



Debate Around Education as a ‘State Subject’

For Prelims: [Unified District Information System For Education \(UDISE\)](#), [National Education Policy 2020](#), [National Programme on Technology Enhanced Learning](#), [PRAGYATA](#), [PM SHRI Schools](#), [National Family Health Survey-5](#), [United Nations Children's Fund \(UNICEF\)](#), [Artificial Intelligence](#).

For Mains: Features of [National Education Policy 2020](#), [Major Issues Related to the Education Sector in India](#), [Government Initiatives Related to Educational Reforms](#)

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Why in News?

Recently, controversies surrounding exams like [NEET-UG](#) and [UGC-NET](#) have reignited the debate on whether **education** should be **transferred back to the state list**.

What is the Status of Education System in India?

▪ History:

- The ‘**Gurukul**’ was a type of education system in ancient India with **shishya (students) living with the guru** in the same house.
- [Nalanda](#), possessing the world's oldest university system, drew students globally to Indian knowledge traditions.
- **British Government** brought **various reforms** in the education system through [Macaulay Committee](#) recommendations, [Woods’ Despatch](#), Hunter Commission Report, and Indian University Act, 1904 which had a profound impact on society.

▪ Current Status of Education in India:

- The **gender gap in literacy** in India began narrowing in 1991, with an accelerated pace of improvement. However, the current female literacy rate (65.46%-Census 2011) in India still significantly lags behind the global average of 87%, as reported by [UNESCO](#) in 2015.
- Furthermore, India's **overall literacy rate of 74.04%** is below the world average of 86.3%. A significant number of states in India fall within the average range, just slightly above the national literacy level.

▪ Different Legal and Constitutional Provisions:

◦ Legal Provisions:

- The government has implemented the [Sarva Shiksha Abhiyan \(SSA\)](#) as part of the [Right to Education \(RTE\) Act, 2009](#) for primary level (6-14 years).
- At the secondary level (age group 14-18), the government has extended the SSA to secondary education through the [Rashtriya Madhyamik Shiksha Abhiyan](#).
- Higher education, encompassing undergraduate (UG), postgraduate (PG), and

MPhil/PhD levels, is addressed by the government through the [Rashtriya Uchhattar Shiksha Abhiyan \(RUSA\)](#) to meet the requirements of higher education.

- All these schemes have been subsumed under the umbrella scheme of **Samagra Shiksha Abhiyan**.
- **Constitutional Provisions:**
 - Initially, [Article 45](#) of the [DPSP](#) aimed to provide free and compulsory education for children up to 14 years, later amended to include early childhood care, and eventually **made a fundamental right (Article 21A)** through the [86th Constitutional Amendment Act of 2002](#) due to unfulfilled objectives.
 - **Entry 64 and 65 of the Union List** in the **Schedule 7** of the constitution lists Institutions for scientific or technical education financed by the Government of India, professional, vocational or technical training etc.
- **Education as a 'State' Subject:**
 - The **Government of India Act, 1935**, created a **federal structure**, placing education under the **provincial list**.
 - In post-independence India, education remained a state subject.
 - However, during the [emergency](#), the [Swaran Singh Committee](#) recommended moving education to the concurrent list, implemented through the [42nd constitutional amendment](#) in 1976.
 - The [44th constitutional amendment](#) was an attempt to correct the changes to a certain extent.

Government Initiatives Related to Educational Reforms

- [National Education Policy, 2020](#)
- [National Programme on Technology Enhanced Learning](#)
- [Sarva Shiksha Abhiyan](#)
- [PRAGYATA](#)
- [Mid-Day Meal Scheme](#)
- [Beti Bachao Beti Padhao](#)
- [PM SHRI Schools](#)

International Practices to Govern Education System

- **United States:** State and local governments set educational standards, while the federal department focuses on financial aid and equal access.
- **Canada:** Education is managed by the provinces.
- **Germany:** Legislative powers for education rest with the Länder (states).
- **South Africa:** Two national departments govern education, with provincial departments handling local implementation.
- **Finland's Model of Governance:** Unlike many countries, Finland doesn't rely on standardized tests. The system emphasises collaboration among schools, teachers, and students, fostering a supportive learning environment.

Why Should Education be on the State List?

- **Original Constitution Design:** Education was initially placed on the State List by the framers of the Constitution, recognising that **local governments are better equipped** to handle

educational needs.

- **42nd Amendment Impact:** The **unilateral shift** of education to the Concurrent List during the Emergency **undermined the federal structure**.
 - Allowing states to have exclusive control over education would **restore the balance** of power envisioned by the framers of the Constitution.
- **State-Specific Policies:** States can **tailor their educational policies** to their unique **cultural, linguistic, and socio-economic contexts**. This ensures that education is relevant and responsive to the needs of the local population and can be crucial **for improving literacy rates** and educational outcomes.
 - For example under **Article 350A** endeavour should be made to provide **primary education in the mother tongue**.
- **Divergent Policies:** The central government's policies, such as the **National Education Policy (NEP)** and **National Eligibility cum Entrance Test (NEET)**, often conflict with state policies, leading to **inefficiencies and disenfranchisement**.
- **Resource Allocation:** States that invest significantly in their **educational infrastructure** should have the **authority to regulate** and benefit from their investments without interference from the central government.
 - The Ministry of Education's 2022 report indicates that states bear the majority of educational expenditure (85%).
- **Merit Determination:** Centralized entrance exams like NEET **do not necessarily reflect the merit or potential** of students from diverse educational backgrounds.
 - States should have the flexibility to design admission criteria that better assess and foster student potential.
 - The **Tamil Nadu Admission in Professional Educational Institutions Act 2006**, upheld by the Madras **High Court** and the **Supreme Court**, supports the argument that common entrance exams do not determine merit.
 - In the case of **Neil Aurelio Nunes and others Vs Union of India and others**, the Supreme Court observed that marks are not the determining factor of merit.
- **Issue of Accountability:** If the significant institutes are brought under the ambit of the state, it would result in **better accountability of the state with respect to quality education**.

Why Education Should Not be on the State List?

- **Poor Status of Primary Education:** As per the **ASER 2023 Report**, most rural kids of 14-18 can't do Class 3 math while over 25% can't read. This reflects the poor governance of education in the states.
- **National Integration and Mobility:** The **Kothari Commission (1964-66)** emphasized the importance of a **common educational framework** across states to **foster national integration** and cultural exchange.
 - A concurrent list allows the Centre to set core national standards while states can adapt them to local contexts, **promoting both unity and diversity**.
- **Ensuring Minimum Standards and Equity:** The **Right to Education Act (RTE), 2009**, guarantees a **minimum level of education** across India.
 - Keeping education concurrent allows the Centre to monitor implementation, ensuring disadvantaged sections have access to quality education irrespective of their state.
- **Standardisation of Skills and Employability:** Reports by **FICCI (Federation of Indian Chambers of Commerce and Industry)** highlight the need for a standardised national curriculum to ensure graduates have the skills required by a pan-India job market.
 - A concurrent list facilitates this by establishing a common framework while allowing states to tailor vocational training.
- **Regulation of National Institutions and Accreditation:** Keeping education concurrent allows the Centre to maintain oversight and ensure quality standards in these institutions, **which cater to students from across the country**.
- **Addressing National Concerns and Emergencies:** The **National Education Policy (NEP) 2020** outlines strategies for areas of national importance like **digital literacy** and **artificial intelligence**.
 - New national challenges like **climate change** also require a unified educational approach.
 - A concurrent list allows the Centre to develop national curricula that address these emerging issues while accommodating state-specific concerns.

Way Forward

- **Collaborative Federalism:** Focus should be on a "**Collaborative Federalism**" approach as suggested by the **Kothari Commission (1964-66)**.
 - This ensures national minimum standards set by the Centre while allowing states flexibility in curriculum, language, and pedagogy.
- **Outcome-based Funding:** Implement **outcome-based funding** mechanisms as recommended by the **NITI Aayog in its Strategy for New India @ 75 document**.
 - This allocates resources based on learning outcomes, incentivizing states to improve educational quality.
- **Decentralized School Management:** Promote decentralised school management structures as envisioned in the Right to Education Act (RTE) 2009.
 - This empowers **School Management Committees (SMCs)** with community participation, fostering local ownership and responsiveness.
- **Teacher Training & Transfer Policy Reforms:** Advocate for reforms based on the recommendations of the **TSR Subramanian Committee Report (2009)**.
 - This includes **improved teacher training programs**, transparent transfer policies, and performance-based incentives to create a more motivated and effective teaching force.
- **Standardised National Assessment with State-Specific Benchmarks:** Develop a standardised national assessment framework alongside state-specific benchmarks, inspired by the practices of countries like Australia. This allows for **national comparisons** while **acknowledging regional diversities**.
- **Leveraging Technology for Equitable Access:** Implement strategies outlined in the Government of India's "**Pandit Madan Mohan Malaviya National Mission on Teachers and Teaching**" (**PMMMNMTT**) to leverage technology for equitable access and quality education, particularly in remote areas.
- **National Curriculum Framework with State Adaptations:** Develop a **flexible National Curriculum Framework (NCF)** as suggested by the NCERT, allowing states to adapt it to their specific linguistic and cultural contexts. This ensures a balance between national goals and state needs.

Drishti Mains Question:

Q. Critically analyse the implications of shifting 'education' from the Concurrent List to the State List.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims

Q. Which of the following provisions of the Constitution does India have a bearing on Education? (2012)

1. Directive Principles of State Policy
2. Rural and Urban Local Bodies
3. Fifth Schedule
4. Sixth Schedule
5. Seventh Schedule

Select the correct answer using the codes given below:

- (a) 1 and 2 only
(b) 3, 4 and 5 only
(c) 1, 2 and 5 only
(d) 1, 2, 3, 4 and 5

Ans: (d)

Mains

Q. Discuss the main objectives of Population Education and point out the measures to achieve them in India in detail. **(2021)**

Q. How have digital initiatives in India contributed to the functioning of the education system in the country? Elaborate on your answer. **(2020)**

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