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"RECONSIDERING THE CONSTITUTIONAL POSITION OF EDUCATION IN INDIA: STATE AUTONOMY, NATIONAL STANDARDS AND THE FEDERAL BALANCE"

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ABSTRACT:

In India, Education not only serves as an instrument of individual development but also as a means of preserving linguistic, cultural and regional identities. The enactment of (Forty-Second Amendment) Act, 1976 transfers the education from State list to Concurrent list and created a shared legislative authority. Though, this substantial shift in the distribution of legislative powers enabled national coordination, common educational standards and promote uniformity, it has also increased the questions concerning the state autonomy in determining educational policies in reflecting their distinct linguistic and cultural context. It increased the possibility of centralized influence over curriculum, examinations, professional education and language policy. This paper analyses whether the involvement of the union in education policy has contributed to the marginalization of the regional languages and dilution of state specific educational priorities. The study examines relevant constitutional provisions, legislative development, educational policies, and judicial decisions concerning language, education, cultural rights and Centre-State relations. The paper does not advocate the complete exclusion of the Union from education, rejecting National Unity and complete exclusiveness of state in education; rather the study argues that reclaiming education in a more balanced federal arrangement that attempts to construct unity through meaningful state participation, cooperative federalism, cultural pluralism and protection of linguistic minorities. The research ultimately seeks to determine whether restructuring the existing framework governing education can strengthen both linguistic diversity and the federal character of the Indian Constitution.

Keywords: Education, Concurrent List, Federalism, Linguistic Rights, Cultural Pluralism.

ISSN: 2582-6433

BACKGROUND

Within the Indian constitutional framework, education has an important role that goes beyond the goal of personal growth to include the preservation of language, culture, identity, and social plurality. The constitution drafting committee members initially placed the education in the State List (Entry 11) giving the State Legislature the authority over education. The Constitution (Forty-Second Amendment)[1] Act, 1976, which moved education to Entry 25 of the Concurrent List and gave both Parliament and State Legislatures the authority to enact laws on the subject of education. The shift was meant to promote uniformity, national coordination, and the creation of shared educational standard and it broadens the Union's role in a field that is strongly related to regional and cultural concerns. Provisions safeguarding linguistic and cultural variety serve to further emphasize the importance of education under the constitution. While Article 30(1) guarantees the rights of linguistic and religious minorities to create and run educational institutions, Article 29(1) protects the right of sections of citizens with a unique language, script, or culture to preserve it. Additionally, States and local governments are required by Article 350A to make every effort to give children from linguistic minority groups sufficient facilities for primary school education in their mother tongue. As a whole, these clauses demonstrate India's federal system's constitutional commitment to linguistic diversity.

The simultaneous management of education leads to discussions about finding the right balance between national educational standards and state autonomy. Greater Union involvement in areas such as curriculum, education regulation and language policy could hamper the ability of states to develop policies that respond to their unique linguistic, cultural and socio-economic environment thereby depriving states autonomy in the education matter and making them adopt the ONE SIZE FITS ALL which is impractical and impossible in the country with diverse language and culture.

THE CONCURRENT LIST AND THE EXPANSION OF UNION INFLUENCE-

However, this simultaneous allocation also broadened the constitutional scope of Union participation in education policy. Under Article 246(2),[2] Parliament and the State Legislatures have concurrent legislative jurisdiction over List III matters. Additionally, Article 254

[1] The Constitution (Forty-Second Amendment) Act, 1976, Act No. 88 of 1976 (India).
[2] India Const. art. 246(2).

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provides a mechanism for eliminating contradictions between parliamentary legislation and state legislation, generally giving priority to parliamentary legislation in cases of repugnancy, subject to the constitutional exception for state laws submitted to and receiving presidential approval. Therefore, the concurrent nature of education is not just a collaborative mechanism; It can also allow the Union to exercise significant legislative influence in areas that have a direct impact on state education policy. The influence of Union is particularly important in relation to higher education, vocational training, educational frameworks, qualifications, examinations educational standards. The Constitution separately recognizes Union competence under Entry 66 of List I[3] concerning the coordination and determination of standards in institutions of higher education and research and scientific and technical institutions. The interaction between Entry 25 of the Concurrent List and Entry 66 of the Union List consequently creates an important constitutional space for national regulation of educational standards.

From a federal perspective, the central issue is not whether national standards are constitutionally or institutionally necessary. National standards can promote comparable qualifications, student mobility and minimum levels of educational quality. The concern arises when coordination develops into extensive substantive control, particularly in matters that are closely associated with regional languages, culture and State-specific educational priorities. Curriculum design, medium of instruction, regional-language education, textbooks and local educational requirements may differ considerably between States because of their distinct linguistic and socio-cultural circumstances. Articles 29, 30 and 350A indicate that language has a constitutionally important relationship with education. Centrally designed education systems may promote homogeneity, but excessive homogeneity may reduce the ability of states to develop education policies that reflect their particular linguistic and cultural backgrounds. Therefore, this is a question of constitutional balance, not institutional exclusion. While keeping education on the Concurrent List is the basis for national coordination, the federal approach requires significant state participation in determining the content and substantive direction of education policy. The argument for returning education to the state register rests on the proposition that the supremacy of state law can coexist with narrowly defined federal authority regarding national standards, coordination, and interstate educational interests. Such an arrangement would seek to preserve the advantages of national educational coherence while strengthening the constitutional autonomy of States in matters directly affecting regional

[3] India Const. sched. 7, list I, entry 66.

ISSN: 2582-6433

identity and linguistic diversity.

I. Legislative Autonomy Reduction-

The erosion of the States' unique legislative sovereignty is the first and most obvious result. The State Legislature held main authority over educational policy within borders while education was a State topic. Parliament also gained legislative authority over the same topic after it was added to the Concurrent List.

As a result, states are no longer able to unilaterally decide on every facet of educational policy without taking parliamentary legislation into account. When a State legislation and a Parliamentary statute pertaining to a Concurrent List issue are at odds, the Parliamentary law will typically take precedence, subject to the constitutional rules pertaining to Presidential assent, which further strengthens the position of Parliament under Article 254.[4] Therefore, even if the States still have the authority to enact laws, their independence will be subjected to union as union laws will prevail over the state laws.

II. Increased Union Power over State Education Policy-

Additionally, the Concurrent List has increased Union influence over sectors that have historically been under the purview of State educational administration. When Entry 25 of List III[5] functions in tandem with Entry 66 of List I, which deals with the coordination and establishment of standards in higher education, research, and scientific and technical institutes, the Union's impact becomes especially substantial. As a result, state educational policy could need to function within national frameworks. Therefore, the way that states set up their educational systems can be influenced by union legislation, regulatory norms, national educational frameworks, and centrally defined criteria.

The existence of national standards is not the only issue raised by the constitution. When national coordination transcends into substantive policy which comes under the state specific educational needs.

III. Impact on Regional Language Policy-

One of the main ways a state maintains and advances its linguistic identity is through education. The cultural nature of education is strongly impacted by decisions about curriculum content, regional language textbooks, teaching local literature, language learning requirements, and the

[4] India Const. art. 254(1)–(2).
[5] India Const. sched. 7, list III, entry 25.

ISSN: 2582-6433

medium of instruction. Articles 29, 30, and 350A of the Constitution itself acknowledge this interdependence. The right to preserve a unique language, script, or culture is protected by Article 29; linguistic minorities' educational rights are protected by Article 30; and mother-tongue instruction facilities at the elementary level are emphasized by Article 350A. States may have less latitude to create educational frameworks solely in accordance with their own preferences when significant educational policy is developed at the Union level linguistic conditions. In linguistically diverse states, where education is strongly linked to regional identity, this can be especially important.

IV. Difficulty in Designing State-Specific Curriculum-

Consequently, there may be conflict between regional language autonomy and national homogeneity as a result of the contemporaneous system. Creating State-Specific Curriculum Is Difficult, Indian states differ in their socioeconomic and cultural circumstances. A curriculum that is suitable for one state might not adequately address the geographical, cultural, historical, or economic needs of another.

States may prioritize different things, for instance:

a) local languages and literature,
b) agricultural and rural education,
c) coastal and environmental studies,
d) tribal education,
e) vocational education,
f) local job requirements,
g) socioeconomically disadvantaged areas, and
h) regional history and culture.

The current framework gives more room for national educational frameworks, but too much uniformity may make it more difficult for states to adapt to these local conditions. Your previous research highlights this issue by pointing out that curriculum, language policy, and educational regulations that are centrally driven may not accurately reflect the many linguistic, cultural, and socioeconomic contexts of specific states. Therefore, the issue is not a national framework per se, but rather the potential for uniformity to gradually supplant flexibility.

The ability for various states to experiment with different policies is a significant benefit of federalism. Successful policies can be found and possibly implemented elsewhere thanks to this kind of experimentation. States have more freedom to create unique strategies based on local needs when education is mainly governed by state legislative authority. However, the

ISSN: 2582-6433

Concurrent List approach makes it more likely that national laws or regulations will restrict the extent of such testing. Experimentation at the state level can be especially beneficial in areas like: school education, curriculum development, teacher preparation, vocational training, public education infrastructure, language instruction, student welfare, and educational technology. Therefore, rather than just resulting in policy variance, a more robust role for the state could foster innovation.

V. Administrative Repercussions for States-

The influence extends beyond legislative authority. State-level administrative organizations are primarily responsible for implementing education. A significant portion of school education, teacher administration, educational infrastructure, and program execution fall under the purview of the states. States may nevertheless be in charge of carrying out important policy decisions that are made at the Union level. This may lead to a divergence between the formulation and execution of policies. Despite having varied local goals or administrative capabilities, the State may be required to implement nationally decided obligations. As a result, a significant portion of the financial and administrative burden for accomplishing goals that are significantly impacted by national decisions may fall on the State. This raises a federal concern because the governmental level in charge of execution of the policy may not be equally independent to determine the policy.

VI. Implications for Resources and Finances-

State governments are also significantly impacted financially by education. States are obliged to support infrastructure, teachers, schools, educational materials and many welfare-oriented educational activities. States may be under pressure to mobilize resources in order to satisfy national policies that set goals or objectives that call for extra spending. States whose socioeconomic conditions and ability to generate revenue varies significantly from the national average may find this especially challenging. Therefore, proper financial coordination should ideally go hand in hand with increased Union involvement in education. From a federal standpoint, it is imperative to guaranty that accountability, legislative power, and financial resources are well matched. Fiscal federalism issues will unavoidably surface if the Union has a major impact on educational policy while the States bear a large portion of implementation duties.

ISSN: 2582-6433

VII. Diminished Capacity to Represent Local Socio-Economic Situations-

States vary greatly in terms of social composition, economic development, rural and tribal populations, urbanization, literacy rates, and access to educational institutions. While a national framework can set minimum requirements, it may not be able to take into consideration every local circumstance. For instance, a state with a large rural population may have different educational issues than a state with a large urban population. In a similar vein, states with sizable populations of linguistic or ethnic minorities would need specific educational regulations. Therefore, the question of whether a uniform legislative framework is sufficiently flexible to handle India's internal diversity is raised by the concurrent arrangement.

VIII. Effects on the Federal Balance-

In the end, the balance between the Union and the States is impacted by the addition of education to the Concurrent List.

Education is concurrently: a national issue since coordination is necessary for professional qualifications, student mobility, and national standards; and a regional issue since local educational demands, curricula, language, and culture differ from state to state. Through concurrent legislative competence, the existing constitutional system aims to address both objectives. However, the possibility of increased central influence is created by concurrent jurisdiction, the operation of Article 254, and the Union's independent authority under Entry 66. The more national laws and norms for education reduces the amount of substantive policy space that any state has. On the other hand, increased state authority makes it possible for educational policies to more accurately reflect local conditions.

IX. Merit Determination-

Students from a variety of educational backgrounds may not have their potential or merit reflected in centralized entry examinations such as NEET. States ought to be free to create admissions standards that more accurately evaluate and develop students' potential[6]. The claim that common admission examinations do not determine merit is supported by the Tamil Nadu Admission in Professional Educational Institutions Act 2006[7].

[6] *State of T.N. v. Adhiyaman Educ. & Rsch. Inst.*, (1995) 4 SCC 104.
[7] *Tamil Nadu Admission in Professional Educational Institutions Act*, No. 3 of 2007 (India).

ISSN: 2582-6433

EXISTING RECOMMENDATIONS AND PARLIAMENTARY DEBATE FOR RESTORING EDUCATION IN THE STATE LIST

The proposal to return education to the state list is supported by previous recommendations on the reallocation of government functions. The 5th Central Pay Commission[8], while reviewing the structure of government functions, recommended the transfer of certain subjects from the concurrent list to the state list and explicitly identified education as one such core subject. Furthermore, it provided that matters falling within the jurisdiction of the states would generally be left to the discretion of the states, and that the Union would concentrate on limited domestic coordination functions. This approach provides institutional support for reconsidering the current distribution of educational powers and for exercising greater state autonomy on issues of a primarily regional nature. This request was reflected several times in parliamentary deliberations. Members of the Rajya Sabha argued that education should be returned to the list of states, citing that state governments can better respond to local educational needs and that over-centralization may not take sufficient account of linguistic, cultural and socio-economic diversity. In 1986, Sri Chitta Basu openly advocated bringing education under state jurisdiction and criticized the increasing role of central institutions in education[9]. Just recently, the Rajya Sabha considered a private member's resolution dated August 2, 2024, which specifically relates to a bill to remove education from the concurrent list and include it in the state list, indicating that this issue is part of the modern parliamentary debate[10].

REPOSITIONING EDUCATION IN THE STATE LIST UNDER THE PROPOSED CONSTITUTIONAL FRAMEWORK

While maintaining a restricted and well-defined role for the Union in matters of national concern, the current study suggests reconsidering the constitutional location of education in the Concurrent List and calls for its reinstatement to the State List. The plan aims to create a more equitable distribution of legislative authority in accordance with the values of federalism, cultural pluralism, and regional autonomy rather than to eliminate the Union from educational governance. By moving education from the State List to Entry 25 of the Concurrent List, the 42nd Amendment increased the Union's legislative authority. The likelihood of central influence over areas that directly affect State educational policy has expanded due to the

[8] Fifth Central Pay Commission, *Report of the Fifth Central Pay Commission* (1997).
[9] Chitta Basu, *Half-an-Hour Discussion*, Rajya Sabha Debates, Aug. 8, 1986, at 296.
[10] Private Members' Resolutions, Rajya Sabha Debates, Aug. 2, 2024, at 111–131

ISSN: 2582-6433

following operation of concurrent jurisdiction, Article 254, and the Union's authority under Entry 66 of List I. States should have primary legislative authority over the substantive aspects of education under the proposed framework, including school education, curriculum, medium of instruction, regional language education, textbooks, teacher administration, and policies that reflect local socioeconomic and cultural conditions. States would have more freedom to create educational programs that are appropriate for their language and geographic circumstances under such an arrangement. Because curricula, language policies, and educational standards can vary significantly between states, this is especially important.

In addition, the Union should continue to have limited authority over subjects requiring national consistency, coordination, recognition of qualifications, interstate educational mobility, and national minimum requirements. National standards are still crucial for preserving comparable credentials and promoting mobility, but they shouldn't take the form of needless substantive control over state-specific educational priorities. Stronger procedures for Centre-State consultation should also be established by the suggested model, especially prior to the adoption of national educational frameworks that have a big impact on State budgets and administration. This is required because, even in cases when national decision-making influences educational programs, states often have significant administrative and budgetary responsibilities in their implementation.

As a result, **"State Primacy with National Coordination"** might be used to characterize the suggested structure. It aims to maintain national educational coherence while reestablishing significant state autonomy in areas that are inextricably linked to local educational needs, language, and culture. With this reorganization, India will be able to pursue national standards without forcing a similar educational paradigm on states with different constitutions and cultures.