NEW EDUCATION POLICY 2020 – A PARADIGM SHIFT

1. INTRODUCTION

On July 29, 2020 the Union Cabinet approved the National Education Policy 2020 ("NEP") that replaces the 34 years old National Policy of Education, 1986 to transform the school and higher educational systems in India.1 The NEP is based on the report submitted by the ‘Committee for the Draft National Education Policy’ under the chairmanship of the eminent scientist Dr. K. Kasturirangan.

Being part of the central government’s election manifesto in 2014, the consultation process for educational reforms was initiated as early as January 2015. The formulation of the NEP witnessed unprecedented collaborative, multi-stakeholder, and multi-pronged (online, grassroot and national level thematic) deliberations that involved over 2 lakh suggestions.2

The NEP recognizes that the pedagogy adopted in the Indian education system must evolve to make education more experiential, holistic, integrated, inquiry-driven, discovery-oriented, learner-centred, discussion-based, flexible, and at the same time, enjoyable in order to bring out unique capabilities of each student. As opposed to the previous policy which focused largely on issues of access and equity, the NEP is built on the principles of accessibility, accountability, quality, affordability, and equity, among others, and is also aligned to the 2030 Agenda for Sustainable Development adopted by India along with all United Nations Member States in 2015.

The objective of the NEP is to transform the country into a flourishing knowledge society as well as a global knowledge superpower by transforming the school and higher educational systems into a system that includes humanitarian and constitutional values, creativity and critical thinking, use of technology, and philanthropic private and community participation, while still recognizing education as a public service.

2. KEY CHANGES

The NEP suggests various changes, starting with the re-designation of the Ministry of Human Resource Development ("MHRD") as the Ministry of Education ("MoE"). We discuss below the various objectives of the NEP:

2.1. PRE-PRIMARY TO SECONDARY EDUCATION

2.1.1. New Academic Structure

The existing mainstream academic structure of 10+2 consisting of the age groups of 6-16 and 16-18 years will now be revamped to a 5+3+3+4 model, that is, (i) 5 years of “Foundational Stage”, ranging from 3 years pre-primary education to classes 1 - 2; (ii) 3 years of “Preparatory Stage”, ranging from classes 3-5; (iii) 3 years of “Middle Stage”, ranging from classes 6- 8; and (iv) 4 years of “Secondary Stage”, ranging from classes 9 - 12.

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2 https://pib.gov.in/AllRelease.aspx
The Foundational Stage will involve flexible, multilevel, play-based, activity-based, and discovery-based learning, continuously incorporating the latest research and the various time-tested Indian traditions for cognitive and emotional stimulation of children. The Preparatory Stage will involve all activities of the Foundational Stage, but also gradually beginning to incorporate textbooks and aspects of more formal classroom learning. The Middle Stage will comprise of building on more formal pedagogical and curricular style of the Foundational Stage, but will see the introduction of subject teachers for learning and discussion of the more abstract concepts in each subject that students will be ready for at this stage across sciences, mathematics, arts, social sciences, and humanities. The Secondary Stage will comprise of multidisciplinary study, and will build on the subject-oriented pedagogical and curricular style of the Middle Stage, but with greater depth, greater critical thinking, greater attention to life aspirations, and greater flexibility and student choice.

With the objectives of overall learning, development, and well-being of children, ‘early childhood care and education’ is also included in the new academic structure, wherein the policy aims to achieve universal provisioning of quality early childhood development, care, and education by the year 2030. The planning and implementation of early childhood education is proposed to be carried out jointly by the MHRD, the Ministry of Women and Child Development (“MWCD”), Ministry of Health and Family Welfare (“MHFW”), and Ministry of Tribal Affairs. A special joint task force will be constituted for continuous guidance of the integration.

2.1.2. Foundational Literacy and Numeracy

The NEP intends to achieve universal foundational literacy and numeracy, that is, ability to read and comprehend basic text and the ability to carry out basic addition and subtraction with Indian numerals at the foundational level in primary school and beyond, by 2025.

Considering that education is a subject matter under the concurrent list of the Constitution of India, individual states and union territories have been tasked with the implementation of this objective, along with closely tracking and monitoring the progress of the same. It is also proposed that (i) teacher education, and the early grade school curriculum be redesigned to this end, and (ii) with a focus on nutrition, an energising breakfast in addition to midday meals be provided. The need for introduction of well-trained social workers and counsellors to continuously work with students and their parents has been stressed, for the wellbeing of children.

2.1.3. Curtailing Dropout Rates and Ensuring Universal Access to Education at All Levels

With data indicating high dropouts from class 6 onwards, the NEP intends to reduce the rate of dropout and introduce changes to bring back the children who have dropped out to complete their education. aiming to achieve 100% gross enrolment ratio in preschool through secondary school by 2035 with concerted national effort by both the central and state governments.

The NEP envisages two primary initiatives in this regard, being (i) building and fortifying the infrastructural facilities which are effective, sufficient, and accessible to the students and (ii) achieving universal participation in school by carefully tracking students and their learning levels, to ensure that the
children are enrolled in and attending school, and in case they have fallen behind or dropped out, to have opportunities to catch up and re-enter school.

2.1.4. Holistic and Integrated Learning

As discussed above, the NEP focuses on the development of holistic and well-rounded individuals by way incorporation of the following:

(i) reduction of the curriculum content to enhance essential learning and critical thinking, thus enabling children to think critically and focus on inquiry, discovery, discussion, and analysis-based learning;

(ii) experiential learning, by integration of art (including poetry, dramatics, and drawing) and sports, among others, following a cross-curricular pedagogical approach;

(iii) empowering students through flexibility in course choices, where there will not be a strict separation among ‘curricular’, ‘extra-curricular’, or ‘co-curricular’, among ‘arts’, ‘humanities’, and ‘sciences’, or between ‘vocational’ or ‘academic’ streams;

(iv) mandating multilingualism with a focus on Indian languages and literature, along with standardization of the Indian sign language;

(v) inclusion of fun courses and internships which focus on vocational crafts such as carpentry, electric work, metal work, and gardening, among others;

(vi) integration of Indian knowledges systems in such as tribal knowledge, yoga, philosophy, architecture, and among others, in the curriculum; and

(vii) teaching students to understand ethics, constitutional values and the importance of ‘doing what’s right’.

Vocational education for children is envisaged to start in schools from the 6th grade onwards and will include internships as well.

2.1.5. National Curriculum Framework

The NEP provides for a national curriculum framework to be formulated by the National Council of Education Research and Training ("NCERT") incorporating of the following:

(i) revision of national textbooks to have reduced content with more flexibility, to be available at the lowest possible cost and in all regional languages;

(ii) assessment of students at all level to be based on competency and which tests higher-order skills, such as analysis, critical thinking, and conceptual clarity, instead of assessment techniques based on rote learning;

(iii) revision of the traditional report cards of students to be a ‘holistic 360-degree’, multidimensional report that reflects in great detail the progress as well as the uniqueness of each learner in the cognitive, affective, socio-emotional, and psychomotor domains;

(iv) the students will be required take school examinations in grades 3, 5, and 8 to be conducted by the appropriate authority;

(v) revamping the board, entrance examinations and common tests on specialised subjects (including the Common Admission Test (‘CAT’), among others), to eliminate the requirement of coaching classes,
with possibility to allow the students take the board exam twice and best-of-two-attempts assessments which will primarily test core capacities and competencies; and 
(vi) support for gifted students or students with special talents with topic-centred and project-based clubs and circles.

2.1.6. Efficient Resourcing and Effective Governance through School Complexes

A grouping structure called school complex consisting of one secondary school together with all other schools offering lower grades in its neighbourhood in a radius of five to ten miles is envisaged by the NEP, on similar lines to the suggestion which was first made by the Education Commission (1964-66).

The aim of the school complex or cluster will be to enhance resource efficiency and effective functioning by (i) integrating education across all school levels; (ii) sharing key material resources, such as teachers, libraries, science laboratories and equipment, among others; (iii) developing a critical mass of teachers, students, supporting staff (along with adequate number of counsellors and teachers for all subjects including art and sports), as well as equipment and infrastructure; and (iv) developing a culture of working to a plan, both short-term (1 year) and long-term (3-5 years).

2.1.7. Standard-setting and Accreditation for School Education

The NEP aims to provide an effective quality self-regulation or accreditation system for all stages of education and all new schools will need to ensure minimum prescribed norms, in terms of governance, infrastructure, safety, teachers, and other learning resources, which will have to be displayed through a transparent self-disclosure mechanism.

The NEP also envisages to replace the existing system of standard-setting and accreditation as follows:

- **Department of School Education**
  - apex state-level body in school education
  - responsible for overall monitoring and policymaking for continual improvement of the public education system

- **Directorate of School Education**
  - separate and independent body
  - to oversee educational operations and service provision for the public schooling system and implement policies regarding educational operations

- **State School Standards Authority (SSSA)**
  - each state or union territory to establish their own SSSA
  - to establish a minimal set of standards based on basic parameters (namely, safety, security, basic infrastructure, number of teachers across subjects and grades, financial probity, and sound processes of governance), which shall be followed by all schools
2.2. HIGHER EDUCATION

The NEP envisions a complete overhaul of the higher education system to deliver high-quality education, with equity and inclusion to all young people who aspire to it. The NEP envisages broad based, multi-disciplinary, holistic undergraduate education with flexible curricula, creative combinations of subjects, integration of vocational education and multiple entry and exit points, with appropriate certification. It boldly envisages establishing at least one higher education institute (the “HEI”) in or near every district across India, that offers medium of instruction or programmes in local or Indian languages.

The NEP also stresses on the need of optimal learning environment and continuous support for students and envisages autonomy to the faculty and HEIs in terms of matters of curriculum, pedagogy, assessment, choice based credit systems along with an academic bank of credit maintained online (to record the different credits earned from various HEIs), support centres to be set up by universities especially for students from socio-economically disadvantaged backgrounds and revamping online distance learning programs. Further, the NEP’s vision includes governing HEIs by highly-qualified independent boards having academic and administrative autonomy, and regulating “light but tight” by a single regulator for all of higher education, including professional education.

While the principles discussed above for pre-primary to secondary education also apply to higher education in India, we discuss the policy objectives specifically intended for higher education below.

2.2.1. Institutional Restructuring and Consolidation

One of the main objectives of the NEP is to end the disintegration of higher education by establishing one unified higher education system, including professional and vocational education, and transforming HEIs into large multidisciplinary knowledge hubs with best practices to build well round individuals.

The NEP contemplates 3 types of universities or colleges being (i) research-intensive universities (‘RUs’) that place equal emphasis on teaching and research; (ii) teaching-intensive universities (‘TUs’) that place greater emphasis on teaching but still conduct significant research and; (iii) the autonomous degree-granting colleges (‘ACs’) that are multidisciplinary institutions of higher learning that grants undergraduate degrees and is primarily focused on undergraduate teaching.
The NEP also aims to have one large multidisciplinary HEI in or near every district and increase the gross enrolment ratio to 50% by 2030. Further all HEIs are to include credit-based courses and projects in the areas of community engagement and service, environmental education, and value-based education.

Value-based education will include the development of humanistic, ethical, Constitutional, and universal human values of truth, righteous conduct, peace, love, nonviolence, scientific temper, citizenship values, and also life-skills. It is also aimed that students at all HEIs be provided with opportunities for internships with local industry, businesses, artists, craftspersons, among others, as well as research internships with faculty and researchers at their own or other HEIs or research institutions.

According to the NEP, the Master of Philosophy (‘M.Phil.’) programme shall be discontinued and HEIs will also have the flexibility to offer different designs of Master’s programmes such as:

(i) for those who have completed the 3-year Bachelor’s programme, a 2-year programme with the second year devoted entirely to research;
(ii) for students completing a 4-year Bachelor’s programme with research, 1-year master’s programme; and
(iii) an integrated 5-year bachelor’s or master’s programme; and
(iv) for undertaking a Doctor of Philosophy (‘Ph.D.’) programme a master’s degree or a 4-year bachelor’s degree with research would be required.

The NEP also envisions gradually phasing out the system of ‘affiliated colleges’ over a period of fifteen years through a system of graded autonomy, and mentoring from respective affiliating university.

2.2.2. Internationalisation

The NEP aims to promote India as a global study destination providing premium education at affordable costs, where an ‘International Students Office’ at each HEI hosting foreign students will be set up to coordinate all matters relating to the foreign students and also provisions to encourage high performing Indian universities to set up campuses in other countries.

Similarly, select universities, including from among the top 100 universities in the world, will be permitted to operate in India and in this regard a legislative framework facilitating such entry will be put in place, and such universities will be given special dispensation regarding regulatory, governance, and content norms on par with other autonomous institutions of India.

2.2.3. Equity

The NEP ensures incorporation of equitable principles in education system, where certain steps are to be taken by governments and HEIs, among others, such as:

(i) Earmark suitable government funds for the education of Socio-Economically Disadvantaged Groups (“SEDGs”);
(ii) enhance gender balance in admissions to HEIs;
(iii) enhance access by building more high-quality HEIs in aspirational districts and special education zones containing larger numbers of SEDGs; and
(iv) develop and support high-quality HEIs that teach in local/Indian languages or bilingually; and
(v) provide more financial assistance and scholarships to SEDGs in both public and private HEIs;

2.2.4. The National Research Foundation (the “NRF”)

This NEP, in order to provide a comprehensive approach to transforming the quality and quantity of research with a key emphasis on the scientific method and critical thinking, establish an NRF.

The NRF will provide a reliable base of merit-based but equitable peer-reviewed research funding, to develop a culture of research in the country through suitable incentives for and recognition of outstanding research. It will also undertake major initiatives to seed and grow research at state universities and other public institutions where research capability is currently limited and act as a liaison between researchers, government and industry, to achieve information symmetry.

2.2.5. Vocational Training

India’s vocational education is not at par with the best practices around. While 52%, 75% and 96% of the workers in USA, Germany and South Korea respectively are workers with vocational training, whereas the percentage in India is less than 5% of the workforce.

The NEP seeks to address this issue by requiring all education institutions to integrate vocational education programmes into mainstream education in a phased manner, beginning with vocational exposure at early ages, where the aim is that 50% of learners through the school and higher education system have exposure to vocational education by 2025.

The NEP also provides the National Skills Qualifications Framework to be detailed for each discipline, vocation or profession, and the Indian standards be aligned with the International Standard Classification of Occupations as maintained by the International Labour Organisation.

2.2.6. Transforming the Regulatory System of Higher Education

The NEC envisages the regulatory system of higher education to have distinct functions of regulation, accreditation, funding, and academic standard setting that will be managed by distinct, independent, and empowered organisations and structures, as provided below. The aim is to create checks-and balances in the system, minimise conflicts of interest, and eliminate concentrations of power.

<table>
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<tr>
<th>HECI</th>
<th>• Higher Education Commission of India (the &quot;HECI&quot;) • apex body, main purpose is to regulate higher education in India</th>
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<tr>
<td>NHERC</td>
<td>• National Higher Education Regulatory Council (the &quot;NHERC&quot;) • single point regulator for the entire higher education sector</td>
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<tr>
<td>NAC</td>
<td>• National Accreditation Council (the &quot;NAC&quot;) (a meta-accrediting body) • to supervise and oversee independent ecosystem of accrediting institutions (which primarily take into account the basic norms, public self-disclosure, good governance, and outcomes</td>
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2.3. OTHER SIGNIFICANT ASPECTS

2.3.1. Teachers

The NEP aims to improve the quality of teacher education and the competency of teachers at all levels of education (from Foundational to Higher Education) with steps such as:

(i) vacancies to be filled in time-bound manner;
(ii) pupil-teacher ratio to be maintained at 30:1 for all schools and pupil-teacher ratio for areas having large numbers of socio-economically disadvantaged students to be aimed at 25:1,
(iii) providing teachers with constant opportunities for self-improvement and to learn the latest innovations and advances in their profession, such as through participation in at least 50 hours continuous professional opportunities every year basis the need and choices;
(iv) providing teachers with opportunities to choose the pedagogy best suited to the students;
(v) a common guiding set of National Professional Standards for Teachers (‘NPST’) to be developed by 2022, reviewed and revised nationally in 2030, and thereafter every ten years;
(vi) teachers doing outstanding work will be recognised, incentivised, provided scholarships, and the career management and progression of teachers (including promotion and salary structure, and the selection of school and school complex leadership positions) to be based on performance and merit, through clear standards for evaluation of the same;
(vii) substandard and dysfunctional teacher education institutions to be shut down, and all multidisciplinary colleges and public universities are encouraged to establish, develop, and house outstanding education departments which, aside from carrying out cutting-edge research in various aspects of education, will also run B.Ed. programmes;
(viii) teacher education can be introduced in multi-disciplinary colleges and minimum degree qualification for teachers to be at least 4-year integrated B.Ed. degree. Additionally, a 2-year B.Ed. programme for teachers already having a bachelor’s degree in other specialized subjects and 1-year B.Ed. programme for teachers having 4 years bachelor degree or masters in a subject is also envisaged.

2.3.2. Regulating commercialization of education

The NEP aims to provide multiple mechanisms with checks and balances to combat and stop the commercialization of higher education while encouraging private philanthropic efforts. All education institutions are to be audited as per standards of audit for a not for profit company incorporated under section 8 of the Companies Act, 2013. Further, the Institute of Chartered Accountants of India may also
provide rules for education institutions, including ensuring that related party transactions, services, or charges by any other names are not used to profit from the institution by the promoters or sponsors or management while leaving the institution nominally ‘not-for-profit’.

Surpluses if any are to be reinvested in the institution. There will be transparent public disclosure of all these financial matters with recourse to grievance-handling mechanisms to the general public. Further, the NEP also envisages common national guidelines for all legislative acts that will form private HEIs, which would provide for common minimal guidelines will enable all such Acts to establish private HEIs, enabling a common regulatory regime for private and public HEIs.

That said, the NEP also intends that the expenditure on education reaches 6% of GDP at the earliest, and 20% of all public expenditure over a 10-year period. It is pertinent to note that this hasn’t happened since it was first proposed in 1968. The light but tight approach to ensure government expenditure increases and education is still available as a public good (non-commercial) has also been emphasized.

2.3.3. Technology Use and Integration

Generally, the NEP considers the technological advancements and acknowledges the need to utilize the same to further transform the education sector. In this regard, an autonomous body, the National Educational Technology Forum (“NETF”), will be created to provide a platform for the free exchange of ideas on the use of technology to enhance learning, assessment, planning, administration, and so on, both for school and higher education.

In relation to higher education the NEP enables institutions (that have been specifically accredited for the purpose) to have the option to run Open Distance Learning (“ODL”) and online programmes, in order to enhance their offerings, improve access, and increase gross enrolment ratio. For quick adoption, HEIs may blend these online courses with traditional teaching in undergraduate and vocational programmes.

The NEP provides to establish a national repository of high-quality resources on foundational literacy and numeracy to be made available on the national teacher’s portal, that is, the Digital Infrastructure for Knowledge Sharing (‘DIKSHA’). Public and school libraries will be significantly expanded to build a culture of reading across the country. Digital libraries will also be established. A rich variety of educational software will be developed and made available for students and teachers at all levels in all major Indian languages. The platform may also be utilised for e-content related to teacher’s professional development, among others. Technology-based education platforms, such as DIKSHA will be better integrated across school and higher education, and will include ratings/reviews by users, so that users are able to choose their content wisely and so that content developers may continuously improve content.

The NEP recognises importance of Artificial Intelligence (“AI”) technology suggests that the education system must respond quickly to such developments. Further, the NITI Aayog’s discussion paper, “National Strategy for Artificial Intelligence: #AIForAll”, is also endorsed by the NEP, that may be kept in mind to propose technology-specific policy changes. HEIs are expected to play an active role not only in conducting research on disruptive technologies but also in creating initial versions of instructional materials and courses (including online courses) in cutting-edge domains and assessing their impact on specific areas such as professional education.
2.3.4. **Other Developments**

A new National Assessment Centre, ‘PARAKH’ (Performance Assessment, Review, and Analysis of Knowledge for Holistic Development), will be set up as a standard-setting body. Further, all school children would also be required to undergo regular health check-ups by schools and for this health cards will be issued to the children.

The NEP additionally provisions for the Government of India to constitute a ‘Gender-Inclusion Fund’ to build the nation’s capacity and provide a quality and equitable education for all girls as well as transgender students eliminating any remaining disparity in access to education (including vocational education) for children from any gender or other socio-economically disadvantaged group.

The NEP also endorses the recommendations of the Rights of Persons with Disabilities Act, 2016 (“RPWD”) and provisions for addressing the rehabilitation and educational needs of learners with disabilities.

**INDUSLAW VIEW**

The NEP paves way for transformational reforms in the education systems across the country with an aim to achieve 100% youth and adult literacy. The NEP seems to be a step in the right direction with its emphasis on constitutional values, ethics, mental health and overall well-being, integrating technological advancements, and equity. The fact that the NEP acknowledges the need for (together with provisioning for) holistic development of children and moving away from the culture of rote learning, with special focus on internships, and vocational training since an early age, is highly commendable.

The NEP contemplates that completely commercializing education may pose a threat to the ‘right to education’ being a right exercisable for all sections of the society. However, till the government exchequer can sufficiently increase the public expenditure in this sector, the light but tight approach, may need to be structured in a manner that it strikes a balance between (i) overregulating the sector in attempt to make education accessible to all sections of society on one hand, and (ii) allowing private funding (including private philanthropic efforts) for enhancing access, and education to be activity solely for profit on the other hand. It remains to be seen how the scholarships, as envisaged in NEP are capable of being funded in a realm of ‘fee control’.

The recommendation to establish at least one HEI in every district in the country or the dream to become a global destination for quality education, seems almost impossible considering (i) the huge amount of infrastructural support and resources required, and (ii) how underfunded the education sector currently is.

It is worthy to note that the NEP considers implementing technological solutions for building adequate infrastructure, providing specialized distance learning courses, and general capacity building exercises. However, from the perspective of a comprehensive framework, the NEP seems to have missed giving due weightage on how online education will shape the future by creating access to all, and does not delve into the aspect of day to day online education (which has been banned by various state governments recently), which in light of the pandemic, is the need of the hour.
Any policy is only as good as its implementation. Since education is a subject matter under the concurrent list under the Constitution of India, careful planning, joint monitoring, and concerted efforts to implement the NEP will be required from both the central and the state governments. To ensure that the NEP does not end up as an elaborate informative essay on the need and benefits of overhauling the Indian education system, it is imperative that effective measures be undertaken for implementation of the NEP. This will require initiatives and actions by all stakeholders such as parents, teachers, trainers, counsellors, social workers, education technology innovators, and state and central governments, in a synchronised and systematic manner, along with awareness, sensitization and acceptance from the grassroot level to the top.

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