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# Right to Education in the Light of National Education Policy (NEP) 2020

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## ABSTRACT

*India's education policy has been thoroughly reformulated with the NEP 2020, which intends to adapt the nation's educational system to the demands of the twenty-first century. The policy aims to give all students a comprehensive and multidisciplinary education and is founded on the ideas of availability, equality, affordability, excellence, and accountability. The main points of the NEP 2020 are covered in this essay along with the necessity of early childhood education and care and the implementation of the 5+3+3+4 curriculum within the framework of the RTE Act 2009. The paper conducts a critical analysis of the obstacles that the NEP 2020 implementation may encounter, including the scarcity of qualified educators and the digital gap. All things considered, NEP 2020 offers India a rare chance to revamp its educational system and get its students ready for the opportunities and challenges of the future.*

**Keywords:** RTE Act 2009, NEP-2020, 5+3+3+4 curricular, Education

## I. RTE ACT 2009

Enacted by the Indian Parliament on August 4, 2009, the Right of Children to Free and Compulsory Education Act (RTE) outlines the requirements for free and compulsory education for children in India between the ages of six and fourteen, as stipulated by Article 21a of the Indian Constitution. With the act coming into effect on April 1, 2010, India joined 135 other countries in declaring education to be a fundamental right for all children.<sup>2</sup>

The current Act has its roots in the writing in the Indian constitution during the country's independence, but it relates more particularly to the amendment to the constitution that added Article 21A, which declares education to be a fundamental right. However, this amendment also stated that a bill describing how the same would be implemented was required, which made the creation of a distinct Education Bill necessary.

In 2005, the initial version of the bill was written. The requirement to reserve 25% of seats for underprivileged students in private schools drew a lot of criticism. This clause was deemed by

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<sup>2</sup> Duraisamy. P. Changes in returns to education in India, 1983-94: by gender, age-cohort and location. *Economics of Education Review* 21: 609-622, (2012)

the Central Advisory Board of the Department of Education subcommittee that drafted the bill to be a crucial requirement for establishing an egalitarian and democratic society. Initially, the Indian Law Commission suggested reserving 50% of seats in private schools for underprivileged students.<sup>3</sup>

On July 2, 2009, the cabinet approved the bill. The bill was approved by the Rajya Sabha on July 20, 2009, along with the Lok Sabha on August 4, 2009. The Children's RTE Act was notified as law on August 26, 2009, following presidential assent. For the first time in India's history, a law was enacted through a speech made by the Prime Minister at the time, and it took effect on April 1, 2010, throughout the country, with the exception of Jammu and Kashmir. We are dedicated to making sure that all children, regardless of the gender and social group, have an opportunity for education, said then-Indian Prime Minister Manmohan Singh in his speech. An education that helps them gain the abilities, information, morals, and attitudes required to become accountable and involved members of Indian society.<sup>4</sup>

The Act establishes minimum standards for elementary schools and declares education as an essential right for all children within the ages of six and fourteen. It mandates that 25% of seats in all private schools be reserved for children (with the state paying the difference as an element of public-private partnership (PPP strategy). Private schools admit students based on reservations made based on caste, refer to this document's page 9 and point number 4. It also forbids the operation of any unapproved schools, provides for no capitation or donation fees, and forbids parent or child interviews in order to gain admission. The Act further stipulates that until a child completes elementary school, they cannot be detained, expelled, or forced to pass a board exam. Additionally, special training to bring school dropouts up to speed with peers their own age is provided.<sup>5</sup>

According to the RTE act, surveys must be conducted to keep an eye on every neighborhood, identify children in need of schooling, and establish up resources for delivering it. Sam Carlson, World Bank education experts for India, has noted: "*The RTE Act is one of the first pieces of statute in the world to place the onus of guaranteeing enrollment, completion, and attendance on the government. In the United States and other countries, it is the parental responsibility to send their children to school.*"

The Persons with Disabilities Act, a separate piece of legislation, establishes the right to

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<sup>3</sup> Hanushek, Eric, The Economics of School Quality., *German Economic Review*, 6(3), 269-286, (2011)

<sup>4</sup> Hanushek, E. and L. Zhang, Quality-consistent estimates of international returns to skill, NBER Working Paper 12664 <http://www.nber.org/papers/w12664>. November (2012), pp: 258-266

<sup>5</sup> DISE *Elementary Education in India: Analytical Report 2005*, District Information System for Education, NIEPA, New Delhi, (2006), pp: 114-122

education for individuals with disabilities up until the age of 18. The Act also includes a variety of other regulations pertaining to faculty, teacher-student ratios, and school infrastructure improvement.<sup>6</sup>

## II. NATIONAL EDUCATION POLICY (NEP) 2020

National Education Policies (NEPs) in India have their roots in the British colonial era, when elites only had access to education as a means of colonial control.<sup>7</sup> The first National Education Plan (NEP), created in 1968 following India's independence, sought to advance equitable society and economic growth via education.<sup>8</sup> However, the lack of funding and political will meant that this policy's implementation was constrained. The government created a new National Education Plan (NEP) in 1986 with the goals of increasing educational access, enhancing quality, and advancing vocational education.<sup>9</sup> Although this policy played a significant role in raising primary enrollment rates, it was struggling to tackle issues with higher education's accessibility and quality.

The NEP 2020, a thorough reformulation of India's education policy with the goal of transforming the educational system to meet the demands of the twenty-first century, was introduced after a 34-year lapse.<sup>10</sup> Regardless of their socioeconomic status, all students should have access to an equitable, high-quality education, and the policy places a strong emphasis on encouraging critical thinking and multidisciplinary learning.

### A. Principal Goals of the New Educational Framework

In 2020, the NEP 2020 was introduced with the intention of revolutionizing the Indian educational system. The following are some of the NEP's primary goals:<sup>11</sup>

***Access of education to all:*** With an emphasis on raising enrollment, lowering dropout rates, and raising the standard of instruction for all students, the NEP seeks to guarantee that all children have access to excellent educational opportunities to early childhood education.

***Encouraging interdisciplinary learning:*** The NEP suggests a multifaceted approach to education with the goals of fostering creativity and critical thinking in students as well as equipping them with an array of competencies and abilities across disciplines.

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<sup>6</sup> National Institute for Educational Research (NIER), *Reorienting secondary education in Asia and the Pacific*. Report of a Regional Seminar, (2011), p-222

<sup>7</sup>R. Srinivasan, "Education in India during British Period," IOSR Journal Of Humanities And Social Science, vol. 22, no. 2, 2017, pp. 23-25.

<sup>8</sup>Ministry of Education, "National Policy on Education 1968," Government of India, 1968.

<sup>9</sup>Ministry of Human Resource Development, "National Policy on Education 1986," Government of India, 1986.

<sup>10</sup>Ministry of Education, "National Education Policy 2020," Government of India, 2020.

<sup>11</sup>NEP 2020, [https://www.education.gov.in/sites/upload\\_files/mhrd/files/NEP\\_Final\\_English\\_0.pdf](https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf)

**Promoting creativity and research:** Through encouraging cooperation between government, business, and academia as well as by offering financial incentives and assistance for research and development, the NEP seeks to promote a culture of innovation and research in education.

**Raising the Standard of Instruction:** In order to improve the standard of education, the NEP suggests a number of initiatives, such as creating new curricula, providing teachers with professional development opportunities, utilizing technological and online resources, and setting up systems for higher learning institutions to be accredited.

**Advancing Inclusion and Equity:** By addressing inequalities based on age, socioeconomic background, spoken language, and disabilities and by offering support and rewards to underrepresented groups, the NEP seeks to advance inclusion and equity in education.

**Bolstering training in vocational fields:** The NEP aims to give students a variety of knowledge and abilities that are applicable to the workforce by integrating vocational training and instruction into regular education.

**Maintaining Worldwide Competitiveness:** The NEP seeks to guarantee that students possess the knowledge and abilities needed for the twenty-first century and that the educational system is in line with the demands of the international community

The NEP's overall goal is to change India's educational system by advancing a more integrated and holistic approach and bringing education into line with the demands of the larger community. It aims to develop an atmosphere of lifelong education that will provide students with the knowledge and abilities needed in the twenty-first century.

## **B. The Introduction of A 5+3+3+4 Curricular Structure**

The NEP 2020 called for a significant overhaul of the school curriculum. The previous 10+2 framework has been replaced by a 5+3+3+4 system. A description of the updated curriculum structure is provided here:

**Foundation Phase (5 years):** The basic stage, which consists of years of primary school (age 6–8) and a further 3 years of preschool instruction (age 3–6), is the first phase of the new curriculum structure. Foundational literacy as well as numerical development is a major focus of the foundational stage, which emphasizes play-based and activity-based learning.

**Preparatory Phase (3 years):** The preparatory stage, which comprises a total of 3 years of upper primary education (ages 8–11 years), is the second stage of the new curriculum structure. Building on the foundational stage, the preparatory stage aims to enhance key competencies like analytical thinking, innovation, interaction, and teamwork.

**Middle Stage (3 years):** The middle stage, comprising 3 years of secondary school (ages 11–14), is the 3rd phase of the updated educational framework. The goal of the middle stage is to offer a comprehensive, interdisciplinary education with an emphasis on experiential and career learning.

**Secondary Stage (4 years):** The secondary stage, comprising a span of 4 years of high school education (14–18 years), is the last stage of the new curriculum framework. The secondary stage is intended to offer a flexible, multidisciplinary education with an emphasis on honing specialized knowledge and abilities for careers in the workforce or higher education.<sup>12</sup>

With a focus on multidisciplinary learning, foundational skills, and vocational education, the 5+3+3+4 curricular framework aims to offer a more flexible and all-encompassing educational system. Furthermore, it is consistent with the worldwide movement towards competency-based learning, which gives 21st-century skills and competencies top priority.

### III. CRITICAL ANALYSIS OF THE NATIONAL EDUCATION POLICY (NEP), 2020

Notwithstanding the undeniable opportunities and milestones provided by NEP 2020, concerns about its scope as well as utility also exist, casting doubt on the optimism expressed in the same, which is addressed below.

#### A. The Formula for Three Languages: An increase in unclear language

One of the provisions of the NEP states that education in the child's native tongue should be used until class five. This causes problems on three fronts: first, it gives the state total control over language policy; second, it forces Hindi and Sanskrit on all of India's states; and third, it creates issues for the offspring of transferable employees. Taking care of the first disadvantage, the state may select any two Indian languages to be its medium of instruction, provided that they are native speakers. This provision is not only ambiguous, but it also presents a problem for each state, as they must now determine for themselves which language is indigenous. In states like Goa, where complex politics of scripts are practiced, these ambiguities become more apparent.<sup>13</sup> Moreover, these guidelines delegate a critical decision-making authority to state governments, who frequently lack the knowledge and resources necessary to adequately address the concerns of youth. It's also concerning that the NEP lacks a system for accountability and oversight, which makes it difficult to act swiftly to address the situation.

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<sup>12</sup> Ibid.

<sup>13</sup> FV Ferrao (2020) 'New Education Policy: A Critical Analysis' Matters India <https://mattersindia.com/2020/08/national-educationpolicy-a-critical-analysis/>

The mainstreaming and pressure on all states that speak only Hindi and Sanskrit is the second issue with the Three Language Formula. The policy ignores other vernacular languages in favor of these two, ensuring that they are easily accessible in all schools. This forces the students to view specific languages as more valuable and has a psychological effect on them.<sup>14</sup> This approach has drawn a lot of criticism, particularly from the South, where people interpret it as an attempt to force Hindi on states where it is not spoken. Additionally, this specification clearly violates a ruling from the Supreme Court. This formula's structure brings to mind the anti-Hindi protests against the central government's 1965 plan to declare Hindi as a state language.

Lastly, when it comes to students whose families are transferable, there is an absence of clarity regarding their education in their mother tongue. In our nation, there is a significant amount of interstate mobility among those employed by the government, the armed forces, etc. Given the diversity of India, it will be nearly impossible for these kids to succeed in this educational system if each state has its own official language.

### **B. Heightened disparities**

The requirement that English be taken optionally until grade eight is combined with the 3 Language Formula. These two policies hinder the advancement of the marginalized groups and maintain inequality. This conundrum arises particularly because in our nation, proficiency in English is associated with privilege and employability. Public schools will create a vicious cycle of marginalization, rejection, and alienation if they continue to teach in native tongues while denying the underprivileged and marginalized groups the chance to learn English.<sup>15</sup> Studies supporting this assertion indicate that the majority of economically disadvantaged students leave private schools because they are unable to converse in English. On the other hand, individuals with limited financial resources will have fewer options for receiving a high-quality English education. India's class divide will deepen as the wealthy who can afford an English education will surpass the gifted people in the countryside. It's critical to give English enough credit for the significant contribution it has made to India's economic development. Therefore, it is imperative that everyone not only has the right to education but also the right to education in English.

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<sup>14</sup> P Kumar (2020) 'NEP 2020 Provides Multi-pronged Strategy To Check School Dropout Rates' Outlook India. <https://www.outlookindia.com/website/story/opinion-national-education-policy-2020-a-blueprint-for-self-reliantindia/358711>

<sup>15</sup> R Chakrabarty (2020) 'What are education experts saying about the new National Education Policy?' India Today <https://www.indiatoday.in/education-today/featurephilias-story/national-education-policy-what-education-expertsare-saying-about-nep-2020-1706139-2020-07-30>

In addition to undermining the idea of equal education, which is essential for a developing, wealthy, and just society, this policy also partially encourages gender inequality. In a patriarchal culture, parents would rather send their boys to an elite institution of learning than send their daughters. As a result, there will be a wider gender gap in a society where men view women as inferior to them. While the NEP and public educational institutions are ill-equipped to meet the demands of the economy in general and those who are marginalized in particular, this becomes a problem.

### **C. Privatization: moving from unity to independence**

The NEP has drawn criticism from a wide range of academics, educational specialists, and organizations because it raises the prospect of higher education becoming privatized, which would deny social justice. The majority of Indian universities are affiliated with the government, which limits their operational autonomy. In fifteen years, the NEP hopes to gradually phase out the affiliation system with any university. This will open the door for privatization in addition to giving the institutes total autonomy to decide on matters like operating procedures, fee schedules, etc.<sup>16</sup> Students' access to higher education institutions in India will be negatively impacted by this proposal to change the educational system.

The effects of similar developments will be particularly felt in rural communities and other underdeveloped areas where residents are unlikely to be competent to afford university because of exorbitant tuition costs. This will start to resemble American universities, which are primarily private and have extremely high tuition. Due to a lack of funds, this forces the majority of students in the United States to take out student loans and sometimes give up on their goal of attending college. An obvious parallel applies to Indians who reside in lower-class households. Therefore, over time, the NEP will contribute to widening the wealth gap between the rich and the poor rather than helping the former, which will impede the nation's progress and development.

### **D. Silence on the RTE Act**

The NEP's complete silence regarding the RTE Act is another feature that caught the interest of many people around the country. The act does not establish secondary and primary schooling as a legal right, despite talking a lot about universalizing education. As a result, the federal and state governments lack a mandated mechanism to make this a possibility.<sup>17</sup> Stated

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<sup>16</sup> S Roy, 'Reforms, benefits and limitations of the new National Education Policy' Business Standard [https://www.business-standard.com/podcast/education/reforms-benefits-and-limitations-of-the-new-national-education-policy-120073101556\\_1.html](https://www.business-standard.com/podcast/education/reforms-benefits-and-limitations-of-the-new-national-education-policy-120073101556_1.html)

<sup>17</sup> Ibid



differently, the absence of legal support resulting from RTE silence underscores the slim likelihood of real educational progress. This policy's silence on the RTE Act makes it impossible to address the problem of significant post-elementary dropouts, particularly among girls.

#### **IV. CONCLUSION**

Institutions and legislators must reconsider the intended educational goals and reevaluate the learning programs that are actually applicable to the upcoming generations in light of the changing nature of the workforce. The knowledge that is taught should promote the digital and analytical abilities that are essential for innovation. In order to confront the various threats related to the current and future crisis, universities must produce graduates who possess resilience, an inclination toward flexibility and adaptability, interpersonal emotional intelligence, a positive mindset, and the ability to think critically and creatively.

For blended learning to be scalable, sustainable, and inclusive, new models of engagement like learning consortiums and coalitions made up of various stakeholders including governments, institutions, publishers, alumni, corporate professionals, technology providers, and telecom operators need to be formed. It is now imperative that educators and students receive training in developing digital competencies so they can use technology responsibly and become digitally fluent. In order to take advantage of blended learning, which combines the best aspects of both learning environments, institutions must work diligently to create or acquire high-quality content, make efficient use of available resources, and plan concrete tasks in a methodical manner that is consistent with their mission and policies. Well-crafted systems have the power to elevate the traditional ideals of higher learning. By maximizing benefits and minimizing risks, it can assist educational institutions in optimizing teaching-learning outcomes.

The ability of higher education to produce globally engaged, socially conscious individuals is unparalleled, and the COVID-19 pandemic has brought attention to the need of inclusive, adaptable educational systems that can successfully address the intricate and constantly shifting demands of our fragile, interconnected society. There are still a lot of differences between the Indian educational system and other nations' educational systems, even after the NEP was approved. The deficiencies of the present regulation are highlighted by a variety of factors, including different testing methodologies, a lack of research initiatives, and limited course options.

In India, the focus of educational modules remains primarily on hypothetical training, with

exams serving as the primary means of assessment. A significant chunk of the Indian educational programs is based on out-of-date context and previous research. The majority of Indian textbooks, such as those offered by the most relevant Indian board, the CBSE, have not been revised for many years. If any changes are implemented, they ought to be frequently made very late in Indian colleges' curricula. Additionally, students have the option to change their majors at any point during the course. Conversely, educational programs and institutions abroad typically adopt the most recent, fresh, and pertinent research findings. Notwithstanding the assistance provided by the government, India has few research centers and supports. In contrast, corporate funding of research at colleges across a number of developed nations leads to improved procedures and outcomes. India has not been able to draw students from other countries to enroll in programs provided by Indian universities because it has not succeeded in internationalizing its educational system.

The NEP-2020 is an attempt, albeit a flawed one, to overhaul the Indian educational system. The extent of the policy's criticism highlights its glaring flaws and emphasizes the necessity of taking action to address them. One way to shorten the explicitly regulated mechanism for NEP might be to create a small number of agencies dedicated to monitoring education. Furthermore, a law requiring the state and federal governments to devote 6% of GDP to education must be passed in order to bring the idealistic guarantee of financing to fruition. In addition, a final decision must be made to provide clarification on the Three Language Formula, including what each state considers to be the a language of instruction, how the provision must be carried out, etc. In order to effectively implement the curriculum as promised, teachers must participate in engaging and pertinent training programs that help them understand pedagogical requirements.

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