

### NIRMA UNIVERSITY

<b>Institute:</b>	Institute of Law
<b>Name of Programme:</b>	B.A., LL.B (Hons.), B.Com.LL.B(Hons.)
<b>Course Code:</b>	2COL842
<b>Course Title:</b>	Law and Education
<b>Course Type:</b>	Department Elective
<b>Year of Introduction</b>	2021-2022

### Credit Scheme

L	T	Practical component				C
		LPW	PW	W	S	
3	-	-	1	-	-	4

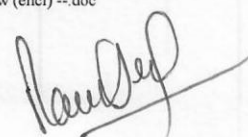
### Course Learning Outcomes (CLO)

At the end of the course, students will be able to:

1. Describe and appraise the philosophy of education.
2. Comprehend and illustrate the constitutional provisions – obligatory and directive – related to education.
3. Distinguish and correlate the elementary education system with the higher education system.
4. Elaborate and appraise the provisions and principles on education rights of minorities.
5. Examine and evaluate the laws related to higher education in India.
6. Develop practical skills related to dispute settlement mechanisms for educational institutions.
7. Appraise the role of private – public combine in the attainment of educational goals.
8. Evaluate the delicate balance between autonomy and regulation in educational process.

### Syllabus:

Unit	Syllabus	Total teaching hour: 60 Teaching hours 10 Hours
Unit-I	<b>Education: An Introduction</b> <ol style="list-style-type: none"> <li>1.1 Philosophy of Education: Rousseau Mill, and Dewey</li> <li>1.2 History of Higher Education in India: Education during Ancient Period: Brahminical and Buddhist Education; Education during the Medieval Period</li> <li>1.3 Higher Education in India during the colonial period: Minutes of Elphinstone (1823) and Macaulay (1835); Sir Charles Woods' Dispatch of 1854; Establishment of Hindu College, Calcutta; Establishment of Universities of Calcutta, Bombay, Madras and Allahabad</li> </ol>	



	<p>1.4 Higher Education in India since Independence: Report of the University Education Commission, 1950; Kothari Commission Report (1964-66); Yashpal Commission Report, 1993; National Knowledge Commission Report, 2007; National Education Policies of 1986 and 2020.</p> <p>Democracy, Liberalism and Aim of Education in India.</p>	
Unit-II	<b>Education: Constitutional Allocation of Power</b>	<b>4 Hours</b>
	<p>2.1 Article 246 read with the Seventh Schedule</p> <p>2.2 Concurrent List Entry 25</p> <p>2.3 Union List Entries 63, 64, 65 and 66</p> <p>2.4 Transfer of Education from State List to the Concurrent List</p> <p>2.5 Areas of Central Legislation over Education: UGC Act, etc.</p>	
Unit-III	<b>Elementary Education</b>	<b>7 Hours</b>
	<p>3.1 Constitutional Assembly Debate on Elementary Education</p> <p>3.2 Pre and Post Constitution, compulsory elementary education</p> <p>3.3 Right to Elementary Education (Article 21A and 45)</p> <p>3.4 Rights of Children to Free and Compulsory Education Act, 2009</p> <p>3.5 Budgetary Allocation and Right to Education</p>	
Unit-IV	<b>Minority and Education</b>	<b>6 Hours</b>
	<p>4.1 Minority Rights-Right to conserve distinct script and culture</p> <p>4.2 Right to establish and administer educational institutions of their choice</p> <p>4.3 Minority Institutions- Right to Compensation</p> <p>4.4 No Discrimination in Grant in Aid</p>	
Unit- V	<b>Higher Education in India</b>	<b>8 Hours</b>
	<p>5.1 Role of Higher Education in the private and public life of individuals</p> <p>5.2 Higher Education and the Constitution of India</p> <p>5.3 University Grants Commission Act, 1956</p> <p>5.4 Qualifications and Eligibilities for Scale and Promotions</p>	

	5.5 Analysis of Commissions and Committee reports relating to Higher Education,	
	5.6 Legal provision Technical and Vocational Education in India.	
Unit-VI	<b>Dispute Settlement Mechanism for Educational Institution</b>	<b>8 Hours</b>
	6.1 Chancellor, CDC	
	6.2 Educational Tribunals	
	6.3 Judicial Review	
	6.4 Educational Tribunal Act, 2010	
Unit-VII	<b>Market Economy, Education and Law</b>	<b>9 Hours</b>
	7.1 Public Private Partnership in Education	
	7.2 Private Higher Education: Opportunities and Challenges	
	7.3 Private University Act (Different State Acts)	
	7.4 Universities for Grant of Graded Autonomy Regulations – 2017	
	7.5 The Indian Institutes of Management Act, 2017	
	7.6 New Education Policy: Opening doors for foreign universities	
Unit-VIII	<b>Quality Assurance of Education through Regulatory Frameworks</b>	<b>8 Hours</b>
	8.1 Need for Quality Assurance	
	8.2 Regulatory Mechanisms: Need, Scope and Purpose	
	8.3 Regulating Professional Education: AICTE, BCI, NMC	
	8.4 UGC (Institutions of Eminence Deemed to be Universities) Regulations, 2017	
	8.5 New Education Policy	
	8.6 Draft Higher Education Commission of India (Repeal of University Grants Commission Act) Bill 2018	

Suggested Reading  
Reference:

1. UNESCO - 2021 Global Education Monitoring Report: [https://en.unesco.org/gem-report/non-state\\_actors](https://en.unesco.org/gem-report/non-state_actors)
2. The Foreign Educational Institutions (Regulations of Entry and Operations) Bill of 2010
3. UGC [Institutions Deemed To Be Universities] Regulations, 2019
4. Sankhdher B. M. (1999). *Encyclopedia of Education System in India*. Deep Publications
5. Mehta PL Poonga R (1997). *Free and Compulsory Education*. Deep and Deep Publications

6. Baxi Upendra, "Mass Copying: Should Courts Act as Controller of Examinations" Delhi Law Review
7. Malik Krishna Pal (2012). *Right to Elementary Education*. ALA
8. Agarwal Pawan (2009). *Indian Higher Education: Envisioning the Future*. SAGE Publications India,
9. Chandra Pankaj (2017). *Building Universities that Matter: Where are Indian Institutions Going Wrong?* Orient BlackSwan
10. Azad Jagdish Lal (2014). *Evolution of Indian Education*. Gyan Book Pvt Ltd.
11. Report by National Knowledge Commission, 2007, available at <https://www.india.gov.in/reports-national-knowledge-commission>
12. Report of Kothari Commission, available at <http://14.139.60.153/handle/123456789/2448>
13. Yashpal Committee Report, available at <https://www.aicte-india.org/downloads/Yashpal-committee-report.pdf>