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 ides 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 illusionary.
- 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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