

CRITICALLY ANALYSIS NATIONAL EDUCATION POLICY 2020 VIS-À-VIS RIGHT TO EDUCATION

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Abstract

Education has an important part in developing a nation; the future of the country and the destiny of the people are determined by education. The influence on the growth and development of the nation and citizens will be long-lasting. In today's reality, the function and value of education cannot be overlooked. The era of pre-independence and post-independence is considered as a comparison of growth and progress. India has an essential national policy supporting universal primary education, the Right of Children to Free and Compulsory Education Act. While some states succeeded in expanding the number of school-going children, decreasing dropout rates and minimizing the out-of-school children rate, others failed to make progress. These states are astonishingly successful in many cases because they are not extremely rich since they have substantial rural populations, and some suffer more political and social problems.

For any country, at the school and college level, a well-defined and futuristic education strategy is crucial since it contributes to that country's economic and social advancement. Considering their traditions and cultures, many nations adopt different education systems and adopt different phases during their life cycle at the school and college level to make them efficient. The new education policy, recently enacted by the Indian Government, based on the recommendations of a committee of experts headed by Dr Kasturirangan, former Chairman of the Indian Space Research Organization (ISRO). After 34 years Indian Government planned to change the way we study; this is the third amendment in the education policy. Many changes proposed in the new National Education Policy 2020 would undoubtedly affect all the stakeholders. NEP 2020 is the ultimate product of a lengthy and comprehensive procedure. NEP2020 is a highly detailed plan report. This article focuses on the salient features of the policy, goals, vision, challenges and the author also provide specific suggestions to overcome the problems. The main focal point is the Higher Education aspect and the country's execution of the same. The paper

also addresses other topics, such as professional training, vocational education, research and online and digital education. Overall, the government's progress is a remarkable and highly encouraging move ahead. Only the time will be taken to evaluate the amount of overall efficient production.

Keywords – *Right to Education, National Education Policy, Universalization of Elementary Education, Higher Education, NEP-2020, online and digital education, Vocational Education, Professional Education, Research, Curriculum, Mother-tongue.*

INTRODUCTION

"The child is a soul with a being, a nature and capacities on its own, who must be helped to find them, to grow into their maturity, into fullness of physical and vital energy and the utmost breadth, depth and height of its emotional, intellectual, and spiritual being: otherwise, there cannot be a healthy growth of the nation."

- *P N Bhagwati, Former Chief Justice of India, 2000¹*

India is known for being the second-largest populated country in the whole world. As per the Government's statistics, India is also known as one of the most prominent young populated countries. According to William Wordsworth in his Poem "My Heart Leaps Up", a Child is the father of a man, which means that the relationship between nature and the individual, the importance of his childhood, defines the man he becomes.² The child, to become bright and brilliant, should be well-groomed in his childhood days itself. He should receive education to acquire a man's knowledge and thrive in such an atmosphere that he should be a person with a mission and matters as far as society is concerned after he grows up. It is said that Children are priceless assets of society as they are responsible for building the future nation. They have to be adequately fed, clothed, and reasonably sheltered in a well-friendly and favourable environment. For this to happen, children have to have few rights for themselves based on their interests. Hence, it is for the community as a whole to think, create, and put together for the rights of the

¹P N Bhagwati, 17th Chief Justice of India, <https://zenodo.org/record/1218394#.X2Npb2gzbiU>, accessed on 17-05-2021.

²William Wordsworth, English famous Poet, <https://interestingliterature.com/2018/01/the-child-is-father-of-the-man-a-short-analysis-of-william-wordsworths-my-heart-leaps-up/>, accessed on 10-01-2021.

children. In certain situations, it is not wrong to fight for those rights also. Consequently, Education becomes the fundamental right of a child.³

To regulate India's education sector, the Government announced a policy known as the National Education Policy, enacted in 1968. The first revision was in 1986. However, after 34 long years, a remarkable change was made in 2020 by passing a New National Education Policy 2020. The provisions were brought about as per the modern developments in the world. Through the 86th Constitutional amendment, the already-existing right to education was made fundamental to provide education to everybody, and it became their right to claim the same. To make this right effective, the Parliament enacted the 'Right to Education Act, 2009'.

INTERNATIONAL INSTRUMENTS AND CONVENTIONS

1. The Universal Declaration of Human Rights, 1948 - Article 26 recognizes the right to education as a human right, and wherein it provides that everyone has the right to education. Education must be geared toward the complete growth of the human personality and the reinforcement of human rights.⁴
2. The International Covenant on Economic, Social and Cultural Rights, 1966 – Article 13 provides that this right is the fundamental human right and makes provision regarding primary education, secondary education and higher education.⁵
3. The Convention on the Rights of the Child, 1989 – Articles 28 and 29 provide extensive provisions for a child's education. It makes it mandatory for States Parties to recognise a child's right to education.⁶
4. The United Nation Economic Cultural Social and Cultural Organisation(UNESCO) Constitution also mentions the founders' belief in "complete and fair educational opportunities for everyone."⁷

³Dr. H.N.Giri: Seventh Annual Conference. The Indian Society of Criminology, Aligarh Muslim University Aligarh, December 28-29, 1977 - <http://www.dbrau.org.in/attachment/CPVerma.pdf>, accessed on 10-05-2021.

⁴Art. 26, The UDHR, 1948.

⁵Art. 13, ICCPR, 1966.

⁶Articles 28 and 29, The Convention on the Rights of the Child, 1989.

⁷The Constitution of UNESCO.

HISTORICAL BACKGROUND OF RIGHT TO EDUCATION:

In ancient times, where historically a Gurukul system existed, the genesis of the education system can be traced. In the Gurukul System, anyone interested in studying could go to the teacher's (Guru's) home (Ashram) and learn subjects ranging from Sanskrit to Mathematics to Metaphysics. The lessons were closely linked to nature, which had an exceptional quality to it. Following the Gurukul System of education, India adopted the School System divided into junior and senior blocks. The students gained both theoretical and practical knowledge in this environment.⁸

PROVISIONS UNDER THE CONSTITUTION OF INDIA

The Indian Constitution contains robust provisions concerning the right to education. The members of India's Constituent Assembly were worried about education because the bulk of the population was illiterate and uneducated at the time. They were oppressed and impoverished. Education has the potential to increase people's and nation's well-being. As a result, they expanded on education clauses in Articles 41, 45, and 46 of the Constitution. In certain circumstances, Article 41 provides for the right to employment, schooling, and public assistance.⁹ Children are entitled to free and compulsory education under Article 45.¹⁰ Article 46 demands the State to support, with particular attention, the educational and economic interests of the weaker categories, notably of the S.Cs/S.Ts.¹¹

It's worth noting that the Constitution's Part IV contains all of the laws about education. No court has the authority to implement the provisions of Part IV, which deal with directive principles of state policy. It is the responsibility of the State to meet the objectives established by legislation in

⁸<http://www.mightylaws.in/623/study-education-india;> [http://india.gov.in/sectors/education/index.php?id=2,](http://india.gov.in/sectors/education/index.php?id=2) accessed on 20/05/21.

⁹Article 41 – The State shall, within the limits of its economic capacity and development make effective provision for securing the right to work and to education and to public assistance in certain cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

¹⁰Article 45 – The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution for free and compulsory education for all children until they complete the age of fourteen years.

¹¹Article 46 – The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular of the Scheduled Castes and the Scheduled Tribes and shall protect them from social injustice and all forms of exploitation.

this chapter. The state could not provide education facilities to the millions of children in the country, despite constitutional provisions. In its different rulings, the Supreme Court attempted to incorporate the right to education into the fundamental rights chapter so that the Court of Justice could enforce it.¹²

OBJECTIVES OF RIGHT TO FREE & COMPULSORY EDUCATION ACT, 2009

The adoption of the RTE Act of 2009 represents a landmark moment for India's children. This Act still serves as a building block to ensure that every child has a right, with the support of the state, families, local authorities and communities, to quality elementary education. Thus, the key attractions of the 2009 RTE Act are:

1. To provide all Indian children between the age of 6 and 14 years free and compulsory education.
2. Before elementary education is completed, a child shall not be detained, excluded or allowed to pass the board exam. [NO-DETENTION Policy] However, this was removed by RTE Amendment Act, 2019.
3. If a child over six years old cannot complete primary education at any school, the child may be granted a class suitable for his or her age at that point in time. In addition, Bridge courses should be offered as free training before the basic education is completed, even after 14 years.¹³
4. There must be proof that the infant is admitted by providing the certificate of birth to the school. It is a mandatory provision, but the lack of evidence of age does not prohibit any child from being admitted to the school.
5. Each child who completes primary education is given a certificate.
6. For a set pupil-teacher ratio, a proposal should be made.
7. Economically deprived groups should be given a 25% reservation in all private schools to accept Class I enrollment.

¹²<http://www.ssmrae.com/admin/images/69c7ace7495050c88420b19ff0a74ea5.pdf>, Mohini Jain v. State of Karnataka, AIR 1992 SC 1858, accessed on 22/05/21.

¹³Srivastava, P., & Noronha, C. (2014). Institutional framing of the Right to Education Act: Contestation, controversy, and concessions. *Economic and Political Weekly*, 49(18), 51- 58, accessed on 16/03/2021.

8. The standard of education, which is most critical of all, should be enhanced.
9. School teachers may need an appropriate degree or lose their job in 5 years.
10. The State Government and the Central Government will share a 55:45 ratio of the financial burden.¹⁴

SHORTCOMINGS OF THE RIGHT TO FREE & COMPULSORY EDUCATION ACT, 2009

1. Consider the RTE Act's age requirements, which only permits children 6-14 years of age, but not 0-18 years of age, to have the same right.
2. Under the Act "Reservation" scheme, only 25% of seats are reserved for less privileged children to private/government unassisted schools. Thus, there is a significant disparity between education costs per child and government reimbursement, which would raise the issue of deficit share. This leads to the schools to start imposing those expenses on other students in the form of higher fees or take it from those kids only in the form of non-educational fees.
3. Although the Act was implemented in 2010, the issue is that the government authorities never received substantial certificates because of the lack of public knowledge and the lack of responses.¹⁵
4. The bridge courses under the Law stipulate that the child must be classified in a way that represents good progress, given that wasteful year of schooling are saved, but there is no bridge course that will help the children adapt to the class enrolled.
5. Another flaw of this Act is that Act does not provide education for disabled children, specifically for children with special needs (CWSN).
6. It is to be observed that if the government agencies fail to fulfil their respective duties, no fines are imposed by the RTE Act 2009. Most state governments resist adopting enormous expenses and only want to depend on central aid at unpredictable intervals.

¹⁴Bhatnagar, M. S., & Gill, S. (2014). Right to Education: Comparative Analysis of different countries. *Journal of Research in Humanities and Social Science*, 2(2), 29-32, accessed on 16/05/2021.

¹⁵Juneja, N. (2012). India's Historic Right to Free and Compulsory Education for Children Act 2009 – The Articulation of A New Vision. In K. Minamide & F. Oshikawa (Eds.), accessed on 16/05/2021.

7. Finally, the RTE Act, 2009, does not provide children with a high-quality education. This Act and other government measures have invited children really well to schools, but educating them remains a distant dream.¹⁶

NATIONAL EDUCATION POLICY

HISTORICAL BACKGROUND OF NATIONAL EDUCATION POLICIES

India has always given importance to education with universities such as Taxila and Nalanda. Great sages and monks mark the tradition of education in India as gurus. But this earlier process seemed to be a flaw. In this teaching method, the point "King's son becomes a king" was central and the Brahmin class guarded the division of society into four classes, like the Vedic Knowledge, Kshatriyyas by the ruling Vaishyas by the trading class and Shudras by the working class. Children from those classes were trained by their bloodlines, and the Shudra class was never taught. It may have been suitable for old times, but India lacked the professional workforce and intellect required to advance education and society in other parts of the world. Illiteracy became a significant problem. Illiteracy became a considerable problem.¹⁷

The Government of Indira Gandhi implemented in 1968 the first education policy (NPE 1968) based on the recommendations of the Kothari Commission. This policy meant that children under 14 years old were provided free and compulsory education, as enshrined in the Indian Constitution.¹⁸ In 1986, the Rajiv Gandhi Government launched the Second Education Policy (NEP 1986). The purpose of this policy was to eliminate inequalities and provide everyone, in particular the Indian Scheduled Tribe (S.T.) and Scheduled Caste (S.C.), with equitable

¹⁶Mooij, J. (2008). Primary education, teachers' professionalism and social class about motivation and demotivation of government school teachers in India. *International Journal of Educational Development*, 28(5), 508-523, accessed on 16/05/2021.

¹⁷The PRINT Team, India's New Education Policy takes the bullet out of the old, Russian roulette-like system, <https://theprint.in/opinion/indias-new-education-policy-takes-the-bullet-out-of-the-old-russian-roulette-like-system/471036/>, accessed on 19/05/2021.

¹⁸National Education Policy 1968, https://www.education.gov.in/sites/upload_files/mhrd/files/document-reports/NPE-1968.pdf, accessed on ; also look into <https://www.gktoday.in/gk/national-education-policies-1968-and-1986/>, accessed on 19/05/2021.

opportunities for education.¹⁹ In the year 1992, the P.V. Narasimha Rao government subsequently amended the 1986 policy.²⁰ The government of Modi now has launched a new education policy after nearly three decades to revolutionize the Indian educational system.

The vision of the National Education Policy

An educational system that contributes to a fair and vibrant society by providing everyone with quality education. An educational system that contributes to a fair and vibrant community by providing everyone with quality education. Increase skills, principles and policies that foster responsible human rights, sustainable development and global well-being, representing a genuinely global citizen.²¹

Analysis of NEP 2020

In 2014, BJP's manifesto spoke about the new education policy. The main aim was to address the gaps in the 1986 education policy and increase credibility and quality. As there was no progress in addressing these goals under the T Subramanian committee, a committee under the chairmanship of Kasturirangan was formed. This committee made the Draft policy in 2019, which was later passed as the New National Educational Policy in 2020.²² The focal point of the New National Education Policy 2020 is India-centred education. The policy has been developed concerning the country's past, heritage, tradition, customs and beliefs. This policy is designed to provide all students with multidisciplinary and interdisciplinary liberal education.²³

¹⁹National Education Policy 1986, <https://www.gktoday.in/gk/national-education-policies-1968-and-1986/>, accessed on 19/05/2021.

²⁰Mohammed Moosa, National Education Policy 1992, <https://www.slideshare.net/mohammadmoosa108/national-education-policy-1992>, accessed on 19/05/2021.

²¹National Education Policy 2020. https://www.mhrd.gov.in/sites/upload_files/mhrd/files/nep/NEP_Final_English.pdf, accessed on 25/05/2021.

²²Aithal, P. S. & Aithal, Shubhrajyotsna (2019). Analysis of Higher Education in Indian National Education Policy Proposal 2019 and its Implementation Challenges. *International Journal of Applied Engineering and Management Letters (IJAEML)*, 3(2), 1-35. DOI: <http://doi.org/10.5281/Zenodo.3271330>, accessed on 25/05/2021.

²³ *ibid*.

The main changes brought about were

A. Overall changes

1. Change of Ministry name - The Ministry of human resources and development is now to be renamed the Ministry of Education.
2. The Centre and the States shall cooperate to boost public education spending to 6% of GDP. Expenditure in 2018-19 stands currently at 3% of GDP (the Economic Survey).
3. The mid-day meal programme shall provide breakfast.
4. Expansion of the Act to a broader age range - the proposal proposed to expand the scope of the RTE to include children 3 to 18 years of age for the applicability of the Act. It currently covers 6 to 14 years old children. It is overdue for a long time. However, the costs of implementing this grand view are split by stakeholders and private institutes and activists. For those under the reserved 25% category prescribed by RTE through the levying of non-education fees, private institutions remain exclusionary and disabled access to education. And they complain that the govt does not usually pay them in due course.
5. In a new avatar in the NEP 2020, which invited much discussion, the three-language formula resurged. It argues that the strategy leads us to a multilingual approach.²⁴

B. New institutions/boards/zones/funds/frameworks to be set up –

1. India's Higher Education Commission (HECI) is a mega regulator with successful multi-regulator programmes to handle accreditation, finance and standard-setting. HECI would also look on high-school schooling, excluding medical and legal studies, and replace all other regulatory bodies, such as the UGI or the All India Council for Technical Education (AICTE).

²⁴Amit Koushik, OUTLOOK, 'NEP pushes the much desired reforms, but the challenge in its implementation', <https://www.outlookindia.com/website/story/opinion-news-new-education-policy-contains-much-desired-reforms-but-the-challenge-in-its-implementation/357790>, accessed on 20/05/2021.

2. National Teacher Professional Standards (NPST) - to increase transparency in the hiring of teachers.
3. The SQAAF Framework will be established as a School Quality Assessment and Accreditation.
4. Multidisciplinary Education and Research University (MERU) and National Foundations for Research (NRF).
5. A National Educational Technology Forum will be developed (NETF) to promote technology usage in colleges.²⁵

C. **School Education** –

1. Structure 10+2 to format 5+3+3+4. Five years of foundational education, three years of preparatory, three years of middle and four years of secondary schooling.
2. Core competencies can be tested and universal (for grades 3, 5, 8, 10, 12) and are provided twice a year by board examinations. With the second attempt, the results would be improved.²⁶

D. **Higher Education** –

1. multidisciplinary and cross-disciplinary approach, overall holistic growth, credit system based on choice and a 50% Grade Enrollment Ratio expected to be reached by 2035.
2. A National Testing Agency undertakes a common college admission examination twice a year. This follows a scholastic aptitude test (SAT) as a structure for admission to graduate programmes in the United States.
3. Credits and the option of graduating after a break will be granted to middle term dropouts from college (a limited period). It is essential to implement credit transfers and academic

²⁵Aithal, P. S. &Shubhrajyotsna Aithal, (June 2020). Conceptual Analysis on Higher Education Strategies for various Tech-Generations. International Journal of Management, Technology, and Social Sciences (IJMTS), 5(1), 335-351. DOI: <http://doi.org/10.5281/zenodo.3940590>, accessed on 20/05/2021.

²⁶Business Standard, National Education Policy: 10 key highlights of school education reforms, https://www.business-standard.com/article/education/national-education-policy-10-key-highlights-of-school-education-reforms-120073100373_1.html, accessed on 24/05/2021.

credit banks. Dropouts can use credits to switch from university to university. However, the particulars of how it will be carried out remain vague.

4. University affiliations are about to end, and college autonomy is granted to give graduation over the next 15 years.
5. Fee caps on higher education private institutions: a step that has been anticipated, but private institutions would need to borrow from HECI and demand government funding to function effectively. A large part of the budget will be channelled through the loan system, according to speculation, to private universities.
6. Four-year graduate programmes, 1 to 2-year P.G. (Postgraduate) and discontinued M.Phil programmes.²⁷

The policy's critical key points are Universalization of Education, Vocational Education, Open Schooling, Teacher Education, Open and Distance Learning, Equitable, and Inclusive Education.²⁸

GANDHIAN PHILOSOPHY – GANDHI'S RESEMBLANCE 'NAI TALIM'

- Nai Talim combines two terms, Nai Means, "New," and Talim, "Education" as Urdu words. Gandhiji introduced the Nai Talim principle in India in 1937.
- NEP 2020 was implemented in India and received both recognition and critique.
- Vocational education, mother tongue, forms the single thread of agreement on education between the NEP and Gandhiji's thoughts.

India's National Education Policy recently came into being after decades. The NEP 2020 is oddly reminiscent of Gandhian ideas on education and many aspects of contemporary educational ideology and thought.

²⁷Anirudh, Legal Services India, <http://www.legalserviceindia.com/legal/article-3594-the-new-education-policy.html>, accessed on 10/05/2021.

²⁸Jha, Praveen and Pooja Parvathi 2020, National Education Policy, 2020, Critical Gaps and Challenges, Economic and Political Weekly, September, Vol XLV (13), accessed on 10/05/2021.

COMPARISON BETWEEN 2020 NEP AND 1986 NEP

Though NPE 1986 aimed at modernizing education in India, it failed to bring out the desired result. There are around 25 points which I found to be the changes brought about, leading to comparison. However, I will be dealing with only some of the important ones.

	NEP 2020	NEP 1986
1	It focuses on interdisciplinary and multidisciplinary learning. Students are free to select cross-disciplinary topics, from all streams. The Pre-Universities allows you to choose subjects in those fixed streams (Science, Arts, or Commerce).	It focuses on overall student development. Students can pick any course in the fixed stream (Science, Arts or Commerce). Four years of higher education provide for a diverse choice of topics.
2	The focus is on improving the country's education and workforce.	The focus is on enhancing country education.
3	The curriculum has 5 + 3 + 3 + 4 + 1 form.	The curriculum is 10 + 2 + 3 + 2.
4	The preliminary schooling starts at 3 years of age.	Pre-schools start at the age of 6.
5	HEIs are based on NTA (National Testing Agency) scores with the exception of private HEIs.	Entry into university and higher education depend on governmental, national or private admission examinations.
6	The focus of postgraduate studies is on research and specialization.	The focus is only on specialization for post-graduation.

7	The foundational stage includes early childhood care and education, and hence arts, music and aesthetics.	Concentrates on early childhood care.
8	Ph.D. with the NET/SLET clearance is necessary in order to be a tutor for HIEs.	Masters with NET/SLET clearance are mandatory to enroll as a tutor at HIEs.
9	About 100 international universities are allowed to operate in the nation.	Foreign universities are not allowed to operate in country.
10	Knowledge, fieldwork and research-orientation are teaching approaches.	Knowledge and fieldwork are considered as teaching approaches.
11	In graduating classes and others such as medical or paramedical, several entrance and several exits are permitted.	Several entries or exits are not allowed, although lateral entries are allowed in a few fields.
12	Students must be supplied with online libraries with membership, including online books and online journals.	Improvements in physical libraries, books and periodicals have been made.
13	Students are expected to participate in social programs as they are obligatory and equivalent to a complete half.	Students are optional to participate in social programs.

These are some of the essential areas to find the changes from the previous policy and 2020 policy.²⁹

²⁹Aithal, Sreeramana & Aithal, Shubhrajyotsna. (2020). Analysis of the Indian National Education Policy 2020 towards Achieving its Objectives. 5. 19-41,

LANDMARK CASE LAWS CONCERNING THE RIGHT TO EDUCATION :*1. State of Madras v. Shrimati Champakam Dorairajan.*

This case is considered one of the Supreme Court's landmark judgments, which introduced the Constitution's First Amendment. The Court held that the reason for the infringement of Article 29(2) of the Indian Constitution here was of providing such contradictory reservations.

The Appellant challenged the Order of the Madras Government, which made reservations for students. The Apex Court held that the order violated the people's rights as it defines a class of people. The right which maintains equality should not discriminate against a class of people even if it involves religion.³⁰

2. Mohini Jain v. the State of Karnataka.

The right to education is the essence of the right to life, and they are interlinked with each other. If and only if there is a role of education, then only the life, living with dignity can be attained, was decided by the Bench division of the Supreme Court.

It also held that education is, in reality, a constitutional right under the Constitution rather than the product for trade. Charging a capitation fee for admittance to an educational institution is a violation of a person's right to education under the Constitution.³¹

3. J.P. Unnikrishnan & Ors. v. State of Andhra Pradesh & Ors.

The Constitutional Bench of the Supreme Court re-examined the validity of Mohini Jain's case. It held that the Right to education means citizen has the right to call up the state to provide education facilities to them according to its financial capacity. The Court partially agreed to Mohini Jain's case that the Right to Education is a Fundamental Right under Article 21. However, it partially overruled, stating that the right to free and compulsory education is available for up to 14 years; after that, it depends on the State's economic capacity to provide the

https://www.researchgate.net/publication/343769198_Analysis_of_the_Indian_National_Education_Policy_2020_towards_Achieving_its_Objectives, accessed on 16/05/2021.

³⁰State of Madras v. Shrimati Champakam Dorairajan (AIR 1951 SC 226).

³¹Mohini Jain v. State of Karnataka (1992 AIR 1858).

same. Thus, it can be known that Part III and Part IV of the Constitution compliments and supplements each other.³²

4. *Bandhua Mukti Morcha v. Union of India & Ors.*

The Supreme Court concluded that the State must guarantee the facilities and opportunities provided for children under Art. 39(e) and (f) of the Constitution. It should also prevent the exploitation of their childhood due to extreme poverty and notion.³³

5. *Avinash Mehrotra v. Union of India.*

This decision concluded that the State's duty could not be discharged by providing unsafe schools. The State must guarantee that children do not suffer in exercising their fundamental right to education and that the schools, as part of compulsory education, offer safe facilities.³⁴

6. *State of Tamil Nadu & Ors. v. Shyam Sundar & Ors.*

The Court believed that a child's right is not only limited to free and compulsory education; it also includes the right to get a quality education. It also held that quality education should be provided without discrimination based on social, economic, and cultural backgrounds.³⁵

CONCLUSION

Only if adequately enforced can the 2009 RTE Act, passed by the Parliament, play a significant role in the performance of universal primary education in India. A consistent political focus would be the reason for the progress and failure of the RTE Act, 2009. In the absence of a governing body for proper enforcement, the Right to education regime, as it currently stands, is almost toothless. India's next step in enforcing the right to education must be to ensure that it can be protected without contacting the already overburdened courts.

³²J P Unnikrishnan v. State of Andhra Pradesh ((1993) 1 SCC 645, R.D.)

³³Bandhua Mukti Morcha, etc. v. Union of India ((1997) 10 SCC 549).

³⁴Avinash Mehrotra v. Union of India (2009 6 SCC 398).

³⁵State of Tamil Nadu & Ors. v. Shyam Sundar & Ors. (decided on 9 August 2011).

The defects in the system of education differ between generations and with a person's historic questioning. Some of the system's common complaints include the absence of work, hence the 'unemployed, trained young people' of half of the population, more rote-learning and less practical experience in India, most of the study irrelevancy in real life, examination systems, etc. It is now time to overcome India's wasteful examination catastrophe. The Government of India has therefore adopted a new strategy that involves different modifications in the existing pattern.³⁶

This strategy aims to make "India a powerhouse of global knowledge." The policy is also intended to regulate 'light, but tight' through a single higher education regulator and improve access, diversity and inclusion. The NEP is a tool to transform our education system. This is a complex and long-term operation; however, to enact ground policy, the central government and the state government need to be more accountable. We all dream, but must bear in mind, for our advanced nation.³⁷

The new research-driven education strategy is expected to speed up achieving these goals and transform each stakeholder into an innovator. A consistent and creative environment of thought will result in the systematic implementation of the policy proposals by creating multidisciplinary graduation institutions, autonomous universities with students from various disciplines in U.G.s, in P.G.s, and highly focused and dedicated teachers who work for the intellectual property.

A top-down strategy among the stakeholders is proposed to make the implementation successful. With matters of power, such as the clean and competent members of implementing committees, simple yet tight regulations, openness from top to bottom, publication or dissolution, annual performance-based increases/advantages, periodic organizational performance audits through the NAC, hectic penalties for inadequacy, faculty focus and national education policy for students

³⁶Manas Chakravarty, 'National Education Policy 2020 for Higher Education: Killing the goose that lays the golden egg', <https://tinyurl.com/4nzyf5fc>, accessed on 01/05/2021.

³⁷SPRFBlog, <https://sprf.in/between-rte-and-nep-persisting-challenges-in-indias-school-education-system/>, accessed on 01/05/2021.

SUGGESTIONS

1. NEP 2020 must consider connecting RTE to the objective of pre-primary, middle and secondary education universalization. The goal of NEP 2020 would remain unmet without this legal backing.
2. The plan for cooperation with states on a three-language format needs to be developed because education falls under the concurrent list of Schedule 7.
3. Specific, time-bound, observable responsibilities relating to finance and expenditure regarding the Grand Visions shall be made.³⁸
4. It needs to focus on children and parents and provide "choice," not only in text but also in spirit.
5. The proposal shall also provide equality of opportunity in the Common School system for everyone.
6. We should identify Role Models with clean and proven academic, study and accountable administrative records while designating top policymakers, the Higher Education Board of India (HECI) and the four verticals.
7. Instead of a lobby, power, gender-based favouritism, geographic areas, faith, culture, other country experience and political philosophy, a team of people with a proven record of hard work should be given responsibility for implementation.³⁹

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