

# Should education be brought back to the State list? | Explained

When was the subject added to the concurrent list? How do other countries govern education?

Published – July 01, 2024 08:30 am IST

RANGARAJAN R.



Members of the Indian Youth Congress during their protest at Jantar Mantar over the alleged rigging of the NEET-UG exam, in New Delhi on June 27. | Photo Credit: SHASHI SHEKHAR KASHYAP

**The story so far:** The **NEET-UG exam** has been embroiled in controversies over the award of grace marks, allegation of paper leaks and other irregularities. The government also cancelled the UGC-NET exam after it was held, while the CSIR-NET and NEET-PG exams have been postponed.

**Also Read:** [The NEET sheeters](#)

## What is the historical background?

The Government of India Act, 1935 during the British rule created a federal structure for the first time in our polity. The legislative subjects were distributed between the federal legislature (present day Union) and provinces (present day States). Education which is an important public good was kept under the provincial list. After independence, this continued and education was part of the 'State list' under the distribution of powers.

However, during the Emergency, the Congress party constituted the Swaran Singh Committee to provide recommendations for amendments to the Constitution. One of the recommendations of this committee was to place 'education' in the concurrent list in order to evolve all-India policies on the subject. This was implemented through the 42nd constitutional amendment (1976) by shifting 'education' from the State list to the concurrent list. There was no detailed rationale that was provided for this switch and the amendment was ratified by various States without adequate debate.

The Janata Party government led by Morarji Desai that came to power after Emergency passed the 44th constitutional amendment (1978) to reverse many of the controversial changes made through the 42nd amendment. One of these amendments that was passed in the Lok Sabha but not in the Rajya Sabha was to bring back 'education' to the State list.

## What are international practices?

In the U.S., State and local governments set the overall educational standards, mandate standardised tests and supervise colleges and universities. The federal education department's functions primarily include policies for financial aid, focussing on key educational issues and ensuring equal access. In Canada, education is completely managed by the provinces. In Germany, the constitution vests legislative powers for education with landers (equivalent of States). In South Africa, on the other hand, education is governed by two national departments for school and higher education. The provinces of the country have their own education departments for implementing policies of the national departments and dealing with local issues.

## What can be the way forward?

The arguments in favour of 'education' in the concurrent list include a uniform education policy, improvement in standards and synergy between Centre and States. However,

considering the vast diversity of the country, a 'one size fits all' approach is neither feasible nor desirable. Further, as per the report on 'Analysis of Budgeted expenditure on Education' prepared by the Ministry of Education in 2022, out of the total revenue expenditure by education departments in our country estimated at ₹6.25 lakh crore (2020-21), 15% is spent by the Centre while 85% is spent by the States. Even if expenditure by all other departments on education and training are considered, the share works out to 24% and 76% respectively.

The arguments against restoring 'education' to State list include corruption coupled with lack of professionalism. The recent issues surrounding the NEET and NTA have however displayed that centralisation does not necessarily mean that these issues would vanish.

### **Also Read: Why has the NTA failed to deliver? | Explained**

Considering the need for autonomy in view of the lion's share of the expenditure being borne by the States, there needs to be a productive discussion towards moving 'education' back to the State list. This would enable them to frame tailor-made policies for syllabus, testing and admissions for higher education including professional courses like medicine and engineering. Regulatory mechanisms for higher education can continue to be governed by central institutions like the National Medical Commission, University Grants Commission and All India Council for Technical Education.

*Rangarajan. R is a former IAS officer and author of 'Polity Simplified'. Views expressed are personal.*