

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 4 | Issue 3

2021

© 2021 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com>)

This Article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

NEET Exam and the Future of Public Health India - A Social Justice Approach

MS. RADHUKA. K¹

ABSTRACT

“Equality of opportunity is the essence of social justice”

Our Nation entered into 74th year of Independence. It will be appropriate to analyse the long journey of democracy and the heart of democracy is the “Social Justice”. Social justice denotes the equal treatment of all citizens without any social distinction based on caste, colour, race, religion, sex and so on. After 73 years of democratic reign the hard fact is that the concept of Social Justice which is the dream of the makers of the constitution doesn't come into the expected reality. The discrimination in education and its progress is the one such example. In this context this paper analyse the NEET exam which is an impediment to social justice in the education and also in the public health.

National Eligibility cum Entrance Test (NEET) is a common all-India Entrance Examination introduced for medical admission in India by the claim of uniformity and merit, which is biased and favours the particular sect of students and elite group who can spend exorbitant money to special coaching which is distant to students from deprived communities. Tamil Nadu through decades of struggle established the Social Justice especially in Education. This exam will reverse these aspects and thwarts the progress of socially and economically backward class of people. This paper attempts to analyses the immediate need to repeal this exam which is a social apartheid which tries to eliminate deprived class from medical education and will be a threat to public health.

Keywords: *NEET, Social Justice, Public Health.*

I. TAMIL NADU MODEL - THE STATE CAPITAL FOR MEDICAL AND PUBLIC HEALTH SYSTEM

The State of Tamil Nadu has the best of infrastructure for medical education and has produced many best doctors and surgeons in the world. We have achieved all of these by following socially inclusive education policies which has given the best opportunities for the poor and deprived classes to achieve their educational aspirations. Tamil Nadu's medical colleges are being funded on its own and is being run very efficiently. The service minded doctors

¹ Author is an Assistant Professor of Law at TN, Dr. Ambedkar Law University, Chennai, India.

graduating from these colleges serve the villages and rural areas across the state which has made Tamil Nadu stand in the top two positions in low infant mortality, low pregnant women mortality and highest number of doctors.² Tamil Nadu has led the way in various new approaches to enhance the access to good-quality health services at an **affordable cost** and in turn people having increased access to medical care services, the only state with a distinctive public health cadre in the district level. It was also the first state to enact a Public Health Act in 1939³.

(A) The progress of Tamil Nadu in the field of immunization deserves special mention.

(The Universal Immunization Programme of 1986⁴ was implemented efficiently by the competent health system of Tamil Nadu in full force) The state ranked first in the country in terms of number of children immunized. The Tamil Nadu Health Systems Project (TNHSP)⁵ was implemented by the Health and Family Welfare Department of the state to lend support to the health policy and focus on improving the health status of people belonging to the lower socioeconomic strata. Another major reform in the health sector was the formation of Tamil Nadu medical services Corporation (TNMSC) in 1995⁶. State of Tamil Nadu is undoubtedly a pioneer in Medical Care. These gradual achievements through enormous struggles over a century have been endangered now. The introduction of NEET is a threat to the nation and especially the state of Tamil Nadu which achieved this holistic model of interfold objectives of public health and medical education to all sects of people in a deadly position of going back to the primitive stages of its growth.

II. SOCIAL JUSTICE IN EDUCATION

In the early days after Independence, selection to medical colleges in Tamil Nadu was made by interviews. Anyone with over 50% in the relevant subjects could apply. The system encouraged nepotism. And the method of selection continued to be opaque. After the emergence of Dravidian Era in Politics, remarkable changes had been occurred; **As the**

² R. Parthasarathi (Department of Community Medicine, Dhanalakshmi Srinivasan Medical College, Siruvachur, Tamil Nadu, India) and S.P. Sinha (Department of Community Medicine, Dhanalakshmi Srinivasan Medical College, Siruvachur, Tamil Nadu, India) "*Towards a Better Health Care Delivery System: The Tamil Nadu model*"

³ MADRAS PUBLIC HEALTH ACT, 1939 (Act Published in Fort St. George Gazette dated 7-3-1939)

⁴ **Immunization Programme** in India was introduced in 1978 as 'Expanded Programme of Immunization' (EPI) by the Ministry of Health and Family Welfare, Government of India. In 1985, the programme was modified as 'Universal Immunization Programme' (UIP) to be implemented in phased manner to cover all districts in the country by 1989-90 with the one of largest health programme in the world.

⁵ Established in 2005, the Tamilnadu Health Systems Project is an initiative of the Government of Tamilnadu, in partnership with the World Bank, to create a health system in Tamilnadu that is highly accessible, equitable and effective.

⁶ It was incorporated under the Companies Act, 1956 on 1/7/1994 and has commenced its functions of purchase, storage and distribution of drugs and medicines from January 1995

Dravidian government of Social Justice abolished the entrance examination in 2006 and made the marks in Class 12 the criterion. This big decision opened the pathway to all especially the students from rural background. As before 2006 it favoured urban students and elite group who can afford coaching for examination.⁷

III. NEET - 'EDUCATIONAL APARTHEID'

"Equal Justice under law is not merely a caption on the façade of the Supreme Court building; it is perhaps the most inspiring ideal of our society. It is one of the ends for which of our entire legal system exists...it is fundamental that Justice should be the same, in substance and availability, without regard to economic status."

*- Lewis F. Powell, Jr*⁸

The National Eligibility cum Entrance Test - UG (NEET- UG) is a common all-India Entrance Examination conducted by the CBSE (Central Board for Secondary Education) for admission to MBBS/BDS Courses in India in Medical/Dental Colleges. It is conducted with the approval of the Medical Council of India/Dental Council of India under the Union Ministry of Health and Family Welfare, Government of India. It has been argued by the government that a common all India Entrance Examination will ensure that the standard of students entering medical colleges will be uniform, and will provide equal opportunity to students from every state, especially states where there are very few medical colleges or none, as in the North East. **This claim is totally baseless, in a situation where there is no uniform standard in school education.** All over India, there are two systems of schooling. One set of schools are run by the Central or state governments. Another set of schools are run by private bodies. There are different Boards of Education and widely varying curriculum.

A common All India Entrance Exam imposed by the central state on all students from different parts of the country will actually serve to deepen this difference and to ensure that those sections that have had a disadvantage in basic school education (the vast majority in every part of the country), will continue to suffer the same and greater disadvantage in higher education, including medical education. Among the students who do get admitted, more than 50 percent have to pay exorbitant fees to private colleges before they qualify as doctors. Today, medical education is largely privatized and the fees in private colleges are 30-40 times more than in government colleges. The cost of medical education is much less in government colleges and

⁷ Dr George Thomas, orthopaedic surgeon, part of the Editorial Board of the Indian Journal of Medical Ethics.

⁸ American lawyer and jurist who served as an Associate Justice of the Supreme Court of the United States, from 1971 to 1987

quality of education in most government medical colleges is far superior to that provided in most private medical colleges. The aspiring medical students are naturally desperate to get admission into the government medical colleges as the vast majority of them cannot afford the cost of private medical colleges and have to abandon their dreams of becoming doctors.

Studies all over the world have proved that a single entrance exam method of admissions has proved to be a disastrous for students hailing from the financially challenged sections as they cannot afford to enroll in money making coaching centers. In this context, the central government's decision to impose NEET will also reverse all the social justice aspects which Tamil Nadu has achieved since independence in 1947. NEET favours students studying CBSE curriculum who comprise less than 4% of Tamil Nadu students. This is seen as hijacking state's right and autonomy in education. NEET is against the idea of India which is essentially a multicultural, multi-linguistic and multi ethnic.⁹

IV. THE MYTH OF MERIT

The Central Board of Secondary Education (CBSE) has a pan-national NCERT curriculum. In contrast, Tamil Nadu state board schools follow a different curriculum, which is distinct from not just CBSE, but also from other state boards. So, there is no uniformity in what students in different boards study. **NEET as a filtering platform is based on CBSE syllabus** - it demands mostly objective responses in contrast to state board models, where the emphasis is on descriptive answers - and uses evaluation patterns which are either new, if not totally unfamiliar, to state board students.¹⁰ NEET operates on the basis of rewarding the talented performers, in an unhealthy competitive atmosphere. Often, such merit-based rewarding turns a blind eye to the lack of equal, nurturing platforms. The Union Government is keen on ensuring the implementation of NEET is unfortunately overlooking the classification of our educational systems - state board, central board, ICSE, etc. We have to remember social, cultural and economic indicators which play a crucial role in the upbringing of a community. Further, in the rat race for clearing entrance exams such as NEET, CAT, JEE, etc., what goes unnoticed is the sheer absence of humanities and social sciences in the higher secondary school sector. Somehow, the supposition of medicine, engineering, and management as "professional" programmes, which are capable of giving lifelong financial rewards, has come to upset knowledge domains like history, economics, literature and even basic sciences like physics, chemistry and mathematics. As a society, we need historians, philosophers, social scientists,

⁹ The Communist Ghadar Party of India (CGPI) Founded on December 25, 1980, "Not an electoral machine but an instrument for the empowerment of the working class and all the oppressed"

¹⁰ Rajesh, Assistant professor in the Department of Media Studies, Christ University, Bangalore

mathematicians, and poets. So, there is a basic requirement to nurture all knowledge domains. The paradoxical acceptance of NEET in most states and the opposition posed in the Tamil political domain is not yet another cause to be sidestepped. It calls for a critical re-examination of some of our fundamental values in the educational system.

V. CONTINUING TRAGEDY OF ANITHA - THE BLOW ON SOCIAL JUSTICE

Anitha, the 16-year-old daughter of a daily wage labourer, scored a brilliant 1,176 on 1,200 marks in her class XII state board exams. Ideally, Anitha should by now have been enrolled in some prestigious medical college. And had this happened, she would have been the first person from her community in the village of Kuzhumur, Ariyalur district, to become a doctor. Anitha had been schooled in the Tamil medium, the linguistic mode of instruction for the majority of Tamil Nadu's school goers.¹¹ In his article, Chatterjee had said, "The Maharashtra state board alone has more class 12 students than the all-India strength of the CBSE." This imbalance is reflected in Tamil Nadu as well, where far fewer students are enrolled with the CBSE curriculum relative to the state board curriculum. **One of the injustices of NEET is that it will ensure this small section of students find greater representation in medical colleges at the expense of those who studied according to the state board.**

Of course, not all state board schools in Tamil Nadu are necessarily Tamil-medium. At the same time, they also privilege a system of pedagogy that is closer to the land than do CBSE schools. Likewise, while it is true that a significant percentage of state board schools are run privately, the bulk of them are also located in small towns and in rural areas, with minimal infrastructure and catering to students from underprivileged backgrounds. In contrast, the CBSE schools of Tamil Nadu are concentrated in and around Chennai, catering mostly to local and north Indian elites.¹²

Before NEET, and out of the 2,500 government college seats in **Tamil Nadu, 69%**¹³ **were reserved for BC, MBC and SC/ST students.** However, there was very little difference in the admission cutoffs. For example, for entrance to the prestigious Madras Medical College in

¹¹ Karthick Manoharan - The Wire

Ezhilan Naganathan, a medical practitioner, rationalist and Tamil activist, recently exposed how dual nativity was being used against the interests of Tamil students (read as OBCs, MBCs and SC/STs) in Tamil Nadu

¹² There are around 580 CBSE schools in the state and 2,488 government-run schools offering higher secondary education (excluding privately run state-board schools). Likewise, the '580' is only the total number of CBSE schools in the state; the number of CBSE schools offering higher secondary education is bound to be lower

¹³ The Government of Tamil Nadu enacted the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of seats in Educational Institutions and of appointments or posts in the Services under the State) Act, 1993 (Tamil Nadu Act 45 of 1994), which, inter alia, provided for 69 percent reservations in admissions to educational institutions in the State for persons belonging to the Scheduled Castes and Scheduled Tribes and the Backward Classes

2014, the cutoff for OC students was 199.5; 199.25 for; 198.75 for MBC and 196.75 for SC/ST students. A significant number of students from the marginalised sections of society scored over 98% to be enrolled under the open category. Such a system ensured fair representation and was not lax in maintaining high standards which gives equal opportunity to all sections of the society and set a standard of excellence. **The quality of doctors from prestigious medical colleges of Tamil Nadu and the achievement of highest public health among all the states in the nation is a witness for the successful Medical Education System in Tamil Nadu.** The state has the third largest number of medical seats (3,534) spread over 33 medical colleges, including 22 government colleges. This national exam would mean merit alone rather than social justice would impact who will get seats. Non-TN aspirants could grab a bulk of the state's seats.

The introduction of NEET has only managed to lower the bar - by making it more favourable to those students with a CBSE background. **It has been reported that most seats in Tamil Nadu's top medical colleges have gone to CBSE students.** The nature of the entrance does not take into account the performance in the class XII board exams, the style of the paper, the fact that multiple-choice questions were more accessible to CBSE students and, of course, the relative incomprehensibility of questions translated into regional languages.

From an economically poor and socially underprivileged background, and despite growing with a single parent in a very small house located in a 'backward' village,¹⁴ Anitha would have been the kind of success story that other parents from her village would have liked to motivated their own children with. She was a winner, a girl who went to the Supreme Court to fight for thousands of students like her against NEET. But her thwarted ambitions, unrewarded efforts and any lack of due recognition for her achievements drove her to suicide.¹⁵

VI. NEET - AGAINST THE SPIRIT OF THE CONSTITUTION

Indian constitution prescribes social justice and equality. But this NEET Examination is quite against that. India is not a single country. **It's a Federation of states** consisting of various ethnic races. To have a single examination to examine the talents of different groups of students is wrong. How can a Student from North East, who is yet to get some of the basic amenities, and a Student from Delhi, who is enjoying all the privileges compete in a same examination?

The change and reformation are inevitable. But that change should benefit common man and

¹⁴ The healthcare facilities in Ariyalur, Anitha's district, were built by native doctors schooled in Tamil Nadu's state board curriculum and who were beneficiaries of the state's wide reservations system

¹⁵ Her dream of becoming a doctor shattered, Anita ended her life on 1 September, 2017

not corporations. Privatizing the Indian Healthcare (Medical) System is one such example. To allow foreign Investment in it without any hindrances. **This will need dismantling of our public healthcare system.** NEET is a tool to dismantle the Indian Healthcare (Medical) System. In the current Medical Education system, Students are supposed to do a rural stint after graduation. But there is no such option in NEET. This will mean no qualified doctors for rural health centres in the future and will eventually close down. Private Hospitals will take that space. If we look at NEET from the point of social justice, we will see that this exam is a ploy to block the entry of poor and backward communities from entering this sector.

VII. NEET AND ELIGIBILITY

How do we define eligibility? NEET is also imposed on students from the Scheduled Caste / Tribe, who have studied hard all along, got good marks and waiting for the Medical Education based on the marks. Whether the exorbitant fees can be paid by them to afford special coaching is another issue. Whether development has reached all the districts of the state equally is a question to be considered. How come the students from the under developed districts can be expected to compete with a developed district like Chennai. When we have such inequalities within a state, **a single examination can't be the only solution for the entire country.** Education is a fundamental right to all citizens and not a business. **People should understand that these agitations are for all Indians and not just for Tamil Nadu.**¹⁶

VIII. THE LEGACY OF CMC, VELLORE AND THE INSTITUTION'S RIGHT TO CHOOSE ITS OWN STUDENTS

For almost 100 years now, the Christian Medical College in Vellore, Tamil Nadu has taken in a fresh batch of aspiring doctors every year to live and study on its campus. Each of its 100 students has always been a carefully selected candidate for the MBBS course, through the college's rigorous admission process. Many of these students come from remote areas to study medicine at one of the top institutions in the country. But for the first time since its inception, the college has decided not to take in a new batch of students for its MBBS course and super-speciality programmes. Except for one of the 100 seats filled by a student nominated by the Centre for MBBS, and another one for the 62 seats in the super-speciality programmes, 160 of its 162 seats thus lie vacant this year.

The college took this decision **because it was no longer allowed to select its own students.** In March, a gazette notification by the Medical Council of India said that the selection of

¹⁶ Anil Sadgopal, Indian educationist and activist, Professor of Education, Delhi University (1998 – 2001) known for the Hoshangabad Science Teaching Programme and for advocacy related to the Right to Education (RTE) Act

candidates for medical seats should take place through a central or state government body, even for management seats in private colleges. “There is no autonomy for colleges to select candidates, even based on NEET,”¹⁷ “It takes away our right to select our own candidates. How can we be guaranteed that the government will choose candidates who are willing to serve in rural areas, as our course demands?” “We don’t want to jeopardize our mission by allowing somebody else the power of selection”. Students admitted to the college are required to sign a bond agreeing to work in a rural areas for two years after the course. “Many students stay back in these places and continue to work there for decades,”

When the government announced in 2012 that the National Eligibility cum Entrance Test or NEET would be compulsory for admissions to all medical colleges in India, the college filed a petition asking to be exempted from conducting the common entrance examination. In 2013, a constitutional bench of the Supreme Court ruled in its favour, striking down NEET as unconstitutional. However, in 2016,¹⁸ this judgement was referred to a five-judge bench, which then said that the 2013 judgement needed reconsideration and directed those matters be heard afresh. The next year, the college discontinued its own entrance exam and instead based the college admissions on the NEET exam. The college was allowed to conduct its own counselling sessions and choose its own candidates from NEET. However, common counselling by the state was made as the rule.¹⁹ Admissions for super-speciality courses also have to be done through a common counselling, as per the new rules, through the Director General of Health Services, based on NEET scores.²⁰ At present, the college remains the only institution opposing the common counselling system by deciding to cancel admissions.

IX. RECOMMENDATIONS

The National Eligibility Entrance Test (NEET) is a direct assault on the concept of social justice enshrined in the Constitution of India. In the garb of bringing in uniformity, **NEET destroys the golden concept of our Constitution of not treating unequals equally.**²¹ The side effects of NEET are much more damaging than the worst pandemic happening now. NEET should be removed because it creates an urban-rural divide and a division based on the boards which they

¹⁷ Dr. Anna B. Pulimood , Department of Pathology, Principal CMC, Vellore

¹⁸ CHRISTIAN MEDICAL COLLEGE VELLORE & ORS, T.C.(C) NO.98 OF 2012

¹⁹ “Here, no interviews will be conducted and they will send us only high-ranking students,” “We’re not against NEET. We’re not against common counselling in other colleges. But in our college, this won’t work. Why should we subsidise education and spend so much time and energy training students who won’t fulfill our mission?”

²⁰ “You may want to study about the heart, but if your NEET score is not that good, you may be forced to study about cancer,” said Pulimood. “Students should be able to select the speciality they wish to study.”- Dr. Anna B. Pulimood , Department of Pathology, Principal CMC, Vellore

²¹ A Saravanan , practicing advocate at the Madras High Court

study, as claimed by Garga Chatterjee²², an eminent scholar. In India, we take pride in the diversity and plurality. Homogenisation masked as uniform standards will only wreak havoc on our social fabric, which is already under considerable strain. Making the centralized NEET exam compulsorily violates the federal character of the Constitution which is against the spirit and values embodied in the constitution.

To quote Anitha's own words, "When nobody gets equal opportunities, who are they deceiving by saying single exam for all . . .?"

This paper put forth the recommendations that:

The central government should **move education from concurrent list to the state list**. Tamil Nadu **should be exempted from NEET and other similar entrance or eligibility exams** for medical and various other areas of educational admissions for now and forever. If not the future of public health in the nation will be doomed and the growth of rural areas in medical education, health and development in all walks of life will be an illusion. **A nation cannot grow by eliminating rural, deprived class of people** and the impeccable struggle of more than seventy years in the state of Tamil Nadu for the progress of these people in medical education cannot be nullified by imposing NEET examination, the social evil which will be a threat not only to the state but also to the health and development of entire nation.

²² Assistant Professor at the Indian Statistical Institute, Kolkata, West Bengal.

X. BIBLIOGRAPHY**(A) Magazine**

1. Times of India
2. The Hindu
3. Frontline
4. The Telegraph

(B) Webilography

1. www.thewire.in, last accessed on 26/06/19
2. www.thenewsminute.com, last accessed on 26/06/19
3. www.ncbi.nlm.nih.gov, last accessed on 26/06/19
4. www.livemint.com, last accessed on 26/06/19
5. www.ndtv.com, last accessed on 26/06/19
6. www.newindianexpress.com, last accessed on 26/06/19
7. www.financialexpress.com, last accessed on 26/06/19
8. www.hindustantimes.com, last accessed on 26/06/19
9. www.dailyo.in, last accessed on 26/06/19
10. www.frontline.thehindu.com, last accessed on 26/06/19
11. www.business-standard.com, last accessed on 26/06/19
12. www.firstpost.com, last accessed on 26/06/19
13. www.scroll.in, last accessed on 26/06/19
14. www.vellorecmc.org, last accessed on 26/06/19
15. www.deccanherald.com, last accessed on 26/06/19
16. www.forwardpress.in, last accessed on 26/06/19
17. www.thenewsminute.com, last accessed on 27/06/19
18. www.pressreader.com, last accessed on 27/06/19
19. www.counterview.org, last accessed on 27/06/19
20. www.indialegallive.com, last accessed on 27/06/19
21. www.ptinews.com, last accessed on 27/06/19
22. www.change.org, last accessed on 27/06/19
23. www.voiceofsouthindia.com, last accessed on 27/06/19
24. www.huffingtonpost.in, last accessed on 27/06/19
25. www.morungexpress.com, last accessed on 27/06/19
26. www.edexlive.com, last accessed on 27/06/19

27. www.scroll.in, last accessed on 07/06/21
28. www.thewire.in, last accessed on 07/06/21
