

॥न्यायस्तत्र प्रमाणं स्यात्॥



**PRO BONO AND LEGAL AID
CLINIC ON EDUCATION &
LEGAL SERVICES COMMITTEE**

Inclusivity vis-à-vis National Education Policy 2020



**PRO BONO AND LEGAL AID
CLINIC ON EDUCATION &
LEGAL SERVICES COMMITTEE**

LIST OF CONTRIBUTORS

PUBLISHED BY

National Law University, Delhi Press
Sector 14, Dwarka
New Delhi 110078

Published in January 2021

© National Law University, Delhi 2021
All rights reserved

SUPERVISION

Professor (Dr) Bharti Kumar, Professor of Law, National Law University Delhi

ASSISTANCE

Aadarsh Singh	Ayushi Pathak	Priya
Abhinav Hansa Raman	Himanshu Mishra	Riya Shah
Akshita Rai	Jeetu Tolani	Shreyasi Tripathi
Amit Verma	Kartikey Singh	Shubham Jain
Amber Tickoo	Kali Srikari Kancherla	Varsha Sharma
Anuna Tiwari	Manas Manu	
Anugya Chauhan	Pritam Raman Giriya	

FOREWORD

The National Education Policy 2020 (“NEP 2020”) is the third educational policy developed after 34 years. The first education policy was announced in 1968 based on the reports and recommendations of the Kothari Commission, and the second education policy was announced in 1986.

The NEP 2020 has a transformative vision of education policy. It is a comprehensive policy that underscores the multi-disciplinary and multi-modal universities, including technology-enabled education. It envisages increased expenditure on education, about 6% of GDP which was suggested in the NEP 1968. Currently, the Government of India is spending less than 3% on education. Questions arise on its implementation and share between central and state governments.

The NEP 2020 helps us to understand the futuristic education policy in our country. It not only discusses concepts but identifies innovation in bringing equality in education. The NEP 2020 seeks to “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all” by 2030. This aspirational goal remains a stark contrast to India’s learning outcomes which remain stubbornly low.

It has drawn much attention to the theme of inclusive and equitable education. The *UNESCO* in its *Guidelines for Inclusion* viewed inclusion ‘as a process which is concerned with the identification and removal of barriers’ of education and ensures the presence, participation, and achievement of all students and their diversities’. Even though previous education policies have used inclusive education to make education accessible to all, there is still a lack of systemic effort to explore the origins, meanings, and applications of inclusive education in India.

The NEP 2020 has moved away from the traditional sites of exclusion and has broadened the categories of Socio-Economically Disadvantaged Groups (SEDGs) by including individuals and crucial intersectionalities such as migrant communities, transgender individuals, students of villages, and aspirational districts. The clubbing of categories has potential risks of preferential treatment not being put forward during the implementation more so for refugee children, students of LGBTQTI communities, internally displaced communities who did not find recognition in any of the National Educational Policies including NEP 2020. The National Education Policy document is one such policy document whose inclusion affects the future discourse on our education, so the need to assess the NEP 2020 from a different point of view was pressing.

With this aim, the Pro-bono and Legal Aid Clinic on Education and the Legal Services Committee at National Law University Delhi successfully organized the Essay Competition on “Inclusivity in the National Education Policy, 2020: A Needle in a Haystack?” which deepens our understanding of the diverse origins and influences of inclusive education in the NEP 2020. The essays in the compendium reflect on diverse aspects of inclusivity such as community engagement, disability, skill-based education, income-based inequality, masculinity, sexuality, rural-urban divide, language, and privatization. Each essay in the compendium strengthens the meaning of inclusion in education and thus focuses on changing how the educational system addresses exclusion.

I congratulate Prof. Bharti Kumar and all the members of the Pro-bono and Legal Aid Clinic on Education and the Legal Services Committee at National Law University Delhi for having undertaken this initiative in gathering students' perspectives across India to critically examine the provisions of NEP 2020 from the lens of inclusivity concerning individuals, institutions as well as communities. I am delighted to learn that more than eighty essays were received for evaluation across India for the competition showing the prominence and concern towards the cause of inclusion in education today. I am sure that this compendium will enhance our understanding of systematizing inclusive education in the Indian and comparative context. This compendium has shown that there is a need to place inclusive education within a common framework which will provide important

tools for planning, collaboration, and implementation of the principles of NEP 2020 in a systematic manner.

With best wishes,

18th January 2021, Monday

Prof. Srikrishna Deva Rao

Vice-Chancellor

National Law University Delhi

PREFACE

The National Education Policy 2020 promises to bring revolutionary changes through equitable and inclusive education. The diversity of India demands comprehensive changes and flexibility in the education system so that the policy can be implemented as per the needs of the diverse population. Therefore, a multidisciplinary approach is required to tackle this problem.

The Pro-bono Clinic on Education attempted to initiate a discourse on the least discussed aspect of inclusivity in different aspects of our education system and the futuristic vision of the recently released National Education Policy 2020. Recently, the Union Cabinet has approved the policy intending to introduce changes in the Indian system, ranging from school to college level. The policy provides solutions for curtailing dropout rates, ensuring universal access to education, incorporation of early childhood care, and various other suggestions. One of the most crucial aspects of NEP is the recognition of growing inequality and inequity plaguing the country's education system.

In light of this, the NEP recognizes issues like high drop-out rates among vulnerable minorities, reasons behind lesser participation of girl child in rural areas, needs of children living in difficult geographical regions, etc. The purpose of the Clinic was to critically analyze the measures suggested by the Policy to deal with such issues.

We organized an essay competition and a webinar to initiate a discourse on inclusivity and NEP 2020 and to come up with a comprehensive compendium that tests the policy on the aspect of inclusivity. I believe, the compendium puts forth a rigorous analysis of the policy and will serve as a detailed policy document for whoever seeks to analyze the aspect of inclusivity in the NEP 2020.

I would like to acknowledge the generous support of National Law University Delhi and Professor (Dr) Srikrishna Deva Rao in enabling the research environment and ensuring that we do not face any difficulty in bringing all this together, that too during the pandemic. I would also like to extend my sincere gratitude to Dr. Aparajita Bhat and Ms. Preeti Lakhera (Assistant Professors of Law at National Law University Delhi) for rigorously evaluating each essay.

The Panel Discussion on “National Education Policy: Equitable and Inclusive Education”, which was organized on 12th December 2020, provided an insightful analysis of the NEP 2020 vis-à-vis inclusivity. I would like to extend my sincere thanks to the panelists: Ms. Kala Mohan, Dr. Leena Wadia, Dr. Anita Rampal, Dr. Sandeep Pandey, and Dr. Sanjeev Rai for providing their valuable inputs on the NEP 2020.

I would like to congratulate all the winner-authors who have been published in this compendium for their remarkable analysis of the Policy.

I would like to commend the students of the Pro-bono Clinic on Education and the Legal Services Committee for their great efforts that have gone into this publication. Lastly, this compendium would not have been possible without the meaningful contributions of all those who participated in the essay competition and submitted their entries.

With this compendium, I hope that we initiate a discourse on the aspect of inclusivity in the National Education Policy 2020 which seeks to change millions of lives.

18th January 2021, Monday

Dr. Bharti Kumar

Professor of Law

National Law University Delhi

INDEX

List of Contributors	ii
Foreword	iii
Preface	vi
About the Essay Competition	1
Inclusivity in National Education Policy, 2020: A Needle in A Haystack? An Overview	2
<i>Himanshu Mishra, Pritam Raman Giriya and Varsha Sharma</i>	
National Education Policy 2020: Preventing Discrimination in Operation Through Effective Community Engagement (1st prize)	12
<i>Aaryan Mohan, and Anannya Chitranshi</i>	
National Education Policy, 2020: Fallout from Equitable and Inclusive Education for Children with Disabilities (2nd Prize)	21
<i>Gauransh Gaur and Aniket Panchal</i>	
Eying the New Education Policy vis-à-vis the Lens of 'Skill - Based' Education (3rd Prize)	29
<i>Parul Pradhan</i>	

INDEX

National Education Policy 2020: A Mirage of Inclusivity amidst Unaddressed Hegemonic Masculinity (4th Prize) <i>Meher Dhingra</i>	36
Accessibility (Rural-Urban Divide, Privatization, Language) and the National Education Policy 2020 (5th Prize) <i>Aaditya Mootha</i>	45
Nep 2020 and Sexuality Education: A Need for Re-Evaluation (6th Prize) <i>Ankit Nath Jha</i>	53
National Education Policy and Inclusivity: A Glittering Hope (7th Prize) <i>Prabhat Singh and Yashendra</i>	60
Disability Rights and National Education Policy 2020 (8th Prize) <i>Chitrakshi Singh and Darshan Upadhyaya</i>	67
Conclusion	73

THE ESSAY COMPETITION

The Pro Bono and Legal Aid Clinic on Education, in collaboration with the Legal Services Committee, National Law University Delhi organized an essay competition titled ‘Inclusivity in National Education Policy, 2020: A needle in a haystack?’ to initiate a discourse on the aspect of inclusiveness of the recent education policy of the government. The competition received overwhelming participation from law students across the country. It was heartening to see the enthusiasm expressed by the students to delve into the depths of the policy and come up with scholarly responses. The essays critically examined the provisions of the NEP from the lens of inclusivity concerning individuals, institutions, as well as communities. The essays were evaluated in the following aspects:

- Knowledge of the topic
- Development of the theme
- Structure and organization of the essay
- Clarity and originality
- Content and overall impact

The essays were adjudged by the following jury members:

- Dr. Bharti Kumar, Professor of Law, National Law University Delhi
- Dr. Aparajita Bhatt, Assistant Professor of Law, National Law University Delhi
- Ms. Preeti Lakhera, Assistant Professor of Law, National Law University Delhi

Out of the 81 submissions received, the top eight essays have been published in this compendium in order. The top eight entries cover various aspects of inclusivity – community engagement, disability, skill-based education, income-based inequality, masculinity, sexuality, rural-urban divide, language, and privatization.

INCLUSIVITY IN NATIONAL EDUCATION POLICY, 2020: A NEEDLE IN A HAYSTACK? AN OVERVIEW

*Himanshu Mishra, Pritam Raman Giriya, and Varsha Sharma**

I. INTRODUCTION

The Government of India approved the National Education Policy^{[[1]]} (hereinafter “NEP”) in July this year. The policy aims to bring in radical structural change in the education policy in India. While the policy has been lauded for bringing in some positive change, it has also equally been criticized for legitimizing exclusionary practices and policies.

The definition of ‘inclusive education’ by UNICEF is two-fold.^{[[2]]} First, it means to have all children in the same schools and classrooms. Second, it goes a step further to mean real learning opportunities for children who have been traditionally excluded. However, the ambit of inclusivity in education as a whole is much broader. It not only deals with receiving an education but also its components, including what is the education about and how effectively is it imparted. Education should ideally be holistic, acknowledging the varied histories and identities of people and adjusted to current times.

As a society, our history has been fraught with severe discriminatory and exclusionary practices, thereby making inclusive education the need of the hour in India. The need for substantive equality has been reiterated time and again, especially with the formation and subsequent enactment of our Constitution. Education and job opportunities started

* Final year law students at National Law University Delhi. The essay provides an overview of the aspect of inclusivity in the National Education Policy 2020.

^{[[1]]} National Education Policy 2020 (NEP).

^{[[2]]} UNICEF, ‘Inclusive Definition’ <<https://www.unicef.org/education/inclusive-education>> accessed on 6 December 2020.

being looked at as important pathways to ameliorate socio-economic hardships and break free from chains of the past. Since the challenge to achieve these goals is multi-layered, education policies cannot be uncomplicated. Therefore, given the Indian context, that reeks of historical discrimination, lack of explicit inclusionary policies would automatically render the education system exclusionary in its approach.

However, NEP has in its entirety failed to comprehensively capture contemporary global issues and discriminatory grounds like gender, sex, caste, poverty, physical and learning disabilities, etc. NEP takes a homogenous approach and disregards intersectionality as reality. Further, the futility of asking for inclusive education without an inclusive curriculum is well established. The NEP, thus, is a hit and miss opportunity to bring about social transformation through substantial changes in the education system.

II. THE CULTURAL CONUNDRUM: LANGUAGE

NEP brings the three-language formula at the initial stage of schooling with the stated motive to promote multilingualism and national unity. The choice of languages has been left to multiple actors of the education system, the states, regions, or students. On the contrary, the repercussions might be unavoidable. It will put an undue burden on young students to learn an additional language, which is a significant deviation from the earlier policies which sought to ease the education process.

Non-Hindi speaking states fear that this will lead to backdoor entry and subsequent imposition of Hindi on them. However, dropping the proposal to make Hindi compulsory for non-Hindi speaking states, proposed in the earlier draft of NEP, after vehement opposition [13], has been a welcomed change. On the other hand, Hindi-speaking states will be compelled to choose Sanskrit because of the three-language imposition. It will be difficult to implement learning systems based on mother-tongue because of the sheer number of languages and dialects in India as well as internal migration. In the end, it may end up reinforcing language hegemony and mainstream learning mechanisms. Further,

[13] Gaurav Vivek Bhatnagar, 'National Education Policy Draft Amended to Address 'Imposition' of Hindi' (*The Wire*, 3 June 2019) <<https://thewire.in/education/national-education-policy-amended-hindi>> accessed 6 December 2020.

the policy brings in the introduction of English as a language to be taught in schools at a later stage, shying away from practically looking at it as the language of opportunity. While some would have early access to the teaching of English in schools, others will start late putting them at a disadvantage.

III. CURRICULUM: A MISSED OPPORTUNITY

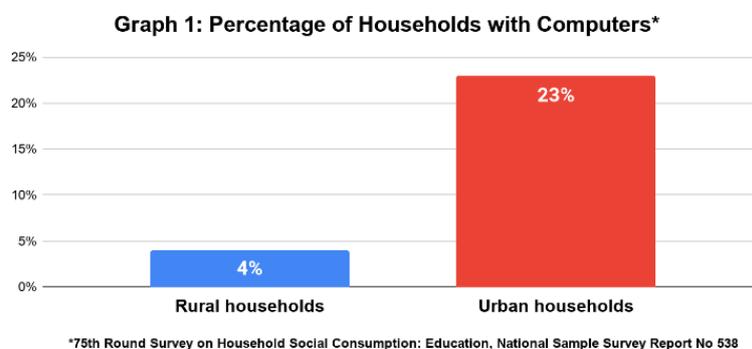
There have been some positive changes in the curriculum brought through NEP, which includes allowing a mixed combination of subjects. While efforts have been made to de-classify subjects as packages, the policy has missed the opportunity to overhaul the curriculum, especially for schools. NEP was an opportunity to move away from traditional methods of teaching as well as strengthening teacher education. It is not new that the syllabus taught in schools and colleges is also a result of the political scenario in the country. Non-inclusion of the history of the marginalized, as a problem, has also not been addressed. The policy does little to help this. Apart from that, important courses like gender sensitization, education on sex and sexuality, disability rights, mental health, etc. have not been incorporated in the curriculum despite the ongoing global discourses and demands for the same.

Although the policy focuses upon a multilinguistic approach, it is silent on the availability of online content in regional languages, thereby limiting representation and accessibility to different strata of the society. The policy also falls short of addressing connected issues to education like mental health, suicide prevention, etc. It also does nothing substantial to accommodate persons of the LGBTQIA+ community and persons with learning disabilities. Questions on access remain unanswered.

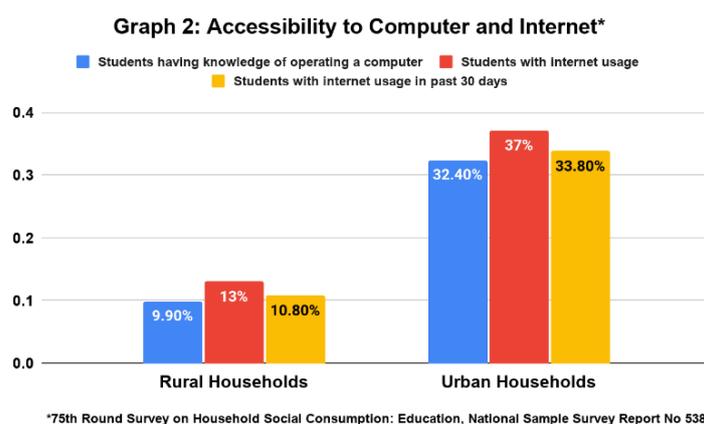
The policy also shifts its focus from standard education to vocational education. It might be considered as a positive step towards 'Skill India'. However, it is equally feared that vocational education as an alternative will not only stretch the communal lines based on socio-economic factors but also substantially contribute to drop-out rates. The provision acts as a band-aid on a festering wound and does little to alleviate the underlying causes of lack of education in India.

IV. THE AGE OF TECHNOLOGY: ACCESSIBILITY CHALLENGES

NEP 2020 does emphasize the infusion of technology into the education system. It seeks to develop e-courses, set up virtual labs, and establish a National Educational Technology Forum. However, without adequate internet infrastructure, such an attempt would only be futile. The recent data suggests that the rural internet subscribers are 247 million and the urban internet subscribers are 440 million. ^[4] However, the total rural population is around 900 million and the total urban population is around 450 million. ^[5]



Data suggests that while the entire urban population has access to the internet, a mere 27 out of 100 have access to the internet for the rural population. ^[6]



^[4] Telecom Regulatory Authority of India, 'The Indian Telecom Services Performance Indicators July – September, 2019', (Telecom Regulatory Authority of India, 8 January 2020) <https://tra.gov.in/sites/default/files/PIR_08012020_0.pdf> accessed on 6 December 2020.

^[5] United Nations, 'World Urbanization Prospects 2018' (Department of Economic and Social Affairs, United Nations, ST/ESA/SER.A/421) <[WUP2018-Highlights.pdf \(un.org\)](https://www.un.org/wup2018-highlights.pdf)> accessed on 6 December 2020.

^[6] The Indian Telecom Services Performance Indicators (n 4).

It also reflects the deep digital inequality which can only be reduced by building an affordable and accessible digital infrastructure and dispensing digital literacy (*See Graph 1 and Graph 2*).

V. PRIVATIZATION AND COMMERCIALIZATION: THE NEW TRENDSETTER

Statistics on students attending government institutions (*See Graph 3*) not only reflect the importance of government institutions but also the need for accessible and affordable education. However, NEP completely ignores this aspect and explicitly acknowledges the enroute privatization of the Indian education system. The status of education is being moved from that of public good to that of a commercial commodity. The shift from the discourse of rights to philanthropy has been flagged at multiple levels. Taking education out of the State's mandate and leaving it to the mercy of 'private philanthropic partnerships', however, might not be the only possible effective solution. Even in the education system before NEP, efforts had been made to put inclusive positive obligations on private schools by mandating them to reserve at least 25% of their seats for children with underprivileged backgrounds. However, the policy lacks strict enforcement. This example shows how the education system has already been adversely affected by privatization and its after-effects. The extension of privatization to higher education is likely to have a similar impact. NEP does not present any data, domestic or international to demonstrate the reasons behind privatization.

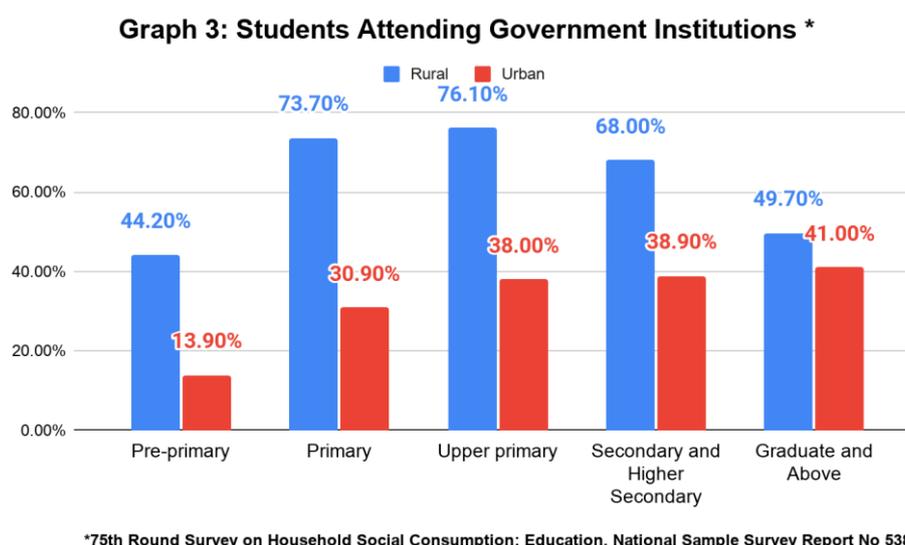
VI. THE WIDENING SOCIETAL CURVE: RURAL-URBAN DIVIDE

India's rural-urban divide has been constantly widening since independence. A survey^[7] on household social consumption (education), conducted between July 2017 and June 2018, reported that the literacy rate in rural areas was 73.5% as compared to 87.7% in urban areas (*See Graph 3*).

^[7] Ministry of Statistics and Programme Implementation, '75th Round Survey on Household Social Consumption: Education, National Sample Survey Report No 538' (National Statistical Office, Government of India, July 2017-June 2018).

*INCLUSIVITY IN NATIONAL EDUCATION POLICY, 2020:
A NEEDLE IN A HAYSTACK? AN OVERVIEW*

The already dilapidated rural education system of India has been adversely hit by the pandemic. In the past six months, India has witnessed, probably for the first time in its history since independence, a large-scale reverse migration to villages from cities, resultant of the lockdowns imposed by the State. Several studies state that around 30% of the big cities' population comprises daily-wagers; who are mostly the ones returning to villages, having lost work and facing starvation.^[8] This would result in a massive enrolment in government schools that are not yet ready to accommodate them. Rural schools and colleges would have to equip themselves with a better infrastructure which they currently lack.



NEP, first and foremost, acknowledges that there exists a massive rural-urban divide at all levels of education. Secondly, it seeks to provide a special optimal learning environment and support to the students from rural backgrounds. It seeks to create a systematized arrangement to provide the requisite support to students from rural backgrounds, including increased hostel facilities. Further, it seeks to provide incentives for teachers taking up jobs in rural areas in the form of scholarships, local housing near or on the school premises, increased housing allowances, with priority to areas currently facing an acute shortage of quality teachers. Lastly, it seeks to ensure that books are made

^[8] Sushant Singh, Aanchal Magazine, 'Explained: Indian Migrants, across India', (*The Indian Express*, 29 April 2020) <<https://indianexpress.com/article/explained/coronavirus-india-lockdown-migran-workers-mass-exodus-6348834/>> accessed on 6 December 2020.

accessible and affordable to all across the country, especially socio-economically disadvantaged as well as rural and remote areas, rural libraries and reading rooms are set up in disadvantaged regions to provide access to reading materials in different languages. However, the policy is insufficient to bridge the gap, or deal with the effects of reverse migration, let alone overhaul the entire infrastructure. It would not result in any material change to the existing landscape of rural education, which has, in fact, been further pushed back, with migrants returning to their native villages. The crisis is set to deepen instead.

One of the initiatives envisaged in the policy is to establish Special Education Zones. This entails that regions of the country with large populations from educationally, socially, and economically disadvantaged groups will be declared Special Education Zones, where all the schemes and policies will be implemented at their maximum through additional concerted efforts, to change their educational landscape. The initiative, however, does not recognize the ground realities of the education landscape in a deeply divided society like India and thus, raises two imminent issues. First, instead of bridging the gap, the initiative would widen it by perpetuating inequality. The initiative would be counterproductive and lead to institutionalized segregation unless the issue of quality and accessibility of rural education is addressed. Second, by bringing these areas under the control of central authorities, the policy poses danger to federalism, which is a basic structure of the Constitution of India.^[9]

NEP also attempts to strengthen the Anganwadi centers by equipping them with high-quality infrastructure, play equipment, well-trained Anganwadi workers, and integrating Anganwadi centers into school clusters/complexes. However, it does not provide Anganwadi workers with the status of formal employees, a demand that has been raised by the Anganwadi workers for a long time.^[10]

^[9] *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225.

^[10] Vasudha Venugopal, 'Formalise conditions, wages of ASHA and Anganwadi workers: House panel on labour' (*The Economic Times*, 8 August 2020) <<https://economictimes.indiatimes.com/news/politics-and-nation/formalise-conditions-wages-of-asha-and-anganwadi-workers-house-panel-on-labour/articleshow/77422539.cms>> accessed on 6 December 2020.

VII. THE UNPRECEDENTED PANDEMIC: A CRISIS IN MAKING

An additional challenge to education in India also lies in the form of the ongoing pandemic. The pandemic operates in the background of a substantial number of children still being deprived of education even after the enactment of progressive policies and laws like the Right to Education Act 2009, education policies for girls, socio-economically disadvantaged groups, etc., to achieve socio-economic rights. Even before the crisis, India was far from its educational and development goals. As per a report by the World Bank released this year^[11], the effect of school closure as a result of COVID-19 will not only impact learning outcomes but also contribute to one of the largest economic contractions. Being out of schools combined with reducing budgets and loss of family households may have a gendered effect leaving girls especially vulnerable. The limited resources of the family would either go in survival or the education of male members of the family. The already skewed ratio of the number of boys to girls in school will be adversely impacted by the pandemic and the resultant economic crisis. Further, it may deepen the existing crisis of exclusion and inequality with the setback of quality education, scholarships, and other educational policies for marginalized groups and persons with disabilities.

Another factor to consider is that it has been predicted that the income of governments is also going to be impacted substantially.^[12] This would resultantly mean revamping the existing fiscal policies. Reopening of the educational institutions as well as the domestic economy is an additional challenge. The deficit of funds requires solutions that are not only effective in containing the spread of COVID-19 but also have a low-cost assessment. It is expected that in most countries, the funds that were earlier allocated to education will instead go to the health sector. This comes in the background where funds allocated for education have always been a minuscule part of the Gross Domestic Product in India.

[11] Azevedo et al, 'Simulating the potential impacts of COVID-19 school closures on schooling and learning outcomes: A set of global estimates' (*World Bank*, June 2020)
<<http://pubdocs.worldbank.org/en/798061592482682799/covid-and-education-June17-r6.pdf>>
accessed 06.12.2020

[12] World Bank, 'The impact of the covid-19 pandemic on education financing', (*World Bank*, May 2020)
<[Covid-and-Ed-Finance-final.pdf \(worldbank.org\)](https://www.worldbank.org/en/publication/covid-and-ed-finance-final)> accessed 6 December 2020.

VIII. THE DEADLY CONCOCTION

The societal divide in India is not a result of an exclusive, homogenous category of oppression. To understand any of the above-mentioned areas of discussion, one will have to trace their way back to the already existing structures of discrimination, even before NEP came into existence. Homogeneity is a myth and intersectionality reality. The lives and experiences of people with multiple identities, coming from different walks of life matter and should play a role in policy-making. Single-axis analysis of an individual dimension would be futile to achieve effective policy-making.

The pandemic has opened the Pandora box of challenges and adds to the already existing vulnerabilities of the population. One of them being an imperative on the government to provide virtual learning platforms to all, in a scenario where access to technology is a distant dream for many. Students have reported how they are unable to attend classes due to a lack of digital devices and other resources.^[13] The policy boasts of digital India and artificial intelligence but fails to envisage solutions to make up for the societal divide. Further, to keep their economically vulnerable families afloat, children have been forced to pause their childhood, set aside their school books, and take up menial jobs.^[14]

The policy lacks explicit sustained efforts to restrict exacerbating inequalities. Broad and vague in its scope, it does not provide a roadmap as to how it intends to tackle the issues which it has covered, let alone those which it has missed. The draft policy of NEP was released in 2019, before the coming in of the pandemic and the policy was passed at a time when the administrative bodies globally were still recuperating from its effects and were yet to devise plans for reviving their economies. Unfortunately, NEP lacks this comparative aspect to hunt for solutions.

Without a comprehensive plan, it is difficult to ascertain the ambit of the policy, pushing the education system towards further uncertainty. To overcome these challenges, we need a more inclusive and comprehensive policy, which can only be made through the involvement of intersectional communities and consideration of their unique experiences. Adequate focus is required to not only look at education but also its

^[13] Shinjini Ghosh, 'Childhood on Hold', (*The Hindu*, New Delhi, 6 December 2020).

^[14] *ibid.*

*INCLUSIVITY IN NATIONAL EDUCATION POLICY, 2020:
A NEEDLE IN A HAYSTACK? AN OVERVIEW*

connected issues. Lastly, being released at such a premature stage, with its hits and misses, NEP 2020, even though being passed after substantial years of discussion, lacks an important aspect of today's time, that is, context.

NATIONAL EDUCATION POLICY 2020: PREVENTING DISCRIMINATION IN OPERATION THROUGH EFFECTIVE COMMUNITY ENGAGEMENT

*Aaryan Mohan, and Anannya Chitranshi**

Abstract

This essay suggests sensitization measures: towards realizing a safe community engagement framework, which complements the mandate of the policy through inclusive urban planning, promoting digital literacy, targeted community interventions; and also supplements emergency teaching mechanisms by facilitating the formation of a digital learner's community.

I. INTRODUCTION

India's demographic is favorable towards realizing an economically prosperous, and intellectually rich "not-so-distant" future entailing global recognition, as suggested by the various deadlines generously sprinkled across the National Education Policy 2020 ("the policy"), which mature contemporaneously with the targeted demographic.^[1] The policy aims to rejuvenate the public education system of India^[2] while intending to achieve a convergence of governmental, and non-governmental functionaries sharing an allied vision:^[3] to provide a safe and stimulating learning experience to learners from all walks of life; which, not only holds its own when pitted against global standards^[4] but also, is

* Third year law students at Symbiosis Law School, Noida. The entry received the first prize.

^[1] The deadlines mentioned in the policy, imply a special focus on children who are graduating before the maturing of the deadlines.

^[2] The policy, 8.6.

^[3] *id.*, Principles of this Policy, pp. 6.

^[4] *id.*, 12.6.

*NEP 2020: PREVENTING DISCRIMINATION IN
OPERATION THROUGH EFFECTIVE COMMUNITY ENGAGEMENT*

tethered to “Indian” values.^[5] To properly realize the aforementioned vision, the policy acknowledges that education needs to be implemented as a public service:^[6] a basic right of *every* child.

The policy is laced with consequentialist overtones along the lines of timely reaching development goals,^[7] and nurturing learners to be future global citizens,^[8] reflecting an implied, but omnipresent objective of realizing our rightfully earned place in the global community. Quality education can help fulfill the aforementioned goal, however, for it to be an effective tool, every individual learner needs to be nurtured in a safe environment,^[9] crafted for them, by the community hosting their scholarship. The policy makes mention of,^[10] but hardly elaborates on the measures to be taken to make community engagement not only fruitful,^[11] but also safe, and sensitive towards the constantly evolving needs of learners from all socio-economic, and religious backgrounds.

On that backdrop, this essay would concern itself with refining the ambiguously ambitious contours for community engagement set by the policy, and provide suggestions to improve its potency to not only help bridge the gap between curriculum, and learning outcomes, but also, build a framework for community engagement which acts pre-emptively in favor of inclusion; Further, an efficient, and experienced digital community infrastructure would also supplement “emergency teaching mechanisms”^[12] in the upkeep of quality education while learners are physically distant from their school’s infrastructure.

[5] *id.*, 4.28.

[6] *id.*, note 2.

[7] The Policy, Introduction, pp. 3.

[8] *id.*, The Vision of this Policy, pp. 6.

[9] *id.*, 5.9.

[10] *id.*, 2.7.

[11] (A community, for the purpose of this essay: consists of members in physical/virtual proximity, who share a vested interest in the cause of the community. Though the same interest may not be shared by all members, but efforts towards the cause are collective.)

[12] Hodges, Charles et al, [The Difference between Emergency Remote Teaching and Online Learning](https://er.educause.edu/articles/2020/3/the-difference-between-emergency-remote-teaching-and-online-learning%C2%A0%C2%A0), (2020). Available at (<https://er.educause.edu/articles/2020/3/the-difference-between-emergency-remote-teaching-and-online-learning%C2%A0%C2%A0>)

II. BRIDGING THE GAP BETWEEN CURRICULUM, AND LEARNING OUTCOMES

A child is molded by their experiences with society in general, and their community in particular, therefore, professional community engagement with formal education goes a long way in bridging the gap between the curriculum, and the intended learning outcomes, by forming a connection between a child's education, and the world with which they are familiar.

Schools are encouraged under the policy,^[13] to contact professionals, especially those trained in local vocational trades, and facilitate a platform where they can interact with students, and inculcate in them: practical skills, and local knowledge.^[14] The policy also envisions the execution of a "one-on-one" peer tutoring program,^[15] through two approaches: *first*, among students who may volunteer their time to teach their peers under the supervision of teachers,^[16] and *secondly*, volunteer tutors from the community,^[17] who, ideally practice constitutional values,^[18] in their engagement with students, as, in the absence of the same: the objective of the policy stands defeated due to an increased risk of rendering impressionable students susceptible to prejudice.

However, much is left to be desired in terms of making community engagement safe through sensitization, seeing as to how the "one-on-one" tutoring method is specially targeted towards vulnerable groups.^[19] The policy does, however, mention "trained volunteers",^[20] thereby leaving scope for including desirable elements in the "training" of these volunteers. Therefore, before volunteers engage with students, a controlled sensitization workshop that deters the expression of any form of discrimination while

[13] The Policy, 5.6.

[14] *id.* (These professionals are referred to as "master-instructors").

[15] The policy, 2.7.

[16] *id.*

[17] *id.*

[18] The policy, Principles of the Policy pp. 5.

(Both the Vision and the Principles of the Policy lay emphasis on imparting and adhering to constitutional values, thus the implication here is that, tutors who play a key role in the delivery of education should themselves be endowed with such values. Examples cited include, ex-governmental employees, senior citizens, etc.)

[19] *id.*, 3.7, 6.5.

[20] *id.*, 2.7.

interacting with students from different socio-economic, and religious backgrounds would help in eliminating the association of one's background with their professional aspirations. This approach is consequentialist, insofar as it prioritizes the functionality of an engagement system over a long process of learning democratic values like tolerance.

Community engagement should not come at the cost of the safety of the learners; this calls attention to the need for active safety procedures such as the curation of a database of all volunteers,^[21] including literate, and vocational professionals, that contains information of potential volunteers' prior delinquency to ensure a higher standard of safety in community engagement. Besides, voluntary sensitization workshops may be organized, with a special emphasis in areas with a concentrated population of SEDGs. Although optional, potential volunteers who have enrolled in volunteer sensitization programs may be exempted from the aforementioned controlled sensitization before engagement with students as a volunteer tutor or "master-instructor".

III. NO LEARNER LEFT BEHIND

Complex setups where actors have rational incentives to act counter-productively may appear fair on paper, but often fall foul in operation;^[22] akin to a city plan that forces a large number of its inhabitants to travel long distances regularly to gain access to basic requirements like education,^[23] constructively disqualifying those who do not have access to efficient transport; however, improving public transport only addresses a part of the problem, as, for children who cannot keep up with the traditional model of education for a myriad of reasons, the problem lies not in the "where", but in the "how".

Sustainable Development Goal 4,^[24] discusses the need to provide quality education, but in a complex setup like our own, the answer to the multifaceted nature of problems that currently exist cannot be as linear as improving policy. Therefore, referring to

[21] *id.*, 3.7.

[22] *See*, *Griggs v. Duke Power Company* SCC Online US SC 47 (1971).

[23] Menon, Nivedita. "How natural is normal? Feminism and compulsory heterosexuality." In *Because I have a voice: Queer politics in India* Narain, and Bhan (Eds.) Yoda Press (2005).

[24] Sustainable Development Goals (United Nations Development Programme), Goal 4. (available at: <https://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-4-quality-education.html>)

Sustainable Development Goal 11,^[25] which focuses on “*improving urban planning, and management in participatory, and inclusive ways*”, further buttressed by the recognition of utilizing pre-built structures in the policy:^[26] a creative solution can be reached, which addresses the question of “how” by drastically increasing accessibility to quality education by integrating alternative education systems in well recognized societal structures.^[27]

To appropriately perform their envisaged function, a diluted form of the physical infrastructure related prerequisites that apply to actual schools would apply to these structures, focusing more on their “safety value”, which would be a measure of their potential to provide a safe, and accessible learning environment; safety value would depend on variables like disabled-friendly infrastructure and gender-segregated washrooms. The aforementioned proceeds on the assumption that there would be certain incentives to motivate these societal structures for integrating alternative education systems.^[28]

The benefits of adhering to this safety value would be two-pronged, *first*: facilitating easy access to education for doubly marginalized groups like disabled SEDG children, and girls, who are more likely to drop out,^[29] and *secondly*: improving our community’s infrastructure, and making it more inclusive, and sensitized towards important issues in the process.

These hybrid structures may not host teachers but would sport facilities to disseminate e-content,^[30] facilitating the formation of a learner’s community which would utilize innovative ideas like peer-on-peer tutoring.^[31] The only personnel requirement for such

^[25] id., Goal 11. (Available at: <https://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-11-sustainable-cities-and-communities.html>).

^[26] The Policy, 3.2, 21.6.

^[27] id., 3.2.

^[28] id., (The provision mentions “cooperation with civil society”, but does not mention any method of securing the same”).

^[29] id., 6.7. in accord Rajni, Gender and Disability: Dual Marginalization, Indian Journal of Gender Studies. 1, (2020). (Available at: <https://doi.org/10.1177/0971521520939285>)

^[30] Rodrigues, Margarida, and Federico Biagi. “Digital technologies and learning outcomes of students from low socio-economic backgrounds: An Analysis of PISA 2015.” Publications Office of the European Union, Luxembourg, (2017). (available at: <https://ec.europa.eu/jrc/en/publication/eur-scientific-and-technical-research-reports/digital-technologies-and-learning-outcomes-students-low-socio-economic-background-analysis>) (Tailored supplementary digital mechanisms aimed at disadvantaged sections have shown positive results in increasing access to quality education.)

^[31] The Policy, 3.2.

a structure would be well trained social workers, and counselors to act as moderators for a seamless formation of the aforementioned learner’s community, address grievances of the learners if any, provide career guidance, and emotional support.

IV. TARGETED COMMUNITY INTERVENTION

The policy recognizes the need for specialized interventions in areas with a concentrated population of SEDGs,^[32] and intends to label these areas as Special Educational Zones (SEZs);^[33] the learners who have migrated to urban cities from aspirational districts that form a part of an SEZ can be a part of specialized interventions to raise awareness in those areas, thereby strengthening their bond with their community, and amplifying the effect of these specialized interventions. Even for adult education opportunities, the policy envisions community participation through data collection by social workers/counselors traveling through their communities by requesting them to track potential participation of those interested in adult participation opportunities and help them connect with a nearby Adult Education Centre.^[34]

Additionally, the policy aims to strengthen the framework of different types of incentives that have in the past, shown positive results.^[35] It also mentions the setting up of a gender inclusion fund to remove context-specific barriers that have stymied education for girls and transgender children in the past; to complement the same, walking to their schools collectively can promote a sense of comfort in the minds of families who are reluctant to send their daughters to school,^[36] however, the same fails to secure any credit in the absence of sensitization measures targeted at males, which should ideally be available for the whole community.

^[32] id., 6.6.

^[33] id.

^[34] id., 21.8

^[35] id., 6.8.

^[36] id., 6.5.

V. PROMOTING PRODUCTIVE DIGITAL PROXIMITY THROUGH COMMUNITY ENGAGEMENT

Given that the future is reliant on technology to mobilize communities towards the cause of accessible quality education, promoting the use of technology is a step in the right direction, however, it should be accompanied by efforts to promote digital literacy targeted towards those who are close to impressionable children.^[37] Physical proximity to technology, accompanied with digital literacy leads to productive digital proximity, and productive digital proximity can aid in fulfilling the policy's goal of attaining foundational literacy, and numeracy,^[38] therefore there is a need for democratized measures to promote digital literacy and break the cycle of generational illiteracy.

Keeping in mind the solutions identified, the National Digital Literacy Mission (NDLM) 2015,^[39] introduced a two-tiered framework to promote digital literacy; the policy was aimed at increasing participation in the democratic process by inculcating an appreciation of digital literacy in the masses, and to enhance their livelihoods.^[40] However, the fee imposition decreases participation from SEDGs,^[41] thus gatekeeping who has access to basic digital knowledge, which runs contrary to its original purpose: digital literacy for *all*. For the sake of improving the quality of education, and informed community engagement, these workshops should be made available free of cost, especially instead of good governance changes that the policy envisions, like promoting accountability of educational institutions through digital platforms.^[42]

In the spirit of democratization of productive digital proximity, the framework as established by NDLM needs to be tweaked, therefore, the first of the two levels of digital literacy as identified by the NDLM should be free.^[43] The second level can be made

^[37] See, Ringi V State of Kerala, SCC 29070, (Ker HC, 2016) (The "Akshay Bharat" was a scheme formulated by State Government of Kerala to tackle the 'Digital Divide' by providing basic IT literacy to at least one person per household).

^[38] See, The Policy, Foundational Literacy and Numeracy: An Urgent & Necessary Prerequisite to Learning, at pp. 8.

^[39] Also known as The Digital Saksharta Abhiyan (DISHA)

^[40] National Digital Literacy Mission, Ministry of Electronics and Information Technology, (2015). (available at: <https://nielit.gov.in/ajmer/content/national-digital-literacy-mission>)

^[41] id.

^[42] The Policy, 8.5 (c).

^[43] id.

available at a minimal cost to those interested in further refining their digital prowess. The execution of this policy should prefer the use of local languages to better connect with the targeted demographic, and the Anganwadi network might be relied upon to raise awareness of the same.

VI. SUPPLEMENTING EMERGENCY SCHOOLING THROUGH COMMUNITY FORMATION

The Policy facilitates a framework for sharing of best practices among teachers from different schools,^[44] which forms an ecosystem to enhance the process of learning and sharing of resources between public, private, and private-philanthropic schools. It leaves room for greater experimentation and coping with unprecedented circumstances like the pandemic, schools can collaborate, and come up with a Disaster Management policy based on the best practices that each school adopts.^[45]

This observation is especially relevant in the case of school complexes, which are unique structures housing different levels of schools in a single complex,^[46] thereby, not only sharing best practices, but also tangible resources, and catalyzing the process of interaction between teachers, and students from different schools. Clubbing of resources between these schools indirectly improves community infrastructure^[47] and makes it amenable to productive use, which is per the mandate of Sustainable Development Goal 11.^[48] Sharing best practices not only helps in setting a benchmark for quality education but also helps in improving the quality of “emergency education mechanisms”^[49] like those deployed by schools in the pandemic.

[44] The policy, 5.10, 4.4.

[45] *id.*, 7.6.

[46] *id.*, 6.11, 7.

[47] *id.*, 21.8.

[48] *Supra* note 24. (Sustainable Development Goal 11)

[49] *Supra* note 12.

VII. CONCLUSION

The measure of an efficient policy is through its ability to be deconstructed into elements amenable to implementation;^[50] on that backdrop: this paper attempted to dissect, and improve a facet vital to realizing the policy's vision, community engagement. The policy is laced with strong utilitarian undertones,^[51] and its intended outcomes cannot be fulfilled without acceptance from the community, therefore, through this essay, suggestions were made towards realizing a safe framework for community engagement: in pursuance of accessible quality education, with a special focus on SEDGs.

^[50] James E. Crimmins, Subordinate Ends, Principles and Maxims, Jeremy Bentham (Mar. 17, 2015). (Available at: <https://plato.stanford.edu/entries/bentham/>).

^[51] The policy's methods are centered around result-oriented objectives. Its overall aim is to manifest happiness through accessible quality education, however, in this approach it fails to take into account the existing issues prevalent in the environment of the targeted demographic.

NATIONAL EDUCATION POLICY, 2020: FALLOUT FROM EQUITABLE AND INCLUSIVE EDUCATION FOR CHILDREN WITH DISABILITIES

*Gauransh Gaur and Aniket Panchal**

Abstract

Children with disabilities are frequently discriminated against in myriads of places, which often leads to their exclusion from society at large. To address this exclusion and discrimination, the National Education Policy, 2020 was introduced. This essay aims to understand the extent to which the new policy will accommodate and nurture children with disabilities and what still remains to be done in order to guarantee an inclusive space for these children.

“We all should know that diversity makes for a rich tapestry, and we must understand that all the threads of the tapestry are equal in value no matter what their color.”

- Maya Angelou

I. INTRODUCTION

The newly introduced Indian National Education Policy (NEP), 2020 has been extolled for its barrier-free access to education for all children across the country. Mainly as it dispels darkness and dawns into a new era of inclusivity in the education system, as claimed by the government. Inclusive education in India has, for its most part, existed at the cost of

* Second year students at Gujarat National Law University. The entry received the second prize.

exclusion of children with disabilities. Disability often stands as a heightened wall between the children and education; in fact, it hampers the access of children to education. This fact is further solidified by the evidence that only half of the disability population is literate.^[1] In fact, in the age group of 3-35 years, only 62.5% of the disabled people have attended the schools.^[2] The policy entails many provisions for ensuring inclusive education. This essay critically examines the education policy and hunts through the excessive ambitious provisions to cull out the true meaning of inclusiveness in the education sector for disabled children.

II. THE CHOICE OF THE SCHOOL

NEP has cleared confusion with regards to the medium of attaining education for disabled children. The earlier two acts i.e. (Rights of Persons with Disabilities Act, 2016 (“RPWD Act”) and Right of Children to Free and Compulsory Education Act, 2009 (“RTE Act”) which equivocally provided for three mediums to the children for receiving their education oscillated between these three choices mentioned herein below.

- i. Special Schools (RPWD Act)
- ii. Neighborhood Schools (RPWD Act & RTE Act)
- iii. Home-based Education (RTE Act)

The NEP rectifies this issue by recognizing all three options for their education. Nevertheless, certain concerns remain unaddressed.

a. Home Schooling

It is important to audit the homeschooling for the quality of the home-based education provided to the children through such means is concerning; an audit also helps in gauging the efficiency and effectiveness of such means of administering education. The National

[1] Ministry of Statistics and Programme Implementation, Disabled Person in India: A statistical profile 2016, http://mospi.nic.in/sites/default/files/publication_reports/Disabled_persons_in_India_2016.pdf (last visited 23 November 2020).

[2] Ministry of Statistics and Programme Implementation, 2016, https://www.mospi.gov.in/sites/default/files/publication_reports/Report_583_Final_0.pdf (last visited 23 November 2020).

Policy of 2020 aligns with the norms mentioned in the RPWD Act with regards to the audit of home-based education.

However, the Block-level resource persons who help in providing the home based-education have raised alarming concerns with regards to the working conditions. The work of a Block Level Resource Person entails **a)** Keeping track of disabled children in the block; **b)** Keeping in touch with the teachers about teaching strategies; **c)** surveying to identify children with disabilities, etc. Their work is positioned on a tripod of disproportionate workload, dearth of job prestige, and extremely low salaries.

Nevertheless, the endorsement of home-based education rather than increasing the accessibility and inclusivity of school classrooms with the help of extra support needs raises questions about whether the educational system views some children with disabilities as unworthy of inclusion. Although the students with benchmark disability, as defined under section 2(r) of the RPWD act^[3], may be provided with an option to study from home, the environment in a classroom can be revitalizing for them.

b. Special Schools

NEP, in line with RPWD Act, embraces special schools as a viable alternative to regular schools for children with benchmark disabilities. Nonetheless, the new policy does not explicitly mention if the special schools will come under the Ministry of Social Justice or will be treated as regular schools under the Ministry of Education. Further, there are no concrete guidelines that have been framed or mentioned under the policy with regards to the quality, certification, or curriculum of these special schools. A little flexibility is always appreciable; however, the complete dearth of these guidelines hints towards the lackadaisical approach of the policymakers. The New policy also advocates for the standardization of the Indian Sign Language for teaching deaf children; however, it is unsettled if it will be applied to the schools dedicated specially for deaf children, where the means of speech therapy and lip-reading are preferred to sign language while teaching them. In light of the foregoing reasons, it would not be a far-fetched conclusion

^[3] The Rights of Persons with Disabilities Act, 2016, § 2(r), No. 49, Acts of Parliament, 2016 (India).

to state that the policy framework does not adequately provide for the regulation of these special schools for disabled children let alone paving the way for an inclusive space. These shortcomings in the NEP, in fact, further the idea of having only regular schools as the “vibrant institutions of excellence”.

III. SPECIAL EDUCATORS

NEP mentions the urgent requirement^[4] for the additional number of special educators for children with disabilities. However, it fails to address the reasons behind the meager number of appointments. Special educators are encumbered with the problems like shortage of funds, delay in receiving remuneration, and unsuitable working conditions.^[5] Solutions to the existing foundational problems like delay in disbursement of salary and unsuitable working conditions are not covered in the document. The policy just mentions that special educators would be recruited with cross-disability training without any elucidation on if there would be any specialized institutions for their training, or cross-disability training would be taken as just any other module in the training course. The policy should have provided for maintaining a separate cadre of special educators for children with multiple disabilities with their exhaustive training and sufficient emoluments so that there would not be any want of special educators for children with multiple disabilities.

The process^[6] of renewal of ‘Continuous Rehabilitation Education (CRE)’ certification from the Rehabilitation Council of India (RCI), which is to be renewed once every five years after obtaining a hundred points through many training sessions, can be both expensive and cumbersome for the special educators due to the “residential form of training sessions, limited seats, and geographical locations”^[7]. This disproportionate workload accompanied by out-of-pocket expenditures disincentivizes this job.

^[4] Ministry of Human Resource Development, National Education Policy 2020, https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf (last visited 26 November 2020).

^[5] Priyanka Rao, Shreya Shrivastava, Tanushree Sarkar, *Towards an Inclusive Education framework for India: An analysis of the rights of children with disabilities and the RTE Act*, Vidhi Centre for Legal Policy, https://vidhilegalpolicy.in/wp-content/uploads/2020/05/InclusiveEducationReport_final_28April_0527PM-1.pdf.

^[6] Rehabilitation Council of India, <http://www.rehabcouncil.nic.in/forms/Sublink1.aspx?lid=1034> (last visited 22 November 2020).

^[7] *Supra* 5.

Unfortunately, the existing policy does not seem to be resolving this by providing any feasible mode of certification and renewing of license so that they can contribute to the overall development of a child without any additional financial burden and exertion. Another point on which the policy fell short of is ‘regularising the special educators as teachers.’^[8] The special educators must be treated ‘at par’ with the regular teachers and must be provided with similar emoluments and working conditions. ‘Inclusiveness’ should be envisaged not only in the education of children with disabilities but also in the treatment of special educators who are enablers of this very inclusivity.

IV. SOCIAL AND ECONOMIC INFRASTRUCTURE

NEP promises inclusive education by providing the infrastructural barriers from ‘pre-primary school to Grade 12’ across every school. It has also proposed the creation of a school complex^[9], where there would be the pooling of resources through establishing a cluster of some secondary and primary schools within a small region (5–10-kilometer radius). However, the concern with this model is that it might have an unwanted consequence of segregation or exclusion, where children with disabilities would be taught separately in a separate classroom or special school. The creation of a digital repository of resources known as ‘Digital Infrastructure for Knowledge Sharing (DIKSHA)’^[10] would also increase the access to learning resources for children with disabilities through assistive technological aids. Nevertheless, it should be realized that the optimum utilization of these resources by the target section is incomplete until they are completely aware of it, and have the requisite technological devices for its access. The document is silent on how it will be ensured that even a child with disabilities, living in a village, would reap the benefits of digital learning with the lack of resources and awareness^[11] on the part of their parents. It just mentions that ensuring the inclusion and participation of children with disabilities would be the highest priority without much

^[8] *Supra* 5.
^[9] *Supra* 4.
^[10] *Supra* 4.
^[11] *Supra* 5.

elucidation on how it would make children with disabilities reap the benefits of innovative learning.

V. CURRICULUM AND ASSESSMENTS

NEP aims to achieve 'foundational literacy and numeracy' (FLN) for 'all students by grade 3' as it has been found out that students are not able to understand 'grade-level texts'.^[12] These findings are also reiterated in various governmental and non-governmental surveys. However, the concern with many surveys is the non-inclusion of children with disabilities. For instance, in the Annual Survey of Education Report (ASER),^[13] which has highlighted the learning crisis in the foundational learning of the children, unfortunately, data related to the children with disabilities are not covered in these surveys due to resource constraints and time limitation. An equitable form of assessment catering to the needs of diverse sections of children is proposed to be formulated by the National Assessment Centre: PARAKH. The guidelines for the assessment of children with learning difficulties will also be released by PARAKH. This highlights the ambiguity brought about by the drafting whether children with learning difficulties would encompass both children with intellectual disabilities and cognitive disabilities though they are different. Another concern is the assessment standard of FLN where children might get labeled as learning disabled or get recommended for special education'^[14] on their poor performance.

VI. TEACHERS' TRAINING

NEP states that teachers would be trained in 'most recent techniques in pedagogy'^[15], however nowhere has it been mentioned how teachers would be trained to identify

^[12] Tanushree Sarkar, 'Examining Disability Inclusion in India's New National Education Policy', Cambridge Network for Disability and Education Research, (Nov. 27, 2020, 9:29 PM), <https://canderesearch.wordpress.com/2020/08/12/examining-disability-inclusion-in-indias-new-national-education-policy/>.

^[13] Frequently Asked Questions about ASER, <http://img.asercentre.org/docs/ASER%202018/Release%20Material/English%20files/frequentlyaskedquestionsaboutaser.pdf> (last visited 22 November 2020).

^[14] *Supra* 12.

^[15] *Supra* 4.

children with intellectual and other cognitive disabilities at the foundation learning stage. Including a training module on how to deal with children with intellectual or cognitive disabilities in the B.Ed. the course has not fledged the desired benefits so far as many of the children are left unidentified in their formative years.^[16]

VII. EDUCATING CHILDREN ON ‘DISABILITY’

NEP has missed an opportunity on the introduction of ‘disability education’ for every child so that disability can be seen as one of the different layers of identity. This would have realized the human rights model in letter and spirit as envisaged under the UNCRPD. The subject is paramount for establishing an inclusive society for changing the stereotype and stigma about disability that persist in society.^[17] Though the policy has emphasized issues like gender sensitization, inclusive education could have compounded with an introduction of disability education in the curriculum.

VIII. SEGREGATION OF EDUCATION

NEP proposes the establishment of ‘special education zones’ for the ‘Socio-Economically Disadvantaged’ group, which comprises children with disabilities along with other socially deprived and minority groups.^[18] This clubbing of children with disabilities along with other groups would make the disabled children compete with other disadvantaged groups if a certain proportion of reservation or benefits is provided to the ‘Socio-Economically Disadvantaged’ group under the policy in the future, thereby defeating the objective of inclusive education of the policy. Also, there would be a segregation of education through the institutionalization of special education zones where socially disadvantaged groups would be studying under special education zones while the rest would be studying in the other institutions. Therefore, the creation of this extra-

^[16] *Supra* 5.

^[17] State of the Education Report for India 2019 Children with Disabilities, <https://unesdoc.unesco.org/ark:/48223/pf0000368780?posInSet=1&queryId=61d8f754-79af-400a-ae81-8b3700e24397> (last visited 20 November 2020).

^[18] *Supra* 4.

constitutional category can unintentionally be counterproductive by further leading to social and economic inequities in the country.

IX. CONCLUSION

The National Education Policy, though ambitious in its vision, depicts the shallow understanding of ground realities. The use of different terminology like ‘inclusion, integration, children with special needs, differently-abled’ gives the most eloquent expression to the incoherent^[19] understanding of disability in society. Further, the overhauling of quality based higher education under the National Education Policy is done through the introduction of a philanthropic private model of education. The implementation of disability reservation in government institutions and government-aided institutions is always in question^[20], however, the coming of private players in higher education would have serious implications on the inclusion of the persons with disabilities in higher education. To create an inclusive and equitable society, the government and other authorities should focus more on budgetary allocation on disability education, improving working conditions for the teachers and special educators, removing attitudinal barriers and stereotype regarding the disability, and taking steps in bringing more persons with disabilities in the mainstream of the society. Only then the goal of an inclusive and equitable society would be realized.

[19] *Supra* 17.

[20] The Wire, <https://thewire.in/rights/apathy-getting-in-the-way-of-implementation-of-reservations-for-people-with-disabilities> (last visited 27 November 2020).

EYING INDIA'S NEW EDUCATION POLICY VIS-À-VIS THE LENS OF SKILL-BASED EDUCATION

*Parul Pradhan**

Abstract

Education is important, but skills are necessary. Today, skill-based education is not a choice, but a need of the society and appreciably, 'skilling' the roots for a better tomorrow is the determining path. The irreconcilable difference in our country widens as the demand for skilled professionals heightens, but the desire to get skilled is considerably low. India's New Education Policy takes ardent steps towards affirmative vocational education, right from the bud stage of a learner to a full-fledged imbibe for the pinnacle age. Let's eye on the Policy through the necessity from degree-driven to embracing skill-driven call.

I. INTRODUCTION

Over years, Indian education has molded itself to a by-product of memory, evocation, and marks-fetching system. We are tutored to munch figures and hark back for a lifetime. But does it help? Are we taught about the applicability of mind in a given situation or how to make an informed decision in the modern-day workspace? According to a Report by Annual Status of Education (ASER), 2017, only about 40% of the 14-18-year-old teens can estimate the price of a shirt sold at a ten percent discount.^[1] Less than 60% can decode the time from an analog clock, which includes the better off students from private

* Fourth year law student at National Law University, Odisha. The entry received the third prize.

[1] Pratham, 'Annual Status of Education Report 2017: Beyond Basics' (January 16, 2018), Page 48, available at <http://img.asercentre.org/docs/Publications/ASER%20Reports/ASER%202017/aser2017fullreportfinal.pdf>.

schools.^[2] A study by Mettle reports less than just 5% of the engineers possessing the analytical skills necessary for a software engineering start-up.^[3] We lack manifestation of using our own brains and interests, rather than creating space for rote learning. Education in India, somewhere down the line, has lost its allure while diluting in this chaos, which neither NEP 1967 nor NEP 1986 were able to address. Data shows that we are incompatible with the global stage.^[4] The twenty-first century is unquestionably driven by multiculturalism and technology, where routine jobs are automated. We need individuals who ‘think’ critically, innovatively, and analytically for resolving ‘real-life’ problems, instead of being replaced by algorithms.

In the beautiful words of **Steph McGovern**, the notable BBC journalist, who once opined, “*from a young age, I had a real sense of the world of work. This is what vocational education gives you*”. Vocational education makes a real difference! Among the lives of countless young souls, it builds self-confidence and leadership skills by allowing them to utilize their unique gifts and talents.

On July 29, 2020, India saw the pristine light of change, as the Government of India unveiled the NEP – 2020 to destine the future of tomorrow towards a better and comprehensive prospect. From news channels to podcasts, webinars to editorials, proponents to opponents; engaged in deep contemplation as well as the war of words over the nitty-gritty involved in the new scheme.

The NEP dreams to touch the lives of every individual, consistent with their determination to contribute to many growing imperatives of the country and creating a just and equitable society for all. It proposes the revision and revamping of the entire education system, its governance, substituting experimental and practical based designed learning and is more aligned towards the aspirational goals of the 21st century.^[5] In other words, students will be pushed more for indulgence in liberal, innovative, and quality research.

^[2] Anustup Nayak, ‘*An antidote to rote learning*’, Forbes India (March 1, 2018), available at <https://www.forbesindia.com/blog/economy-policy/an-antidote-to-rote-learning/>.

^[3] *Id.*

^[4] Dr. Saurabh Kumar Sharma, ‘*NEP 2020: A paradigm shift in learning*’, The Times of India (September 5, 2020), available at <https://timesofindia.indiatimes.com/blogs/voices/nep-2020-a-paradigm-shift-in-learning/>.

^[5] *Supra* note 1.

S.P. Thyagarajan (Member, University Grants Commission's Committee on Academic Bank of Credits Regulations, 2020) cherishes the focal point on skill development and empowerment of flexibility meted to the students under NEP 2020. ^[6] The program sets forth a progressive approach, a new *modus operandi* for looking at the much – needed to ameliorate in the education system of India. Since the curtain-raiser announcement, the policy has been applauded for the incorporation of foundational and continual learning within the curriculum.

II. AN OPPORTUNE FOR INDIA'S FUTURE – FULL MARKS TO NEP FOR PINNING AT THE SWEET SPOT

The NEP recognizes the seminal role of Vocational Education in building the Indian demographic dividend. When compared to main-lands like South Korea (96%), Germany (75%), United States (52%), less than 5% of the Indian youth at the age bracket of 19-24 years receive a formal skill-based peep. While acknowledging the need to hasten the recognition of vocational skills, the policy necessarily highlights the need to remove the rigid division between academic and vocational streams.

The proposal of a new pedagogical structure (5+3+3+4 design), i.e., **Foundational** (*grade 1-2*), **Preparatory** (*grade 3-5*), **Middle** (*grade 6-8*), and **Secondary** stage (*grade 9-12*) calls for holistic development, discussion and analysis-based learning in the very roots of a student's salad days. Kids learn faster and swifter as they behold greater cognitive benefits at the age of 2-8 years. Further, the three-language formula emphasizes mother tongue-based and oral languages to promote culture, a sense of humanity & richness, and creativity through multi-diversity.^[7] Correspondingly, in Universities and Higher Institutions, education is to be universalized and boost the youth of our country to pursue knowledge as the means of augmenting a universal outlook towards life. Thus, the policy

^[6] 'Credit Mechanism, Mobility and Academic Bank of Credit under Shikshakparv', The News Strike (September 25, 2020), available at <https://thenewstrike.com/credit-mechanism-mobility-and-academic-bank-of-credit-under-shikshakparv/>.

^[7] *Supra* note 1, at Page 14.

leans more towards collaboration, communication, ethics, social responsibility, creativity, scientific temper, digital literacy, and so forth.

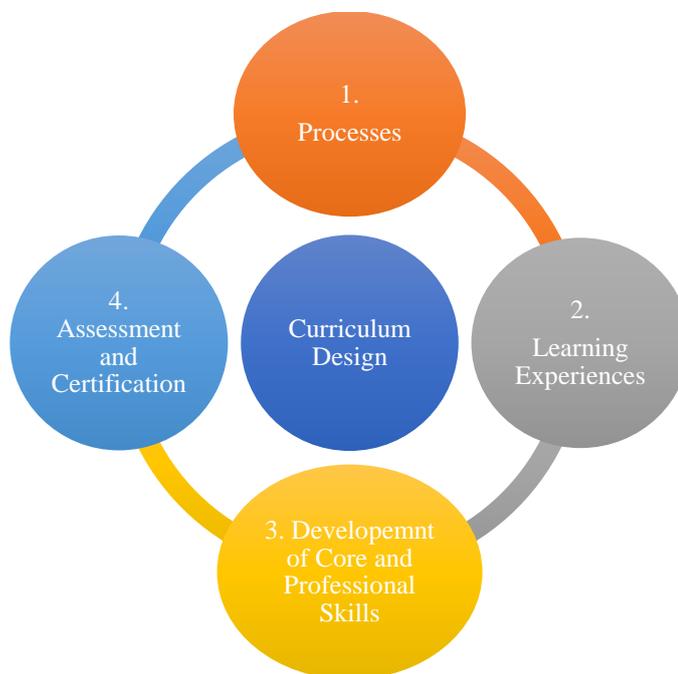


Image source: Re-imagining Vocational Education: The NEP 2020 Perspective ^[8]

The curriculum isn't to be loaded with non-linear courses, but to make space for personality development. *Grasp the curriculum in flexibility* is the key. Students will have the opportunity to sample several vocational crafts (as mapped by local skilling needs) and participate in real-life engagement through internships, which will consequently provide an impetus towards building entrepreneurial skills. National Testing Agency is to offer specialized aptitude test in sciences, humanities, vocational subjects, twice a year. The policy is focused on increasing the gross enrolment from 26.3% (2018) to 50% by 2035 for prospective vocational education.^[9]

For teaching, the policy notes the recruitment of 'master instructors' and 'local eminent experts' across subjects to craft students for local knowledge and exchange programs. It also envisages the institution of the National Council for Vocational Education and Training (NCVET) to act as a professional standard-setting body for skill-based education.^[10] States/UTs are stimulated to sew up the (I) access to adequate resources,

^[8] Sitansu S. Jena, 'Re-imagining Vocational Education: The NEP 2020 Perspective', Power Point Presentation, Slide 9, available at https://www.education.gov.in/shikshakparv/docs/Sitansu_Jena.pdf.

^[9] *Supra* note 1, at Page 35.

^[10] *Id.*, at Page 47.

counselors for all subjects, including vocational courses, and (II) creation of a sense of community, co-operation, and improved governance. Teacher's jobs shouldn't be to prepare students for something; rather their jobs must be to help the students prepare themselves for anything!

For imparting a deeper impact into the future, the policy targets at least 50% of learners across schools and higher institutions for exposure to vocational learning by 2025.^[11] To effectively integrate such learning into mainstream education; mechanisms such as collaboration with local industries, the establishment of incubation centers, skill labs, the conduct of certificate courses; are to be implemented in a phased manner. Furthermore, the National Committee for Integration of Vocational Education (NCIVE), consisting of experts and representatives from ministries will lend a hand so that students can keep abreast of the relevant vocation sought from within the industry.^[12]

III. THE COVID CALL

In the testing times, when the world scrambles to come to grips with the social realities in the wake of a global pandemic, India's education sector takes a backseat. With schools, colleges, and institutions having been experienced a hasty lockdown, followed by familiarizing themselves with the unfamiliar mode of online impart of education, we severely need to cultivate innovative and advanced skills as our continually evolving progress and step up to the plate as a true 'knowledge hub'.

As the world comes together to face an unprecedented circumstance and testing time, pandemic drives home the essential human value of interconnectedness of family holds the true value to its ethos. There is perhaps a silver lining in the way we will see the world now, and more than ever, we need to cherish the bright side of the opportunity conditioned to us by defeating the wave and working hand in glove.

[11] Sahitya Karra, '10 points to consider: Vocational Education and Skills in National Education Policy 2020', National Skills Network (August 07, 2020), available at <https://www.nationalskillsnetwork.in/10-points-to-consider-vocational-education-and-skills-in-national-education-policy-2020/>.

[12] *Supra* note 1, at Page 44.

IV. A MISSED OPPORTUNITY

Just like there are two sides of a coin, and just how it takes two to tango; there exist certain negative connotations out there concerning the inclusion of vocational education into the mainstream programming scheme. A section of activists has expressed their dissatisfaction with the importance accorded to vocation, concerning that it will end up furthering the existing inequalities in the accessibility to education.^[13] It is feared that, since a child from the sixth grade itself is encouraged for the impartment, students from the socio-economic background will tend to focus solely on vocational subjects with greed to obtain gainful employment in the future. Further, this will undermine the sanctity of basic mainstream education until tenth grade, particularly for first-generation learners. Such provisions at a very early age might prove to be a tool for distraction.^[14]

If higher opportunities are not available, students entering the vocational stream might end up blanketing minimal education or a low-key job for themselves. For instance, a student finishing an agricultural vocational course will find it difficult to the hilt to admit himself to an undergraduate program in agriculture, given the fact that there is a wee percent of seats reserved for them. While skill-based learning is imperative with the vision of development, this should not be translated into the alienation of underprivileged or disadvantageous kids.

V. CONCLUSION

“Knowledge is not power, knowing a concept is only potential value. The execution of knowledge is where the power lies.”

— **Tony Robbins**, American Author, and philanthropist.

Education is the beautification of the inner world, and through that, of the outer world! It shouldn't be about marks and syllabus, it's 'must' be about learning and development. The NEP is novel in its acknowledgment of the value of vocational and skill-based training in a child's life. It, legitimately, identifies the need to integrate vocation into mainstream

[13] Pon Vasanth, 'Vocational Courses may distract poor students', The Hindu (July 31, 2020), available at <https://www.thehindu.com/news/national/tamil-nadu/vocational-courses-may-distract-poor-students/article32244096.ece>.

[14] *Id.*

*EYING INDIA'S NEW EDUCATION POLICY VIS À VIS
THE LENS OF SKILL-BASED EDUCATION*

education and dispel the belief of its inferiority and condemnation for being a 'general' subject.

At the outset, access to vocational exposure will enhance the ability to choose our own, both on a professional and personal ground. Kids, at a very young age, will obtain hands-on experience, coupled with confidence for a satisfactory career in the long run. Another facet of encouragement, adding a feather to the 'positives', is the recognition of practical experience. A quintessential example is that the policy uplifts the idea of the grant of completion certificates by institutions providing vocational/professional courses. However, it is equally prudent for the students and their guardians to absorb this intent in its right frame and spirit. One must be 'actually' engaged in practical learning, instead of procuring 'dummy' certificates just to settle for the sake of learning. Imperatively, adequate measures are to be made for opportunities to be availed by those who are genuinely interested and not to pave a way for a means of indirect exploitation.

The establishment of the National Education Commission (*Rashtriya Shiksha Aayog*) as a constitutional body through an Act of Parliament, is a promising step for commitment towards skills-based education for all. If the policy is well implemented with good spirits, it, as sure as eggs are eggs, will bring a change in the education sector with aspiring goals of critically developed and knowledgeable minds. Hardcore projects and assignments do not get any work done in life (*the more the pages blindly copied, the higher the marks fetched*). It is for the students not to be trapped in the blind race, and gloriously celebrate life (*in-built talent and passion*) they have curated for themselves.

India is on the lines of attaining sustainable development goals set out by the United Nations of "*guaranteeing equal access to opportunities for quality technical and vocational education for everyone*".^[15] It's time to engage all the stakeholders – industries, governments, and students themselves to construct a roadmap to effectively realize India's fullest potential. A strong workforce, equipped with practical acumen, will enhance productivity and play a vital role in building a self-sufficient India.

[15] '*Sustainable Development Goals 4: Quality Education*', United Nations India, available at <https://in.one.un.org/page/sustainable-development-goals/sdg-4/>.

NATIONAL EDUCATION POLICY 2020: A MIRAGE OF INCLUSIVITY AMIDST UNADDRESSED HEGEMONIC MASCULINITY

*Meher Dhingra**

Abstract

The essay analyses the provisions of the National Education Policy, 2020 aimed at making the education system more gender inclusive, and contends that the policy fails to holistically address the concern of gender inclusivity, as it continues to remain silent on the ever-prevalent issue of hegemonic masculinity, the root cause behind the marginalisation of women and other genders in society.

I. INTRODUCTION

The Union Cabinet of India, on the 30th of July, amidst a raring pandemic and the chaos of a disrupted education system, introduced the National Education Policy, 2020 (“NEP”). The first education policy since 1986, the NEP was naturally anticipated to be the beacon of hope in a society still struggling with the most primitive facets of the social fault-line of gender inequality. However, paradoxically, the policy seems to lack any conscientious effort towards the annihilation of the inequalities based on gender and fails to holistically address the concern of the education system becoming more gender-inclusive and equal. It is contended by way of this essay that as long as hegemonic masculinity is not addressed by policies like the NEP, the inclusivity of women and other marginalized genders in the education system, and by relation, in society, can never be truly accomplished.

* Final year law student at Symbiosis Law School, Pune. The entry received the fourth prize.

II. AN ANALYSIS OF THE POLICY AND ITS PROVISIONS

The NEP is only the third education policy to have been brought out by the Government of India since Independence, and hence a complete overhaul of the education system was invariably expected. The NEP does deliver in terms of an ambitious and futuristic draft^[1], however, it appears incongruous with the realities that plague our society. This section aims to analyze the existent provisions concerning gender inclusivity in the policy and their veracity.

The introduction to the policy itself establishes the primacy of education in achieving an equitable and just society. A reconfiguration of the entire system is proposed on account of achieving the Goal 4 of the 2030 Agenda for Sustainable Development, which states that the nation seeks to “*ensure inclusive and equitable quality education and promote lifelong learning opportunities for all*”. Hence, at the offset, equity, and inclusivity in the education system appear to be one of the key areas of concern.

a. School Education

i. Curtailing Dropout Rates and Ensuring Universal Access to Education

One of the key recommendations of the NEP pertains to retaining children in the schooling system and attaining a 100% Gross Enrolment Ratio (“GER”) in preschool to secondary level by 2030. The policy notes that the decline in GER is significantly higher for groups that are socio-economically disadvantaged including based on gender identities; female and transgender persons. The major reasons for girls dropping out of school in the year 2015-16 among financial constraints and the child not having an interest in studies were as shown in the table below:

[1] Roshni Chakrabarty, *What are education experts saying about the new National Education Policy?*, India Today, 2020, <https://www.indiatoday.in/education-today/featurephilia/story/national-education-policy-what-education-experts-are-saying-about-nep-2020-1706139-2020-07-30> (last visited Nov 27, 2020)

Reasons	Male	Female
Engagement in domestic activities	4.8%	29.7%
School is far off	0.5%	3.4%
Marriage	-	13.99%

Source: Ministry of Human Resource Development, Educational Statistics at a Glance (2018)^[2]

A segment for 'other reasons' included reasons like; non-availability of female teachers and non-availability of girl's toilets as additional reasons behind girls dropping their education mid-way.^[3]

The recommendation of the NEP in this regard was to provide safety by way of adequate infrastructure, which included enlarging existing government schools and building additional schools in areas where they do not exist, and **providing secure conveyance and/or hostels, especially for the female students**. Which was followed by a vague prescription of **ensuring quality in education**, for ensuring retention of students especially girls and socially-economically disadvantaged groups.

The NEP then goes on to group all the students that may be hailing from socio-economically disadvantaged backgrounds i.e., whether they may be disadvantaged as a result of, gender identity, socio-cultural identity, geographical identity, etc. they shall be referred to as one group – SEDGs. And that, to facilitate the learning of such SEDGs, the scope of education shall be broadened to include both formal and non-formal education modes and open distance learning programs.

What is imperative to be noted in this section is the fact, that while there is an acknowledgment of the fact that the barriers to the retention of female students in the

^[2] Ministry of Human Resource Development Department of School Education & Literacy Statistics Division, Educational Statistics at a Glance (2018), https://www.education.gov.in/sites/upload_files/mhrd/files/statistics-new/ESAG-2018.pdf (last visited Nov 27, 2020)

^[3] Ibid.

education system still include archaic patriarchal notions like her engagement in domestic activities or marriage, there is no effort to counter them at the grass-root level. Further, the clubbing of such diverse disadvantaged groups under a common umbrella invariably dilutes any intention of establishing equity.

ii. Curricular Integration of Essential Subjects, Skills, and Capacities

This section includes a solitary reference to ‘gender sensitivity’ among an extremely ambiguous plethora of skills, like scientific temper, logical reasoning, coding, computational thinking, etc. that the policy seeks for the students to learn along with individual curricula.

This is followed by an idealistic inclusion of ethics in the curriculum, where the NEP states that students shall be taught at a young age the importance of “doing what is right”. Wherein, traditional Indian values and basic human and constitutional values ranging from sacrifice and tolerance to gender sensitivity and respect for elders are sought to be imbibed in the students.

The primary flaw with this section is that it is merely a collection of decorated words and nebulous notions to make it appear as if the document is in fact, in tandem with the times and inclusive.

The mention of an extremely vital subject such as gender sensitization, both as a ‘skill’ among a range of others such as digital literacy and environmental awareness and as a ‘value’ among courtesy, patience, and patriotism, is synonymous with dilettantism.

iii. Equitable and Inclusive Learning for all

This section details the need for India’s education system to benefit all children, such that nobody loses out on an opportunity to learn on account of birth or background. It puts forth statistics that while overall enrolments in schools decline consistently from Classes I-XII, the decline is more pronounced among the SEDGs and even greater for female students within each of the categories. Herein, recommendations are made for providing bicycles and organizing cycling/walking groups for female students to feel more secure

on their way to school. The policy in this section, also recommends that regions with large populations from educationally disadvantaged SEDGs be declared Special Education Zones (SEZs), where policies are complemented by concerted efforts to truly transform the dynamics of that area. Further, comes the mention of the 'Gender Inclusion Fund', which in a bid to do justice to the underrepresentation of women in society and revamp the dismal statistics of women forming half of all the SEDGs, seeks to provide equitable quality education for girls and transgender students. The fund shall be made available to the states to implement priorities (as determined by the Centre) for assisting the marginalized genders via sanitation provisions, toilets, bicycles, etc. in their access to education. Free boarding facilities with safety arrangements have also found a mention in the effort towards attaining equity.

While the idea of a specific fund towards gender inclusion is noble and in ways futuristic, the lack of any comprehensive details barring short term solutions like providing bicycles or cash transfers leaves it lackluster. The policy even when it elaborates upon equity does not adopt a holistic approach towards tackling the problem in its entirety. The solutions, by way of, hostel accommodations or ambiguous promises of encouragement are analogous to applying a band-aid on a split head.

There is a singular sentence concerning teacher training towards gender sensitization and underrepresented groups also, but it faces an ordeal similar to other mentions of gender sensitization in the policy, the lack of detail and process. What entails gender sensitization? How must it be achieved? What is the mandate concerning it? There is an abysmal lack of clarity in the NEP with respect to the concept and how it must be achieved, its usage has reduced it to a word sans any genuine meaning.

b. Higher Education

i. Towards a More Holistic and Multidisciplinary Education

This section pertains to the ideals of a more holistic system of education which shall be inclusive of value-based education and Global Citizenship Education. Whereas value-based education shall include the development of humanistic, ethical, Constitutional, and human values of *truth, righteous conduct, peace, love, non-violence, scientific temper, and*

citizenship values. Global Citizenship Education shall empower learners to become aware of global issues and become proactive members of *tolerant, peaceful, inclusive, and secure* societies. The notion of modernity blending with tradition though virtuous in its very inception shall remain meaningless, if socially and globally relevant subjects such as the teachings of feminism and sexuality are conspicuously left out even when a holistic approach to education is discussed. Tolerance, peace, and inclusivity in a society like ours can only be achieved if active efforts are made towards addressing the primeval fault lines of gender inequality and social inequality (caste) that run so deep. If the ultimate motive of education, as has been prescribed in the introduction to the policy, is the attainment of an equitable and just society, leaving out relevant subjects intended for its very reform defeats the essential purpose of the policy.

ii. Equity and Inclusion in Higher Education

This section has facets similar to equity in school education. However, there are certain specifics such as the economic opportunity cost of pursuing higher education, lack of knowledge of higher education opportunities, financial constraints, etc. which find specific mention. Under steps to be taken by Governments and Higher Education Institutions with regards to ensuring equity, there are due mentions of enhancing gender balance in admissions and gender sensitization. However, specific concerns that may plague marginalized genders in accessing higher education, such as the societal pressure of marriage on women, or the deep-running prejudices against transgenders, or the very lack of understanding of non-binary individuals; and their future in terms of employability have been left embarrassingly unaddressed.

III. HEGEMONIC MASCULINITY

An analysis of the NEP and its provisions concerning the inclusivity of marginalized genders has revealed that the policy is not only short-sighted but also highly inadequate even in its short-term goals. The very pertinent issue of the inclusion of females in our education system and their position and treatment in society has been very fleetingly

addressed, as if, only to make the policy's appeal prima-facie inclusive with no intention of bringing about actual change. If it is understood, that traveling alone to school is a legitimate fear for the girl, so much so that it even contributes to her leaving her education completely. And that statistics show, that about 50% of girls are subject to sexual harassment like leering and groping on their way to school, while 32% are followed^[4], is providing bicycles and group walks or even open education a justified solution, or should that require the policymakers to address the deep-rooted problems of hegemonic even toxic masculinity in our society so that the overhaul leaves the system and the society more inclusive in the long run.

a. Explained

R.W. Connell, an Australian sociologist in her gender theory brought forth the concept of hegemonic masculinity, a practice that legitimizes the dominant position of a man in society while justifying the subordination of women and other gender identities that are perceived as 'feminine' in society.^[5] It is contended by way of this theory that uncontested masculine domination within society impedes the attainment of equality between genders. Rudimentarily, it can be understood to mean, that there are certain notions of masculinity associated with a position of dominance and power, which rank highest in the gender hierarchy, such as; strength and toughness, which men tend to internalize.^[6] This internalization of the notions of masculinity gives rise to a sense of entitlement and apparent superiority in society, just by being a man, which translates to often violent inequalities between a masculine man and women and even effeminate men.

^[4] Himanshi Dhawan, *50% of girls sexually harassed on way to school, 32% stalked: Study*, Times of India, 2016, http://timesofindia.indiatimes.com/articleshow/51130446.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst (last visited Nov 27, 2020)

^[5] Raewyn Connell, *Masculinities* (Berkeley California 2) (2005)

^[6] Francesco Morritenni, *Hegemonic Masculinity: How the Dominant Man subjugates other Men, Women and Society*, global policy (2016), <https://www.globalpolicyjournal.com/blog/27/10/2016/hegemonic-masculinity-how-dominant-man-subjugates-other-men-women-and-society> (last visited Nov 27, 2020)

b. Anthropology of Indian Society

Revered anthropologists Sudhir and Katharina Kakar in their book, *The Indians*,^[7] wrote about women in Indian society. they distinctly stated that India was and continues to be a patriarchal society with the subordination of women and their inevitable disempowerment. The modern woman, in their interpretation, is caught between the ideologies that defend the traditional vision of Indian womanhood. The same can be interpreted to mean, that the patriarchal cultural ideals that dominate our society, are so deeply embedded that even she who is subject to the said inequalities rationalizes them in her head as a justified way of life.

c. Inclusivity by tackling hegemonic masculinity

This essay perceives the instilled patriarchy and hegemonic masculinity in Indian society as the root cause for inequality in society, hence giving rise to a vicious circle of the lack of inclusivity in the education system, and as a result, the acceptance of the social constructs of genders. Where the man is dominant and the woman is subservient.

Hence, the onus of reform falls on policies like the NEP, which are required to address much more than the immediate safety concerns of female students, and instead are expected to introduce reform in society by way of systematically breaking down the toxic social constructs surrounding gender and sexuality.

The most pertinent mode of ensuring inclusivity would foremostly be by way of destigmatizing sex and including sex-education in the curriculum beyond a solitary chapter on reproduction. Sex-education has been recognized as a powerful tool for achieving gender equality.^[8] This shall inadvertently include a conversation about menstruation, which has not been addressed in the policy at all. There is ample research on the implications of the lack of menstrual knowledge and poor access to menstrual

^[7] Kakar S, and Kakar K, *The Indians: Portrait of People* (2020) <http://essays.ssric.org/acrossborders/wp-content/uploads/2009/08/ch8.pdf> (last visited Nov 27, 2020)

^[8] Sexuality education: A powerful tool to achieve gender equality UNESCO, <https://en.unesco.org/news/sexuality-education-powerful-tool-achieve-gender-equality> (last visited Nov 27, 2020)

hygiene^[9] which makes it difficult for the girls to participate in school.^[10] As long as there is shame attached to an extremely natural bodily function of a woman, to the extent that an education policy with the specific aim of inclusivity does not make consideration for the same, equality is going to be obstructed by the internalized notions of gender roles that continue to plague society. It is only when these basics are introduced can there even be a conversation about gender and sexuality in the curriculum.

^[9] Narayan KA, Srinivasa DK, Pelto PJ, Veeramal S. Puberty rituals reproductive knowledge and health of adolescent schoolgirls in south India. *Asia Pac Popul J.* 2001;16:225-38.

^[10] Ronitzsch S. *Dropping out of school because of menstruation? An analysis of factors of success for menstrual hygiene management-projects in low and lower-middle income countries*: Philipps-University Marburg, Germany; 2015.

ACCESSIBILITY (RURAL-URBAN DIVIDE, PRIVATIZATION, LANGUAGE) AND THE NATIONAL EDUCATION POLICY 2020

*Aaditya Mootha**

Abstract

The National Education Policy is introduced every few decades, but this time, it was bypassed in the Parliament, so no proper course of discussion was there that should have taken place. The policy has tried to come to grips with the hiccups of education structure, but has utterly lacked in taking the deep insight of those imprisoned in the vicious nexus of drawbacks and disadvantages. This article has been jotted down in order to trace the background and to carve out the loopholes in NEP 2020 related to language, rampant privatization and intricacies in the present-day rural India because of lack of resources, distorted economy and majority of its people living in an impoverished condition, and the possible solutions.

I. INTRODUCTION

Indian Education system is pestered with the “Russian Roulette” postulation of education where a bullet is filled in one of the chambers of the revolver. It simply connotes that you will get an empty or filled chamber depending on your luck. The same analogy can appertain to our education structure where everything is hinged to the result of exams. If a student is unable to perform up to the scratch on that particular day, that symbolizes that he has got a bullet filled the chamber. To overcome this stumbling block, the National Education Policy (NEP) is introduced every few decades to revamp the system. However,

* Second year law student at Dr. Ram Manohar Lohiya National Law University, Lucknow. The entry received the fifth prize.

this time, the NEP^[1] was bypassed^[2], so no proper discussion was there in the Parliament which should have taken place. Several attempts have been made to bring into account the sweeping changes like universalization of education, easy-breezy approach for student engagement, re-composition of the pedagogical structure, and revamping the structure of higher education towards holistic and in toto learning. The policy has endeavored to come to grips with the hiccups of education structure, but has utterly lacked^[3] in taking the deep insight of those imprisoned in the vicious nexus of drawbacks and disadvantages; thus, widening the social inequality curve.

II. TRACING THE BACKGROUND

The exigency for the National Education Policy (NEP) was first conceived in 1964^[4] when the government was heavily criticized by Congress MP Siddheshwar Prasad for not giving satisfactory attention to the educational set-up of the country. He was highly critical of the government's lack of vision, which in turn led to the 17-member commission being appointed in the same year under the chairmanship of DS Kothari to frame a coordinated and systematized policy of education. It came into effect in 1968^[5]. Its perspective was focused on the National School System, which necessitated that everyone should get the free education up to the age of 14 years, irrespective of caste, creed, and sex, which was in furtherance of the objective of Article 45 as given under the Directive Principles of State Policy (DPSPs) but it turned out to be a not well to do policy because of the two reasons. The first and foremost is that the education was put within the domain of the State list, due to which the center was unable to play an overriding role and second was that the Indian economy was going through massive tribulations because of the paucity of funds. To fill the pit holes, the National Policy on Education (NPE) 1986 was formulated. The

^[1]National Education Policy, 2020.

^[2] 'NEP not passed in Parliament, States not taken into confidence: W.B. Minister', T. HINDU, Aug.1, 2020, available at <https://www.thehindu.com/news/national/nep-not-passed-in-parliament-states-not-taken-into-confidence-wb-minister/article32248361.ece> (Last visited on Nov. 16, 2020).

^[3] Disha Nawani, 'NEP 2020 fails those trapped in vicious cycles of disadvantage', T. INDIAN EXPRESS, Sept. 25, 2020, available at <https://indianexpress.com/article/opinion/columns/national-education-policy-2020-nep-6609564/> (Last visited on Nov. 16, 2020).

^[4] Naina Elizabeth Mathew, 'A Deeper Look at India's New education Policy 2020', JURIST- Student Commentary, Aug. 13, 2020, available at <https://www.jurist.org/commentary/2020/08/naina-mathew-india-new-education-policy-2020/> (Last visited on Nov.16, 2020).

^[5] Ibid.

NPE 1986^[6] covered all aspects pertaining to primary education, teacher's role, amenities, and the management, but lacked an approach towards systematic access of higher education to everyone. It was also quoted by Rajiv Gandhi in this backdrop that "higher education is producing a large scale of unemployed and unemployable youth.^[7]" It was slightly altered in 1992 and after that, it is NEP 2020, which has been introduced after the gap of 29 years.

III. NATIONAL EDUCATION POLICY 2020- DECODING THE LACUNAE

The NEP 2020 came into effect after a lot of equivocation on the 2 drafts; one submitted by Subramanian Committee^[8] (2016) and the other submitted by Kasturirangan Committee^[9] (2019). NEP 2020 is a caboodle of potential ideas raging from interventions in primary education and juggling of pedagogical structure to fuzzy and deplorable action plans. The major lacunae decoded apropos of this policy are:

a. Language Barrier

It has been asserted in NEP 2020 that "*wherever possible the medium of instruction until at least Grade 5, but preferably till Grade 8 and beyond, will be the home language/ mother-tongue/ local language/ regional language^[10].*" The provision has been applauded, but on having a cavernous look, we may find that English has deliberately been portrayed as an exclusionary language. The proposal to impart education in the home language/ mother-tongue can be trailed from the constitution-making era. Such demand was raised in the

^[6] National Policy on Education (NPE), 1986.

^[7] Rajiv Gandhi, Text of Inaugural Address delivered by the Prime Minister at the Silver Jubilee Conference of National Council of Research and Training, New Delhi, Sept.11, 1986, Vol. XXXII No.3, Indian Journal of Public Admin, pp. 453-460.

^[8] Report of the Committee for evolution of the New Education Policy, available at <https://www.prsindia.org/report-summaries/report-committee-evolution-new-education-policy> (Last visited on Nov. 17, 2020).

^[9] Committee for Draft National Education Policy Report, available at <https://innovate.mygov.in/wp-content/uploads/2019/06/mygov15596510111.pdf> (Last visited on Nov.18, 2020).

^[10] Para 4.11, National Education Policy, 2020.

Constituent Assembly Debates by Z.H. Lahiri^[11] who contended that the minorities should be ensured primary education in their distinct language only. It was strongly opposed by Govind Vallabh Pant^[12] who considered it unfeasible to give primary education in the mother tongue as a fundamental right. Given the limited number of means and facilities, it would not be viable to instruct the schools to accommodate and acclimatize themselves in response to the needs of every student's distinct language. Also, instruction in a mother tongue/ home tongue possesses two paramount issues^[13]. There will be a substantial question in front of the relevant authorities regarding the language in which instruction should take place. According to the 2011 census, 19500^[14] different and off the wall languages and dialects are spoken in India. It would be impossible to implement it in multi-lateral metropolitan cities like Delhi, Bangalore, Mumbai, and Chennai where the people are residing from different corners of the country and so, the numerous languages would be considered by a child as his mother tongue. The second and the subsidiary problem^[15] is the taking away of the English language till the fifth standard which will create an imbalance for the marginalized sections of the society as they will lag behind the elite students because the latter will utilize their resources to learn and understand the language. Also, by doing this, the marginalized sections will get difficulty in higher education, which is pre-dominantly imparted in English. The obnoxious approach^[16] will instead widen the gap between the different strata of society in terms of access to opportunities. The policy also states that *"the three-language formula will continue to be implemented while keeping in mind the Constitutional provisions, aspirations of the people, regions, and the Union, and the need to promote multilingualism as well as national unity. However, there will be greater flexibility, and no language will be imposed on any state"*^[17]. The outcome of the 3-language formula is not favorable as it has

[11] Const. of India, 8th Dec.1948, Constituent Assembly of India Debates (Proceedings), Vol. VII, available at <https://www.constitutionofindia.net/constitution-assembly-debates/volume/7/1948-12-08> (Last visited on Nov. 19, 2020).

[12] Ibid.

[13] Madhavi Gopalakrishnan & Kruthika R, 'The NEP gets the Language Problem Wrong', Socio- Legal Review, Sept. 14, 2020.

[14] 'More than 19500 mother tongues are spoken in India, says report', Business Standard, July 1, 2018, available at https://www.business-standard.com/article/current-affairs/more-than-19-500-mother-tongues-are-spoken-in-india-says-report-118070100250_1.html (Last visited on Nov. 19, 2020).

[15] *supra* note 13.

[16] *supra* note 4.

[17] Para 4.13, National Education Policy, 2020.

been contrived as a 3 +/-1 formula^[18]. The speaker of a linguistic minority language, in turn, had to learn the mother tongue, then the language of the state, and then Hindi and English. It has tremendously increased the cognitive overload on the students. Furthermore, it has been severely condemned in non-Hindi speaking states like Kerala and Tamil Nadu^[19], where the concept of 2 languages is prevalent. Unlike the NEP 1968, the current NEP does not make it mandatory the teaching Hindi in non-Hindi speaking states. However, the policy asserts that the 3 languages had to be learned which needs to be decided by the states and 2 of them must be native to India. So, considering such a situation in Tamil Nadu, the third language will unquestionably be Hindi because of the dearth of teachers in other languages. Thus, the 3-language policy has got a stark denunciation from the non-Hindi speaking states. It can be very well-acknowledged that NEP has gone wrong in solving the premise of the language issue.

b. Rampant privatization and corporatization

From the NEP 2020, it can be affirmatively construed that an attempt has been made to push education towards privatization. It has been given in the foundational principles of the policy that “*education is a public service; access to quality education must be considered a basic right of every child*”^[20]. The immediately following principle states that “*there will be substantial investment in a strong, vibrant public education system as well as the encouragement and facilitation of true philanthropic private and community participation*”^[21]. The 2 contradictory principles have been mentioned. The notion behind this philanthropic activity is to tacitly pave the way for a full role of the private sector in education in the future. According to the data available on enrolment^[22], around 45% of the children are studying in private schools and this further goes to 45.2% in college

[18] Shreya Arya, ‘What is 3 Language Formula’, LAW TIMES JOURNAL, Aug. 16, 2020.

[19] Revathi Krishnan, ‘All about 3 language formula, the bone of contention between Centre & Southern States’, T. Print, July 31, 2020, available at <https://theprint.in/theprint-essential/all-about-3-language-formula-the-bone-of-contention-between-centre-southern-states/471419/> (Last visited on Nov. 20, 2020).

[20] P.6, National Education Policy, 2020.

[21] Ibid.

[22] *State of the Sector Report on Private Schools in India*, Central Square Foundation, available at <https://centralsquarefoundation.org/State-of-the-Sector-Report-on-Private-Schools-in-India.pdf> (Last visited on Nov. 19, 2020).

enrolment. NEP 2020 has also tried to get away with the established norms of keeping the corporate players under government scrutiny which can be decoded from the language given in Para 8.3 which says that *“it has all too often inadvertently discouraged public-spirited private/ philanthropic schools.”* The policy has reiterated on spending 6% of GDP^[23], which was envisaged in the earlier policies also, but has still been around 4.43%. The policy is silent on taxing private investors, who have profited exceedingly from investing in educational services. So, instead of squeezing out a little from them by taxing^[24], it places hope on the voluntary philanthropic activities. The lofty ideas to promote higher education are commended in the policy which says that the target is to enlarge^[25] the access for higher education by giving scholarships by private universities. It is very well implicit that the government is keen on mitigating and slowly removing its scholarships like Post Matric Scholarship (PMS) which is meted out to students from Scheduled Castes (SCs), Scheduled Tribes (STs), and minorities. It would leave the poor students at the mercy of profit-making musketeers. NEP has left no stone unturned in the promotion of commercialization. That is why, a notable exclusion has been done with regards to the Higher Education Financing Agency (HEFA), a joint venture of the Ministry of Human Resource Development and Canara Bank. In this system, the funding for the infrastructural development for Higher Education Institutions (HEIs) will not be bestowed by the government as agents, but as a loan by the HEFA, which has to be repaid by the HEIs. Thus, HEIs will be left with no choice, but to repay the loan by increasing the student fees. This system applies only to government universities. NEP is silent on the HEFA because it will be working as a money lender in this system and the onus will ultimately shift on the students and their parents, who will have to pay an exorbitant sum of money to continue their child’s education. The level of lucidity has gone down the lines in the new NEP.

^[23] Para 26.1, National Education Policy, 2020.

^[24] Surajit Mazumdar, ‘NEP 2020: Path Breaking Policy or the Path to Destruction’, NEWS CLICK, Aug. 2, 2020, available at <https://www.newsclick.in/NEP-path-to-destruction> (Last visited on Nov. 21, 2020).

^[25] Para 9.3, National Education Policy, 2020.

c. Rural-urban divide

Looking from the bird's eye view, NEP has to trawl and analyze in-depth concerning the issues that our country is facing at the grassroots level- the paucity of training personnel and the lack of technological infrastructure in the rural areas. NEP has placed its responsibility on Anganwadi workers/ teachers to impart Early Childhood Care and Education (ECCE). The policy states that the Anganwadi centers will be fully well constructed and designed to create a great learning environment.^[26] But, the Anganwadi workers are already hitherto with numerous tasks concerning public health, sanitation, and nutrition. Their situation would be deplorable if their responsibilities are increased to such an extent. Also, the ECCE Programme focuses to attain learning in terms^[27] of cognitive development, socio-economic development, physical development, and development in the form of communication, literacy, and numeracy. It would be a back-breaking task to first develop these skills in the Anganwadi workers themselves through a 6-month certification^[28] Programme. In addition to that, the supplemental concern is also concerning the digital divide as NEP overwhelmingly flaunts the aim of escalating Gross Enrolment Ratio in the distance and digital learning from 26 percent to 50 percent without conceding to the fact that only 29.2 %^[29] of the population in rural areas have access to the internet connection, which is glaringly low as compared to urban India where 93 percent of the people have access to the internet. On top of it is the fact that there are massive dropouts from the schools in rural areas. The predominant reason is child labor and child marriage, which has been unaddressed in the policy. The NEP 2020 has therefore dodged the issues at the ground level, which is worth noticing.

^[26] Para 1.5, National Education Policy, 2020.

^[27] Para 1.2, National Education Policy, 2020.

^[28] Para 1.7, National Education Policy, 2020.

^[29] Samrat Sharma, 'Modi's Digital India still a far-fetched dream for hinterland; not even 30% of rural India has internet', FINANCIAL EXPRESS, available at <https://www.financialexpress.com/economy/modis-digital-india-still-a-far-fetched-dream-for-hinterland-not-even-30-of-rural-india-has-internet/2085452/> (Last visited on Nov. 21, 2020).

IV. CONCLUSION

NEP has seemingly failed to ponder on the needs of our country, where there is a massive divide in the name of the language, caste, resources, which in turn put up the immense difficulties to climb up the ladder of social and economic inequality. The government should try to eliminate the gap left in the NEP 2020 in terms of language problems, technological impediments and should aim at fostering the growth of every brain by giving access to all resources. The lacunae in the policy need to be thoroughly looked at so that the policy can be implemented in full swing mode after getting rid of all the intricacies. The promise of education as a right enshrined in Article 21A should be kept in mind to properly implement the policy.

NEP 2020 AND SEXUALITY EDUCATION: A NEED FOR RE-EVALUATION

*Ankit Nath Jha**

Abstract

Ever since the NEP was introduced, it has been argued that there is a dearth of the inclusivity of the Sexuality Education in the proposed curriculum and the pedagogy; this lacuna has been dealt in the first part of the essay. The essay also delves into the importance of sexual education in a curriculum and few examples of such education policy across the world is cited. The author concludes by suggesting a few pragmatic changes that needs to be undertaken in the policy so as to achieve the goal of sexual equality.

I. INTRODUCTION: LACK OF SEXUALITY EDUCATION: A CHINK IN THE ARMOR

The National Education Policy 2020 (hereinafter referred to as “NEP”) has brought upon a plethora of changes with itself. The government has revamped the education policy after a gap of 34 years by planning to impart education with “*full equity and inclusion*”.^[1] Although the government is emphasizing on sensitization of the faculty and students on the matters pertaining to gender-identity issue, going as far as providing equitable quality education to the transgender students; However, it is pertinent to note that the NEP somehow missed giving attention to another topic which is considered to be important for the all-around development of the students i.e., sexuality education and sexual orientation.

According to Audrey Azoulay, UNESCO Director-General, the International Technical Guidance on Sexuality Education strengthens sexuality education within the framework

* Second year law student at Chanakya National Law University, Patna. The entry received the sixth prize.
^[1] NPE 2020.

of human rights and gender equality. While gender and sexuality are perceived to be the same by the common masses, it is not the case^[2]. Sexuality envelops the core ideas of gender identities and roles, sexual orientation, and reproduction. The author is focusing on education in light of the sexual orientation of an individual, which is missing in the NEP.

UNESCO's report finds lack of inclusion of education based on sexual orientation one of the reasons for homophobia that leads to more violent forms of bullying in the schools.^[3] The Lesbian-Gay-Bisexual-Transgender-Queer-Intersex-Asexual (hereinafter referred to as "LGBTQIA+") students are prone to discrimination based on their sexuality and are subject to harm by other students. Thus, the system lacked the protection of LGBTQIA+ students from harassment, stigmatization, and discrimination based on their sexual orientation.^[4] Furthermore, the aforementioned reasons are good enough to push LGBTQIA+ students into a state of depression, anxiety, and dysphoria. If the government is determined to promote equality in a true sense, education around sexuality and sexual orientation is a must.

II. EDUCATION POLICIES IN DIFFERENT COUNTRIES

A lot of countries have introduced education policies that include the dimension of sexual orientation into the studies of sexuality. Let us take a look at a few examples:

a. England

England introduced the Equality Act, 2010, which ensures that the schools must address sexual orientation and gender reassignment into their curriculum.^[5] The schools are free to determine, which age group would be appropriate to be educated about the orientation of individuals, whether a standalone unit or a separate lesson.^[6] It is impertinent for

^[2] UN urges Comprehensive Approach to Sexuality Education, <https://en.unesco.org/news/urges-comprehensive-approach-sexuality-education>

^[3] International technical guidance on sexuality education: An evidence-informed approach, United Nations Educational, Scientific and Cultural Organization (UNESCO), 25 (2018).

^[4] Supra note 4.

^[5] Relationships Education, Relationships and Sex Education (RSE) and Health Education, Department of Education, England, 15 (2019).

^[6] Id.

students to learn about the lessons based on their understanding and this has to be supported by sensitive and properly judged education.

b. Norway

Norway has included sexuality, identity, and equality into the curriculum after the introduction of the National Curriculum Statement for elementary and secondary schools in the year 2011.^[7] It would thus integrate sex education with equality-oriented broad perspectives of the present century. This calls forth for the shedding light on gender, sexuality, plurality, and its empowerment.

c. Denmark

The Danish approach is however considered to be the most modern way to deal with the present issue. It focuses on the open-minded and pragmatic recourse to sexual education than keeping it to a moralist one.^[8] The topics are specifically tailored to suit the correct age group. The education of sexuality is approached as the individual responsibility of the teacher. Therefore, the course is not bound by any specific time-frame in the timetable of the school. Danish sexuality education is based on heteronormative pedagogy.

III. METHOD OF PEDAGOGY

The above examples do point out that our education system is also, albeit a little, at fault for rampant homophobia in the country but in particular the method of pedagogy must also be questioned. The NEP states that it will implement the *Experiential-learning Pedagogy*^[9], which implies that “*the knowledge results from the combination of grasping*

^[7] Jenny Bengtsson & Eva Bolander Strategies for inclusion and equality – ‘norm-critical’ sex education in Sweden, *Sex Education*, 155 (2020).

<https://doi.org/10.1080/14681811.2019.1634042>

^[8] Line Anne Roien, Sexuality education in Denmark’s school curriculum: tensions between policy and practice, (2018), (07th November 2020, 06:20 am) <https://foss.stir.ac.uk/2018/06/06/sexuality-education-in-denmarks-school-curriculumtensions-between-policy-and-practice/>

^[9] Supra Note 8, p 16.

and transforming experience."^[10] Additionally, there are two more types of pedagogy, Normative Pedagogy, and Tolerance Pedagogy. Tolerance Pedagogy is the style of teaching in which the majority is educated by accepting the minority.^[11] This means that under tolerance pedagogy the "straight" students are taught to accept the LGBTQIA+ students. This may, thus, cause a rift between the two groups of students, as the "straight" students may feel the power of assertion and dominance over the LGBTQIA+ students and get encouraged to look down upon the latter. Therefore, it can be inferred that tolerance pedagogy is not the ideal form of teaching for sexuality education.

Normative pedagogy focuses on a supportive and non-discriminative policy of teaching. Students are taught to investigate how the said oppression began in the past and how to critically analyze it. There is, thus, a dire need to empower the normative pedagogy to which the students are the subject and not mere objects of being "accepted" in the arena of sexual orientation.^[12] Concerning sexual education, the ideas of inequality, exploitation, oppression, and dominance are given priority over the mere acceptance of the minority.

To better suit the need of the hour the NEP can be reoriented by amalgamating Normative Pedagogy with the proposed Experiential-learning Pedagogy. This is so because under the Normative Pedagogy the "straight" students will be encouraged to put themselves in the position of LGBTQIA+ students. Additionally, through Experiential-learning Pedagogy, the "straight" students would be encouraged to grasp the knowledge through the experiences of the LGBTQIA+ students. This will enhance the rational thinking of the students and lead to a better understanding of what sexuality and sexual health mean in the true sense.

[10] Molly George, Helen Lim, Schannae Lucas & Robert Meadows, *Learning by Doing: Experiential Learning in Criminal Justice*, 26 J. CRIM. JUST. EDUC. 471 (2015).

[11] *Supra* note 8.

[12] *Supra* note 6.

IV. SUGGESTIONS

- a.* Comprehensive and medically accurate sexuality education should be imparted to the students. The lack of the aforementioned curriculum may result in continued bullying, sexual assault, and discrimination.^[13] Sexual assault among the students can lead to long term adverse impact, like post-traumatic stress disorder, substance use, depression, and even suicide among the students.^[14]
- b.* The curriculum should be made specifically for the target students by taking their age into account. Since, between the age of 12 and 20, an individual comes to know about their sexual orientation, the curriculum should be referred to as the “development – appropriate” and not “age-appropriate.”^[15] Every individual develops at their rate and cannot be expected to develop at the same stage.

 - i.* Students of the age-group 15 and above should be taught about sexuality in its entirety. A possible negative expression and homophobia should be aimed to be curbed. The objective of the curriculum should be accepted from within. The historic determinants of the relationship should be shared with the students and it should be aimed to open up their minds to a new horizon.
- c.* Bringing in the specialists for the specific topic is the need of the hour for this part of the curriculum. Countries like Estonia and Sweden allow the students to interact with the youth health centers.^[16] Psychologists, therapists, counselors, youth workers; who are specifically trained in sexuality education; should be sought for help for this very purpose. This lowers the mental inhibition of an individual to seek help because of social

^[13] Katia Santiago-Tyler, Comprehensive Sexuality Education Should Be a Public Health Priority, 16 J. HEALTH & BIOMEDICAL L. 176 (2020).

^[14] *Supra* note 11, p 183.

^[15] Standards for Sexuality Education in Europe, WHO Regional Office for Europe (2010)

^[16] *Id.*

stigma and enables their future attendance should they feel the need to do so.^[17]

- i. The Anganwadi can be taken up as the places where the people concerned would be trained specifically to handle the LGBTQIA+ students' queries. The place can be made a comfortable zone for them.
 - ii. Additionally, every school can be made to have a mandatory therapist where the students can reach out to safely, without any fear of stigmatization.
- d.** Another thing to ponder and think about is the personality of the adult who is undertaking the education of the student in this particular field. The Implicit Pedagogy, which deals with the prior relationship of an adult with the children with the "*experience of personal socialization history*" should also be taken into account.^[18]
- i. Teachers can be trained specifically to educate the students after they are well equipped to do so. The training Programme would thus allow the teachers to cater to the needs of the LGBTQIA+ students. Any adult's values are betrayed by their thought process and idiosyncrasies. Thus, there is a need to bring change in their sets of outlooks.
 - ii. An adult's personality is of utmost importance while dealing with the area of the study concerned. The morals and the values of the teacher plays an important role in the background, so not only what is just to be taught to be thought over, rather than what is going behind the curtains should also be acknowledged in the revamped policy.
- e.** Apart from the teacher's all-around understanding of the topic, one is also made to think about the parent's role in the comprehensibility of the

[17] Id.

[18] Nada Babic, Stanislava Irovic & Zdenka Kuzma, *The Implicit Pedagogy and Teaching*, University JJ. Strossmayer, Osijek, European Conference on Educational Research Ljubljana, Slovenia, (1998).

*NEP 2020 AND SEXUALITY EDUCATION:
A NEED FOR RE-EVALUATION*

education of their wards. The inclusion of parents in imparting sexuality education should be catered to as one of the basic needs of education. It is rightly said that overtly restricting and supervising activities of the parents lead to a restriction of the individual's independence. This can have a grave consequence on the student's behavior and the choices they make. Thus, there should be a delicate and nurturing environment at the home.

- i. Inclusivity of parents into the curriculum is thus a necessity to guarantee an ideal education for a student to deal with both their formal and informal education, their guidance in the school and the home respectively. This can be stimulated only if the parents are taught about the ways of the world in the new light.
- ii. At least one parent can be made to attend the session on the weekend mandatorily. Education is all about the enlightenment of an individual and it can only be achieved if the parents are brought in the loop with the students. There is a direct nexus between the development of an individual and the way they are treated at the confines of their home.

NATIONAL EDUCATION POLICY AND INCLUSIVITY: A GLITTERING HOPE

*Prabhat Singh and Yashendra**

Abstract

Indian society's unique pluralist nature has been a class struggle hitherto and the same because of socio-economic backwardness could be found in our education system which in turn resulted in the alienation of some groups of people. Thus, in addition to the present reservation policy, the need for unequal and preferential treatment is what the education policies lacked in the past. The Education Policy 2020, according to the claims of the Government, is a silver lining but the suggested model again has serious implications for the students belonging to socio-economic backward groups. The essay, highlighting these lacunae, emphasizes upon the will to implement and offers suggestions for keeping a constant amending approach.

I. INTRODUCTION

Being a diverse and pluralistic society, the exclusion of social groups is an inevitable consequence in India but with the active help of the state. Education, being an immensely influential instrument for social change and overall human development, requires special attention and policies espousing inclusive education to make better and accommodative future citizens as pointed out by **Sonia Sotomayor** when she said that “Until we get equality in education, we won't have an equal society.” In India, inclusive education is more pertinent as the education system reeks of exclusive availability to higher strata of society since ancient times.^[1] It was only in the year 2002 when the 86th amendment recognized

* Second year law students at National Law University Delhi. The entry received the seventh prize.

[1] Dr. Radhanath Tripathy, *Breaking the Barrier: Universality, Inclusiveness, and EWS Reservation in Private (Public) Schools*, Research Review Journals Vol 1 No 8, Aug 2016.

the right to education as a fundamental right under Article 21A of the Indian Constitution. To foster the underprivileged children, the Right to Education Act, 2009 was also implemented. The Act was a *sui generis* attempt to bring a new lease of life for subaltern children. Though there is an obligation on the state to secure the same, the implementation of the act has not been smooth. Unfortunately, our Education system itself solidifies the class division because of the different standard of education in private schools and state-run schools.^[2] Thus, there is a requirement on the part of the state to take some additional measures which can positively discriminate against others and can offer an inclusive classroom education that could represent the diversity within the Indian state.

As enunciated in the Preamble to the Constitution of India, the Indian state strives for social, economic, and political justice. With an object to create social equity and perception of justice, the state is dragooned to form policies that discriminate positively.^[3] In India, the 'unequal' class is an outcome of century-old structural oppression. Thus, to uplift the marginalized and to bring them into the mainstream, the concept of reservation came into existence. The rationale behind the reservation is to provide these people with an opportunity to thrive and contribute to the nation.

The reservation is equally made applicable in public educational institutions. Reservation in educational institutions falls back to 1882 when Jyotirao Phule made a proposition for proportional representation along with free and mandatory education before then constituted Hunter Commission.^[4] The Indian reservation policy is unique in itself as it keeps the caste at the center which is why it is criticized by the non-reserved section who finds it antithetical to institutional efficiency and merit-based incentives. Since its inception, the reservation was only available to Scheduled Caste (SC) and Scheduled Tribes (ST) and later extended to Other Backward Classes(OBC) in 1993. The OBC reservation for the first time has pushed for the limit based on overall family income.^[5]

^[2] Ibid.

^[3] The Constitution of India 1950, Article 15(1) and 29(2).

^[4] Solomon Arulraj David, *Social Responsiveness of Higher Education: Access, Equity, and Social Justice*, Rupkatha Journal on Interdisciplinary Studies in Humanities, Vol. VIII No. 4, Jan 2017.

^[5] Das B, *Moments in a History of Reservations*, Economic and Political Weekly, Vol XXXV No. 43/44, October 2000, pp 3831 – 3834.

Later the same method was employed for granting reservation to the Economically Backward Classes within upper castes in 1992 but the SC declared the same ultra vires in the case of *Indra Sawhney vs. Union of India*,^[6] making the 50% ceiling a general rule while allowing some flexibility for "extraordinary situations".

In the modern era, income has come out as great a disability as social backwardness.^[7] Even the latest National Education Policy recognizes that income is a criterion for getting admission as the same is not free and charged exorbitantly in top-notch government institutions.^[8] This gives plenty of explanation for the introduction of Economically Weaker Sections'(EWS) reservation to excluded social groups. This is like giving embodiment to the words of American jurist **Felix Frankfurter**, "it is a wise man who said that there is no greater inequality than the equal treatment of unequal". Though EWS Reservation brings a fundamental shift in the philosophy of Indian reservation policy from the adequate representation of backward classes to accommodating economic backwardness. This time EWS reservation has been secured by making material conditions a criterion for special treatment in article 15(6) which was not the case in 1992. Recent comments on the notified criteria for getting EWS benefits have highlighted serious problems as the criterion is very wide and includes, according to some experts, around 90% population of the upper castes.^[9] Like other social welfare schemes, the reservation policy is also prone to error of inclusion rather than addressing exclusion.^[10] So, *prima facie* it looks like the government is playing to the gallery. This matter is *sub judice* and depends on the judicial interpretation as to 'extraordinary situations' standard.

^[6] *Indra Sawhney vs. Union of India*, AIR 1993 SC 477.

^[7] Supra note 1.

^[8] National Education Policy, 2020, ¶ 6.2.2.

^[9] Desai S, *A Solution in Search of a Problem: On 10% Reservations*, The Hindu 11 Jan 2020, available at <https://www.thehindu.com/opinion/lead/a-solution-in-search-of-a-problem/article25962037.ece>, Bhalla S, *10% for EWS is a good initiative for poor – and the best policy for Muslims*, Indian Express, 12 Jan 2019, available at <https://www.google.com/amp/s/indianexpress.com/article/opinion/columns/quota-bill-10-per-cent-bjp-reservation-economically-weaker-sections-5534313/lite/>.

^[10] Reddy B, Jose S, Ambedkar P, Reddy VS, Nishikanth VS, *New Reservation Policy: Is It Empirically Justifiable?* Economic and Political Weekly, Vol IIV No. 23, JUNE 8, 2019.

II. NATIONAL EDUCATION POLICY AND AFFIRMATIVE ACTIONS

National Education Policy 2020 is a framework guiding the educational policy of India. The first NEP was implemented in 1968 and later replaced by the NEP in 1986. The current NEP is a culmination of half decade long consultation and drafting process by the Kasturirangan-led committee. This is a comprehensive policy dealing with every aspect of education from Pre-primary to Higher education. So, this policy is very pertinent for getting the correct picture of the inclusiveness of education and the means employed by the governments for reaching that end.

The policy discusses at length the need for inclusive and equitable education at all levels. It highlighted several groups terming them Socio-Economic Disadvantaged Groups (SEDGs) as the sufferers of the current educational system and recognizes the importance of affirmative actions. Though the policy has dedicated many paras highlighting the pertinence of inclusive education, it offers no strategies for making the present education system more inclusive and equitable. The policy simply omits to offer any suggestion or implementing guidelines to the governments or educational institutions which can become a means for achieving these goals.

Additionally, the policy has suggested many measures in the educational system which can further alienate these SEDGs. One of the much-touted features of this policy is the introduction of a 4-year graduation program.^[11] Though it has allowed multiple exit options, the policy is silent on the financial support to these students. Further, the policy makes education more like gaining degree-certificates without emphasizing holistic development and free-thinking knowledge. The sole purpose of the degree-certificate programs seems to be securing employment and nothing else. Similarly, the policy's emphasis on vocational education and distance learning programs^[12] would move the economically restrained students toward these courses while the policy does not provide for how vocational training be made at par with classroom education.

^[11] National Education Policy, 2020, ¶ 11.9.

^[12] Ibid, ¶ 10.10.

Secondly, the policy has opened the route of Public Philanthropic Partnership regulation of higher educational institutions.^[13] This is again something without any framework which could result in the alienation of students from marginalized sections of society as the reservation is available in the public sector only. The new policy opens the door for foreign universities to have their campus in India,^[14] which can also adversely affect the quality of education in India for they would certainly be willing to provide more incentives to professors of public universities and the same would later be extorted by the students in these colleges. So, higher education at reasonable fees is a big issue that goes untouched in the current policy.

The policy seems to be a bundle of hollow promises with no focus on the implementation of the policy at the grassroots level. It has long been the issue with the policies in India as they look good and promising on paper but has never been implemented in true spirit. So, the government's focus should be on the implementation of existing policies rather than making promises again. Emphasizing the same, **Alan Branche** said that “*Strategy execution is the responsibility that makes or breaks executives*”. The importance of execution is evident in the case of the suicide of an undergraduate of Lady Shree Ram College, due to their failure in granting scholarship which was further exacerbated by the digitalization of education in the wake of the novel coronavirus (COVID-19) pandemic.^[15]

At the school level, the policy suggests the implementation of the use of local language as a medium in primary and if possible, till secondary education.^[16] This is something that had been promised long back in 1968 but is not implemented in many states. NEP 2020 has also polished the same but did not focus on the lack of language teachers in most of the schools. A similar fate is met to the policy of three language formula which meant only Hindi, English, and Sanskrit in Hindi-speaking states and Regional language, English, Hindi in other states.^[17] So, there is actually no choice available to the students especially

^[13] Ibid, ¶ 3.6.

^[14] Ibid, ¶ 12.8.

^[15] Tanya Jha, *No Scholarship Money, No Laptop, No Hostel: LSR Student Dies By Suicide*, Indian Express, 10 Nov 2020 available at <https://thewire.in/rights/lady-shri-ram-college-student-aishwarya-reddy-suicide-online-classes>.

^[16] National Education Policy, 2020, ¶ 4.11.

^[17] Ibid, ¶ 4.13.

those studying in government-run schools or budget private schools. This again furthers the class divide between the two.

According to the Bologna Declaration of 1999, any social educational institution should be 'broadly accessible', 'socially useful', and 'organizationally flexible'.^[18] But the current intake capacity of educational institutions does not commensurate with the increasing number of students which has a direct impact on the admission criteria making it difficult for 'merit wise unsuitable' students to get quality higher education. There can't be any excuse for the State's inability in providing quality education even to the ones failing to score a preferable number. Further, as Reservation is limited to state-run institutions, a greater number of the reserved class tends to be inclined towards them, making them incarcerated in what Max Weber termed iron-cage.

Apart from the reservation, the Indian education system needs other appropriate affirmative actions. The students from SEDGs lack skills in co-curricular activities and thus, found themselves vulnerable in the top-notch institutions occupied with the elite students. The policy does not take into consideration the need for additional support to overcome the cultural and class difference faced by the students. Even those who get admission through reservations found themselves foreign to the competitive environment of these institutions which has even led to mental health issues and suicide.^[19] The need for integrating formal and informal systems should have been recognized so that any student could switch between them at any time.

III. CONCLUSION AND SUGGESTIONS

"There is in our time no well-educated literate population that is poor; there is no illiterate population that is other than poor." - John Kenneth Galbraith

These famous lines compel one to think about the impact of education on one's life. It acts like the wheel of liberation for the economically backward classes. This makes amply

[18] Solomon Arulraj David, *Social Responsiveness of Higher Education: Access, Equity, and Social Justice*, Rupkatha Journal on Interdisciplinary Studies in Humanities, Vol. VIII No. 4, Jan 2017.

[19] Sabrang India, *75,000 student suicides between 2007 and 2016 in India!*, 28 Nov 2019 Available at <https://www.sabrangindia.in/article/75000-student-suicides-between-2007-and-2016-india>.

clear the need for inclusive education in a society like India where even with education life is difficult.

The main focus of the policy should be on taking measures to curb the structural discrimination faced by marginalized students which can include a focus on teacher education, development of accommodative classrooms, designing innovative systems of teaching. Only then the dream of equitable and inclusive education can come true. Not only the state but also parents have an obligation to educate the children.

For vocational training, the government can promote and develop separate training institutes with a guarantee of employment as it happens in Germany. The focus must be on making available markets for the products made by the trainees.

Socio-economic status should not be a criterion to comprehensively judge any student. In an era of privatization, minimizing social exclusion will be a difficult task and one of the options for minimizing social exclusion is to implement reservation in the private sector forcefully.^[20] One of the main hurdles in the present reservation policy is the flexible definition of the “Economically Weaker Section” which can be broadened due to the temptation of power by politicians. It is suggested to amend the policy according to the need and not haphazardly in one follow as the aphorism goes, “*little drops of water make a mighty ocean*”, there can’t be an ocean without small droplets. Hence, small changes regularly can be more effective than a sudden overall transformation. *In toto*, it can be said that the policy *prima facie* looks like a dream come true, but it will be a herculean task for the executive to implement and change a system that had not been changed since 1992 and one can be, always, optimistic to see the changes in near future.

^[20] Dr. Binoj Jose, *Privatisation and Reservation: Remapping Social Exclusion in India*, Mukt Shabd Journal, Volume IX Issue 8, Aug 2020.

DISABILITY RIGHTS AND NATIONAL EDUCATION POLICY 2020

*Chitrakshi Singh and Darshan Upadhyaya**

Abstract

In this paper, the authors have analysed the NEP, 2020 and while appreciating the government's bold initiative towards establishing an egalitarian society in its real sense, the authors have tried to shed some light on the intricate fallacies of the policy and its implementation process which if not cured, would defeat the entire purpose of the education system at large, let alone the policy at hand.

I. INTRODUCTION

In special education, there's too much emphasis placed on the deficit and not enough on the strength.

- Temple Grandin

The first Indian legislation which dealt with the needs of special education was the Rehabilitation Council of India Act, 1992^[1] which trained educators to provide education for persons with disabilities. In between 1992-2020, a National Policy for Persons with Disabilities in 2006 was formulated which dealt extensively with integrated and inclusive education for the first time.

The New Education Policy (NEP), 2020 has been much debated on its impact on special education in India. The policy has engaged well with the education rights of disabled students and has brought in commendable changes that were lacking in the previous

* Fourth year law students at National Law University and Judicial Academy, Assam. The entry received the eighth prize.

[1] The Rehabilitation Council of India Act, 1992, No 34, Acts of Parliament, 1992 (India).

education policy. However, there are certain issues that have been left unaddressed and need immediate attention of the policymakers and implementers.

Chapter VI of the NEP focuses on equitable and “inclusive” education. It primarily emphasizes the need of having an inclusive education system consisting of inclusive schools, where students with and without disabilities learn together and where due regard is paid to the needs of the disabled students. To achieve this goal, the NEP sets out a very ambitious plan which consists of making disability-friendly infrastructure and educational resource available in all schools across the country.

The focus has been laid down on open schooling, appropriate infrastructure, suitable usage of technological interventions to ensure access for the disabled students. A prime focal point of the NEP was on Early childhood care and education (ECCE), and emphasis has been laid down on the need for prioritizing the inclusion of children with disabilities in ECCE. Safety of the disabled students, recruitment of educators with cross-disability training, emphasis on the availability of textbooks in large print and braille, PARAKH (Performance Assessment, Review, and Analysis of Knowledge for Holistic Development), etc. have been envisaged. Further, a new vocabulary of SEDG’s also includes persons with disabilities. The NEP also advocates special attention for students with learning disabilities from a foundational level by relying on suitable assessment procedures and the usage of technology to meet the needs of students with learning disabilities.

II. DISABILITY RIGHTS AND EDUCATION: AN ANALYSIS

The biggest victory for disability rights in the NEP is the recognition of the 2016 legislation on disability i.e. The Rights of Persons with Disability Act, 2016^[2] with a strong promise to enforce the legislation. Chapter III of the Act deals with education and outlines various methods and means to achieve special education goals. The Act provides for free education for a child with benchmark disability between the age of six to eighteen years.^[3] Further, it provides for the reservation of not less than five percent seats in government and government-aided higher educational institutes for students with

^[2] The Rights of Persons with Disabilities Act, 2016, No. 49, Acts of Parliament, 2016 (India).

^[3] The Rights of Persons with Disabilities Act, 2016, No. 49, Acts of Parliament, 2016 (India) §31.

benchmark disability.^[4] Age relaxation of five years for admission has also been provided.^[5]

III. NEP 2020 AND DISABILITY RIGHTS

The NEP has provided for the standardization of sign language as previously the sign language had many variations and uniformity was lacking. Further, language standardization also involves the publication of a dictionary and a grammar and modernization of the grammar. However, standardization of the sign language will now mean that only one sign will correspond to a particular word. This is wrong from both everyday and academic points of view. Spoken languages such as English, Nepali, etc. have various synonyms and antonyms, but no standardization of such spoken languages has ever been done. After standardization, the standard form is referred to as the 'legitimate form' and all other variations of the language become illegitimate. In a country already failing to impart quality sign language education to students, standardization was unnecessary and uncalled for.

The Rehabilitation Council of India (RCI) which was one of the first institutions tasked with educating teachers in special education had seemingly failed in its mandate. However, under the NEP the RCI has now to collaborate with the NCTE in making the curriculum for educators. Similarly, the NCERT has been asked to consult the Department of Empowerment of Persons with Disabilities before formulating a curriculum for students so that its recommendations are also implemented.

Further, it has now been mandated under the NEP that the B.Ed. programs would also impart training to teachers on teaching children with disabilities or those with special interests and talents. In case teachers show a special interest in special education, provision for a shorter post-B.Ed. certification course has also been provided for.

However, what doesn't go down well with reality is the fact that this special educator will get be sufficiently trained in the span of 4 years in his B Ed to teach and train students with special needs. Moreover, the term 'disability' is heterogeneous which encompasses people with different special needs including the blind, deaf, or people with other

^[4] The Rights of Persons with Disabilities Act, 2016, No. 49, Acts of Parliament, 2016 (India) §32.

^[5] Ibid.

physical or cognitive disabilities. To make a general reference in the policy that special educators shall be trained in their B Ed. course to teach and train people with special needs is only extensively vague as the teachers cannot be trained to be professionals in teaching ISL and Braille and the methods of teaching students with intellectual disabilities all at the same time. The NEP could have provided for a major and a minor in B Ed which would have given the teachers to opt for one subject that they wanted to specialize in and another as their minor. This would have resulted in there being more specialized and qualified teachers to help students with disabilities rather than there being teachers with little knowledge of all the modes of teaching students with different disabilities.

Moreover, it would be a tedious task to firstly sensitize the teachers in their training towards students with disabilities and then educating them on how to train such students all in just 4 years. Instead of making changes in the teaching courses, the NEP could have rather focused on including at least ISL and Braille as a compulsory subject for every student right from their primary education, which would not only help sensitizing young minds but would also in later years make it a common subject amongst students which would promote inclusivity in its real sense. Ergo, the need for special training teachers for students with a disability shall wear off to a certain extent as everyone who would join a teaching course shall have good knowledge in ISL and Braille, to say the least, and more emphasis could be on other kinds of disabilities.

The NEP has certainly tried to promote more teachers to become special educators and that is evident from the fact that it provides that if teachers in service want to specialize and teach students with disabilities, they'll have a chance to do it by completing a certificate course of 1 year. Contrary to the hopes of the government of being noticed by the people as working for the betterment of the disabled students in the country, the reality of the desperate move surfaces as a person can't be completely trained in just one year to teach and train people with disability.

The establishment of cluster schools has been envisaged for cooperation and sharing of resources across schools which would provide for better facilities than usual for the students with disability. However, instead of laying down a well-formulated plan for the clustering of schools keeping in mind the needs of education of disabled students, the NEP

merely shifts the burden to do so on the State governments and tasks them to adopt “innovative” mechanisms by 2025 to solve the challenge of ensuring co-operation across schools for the education of disabled students.

Secondly, if inclusive schools are the aim of the NEP, then it is difficult to understand how cluster schools would be able to fulfill that aim. Clustering of schools is being done to make schools more efficient, but the NEP does not engage on whether all schools are to be made inclusive in a cluster or whether a few schools in a cluster are only going to be made inclusive. In case the latter is what has been envisaged, it essentially brings up the hardship of traveling a larger distance to a few select inclusive schools in a cluster, only more pertinent.

Very few national institutions today have facilities for disabled students and little has been done in the past few years. The five years’ limit set by the act for making existing infrastructure and premises accessible is diluted by the subsequent proviso which provides for the grant of extension of time on a “case to case” basis.^[6]

The concept of inclusive education has not originated in India with NEP, rather it is inspired by western cultures like that of the UK and USA where there are inclusive schools. The very idea of inclusive schooling is very pious and the intent of legislature stands out to be bona fide. But, how far does this importation of western ideas without required changes to suit the dynamics of Indian society tenable in terms of working is a question that needs to be pondered upon? 70% of the Indian population lives in rural areas devoid of even basic amenities like water and electricity, let alone education and sensitivity amongst people towards people with special needs. In this backdrop, how far is it legitimate to expect that the teachers would be specialized in teaching students with special needs and would have knowledge of ISL or Braille? Moreover, in a country where people believe in superstitious ideas like “bad karma of one’s past makes them disabled”, how can one expect that non-disabled students in villages would attend school with students with special needs and not traumatize and condescend to them with their belittling remarks?

Another noteworthy provision of the policy is its emphasis on and acknowledgment of different kinds of disabilities. It has aptly covered disabilities in their apparent form but

^[6] The Rights of Persons with Disabilities Act, 2016, No. 49, Acts of Parliament, 2016 (India) §45.

has left out “intellectual disability” and has only referred to learning disability in the context of training the teachers to identify a disability. It has blatantly left out other cognitive disabilities and autism which further marginalizes students suffering from such disabilities in the assessments done by the National Assessment Centre which ensures assessment guidelines for children with learning disabilities.

IV. CONCLUSION

All said and done, the Rights of Persons with Disabilities Act, 2016 and the NEP would be of no use if necessary, changes in line with the RPWD Act, 2016 is not made to the Right of Children to Free and Compulsory Education Act or Right to Education Act, 2009. The RTE Act still has references to the old act of Persons with Disabilities Act, 1955. The NEP says that everything mentioned in the context of education in the RPWD Act shall be complied with but the RPWD Act shall have no meaning for students with special needs unless there are necessary changes made in the RTE Act, 2009.

Nevertheless, From Macaulay’s ‘Minute on Indian Education’ to the NEP, India and disability education has come a long way. The NEP provides further rays of hope. And as we set out on the implementation of the NEP, we also need to ensure the transformation of our social perspectives. For far too long, the problems of people with disabilities have been compounded by a disabling society **that has focused upon their impairments rather than their potential.**

INCLUSIVITY IN NATIONAL EDUCATION POLICY, 2020: A NEEDLE IN A HAYSTACK?

CONCLUSION

*Aadarsh Singh, Kali Srikari Kancherla, and Riya Shah**

The Pro-bono and Legal Aid Clinic on National Education Policy and the Legal Services Committee at National Law University, Delhi organized a National Level Essay Competition on “Inclusivity in National Education Policy, 2020: A Needle in a Haystack?”. The idea of the competition was to address the existing and ongoing crisis of exclusion and inequality in our education system particularly National Education Policy, 2020. Submissions ranged from viewing the NEP 2020 in the context of disability rights, urban-rural disparities, the need for sex education, etc.

Besides, to understand the core issues about inclusivity in the NEP 2020, a webinar was also organized on the topic ‘National Education Policy: Equitable and Inclusive Education’ on November 12, 2020, to discuss the aspects of inclusivity of our education system and the futuristic vision of the NEP 2020. The panel consisted of some of the most esteemed and reputed names working in the field of education. Each panelist drew from their personal experiences, research, and fieldwork, to give the audience an insight into the different aspects of the policy and the plausible consequences of its implementation on promoting the objective of inclusive education.

Dr. Leena Wadia, who served as a Consultant with the Committee on the National Education Policy 2019, chaired by Dr. K Kasturirangan, highlighted the current disparities within our education system and the consequences of the same on the larger society. The data released by the All-India Survey on Higher Education (AISHE) 2018-19

* Final year law students at National Law University Delhi.

point towards high dropout rates amongst women, low representation of SCs, STs, Muslim Minority, and Persons with Disabilities within the total enrolment rate and in teaching positions, geographical disparities from state to state, etc. There also exist class-based disparities wherein the upper classes tend to take over most white collared jobs, while those from lower-income backgrounds predominantly work in blue-collared jobs requiring mainly vocational training. Additionally, with close to 60% of the population aged between 21-31 years being unemployed, there is a need to ensure that the education system equips individuals with the necessary skills and knowledge, to make them employable and correct existing disparities. As a result, it is essential for an education policy to lay emphasis on vocational training, and commit towards the goal of universal education as the NEP 2020 does.

On the other hand, **Prof. Anita Rampal**, the former Dean of the Faculty of Education at Delhi University, stressed how this would amount to taking an instrumentalist perspective on education, i.e., treating education merely as a tool for employment or to achieve desirable numbers. Such a view would not account for the fact that each individual's personal and professional growth are highly dependent on their lived experiences, based on their upbringing, the section of society and region they come from, etc. For instance, as Prof. Rampal highlights, a Dalit student may bring with them a history of exclusion and oppression that shape the trajectory they may take through the school system. These factors will impact whether or not they fit into the socially construed notion of 'merit'.

While enhancing education levels amongst various sections of the society and their employability is key, especially in light of the alarming statistics, to ensure inclusivity, it is also essential for the policy to account for how the already existing social disparities within our society impact each child and are designed in such a manner to not disadvantage the disadvantaged further, to have a meaningful impact.

Dr. Sandeep Pandey, a renowned activist, and a Ramon Magsaysay Awardee pointed out another missing piece in the NEP 2020 which is the concept of the Common School System of public education. The Common School System is pivotal in promoting inclusivity and aims at universalizing and equalizing the educational opportunities for all the students irrespective of their religion, gender, caste, linguistic backgrounds, etc. The

*INCLUSIVITY IN NATIONAL EDUCATION POLICY, 2020:
A NEEDLE IN A HAYSTACK?
CONCLUSION*

Kothari Commission (1964-1966) recommended that all schools conducted by government and local authorities and recognized aided private schools must maintain an adequate level of efficiency so that there is no need for sending children to institutions outside the common education system. This would bridge the gap between a few expensive private schools and a large number of government schools. Thus, the aim envisaged by NEP 2020 i.e., of inclusive education cannot be achieved without mandating a Common Education System.

Ms. Kala Mohan, a Senior Academic Advisor to CBSE schools, brought in her personal experiences as a teacher and a psychologist to highlight the struggles each student faces within the education system. A child with special needs feels isolated even in their own house due to the societal standards of a *normal child*. There needs to be an attitudinal change in society for the effective implementation of any inclusive policy. The schools should be kept open to all the students and the classes should not be segregated based on the students' rankings or marks since such a system promotes exclusivity. It is the responsibility of a teacher to create an inclusive environment and provide individualized attention to all the students. NEP 2020 does not lay a framework addressing social and emotional learning or remedying the pre-existing notions and differences created by society.

Dr. Sanjeev Rai, Professor TISS comprehensively focused on both “addressed” and “unaddressed” issues of NEP 2020. While he found NEP 2020 to be a well-drafted policy, some major issues were not discussed in the Policy which can strengthen the education system from the base. According to him, the commitment to the Right to Education policy is missing in the document, and research which is the foundation of quality education must be given more financial support so that participatory democracy from roots can be strengthened. He found NEP 2020 to be a visionary document but fundamental challenges must be specifically targeted and addressed. This would include “Emergency education” if any situation like COVID-19 arises in the future. As a closing remark, he said that Inclusiveness will be determined by the operational standard of the Policy.

The Clinic, the essay competition, and the webinar have given tremendous insightful information concerning the target to be achieved by NEP 2020, the webinar has provided

the platform to understand the critical aspects of the policy and what more must be done to make society more inclusive and educated. As “literacy is not education”, the policy not only aims to improve the operational aspects but also the substance of education. This is evident from the fact that important changes had been done in the policy to liberate students by allowing them to choose the subjects of their own choice. The Policy also promises to adopt flexibility as per the needs and demands of the students so that “Education for All” can be realized. It is now upon us to develop a scientific temper so that we can contribute to an inclusive and equitable society.

NEP 2020 has opened doors for multiple talented students of every age to pursue their aims and objectives. This was done while keeping in mind the omissions of the old policies which in some way or the other missed out on certain crucial aspects of Education. The comprehensive overhauling of education policy and attaching flexibility to the system gives the scope of massive improvement in Primary, Secondary, and Higher Education. Vocational Training has also been added while keeping in mind, the capabilities and responsibility of any student. It is for the future to witness the massive success of the National Education Policy 2020.



**PRO BONO AND LEGAL AID
CLINIC ON EDUCATION &
LEGAL SERVICES COMMITTEE**

PUBLISHED BY

National Law University, Delhi

Sector 14, Dwarka

New Delhi 110078

Website: www.nludelhi.ac.in

Email: lsc@nludelhi.ac.in