



# Miranda House

## UNIVERSITY OF DELHI

### Departmental Annual Report - 3

#### Departmental Activities: Curriculum and Beyond

**Department: POLITICAL SCIENCE**  
**Academic Year: 2020-21**

#### Part A.1

#### Students undertaking project work

Programme: BA Hons  
Course: Political Science  
Course Code: 12323901  
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# Detention

Laws and Guidelines related to Detention in India

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### Introduction

- Arrest and detention is another important phase in investigation of crimes.
- The term arrest refers to apprehension of a person by legal authority resulting in deprivation of his liberty.
- Arrest and custody are not synonymous terms. Arrest consists of seizure or touching of a person's body with view to restrain him, custody consists of submission of a person to the custody by word or action.
- Police are empowered under CrPc to arrest a person in both cognizable and non cognizable case.
- In Cognizable cases, the police can arrest a person without a warrant from competent magistrate.
- In non-cognizable case the police have to obtain a written warrant of arrest from a competent magistrate under section 155 CrPC.

### Detention Laws In India

**ARTICLE 22 (Constitution of India) : Protection against Arrest & Detention in certain cases.**



#### **Article 22 Clause (1)**

Entitled to consult a legal practitioners .



#### **Article 22 Clause (2)**

Accused to be produced before the magistrate within 24 hours.



#### **Article 22 Clause (4)**

No individual to be detained for more than three months.



#### **Article 22 Clause (5)**

Detained individual should be aware of the grounds of detainment & get an opportunity to make representation against the order .



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## Sections That Provide Detention Of Accused Person :



The legislature incorporated the two sections by which they expected investigation to be conducted by the police **promptly & effectively**.

**Section 57  
of CrPC**



For instance , within 24 Hours under Section 57 but if not , then under Section 167 within 15 Days from the date when the person arrested was first produced before the magistrate .

**Section 167  
of CrPC**

## Custodial Deaths and the DK Basu Guidelines :

Custodial death is generally defined as the demise of an individual, who is arrested by the police as a suspect for their involvement in the crime or being under trial.

In the last 10 years, the majority (69%) of 1,004 deaths in police custody have been attributed to either illness and natural causes (40%), or to alleged suicide (29%), in National Crime Records Bureau data, which is far from reality.

Stories of these custodial deaths prompted Dilip K Basu, then Executive Chairman of the Legal Aid Services of West Bengal to send a letter to then Chief Justice of India, P N Bhagwati, on August 26, 1986. Chief Justice Bhagwati treated the letter as a writ petition, and the Shri D K Basu, Ashok K Johri versus State of West Bengal and State of Uttar Pradesh case was taken up by the apex court in 1987.

This case resulted in the laying down of specific requirements and procedures by the Supreme Court of India for the police and other agencies to follow during the arrest, detention and interrogation of any person, called the DK Basu Guidelines.







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### Preventive Detention

Preventive detention means detention of a person without trial. It refers to the detention at the will of the executive. Objective of preventive detention is to prevent a person from doing something .

To quote the words of Lord Finley,

***"it is not punitive but precautionary measure".***

**Article 22(3)** of the constitution,  
**Section 151** of CrPC-deals with  
preventive detention laws.

**Article 22(4)-(7)** contain  
some safeguards against  
the abuse of this power.

### Grounds on which preventive detention can be made:

- Security of the state, maintenance of public order
- Maintenance of supplies and essential services and defense
- Foreign affairs

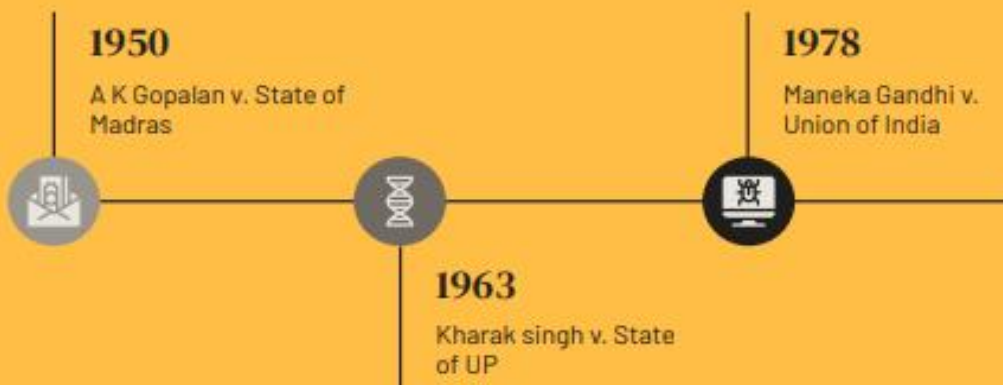
**44th Amendment  
Act, 1978**



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### Important cases regarding preventive detention :



## Conclusion

Arrest and detention is an essential phase in investigation of crimes. Preventive detention is to prevent anti-social activities, but these laws directly affect the fundamental rights and freedoms of people who are guaranteed by the primary source of law in India. The complexities arising out of the implementation of these laws can consume a lot of time of the judiciary and life of the person so detained. So the procedure of arrest and detention must be in a just, fair and reasonable manner.





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### Our Team :



**Fathima A S**

2020/133



**Harshita Kumari**

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2020/1768



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2020/278



**Thankyou!**





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## COVID POLICIES

### "What it is & what it should be"

India, the second largest country population wise is going through its second though, most devastating wave of SARS COVID 19, keeping lives on the threshold of death. People are dying of lack of oxygen, medicines and even for a bed. Irrespective of being rich or poor, educated or uneducated, or say to be living in small villages or mega metro cities the situation counts for the same. At this juncture we are not lagging in resources but in planning, coordination and policy making.

The "First Wave " was not any better, but the only reason behind India being able to overcome that wave was perhaps some "wise decisions and coordination" among people, Centre and State and within the Government. In this pandemic, we have lost a lot and have learned too. This catastrophic event is aiming to diminish not just one region or perhaps one country but the entire human kind.

The first wave has taught us that "nothing waits for you to come and look over it". Hence, we should be cautious enough to handle an emergency and each one of us should be responsive enough to at least prevent ourselves from being infected. Then, "What led India to suffer from a much more devastating wave? Why could not India control the second surge of SARS Covid 19 in the months of March, April and May? And where did India lack?"

### MISCONCEPTIONS/AFFECTS "PUBLIC POLICIES"

When a Government takes decisions or forms policies, it never affects only one person, Either it affects a large "community or an entire Nation". Hence, the decisions taken or the policies made by the government in the months of February and March have not affected one person but perhaps the Country as a whole. The results of those are visible now as India is stumbling over the stone of life. Even treasures have become useless now. What we need now is just one bed and oxygen. Somebody has said and it is worth quoting it here "Oxygen Oxygen all around but not even a single breadth to inhale".

The Health Minister of India Dr. Harsh Vardhan, had said in the month of February that "India is in the End Game of Covid 19" and had applauded PM Narendra Modi for his excellent leadership. Having said this, Mr. Vardhan was indicating the fact that India has been observing ten to eleven thousand cases only daily after reporting up to 99, 000 in a day in the month of September. Many virologists in and outside of India have been quoting that a (A comparatively less number of Covid positive cases never meant that we have overcome this pandemic). Probably, this misconception among people has led India to suffer a second surge.

At the end of February, India's election



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authorities announced key elections in five states where 186 million people eligible to vote for 824 seats. Beginning on 27th of March, the polls would stretch over a month, and in the case of the state of West Bengal, be held in eight phases. Campaigning had begun in full swing, with no safety protocols and social distancing. Regular public rallies were held in massive scales; however this could have been done in a virtual form not in a physical one. Were these elections more significant than people's lives? Neither the attender nor the organizer felt a need to maintain some social distancing, to use sanitizers or even to wear a mask. Thousands of people gathered in the state of Bengal to attend rallies and public speeches by prominent leaders, including our Prime Minister, and none of them even cared to follow any norms as set up by the Election Commission of India. When other states like Maharashtra, Chhattisgarh and Union Territory of Delhi were facing a deadly surge in Covid cases and people there dying for a single bed, lakhs of money was being spent in election campaigning in all the five states. Maybe we could have used this money to develop the medical

infrastructure or to increase the production of beds, oxygen plants etc. Hitherto, these were few of the reasons as to Why India suffered this second surge of Covid 19, as of my interpretation. As in the current situation, elections have ended, the cricket matches which were to be held or had already started have been either suspended or ended. Few of India's states have crossed the peak of second strain and some are still fighting over it. So, can we say that India is half way to winning this battle? No, it will be really early to make any claim. Experts have said that the third "

wave is to come and don't know if more. So, "How can we overcome it? What reforms can be made to at least reduce the effect of the third wave?"

### REFORMS "A NEW INDIA"

India's Literacy rate stands at 72.93 % as per the census 2011-2015. In India a person being literate meant the one who can read and write their name. "As per the census of 2011 only 8.15% (98.615 million) people are actually Graduated", out of 136.64 crores. One of the major reforms that India should seek is in the 'Education Sector'. Yes, education is not a mandatory factor for India to grow but yes of course it is one of the most important among all. The highest percentage of vaccines are being wasted in the states of Jharkhand and Chhattisgarh with 37% and 30% respectively, both of them are known as tribal states and the experts are of the view that this wastage is due to the lack of awareness among the people and this lack of awareness is due to the people being uneducated. Hence, Education does play a major role in the development of a country, and now it is the time when India should definitely take required steps ahead.

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These reports say, once admitted they have no clue about their loved ones,





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suddenly when the action is taken, hospital staff says the patient had died a while ago, hospital staff does not allow the loved ones to have even a single talk over call and again declare them dead when complaints are filed, etc. So, why is this happening?

The answers to all these questions have been laid under surveillance. The lack of 'Surveillance' is letting all these questions arise, none of the hospitals have proper surveillance systems, the concerns of the general public are not wrong or myths they have a truth inside them and are still searching for an answer.

So, one of the other reforms that India should undergo, is to "Set up a proper surveillance system in all the hospitals. This system of check will also make the hospitals "Responsible and Accountable" to the general public and to the Government.

**Aarvi Agarwal**

B.A (H) POLITICAL SCIENCE, 1st YEAR

### CONCLUSION

I began this article with a question "THE COVID POLICIES - What it should be and What it actually is" and the answer to this is "No", India could have been in a better position. Though, reforms have been made and India is in a better position than what it was in the beginning. In the beginning people were hesitant in getting vaccinated, but now as it seems people are much more aware and are willing to act responsibly. Hence, "Every day the clock resets", and soon it will reset for India too.

So, let's take a pledge to be more responsible and cautious, let's take a pledge that we will not let the third wave harm us, let's take a pledge that we together as "INDIANS" will end this war and let's please be united this time.



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# GENDER DISCRIMINATION IN VACCINE DRIVE

Comprehending the ravages of the first and the second waves of the Coronavirus, the government of India sanctioned the urgent administering of the Coronavirus vaccination to every Indian citizen above the age of 45 in the second phase (1st April 2021), and then reducing the age bar and intaking everyone above the age of 18 in the third phase (1st May 2021), across the length and breadth of the country.

The first phase of the vaccination drive however started much early in January 2021, administering to anyone above the age of 60 years old, and 45 years old with morbid diseases, and in these 6 months of vaccination drive in India only around 48 crore of 138 crore Indians have been vaccinated, single and double doses included. Looking at the figures available to us, the stark rift in the vaccination drive could be easily perceived with around 65% of the population still waiting to be vaccinated. With the impending third wave and the discovery of various variants of the virus, the vaccination disparity is becoming even more worrisome.

The one facet that keeps escaping the interest of the individuals is the alarming difference between the female vaccinated adults as against the male vaccinated adults, and the vaccination of the LGBTQIA+ community. According to government registered reports, around 22 crore females have been vaccinated against 26 crore males, with zero data available in regards to the vaccination of the

LGBTQIA+ community, therefore hinting towards the gendered discrimination of the vaccination drives, starting from the vaccination registration itself. In mid-April, the vaccination gap between males and females was 12% which doubled to 24% in the start of May, and the gap continued to dwindle since then.

Dr. Princess Nothemba Simelela, Assistant Director-General on Strategic Programmatic Priorities, WHO, commented while speaking at the 65th Commission on the *Status of Women*, "With the over 500 million doses of COVID-19 vaccines already distributed, the inequity is obvious. Very few of these vaccines are reaching the most vulnerable", thereby annotating the trend of biased administering of the coronavirus vaccines around the globe with the marginal gender facing the brunt of high risk. Researchers in India could also note a similar pattern with women of all social stratus either barred from the vaccine jabs, or questioning the affectability of the vaccine and tallying the post vaccine side-effects. Until July, pregnant women were not allowed to vaccinate themselves, and hence a questionable atmosphere was looming large of whether expecting and lactating mothers should vaccinate themselves keeping in mind the health of their unborn and newborn babies, and their future fertility. Despite the government launching grassroot programmes with local health

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workers to reach out to women for eliminating fear of the vaccine, the stark difference is still there. In a bold move, the Health Minister launched a communication strategy, “sustain vaccine confidence” in an attempt to reach out to the women. But even if the Government launches programmes to communicate with women, the deep-rooted patriarchy and discriminatory practices of cis-men would still underestimate the health risks of the women. Dr. Soumitra Ghosh, Professor at TISS, in a press interview said, “The gendered nature of health care access hurts women. For example, within the family, male members often get a higher share of food and nutrition. It was therefore surprising that the vaccine policy was gender neutral, not gender sensitive”. Ghosh’s comment clearly highlights the gender stratification of the society, and the focal reason why women are deprived of vaccines. A nation bordering geographies of every kind from north to south and east to west, and housing people of every stratum of the society, the Government should have taken all these diversities in count while rolling out the vaccines. Many individuals, mostly women and gender minors, cannot register themselves or travel to the health centres for their vaccinations - there’s the limitation of finances, technological gadgets and even their mobility to longer distances, pertaining to their age, and even the conditions at their houses. These practical reasons topping with the generic fear of infertility and spreading of misinformation like death is preventing women from vaccinating. The in-vogue “Drive In Vaccine” is only limited to certain metropolitan cities aiming only the privileged class of the area, and so most of the women, gender minors, and even men in this case, are not able to avail the vaccines- the sanitation workers, slum dwellers, sex workers, majority of

Dharavi, and such like places, is facing the most repercussions. Therefore, the argument of vaccination disparity, and the impossibility of attaining them at the earliest could be understood from the Primary researches conducted.

Very few researches have been conducted regarding the plight of the LGBTQIA+ community, and their vaccination, however a recent study revealed only above 20,000 transgender people have been administered with their first jabs. No data recorded in the official COWIN website notifies the huge bias prevailing in the vaccine registration, which again classifies the LGBTQIA+ community under one umbrella term, “Others”. Primary researches reveal that majority of Trans people have been mocked or looked down upon while the administering of the vaccine, there’s a generic fear of their life, and since most of the Trans people are not tech savvy and financially secured, the online registration of the vaccine acted more as a bane to them, than a boon. Shreen Hamdani, a research scholar at the Central University of Kashmir commented, “(LGBTQIA+ people) are stigmatized due to their appearance and sexual preferences. They aren’t even considered to get vaccinated. Their mental, economic and health conditions are at stake and prone to worsen due to ongoing pandemic.”

The Coronavirus Pandemic when hit the world population in late 2019, it didn’t affect just the privileged group of people, it neutrally affected every section, from every class of every corner of the world, and so when the vaccines started to roll out in late 2020 the Governments in-charge should have made it a point to look into the equitable administering of the vaccines, to ensure that the vaccines





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are reaching everyone without any biases or prejudices, and should have looked out for the vulnerable classes more. Despite the recent narrowing in the bridge of

the gendered vaccine disparity, the Indian Government has a long way to go before it could claim a 100% vaccination of the entire population.

*Diya Kirttania*

B.A (H) POLITICAL SCIENCE, 2nd YEAR

## NATIONAL EDUCATION POLICY 2020

### Policy Analysis

#### INTRODUCTION

Education is a treasure trove of emerging ideas, a nursery of human potential, and a universe of knowledge and enlightenment. The geo-politics of today are intertwined in a web of meticulous economic underpinnings, path-breaking technological interventions, tantalizing discoveries in the sciences, and an enormous corpus of classical literature and philosophy that introduces us to the grandiose past of this planet and guides us on the path to unparalleled success in the future. Within this humongous web of social, political, economic, technological, religious and philosophical calculus of human existence, what drives humans to keep evolving themselves in this ever-changing global scenario is a flexible education system that meets the demands of contemporary times. A system that provides quality education to all, ensuring equitability, social and economic justice, ignites political activism, and reinvigorates moral and intellectual capabilities is a prerequisite to every developing nation.

#### CONTEXT & BRIEF HISTORY

The Government of India unveiled a ground-breaking, progressive and comprehensive National Education Policy on 29 July 2020, one that seeks to revamp and transform the education system in a

way that redefines the tone and tenor of our traditional, custom-driven educational framework. The policy proposes noteworthy reforms that have been much awaited and would nip the problem in the bud, subject to effective implementation. The policy is one-of-its-kind, and indeed, the first in the twenty-first century, a successor to the National Education Policy of 1986. The ideas presented in the overarching framework of suggested changes are laudable and praiseworthy, much for the kind of vision they encapsulate. A closer look at the key takeaways from NEP 2020:

#### HIGHLIGHTS:

##### School Education:

- Universalization of education from pre-school to secondary level with 100% Gross Enrolment Ratio (GER) in school education by 2030.
- The current 10+2 system to be replaced by a new 5+3+3+4 curricular structure corresponding to ages 3-8, 8-11, 11-14, and 14-18 years respectively.
- Emphasis on Foundational Literacy and Numeracy, no rigid separation between academic streams, extracurricular, vocational streams in schools.
- Vocational Education to start from Class 6 with Internships.



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- Teaching up to at least Grade 5 to be in mother tongue/regional language. No language will be imposed on any student.

### Higher Education:

- Gross Enrolment Ratio in higher education to be raised to 50% by 2035.
- Holistic Undergraduate education with a flexible curriculum can be of 3 or 4 years with multiple exit options and appropriate certification within this period.
- M.Phil courses will be discontinued and all the courses at undergraduate, postgraduate and PhD level will now be interdisciplinary.
- Multidisciplinary Education and Research Universities (MERUs), at par with IITs, IIMs, to be set up as models of best multidisciplinary education of global standards in the country.
- Higher Education Commission of India (HECI) will be set up as a single umbrella body for the entire higher education, excluding medical and legal education. Public and private higher education institutions will be governed by the same set of norms for regulation, accreditation and academic standards. Also, HECI will be having four independent verticals.
- Affiliation of colleges is to be phased out in 15 years.

### Other Changes:

- It also paves the way for foreign universities to set up campuses in India.
- It emphasizes setting up of Gender Inclusion Fund, Special Education Zones for disadvantaged regions and groups.
- National Institute for Pali, Persian and Prakrit, Indian Institute of Translation and Interpretation to be set up.
- It also aims to increase the public investment in the Education sector to reach 6% of GDP at the earliest.

- Currently, India spends around 4.6 % of its total GDP on education.

### **CRITICAL ANALYSIS:**

Section 27 of the policy draws a detailed description of the government's vision in achieving the stated goals through effective implementation. While the steps to implementation appear extremely well-thought out and pretty much achievable, there is a tepid response to the context in which this policy is aimed at being institutionalized. The policy is seemingly silent on how the planners will implement it in the backdrop of wide disruptions that have crept into the education sector owing to the pandemic. Section 27.3 talks about possible future consultations with relevant ministries, both at the Central and State levels. However, post policy consultations (that too with the functionaries of the govt itself) would do little benefit in that case. Less attention has been given to the multiplicity of stakeholders in this juggernaut of institutional development. A wide array of professors, teachers, scholars, public policy experts and professionals from diverse fields (doctors, engineers, architects, historians, scientists, accountancy experts, etc.) haven't been consulted while framing the policy. Their opinions of other professionals would have invariably added to the broadness and forward-looking approach of this policy.

Talking about centre-state cooperation, states have also vociferously voiced their concerns regarding under-consultation with state governments by the centre in framing the policy.





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Education is a concurrent subject- reforms need to be operationalized only collaboratively. Funds also depend on both- sufficient funding is crucial for efficacy. The policy aims at increasing the overall GDP expenditure on education from 4.43% to 6%. However, there is little stress on the policy as to how the funds will be shared between centre and states.

The policy proposes to encourage and incentivize higher education institutions (HEIs) to use local/regional languages as the medium of instruction. While this is a welcome move, However, It would also deepen inequalities among those not studying in English as their prospects of finding jobs depends a lot on the preference given to English as a medium of instruction. Fate of students undertaking inter-state movement has also not been addressed adequately by the makers.

Proposal to collaborate with foreign universities is fraught with difficulties. An Indian Express survey reported that a sweeping number of global universities, including Yale, Cambridge, MIT and Stanford, University of Edinburgh and Bristol, were disinclined towards collaborating with Indian universities. There are complexities with regards to the contradiction between provisions of Right to Education Act 2009 and National Education Policy, 2020 (eg, age of starting school etc.). Its proposal to gradually phase out the need for affiliation for colleges will open the doors to privatization thereby hitting hard on social justice to citizens, especially to students from rural and backward classes. Bringing early (pre-school) education within the ambit of anganwadi would reinstate the informal workload on anganwadi workers. The state of their functioning, especially the recognition awarded to their work, so far, has been largely abysmal.

It must look into shaping a cogent environment at students' homes by making provisions for

reaching out to parents, building intellectual capabilities with regards to their wards' education and sensitize them about the need for educating their children (particularly girls). Focus should be on preventing student-suicides especially among high school and college going students, which happen primarily owing to extreme levels of study-related pressure or in some cases, lack of opportunities and economic support for education. Parental pressure has become a serious issue in the present times, and parents must be sensitized about this too.

Section 2.3- teacher vacancies will be filled at the earliest and brought to under 30:1. But, how the government strategies to achieve and how it looks forward to encouraging more people to undertake the profession of teaching is quite unclear. Section 26.7 discusses the strategy to curb commercialization of education. However, it does not take into account the position of private educational institutions viz. commercialization of education and the over-commercialized nature of current educational discourse. While the policy is definitely forward-looking, it also needs to be retrospective to the extent that it hammers out solutions to the pre- existing problems of corruption, commercialization and monopolization of the education sector. All these factors deeply impinge on the principles of 'equitability, inclusivity, equity, social and economic equality and justice', that NEP 2020 so fervently espouses.

### CONCLUSION:

After performing an intense analysis of NEP 2020, one can conclude that the policy is indeed progressive, thought-provoking and realistic in its goals. How far it panders to the current requirements of the country's socio-political-economic landscape would





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After performing an intense analysis of NEP 2020, one can conclude that the policy is indeed progressive, thought-provoking and realistic in its goals. How far it panders to the current requirements of the country's socio-political-economic landscape would depend on the vision of the makers, responsible for its effective implementation.

**Tanya Sood**

**B.A (H) POLITICAL SCIENCE, 2nd YEAR**

And the test of its implementation lies in the synergy between potential stakeholders, technical and adequate financial wherewithal with the government and an active participation by the citizens concerned (teachers, professors, scholars, policy makers, etc). Whether the promises are fulfilled both in letter and spirit will be seen in the due course.

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