

CURRICULUM RENEWAL IN SCHOOL EDUCATION

A Meaningful Step Toward
Educational Reform

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राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद्
NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING

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FOREWORD

The National Council of Educational Research and Training (NCERT) is an apex resource organisation established by the Government of India in 1962, with the objective to assist and advise the Central and State Governments on academic matters related to school education. Besides promoting unity in the standards of education throughout the country, training school teachers, publishing instructional material for both the teachers and the taught, and undertaking other related activities, the formulation and development of a Curriculum Framework for School Education has been an important activity of the NCERT. The first such Curriculum Framework was developed by the NCERT in 1975. Thereafter, based on the recommendations made in the National Policy on Education, 1986, the National Curriculum for Elementary and Secondary Education: A Framework, was developed in 1988.

The Programme of Action, formulated in 1992, to implement the National Policy on Education, 1986, clearly stated that there was a need for "its (National Curriculum Framework's) modernisation, keeping in view the increased emphasis on some issues of major concern, advances in knowledge and pedagogical considerations. The NCERT will be advised to initiate the necessary changes in the Curriculum before the end of the Eighth Plan period." The Ninth Five Year Plan (1997-2002) document, out of concern that the curriculum had not been reviewed and modernised, stressed the need for carrying out the review. The work for renewing the Curriculum Framework began in NCERT in 1997 itself. It was expedited from 1999 onwards. In January 2000, the National Curriculum Framework for School Education: A Discussion Document, was prepared and widely circulated among not only all the State Governments but also among representatives of various cross-sections of the

society, educationists, teachers, university departments, research institutions, international bodies, media, industry chambers - practically everybody everywhere connected with education who desired to be involved in the consultation process. For wider dissemination, the Discussion Document was made available on the web site of the NCERT. A number of seminars were also conducted across the length and breadth of the country. The recommendations and suggestions received during these events served as valuable inputs for the NCERT. After examining and considering the feedback received during the nation-wide consultation process, the NCERT finally published the National Curriculum Framework for School Education - 2000 (NCFSE-2000), in November, 2000.

Following the publication of the NCFSE-2000, several apprehensions were raised in certain quarters over the methodology adopted in developing the Curriculum Framework and on some of the recommendations contained therein. It was argued that since the Curriculum Framework had been finalised without convening a meeting of the Central Advisory Board on Education (CABE), the said Curriculum was devoid of consensus between the Centre and State Governments. Objections were also raised against recommendations pertaining to Value Education, particularly the parts which referred to the inclusion of religion in Value Education, and the teaching of Sanskrit and Vedic Mathematics.

While the NCERT was in the process of developing textbooks based on the new curriculum, a Public Interest Litigation was filed in the Supreme Court of India in February, 2002, challenging the validity of the NCFSE-2000 on the grounds that since approval/consensus had not been sought from the CABE, the new curriculum and the syllabi based on it were unconstitutional. It was also alleged that there were segments in the new syllabi which violated different Fundamental Rights as well as Articles 27 and 28 of the Constitution of India. The Writ Petition also challenged the recommendations made in the NCFSE-2000 regarding the teaching of Sanskrit and exposing the students to Vedic Mathematics and a couple of other issues. The NCERT placed its viewpoints on these contentious issues before the Court. Finally, in their landmark Judgement delivered on 12 September, 2002, their Lordships M.B. Shah, D.M. Dharmadhikari and H.K. Sema, dismissed

the Writ Petition, thereby clearing the way for the country's school children to have a new education system based on their aspirations and needs of the twenty first century. The NCERT was allowed to publish its textbooks in Social Sciences, History and Hindi, which had been initially stayed by the Supreme Court.

This booklet seeks to spread awareness on the observations of the Supreme Court on the recommendations contained in the NCFSE-2000 and on how the judgement endorses the points made in the NCFSE 2000. It is hoped that the controversy generated on the issue over the past year will now be set at rest and the nation can take pride in the professionalism of institutions like the NCERT. We, on our part, will constantly strive to uphold the principles of secularism, national development and social equity in the classrooms across the length and breadth of the nation.

J. S. Rajput
Director

November, 2002
New Delhi

National Council of Educational
Research and Training

VALUE EDUCATION A brief background

The past five decades after Independence have witnessed a constant erosion of essential social, moral and spiritual values and an increase in cynicism at all levels. Although schools are not isolated islands, untouched by the prevailing mood of indifference and even disregard for the entire value system, their potential for, and role in the task of guiding the national psyche cannot be underestimated. Schools can, and must strive to restore and sustain the universal and eternal values oriented towards the unity and integration of the people, and their moral and spiritual growth, enabling them to realise the treasure within. People must realise who they are, and what the ultimate purpose of human life is. Self-recognition would come to them through proper value education that would facilitate their spiritual march from the level of sub-consciousness to that of super-consciousness through the different intermediary stages. Value-based education would help the nation fight against all kinds of fanaticism, ill-will, violence, fatalism, dishonesty, avarice, corruption, exploitation, drug abuse etc.

The NPE on Value Education

The National Policy on Education, 1986 (NPE, 1986) and the Programme of Action (POA) developed on it in 1992 lay emphasis on equity and social justice in education to promote the country's unique socio-cultural identity and to contribute to national cohesion, promoting tolerance, the scientific temper and the concerns enshrined in the Indian Constitution.

Presented here are the relevant passages from the NPE, 1986 document (page 36) as modified in 1992.

The growing concern over the erosion of essential values and an increasing cynicism in society has brought to focus

the need for readjustments in the curriculum in order to make education a forceful tool for the cultivation of social and moral values.

In our culturally plural society, education should foster universal and eternal values, oriented towards the unity and integration of our people. Such value education should help eliminate obscurantism, religious fanaticism, violence, superstitions and fatalism.

Apart from this combative role, value education has a profound positive content based on our heritage, national and universal goals and perceptions. It should lay primary emphasis on this aspect.

The School Curriculum in 1988 was designed by the NCERT to enable the learner to acquire knowledge to develop concepts and inculcate values commensurate with the social, cultural, economic and environmental realities at the national and international levels. The social values aimed at were friendliness, co-operativeness, compassion, self-discipline, courage, love for social justice, etc.

NCFSE – 2000 on Value Education

In the NCFSE-2000, concepts like Truth, Righteous Conduct, Peace, Love and Non-violence are upheld as the core universal values that can become the foundation for building a value-based education programme as per the recommendations of the S.B. Chavan Committee Report (headed by the noted parliamentarian Shri S.B. Chavan) presented to the Indian Parliament in February, 1999. These five universal values representing the five domains of human personality intellectual, physical, emotional, psychological and spiritual are "correlated with the five major objectives of education, namely knowledge, skill, balance, vision and identity." (81st Report on Value-Based Education presented in the Parliament on 26 February, 1999, Item No. 8.)

Besides, it was recommended that the school curriculum should strive to develop the key qualities like regularity and

punctuality, cleanliness, self-control, industriousness, a sense of duty, the desire to serve, responsibility, enterprise, creativity, sensitivity to greater equality, fraternity, a democratic attitude and a sense of obligation to environmental protection.

Right from the primary years, students need to be made aware that the essence of every religion is common, only practices differ. Students should also be led to believe that the differences of opinion in certain areas are also to be respected. The Chavan Committee, as it is often called, strongly recommended education about religions as an instrument of social cohesion and social and religious harmony. The UNESCO Department of Intercultural Dialogue and Pluralism for a Culture of Peace, pleads for "Spiritual Convergence" and proposes to promote dialogue among the different religious and spiritual traditions in a world where intra religious and inter-religious conflicts have become the order of the day (January 2000). The body states that:

The introduction of specific teaching of inter-cultural and inter-religious dialogue, through adequate pedagogical tools, is conceived as a means to foster reciprocal knowledge of shared values contained in the message issued by religious and spiritual traditions, which can be considered as a common spiritual and cultural heritage.

What is required today is not religious education but education about religions, their basics, the values inherent therein and also a comparative study of the philosophy of all religions.

This, to sum up, is the core of the education mission of the nations in the twenty-first century who are fast discovering that irreligiosity is no answer to fanaticism and fundamentalism. On the contrary, information about different faiths leads to understanding, and necessarily, amity. Ignorance produces the opposite result.

The Observations of the Parliamentary Standing Committee

The inclusion of Value Education in the NCFSE 2000 is inspired to a great extent by the Department-Related Parliamentary Standing Committee on Human Resource Development headed by Shri S. B. Chavan. The report of the Committee is based on earlier documents submitted by various Committees, namely, the Radhakrishnan Commission (1948-49), the Kothari Commission (1964-66), the National Policy on Education (1986), the Ramamurti Committee (1990), the Central Advisory Board of Education (CABE) Committee on Policy (1992), the Planning Commission Core Group on Value Orientation of Education (1992), all of which highlighted the urgent need for making the educational system value based.

The Chavan Committee's report on value-based education was tabled in Parliament on 26 February, 1999. Thereafter, in March 1999, the NCERT was directed to implement it and send an Action Taken Report to the Ministry of Human Resource Development.

The Observations of the Chavan Committee on Value Education:

The observations on value education as stated in the report:

Values are principles, which are consistent and universal and which direct our actions and activities. They are in-built in our society, common to not only all communities but also to all religions at all times. Values are, in other words, virtues in an individual. These values, if deteriorated, will hasten or accelerate the breakdown of the family, the society and the nation as a whole. India has an age-old tradition of values interwoven in the national fabric. Although there has been great advancement in science and technology, there has been a gradual erosion of values, which is reflected in the day-to-day life of a large section of our present society. Our young generation under the growing

influence of the Western culture is stranded on the crossroads, not able to decide which direction to take.

Education should aim at the multi-faceted development of a human being – his intellectual, physical, spiritual and ethical development. Youth is the mirror in which the future of a nation is fully reflected. In order to preserve, maintain and advance the position of our country in the world, it is imperative that there be a comprehensive programme of value education starting from the pre-primary level, embracing the entire spectrum of educational process. The minds, hearts and hands of children are to be engaged in forming their own character to know what is 'good', 'love good' and 'do good'.

The Committee is aware that since Independence, a number of higher-powered Commissions and Committees on Education, namely, the Radhakrishnan Commission (1948-49), the Kothari Commission (1964-66), the National Policy on Education (1986), The Ramamurti Committee (1990), the Central Advisory Board of Education (CABE) Committee on Policy (1992), the Planning Commission Core Group on Value Orientation of Education (1992) have highlighted the urgent need for making our educational system value-based. However, the Committee finds it very disappointing to observe that such well-concerted efforts during the last four decades have failed to achieve the desired results. Well-chalked out plans and strategies for making education value-oriented still remains on paper. The Committee feels that lack of co-ordinated efforts on the part of all the implementing agencies may be held responsible for this state of affairs.

"Against this background, the Committee decided to re-examine the entire gamut of value-orientation of our educational system, so as to come up with some effective suggestions for bringing about a much-awaited change. Realising that a smaller group

would be in a better position to make an in-depth analysis of the subject, a Sub-Committee on Value based Education was constituted on 16 January, 1997 which was subsequently re-constituted on 6 August, 1997. However, as the work allocated to the Sub-Committee could not be completed during the term of the previous main Committee, a new Sub-Committee came into being on 6 August, 1998.

The Committee invited suggestions from noted educationists on various aspects of value-based education,

at what stage and in what manner it should be introduced, whether both Government and Non Governmental Organisations should be involved in this task. In order to have an overall idea about the State-run value-based education programmes, the Committee held discussions with representatives of a number of State Governments. The Committee was also benefited by the views of quite a few eminent experts/NGOs, doing pioneering work in this area. Besides that, the Committee also held interactions with representatives of various Government organisations. An encouraging response from individuals/organisations was received from all parts of the country. This showed the public concern with a vital aspect i.e. the building up of our national character.

It was generally felt that ours is a vast and diverse ancient country - historically, geographically and socially. Traditions are different, the ways of thinking and living are also different. But there are certain common elements, which unite the country in its diversity. This country has a long tradition. Here from ancient times, there have been great saints and thinkers from different religions and sects who have talked about some eternal values. These values are to be inculcated in our young generation.

In ancient times in *Gurukuls*, emphasis used to be primarily on building the character of a student. Today, right from the school up to the professional college, the emphasis is on acquiring techniques and not values. We seem to have forgotten that skills acquired on the computer tend to become outdated after some time, but values remain forever. In other words, the present day education is nothing but an information transmission process. Our educational system aims at only

information-based knowledge. The holistic views turning the student into a perfect human being and a useful member of society, have been completely set aside. Swami Vivekananda aptly said, "Education is not the amount of information that is put in your brain and runs riot there undigested, all your life. We must have life building, man making, character-making assimilation of ideas. If education is identical with information, libraries are the greatest sages of the world and encyclopaedias are *rishts*."

Truth (*Satya*), Righteous Conduct (*Dharma*), Peace (*Shanti*), Love (*Prem*) and Non violence (*Ahimsa*) are the core universal values which can be identified as the foundation stone on which the value-based education programme can be developed. These five are indeed universal values and respectively represent the five domains of human personality - intellectual, physical, emotional, psychological and spiritual. They also are correspondingly correlated with the five major objectives of education, namely, knowledge, skill, balance, vision and identity.

The Primary school stage is the period in a child's life when seeds of value-education can be implanted in his/her impressionable mind in a very subtle way. If this seed is nurtured by the capable hands of dedicated teachers in school, if they insert values at appropriate intervals during a child's school life, it can be easily said that half the battle in building up national character has been won.

It is very essential that at the school level, right from the primary stage, deliberate, planned and sustained efforts are made to inculcate basic human values among the students. Values are best initiated by a mother to her small child under her tender care in the secure atmosphere of home. However, nowadays, children are enrolled in schools as early as at the age of four. At this impressionable stage, values like respect for parents, elders and teachers, truth, punctuality, cleanliness and courtesy can be easily inculcated in them. They can also be sensitised regarding gender equality.

Besides the personal values, there are certain social values, which ought to be imbibed by the young minds. These are the

values which concern the whole community – concern for the aged and the handicapped, for the deprived sections of the society etc. Sincere belief in the dignity of labour is generally found to be lacking in our young generation. Values of self-dependence and insistence on doing manual labour are thus required to be impressed upon small children.

In view of the diverse character of our country, it is essential that certain National Values are also imbibed by our young students. **They should be acquainted with the history of India's freedom struggle, cultural heritage, constitutional obligations and the features comprising our national identity**".

The Chavan Committee felt that some of these national values could be imparted indirectly at the primary stage while at the middle and secondary level, these can be included in the curriculum.

The Observations of the Chavan Committee on Religion

The Chavan Committee clearly emphasised that "another aspect that must be given some thought **is religion, which is the most misused and misunderstood concept**. The process of making the students acquainted **with the basics of all religions, the values inherent therein and also a comparative study of the philosophy of all religions should begin at the middle stage in schools and continue up to the university level**. Students have to be made aware that the basic concept behind every religion is common, only the practices differ. Even if there are differences of opinion in certain areas, people have to learn to co-exist and carry no hatred against any religion.

One should never forget that all the values are derived from the ultimate reality – the supreme power or self-consciousness – to which man orients himself. Once faith in that reality is lost, values lose their meaning. To believe that we have the divine spark in each one of us is the most important eternal value to be inculcated in the small children even before starting their school life. It is acknowledged now the world over that the ultimate goal of education is the realisation of the treasure within".

The Committee was in agreement with the widely accepted view that value-based education should be introduced at the school level and extended to the college and the university level. At the secondary stage, some advanced values, which are of vital importance for national integration, should be integrated into the syllabus.

With the advancement in information technology, audio-visual media has dominated the information/knowledge system of our country. Under the invasion of Western culture penetrating into India through the media, the young are being literally moved away from our age-old traditions and values. Any attempt to instil indigenous values in students in schools and colleges are over-shadowed by the overwhelming impact of Western culture. **The Committee was of the considered view that stringent efforts are required on the part of the Government to monitor the programmes being aired/telecast through its media.** Similar steps need to be taken so as to have a mechanism of quality control of programmes under the control of private agencies too.

THE DISCUSSION ON RELIGION IN THE NCFSE - 2000

After due consideration and thorough reflection, the NCERT decided that it would be in the best of interest of the future citizens of India to be exposed to the foundations of religion right at the school going stage. Of course, this being a unique field of study, it was recommended that value education should not be a separate academic discipline with examinations, grading, etc. but a part of every subject, whether science or history, in the classroom as well as on the playground. It was envisaged that the twenty-first century Indian would grow to have natural respect for human rights, human dignity and secularism.

So, the vision for education about religions was articulated in the following passages in the NCFSE-2000:
On strengthening national identity and preserving cultural heritage (page 12, 1.4.2)

... education has to play its dual role of being conservative and dynamic – bringing about a fine synthesis between change-oriented technologies and the country's continuity of cultural tradition. At no point of time can the school curriculum ignore the inclusion of specific content to forge national identity, a profound sense of patriotism and nationalism tempered with the spirit of Vasudhaiva Kutumbakam, non-sectarian attitudes, capacity for bridging differences arising out of caste, religion, ideology, region, language, sex.... [On Education for Value Development (page 19, 1.4.7)]

Another significant factor that merits urgent attention now is religion. Although it is not the only source of essential values, it certainly is a major source of value generation. What is required today is not religious education but education about religions, their basics, the values inherent therein and also a comparative study of the philosophy of all religions. These need to be inculcated at appropriate stages in education right from the primary years. Students have to be given the awareness that the essence of every religion is common, that differences of opinion in certain areas have to be respected. However, a word of caution is required here. Education about religions must be handled with extreme care. All steps must be taken in advance to ensure that no personal prejudice or narrow-minded perceptions are allowed to distort the real purpose of this venture and no rituals, dogmas and superstitions are propagated in the name of religion. All religions have to be treated with equal respect (Sarva Dharma Samabhava) and there should be no discrimination on the ground of any religion (Panthaniraptkshata).

SUPREME COURT JUDGEMENT

These issues came up before the Supreme Court. After extensive deliberations, each of the three Judges upheld the NCERT's point of view.

Justice M.B. Shah ruled:

- that the object for value based education is to fight as a nation against all kinds of fanaticism, ill will, violence, dishonesty, corruption, exploitation and drug abuse;
- the National Policy on Education, 1986 also lays emphasis on equity and social justice in education, to promote the country's unique, socio-cultural identity, and to contribute to national cohesion, promoting tolerance;
- Enable the learner to acquire knowledge to develop concepts and inculcate values commensurate with social values aimed at friendliness, co-operativeness, compassion, self-discipline, courage, love for social justice, truth, righteous conduct and non-violence;
- For religion, it is stated that students have to be given the awareness that the essence of every religion is common, only practices differ;
- All steps should be taken in advance to ensure that no personal prejudices or narrow minded perceptions are allowed to distort the real purpose of imparting education on religions; no religious dogmas and superstitions should be promoted to propagate in the name of education about religions.

Justice D.M. Dharmadhikari ruled:

- I am in agreement with the view that education of religions can be imparted even in 'educational institutions' fully maintained out of State funds. Secularism is the basic structure of the Constitution. Clause (1) of Article 28 prohibits imparting of 'religious

instructions' in educational institutions fully maintained out of State funds.

- The English word 'religion' does not fully convey the Indian concept of religion. The *Rig Veda* describes *Dharma* as *Athodharmant Dharayan*. In this concept of religion or *Dharma*, different faiths, sects and schools of thought are merely different ways of knowing truth, which is one. The various sects of religious groups are understood as *Panth* or *Sampradaya*. In the Western world particularly in Britain, religious education has been understood as nearly identical with religious instructions. India is wedded to a secular philosophy by its Constitution; 'religious education' to distinguish it from 'religious instructions' can mean approaching the many religions of the world with an attitude of understanding and trying to convey that attitude to children. This distinction between 'religious instructions' and 'religious education' has to be maintained while introducing a curriculum of religious education and implementing it.
- In the world, different thoughts on the relationship of man with God and nature are to be found in various religions like Hinduism, Buddhism, Zoroastrianism, Jainism, Judaism, Islam, Christianity and many others. These different thoughts have influenced crores of people who are following them. The common factor of all these thoughts should be understood as the ultimate truth. If we delve deep into these various thoughts we get this knowledge. These words should inspire the educationists and the people of India in creating a real secular society in which 'religion' in its wider sense is imbibed and a heartfelt respect developed in people of one religious faith towards people of another religious faith.
- The lives of Indian people have been enriched by integration of various religions and that is the strength of this nation. Whatever kind of people came to India either for shelter or as aggressors, India has tried to accept the best part of their religions. As a result, a

composite culture gradually developed in India and enriched the lives of Indians. This happened in India because of the capacity of Indians to assimilate thoughts of different religions. This process should continue for the betterment of the multi religious society, which is India

- In a pluralistic society like India, which accepts secularism as the basic ideology to govern its secular activities, education can include a study based on the religious pluralism. 'Religious pluralism' is opposed to exclusivism and encourages inclusivism.
- The comprehensive approach to religion, which should be inculcated in a society comprising people of different religions and faiths, is described as inclusivism. In explicit pluralism, the view accepted is that the great world faiths embodied different perceptions and conceptions of and correspondingly different responses to the Real or Ultimate and that within each of them independently the transformation of human existence from self-centeredness to reality-centeredness is taking place. Such religious education permitting 'religious pluralism' having emphasis on inclusivism in religious education instead of allowing exclusivism can be demonstrated by giving instances.
- There can be found instances of religious vision capable of either inclusivist or pluralist development within each of the world religions although they may not constitute a central thing.
- For instance, in the *New Testament*, It is written that Logos, which became incarnate as Jesus Christ, was "the light that lightens every man".
- In the *Bhagavad Gita* the Lord says, "However men may approach me, even so do I accept them; for, on all sides, whatever path they may choose is mine". And in the *Mahayana Stream of Buddhism*, the *Bodhisattva* gives himself "for the salvation of all beings". In the *Quran*, the following declaration is found:

*To God belong the East
And the West: whithersoever
Ye turn, there is the Presence (or Face)
of God. For God is all pervading
All knowing.*

- The word 'secularism' used in the Preamble of the Constitution is reflected in provisions contained in Articles 25 to 30 and Part IVA added to the Constitution containing Article 51A prescribing fundamental duties of the citizens. It has to be understood on the basis of more than 50 years experience of the working of the Constitution. The complete neutrality towards religion and apathy for all kinds of religious teachings in the institutions of the State have not helped in removing mutual misunderstanding and intolerance *inter se* between sections of people of different religions, faiths and beliefs. 'Secularism', therefore, is susceptible to a positive meaning, that is developing, understanding and respecting different religions. The essence of secularism is non-discrimination of people by the State on the basis of religious differences. 'Secularism' can be practised by adopting a completely neutral approach towards religions or by a positive approach by making one section of religious people understand and respect the religion and faith of another section of people. Based on such mutual understanding and respect for each other's religious faith, mutual distrust and intolerance can gradually be eliminated.
- The real meaning of secularism in the language of Gandhi is *Sarva Dharma Samabhava*, meaning equal treatment and respect for all religions, but we have misunderstood the meaning of secularism as *Sarva Dharma Sam Abhava* meaning negation of all religions. The result of this has been that we do not allow our students even a touch of our religious books. Gandhiji in his lifetime had tried to create religious and communal harmony and laid down his life in doing so. His ardent follower Vinoba Bhave after Independence not only learnt all the languages and made an in-depth study of all the religions of India but covered length and breadth of India on foot to unite the hearts of the Indian people by spreading his message of

non-violence and love. Based on his in-depth study of all the religious books of India, he published, in his lifetime, their essence in the form of different books. He has very strongly recommended that the essence of various religions, which he published in book forms like *Quran Saar*, *Khrista Dharma Saar*, *Bhagawat Dharma Saar*, *Manushasanani*, etc. should be introduced to the students through textbooks because these religious books have been tested since thousands of years and proved to be useful for the development of man and human society.

Justice H.K. Sema ruled:

- I had the privilege of reading the draft judgements prepared by my learned brothers Shah, J. and Dharmadhikari, J. I am broadly in agreement with the conclusion reached at by Brother Shah, J.

His Lordship Sema did not deal with the aforementioned subjects in much detail. His attention was mainly towards an unconstitutional point, what is the locus standi of CABE? We have devoted much of the next topic to this issue and eminent judge's observations.

Will knowledge of religions contradict secularism?

It is noteworthy here that the Hon'ble Justices concurred with NCERT on its view that schoolgoers ought to be exposed to Religion with utmost caution.

Justice Shah in total agreement with the NCFSE-2000 quoted the document in his judgement:

...However, a word of caution is required here. Education about religions must be handled with extreme care. All steps must be taken in advance to ensure that no personal prejudice or narrow-minded perceptions are allowed to distort the real purpose of this venture and no rituals, dogmas and superstitions are propagated in the name of education about religions. All religions therefore have to be treated with equal respect (Sarva Dharma Samabhava) and that there has to be no discrimination on the ground of any religion (Panthanirapeksthata).

Justice Shah made a landmark ruling on the contentious issue:

... it appears to be a totally wrong presumption and contention that knowledge of different religions would bring disharmony in the society. On the contrary, knowledge of various religious philosophies is material for bringing communal harmony as ignorance breeds hatred because of wrong notions, assumption, preaching and propaganda by misguided interested persons.

The ruling went on to give the Supreme Court's stamp of approval on the National Curriculum Framework's proposal to include the Fundamental Duties of the Citizens, as enshrined in the Constitution, for value inculcation.

The salient points

The NCFSE would also be in consonance with the fundamental duties enshrined under Article 51 A of the Constitution which *inter alia* provides as under:

1. To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
2. To protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures;

(It was contended by the Petitioners that if philosophy or religion spills into teaching religious tenets, it would fall under 'religious instructions'. But their Lordships quashed this, making the following observation).

3. In our view, this submission is hypothetical, premature and without any basis, as it is on the assumption that under the guise of religious philosophy, religious instructions would be imparted. Hence in our view, it is not necessary to refer to the discussion relied upon by the learned counsel in the Constituent Assembly Debates

THE QUESTION OF THE 'CABE' - Background

The NCERT is a professional body comprising academicians known widely for their expertise in different fields of education. However, there is a wider family outside its premises on whom the NCERT is dependent for a continuous flow of inputs on how the school education in India can be enriched with the help of new techniques and for integrating new information in its publications. The wide body of teachers, educationists, government and non government organisations working on education, parents of students, among others, make up this family. In 1999, when the NCERT began work on the long-delayed curriculum framework review, the Central Advisory Board on Education (CABE) was in a defunct state. It had not been reconstituted since 1994. The CABE is supposed to be chaired by the Union Minister of Human Resource Development and is to be made up of Union Ministers and Ministers of Education of the States, other elected members including some Members of the Parliament, ex-officio members like the Chairman of the University Grants Commission and similar functionaries and, finally, other invitees specially called by the Government. In all, it is supposed to consist of 104 members. Out of them, 64 are ex-officio members, 32 are nominated by the Government and eight are elected by the Parliament. The provision of quorum for any CABE meeting is two-thirds of the total membership of the Board.

Being a professional institution, the NCERT decided to proceed with the work of developing a new Curriculum Framework out of the valid concern that school children of India were not exposed to modern instructional techniques, had to rely on outdated and often redundant syllabi and study materials and were generally subjected to excessive burden of academics which left no scope for their moral, physical and spiritual development.

To tide over the difficulties posed by non-existence of the CABE, the NCERT decided to take the consultation process far and wide. In fact, much more was done than could be possible through the CABE sittings. It must be emphasised that the NCERT considers every individual concerned with school education - even supposed 'outsiders' like media representatives

and industry captains - as valuable source material for keeping in contact with the material and spiritual demands of different sections of the population. Therefore, beginning late 1999, the NCERT embarked on a nation-wide consultation process. **The National Curriculum Framework on School Education: A Discussion Document was widely circulated and put on the web site.** This resulted in a feedback from hundreds of individuals, each contributing a new aspect which was integrated into the final document. A number of seminars and workshops were also conducted in different parts of India.

The Supreme Court's Order on, the CAGE

Their Lordships, Hon'ble Justices M.B. Shah, D.M. Dharmadhikari and H.K. Sema, after hearing the Counsel for the Petitioners and the Counsel for the NCERT, the Government of India and the Central Board of Secondary Education, delivered views which amount to a landmark ruling on Centre-State relations on educational matters in general and the CAGE in particular. **All the three agreed that the CAGE is not a statutory body and its present non-existence was not a factor which could come in the way of the NCFSE-2000 being implemented.**

Justice Sema, however, took a broader overview on the CAGE and gave a differing view. All the same, he made it clear that:

“With this view on CAGE, I concur with the view taken by Brother Shah in all other respects”.

The points that stand out in the Supreme Court order are:

1. The CAGE is a non-statutory body constituted by the resolutions of the Government of India from time to time.
2. It is true that it is functioning since 1935.
3. However, it being constituted by exercise of the Executive function of the Government, the same cannot be held that as the CAGE is not consulted, the policy laid down by the NCERT is violative of any statutory provision or rules.

4. The judgement noted that the NCERT had submitted in its response that discussions and workshops were held at various levels before framing the National Curriculum Framework. The Supreme Court ruled:

“Therefore, it cannot be said that non-consultation of the CAGE by the NCERT is against the established principle for any oblique motive”.

5. Referring to the relevant extract of the Report of the Ministry of Human Resource Development of 1990-92, in which it was stated that quite a few national institutions specialising in particular aspects of education assist and advise the Central and State Governments in the formulation and implementation of policies and programmes in their respective areas where special mention is made of organisations such as the National Institute of Educational Planning and Administration, the National Council of Educational Research and Training and the University Grants Commission, their Lordships ruled :

“From this report, it is apparent that CAGE is only an advisory body and there are other institutions including the NCERT which also assist the Government in formulation and implementation of policies and programmes”.

To further this point, the Hon'ble Supreme Court further observed:

“....there is nothing on record to establish that in the past, approval of the CAGE was sought before the National Curriculum Framework for School Education was published or implemented”.

6. At another point in their exhaustive report, the Judges held:

“It is true that for coordination between the State and the Centre in implementation of the education policy CAGE had played an important role. But

this would not mean that before framing such policy by an independent body, namely, NCERT, CABE ought to have been reconstituted and consulted”.

7. Also relevant here is a noting in the judgement to the effect:

“There is nothing in either the constitution of the NCERT or in any other Rule, Regulation or Executive Order to suggest that NCERT is structurally ‘subordinate’ or ‘inferior’ to any other body in the field. The CABE, upon its reconstitution in 1990 (by the Government resolution dated 19 October, 1990) is also chaired by the Union Minister of Human Resource Development. It also comprises Union Ministers and Ministers of Education of the States, and other elected members including some Members of Parliament, ex-officio members (i.e. Chairman of University Grants Commission and other similar functionaries) and other persons appointed by the Government.”

8. **Finally, the Supreme Court’s judgement rounded up:**

- (i) The CABE is not a statutory body.
- (ii) There is nothing in the resolution passed by the Government constituting the CABE in 1986 and 1990 suggesting that CABE is required to be consulted before framing a National Curriculum for School Education. The functions of CABE are mainly to advise the Government and co-ordinate between the Centre and the States in implementing the National Education Policy.
- (iii) For one or other reason, it is not reconstituted after 1994. (may be that ex-officio members at present

constitute C.A.B.E. However, we are not required to decide why the C.A.B.E. is not reconstituted. It is for the Government or for Parliament to decide the said question and to constitute the same as it is or by making it a compact Board as suggested by the Prime Minister in the letter dated 12 February, 1997 written by the Deputy Secretary, Government of India, for constitution of C.A.B.E.

- (iv) NCERT is constituted under the Rules. It also consists of ex officio members as well as representatives of Parliament and experts in education.

In his individual judgment, His Lordship, Justice D.M. Dharmadhikari made a historic observation:

All bodies created by executive power of the State, are answerable to Parliament which is the supreme legislative body with all powers in suggesting and formulating a National Educational Policy. It is open to Parliament to fill nominations to C.A.B.E, reconstitute it or do away with it. The court can have no jurisdiction in that subject. This court can enforce constitutional provisions and laws framed by Parliament. It cannot, however, compel that a particular practice or tradition followed in framing and implementing the policy must be adhered to.... for the reasons given above, we do not find that the National Education Policy, 2002 runs counter to the concept of secularism.

The Ruling of Justice Sema on the matter

While concurring with the views of his Brother Judges in all other respects of the case, Justice Sema in his differing judgement, held:

It is true, whether to continue or to discontinue such Board is within the realm of the executive authority, but as long as it exists, consultation with such body, which has been in existence since 1935, cannot be side-

tracked..... This would not, however, mean that NCFSE-2000 published by NCERT is illegal for non-consultation of CAGE.

The Question of SAMSKRIT

The NCERT recognises the special place of Samskrit in the family of Indian and world languages and this is reflected in the NCFSE-2000 because:

1. Samskrit has been in use in India for thousands of years and is still inextricably linked with the life, rituals, ceremonies and festivals of the vast Indian masses;
2. Samskrit contains a great store of knowledge and wisdom that needs to be revived, reformulated and enriched with whatever is the best in modern disciplines of knowledge;
3. It has universal appeal all over the country;
4. It has very close structural, lexical and semantic relationship with Hindi and most other regional languages of India which makes the learning of these languages easier and better; and
5. Samskrit has been internationally accepted as the most scientifically structured language and is being increasingly acknowledged as the best suited language for computer use.

The Curriculum Framework, therefore, states that it is extremely important to provide for and encourage the study of Samskrit. It may be introduced as part of a composite course in Hindi and the regional languages as mother tongue at a suitable point of the primary or the upper-primary stage. The course has to be so planned that the study of Samskrit may not be ignored. At the secondary stage, Samskrit may be made available as an additional option and at the Higher Secondary stage. Samskrit may be made available to all who wish to study it. The open school courses for Samskrit may also be designed for learners at all levels.

The petitioners, however, submitted that Sanskrit was "imposed in an unjustified manner". This was not acceptable to the Supreme Court. Their Lordships ruled after extensive hearing on the subject and reflection on the submissions:

For Sanskrit language being imposed, it has been pointed that allegation is wholly wrong. The provisions only enable this language to be taught to those students who wish to study it. Sanskrit may be made available as an additional option at the secondary stage and as suitable elective course to all those who wish to study it at the higher secondary stage. It is also pointed out that Sanskrit is one of the official languages of India. Reliance is placed on Santosh Kumar's case (Supra) wherein this Court has emphasised the importance of Sanskrit study and declared the omission of Sanskrit from CBSE syllabus as unjustified.

The Supreme Court recalled select portions of the ruling on the earlier case. It had been stated

....we entertain no doubt in our mind that teaching of Sanskrit alone as an elective subject can in no way be regarded as against secularism. Indeed, our Constitution requires giving a fillip to Sanskrit because of what has been stated in Article 351 in which while dealing with the duty of the Union to promote the spread of Hindi, it has been provided that it would draw whenever necessary or desirable, for its vocabulary, primarily on Sanskrit. Encouragement of Sanskrit is also necessary because of it being one of the languages included in the Eighth Schedule.

We, therefore, conclude by stating that in view of the importance of Sanskrit for nurturing our cultural heritage, because of which even the official education policy has highlighted the need of study of Sanskrit, making of Sanskrit alone as an elective subject, while not conceding this status to Arabic and/or Persian, would

not in any way militate against the basic tenet of secularism. There is thus no merit in the first objection raised by the Board.

The Question of VEDIC ASTROLOGY

The petitioners argued that the NCERT had proposed 'Vedic Astrology' in the NCFSE for teaching in schools. There is no mention of this 'subject' anywhere in the Curriculum Document. Therefore, the Supreme Court ruled:

It is pointed out that what has been mentioned in the curriculum is 'astronomy' and not 'vedic astrology'. Astronomy is a well known science and different from vedic astrology.

The Question of VEDIC MATHEMATICS

The NCERT, in the NCFSE-2000, states on page 57 under Mathematics (2.8.6):

Further the students should acquire the ability to solve problems using algebraic methods and apply the knowledge of simple trigonometry to solve problems of heights and distances, etc. The history of mathematics with special reference to India and the nature of mathematical thinking should find an important place. *The students may be encouraged to enhance their computational skill by the use of Vedic Mathematics.*

It can easily be deduced from the above that there was no effort to introduce a new discipline called Vedic Mathematics. India, since the ancient times, has been the original home of mathematicians whose contributions to the study of logic and mathematics is universally acknowledged.

The petitioners distorted the educationists' honest attempt at developing a sense of sharper understanding of mathematics among school-goers and gave it all kind of strange connotation. The Supreme Court's ruling on this matter should close the controversy. It says:

It is submitted that there is no question of imposition of vedic mathematics. It has not been made part of the curriculum but suggested as a computational aid. In teaching mathematics, the teachers are free to merely use it or not as an available idea. It is pointed out that merely because the epithet 'vedic' is used, the petitioners have attempted to attribute something of religion to it. The word 'vedic' in this context indicates only time factor.

The Question of HINDU FESTIVALS treated as NATIONAL FESTIVALS

As in the NCFSE-2000

Schools may organise joint celebrations of the important occasions and festivals of major religions and cultural groups. This would generate better understanding of and appreciation and respect for one another and create a tolerant and cohesive society (Page 118, 5.5.1, Education for Value Development)

The Supreme Court dismissed the petitioners' plea that Hindu festivals are sought to be given the status of "national festivals" and imposed on the whole country, as a "clear distortion". (Page 45 of Ruling)

The petitioners also cited some observations about the study of history as proposed by the NCERT with the allegation that there are several "communal references". The Supreme Court's observations on them are reproduced below verbatim:

It is contended that instead of emphasising development of scientific temper and imparting knowledge to children, to help them develop their own views something contrary is tried to be implemented. There is also distortion of version of history by using the words "Mughals invaded the country as against Britishers conquered the country". The aforesaid submission does not deserve any consideration, hence rejected.

Learned senior counsel, Mr Vaidyanathan, vehemently submitted that NCFSE also runs contrary to Article 14 of the Constitution in as much as it seeks to categorise students into "gifted" and otherwise for separate treatment only on the basis of "spiritual quotients" and "intelligence quotients". It is his contention that intelligence quotient has been banned throughout by the United States of America as not being the correct method to test students. Spiritual quotient is not valid anywhere else in the world. Therefore, the basis of such classification is wholly arbitrary. The aforesaid question cannot be decided in a writ petition under Article 32. It is for the experts to lay down the criteria for evaluating the merits/gradation/standard of the students and to decide whether criteria adopted in USA should be followed or not.

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