



# It's time to overhaul Neet for sake of equity, quality

**H**aving found no evidence of a systemic leak or disruption in the sanctity of the exam results, the Supreme Court ruled with finality against conducting the Neet-UG test again. Whatever the reservations, misgivings and heavily politicised criticism of the leaks, it is only right that the verdict be accepted, and measures taken at once to preserve an ideal inviolability of the testing process.

The court may have found the evidence was not compelling enough of a widespread leak of the papers, which may have been limited to a couple of places in Bihar. The point is not even a suspicion of a leak must be allowed to emerge if the purity of such an examination is upheld as it helps pick candidates to become future doctors and dentists. Therein lies the challenge that those who run the National Testing Agency will be facing in their complete overhaul of the system.

Not to put 23 lakh candidates through a harrowing process again of a retest may have been the logic behind this significant verdict. Holes will be picked in the court's final stand despite the vast number of strictures it passed while allowing the revised results to stand. However, instead of dwelling on the negatives, what must be done now is to reevaluate the process of preserving the sanctity of the question paper, which surely cannot be a task beyond an IT-enabled India. Putting up CCTVs in each exam centre is the minimum requirement.

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The committee headed by a former Isro chief has been tasked with introducing foolproof data protection measures and audits and surprise inspections, besides highly secure logistics in getting the question paper to one lakh exam centres. This is something every young Indian aspiring to crack the test to become a medical professional is owed as his very

future depends on how secure the system of conducting exams is.

Beyond taking on the onerous task of making the secrecy of the question paper impenetrable, maybe it is time for the nation to think of whether the very system of a central test is necessary. Probes like those conducted by the Tamil Nadu government exposed how the system has been gamed by those from elite backgrounds who can afford tuition at expensive dedicated coaching centres to crack the code of objectivity tests.

While no one can argue against the corrections the system needed to root out the rampant evil of capitation fees which had made medical seats unattainable except for the very affluent, there is a clear case for the central test to continue, but only to decide the allotment of the seats marked for the national pool. Is there not a way for each state to decide how best it can apportion other seats to its students?

Sad as it is to see young people taking their lives because of exam stress, they are not sufficient grounds to dismantle entrance tests, which works well enough as seen when the IITs run their annual JEE. They don't do grace marks or transport question papers by rickshaws to invite breaches of security.

Complex as the question of equalising marks or grades obtained in different school leaving exam systems is if Class 12 marks alone are to be the criterion for enrolment in medical colleges, an algorithm to solve the problem must be attempted before states are allowed to take over allotment because they will otherwise bring their biases into it. The least that can be done to counter valid points made against the current Neet system is to set apart seats that states can fill without eroding the principle of picking the best to take up a profession in medicine.

# What do scientists make of the Budget?

While in the Budget presentation the Finance Minister listed many priority areas, such as productivity and resilience in agriculture, energy security, and manufacturing and services, there are also concerns about the sidelining of basic research and stagnation in research funding as a percentage of GDP

## FULL CONTEXT

T.V. Padma

The previous two terms of the Narendra Modi government saw the launch of some major national advanced technology missions, including for supercomputing, cyber-physical systems, and quantum technologies. These were coupled with initiatives to boost private sector participation in space and geospatial policies. India became the fourth country to have a spacecraft's lander touch down successfully on the moon. In parallel, there were concerns about the sidelining of basic research and stagnation in research funding as a percentage of GDP, and the nitty-gritties of operating the Anusandhan National Research Foundation (ANRF).

### What do leading scientists make of the new Budget in Modi's third term?

According to N. Kalaiselvi, Director-General, Council of Scientific and Industrial Research (CSIR), continuing with the focus on 'Viksit Bharat' like last year, this year's Union Budget also spurs research and development in important areas such as climate-resilient agriculture, critical minerals, miniature and modular nuclear energy technology, energy-efficient technologies, etc. Under the Budget priority entitled "Innovation, Research and Development", the Finance Minister has clearly emphasised basic research and prototype development, including innovation and industry linkages.

While in the Budget presentation the Finance Minister listed nine priorities, in addition, there are a few other priority areas, such as "Productivity and Resilience in Agriculture", "Energy Security", and "Manufacturing and Services", which are also focus areas of CSIR. The proposed "Critical Minerals Mission" and the exemption of customs duties on 25 critical minerals will significantly boost critical minerals research. Another area of national importance and global relevance is clean energy. Water supply, sewage treatment and solid waste management also figure as priority areas. CSIR is into technology development in all these areas.

The plan for "plug and play" industrial parks in 100 cities and the creation of a dozen industrial parks under the National Industrial Corridor Development Programme will provide significant opportunities for the uptake of indigenous technologies like those from CSIR labs. Importantly, there is a clear focus on commercialising technologies with the involvement of private sector-driven research.

To meet the fund requirements for various R&D activities as mandated by the Government of India, during the Financial Year 2024-25, the Finance Minister has earmarked an allocation of ₹6,323.41 crore for the Department of Scientific and Industrial Research. The CSIR budget has increased by 10%, above last year's. We will put in our best efforts to sustain our R&D activities in the allotted budget, and in case of further need, we will approach the Ministry of Finance at the time of revised estimates.

Rajesh Gokhale, Secretary, Department of Biotechnology (DBT) said that the Union Budget presented by the Finance Minister lays emphasis on transforming agriculture research in the country. The focus is on productivity and climate resilience in agriculture. The DBT established "speed breeding platforms" in



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the International Rice Research Institute (IRRI)'s South Asia Regional Centre in Varanasi; Punjab Agricultural University, Ludhiana; and the National Agri-Food Biotechnology Institute, Mohali, to shorten the developmental cycles of agricultural crops with improved attributes and climate resilience. Take for example the rice crop. In field conditions, rice can be grown for a maximum of two to three generations in a year's time. In a speed breeding facility, four to six generations of rice crop is grown in a single year.

Further, several agricultural crop varieties with climate resilient and high productivity traits are being developed through phenotyping and genotyping the genetic resources pertaining to rice, wheat, chickpea, linseed, niger, safflower, sesame, green gram, cowpea, black gram, moth bean, horse gram, and rice bean.

Skilling of human resources to mobilise young minds towards futuristic innovations is also required at doctoral/PhD training [levels], which is traditionally an individual enterprise. The recently launched I3C BRIC-RCB PhD programme, designed to solve national problems through collaborations, espouses multi-disciplinary learning. This will inculcate innovation as well as skilling and create scientists with cross-disciplinary expertise in areas of biosciences and biotechnology.

The angel tax abolition is a major incentive for start-ups raising private capital. For the high risk biotechnology sector, the angel tax was a discouragement to attract investments. The 2024 Budget announcement will pave the way for investment inflow – a very welcome step for promoting deep-tech life sciences start-ups. When seen in conjunction with provisions for FDI promotion in the Budget, this will create a robust pipeline of angel-funded portfolio companies ready to be picked up by VC firms post-BIRAC funding for high-risk and early-stage ideas. [BIRAC is the

Biotechnology Industry Research Assistance Council.]

R&D efforts in our country are primarily academia-centric. Most often the innovations that occur at the laboratory level fail to get commercialised. To bridge this gap, R&D efforts in private companies on equal footing is required. In this direction, operationalisation of the ANRF for basic research and prototype development with a corpus of ₹1 lakh crore will pave the way for private sector-driven research and innovation.

However, Subhash Lakhota, Distinguished Professor, Banaras Hindu University remarked that the actual expenditure of Science and Technology (S&T) and higher education in 2023-2024 was much less than the initial allocation for that year. The suggested allocations for 2024-2025 are not very different from that in 2022-2023 because of this reason. They may deceptively appear much greater than last year, but in most cases the increase appears to be less than 10% of that in 2022-2023. This is indeed disappointing since this nominal increase would be, if it is not already, offset by inflation.

Additionally, because of increasing numbers of public and private institutions, the level of competition has substantially increased. Therefore the quantum available per capita would become much less than in 2022-2023. An additional worry is whether the actual available funds would really match the allocated Budget.

The ANRF could make a small difference if and when this becomes operational. Additionally, it does not seem, as a percentage of the GDP, that the allocation this year has shown any increase. Unless that happens, we will continue at the same level or actually go down. The zero budgeting system (ZBS) and quarterly reports also remain a problem. Quality basic research projects

cannot have a one-to-one correlation between 'targets planned' and 'targets achieved' because in any research effort, there is a lot that remains unknown. Thus the mandated quarterly reports put unnecessary burden and stress on researchers. It is only when the actual results are different from the expected that a real quantum advance happens.

Tapasya Srivastava, professor, Department of Genetics, University of Delhi South Campus said that the

previously announced ANRF is to be made operational with a focus on both basic science research as well as prototype development. The interim Budget had already announced a corpus of ₹1 lakh crore for R&D and innovation, to be led by the private sector. The establishment of a separate venture capital fund for space technology also has the potential to spur start-ups. However, given the enormous capital requirements of space tech, the allocation of ₹1,000 crore seems inadequate.

The Budget has announced measures to step up clean energy generation, including solar and nuclear energy, with concerted measures such as reducing taxation on critical input raw materials and minerals. The allocation for the Production Linked Incentive (PLI) scheme for pharmaceuticals increased to ₹243 crore; it will help boost domestic pharmaceutical manufacturing. But specific announcements for the health of the youth along with employment generation would have been welcome.

The stress on employment generation and the internship scheme would undoubtedly help many students of science get into well-known companies. In the long run, this will encourage students to take up science as a career with opportunities beyond academia.

C.P. Rajendran, National Institute for Advanced Studies, observed that the government plans to set up a venture capital fund of ₹1,000 crore to promote space technology. The government will partner with the private sector to set up small reactors and develop technologies for nuclear energy.

The Finance Minister said they will operationalise the ANRF for basic research and prototype development. What is intriguing is the mention of "prototype" development along with "basic research". Generally, prototype development means the "initial stage of software development" before finally releasing the product in the market or for users. It's not clear as to what prototype development has to do with research in basic sciences. Does it mean the government is only interested in translational research with technological applications? That goes against the stated objectives of the ANRF.

The ANRF was purportedly created to prioritise research facilities in universities and colleges. Most of India's 40,000 higher education centres are run by States and have limited funding opportunities. State establishments get only about 11% of the funds provided by the Department of Science and Technology and 65% of funding goes to IITs under the Union Government. The ANRF wants to change this disparity, but what is the mechanism?

Overall, the Budget allocation has some nominal increases, nothing exciting. A long-standing demand from the scientific community is to arrange for higher government funding because the private sector has not shown much interest in investing in basic research.

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## THE GIST

The previous two terms of the Narendra Modi government saw the launch of some major national advanced technology missions, including for supercomputing, cyber-physical systems, and quantum technologies.

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# Supplemental support

The next wave of AI-powered learning tools can not only reinforce a teacher's classroom activities but also elevate how students learn

**W**ith an estimated 40% of its population under 25 years, India has immense potential to shape its economic future. Combined with a significant investment in education, the nation's prospects for continued growth are vast. We have already seen quality elementary education made universal through the Right to Education Act, boosting overall literacy levels from 61% in 2001 to 76% in 2022. Over 90% of the urban youth between six and 17 years attended school in 2021, and currently higher education enrolment has soared to 43 million students, up nearly two million in just one year.

## Intense debates

Now, with the advent of AI, we are entering an era with the potential to build on such gains and further improve learning outcomes provided that we navigate it with care. There is no doubt that the rise of Generative AI tools such as OpenAI's ChatGPT and Google Gemini has shaken the world of education. Their emergence has prompted intense debates among teachers, administrators, and students about whether they should be deployed to support learning inside and outside the classroom and, if so, under what guidelines.

As the debate continues, student adoption of GenAI has been swift. A recent global student survey shows that 44% of Indian undergraduates have used GenAI for their university studies and, of those who do, 60% input a question one or more times a day. However, while adoption is broad, stu-

dents are aware of the limitations of current GenAI tools. The same study found that, of the 44%, 28% are concerned about receiving inaccurate or incorrect information, while 49% of all Indian students surveyed said they would like to see the involvement of human expertise in generating answers.

These findings show that excitement for the technology's possibilities must be weighed against its limitations. Rapid advancements are underway and, as large language models (LLMs) verticalise for education, the next wave of AI-powered learning tools can both serve as an invaluable supplement to a teacher's classroom activities and elevate how students learn. So, what might we

expect from GenAI-powered learning tools that get it right, and how will they truly personalise learning?

## Way forward

First, students could have a learning assistant that anticipates their needs and adapts to their strengths and weaknesses. The promise of adaptive learning has been unfulfilled for decades in part because creating on-demand variations of learning materials for each individual student was too costly. GenAI tools for learning – when fine-tuned and evaluated rigorously to align with education outcomes – can respond instantaneously and in a more natural, back-and-forth conversational interface with students.

Conversational AI, designed for learning, can recognise the type of question a student is struggling with and provides the most relevant and effective response. For example, discerning when a procedural question needs to be broken down step-by-step or when a conceptual question could be illustrated with a real-world example. Conversational AI can encourage more active engagement by suggesting prompts that students might ask to deepen their learning. Guiding students to create useful follow-up prompts will also teach them how to interact with GenAI systems.

By integrating learning analytics that measure how students are learning, an AI learning assistant can also help



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# Sports science: The open secret to getting faster, higher and stronger

**Shantanu Srivastava**

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**NEW DELHI:** Every night before hitting the bed, Tokyo Olympics silver medalist Mirabai Chanu straps a heart rate monitor to her chest that records key cardiovascular data as the lifter's body recovers. Next morning, she shares this feedback with her physio Rohit Chhabria. Ranging from the quality of sleep to resting heart rate to instances of sleep interruptions, Chhabria and national coach Vijay Sharma analyse the data before firming up her training plan for the day.

It's a ceaseless cycle that helps the lifter train with the right intensity as she targets a second Olympic medal. In Chennai, table tennis ace Sharath Kamal, 42, has monitored his heart rate for over two decades, customising his training to continuous advancements in sports science. To say that Sharath's longevity is a direct result of his scientific aptitude besides his redoubtable talent won't be too far off the point.

At the Inspire Institute of Sports (IIS) in Bellary, sports science experts figured that the best way to get Olympic javelin champion Neeraj Chopra close to hitting the 90m mark is to increase his strength by "10-15%" this season. The 26-year-old thus has worked furiously in the gym — heavy enough to add distance to his throws but light enough to not compromise with his innate elasticity. The 'bar speed' is recorded and progress evaluated, leading to incremental millisecond gains that



Javelin thrower Neeraj Chopra during a training session. IIS MEDIA

will hopefully translate into extra centimetres in competition.

In table tennis, robots sparring with the world's best is not an unusual sight. In the shooting range, stable jackets have increasingly played a key role in the rifle scores going up while experts work overtime to simulate match tension to prepare for that perfect shot under competition pressure.

At the core of the preparation and training regimen of these elite athletes are critical data sets that are analysed threadbare by a combination of human and machine intelligence before presenting the most potent way to elevate their game. With parameters like VO2 max, lactates and electrolyte balance available at the click of a button, modern sport has long sped past the 10,000-hour rule. Real-time data collection has been the

big differentiator, leading to advanced performance analysis and the development of predictive models. Safe to say, sport now is as much a function of the athletes' physical and technical prowess as it is about attuning oneself to ever-evolving sports science.

The US swim team at the Paris Olympics is travelling with Professor Ken Ono. The 56-year-old mathematics professor at the University of Virginia uses mathematics to create 3D models of the athletes and comes up with suggestions that help the US swimmers shave off crucial milliseconds.

Ono, whose day job is studying problems in number theory, began working with the swimmers at the Emory University in Atlanta 10 years back, then using basic accelerometers strapped to athletes. He now relies on sensors

and high-definition underwater cameras to gauge the swimmer's acceleration and the G-forces acting against them. The corrections could be as simple as altering diving depths, the way they anticipate a turn, or just the way they hold their head in the water.

"The level of involvement of science in modern sport, be it in training to mapping and optimising performances has changed dramatically over the past decade. The use of AI and Virtual Reality will be the next big gamechanger," feels Tom Brownlee, assistant professor in Applied Sport Sciences at University of Birmingham.

"Let's imagine that you are a football defender and are beaten by a winger. The defender can put on those VR goggles and replay the scenario to figure out the best way to deal with the situation. You can also use it for pattern recognition in sports that require a great deal of repetition, such as jumps and throws. It can be a great visualisation tool too," Brownlee adds.

Indian ecosystem, by and large, is still coming to terms with the next-gen technology. If the 1968 Olympics in Mexico City first opened sports scientists to the possibilities of quicker sprint timings at altitude and birthed the idea of high-altitude training for distance runners, India embraced the idea only after the last decade. Boxer Amit Panghal thought his preparation was foolproof after a month-long camp in Shilaroo, 8000 feet above sea level. Problem is, boxers are beginning to lean on VR and Extended Reality (XR) to condition themselves. "In India,

sports science is at a neo-natal stage. We are way behind the curve," says Ramji Srinivasan, former strength and conditioning coach with the men's cricket team.

"A lot of our sports federations haven't even started recording basic physiological data of athletes. We tend to copy training and diet plans before giving much thought to our body type and genetics. We need to Indianise our training," he says.

"Data is the key," agrees Samuel Pullinger, head of sports science at IIS. "Since we don't have historical physiological or nutritional data to benchmark an athlete's parameters, we regularly conduct strength assessments and musculoskeletal screening to track their levels. Ideally, the best technology needs to be applied right at the talent identification level."

The Long Term Athlete Development Plan (LTAD) of sports bodies needs to integrate sports science, feels Srinivasan. "It has to be a systemic intervention. You can't just wake up one day and expect athletes to be comfortable with the technology," he says. A case in point is the resistance among some shooters, which surfaced last year, to the methods of high-performance coach Pierre Beauchamp. They were loath to share their data and a lot of them saw little worth in the process.

"Why do we need to share how many hours we slept? What's the colour of my urine got to do with my shooting?" a shooter told HT then. A lot of them still bought into the idea. One of them is coming home with two Olympic medals.

HT/5

# Raj introduces bill to monitor coaching centres in the state

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**JAIPUR:** The Rajasthan government has come up with a draft bill to monitor coaching institutes in the state, proposing a two-tier administrative system, mandatory registration of coaching centres with district authorities, while limiting study hours to five hours a day with no classes during the school hours for students also enrolled in schools.

The development comes amid rising student suicides in the state, where 15 NEET and JEE aspirants have died by suicide this year, including 13 such cases being reported from Kota — considered the coaching hub of India — alone. One suicide death each has been reported from Sikar and Jaipur districts.

The draft bill, titled Rajasthan Coaching Centre (Control and Regulation) Bill, 2024, seen by HT, is based on the coaching centre regulatory guidelines notified by the Union education ministry on January 16 this year.

The draft bill proposes a two-tier system for better supervision of coaching institutes, including setting up of a 12-member Rajasthan coaching centres (control and regulation) authority, headed by the higher education department secretary. Secretaries of school education, medical education, and technical education departments, as well as the director general of police (DGP) will also be part of it.

A district authority will also be



The move comes amid rising student suicides in the state, where 15 NEET and JEE aspirants have died this year. HT PHOTO

formed in each district to be headed by concerned district collector. The 12-member district panel will include police superintendent, chief medical and health officer, and the chief district education officer as its key members.

The higher education department on July 22 directed the commissioner of college education to "...upload the draft on the website of the department to take views of all the stakeholders by August 6."

Besides mandatory registration of coaching institutes with the district authority, the draft proposes setting up of grievance redressal cells at district and block levels for "prompt and effective resolution" of grievances of students and parents. The state-level authority will prepare a centralised portal to gather information sent from districts.

The draft bill prohibits coaching centres from issuing bogus advertisements and false claims of selection, and enrolling stu-

dents below 16 years of age. It also asks them to conduct a mandatory screening test during admissions without segregating batches based on merit, as well as to maintain a healthy teacher-student ratio in every class and provide students with career options other than JEE and NEET.

The draft bars coaching institutes from scheduling classes during the school hours for students also enrolled in schools.

A mandatory weekly off for both teachers and students, a gatekeeping session for teachers to improve communication with aspirants, and career and psychotherapeutic counselling have also been proposed at each coaching centre in the draft bill to keep students stress-free.

The bill empowers the district authority to penalise institutes in case of any violation, with a penalty of ₹25,000 for first offence, ₹1 lakh for the second offence and revocation of registration for subsequent offences, the draft bill states. HT/S

# Are critics of quotas within quota right?

Fears are this would exacerbate the issue of unfilled quota seats and push sub-quota politics rather than challenging caste. But the states have enough tools to fight such portents

How India should deal with the presence and legacy of caste has been at the forefront of the political debate for several months. The Opposition has made its commitment to the constitutional scheme of reservations and a caste census a key part of its campaign. No census since Independence has collected data on the social, economic, and educational position of individual castes. For too long, our collective attitude has been to claim to eradicate caste by closing our ears and eyes. But caste will not go away unless we know what we are facing. One advantage of a caste census is that it helps understand the differences better — if any — between different castes of the same legal category. This is where the issue of sub-classification of Scheduled Castes (SC), which the Supreme Court allowed in its *Davinder Singh* judgment, comes into play.

The issue of sub-classification has ignited debate. Supporters have hailed the judgment as a step forward and a

landmark in India's jurisprudence on reservations. Reservation policies can now be fine-tuned to prioritise Dalit castes, like castes associated with manual scavenging, who have faced the greatest exclusion and obstacles to opportunity. This is the rationale behind policies championed by Nitish Kumar targeting Mahadalits in Bihar. *Davinder Singh* also overruled an earlier judgment that deemed unconstitutional a subclassification adopted by the Chandrababu Naidu government in then undivided Andhra Pradesh.

At the same time, the judgment has received criticism from some Dalit activists and intellectuals. One set of criticisms focuses on mandatory creamy layer exclusion, a matter which was not in dispute in the case. Another set focuses on Justice Pankaj Mithal's remarks critical of reservations as a whole. While these criticisms are important and correct, the objections against sub-classification are worth examining in light of the judgment.

The consequence of the judgment is that states can sub-classify SCs, but they are not under any requirement to do so. The judgment enables them for this, but they could refuse to sub-classify. This is important insofar as many of the legitimate concerns raised against sub-classification can be accommodated in state policy.

The most troubling scenario is the following. In the present system, many seats and appointments remain vacant because no suitable candidate from the

reserved category was found. This might be because qualifications were set artificially high to exclude Dalits or because discrimination made it too difficult for candidates to acquire the qualifications. Either way, this phenomenon explains why, despite quotas, SCs and Scheduled Tribes (STs) are seldom represented in high-level posts in universities and administration.

If the SC quota for such posts was subdivided, then this risks increasing such unfilled seats. If it was already difficult to find an SC candidate, then it would be even harder to find candidates among those SCs who face the greatest burden of exclusion, discrimination, and hardship. The result would be a decrease in the representation of SCs at large. This result is at odds with the vision of seeing sub-classification as a tool to fine-tune social justice policies.

However, we should remember that states are not forced to sub-classify. When the risk of vacant seats looms large, states have two options. First, they could simply refuse to sub-classify SCs for these positions.

Second, they could implement rules that unfilled seats among the most disadvantaged SCs can be filled by any SC candidate. Ordinarily, unfilled seats cannot be transferred to another category. There is good reason for this. We want to prevent a prejudiced selector who deems any Dalit unqualified in order to transfer the seat to the general category. However, this concern is less pressing in the case of sub-classifica-



One mechanism against politicisation is that any sub-classification effort will have to be based on objective data

SUSHIL KUMAR/HT PHOTO

tion. Such attitudes of untouchability and casteism apply to Dalits as a whole rather than against specific Dalit castes. Allowing seats to transfer among SCs does not raise the spectre of "stealing" quota seats.

This concern does not speak to those areas of education and employment in which seats are unlikely to remain vacant. States should not fall into the trap of applying the same standard to every selection. The contexts of higher education and the different levels of employment differ.

Other legitimate concerns can be accommodated, too. One worry is that giving states the power to sub-classify turns reservations from a tool of social justice into a political game. Governments would use the power for electoral dividends rather than to challenge caste. This would allow them to divide and rule Dalits and raise caste consciousness for each caste and sub-caste rather than agitating against the caste system.

There are two mechanisms which work against this. First, states should recognise that 'one size fits all' is a flawed approach in reservations. If so, then sub-classification occurs for some selection processes, but not others. The

resulting system need not mirror caste in society. The second reason is that the judgment holds that any sub-classification has to be based on objective data. Governments don't have unlimited authority to sub-classify SCs according to electoral ambitions. Any sub-classification could be challenged in court, and must abide by constitutional standards. Basing sub-classification on objective data also mitigates the objection that there are, in fact, no substantial gaps between different Dalit castes. If the data supports this claim, then no sub-classification will be permissible in practice.

The best way to gather the appropriate data would be, of course, a caste census. Census data would be the most reliable source of data to determine that there are indeed wide gaps between different castes listed as SCs, which require political action. Insofar as a caste census helps to bring alive the issue of our unfinished agenda of annihilating caste, there is a silver lining in the judgment, even for those sceptical of sub-classification.

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Bastian Steuwer

# WHO IS A 'PRIVILEGED DALIT'?

*Creamy layer definition cannot be based on just economic criteria*



ADITI NARAYANI PASWAN

THE RECENT JUDGMENT of the Supreme Court regarding sub-classification among SC and ST groups vis-a-vis granting reservation raises a more fundamental question. Why do we need reservation for Dalits? I would like to share a snippet from my experience of living with caste.

I lived in a rented accommodation as a student at Delhi University. One day, tired of Delhi's water woes, I asked my landlady if I could call somebody and get our water tank cleaned. Unsurprisingly, my landlady replied, "Ab C\*\*\*r (using a term for members of the Jatav community) tanki mein jayenge aur hamare pani ko ganda karenge?" I was quick to remind her that she used a Dalit's rental money to run her house, yet she thought our touch would "pollute" her water tank. But money, I learnt, is beyond the pale of purity and pollution. And in this instance, money did help me get accommodation — but it stripped me of my dignity.

While caste-based reservation was not meant to be an indefinite constitutional guarantee by BR Ambedkar to Dalits, it is the most important tool for social empowerment of the most marginalised. One can argue that there is a need to revisit reservation in the context of changing caste dynamics. While the thought behind the Supreme Court's verdict is noble, the question of implementation remains.

How do we define who is most marginalised among the marginalised? Reservation was meant to abolish "untouchability and provide access to justice". The manifestation of untouchability has changed from its physical aspects to more intangible forms. Why are a majority of applicants for academic posts un-

Why did a Dalit IPS officer still need police protection to ride a mare as part of a procession in his village in Haryana as recently as 2022? Reservations should eradicate caste-based discrimination and none among us will disagree that its benefits should trickle down to the ones who need it the most. In the absence of a clear manual to define the most marginalised, this reform could well end up being manipulated at the state level for electoral and political gains.

der the SC/ST category declared as "not found suitable"? How many law firms or chartered accountant firms are owned and run by the SC and ST communities? And why do we still have reported cases of deaths from manual scavenging in the country, though the practice has been constitutionally abolished? Why did a Dalit IPS officer still need police protection to ride a mare as part of a procession in his village in Haryana as recently as 2022? Reservation should eradicate caste-based discrimination and its benefits should trickle down to the ones who need it the most. In the absence of a clear manual to define the most marginalised, this reform could well end up being manipulated at the state level for electoral and political gains.

The judgment on the issue by a seven-judge bench in *State of Punjab v. Davinder Singh*, which affirmed sub-categorisation among SCs, took place in a broader context. Globally, there has been a rise in conservatism, especially in relation to affirmative action. The US Supreme Court in June 2024 held that race-based affirmative action in higher educational institutions was illegal. The promise of reservations for Dalits in India was that of equality, dignity and justice. This recent judgment made me introspect on whether economic parity puts me on the same pedestal as my fellow upper-caste colleagues. But, tragically, marginalisation is more complex than that: Marginalisation manifests in various forms, and it is imperative to account for these parameters when assessing and addressing issues of privilege and exclusion, rather than reducing it to economic status.

From a social justice perspective, economic

progress does not take away the indignity faced by a so-called "privileged Dalit". Sub-classification per se is not bad. However, in India today, it seems to be in direct conflict with the inherent idea and goal of social inclusion. In my experience, mere economic advancement does not guarantee social mobility. No targeting and exclusion of the creamy layer is possible without a caste survey with targeted data collection. We need to charter a discourse based on empirical and anthropological data of every community. States need to do comprehensive evidence collection and statistical evaluation of substantial data. However, this data collection should not be a mere analysis of the economic advancement and progress of a particular Dalit community.

Affirmative actions were envisioned as a mechanism that could provide a level-playing field to these communities in the social institutions of education and employment. It was ammunition to help provide political representation, recognition of their oppression, redistribution of intellectual resources, and social rehabilitation, ultimately resulting in a better social standing for these communities. It was aimed at dismantling the structural and generational privilege that facilitates caste-based discrimination and determines access to a better life.

It would do well for us to remember that reservation challenges the total hegemony of dominant factions in the society, and what the dilution of this principle would mean for those who continue to be oppressed.

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# Intention vs implementation

SC judgment on sub-quota will lead to greater inclusion, but caste-based inequality cannot be erased by economic status alone



FAIZAN MUSTAFA

IF THE EWS reservation departed from the historical context of reservation i.e. untouchability, the Supreme Court's verdict in *State of Punjab vs Davinder Singh* (2024) by a seven-judge Constitution Bench could pave the way for yet another novel way to approach the reservation debate as Justice Pankaj Mithal suggested a relook at the reservation scheme. Justice Bela Trivedi, in her powerful dissenting opinion, recalled JJ Hunton's (1931) statement that depressed classes were those with whom contact entailed "purification" for upper-caste Hindus and those who suffered social disabilities such as being denied access to temples, wells, schools and suffered the stigma of "untouchability". After their inclusion in the SC/ST lists, these groups were constitutionally deemed homogenous. The majority of six judges have held otherwise and rejected homogeneity within SCs and STs.

In 2005, a constitution bench in *E V Chinnaiah* said that Dalits are most backward and they are a homogenous group and therefore no sub-classification can be made. The relative backwardness amongst them was considered of not much significance. *Davinder Singh* has overruled it. It has given power to state governments to provide for different percentages of reservation within the Dalit communities. Constitutionally speaking, it may be based on correct interpretation of the Constitution, but in all likelihood, it would be presented by the social justice lobby as a device to tinker with the existing reservation policies. The sub-categorisation in spite of its laudable objective of substantive equality, due to inherent flaws, may not really achieve it.

CJ, in his judgment, has rightly held that there is nothing in the Constitution that prevents states from making such a sub-classification and Article 341 in no way limits this power as it merely gives the President the right to notify certain castes/tribes as SCs and STs. There can be no quarrel with the finding that SCs and STs historically and empirically are indeed a heterogeneous class and the government should have the power to classify them on the basis of some rational principle of differential. But the judgment goes on to say that the inadequacy of representation is to be demonstrated by the state as the basis of backwardness. From the parameters of social, economic and educational backwardness that the Mandal Commission applied for OBCs and that apex court and high courts had been religiously insisting upon, the Supreme Court now says that the "inadequacy of representation" is a vital yardstick of backwardness. From "untouchability" to poverty among upper castes for the EWS reservation (2019), we have come to the "inadequacy of representation" criteria in determining backwardness. But then inadequacy of representation may be the result of backwardness, not the cause of it.

The CJ's conclusion about the efficiency of administration to promote inclusion and equality is a big positive of this judgment. Similarly, the finding that all seats under a quota cannot be reserved for a single group within the SCs and STs will

also curb states' powers.

Justice Trivedi was clear in her observations that the nine-judge bench in *Indra Sawhney* (1992) ruled on sub-classification among OBCs and not SCs and STs. In para 781 of *Indra Sawhney*, Justice Jeevan Reddy observed that "at the outset, we may state that for the purpose of this discussion, we keep aside the Scheduled Tribes and Scheduled Castes." If this is so, how can a seven-judge bench overrule a nine-judge bench judgment? In fact, extending the observations primarily made in the context of OBC reservation has led to a situation where the exclusion of the creamy layer could be extended to even SC/ST reservation.

Historically speaking, several judgments diluting reservation have been reversed by constitutional amendments. After *Dorairajan* (1951) struck down reservation in admissions, Nehru immediately responded by amending the Constitution and inserting Clause (4) in Article 15. In *Indra Sawhney* (1992), the Court said that in the future, reservation benefits cannot extend to promotions. The 77th amendment overturned it. The 81st amendment reversed rulings on "carry forward" and permitted the state to treat unfilled posts as a separate category so that the 50 per cent upper limit on reservation did not come in the way. The 82nd constitutional amendment in Article 335 was passed to empower the state to relax qualifying marks in any examination or lower standards in matters of promotion of SCs and STs. The 85th constitutional amendment overturned *Virpal Singh Chauhan* (1995) and *Ajit Singh* (1999) to give consequential seniority to SC/ST promoted candidates. If the Dalit lobby is able to speak in one voice, the latest judgment may meet the similar fate.

The aforementioned amendments were challenged by several general candidates leading to the *M Nagaraj* (2006) in which the Court observed: SC/ST reservation in promotions was hedged by three constitutional requirements — backwardness, inadequacy of their representation in public employment and overall efficiency of administration. Ironically, no petitioner in *Nagaraj* had disputed the backwardness of Dalits. In *Jamail Singh* (2017), the SC overruled *Nagaraj* on the collection of data to prove Dalit backwardness. The latest judgment brings back the collection of such data.

*Davinder Singh* favoured the exclusion of the "creamy layer" of SCs and STs from reservation though this was not an issue at all before the Court. Justices Gavai and Vikram Nath favoured such an exclusion. Justice Mithal said that reservation should be confined to one generation and Justice Satish Chandra Sharma supported this view. However, in *Ashok Thakur* (2008), the apex court clarified that the creamy layer doctrine has no relevance in SC/ST reservation. Who can deny that caste is nothing but a permanent socio-cultural identity that is neither erased in one generation nor by the newly acquired economic status. Even the high profile Dalit achievers are not given equal respect and their legitimate due share. Moreover, is it not a fact that SC/ST reservation was not aimed at enhancing economic status but achieving social justice?

The judgment has unintentionally strengthened the Opposition's argument for a caste census to determine the share of different groups in the reservation pie.

The writer is vice-chancellor of Chanakya National Law University, Patna.

Tejshu

Views are personal





GAJENDRA SINGH SHEKHAWAT

# It takes skill and scale

## Budget puts India on a path of growth led by the young

THE GREAT INDIAN philosopher Swami Vivekananda is known to have said, "Give me 100 energetic young men and I will transform India". Vivekananda's belief wasn't misplaced. Skill has defeated scale several times in history — be it a handful of skilled Macedonians led by Alexander who conquered almost all of Asia or the small group of highly motivated and trained Marathas under Chhatrapati Shivaji Maharaj who brought Aurangzeb's massive army to its knees. But imagine what can happen if skill and scale were to be combined. For instance, think of Shivaji's army being 10 times its size with each soldier being the most skilful. The Budget for 2024-25 is a vision document to bring skill and scale together. The workforce it envisions would be led by the youth.

The Economic Survey 2023-24 highlights India's demographic opportunity: A median age of 28. Many young Indians are entering the workforce or are poised to do so. However, there is a significant challenge: Only 51 per cent of Indian graduates are employable. This figure is an improvement from 34 per cent in 2017-18, thanks to government-led skill development initiatives. However, vocational training still does not

get the respect it deserves in society. The Ministry of Skill Development's 2022-23 report reveals that skill training is often seen as a last resort for those who have failed to do well in the realm of formal education.

To address this, the Budget introduces a groundbreaking initiative: The government will provide Rs 5,000 per month to one crore graduates for interning with 500 top companies in India with training expenses covered by the CSR funds of these companies. This move aims to make skilling lucrative and socially acceptable while alleviating the challenges faced by industry. By incentivising such extensive skilling, the Budget seeks to position India as a global skill and manufacturing hub. This is the marriage of skill and scale, akin to Chhatrapati Shivaji Maharaj's highly skilled soldiers but with their numbers in millions.

The Budget also tries to incentivise the development of climate-resistant varieties of 32 crops — a critical step given the country's vulnerability against climate change-induced disasters. It also proposes measures to support Farmer Producer Organisations (FPOs) through the National Policy for Co-operation for FPO's, self-sufficiency in oilseeds and vegetables, promo-

tion of natural farming among one crore farmers and the development of digital infrastructure for agriculture.

A significant announcement to handhold industries to hire aggressively and increase their productivity is the announcement of three new schemes with regards to the Employee Provident Fund Organisation (EPFO). Like the production linked incentive, the government has come up with employment linked incentives — it will provide direct benefit transfers of one month's salary, up to Rs 15,000, to first-time employees in three instalments. It will also reimburse employer EPFO contributions up to Rs 3,000 per month for any new hires. The schemes will encourage industries to shift their focus towards hiring, manufacturing and expansion on a priority basis.

On the housing front, the Budget has made significant allocations for constructing 3 crore houses under the Pradhan Mantri Awas Yojana (Rural) and for 1 crore houses in urban areas for the poor and middle class. The PM Surya Ghar Muft Bijli Yojana aims to provide free electricity up to 300 units to one crore households.

In healthcare, the Budget exempts three essential cancer medicines from customs

duty, making them more affordable for millions of patients. Women's empowerment sees a significant boost, with a 218.8 per cent increase in funding compared to a decade ago. The establishment of women's hostels aims to increase female workforce participation.

The middle class, which has grown significantly over the last decade, will benefit from a comprehensive review of the Income Tax Act of 1961. The standard deduction will increase from Rs 50,000 to Rs 75,000, putting more savings into the hands of middle-class families.

Prime Minister Modi's focus on developing eastern states is reflected in the new Purvodaya Scheme. The scheme comprises initiatives to develop Odisha as a tourist destination and attract more tourists to the Nalanda, Rajgir, Bodh Gaya, and Vishnupad temple complexes.

The vision of the Budget is to combine skill and scale. By focusing on employment and giving the youth the opportunity to lead, the Budget provides a pathway to growth

The writer is Union Minister of Culture and Tourism, Government of India, MP

(Lok Sabha)

5/5/11

# In SC verdict, how CJI underlined concept of substantive equality

APURVA VISHWANATH  
& AJAY SINHA KARPURAM  
NEW DELHI, AUGUST 4

THE SUPREME Court's landmark verdict on sub-classification of the Scheduled Caste (SC) and Scheduled Tribe (ST) quota marked a milestone for equality jurisprudence. In his opinion, written for himself and Justice Manoj Misra as part of the 6-1 majority verdict, Chief Justice of India (CJI) D Y Chandrachud underlined the concept of "substantive equality" — the principle that the law must account for the different backgrounds and historical injustices faced by persons or groups.

"The Constitution... today advances a more substantive reading of the equality provision, expanding the sphere and the scope of reservation to ensure that the benefits trickle down to those who need it the most," the CJI wrote (*The State of Punjab v. Davinder Singh*, 2024).

The concept of substantive equality is key to understanding how the court interpreted the law on reservations.

## SC on reservations

In a string of rulings given over the last seven years, CJI Chandrachud has referred to substantive equality to stress that reservation is a facet of merit, and not an exception to the merit rule. In the sub-classification judgment delivered on August 1, the CJI traced the history of the ways in which the top court has interpreted affirmative action.

**AS LIMITING EQUALITY:** The SC initially took a formal and limiting approach, in which it viewed reservations as an exception to the principle of equal opportunity. Emblematic of this was the court's view in *The State of Madras v. Champakam Dorairajan* (1951) where it held that reservation of seats in educational institutions was unconstitutional — there was no express provision that allowed this, like Article 16(4) of the Constitution did for public employment.

In another ruling given in April 1951, *B Venkataramana v. The State of Madras*, the top court held that only Harijans and backward Hindus can be considered as "backward classes" for reservation in public jobs.

This led to Parliament enacting the first amendment to the Constitution in June that

year, which inserted Article 15(4), which is essentially an exception to Article 29 that prohibits discrimination against any citizen on grounds of religion, race, caste, language, or any of them with respect to admission into educational institutions.

This formalistic reading was also in evidence in *Indra Sawhney v. Union of India* (1992) (Mandal judgment), in which the court observed that Articles 15(4) and 16(4) are special provisions — or, in other words, an exception to the principle of equality — while prescribing a cap of 50% on the total seats to be reserved.

**AS A FACET OF EQUALITY:** In 1958, the State of Mysore reserved 75% seats in educational institutions for all communities except the Brahmin community. This was challenged before the SC in *M R Balaji v State of Mysore* (1962), in which the court for the first time prescribed a 50% ceiling for reservation. This limit is contested — but it has endured, with the exception of the 10% Economically Weaker Section (EWS) quota introduced in 2019.

In its decision in *State of Kerala v. N M*

*Thomas* (1975), the SC made an "expansive and substantive reading of the equality code". CJI Chandrachud said, The court upheld a Kerala law in which the qualifying criteria for government jobs was relaxed for SC and ST candidates. It held that the law was not an exception to the principle of equality of opportunity.

**AS LIMITING EFFICIENCY:** Article 335 of the Constitution, which provides for reservation for SCs and STs in services and posts, states that the reservation must be taken "consistently with the maintenance of efficiency of administration". In

the discourse on reservation in the SC that put emphasis on "maintaining efficiency of service", reservation was effectively seen as being detrimental to "efficiency", while "merit" (unreserved posts) was equated with efficiency.

This view was reflected in a string of rulings in which the SC shot down reservations in promotions. In the 1992 *Indra Sawhney* judgment, the SC held that reservations in promotions would dilute efficiency in administration.

In 1995, a constitutional amendment was

introduced to allow reservations in promotions and to undo the "catch-up rule" that was upheld in a string of rulings. The court had held that the practice was a constitutionally valid practice to maintain "efficiency".

Under the catch-up rule, if a reserved-category person was promoted earlier over his superior in the general category due to reservation, the general-category person was allowed to regain seniority over — or "catch up" with — the reserved-category person.

The Constitution (Seventy-seventh) Amendment Act, 1995 inserted Article 16(4A) to allow "consequential seniority", which meant that the seniority attained by a reserved-category candidate over his peer in the general category by being promoted earlier would be retained for the next promotion. The law on consequential seniority was upheld in 2006 on the ground that the efficiency of administration was only relaxed, not "obliterated", by the rule.

"The understanding of the Courts at the end of this phase was that the scope of reservation must be expanded to ensure substantive equality in spite of its dilution of efficiency," the CJI said in his ruling.

## No quota-merit binary

Drawing from observations and dissenting opinions in other rulings, CJI Chandrachud in his rulings has reframed the quota-versus-efficiency question. In essence, it sees reservation as reflecting the mandate of substantive equality enshrined in the Constitution, and not as a concessionary exception to the equality rule.

Addressing the criticism that the dilution of the evaluating standards or the qualifying marks for SCs/STs leads to "inefficiency," the CJI has argued that "securing higher marks in an examination does not contribute to higher efficiency and... securing a minimum mark (and not the highest) in the examination is sufficient to maintain efficiency of administration".

The CJI's majority opinion states that the stereotype that reservation leads to inefficiency in fact makes promotions inaccessible to SC/ST candidates — the reason why the state introduced reservations in promotions. The constitutional amendments "are an emphatic repudiation of the binary of reservation and merit" CJI Chandrachud has argued. *JES*

EXPLAINED  
LAW

# Vellore Institute of Technology holds 39th annual convocation

*'Have a vision. There's no dearth of opportunities if you are a constant learner,' Prof Anil D Sahasrabudhe said*

**VELLORE:** Vellore Institute of Technology (VIT), Vellore, held its 39th annual convocation on Friday. Prof. Anil D. Sahasrabudhe, Chairman of the National Educational Technology Forum (NETF), National Board of Accreditation (NBA), Executive Committee-National Assessment and Accreditation Council (NAAC) was the Chief Guest. T R Parasuraman, Chairman, ASSOCHAM Karnataka State Development Council and Senior Executive Advisor, Toyota Industries Engine India Pvt. Ltd., was the guest of honour, Dr. G. Viswanathan, Founder & Chancellor, Vellore Institute of Technol-

ogy (VIT) presided over the convocation.

In his convocation address, Prof. Anil D Sahasrabudhe exhorted young graduates to be constant learners and strive to improve their employability. Becoming multi-dimensional, acquiring skills and developing the right attitude would help in their career prospects and development, Prof. Sahasrabudhe said.

"Jobs are plenty and whichever profession you choose, how you become multi-dimensional and develop yourselves is important," he said. For instance, those with mechanical or civil engineering as basic



background could think of pursuing courses in Computer Science or Internet of Things and thus improve their employability, he said.

"Have a vision. There's no dearth of opportunities if you are a constant learner," he said and added that they should equip themselves to seize the opportunities as the country

was inching towards becoming the third largest economy.

Chairman, ASSOCHAM Karnataka state development council and senior executive advisor Toyota Industries Engines India Pvt Ltd, T R Parasuraman said there was no substitute for hard work and that one should learn from failures. "Attitude, knowledge and

skills are important for one's development," he added.

VIT Founder and Chancellor Dr. G. Viswanathan underscored the role of educational institutions, government and private sector in further improving the education scenario.

"The rural, poor and middle-class should be encouraged with scholarships to pursue higher education. Also, the spending on higher education and research should be enhanced," he said. He highlighted the VIT's role in providing scholarships to the rural, poor and middle class sections in pursuing higher education.

VIT vice-presidents Sanakar Viswanathan and Dr. G V Selvam and Assistant Vice-President Kadhambari S Viswanathan, Prof. Kanchana Bhaaskaran V S, Vice-Chancellor, VIT, Prof. Partha Sharathi Mallick, Pro-Vice Chancellor (Vellore campus), VIT, Prof. Thygarajan T, Pro-Vice Chancellor (Chennai campus), VIT and Dr. T Jayabarathi, Registrar, VIT also took part in the convocation ceremony.

A total of 8,205 undergraduate and post-graduate students, and 357 Ph.D. graduates were awarded degrees and gold medals were given to 65 candidates. mil/5 MPOST

# 3-day 'Sushrutacon' conference on surgery inaugurated at Patanjali University

**STATESMAN NEWS SERVICE**

NEW DELHI, 4 AUGUST

Three-day long 'Sushrutacon' conference on surgery was inaugurated at Yogi Guru Baba Ramdev's Patanjali University, bringing together distinguished scholars from Ayurveda and modern medical sciences to discuss the advancements in surgery.

The event, held at the university's auditorium, marks the birth anniversary of Maharishi Sushruta, the father of surgery. Acharya Balkrishna's birthday was also celebrated as the 'Herbal Day.'

The conference was jointly organized by Patanjali Indian Institute of Medical Sciences and Research and Patanjali University, with

support from Patanjali Research Foundation, National Sushruta Association, India, and NeoV Laser, Israel.

The event was graced by the presence of Padma Bhushan Prof Manoranjan Sahu from Banaras Hindu University, who lauded Patanjali Research Institute for elevating India's global stature in the fields of Yoga and Ayurveda.

In his keynote address, Prof Sahu emphasized the importance of rigorous research in surgery and the development of integrated medical practices, praising Patanjali's contributions in this domain.

During the inaugural session, Dr Anurag Srivastava, an expert in Shalya and Shalakyata Tantra, provided a

detailed exposition of Ayurvedic surgical principles, reconnecting participants with the ancient roots of Ayurveda.

Dr Sachin Gupta, Professor and Head of the Shalya Tantra Department at Patanjali Ayurvedic College, elaborated on the objectives of the conference and highlighted Patanjali's significant role in advancing the field of surgery.

Dr Vedpriya Arya, Head of the Patanjali Herbal Research Division, extended a warm welcome to the guests and illuminated the extensive research initiatives undertaken by Patanjali in the realm of Ayurveda.

Prof Sanjeev Sharma, Vice-Chancellor of the National Ayurveda Honorary University, Jaipur,

underscored the necessity of scientific research to harmonize ancient 'Shalya Tantra' with contemporary surgical practices for the greater good of humanity.

Prof Mahavir Agrawal, Vice Chancellor of Patanjali University, in his address, described the conference as a convergence of Yoga, Ayurveda, and modern medical sciences.

Prof Anil Kumar, Principal of Patanjali Ayurvedic College, echoed this sentiment, noting that Acharya Balkrishna's life is devoted to the welfare of humanity through Ayurveda. He also briefed the participants on the activities at Patanjali Ayurvedic Hospital and the college.

The technical sessions featured presentations by Dr.

Anurag Srivastava on the integration of Ayurvedic principles in cancer prevention and management, and Dr Vinoth Philip on cutting-edge laser techniques for treating varicose veins.

The third session included insights from prominent figures like Dr MC Mishra, Dr Manoranjan Sahu, Dr Shiv Ji Gupta, Dr P Hemant, Dr Sachin Gupta, Dr Sanjeev Sharma and Dr Ajay Gupta, who provided valuable guidance through their discussions.

The conference also featured a cultural evening where students from Patanjali University and Patanjali Ayurvedic College showcased their talents through hymns, dances, and yoga performances.

# Aspirants preparing for UPSC Main 2024 in a fix as libraries closed by authorities

Candidates rely heavily on mock tests, but the suspension of classes has hampered their preparation

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Main crash course, but the classes have been discontinued until further notice. At this stage of preparation, aspirants rely heavily on mock tests, but with classes being suspended, our only option is to practise as much as possible within the confines of our rooms," says Rohit.

Students expected the teachers and mentors of the institutes to extend a helping hand for the mock tests. However, the teachers have been directed by the owners of the coaching institute to avoid any kind of interaction with the aspirants, said the students. Main aspirants are largely resorting to self-studies with only a month and half left for the exam. Due to the unavailability of enough libraries, many aspirants have temporarily shifted to Noida or have relocated to their hometowns. "Around 95% of libraries in Old Rajinder Nagar were operating from basements, which have now been sealed by the MCD. The ones situated on the first or ground floors have hiked their monthly membership fee from Rs 3,000 to around Rs 5,000. I used to study in one of those basement libraries. Studying there was beneficial because it allowed me to interact with fellow aspirants and share tips and strategies—which is not possible while

## No refunds

Many students are expecting the coaching centres to find an alternative process for classes or refund the amount paid as a fee for library memberships. However, no written clarification has been provided regarding the suspension of classes and the date of reopening. Swarnim Saini (23) from Saharanpur, UP, has been

studying in silos," adds Rohit. Shivam Yadav (23), from Ashoknagar District, MP, says, "My coaching centre has started offering online assistance for the Main preparation. Since the exam is in pen-and-paper format, online test series will not be sufficient. With the exam approaching soon, I am losing confidence because I cannot accurately assess my performance or identify areas where I need improvement."

Additionally, the coaching centre has informed students that classes will not resume until the protests in the area are resolved. "A few days ago, I received an email from my coaching centre stating that classes cannot be resumed due to

attending UPSC coaching in Old Rajinder Nagar for the past 2.5 years says, "I have learned that many Madhya Pradesh Public Service Commission coaching centres, which were operating in basements, have been shut down permanently. These centres have instructed students to continue their classes from other cities while refusing to refund the remaining fees."

the ongoing student protests," adds Shivam.

## Financial burden

Vivek Chauhan (26) of Shamli, UP, says his preparation time has reduced to less than half of what it used to be. "Usually, the rooms are very small and students share a single room. It gets difficult to concentrate

while studying in the room, due to which most of us join the library while the rooms are meant only to sleep," says Vivek.

The MCD's measures to prevent the misuse of basements and address rela-

ted issues have been implemented in response to the tragic deaths of aspirants. "These measures were not designed to improve conditions but only to mellow down the anger among the protesting students. It would have been beneficial for the aspirants if the crackdown on libraries operating in basements had included provisions for alternative solutions. The sudden closure of these libraries has only exacerbated the difficulties, forcing students to pay additional thousands of rupees to get access to a limited number of libraries in the area," adds Vivek. Kuldeep Chaudhury (24), from Hissar, Haryana, reports that some libraries are now charging extra for corner seats due to the reduced distractions in those seats.

## Economic bubble

Most aspirants who have been living in these localities for several years complained of poor drainage systems and infrastructure. Several residents renting their house, tiffin providers, real estate agents and librarians, who have been operating in these localities for decades claim that the infrastructure has always been in a dilapidated condition, says Ravi Kapoor, a former IRS officer, adding, coaching centres play a limited role as most students have to rely on self-studies.

# 'No NEET' comes roaring demand from states even as NMC defends it

Amid the NEET fiasco there is a growing resentment over the entrance exam which is claimed to be impacting the less-resourced students

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The aftermath of the NEET UG paper leaks and postponement of the NEET PG exam, has increased the demand from several states to cancel NEET UG exams, replacing it with state-level selection processes. States such as Tamil Nadu (TN), Karnataka, and West Bengal have passed resolutions against the NEET in their respective state assemblies and have suggested reinstating the state-level selection exam/processes for medical colleges. The NMC, however, says it is important to have a standardised exam that allows students to take a medical seat anywhere in the country, and the states must improve education delivery to ensure that their students remain competitive.

Recently, Union Finance Minister Nirmala Sitharaman, too, defended NEET in the Rajya Sabha, as she suggested ensuring cost-effective medical education. "Certainly, it has hurt some vested interests, particularly those in the medical education field, because selling medical seats is no longer possible. Therefore, it has hurt a lot of people. That is why a particular lobby was actively against NEET even before the leak issue arose," said Sitharaman, pointing out that the NEET was notified in December 2010. It was led by the then DMK minister Gandhi Solvan, who served as MoS for Health and Family Welfare as part of the Congress-led UPA II Government. In 2012, the UPA 2.0 introduced NEET UG for medical admissions. And in 2013, the first exam took place.

"A standardised exam has reduced corruption and



At an individual level, it will be difficult for students to take the exam in different states

increased options for students. It will be difficult for students to appear for exams in different states. Any student from across the country can take the exam through NEET, and upon clearing, he/she will be eligible to take a seat anywhere. At an individual level, it will be difficult for students to take the exam in different states. It will also be difficult to compare the marks obtained in exams conducted in different states; the Supreme Court (SC) has supported it. In NEET PG, according to the statistics released by the NTA, the second largest student group was from Tamil Nadu, and NEET UG also had a substantial number of students from TN," says Dr B Srinivas, secretary, NMC.

He adds that this year's paper was simpler, as questions from the state board were also included. "The question paper should discriminate between good stu-

dents, average students, and bad students. Instead of cancelling NEET, it is important for the states to raise the school education level," says Dr Srinivas.

The states' demand for the cancellation of the NEET exam has two aspects — merit, and social justice. "There is a perception that people from lower socio-economic strata are deprived of success in NEET. That is why the TN government allocated a 7.5% seat quota to government school students," says Dr KM Abul Hasan, chairman, IMA Junior Doctors Network. In 2020-21, the TN government set aside 7.5% of MBBS/BDS seats from its quota exclusively for students who have passed out of government schools. "TN wants to revert to the old system of selecting students for medical colleges on the basis of class XII marks. People have to be coached well to crack NEET exam. That kind of coaching may not be accessible across the state," says Dr Hasan. Several doctors in states such as West Bengal and Karnataka claim that abolishing NEET could benefit students from the less privileged sections

Troubles have increased for UPSC aspirants as the Municipal Corporation of Delhi (MCD) shut down coaching centres, rental houses, and libraries operating from basements in Old Rajinder Nagar, Patel Nagar, Mukherjee Nagar and other localities famously running coaching institutes. Thousands of aspirants protesting at Rajinder Nagar have been demanding better facilities and living conditions and to take strict action against illegally built coaching institutes. However, several aspirants set to appear for the UPSC Main are equally anxious about their preparations as they find themselves in an ethical dilemma — whether to join their protesting peers or remain in their cramped rooms to continue preparing for the examination scheduled to be held on September 20. The students are also struggling to find a conducive environment to study peacefully amid limited library services and hiked fees

## Limited options

Rohit Kumar (23), from Samastipur, Bihar, preparing for UPSC Main has been living in Old Rajinder Nagar for about 15 months and is worried about the preparation. He tells *Education Times* that following the news of the deaths at Rau's IAS Centre, his parents are divided about the situation. "Since it is humid, it is nearly impossible to study in the room. The Main demands practising long-form answers, which is best achieved through the mock tests. I enrolled in a UPSC

Protesters gathered outside an IAS coaching institute in Old Rajinder Nagar, Delhi



# New researchers battle limited funding opportunities

Concerted efforts are needed to create a supportive environment for young scientists to thrive, writes **Steven Inchcoombe**

India has made significant strides in scientific research and innovation, positioning itself as a global leader in various fields. It has emerged as a key contributor to global research across disciplines like science, technology, medicine, social sciences, and humanities. It now ranks third only behind China and USA in terms of research output globally.

India has been actively investing in scientific research and technological innovation. Over the years, institutes like Indian Institutes of Technology (IITs), Indian Institutes of Science Education and Research (IISERs), and Council of Scientific and Industrial Research (CSIR) laboratories have been the leading centres for scientific research. Government funding agencies like the Department of Science and Technology (DST), Department of Biotechnology (DBT), and Ministry of Earth Sciences (MoES) have been supporting research projects and infrastructure development. However, India has its own set of challenges, the biggest of them all being the underfunding by Indian institutions. The government needs to do more, but the biggest funding shortfall compared with other countries is in India's private sector. The National Research Foundation (NRF), created by an act of Parliament last year and modelled on America's National Science Foundation, should add Rs 500 billion over five years. However, this also depends on the private sector stepping up. Research integrity is an area where India can do more by better training early career researchers and collaborating with other stakeholders.

**Creating ethical environment**  
Formal training on research integrity

will not only help India create a transparent and ethical environment but will also ensure the publishing of more accurate, trustworthy, and unbiased work, aiding its international reputation.

**Challenges faced by early-career researchers in India:** A lack of a track record of publications and grant success can prove detrimental. Competition for research grants and fellowships can be intense, leading to a scarcity of resources for young researchers. Many

research institutions in India face constraints in terms of infrastructure, equipment, and access to cutting-edge technology. Limited access to laboratories, libraries, and research materials can impede the progress of research projects and limit the scope of investigations. Limited open-access publishing hinders widespread dissemination and use of research findings. Publishing research findings in indexed journals is essential for career advancement and academic recognition. Young researchers often struggle to navigate the publication process and may face challenges getting their work accepted in prestigious jour-



**Room for improvement**  
India's research and development expenditure-GDP ratio of close to 0.7% is significantly below the world average of 1.8%. While India's Gross Expenditure on Research and Development (GERD) has been gradually increasing, reflecting the country's efforts to boost its scientific capabilities, there is room for improvement.

nals, especially without established networks or collaborations. Also, the time taken by traditional journals to accept and publish articles can range from six to eight months, which can be an impediment. Women and other under-represented groups in academia may face challenges, including gender bias, discrimination, and lack of support for work-life balance.

Addressing gender and diversity issues is essential for promoting inclusivity and equality in the research community. Lastly, administrative and bureaucratic procedures within research institutions and funding agencies can be time-consuming, diverting valuable time and resources from research activities.

**Opportunities in India:** Various government, non-profit organisations and private foundations offer research grants and fellowships to support young researchers. Programmes such as the Department of Science and Technology (DST) INSPIRE Fellowship, Council of Scientific and Industrial Research (CSIR) Junior Research Fellowship, and Indian Council of Medical Research (ICMR) Junior Research Fellowship provide financial support for research projects and doctoral studies.

There are new-age open access journals which can be leveraged by early career researchers where the turnaround times from article submission to publishing have been reduced to weeks rather than months and there are no article submission charges. This can help early-career researchers to get their research published without the hassles of a traditional journal but by upholding total research integrity.

Further, collaborating with researchers and institutions abroad can provide young researchers in India access to resources, expertise, and networking opportunities. Collaborating with industry partners can help young researchers translate their research findings into practical applications and innovations. There are new-age open-access journals that can be leveraged by early-career researchers. *(The author is present, Research, Springer Nature Group)*

## Why we must have an Indian Research Consortium

Its focus should be on accessibility, affordability, and equity, write Sekar Viswanathan, and L Jeganathan

Teaching and research are two core functional domains of a teacher in the Higher Education Institutes (HEIs). In recent decades, as a strategy to get into the top rankings of the different global rankings, HEIs across the globe have started pursuing quantitative research criteria and have made publications in high-impact factor journals the main criterion for performance evaluation of a faculty. Research funding and the ranking of HEIs. Thus, HEIs in the developing world have identified research as a key area where they need to improve if they are to become 'world-class' institutions. This has put pressure on academia to 'publish or perish' when it comes to high-impact factor publications.

**Global scenario**

Research publications have evolved from the subscription-based closed-access model to the present Open Access (OA) model. They have shifted from the traditional 'pay-to-read' mode to 'pay-to-publish' open access model. The pay-to-publish open access model has become

the prominent form of open access and is likely to increase the cost of scholarly publishing. The 'pay-to-publish open access model' is used by academic journals to make their articles freely available to anyone online. In this model, authors are an article required to pay an Article Processing Charge (APC) to cover the costs associated with the publication process, including peer review, editing, and online hosting. The global average per-journal APC is US\$ 1,626. The average APC for hybrid journals (a combination of open access and closed access) is almost twice this amount. The academic publishing industry has a large financial turnover. Its worldwide sales amount to more than US\$ 19 billion, which positions it as the global music industry and the film industry. The flipside is that 'open access' has paved the way for a new way to earn a profit by starting a journal. This change also means that the journal will not necessarily have financial incentives to ensure appropriate peer-reviewer-quality control or relate to their impact factor - as long as they can make the researchers pay.

**Questions to think over**

researchers and guide them to a quality publication? India spends only 0.7% of its GDP on research. Can we afford to spend a huge amount as APC in this situation? Therefore, it is imperative to create an indigenous research publication framework with the main focus on accessibility, affordability, equity.

It is important to build an Indian Research Consortium (IRC). All research institutes, academic universities, HEIs etc will be the mandatory members of IRC. It will be funded through annual

**High-cost, low-quality publishing**  
The rush to get the work published in high-impact factor journals has resulted in unethical practices to increase the citation index of articles. Many papers get retracted. The number of research paper retractions from India has increased substantially, from 595 in 2017-19 to 1,350 between 2020-22. The technical content/merit of the paper takes the backseat in the whole process of deciding the performance of the faculty. As per a 2020 report, Indian researchers paid US\$ 17 million as APC in 2020. The total APC paid during the year 2020 is US\$ 30 million.

required expertise to gauge the research output of our fellow researchers and guide them to a quality publication? India spends only 0.7% of its GDP on research. Can we afford to spend a huge amount as APC in this situation? Therefore, it is imperative to create an indigenous research publication framework with the main focus on accessibility, affordability, equity.

subscriptions from all member institutes. It can have separate sub-consortiums for each domain: science, engineering, medicine, social sciences, humanities, law, management etc. The consortium will launch journals in these domains, following a strong peer review process and best standards with high ethics and values. IRC will be based on accessibility, affordability. It is important to develop this indigenous model, which will make ourselves *atmanirbhar* in the journal publishing industry. *(The authors are vice president, and professor, Vellore Institute of Technology, Chennai, respectively)*

### Wastewater treatment key to manage Bengaluru water crisis

Sustainable water reuse is a viable solution to water scarcity, writes Stuart Khan

In cities like Bengaluru, pollution sources are complex. The dense urban environment is a major source of pollution, which comes from large materials such as plastic containers to microorganisms and dissolved chemicals. Large quantities of organic materials, such as leaves, food wastes, and animal carcasses can also cause severe water pollution. These organic materials are slowly broken down by bacteria, but as they do this job, the bacteria

also consume oxygen from the water, often making rivers toxic. Many of these contaminants are washed into waterways during heavy rainfall. Some effective solutions could include improved design and management of stormwater systems, and improved street sanitation, such as by regular rubbish removal and disposal away from waterways. *(The author is head of school, School of Engineering, University of Sydney)*

## Encouraging undergraduates to take up PhD will boost innovation

Policies governing doctoral admissions hold significant implications for academic excellence, enriching the landscape and fostering innovation, says Prof Rudra Pratap

Getting a talented and motivated pool of students into our PhD programmes is a top priority and the UGC guidelines (issued in 2020) for direct admission of UGs to PhD programmes are an important step in this direction. The flexibility provided by NEP 2020 has enabled such UGC now encourages undergraduates to take up a PhD in any area of their choice, irrespective of their UG degree. If universities follow this advice, it will be a bold move to encourage more students to pivot and follow their passion for research.



**Recent data shows that of the 77.25 lakh students in India who complete undergraduate programmes, only 17.66 lakh complete their PG programmes.**

Several years ago, top American universities broke rules and admitted bright students with undergraduate degrees into their PhD programmes. The success of such students made others also relax the rules for PhD admissions. Some of the autonomous Indian institutions have also experimented with this deviation and found it to be a very successful experiment. This success is rooted in the fact that students are generally far more motivated, curious, and energetic after their bachelor's degree than after their master's. What has also radically changed over the last decade in India is the preparation and exposure of undergraduate students to research. The ready availability

of advanced courses online has become a good resource for upping the knowledge level in any field by a notch or two easily and quickly. So, the required at the entry point for master's degree holders. The NEP advocates and recommends enough credits at the undergraduate level for engaging in self-study and independent research that can be effectively used to prepare a student for a PhD journey. The most compelling reason for a UG is the 'return on investment' of the falling enrollment rates in PhD programmes worldwide indicate the value the current genera-

tion of college-going students seen in pursuing a PhD. Recent data shows that of in 77.25 lakh students in India who complete undergraduate programmes, only 17.66 lakh complete their postgraduate programmes. An added component of five years, following two years of a master's degree, seems onerous for most students - it is one of the reasons only 22,600 earn their PhDs, according to the All India Survey of Higher Education (AISHE) report 2021-2022 released by the Ministry of Education. The seven-year journey is too much time investment and commitment for most 21-year-olds. A reduction of two years results in almost a year's savings in time! And time is precious. India. We are finally arriving at an era where PhDs will not only find employment but will be needed to drive innovation in the various sectors. It is now up to universities to encourage undergraduates to find their passion in research and pursue doctoral degrees directly. *(The author is vice chancellor, Plaksha University)*

# Well-defined BS syllabus led to highest number of perfect scorers in CUET UG

While Business Studies had 8,024 students scoring full marks, English, had a relatively modest run with only 1,683 students securing perfect scores which was quite unlike last year's results

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Out of the over 22,000 students who appeared for CUET UG 2024, the highest number of perfect scorers was in Business Studies with 8,024 students getting full marks in the subject. Owing to delays due to alleged irregularities and paper leaks in competitive exams such as NEET UG and UGC NET, the NTA did not release the stream-wise toppers list this year. However, the exam-conducting body has provided subject-wise numbers of perfect scorers in which Business Studies tops the list, followed by Political Science with 5,141 top scorers. History with 2,520, English with 1,683, and Psychology with 1,602. Last year, as per the subject-specific CUET topper list, English had the highest number with 5,665 students who obtained the 100-percentage score. The second group included Biology, Biological Studies, Biotechnology, and Biochemistry, where candidates obtained perfect scores.

Experts attribute the top spot clinched by BS to its streamlined syllabus, wide plethora of resource materials both online and offline and the MCQ test format

which makes arriving at the correct answer with the right level of preparation much easier.

### Binary answers

Speaking to *Education Times*, Hansh Kumar, faculty, Shri Ram College of Commerce (SRCC), Delhi University, says, "In Busi-

'no', true or 'false', but that cannot always be said of English or many other subjects. In Business Studies, the questions are more straightforward, so it becomes easier to attempt them and hit upon the right answer."

Though the length of the BS syllabus is spread across various domains including banking, financial markets, and forms of business, to mention a few, ultimately, it comes down to the fact that the subject is taught at the beginner's level, Kumar says. English questions, on the other hand, are open to interpretation even though the syllabus is much less. Moreover, Business Studies in CUET are well aligned with the CBSE board syllabus, which gives commerce students an edge though in the board exams they have to provide paragraph-based answers which makes scoring a bit of a challenge," Kumar adds. Furthermore, with BS being a scoring subject, and the wide availability of resource books perfected by the CBSE and NCERT in addition to e-resource curriculum on the SWAYAM platform and free coaching material on YouTube, students are spoilt for choice, Kumar says.

**One among many**  
However, despite the high scores



in BS, it is just one subject that will be considered in the BCom (Hons) admission process. Consequently, a perfect score in BS will benefit only a fraction of the students and does not necessarily ensure admission to the desired college. To apply for BCom (Hons) in DU, for instance, students' best of four subjects are selected, in which at least one language from around 33 languages for which the NTA conducts the exam is considered, apart from Maths/Accountancy which is compulsory, along with any two subjects such as Management, Business Studies, Anthro-

poloogy, Biology, Chemistry, Computer Science, Psychology etc from a list of 18 subjects. "Since Business Studies is not a compulsory subject to be considered for admission in BCom (Hons), hence, a student with a perfect score in the subject has a good chance of getting admission as another student who could have got a perfect score in Biology, for instance. In DU, the aggregate of best four subjects are considered for admission," says Hansh Gandhi, dean (Admissions), DU, adding that over 2 lakh 88,000 students have registered for admissions as on July 31, with the

numbers poised to increase in the coming weeks.

In English (Hons) or English journalism though, English is a mandatory subject, but for the other programmes, any language will be considered. Gandhi is also of the opinion that the rescheduling of the English paper in Delhi from May 5 to May 29 did not have much of a bearing on students' performance since the NTA assured that the difficulty level of both the question papers were the same. The NTA, after a careful analysis, has given the university the raw scores of the students, hence there could not be anomalies on the same," Gandhi adds.

### Underlying differences

Defining the key differences, Bhupendra Bahadur Tiwari, pro-

fessor and director, School of Economics and Commerce (SOEC) CMR University, Bengaluru, says, "The large number of perfect scorers in Business Studies this year may be due to the subject's objective nature, which allows for precise answers and scoring. Business Studies often involves fact-based concepts and questions, making it easier for students to achieve full marks if they have a strong grasp of the course. Additionally, effective teaching methods, well-structured study materials, and targeted mentoring can significantly enhance the students' performance." On the other hand, this year's English paper might have included more complex comprehensions, passages, nuanced literary analysis, contributing to the lower number of perfect scorers, he adds.

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ness Studies, the syllabus is very well-defined and there is no scope for ambiguity, hence, students either know the answers to the questions or they don't know. But when it comes to answering questions for a poem with its metaphors or similes in English, it may not be that simple to evaluate an answer. There could also be a lot of binary answers in Business Studies (where the response format is in terms of 'yes' or

## NCERT proposes inclusion of class IX to XI marks and vocational training in class XII boards

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According to the latest proposal made by the NCERT, students' performance will be assessed right from class IX to class XII in the final board results, while there would be more emphasis on skill subjects ranging from Data Management, Coding to Music and Craft. The report revealed how 90% of boards have retained vocational and skill-based subjects in the optional category, which has prompted NCERT to include them as mandatory subjects in the boards.

A report submitted in July 2024 to the Ministry of Education by PARAKH, a regulatory centre set up by NCERT has given suggestions on standardising school board education across the country. The report urged 'Establishment of Evaluation Agency Education Boards' had proposed that marks earned by a student in class IX, X, and XI exams should be integrated into class XII board results to align evaluation across all the educational boards. The report, which has been developed after discussion with 32 boards in the past year, has also suggested that vocational and skill-based subjects such as Data Management, Coding, Agriculture, Environmental AI and Music Arts and Crafts, among others, should be mandatorily offered by school boards to promote holistic learning as recommended in NEP 2020. The report has also recommended the need to assess teachers' performance and enhancement of school infrastructure.



### The new directive will support inter-board mobility and multiple entry and exit points

Students based on self-reflection, student portfolio, teacher assessment, execution of projects, and group discussions, while the summative assessment will be based on term-end exams. The report suggests that final scores should be distributed as follows: in class IX, 70% from formative assessments and 30% from summative assessments; in class X, 50% from each; in class XI, 40% from formative and 60% from summative assessments; and in class XII, 30% from formative and 70% from summative assessments.

### Credit-based learning

The assessment design for classes IX to XII will assign a weightage in terms of credits for each unit of content. Learners from classes IX and X must earn 12 subject-specific credits (total 48 credits) while earning 10 credits in class XII must earn 40 subject-specific credits (total of 44 credits). The following credits will be earned through school-based learning,

dent will be included in the board result," says Bhaduri.

The new directive will support inter-board mobility and multiple entry and exit points. To ensure this, boards must develop a system of credit accumulation and transfer. This should include an academic mechanism for credit allocation mapped to the National Curriculum Framework (NCF) along with the development of an Academic Bank of Credit (ABC) to ensure that credits are transferred across school boards in case of inter-board migration and/or across various entry/exit points, the report suggested.

"NCERT PARAKH is in talks with different boards to standardise the assessment and achieve equivalent-

co of the boards. The boards have been asked to create a roadmap to streamline the implementation of the standardisation process, which also involves competency-based assessments as per NEP 2020. Digitisation of results for accessibility across boards and setting up a cadre of teachers who prepare questions to streamline the exam process is also in the pipeline," says Bhaduri. The first round of discussions has already taken place with MP, Maharashtra, Bihar, Haryana, UP and Uttarakhand, while the next rounds will be conducted in the coming months.

### Weightage of marks

Class XII marks should be factored in class IX performance with the weightage of 10% each. X, XI and XII marks will be each given a 30% weightage. The remaining 30% marks will be equally distributed across the board's ground in class XII. PARAKH in the report suggested that the class XII marks should be based on the final term-end assessment. The marks, we mentioned will be based on the degree of involvement of the

# New NCERT class VI textbook aims to promote India-centric education as per NEP 2020, NCF-SE

Post Covid-19, the NCERT has updated textbooks of social science and other subjects

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The NCERT's new class VI social science textbook titled 'Exploring Society India and Beyond' has selected five main themes which has helped to combine in a single theme, inputs from several disciplines — whether history, geography, political science or economics. While experts claim that the major shifts in the content of the textbook will disrupt students' understanding of these subjects, the NCERT reasons that the book is aligned with NEP 2020 and the National Curriculum Framework School Education (NCF-SE) that propound a new philosophy of education.

A senior NCERT official, on condition of anonymity, explains it is important to understand the underlying ethos behind the textbook and the radically new approach of the syllabus the textbook is trying to implement. "The revised NCERT textbook has a completely different approach based on the NCF-SE, with less textual content (so as to discourage rote learning), more relevance to the child's environment, engaging visuals and pedagogical activities, a stimulating design, rootedness in India, and, above all, an introduction to critical thinking by constantly guiding the child towards reflection on the core ideas, in preference to absorbing masses of data," the official says.

As to the relevance of certain historical facts, for instance the textbook's emphasis on the im-

portance of the Sarasvati river in the early Indian civilisation while referring to the Harappan civilisation as the 'Sindhu-Sarasvati' civilisation, or for that matter, the focus on India's own prime meridian Madhya-Rekha which seems to predate the Greenwich Meridian of Europe, the source elaborates, "The textbook, with reference to Indian civilisation under Theme B: *Tapestry of the Past*, focuses on giving students an understanding about India and how different archaeological excavations have provided us with evidence about its initial growth on the banks of river Sindhu and the river Sarasvati. It is often overlooked that river Sarasvati in its early form flowed just 20-21 miles to the east of river Sindhu. Therefore, it is natural that many of the Harappan cities were settled on the banks of both these rivers. Hence,

## The previous textbook was based on a different syllabus and framed on the basis of NCF 2005

the book has rightly referred to the Harappan civilisation also as the Sindhu-Sarasvati civilisation." The concept of Madhya-Rekha passing through the city Ujjaini is a civilisational and cultural fact since at least the times of the Maurya-Gupta period. "The book recognises this fact which naturally predates the conceptions of the Greenwich Prime Meridian which came about in late Medieval Europe at the time of geographical exploration. Therefore, it is important to inform the students about it. It may be pointed out here that one of the aims of the

NEP 2020 and the NCFSE is to make our education more holistic and India-centric," he adds.

## Different syllabus

As to what accounts for truncating the portion on the ancient Indian kingdoms, considering it has been claimed that the new book has removed four chapters from the previous textbook which comprised the kingdoms of Ashoka and Chandragupta Maurya, including Chanakya's role as well as the Gupta, Pallava, and Chalukya dynasties, and Kalidasa's works, and the fact that King Ashoka is mentioned only once in the new textbook's timeline, the official reiterates that the new social science textbook for class VI has been developed based on a new syllabus which flows from the NCF-SE 2023. "This

textbook in social sciences follows an integrated approach. Therefore, the names of the chapters are different and need not be compared with the previous textbook which was based on a different syllabus and framed on the basis of NCF 2005," the source claims. Referring to modifications in the textbook post the pandemic and talk of rationalisation of the syllabus to lighten students' academic load, the official says, that post Covid-19, in view of changes in data related to political-social, economic and technological aspects, the NCERT has updated social science textbooks and some of the textbooks in other subject areas. "This was not rationalisation, but updation," he says, adding further that updating helps in avoiding confusion among students with regard to latest developments and enhances their comprehension. This in effect, reduces their academic burden.

## Interconnection between disciplines

With the textbook rolling three separate subjects of History, Geography and Civics into one, questions of how it can promote students' perception of the social sciences becomes pertinent. "We have used the term Political Science in place of Civics. The textbook on social science also contains content drawn from Economics. This is a deliberate design which not only makes the overall load much lighter but demonstrates in every chapter the interconnections between all those disciplines. Multidisciplinarity is one of the NCF-SE's objectives and this is best achieved by keeping them all in a single book," the official adds.



PHOTO FOR REPRESENTATION





# Uncertainty over fate of 1,145 DU jobs after NTA exam was red-flagged over 'discrepancies'

**The Hindu Bureau**  
NEW DELHI

Much before the National Testing Agency (NTA) came under the spotlight over the paper leaks allegations involving the CUET-UG, NEET-UG, UGC-NET, and CSIR-UGC-NET exams, it was accused of failing to conduct recruitment exams for 1,145 vacant non-teaching posts in Delhi University.

The exam to hire medical officers, assistant registrars, security officers, and professional assistants, among others, was held in March last year after the vacancies were advertised in February 2021. The NTA, which is responsible for conducting national-level entrance examinations, held tests for only five posts and published a list of shortlisted candidates on July 4, 2023. However, DU put the process on hold after noting "discrepancies" in the results.

More than a year later, there is no clarity over when, if at all, the university will resume the recruitment drive.

When reached for comment, DU and the NTA did not respond.

However, a senior university official said, "The posts were advertised in 2021, after which there were delays in conducting the tests from the NTA's end. Some delays took place due to the pandemic as well. We were in touch with the NTA, asking them



A protest at Delhi University against the NTA. FILE PHOTO

to conduct it soon."

"When the tests were conducted, we realised that there were some discrepancies, as the marks of the shortlisted candidates did not match their skill levels," the official added.

## Ad hoc workers' fate

The "discrepancies" in the exams have not only put thousands of jobs on hold but also created uncertainty about the employment of thousands of the university's ad hoc employees. Those hired through the recruitment drive were supposed to become DU's permanent employees, replacing the contractual workers.

Many, like Rahul (name changed on request), who has worked as a junior assistant at DU on an ad hoc basis for the past 19 years, do not know what the future holds for them. "I am the only breadwinner in my family of four. I don't know how I will manage if I lose my job. I have put in years of hard work for the

university," he said.

Mr. Rahul added that while DU has not officially announced anything, ad hoc workers like him have been verbally told that they might lose their jobs once permanent employees are hired.

In August last year, the Delhi University and College Karamchhari Union (DUCKU) held protests, demanding that the administration make the existing contractual workers permanent employees instead of hiring new workers.

DUCKU president Devendra Sharma said the test conducted by the NTA had several issues. "The candidates were informed about their centres at the last minute. People came in and sat anywhere they wanted to. There was no vigilance of any kind."

"Moreover, there was no communication from the NTA or the university after the tests were held. Those who were shortlisted went to court after the posts were put on hold," Mr. Sharma said. He added that those who have worked in the university for years are now unsure about their jobs.

Last month, the DUCKU wrote to Vice-Chancellor Yogesh Singh, citing a Supreme Court order from January this year in which the court ruled that the appellants (accounts clerks working with the Divisional Railway Manager) were entitled to be considered for regularisation. *Y/S*

# Why did courts revisit bar on sub-quotas?

Will the weaker among Dalits get representation from further sub-classification? Why did the Supreme Court overrule a five-judge decision of 2004? What are the views on creamy layer exclusion? Do the judges' opinions on this constitute a direction to the government?

**K. Venkataramanan**

**The story so far:**

**A** seven-judge Bench of the Supreme Court has ruled that States have the power to sub-divide Scheduled Castes (SC) into groups so that it can give sub-quotas within the quota for Dalits. In the process, the Bench overruled a 2004 judgment by a five-member Constitution Bench that said such sub-classification was impermissible as Parliament alone was empowered to modify the list of SCs notified by the President under Article 341 of the Constitution.

**What was the 2004 judgment?**

The Andhra Pradesh Scheduled Castes (Rationalisation of Reservation) Ordinance, 1999, and the Act that replaced it created four groups – A, B, C and D – of Scheduled Castes and earmarked varying percentages of reservation for each group. The rationale was that there were differences in the level of advancement among communities under the SC list and that such sub-classification will ensure representation for the weaker castes. The Andhra Pradesh High Court rejected the challenge against the Act.

However, in the Supreme Court, a Constitution Bench of five judges held the sub-classification was unconstitutional. The November 2004 judgment in *E.V. Chinnaiah vs State of Andhra Pradesh* noted that under Article 341 of the Constitution, the President notifies the list of Scheduled Castes. Once the list is notified, it shall not be modified through another

The court permitted sub-classification of Scheduled Castes, but said States should have a rational basis for doing it

notification, and the only way to include or exclude a community in that list was by an act of Parliament. The Bench then ruled that once enumerated under Article 341, SCs constitute a single homogeneous class, and that State legislatures were not competent to tinker with the list by further classifying them into groups.

**How did it come up before a larger Bench?**

The Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006, provided for 25% reservation for SCs and 12% for backward classes in direct recruitment to services. Half the jobs under the SC quota, the law said, would be given as first preference to Balmikis and Mazhabi Sikhs, if candidates were available. When this was challenged, the Punjab and Haryana High Court cited the judgment in *E.V. Chinnaiah* to hold that the relevant section on preference to two communities among SCs was unconstitutional. Similarly, in 2006, the High Court also struck down the Haryana government's notification dividing SC communities into two blocks and earmarking 50% of the SC quota to each block.

In 2009, the Tamil Nadu Assembly enacted a law to provide a sub-quota in services and educational institutions for Arunthathiyars, a group of sub-castes considered the weakest among the Scheduled Castes in the State. This was challenged directly in the Supreme Court. In 2020, a Constitution Bench doubted the correctness of the *Chinnaiah* judgment, noting that the nine-judge Bench in *Indra Sawhney* (1992) had permitted sub-classification of backward classes. However, in *Chinnaiah*, the Bench had declined to use that as a precedent for sub-division of SC communities as *Indra Sawhney* was only concerned with OBC reservation. Hence, a larger Bench was constituted to revisit the earlier verdict.

**What is the reasoning behind it?**

Six of the seven judges have now ruled that the 2004 judgment was wrong. In his judgment on behalf of himself and Justice Manoj Mishra, Chief Justice D.Y. Chandrachud has held that SC communities are not a homogeneous class as ruled in the earlier judgment. He disagreed with the view that the act of notifying a list of SCs creates a deemed fiction that all of them have a similar status. It is true that they get a common constitutional identity as Scheduled Castes based on their experience of untouchability and discrimination, but this does not mean that there is no heterogeneity among them.

He cited historical and empirical evidence to show that there were inter se differences among SC communities. There were even instances of some sections of SCs being discriminated against by other SC communities. Therefore, sub-classification was permissible, but it should be based on an "intelligible differentia" (a clear characteristic that will mark one group as different from another) and should have a rational nexus to the purpose of doing it. Further, such sub-classification is subject to judicial review, and the State should be able to justify it using empirical data.

The CJ also held that sub-classification will not in any way amount to tinkering with the Presidential list and that it will not violate Article 341, which confers the power to notify Scheduled Castes exclusively on the President. The function of Article 341 was to identify who came under the category of Scheduled Castes, but States are free to identify those with different degrees of backwardness and make special provisions or extend reservation benefits to them. The new ruling is expected to encourage States to earmark sub-quotas for the most marginalised sections of Dalits who have not enjoyed the fruits of reservation so far.

In her dissent, Justice Bela Trivedi stands by the *Chinnaiah* doctrine that it is impermissible to sub-classify a homogeneous class and that it would amount to tinkering with the President's list under Article 341.

**What about creamy layer exclusion?**

The creamy layer concept is now applicable only to OBCs and so far has not been extended to Dalit communities. Justice B. R. Gavai, in a separate opinion in which he concurs with the Chief Justice, has written in detail about the need for identifying the more advanced among the Scheduled Castes and excluding them from the benefits of affirmative action.

Noting that equality would mean that unequals cannot be treated as equals, Justice Gavai has wondered whether the children of IAS or IPS officers could be treated the same way as children in remote villages even though they may belong to the same community. Underscoring the differences in access and resources to those in urban and rural areas, and those attending elite institutions and those in schools with limited facilities, he has said putting them in the same bracket would obliterate the equality principle. However, he also notes that the parameters for excluding the creamy layer for the SCs cannot be the same as those used to identify the well-off among the OBCs. Three other judges have agreed with his view. However, the opinions do not constitute a direction to the government to implement the creamy layer concept, as the issue did not directly arise in this case.



**New categories:** Political leaders pour milk on the statue of B.R. Ambedkar as they celebrate the SC judgment, in Hyderabad on August 2. RAMAKRISHNA G

# Targeted quotas

The Supreme Court's ruling granting states the authority to sub-classify Scheduled Castes (SCs) and Scheduled Tribes (STs) for reservations marks a pivotal development in the nation's affirmative action framework. This decision, delivered by a bench headed by Chief Justice D.Y. Chandrachud, represents a nuanced approach to addressing the persistent inequalities within the SC and ST categories. It acknowledges the heterogeneous nature of these communities and aims to ensure that the most marginalised groups receive the benefits intended by the reservation system. The judgment recognises that not all SCs and STs experience the same level of social and economic deprivation. Within these broad categories, there exist significant disparities in terms of educational attainment, employment opportunities, and social mobility. By allowing sub-classification, the court aims to target the reservation benefits more precisely, ensuring they reach those who are most in need. This approach aligns with the constitutional mandate of promoting equality and social justice. One of the key aspects of this ruling is the emphasis on empirical data. States must base their sub-classification decisions on quantifiable evidence of backwardness and inadequate representation. This requirement is crucial to prevent arbitrary or politically motivated decisions. The court's insistence on data-driven policies underscores the importance of transparency and accountability in implementing affirmative action measures. The ruling also overturns the 2004 E.V. Chinnaiah judgment, which had held that sub-classification within SCs and STs was unconstitutional. The reversal of this decision reflects a deeper understanding of the complex realities faced by these communities. By acknowledging the need for a more granular approach, the court has paved the way for more effective and equitable distribution of reservation benefits.

However, this ruling is not without its challenges. The requirement for empirical data poses a significant administrative burden on states. Collecting accurate and comprehensive data on the varying levels of backwardness within SCs and STs is a daunting task. It requires meticulous planning, extensive surveys, and robust data analysis mechanisms. States will need to invest in building their capacities to gather and interpret this data effectively. Moreover, the ruling emphasises that any state action in this regard will be subject to judicial review. This safeguard ensures that sub-classification policies are not misused for political expediency. It also provides a check against potential biases and ensures that the policies remain focused on achieving social justice. The court's decision also raises important questions about the broader goals of the reservation system. While reservations have played a crucial role in promoting social mobility and reducing inequalities, they are not a panacea. Addressing the root causes of social and economic deprivation requires a multifaceted approach, including educational reforms, economic development, and social empowerment initiatives. By emphasising the need for empirical data and ensuring judicial oversight, the court has set a high standard for the implementation of these measures. As states embark on this complex task, it is essential to remain focused on the ultimate goal of promoting social justice and equality for all marginalised communities. *statu/s*

# 'Creamy layer' not snatching pie, signals unfilled SC/ST posts data

## Proportion Of Unfilled Posts Increases With Seniority Level

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**New Delhi:** While it is true that some sub-castes within scheduled castes and some tribes within scheduled tribes miss out on the benefits of reservation, a significant part of SC/ST quotas in govt jobs goes unfilled every year, raising the question of whether the 'dominant' sub-castes and tribes are really keeping the more deprived ones out. Data also shows that the proportion of unfilled posts increases as we move up the chain towards more senior posts.

According to a 2023 report of the parliamentary committee on welfare of scheduled castes (SCs) and scheduled tribes (STs), the only category of jobs in ministries and departments of the central govt where SCs and STs have a share larger than their quota of 15% and 7.5% respectively are the Group C jobs excluding safai karamcharis and an even larger share among safai karamcharis or sanitation workers.

More than one third (37%) of the safai karamcharis employed in central govt ministries are from scheduled

### QUOTA QUOTIENT

#### SHARE OF SC/ST IN CENTRAL GOVT JOBS

Category	SC	ST
Group A	13.2	5.5
Group B	17.0	6.9
Group C*	18.6	7.7
Group C**	36.9	6.9
Total	18.4	7.4

Source: Report of Parliamentary Standing Committee, 2023. Data from 44 ministries/departments

#### SHARE OF SC/ST IN CENTRAL UNIVERSITY JOBS

Category	SC	ST
Teaching staff	10.9	4.9
Professor	7.4	1.8
Associate professor	8.0	2.6
Asst professor	12.1	5.9
Non-teaching staff	9.5	5.4
Group A	5.8	4.1
Group B	10.3	5.1
Group C	9.5	5.6

Source: UGC annual report, 2023. Data from 45 Central universities

\*Excluding safai karamchari | \*\*Safai karamchari



castes and 7.4% are tribals. In comparison, in Group A jobs just 13% are SCs and 5.5% are STs. Due to the high representation of SCs and STs in lower categories of jobs, it looks like they more than fill their quota overall — 18.4% SCs and 7.4% STs in posts and services under the central govt.

According to the Parliamentary report, in spite of special drives, relaxation in qualifying criteria and promotional training, ministries or departments were unable to fill the thousands of backlog reserved vacancies. Thus, even with some 'dominant' scheduled castes or tribes taking advantage

of the quotas, they remain unfilled year after year.

Data available on 45 central universities also shows a similar pattern. SCs constituted under 11% of teaching posts and STs less than 5%. In non-teaching posts, SCs had a share of under 10% and STs just a bit over 5%. Once again, the shares are lowest in the senior most positions.

"This fact is obfuscated by only talking of the overall representation of Dalits and tribals in govt jobs. There are thousands of unfilled posts in govt because the quotas are not being filled. Clearly, despite having a small section of relatively better off SCs,

the govt is unable to fill the quota. It is estimated that barely 1.9% of SCs earn above Rs 50,000. Most of these would be in govt service as historically SCs have no assets, neither land nor businesses," pointed out MS Nethrapal, an Indian Revenue Service officer who researches issues of Bahujan representation in jobs and education. He added that there was not enough data on the various sub-categories within SC, as data is only collected at a broad level for all SCs as a single category.

The lack of sub-classification leading to the more deprived among SCs or STs missing out would hold true only if the quota was being filled. If the quota was not being filled, then nobody could be said to be missing out because someone else was getting through the quota. However, unlike in jobs/posts, the quotas usually get filled when it comes to seats in educational institutions run by govt, like medical colleges, engineering colleges and universities.

Where quotas are being filled, many Dalit activists support sub-categorisation so that castes within the SC category that face greater marginalisation could take advantage of the quota and find representation. "Such sub-categorisation, however, has to be based on the extent of discrimination or marginalisation faced by a caste within the SC category. It cannot be based on an economic criteria as in the case of OBCs," said Nethrapal.

# SC: Only regular VCs for state-aided WB varsities

**SATYA PRAKASH**

TRIBUNE NEWS SERVICE

NEW DELHI, AUGUST 3

Amid a standoff between Governor CV Ananda Bose and Chief Minister Mamata Banerjee over the appointment of vice chancellors (VCs) in West Bengal, the Supreme Court has said only regular VCs shall be appointed to head all 36 state-aided universities there.

A Bench led by Justice Surya Kant gave wide-ranging powers to the Justice UU Lalit-led panel to shortlist eligible candidates for appointment as VCs. "In addition, the chairperson will be free to co-opt any expert even from outside these lists at his discretion," it said.

The Bench, which had on July 8 constituted a search-cum-selection committee headed by former CJI Lalit to oversee the appointments, clarified on July 29 that there should not be any interim arrangement with regard to



## MORE POWERS TO PANEL

A Bench led by Justice Surya Kant gave wide-ranging powers to the Justice UU Lalit-led panel to shortlist eligible candidates for appointment as university Vice Chancellors.

VCs' appointment.

"To be more specific, it is clarified that there shall be appointment of regular vice chancellors in all 36 state-aided universities," said the Bench, which also included Justice KV Viswanathan.

Earlier, it had authorised the chairperson of the panel to constitute separate or joint search-cum-selection committees for one or more universities, keeping in view

the nature of subjects/disciplines in which education is being imparted in such universities.

It accepted the suggestion made by the parties that the age of retirement of VCs shall be 70 years, except the VCs of Aliah University, the West Bengal University of Health Sciences and the West Bengal University of Animal and Fishery Sciences, who shall retire at 65.

Tribune

# CAN'T BE BUSINESS AS USUAL

Rein in recalcitrant coaching centres, hold officials accountable for failure to enforce laws, and in particular for the consequent mishaps

PUSHPA GIRIMAJI

**T**HE tragic drowning of three UPSC aspirants in an illegally-run basement library of a coaching centre in Old Rajinder Nagar in New Delhi is yet another grim reminder of the callous negligence to safety exhibited by coaching centres as well as civic authorities around the country, putting at risk the lives of young students. It is also indicative of the systemic apathy and corruption that erodes the enforcement of laws in the country.

Ironically, it was only after the death of the three youngsters on July 27 owing to flooding of the basement, following heavy rains, that the Municipal Corporation of Delhi (MCD) woke up to the fact that 'Rau's IAS Study Circle' was permitted to use the basement only for car parking and storage. Running a library or classes there was illegal, and the building had also encroached on the storm water drain, affecting draining of rainwater, and desilting and cleaning of drains. That the MCD had turned a blind eye to such violations by coaching centres on a large scale was also obvious from the fact that following the tragedy, the MCD sealed over 60 coaching centres and libraries running from basements in violation of building bylaws.

In fact, the MCD had been forewarned about the illegal use of the basement for running classes and a library by a UPSC

STOCK



## EXERCISE YOUR RIGHT TO SAFETY

Youngsters planning to join a coaching class should remember that they are consumers of the service being provided by the coaching class, and as a consumer paying for that service, they have a right to safety and the coaching centre has an obligation to comply with all relevant laws and make that declaration on the application form. Remember, your demand will force them to comply. Patronise only those coaching centres that assure you of your safety. Nothing is more precious than life!

aspirant who had sent a complaint in June, followed by two reminders in July. Prompt action by the local government could well have prevented the deaths of three youngsters. Besides, the Delhi High Court had directed the MCD and the Delhi Development Authority (DDA) repeatedly last year, and again this year, to close all coaching centres not conforming to statutory requirements under the Delhi Master Plan 2021 and the Delhi Fire Services Act and Rules. "There can be no compromise on the issue of safety of students," the High Court had said. Neither the coaching centre nor the MCD complied.

The brazenness with which the coaching institutes violate the law is also evident from the fact that 'Rau's IAS Study Circle' had got a no-objection certificate (NOC) from the Delhi Fire Service (DFS) on the basis that the basement was used only for storage. The DFS, which issued a fire NOC accordingly on July 9, has now started the process of cancelling the certificate. Similarly, even after the MCD had shut down coaching centres on the orders of the High Court, inspection by a team of lawyers on the request of the High Court in April this year found that some of the coaching centres were still running, under a new management or under a new name!

But then, this is the situation in most parts of the country. Following the death of three students in Delhi, several states/cities ordered inspection of coaching centres and sure enough, found flagrant violation of building bylaws and fire safety laws. Inspection of coaching institutes in Sector 34 of Chandigarh by the UT Estate Office on July 30 found many institutes using basements as classrooms, reading rooms, counselling rooms and reception offices, in gross violation of Chandigarh building laws. In Indore, the administration sealed 13 coaching institutes or study centres for running classes and libraries with no fire safety equipment, and just one narrow entry and exit. The Bhopal administration inspected nine centres and sealed six of them. In Kota, the administration ordered closure of 13 libraries operating in the basement. In Gurugram, a media report quoting fire officials said 300 coaching centres were running without the fire NOC. However, one can be sure that as the horrific incident in Delhi fades from memory, the checks will also come to a halt and it will be business as usual, for both coaching centres as well as the enforcement agencies.



Students protest in Old Rajinder Nagar over the death of three civil services aspirants.

## CONSUMERS CAN SEEK REDRESS

- The question of whether education comes under the purview of consumer courts is still before the Supreme Court, but fortunately, the apex consumer court has drawn a distinction between educational institutions and coaching centres. It has held that "coaching centres cannot be equated to regular schools or colleges, which are regulated by a regulatory authority and also confer a degree or diploma on a student who has passed in the examination conducted as per rules and norms in the statute and also by universities concerned". (*Filjee Ltd vs Pramod Pareek*, RP No. 462 of 2013)
- So, under the Consumer Protection Act, consumers can seek redress, including compensation, from those who run coaching classes for unfair trade practices, deficient and negligent services and also for the consequences of such practices or violation of prescribed laws.

## FAST-TRACK PROSECUTION

- Criminal prosecution of offenders in tragedies such as the one in the basement of 'Rau's IAS Study Circle' should be fast-tracked so that punishment is meted out quickly. In addition to the owners of coaching centres, those in the administration who failed to enforce the law should also be hauled up — that's the only way to activate these agencies.
- In the Surat coaching class case of May 2019, where 22 teenagers were killed, 13 persons, including the owners of the coaching class, and officers of the Surat Municipal Corporation were arrested and are out on bail. The parents are still waiting for justice and from all accounts, it is going to be a long wait.

It was the same attitude that killed 22 teenagers and injured an equal number in a devastating fire at a coaching centre in Surat on May 14, 2019. The coaching classes were being conducted in a makeshift structure constructed on the terrace of the

multi-storey Takshashila Arcade, with absolutely no fire safety provisions. With no escape route, most died from the smoke, while others died while jumping from the third and fourth floors in a bid to escape the fire. Many were also injured in the process. This once again spurred many cities to conduct inspections of coaching centres for fire safety, but obviously such regulatory oversight was only temporary because soon after, there were reports of fires in coaching centres from many cities, including Chandigarh and Ludhiana.

In Delhi, students of a coaching centre in Mukherjee Nagar had a harrowing experience in June last year when the electric meters installed along the staircase on the ground floor caught fire. The smoke escaped through the staircase into the second and third floors, where coaching classes were on. Sixty-one students were injured while trying to escape clinging on to water pipes as well as electric cables dangling outside the second and third floors, after breaking the glass window. Two coaching centres were operating in the building, with no thought given to the safety of students.

The extent of infringement of safety laws in the coaching industry can be gauged from the status reports submitted last year to the Delhi High Court, which had taken up the issue suo motu as well as in response to several petitions filed after the Mukherjee Nagar incident. As per the Delhi Police, out of the 583 coaching institutes running in the national capital, only 67 had an NOC from the Delhi Fire Service. The DFS told the court that its survey of 461 coaching centres showed that the requisite fire preventive and safety measures were not in place.

In fact, following the Mukherjee Nagar fire, several cities ordered checks on coaching centres for fire safety, but the effectiveness of those regulatory actions were as usual short-lived. On May 31 this year, for example, 25 students of a coaching institute in Sector 16 of Panchkula had a narrow escape following a fire caused by a short circuit in an electrical panel on the stairs, that blocked the students' exit and

denied access to fire fighters to reach the second floor. The fire personnel had to break open a glass window and use ladders to evacuate the students. The institute did not have a fire NOC.

The Delhi tragedy should act as a wake-up call and force all states to regulate the coaching centres at least now in a transparent and corruption-free environment. For too long, these tutorials, which collect hefty fees ranging from ₹1.75 lakh to ₹3 lakh per year, have cocked a snook at law enforcement agencies, at the cost of students' life and safety. Today, only about half a dozen states have laws to regulate them and even these are not being enforced properly.

Now that the Centre has issued (in January this year) comprehensive guidelines for registering and regulating the industry, all states and UTs must adopt them. The guidelines, aimed at ensuring proper standards vis-à-vis infrastructure, curriculum and qualification of teachers, also deal with false and exaggerated advertisements and promotions by coaching centres, fees and refunds. These mandate proper counselling of students through trained and qualified counsellors and psychologists to ensure the mental well-being of students.

In the absence of proper regulation and registration, it's anybody's guess as to how many coaching centres operate in the country. However, their numbers are certainly going up sharply, thanks to the burgeoning number of aspirants looking for coaching to succeed in competitive examinations, and the widening gap between demand and availability. According to Infinium Global Research, a market research firm based in Pune, the Indian coaching class market is expected to go up from the 2021 valuation of ₹58,088 crore to ₹133,995 crore by 2028. This calls for urgent measures to rein in recalcitrant coaching centres and also hold the administration, including top officials, accountable for their failure to enforce laws, and in particular for the consequent mishaps.

— The writer is a consumer affairs expert

July 2

# एससी-एसटी आरक्षण पर उचित फैसला



संजय गुप्ता

आरक्षित वर्गों में जिन्हें आरक्षण का लाभ मिल चुका है, उन्हें उसके दावे से बाहर करके गरीबों-वंचितों का आसानी से सामाजिक उत्थान संभव है

सुप्रीम कोर्ट की सात सदस्यीय संविधान पीठ ने अनुसूचित जातियों एवं जनजातियों यानी एससी-एसटी के आरक्षण के उपवर्गीकरण का जो फैसला दिया, वह इन समुदायों के आरक्षण को और अधिक न्यायसंगत बनाने और साथ ही सामाजिक न्याय के उद्देश्य को पूरा करने वाला है। एक लंबे असें से यह महसूस किया जा रहा था कि एससी-एसटी समुदाय की कुछ जातियां तो आरक्षण का पर्याप्त लाभ उठा रही हैं, लेकिन कुछ को उसका वांछित लाभ नहीं मिल पा रहा है और इसके चलते वे समाज की मुख्यधारा में शामिल नहीं हो पा रही हैं। इसके साथ ही उनका सामाजिक-आर्थिक उत्थान भी नहीं हो पा रहा है। सुप्रीम कोर्ट के फैसले ने 2004 की पांच सदस्यीय संविधान पीठ के फैसले को पलट दिया। उस फैसले में कहा गया था कि एससी-एसटी समुदाय की जातियां एकसमान हैं और उनका उपवर्गीकरण नहीं किया जा सकता। सुप्रीम कोर्ट की सात सदस्यीय पीठ ने इससे असहमत

जताते हुए कहा कि एससी-एसटी समुदाय की जातियों में भी पिछड़ी एवं अति पिछड़ी जातियां हैं। वास्तव में इन समुदायों की जातियों की सामाजिक-आर्थिक स्थिति में अंतर ही नहीं है, बल्कि उनके बीच ऊंच-नीच का भाव भी है।

सुप्रीम कोर्ट के एक न्यायाधीश ने यह बिल्कुल सही उदाहरण दिया कि दिल्ली विश्वविद्यालय के सेंट स्टीफंस अथवा महानगरों के किसी अन्य प्रतिष्ठित कालेज में पढ़ने वाले छात्र और किसी ग्रामीण क्षेत्र के कालेज में पढ़ने वाले छात्र की स्थिति को एक जैसा नहीं कहा जा सकता। सुप्रीम कोर्ट ने एससी-एसटी के आरक्षण में क्रोमी लेयर की व्यवस्था लागू करने की भी आवश्यकता जताई। यह इसलिए जताई, क्योंकि एक तो ओबीसी आरक्षण में क्रोमी लेयर लागू है और दूसरे एससी-एसटी समुदाय में अनेक लोग ऐसे हैं, जो आर्थिक एवं सामाजिक रूप से कहीं अधिक सक्षम एवं संपन्न हैं। एससी-एसटी समाज की जातियों में उपवर्गीकरण करके उन्हें आरक्षण प्रदान करने से उन लोगों के सामाजिक उत्थान में आसानी होगी, जो अब भी पिछड़े हुए हैं।

सुप्रीम कोर्ट का फैसला आने के बाद कई दलों ने एक तरह से चुप्पी साधी हुई है। एससी-एसटी जातियों में उपवर्गीकरण से इन समुदायों को एक वोट बैंक के रूप में देखने और इसी आधार पर राजनीति करने वाले दलों को राजनीतिक नुकसान का भय उनकी चुप्पी का कारण हो सकता है। सुप्रीम कोर्ट के फैसले पर जाति की राजनीति करने वाले दलों का रवैया जो भी हो, इससे इन्कार नहीं कि एससी-एसटी समुदाय के कई नेता ऊंचे पदों पर पहुंच चुके हैं। इसी तरह इन समुदायों के अनेक लोग आरक्षण का लाभ उठाकर



अव्वेत राजपूत

आइएस-आइपीएस अफसर बन चुके हैं। इसका कोई औचित्य नहीं कि उनके बच्चों को भी आरक्षण का लाभ मिले। सुप्रीम कोर्ट के फैसले में इस पर बल दिया गया है कि यदि किसी परिवार को एक बार आरक्षण का लाभ मिल चुका हो तो उसे आगे नहीं मिलना चाहिए। एक तरह से आरक्षण के लाभ को पहली पीढ़ी तक सीमित करने की जरूरत जताई जा रही है। इस पर गंभीरता से विचार किया जाना चाहिए, ताकि ज्यदा से ज्यदा जरूरतमंद लोगों को आरक्षण का लाभ दिया जा सके। यह ठीक नहीं कि लोग पीढ़ी दर पीढ़ी आरक्षण का लाभ लेते रहें। यदि ओबीसी आरक्षण में क्रोमी लेयर की व्यवस्था लागू की जा सकती है तो उसे एससी-एसटी आरक्षण में भी लागू किया जाना चाहिए। इसलिए किया जाना चाहिए, क्योंकि ओबीसी की तरह एससी-एसटी समुदाय में कई जातियां ऐसी हैं, जिनकी सामाजिक-आर्थिक स्थिति बेहतर हो चुकी है। एक तरह से ये जातियां पिछड़ों में अगड़ी हैं। एससी-एसटी और ओबीसी समुदाय की ऐसी ही जातियां आरक्षण का

अधिक लाभ उठा रही हैं।

सुप्रीम कोर्ट ने अपने ऐतिहासिक फैसले में एससी-एसटी जातियों के उपवर्गीकरण का अधिकार राज्य सरकारों को भी दे दिया है। अभी तक यह अधिकार केवल केंद्र सरकार को था। राज्य सरकारों की ओर से इस अधिकार का दुरुपयोग किए जाने की आशंका है। यह आशंका इसलिए है, क्योंकि राज्य सरकारें वोट बैंक की राजनीति के तहत एससी-एसटी जातियों का मनमाने तरीके से उपवर्गीकरण कर सकती हैं। ऐसा न होने पाए, यह सुप्रीम कोर्ट को देखना होगा। हालांकि उसने यह कहा है कि उपवर्गीकरण का काम तथ्यों के आधार पर होना चाहिए और उसकी न्यायिक समीक्षा हो सकती है, लेकिन देखना है कि ऐसा हो पाता है या नहीं?

यह एक सच्चाई है कि देश में अधिकांश गरीब एससी-एसटी और ओबीसी वर्ग की जातियों से आते हैं। यदि इन गरीबों की बेहतर तरीके से पहचान हो पाए तो सरकारें उनके उत्थान के लिए विशेष उपाय कर उन्हें मुख्यधारा में लाने का कार्य कर सकती हैं। ऐसा ही होना चाहिए।

इस संदर्भ में प्रधानमंत्री मोदी का यह कथन उल्लेखनीय है कि देश में चार ही जातियां हैं-किसान, युवा, गरीब और महिलाएं। स्पष्ट है कि आरक्षण के मामले में सबसे अधिक ध्यान जो सर्वाधिक गरीब हैं, उन पर ही दिया जाना चाहिए। यह उपवर्गीकरण से ही संभव है।

केंद्र और राज्य सरकारों को आरक्षण की व्यवस्था को दुरुस्त करने के साथ ही यह भी समझना होगा कि आरक्षण वोट बैंक की राजनीति का जरिया नहीं, बल्कि सामाजिक न्याय का माध्यम है। अपने देश में कई दल जाति विशेष की राजनीति करते हैं और इस पर जोर देते हैं कि निर्धन तबकों का उत्थान और साथ ही देश की तमाम समस्याओं का समाधान केवल आरक्षण के बल पर ही संभव है। इसी के चलते वे जाति गणना की मांग करने में लगे हुए हैं। यह धारणा ठीक नहीं, क्योंकि यह कहना सही नहीं कि स्वतंत्रता के बाद से देश में जो प्रगति हुई है, उसका लाभ केवल अगड़ी जातियों को ही मिला है। आज देश में आरक्षित वर्गों के लोग बड़े कारोबारी भी हैं। इन वर्गों के अनेक लोग ऐसे भी हैं, जो बिना आरक्षण के सहारे आगे बढ़े हैं। यह सही समय है कि केंद्र सरकार ओबीसी आरक्षण में उपवर्गीकरण के लिए गठित रोहिणी आयोग की रिपोर्ट का अध्ययन कर उसके सुझावों पर अमल करने की दिशा में आगे बढ़े। राजनीतिक दलों को यह समझना होगा कि आरक्षित वर्गों में जिन्हें भी आरक्षण का लाभ मिल चुका है, उन्हें उसके दावों से बाहर करने की व्यवस्था से पात्र लोगों यानी वास्तविक गरीबों-वंचितों को आरक्षण देकर उनका कहीं अधिक आसानी से सामाजिक उत्थान संभव है।



# SC Says No Retest Needed; Asks NTA to Avoid 'Flip-Flops'

SC raises administrative, procedural flaws within NTA's exam management

**Raghav Ohri**

**New Delhi:** The Supreme Court on Friday said the National Testing Agency (NTA) "cannot afford to misstep, take an incorrect decision, and amend it at a later stage" and, instead, should maintain "highest standards of security and reliability" in conducting important competitive examinations. "Flip flops are an anathema to fairness," a three-judge bench headed by Chief Justice of India (CJI) DY Chandrachud observed in its detailed order on a slew of petitions demanding cancellation of the NEET-UG test held this May.

That the "question paper was leaked and some students indulged in malpractice is beyond cavil. No party before the court including NTA disputes this", the bench said even as it had refused to order a re-examination last month.

Citing material presented to the court and three status reports submitted (in sealed cover) by the CBI, the bench said it is "clear that there are no abnormalities in the results for 2024 when compared with the results for the past two years". Ho-

## HC Transfers Probe into Delhi Coaching Centre Deaths to CBI

**New Delhi:** The Delhi High Court on Friday transferred the probe into the drowning of three UPSC aspirants at the basement of a coaching centre here from police to the CBI "to ensure the public has no doubt over the investigation". Criticising the police for arresting an SUV driver, the HC said, "Mercifully, you have not chattered the rainwater for entering into the basement." – PTI

wever, the manner in which NTA organised the exam this year gives rise to serious concerns, the order said. It highlighted "several administrative and procedural flaws within NTA's management of the exam" as well as "lapse in coordination and oversight".

The court also expressed its concern on lack of direct oversight of NTA over the exam invigilators. "There are various methods which may be adopted to ensure appropriate oversight over invigilators and decrease the likelihood of the use of unfair means," it said.

The bench also disapproved of the use of e-rickshaws and private courier companies for transpor-

ting question papers, saying it "raises concerns about the security and reliability of paper-handling procedures". While no lapses on this count have emerged this year, the possibility of such lapses is enough to warrant a change in the mode of transportation, it said. The SC said there is no need to cancel this year's NEET-UG because the paper leak was not widespread.

"The leak of the paper does not appear to be widespread or systemic. It appears to be restricted to isolated incidents in some cities, which have been identified by the police or are in the process of being identified by the CBI," the order said.

# Hone In on Those Who Need Help Most

## Stronger focus on economics for quota-shaping

This week, the Supreme Court allowed state governments to create sub-categories within SCs and STs, allowing benefits of reservations to reach the most needy subgroups within these categories. Economics doesn't provide ready answers to the question of how quotas, or any other form of affirmative action, affect the incentive structure in competitive environments. Both the preferred and non-preferred groups can slacken their effort, respectively, on account of necessity and futility. Yet, there's evidence to suggest a moderate degree of discrimination among two sets of contestants can be designed in public policy to improve incentives on either side of the divide. This causality, however, breaks down if discrimination is stronger (more quotas) or if the contest is among multiple sets (more sub-quotas). Each category of discrimination adds to the interplay of adverse incentives among all the contestants.



The incentive to perform among the preferred group is negatively correlated to the emergence of an even more preferred group within itself. The extra-preferred group will, on its part, have to be induced out of its historical discrimination to match up to performance of the less-preferred group. The non-

preferred group will have no reason to perform differently if the overall quota stays intact. The incentive structure splinters with heterogeneous affirmative action. It splinters further when contestants are forced to remain within preference groups. To retain its incentive structure, the top layer of the preferred group must surrender its preference. A golfer's handicap improves with his game.

Subdivision of quotas will have to be a dynamic process to accommodate mobility of the top and bottom layers, and intermediate ones too. The process is an open auction of deprivation subject to judicial review. This is complicated by the politics of preference among competing groups. The most deserving groups may not have the political representation needed to secure their place in the hierarchy of discrimination. Stronger emphasis on economics to establish disadvantage and degree of discrimination it calls for could make the process less tricky. Effects on incentives must also figure in this decision process. *et/16*

# Weakest first

Allowing sub-quotas to least advanced among SCs deepens social justice

**T**he jurisprudence of affirmative action has been evolving constantly. From a notion of formal equality rooted in a general principle of non-discrimination, it has reached a point where the aim is substantive equality. Reservation is no more seen as an exception to the equality norm, but as a deepening of the idea of equality by embracing diversity and accommodation of those suffering from historical and social disabilities. The latest Supreme Court judgment allowing States to classify Scheduled Castes (SC) into groups and give preferential treatment to the weaker and more backward among them is in line with this progression. By a majority of 6:1, the Court has rejected the idea that the SCs constitute a single homogenous class and that subclassification will violate the equality rule. The verdict dislodges a 2005 Constitution Bench judgment (*E.V. Chinnaiah vs AP*) that had struck down an Andhra Pradesh law classifying SC communities into groups as unconstitutional. The Court had then ruled that once the President notifies the list of SCs under Article 341, Parliament alone could modify it by law, and that States were barred from “tinkering” with the list. This judgment was cited by the Punjab and Haryana High Court while quashing a preferential sub-quota for Balmikis and Mazhabi Sikhs within the SC quota. When the matter came to the apex court, a Bench doubted the correctness of *E.V. Chinnaiah* and referred the question to a larger Bench.

The majority verdict is based on a clear recognition that SCs do not constitute a homogeneous class. Under the Presidential List, they have a common constitutional status, but it does not mean that there are no differences in the extent of backwardness among them. A history of untouchability is indeed a common feature among them, but there is historical and empirical evidence that the level of advancement is not uniform. States are empowered to further identify the weaker sections among SCs and extend beneficial treatment. Four judges have taken the view that excluding the “creamy layer” among the SCs from reservation benefits is necessary to give full effect to the principle that the weakest should get the benefits of affirmative action and not be elbowed out by those more advanced than them. Applying the ‘creamy layer’ concept, hitherto confined to OBCs may not be easy. Justice B.R. Gavai, who writes in support of the exclusion of the better-off among the SCs, also notes that the creamy layer norms cannot be the same as those prescribed for the OBCs. The exclusion of the more advanced sections among Dalits was not an issue before the Bench, and the opinions may be non-binding as of now. While excluding the creamy layer may happen some day, the focus should be on the marginalised among Dalits getting adequate representation. H/316

# Data analysis key in SC's verdict on NEET breach

Utkarsh Anand

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**NEW DELHI:** Resting its decision on a thorough analysis of data, legal principles and the practical implications of ordering a re-examination, the Supreme Court on Friday released its detailed judgment concluding that there was no systemic breach in the conduct of the NEET-UG 2024, despite allegations of malpractice, including the leakage of question papers.

A bench, led by Chief Justice of India Dhananjaya Y Chandrachud, examined the allegations surrounding NEET, noting that while there were incidents of malpractice, these issues did not rise to a level that would justify the cancellation of the entire exam.

"The facts of this case and the resultant issue before this Court do not call for the development of new legal principles. It is settled law that the cancellation of an examination...is justified only in cases where the sanctity of the exam is found to be compromised at a systemic level," stated the bench, also comprising justices JB Pardiwala and Manoj Misra.

Emphasising that such drastic measures are warranted only when it is impossible to separate the tainted candidates from the untainted ones, the court pointed out that it is possible to separate the beneficiaries of malpractice or fraud from the honest students in the present instance. "This being the case, the court cannot direct a re-exam," it asserted.

A significant portion of the judgment was devoted to analysing data from various examination centres that had been accused of malpractice. The bench scrutinised success rates from these centres, comparing them with data from previous years to identify any abnormalities.

For instance, in Hazaribagh, a



Protests against alleged irregularities in NEET-UG, at Jantar Mantar in New Delhi, on Thursday.

ARVIND YADAV/HT

centre that was under heavy scrutiny for paper leak, the success rate for candidates within Rank 108,000 was 4.6% in 2024, compared to 7.2% in 2022 and 6.0% in 2023. The court found that the success rate for 2024 was actually lower than in previous years, indicating no abnormality or systemic breach. "From the above figures, it becomes clear that there are no abnormalities in the results for 2024 when compared with the results for the past two years," it noted.

Similarly, the data from Patna and Godhra, other centres under scrutiny for paper leak and issues with OMR sheets, also did not reveal any systemic irregularities. In Patna, the success rate for 2024 was 5.5%, lower than 8.9% in 2022 and 7.7% in 2023. In Godhra, the success rate for 2024 was 0.8%, down from 1.5% in 2022 and 2.1% in 2023. The bench concluded that these figures did not indicate any systemic issues. "There are no other deviations in the data which are cause for concern and which meet the standard of indicating a systemic malaise," the judgment

held.

The report from the director of IIT-Madras supported the court's conclusions. The report found "no abnormal indications" in the results for 2024 compared to previous years, stating that "analysis shows that there is neither any indication of mass malpractice nor a localised set of candidates being benefitted leading to abnormal scores".

Another aspect considered by the court was the reopening of the registration window, which had raised concerns about potential malpractice. The registration window was initially open from February 9 to March 9, 2024, and was later extended to March 16, 2024. However, NTA reopened the registration portal for two additional days – April 9 and 10, 2024 – citing technical issues faced by candidates.

The petitioners argued that this reopening facilitated malpractice, but the court found no evidence to back this. The data revealed that the success rates for candidates who registered during the reopened window were not abnor-

mal. Of the 14,007 candidates who appeared after registering on April 10, 44 were within the top 108,000 ranks, and 23 were in the top 56,000 ranks, with success rates of 0.31% and 0.14%, respectively.

Addressing concerns about candidates changing their exam centres, which some argued was done to facilitate cheating, the bench relied again on data analysis that did not reveal any abnormal success rates for candidates who changed their centres. "The choice to appear for the exam from a different city may be motivated by myriad factors... Some other relevant and concrete material must be present before the Court can infer that this led to mass malpractice," it held.

The bench also cited lack of evidence to show that the question paper was disseminated widely using social media or the internet, or that the answers were being communicated to students using sophisticated electronic means which may prove difficult to trace.

"The students who were beneficiaries of the leak at Hazaribagh and Patna are capable of being identified. The CBI investigation reveals the number of students, who are the beneficiaries of the malpractice at Hazaribagh and Patna at this stage. This leads us to conclude that it is possible to separate the beneficiaries of malpractice or fraud from the honest students," it held.

The judgment emphasised the importance of a proportionate response to malpractice. Ordering a re-exam, the court noted, would have disrupted the academic schedule. "The delay in completing admission will impact the availability of resident doctors to attend to patient care in the future. Any such direction will have disproportionate consequences for candidates from marginalised backgrounds," it said.

# Reservation redistribution

Supreme Court's ruling on quotas within quota will help reservation reach the most backward, as new political paradigms emerge

The gains of reservation — despite its goal of driving equity — have flowed unequally. The dominance of some groups arising from various factors has been clear for some time now and, in the process, the marginalisation of other communities has become entrenched. It is this unmooring of reservation that the Supreme Court has tried to set right by upholding sub-categorisation within the quotas for Scheduled Castes (SC) and Scheduled Tribes (ST). The apex court overruled its own 2004 judgment in *EV Chinnaiah v. State of Andhra Pradesh*, in which it had held such sub-categorisation was unconstitutional.

The 6:1 majority verdict recognises the heterogeneity within the reserved categories. Relative social privilege and political clout have led to a few groups enjoying almost all the benefits of reservations while others languish in backwardness that is largely unchanged since Independence. To illustrate, the Jatavs in Uttar Pradesh (UP) and the Mahars in Maharashtra have long been the most visible beneficiaries of reservation within the states' SC population, thanks to their political heft, at the cost of smaller groups such as Pasis and Balmikis in UP, and Mangs in Maharashtra. And, among tribes, Santhals in Odisha, West Bengal and Jharkhand have a history of accessing reservation which outstrips that of other tribal communities by leagues. This is because Santhals have much higher literacy rates than other tribal groups, having taken to modern education since the 1960s, and, therefore, are more aware of the rights and benefits carved out for STs. The reserved categories' heterogeneity is mirrored in the strata-within-stratum manner in which caste discrimination operates. This reality has long been recognised by the states, and few have used sub-categorisation as redress. While Dravidian politics in Tamil Nadu made it a lodestone for social justice, Punjab, where a third of the population is SC, created a 50% quota within SC reservation for two of its most oppressed SC communities. The *EV Chinaiah* judgment, however, was used to block attempts by states to address the unremedied backwardness of certain groups. Thus, Thursday's judgment paves the way for states to focus on uplifting the more marginalised communities among those eligible for SC/ST reservations, apportioning quotas within the quotas based on empirical and rational criteria.

A string of concurrent judgments also called for setting a creamy layer limit to SC/ST reservations, seeking to expand a concept hitherto limited to Other Backward Classes (OBC). Since the Court hasn't laid out any strict criteria, it'll be up to the states to look into the advisory, though political and social opposition to such barriers will be intense.

The consequences of the verdict are likely to be sweeping and immediate. The judgment needs to be operationalised in a manner that allows for the most marginalised groups to benefit the most, but it is hard to ignore the reality that reservation has long been used as a political tool. Already, some states such as Telangana have said they'll institute sub-quotas for communities such as Madigas, fulfilling a long-pending demand. It is only to be expected that parties will use quotas to lure smaller groups — after all, the Dalit vote is no longer homogenous.

Along with the Justice G Rohini commission — created to examine sub-categorisation of OBC reservation — this verdict has the potential to create new political paradigms.

# SC ruling vindicates our stand on NEET: Pradhan

PTI

## BJP Says Rahul Must Apologise For Calling Exam System 'Fraud'

TIMES NEWS NETWORK

**New Delhi:** BJP on Friday sought an unconditional apology from leader of opposition in Lok Sabha Rahul Gandhi for his statement in the House that the entire examination system of the country was a "fraud and compromised" while education minister Dharmendra Pradhan said govt's stand was vindicated as Supreme Court ruled there was no systemic breach of NEET-UG 2024, and the leak was limited to Hazaribag and Patna.

"Truth always triumphs... the findings and the verdict outrightly reject the propaganda that was being peddled. We wholeheartedly thank Supreme Court for delivering justice and protecting the interests of lakhs of hard-working students. We shall implement SC's judgment in letter and spirit," Pradhan said.

The minister added that SC's ruling, that there was no systemic breach and no need for a retest, vindicated govt's position. "Govt stands committed to a tamper-free, transparent and zero-error examination system. To ensure this, we shall implement the recommendations of the high-level committee of experts as soon as they are submitted," Pradhan added.

BJP's Amit Malviya said, "Third time fail Rahul Gandhi must apologise to the nation on the floor of Parliament. He purposely used the opportunity to destroy the confidence of students' in the country's examination system for political gain...just like he is trying to weaken people's faith in other institutions like the armed forces, judiciary and EC. He must apologise to the student community and keep them off his sinister, ugly politics."



Education minister Dharmendra Pradhan said the findings and verdict of SC reject the propaganda that was being peddled on NEET

## NEET shattered dreams of many in TN, says DMK MP

**D**MK MP Rani Srikumar on Friday demanded the scrapping of NEET, saying it had shattered the dreams of many youths in TN. Speaking in Lok Sabha, she said, "Poor students are unable to afford coaching for the centralised exam. Also, the whole process is marred by allegations of paper leak."

She said TN assembly had already passed a resolution urging Centre to exempt the state from NEET and allow it to admit students to medical colleges based on class XII results. TNN

On July 22, Rahul had said in Lok Sabha, "There are millions of students who are extremely concerned, and they are convinced the Indian examination system is a fraud. They believe that if you are rich and have money, you can buy the examination system."

Pradhan, who was present in the House, had responded to this, and said it was unfortunate that Rahul described the examination system as rubbish. "Why did UPA govt not frame a law to contain unlawful activities in competitive examinations? NDA govt has passed a law for it," he had said.

# The Unscheduled Questions

Top court okayed subcategories in SC/STs. But... ● Will 'privileged' among SCs lose quotas?  
● Does merit include social equality? ● Will intra-SC atrocity be criminalised?

Jay Vinayak Ojha



The Supreme Court's judgment in the *Davinder Singh* case, permitting sub-classification of 'Scheduled Castes' and 'Scheduled Tribes' for reservation purposes, is a landmark development. By allowing what was off-limits, it's likely to impact not just quota allocations for SC/STs, but also the politics around affirmative action in India.

Contrary to public perception, SCs constitute an amalgam of more than 1,200 castes across India's states and UTs, grouped together by Constitution (Scheduled Castes) Order, 1950. Many states, noticing that a few castes were capturing a disproportionate number of SC seats, had tried to sub-divide the category to ensure adequate representation of the 'most backward' communities.

But such attempts by three states – Punjab, Haryana, and Tamil Nadu – were challenged and struck down basis SC's 2004 judgment in the *EV Chinniah* case. This held that 'Scheduled Castes' was a homogeneous category created by Constitution and could not be subdivided.

On Thursday, the apex court overruled that verdict by a majority of six to one, holding that SC/ST categories could be subdivided as long as there was substantial gap between 'less backward' and 'more backward' groups so created, and none of SCs in 1950 Order were wholly excluded from reservation benefits.

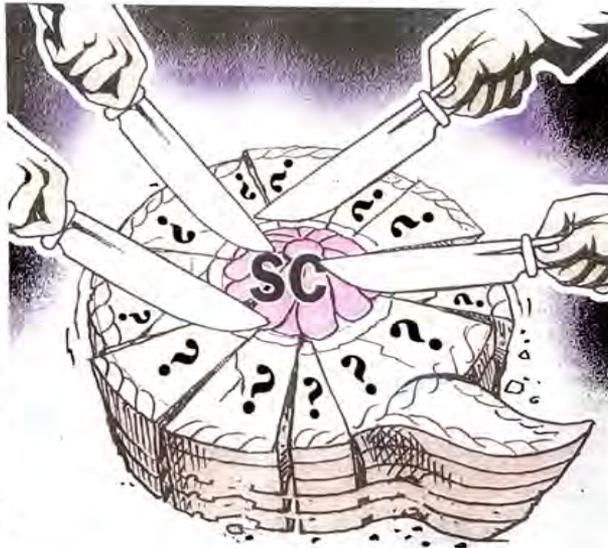
**Creamy layer a constitutional imperative?** | The issue of sub-classification shouldn't be confused with that of the 'creamy layer.' While sub-classification entails differentiation based on community identity into 'more backward' and 'less backward' groups, the creamy layer principle operates basis wealth and income, and can place an individual outside the ambit of reservations entirely. The 'creamy layer' of Other Backward Classes (OBCs) has been excluded from reservations since the judgment in *Indra Sawhney*, but the issue has been more fraught when it came to SCs.

In Thursday's judgment, SC tilted heavily towards excluding the creamy layer of SC/STs from reservations. Whereas CJI sidestepped the issue, four concurring judges – Justices Gavai, Mithal, Sharma,

and Nath – concluded that the creamy layer principle was applicable to SC/STs. Justice Gavai and Mithal both pointed to the patent injustice of the child of an IAS or IPS officer benefitting from reservation.

If the 'majority of the majority' approach suggested by HM Seervai is followed, the decision of four out of the six judges in the majority would call for creation of criteria to identify the creamy layer among SC/STs.

**So, how to define equality?** | Beneath the surface of concurrence, there are important differences of



approach among the judges. CJI laid emphasis on doctrine of 'substantive equality,' that is, equality not just of opportunity but of outcome.

One of the reasons he cited in favour of sub-classification was achieving substantive equality between the 'more' and 'less' backward groups. He took this principle further, holding, for example, that any public examination or other method of distribution of seats must not just be open to all but "ensure factual equality". In his view, merit and reservation do not constitute opposing ideas at all. Rather, social equality and inclusivity are themselves aspects of merit.

These ideas did not find strong echoes in the concurring judgments. Justice Mithal quoted with approval Justice VR Krishna Iyer's dictum that "considerations of administrative capability" cannot be permanently subordinated to "harijan welfare". Furthermore, it remains to be seen how CJI's definition of merit would apply to posts such as those for which Justice Jeevan Reddy said in *Indra Sawhney*: "merit alone counts...super-specialties in medicine...airline pilots...technicians in nuclear and space applications."

Thus, a future bench may have to decide the extent to which a candidate's social backwardness contributes to his merit as a heart surgeon, nuclear technician, or for any other specialised job profile.

**Verdict throws up new questions** | This debate on whether reservations are an exception to the right to equality or an integral aspect of that right will be a core question when the apex court considers pending appeals from Bihar and Chhattisgarh seeking to challenge the 50% limit on caste-based reservations.

Another, more speculative, question is the ends that sub-categorisation may now serve. An exercise along the lines of Justice Rohini Commission, which looked at the possibility of sub-categorising OBCs, would now certainly be permissible for SC/STs.

But what of other facets of law? CJI comprehensively laid out the problem of inter se backwardness and internal discrimination among SCs. He noted studies from Gujarat and Tamil Nadu which found that in many areas, some SC communities practise the most archaic forms of untouchability against those they consider ritually 'lower'.

If SC recognises such discrimination, it may call for a relook at the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The legislation currently recognises SC/STs as a homogeneous bloc and doesn't countenance the possibility of a member of one SC community committing an atrocity against another.

In answering the constitutional question on permissibility of sub-categorisation, court has in fact posed to our political and social order far more profound questions on the future contours of reservations and caste politics. It is now up to the political class to answer them responsibly.

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# Need more govt colleges, job avenues to rein in coaching culture



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the BJP are blaming each other for the Delhi mishap. This political blame game has drowned out the cries of the aggrieved families and the protests of the vulnerable students. There are hundreds of coaching centres in Delhi-NCR. Many of them operate under unsafe conditions. Commercially motivated, they are least bothered about the safety of the students. A handful of coaching centres operating in violation of the rules have been sealed, encroachments over drains bulldozed and a high-level probe committee set up. Arrests have been made in connection with the incident, and several protests have been held. The need of the hour, however, is to understand the problem and find long-term solutions.

In January this year, in view of the rising cases of student suicide, the Ministry of Education had issued guidelines for the regulation of coaching centres. However, as the senior secondary stage (a two-year academic phase followed uniformly across the country) covers classes XI and XII — which have students aged between 16 and 18 years — it is considered the responsibility of the states and union territories concerned. They were instructed to take necessary steps to regulate coaching centres falling under their jurisdiction in order to ensure the safety and securi-



**DELHI TRAGEDY:** A handful of coaching centres operating in violation of the rules have been sealed, encroachments over drains bulldozed and a high-level probe committee set up. TRIBUNE PHOTO

ty of students and save them from being exploited. The National Education Policy-2020 had warned against the 'coaching culture' and its harmful impact. It had even suggested reform in the existing system of board and entrance examinations to eliminate the need for coaching classes. It also proposed viable models of board exams that could reduce pressure and check the coaching culture. A high-quality common aptitude test and specialised common subject exams in the sciences, humanities, languages, arts and vocational subjects at least twice every year were recommended. Such exams were

meant to test the conceptual understanding of the students and eliminate the need for coaching for the exams. Students could choose the subjects of their interest.

The set of guidelines issued in January made it mandatory to get prior permission to establish a coaching centre. It also laid down the norms for infrastructure, fire and building safety, medical assistance or treatment facilities, emergency services, etc. The coaching centre buildings are required to be fully electrified, well ventilated and have sufficient lighting arrangements in each classroom. These centres are also

advised to involve counsellors and psychologists for providing psychotherapeutic help to students suffering from stress or depression.

In case a coaching centre violates any of the terms and conditions of registration or general requirements, it is liable for penalties — a fine of Rs 25,000 for the first offence, Rs 1 lakh for the second violation and the revocation of registration in case of subsequent breaches.

These guidelines have reportedly not been implemented. The Delhi tragedy was a result of that. It is time for the government to ensure that such centres are properly regulated. A minimum amount of space required for students must be maintained. If possible, the fees should also be regulated. All aspects of such centres must be periodically monitored and those not conforming to the guidelines must be shut down.

However, mere implementation of the guidelines will not fix the problem. The solution lies in setting up more government colleges. That would arrest the trend of a rising number of candidates vying for a limited number of seats. Although there has been an 82 per cent rise in the number of medical colleges from 387 before 2014 to 706 in early 2024, it is still not enough, given the huge number of candidates and

the fact that many of these institutions are grappling with faculty shortage and infrastructural issues. The rise in the number of institutions also means an increase in the teaching faculty. To address these challenges, the government should not only strengthen the infrastructure and adopt advanced technological interventions but also work to reduce the level of competition in these examinations by creating more employment avenues.

Unemployment needs to be tackled urgently. According to the India Employment Report 2024, the share of youngsters with secondary or higher education in the total unemployed youth has nearly doubled from 35.2 per cent in 2000 to 65.7 per cent in 2022. Employment opportunities have to be created, as less than 1 per cent of the students qualify for government jobs. This means that the economy has to be opened up. Government jobs are coveted because there are inadequate employment avenues in the private sector, where the lack of job security is another key factor. Incentives must be provided for the creation of private-sector jobs for aspiring candidates. Let's hope the current crisis will prompt much-needed reforms in this sector.

There are hundreds of coaching centres in Delhi-NCR. Many of them operate under unsafe conditions.



# एनटीए की कार्यप्रणाली

सुप्रीम कोर्ट ने मेडिकल कालेजों में प्रवेश की परीक्षा-नीट के मामले में अपने विस्तृत निर्णय में इस परीक्षा के साथ अन्य अनेक प्रतियोगी परीक्षाओं का आयोजन करने वाली संस्था नेशनल टेस्टिंग एजेंसी अर्थात् एनटीए को कई दिशानिर्देश देते हुए उसे अपनी कार्यप्रणाली सुधारने की जो नसीहत दी, उस पर हर हाल में अमल होना चाहिए। इसलिए होना चाहिए, क्योंकि उसके कामकाज को लेकर गंभीर सवाल उठने के साथ ही उसकी प्रतिष्ठा को क्षति भी पहुंची है। यह ठीक है कि सुप्रीम कोर्ट ने नीट में गड़बड़ियों के चलते उसे दोबारा कराए जाने की मांग इस आधार पर ठुकरा दी कि परीक्षा के आयोजन में गड़बड़ी केवल पटना और हजारीबाग में हुई थी और उसका राष्ट्रीय स्तर पर प्रभाव नहीं पड़ा, लेकिन इसका यह अर्थ नहीं कि एनटीए की साख को चोट न पहुंची हो। इससे संतुष्ट नहीं हुआ जा सकता कि नीट में गड़बड़ी के आरोपों के बीच सरकार ने एनटीए प्रमुख को हटा दिया था और इस संस्था की कार्यप्रणाली में सुधार के लिए एक समिति गठित कर दी थी, क्योंकि यह सब बहुत पहले होना चाहिए था। ध्यान रहे यह पहली बार नहीं है, जब एनटीए की कार्यप्रणाली को लेकर सवाल उठे हों। जब नीट का मामला चर्चा में था, तभी एनटीए को कम से कम तीन परीक्षाओं को इस अंदेशे के चलते टालना पड़ा था कि कहीं उनके प्रश्नपत्र लीक न हो गए हों।

यह अच्छा हुआ कि सुप्रीम कोर्ट ने एनटीए के कामकाज में सुधार के लिए गठित समिति का विस्तार किया। आशा की जाती है कि एनटीए इस समिति के सुझावों पर अमल करके परीक्षाओं की शुचिता सुनिश्चित करने में समर्थ होगी। यह तभी संभव हो पाएगा, जब वह अपनी कमियों को दूर करने के लिए कमर कसेगी। इस एजेंसी की ओर से कराई जाने वाली परीक्षाओं में उन्नत तकनीक का उपयोग बढ़ाना होगा और परीक्षाएं कंप्यूटर से ही करानी होंगी, लेकिन ऐसा करते समय इसके प्रति सतर्क रहना होगा कि उसके तकनीकी तंत्र में सेंध न लगने पाए। इसके अतिरिक्त उसे प्रश्नपत्रों के कई सेट तैयार करने होंगे, ताकि यदि कहीं कोई गड़बड़ी हो जाए तो उससे देश भर की परीक्षा प्रभावित न होने पाए। समझना कठिन है कि सूचना तकनीक में उन्नत समझा जाने वाला देश अपनी प्रतियोगी परीक्षाओं के आयोजन में उसका सही उपयोग क्यों नहीं कर पा रहा है? वास्तव में एनटीए को अपनी कार्यप्रणाली सुधार कर परीक्षाओं का आयोजन इस तरह करना होगा, जिससे वह प्रतियोगी परीक्षाएं कराने वाली अन्य संस्थाओं के समक्ष उदाहरण पेश कर सके और वे उससे कुछ सीख सकें। पिछले कुछ वर्षों में अनेक प्रतियोगी परीक्षाओं के प्रश्नपत्र लीक हुए हैं। इनमें कई परीक्षाएं राज्य सरकारों की संस्थाओं द्वारा कराई गई थीं। इन परीक्षाओं के प्रश्नपत्र लीक होने से लाखों छात्र प्रभावित हुए। उनके समय के साथ संसाधन की बर्बादी हुई और उनका सरकारी तंत्र पर भरोसा भी डिगा।

25/8/24

# कमेटी की रिपोर्ट मिलने के बाद एक माह में सिफारिशों पर निर्णय लेगा शिक्षा मंत्रालय

प्रथम पृष्ठ से आगे

कमेटी की रिपोर्ट मिलने के बाद शिक्षा मंत्रालय एक महीने में सिफारिशों पर निर्णय लेगा। रिपोर्ट पर अमल का एक्शन प्लान तैयार करेगा और अमल के बारे में निर्णय लेने के दो सप्ताह के भीतर कोर्ट में अनुपालन रिपोर्ट दाखिल करेगा। ये आदेश प्रधान न्यायाधीश डीवाई चंद्रचूड़, जेबी पाटीवाला और मनोज मिश्रा की पीठ ने नीट में गड़बड़ियों और पेपर लीक मामले में दिए हैं।

कोर्ट ने कहा कि कई चीजें ऐसी हैं, जिनसे सवाल खड़े होते हैं। एनटीए को कड़े सुरक्षा मानकों को लागू करना चाहिए था। यह भी पता चला कि प्रश्नपत्र ई-रिक्शा से भेजे गए और प्राइवेट कोरियर कंपनियों

## कोर्ट ने यह भी कहा

- अगर दागी व बेदाग अभ्यर्थियों को अलग करना संभव हो तो परीक्षा रद्द करने का कोई औचित्य नहीं है। पुनः परीक्षा से वर्षभर का शैक्षणिक कार्यक्रम बाधित होगा।
- रिकार्ड पर ऐसी पर्याप्त सामग्री उपलब्ध नहीं है, जो किसी प्रणालीगत लीक या अन्य प्रकार के प्रणालीगत कदाचार का संकेत देती हो।
- ऐसी जानकारी भी नहीं है कि प्रश्नपत्र को इंटरनेट मीडिया या परिष्कृत इलेक्ट्रॉनिक माध्यमों से व्यापक रूप से प्रसारित किया गया था।
- सीबीआई की जांच से यह पता चल गया है कि हजारीबाग और पटना में कितने छात्र नीट की परीक्षा में हुई गड़बड़ी के लाभार्थी हैं।

की सेवाएं ली गईं। याचिकाकर्ता ने सही मुद्दा उठाया है कि एनटीए ने परीक्षा के बाद ओएमआर शीट सील करने के लिए कोई समय निश्चित नहीं किया था। कोर्ट ने गलत प्रश्नपत्र

बांटे जाने व ग्रेसमार्क का मुद्दा भी उठाया और एनटीए से विभिन्न पहलुओं पर गंभीरता से विचार करके प्रोटोकाल तैयार करने को कहा है। एनटीए सभी पहलुओं पर ध्यान दे।