But if such an institution follows an identifiable or reasonable methodology, it deserves exemption from common admission test.

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