

**LEGAL ASPECTS OF NATIONAL EDUCATION POLICY 2020:
AN INTROSPECTION**

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ABSTRACT

The National Education Policy (NEP) 2020 that was in works since 2016 has come up with an extremely ambitious vision. It has delineated certain overhauls in the education system. The world is undergoing rapid changes in the knowledge landscape. With the rise of big data, machine learning, and artificial intelligence, many unskilled jobs worldwide may be taken over by machines, while the need for skilled labour, particularly involving mathematics, computer science and data science, in conjunction with multidisciplinary abilities across the sciences, social sciences and humanities, will be in rapidly increasing demand. Planners, first of all, cannot ignore the legal constraints resulting from constitutional, legislative or regulatory measures. For example, the obligation of ethnical non-discrimination in the enrolment process, gender equity, compulsory attendance and duration thereof, regulations governing the curriculum, teachers' obligations etc. The policy raises a number of constitutional concerns. While some of these concerns regarding the medium of instruction in schools and the undermining of the federal principles have been raised, certain questions of educational equity and interests of marginalised groups remain unaddressed till date. Through this article, the authors attempt to provide a constitutional background to the concerns for educational equity, while highlighting certain inherent deficiencies in the NEP.

KEYWORDS: *National Education Policy; Right to Education; Education System; Higher Education*

1. INTRODUCTION

Education plays a vital role in the development of just and equitable society and promotes national development. It is through education only that a human being can realise its full potential and contribute effectively to the society. As per Directive Principles of the State Policy provided in Part IV of the Constitution of India, India has strived to provide universal access to quality education. It has ensured India's rise as the global leader in term of economic development, social justice and equality, scientific advancement, national integration, and cultural preservation. But in the recent past, the global ranking of India's universities providing high quality education has fallen behind. It is for this reason that the Government of India took steps to overhaul its education policy after a gap of 34 years.

The Central Government formed a committee under the leadership of Dr. K.K. Kasturirangan in 2017 with the objective of drafting a new education policy. The committee formed the National Education Policy (NEP) in 2019 which was released on July 30, 2020.¹ According to Dr. K.K. Kasturirangan:

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¹ Draft National Education Policy 2019, PRS Legislative Research (May 13, 2024, 10:45 PM), <https://prsindia.org/policy/report-summaries/draft-national-education-policy-2019>.

“We have tried to create a policy that will change the educational landscape in our understanding so that we can prepare the youth to face the current and future challenges. It has been a journey in which every member has taken a personal and collectively, we have tried to cover different dimensions of the broader educational landscape of our country. This policy is all based on the guiding objectives like access, capacity, quality, affordability, and accountability. From pre-primary to higher education, we have taken this field Seen in an uninterrupted continuity as well as encompassing other areas connected to the broader landscape”.

The NEP 2020² provides a comprehensive framework for elementary and higher education as well as vocational training in India. The objective of the policy is to alter the Indian educational landscape. The purpose of introducing such a policy is to bridge the gap in India’s existing educational system. This can be achieved only by introducing fresh reforms into India’s educational system. NEP 2020 has brought changes through focusing on areas such as innovation, skill, equity, and quality in learning.

India hopes to achieve a leading education system by the year 2040. The required adaptative changes have already been identified due to globalisation and new market trends. In the present scenario, it is not only about knowledge and education, but focus on skill, innovation, market demand is equally relevant for shaping future roles for students. Therefore, the time has come to shift to less content and more learning. Students must be motivated to become active learners and their critical thinking skills must be polished. Education in today’s times must emphasise on building character, enable learners to be ethical, rational, compassionate, and caring. They must at the same time be prepared for gainful and fulfilling employment as well.

1.1 OBJECTIVE OF STUDY

The article attempts to provide a constitutional background to the concerns for educational equity, while highlighting certain inherent deficiencies in the NEP. It examines the salient features of the National Education Policy (NEP) 2020, highlighting its focus on foundational literacy, flexible curriculum, and technology integration, then delves into its impact on higher education, the implications within India's quasi-federal structure, and challenges such as lack of proper planning and administration, funding shortages and bureaucratic hurdles.

2. RESEARCH METHODOLOGY

The research methodology adopted is doctrinal in nature and employs an analysis of relevant statutes, policies, case laws, and scholarly literature to comprehensively examine the legal landscape pertaining to the area of study.

² National Education Policy 2020, Ministry of Education (May 13, 2024, 10:50 PM), https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf.

3. CONTENT

3.1 SALIENT FEATURES OF THE NATIONAL EDUCATION POLICY, 2020

- **Flexibility:** Education now needs to operate beyond silos; a chartered accountant mustn't confine themselves solely to finance studies, reflecting the interconnected nature of learning in contemporary times. There needs to be diversity because there are so many opportunities in contemporary times. One of the critical characters of NEP 2020 is flexibility. It is integrated yet flexible. The NEP panel emphasized the imperative of interlinking different facets and phases of a child's education, advocating for seamless transitions from school to college to university. Such coherence is deemed essential for fostering holistic learning, challenging the rigidity of conventional educational structures. We can no longer afford to be straight-jacketed.
- **No hard separations between subjects, curricular and extra-curricular activities:** Gone are the rigid boundaries separating arts and sciences, curricular and extra-curricular pursuits, vocational and academic paths, aiming to dismantle detrimental hierarchies and silos among diverse realms of learning.
- **Multi-disciplinary education:** Multidimensional and comprehensive education spanning sciences, social sciences, arts, humanities, and sports, tailored for a world that thrives on interdisciplinary interactions, aiming to uphold the unity and integrity of all realms of knowledge.
- **Conceptual understanding:** Prioritize grasping concepts over mere memorization and exam-oriented learning, advocating for a deeper understanding that transcends rote memorization and test performance.
- **Critical thinking:** Foster creativity and critical thinking to stimulate logical reasoning and innovative problem-solving, promoting a mindset conducive to making informed decisions and driving forward innovation.
- **Ethical Values:** Instill ethics and Constitutional values such as empathy, respect, cleanliness, democratic ethos, service orientation, scientific mindset, liberty, responsibility, inclusivity, equality, and justice, emphasizing a multifaceted approach to moral and civic education.
- **Teachers as the heart of the learning process:** Teachers and faculty serve as the cornerstone of the learning journey, with a focus on their recruitment, ongoing professional growth, fostering positive work environments, and ensuring conducive service conditions, recognizing their pivotal role in education.
- **The strong public education system:** Allocate significant resources towards cultivating a robust and dynamic public education system, while also promoting and enabling genuine philanthropic engagement from private entities and communities, underscoring the importance of collective investment in education.

- **Quality:** Higher education of high caliber should aspire to nurture individuals who are discerning, reflective, versatile, and innovative in their thinking and actions.
- **Equity:** Embedding complete equity and inclusion as the foundational principle guiding every educational choice, ensuring that all students have the opportunity to excel and flourish within the education system.
- **Access:** Viewing education as a public duty, the provision of quality education recognized as a fundamental entitlement for every child. Focus on leveraging technology in educational processes, eliminating language obstacles, enhancing accessibility for students with disabilities, and strategic planning and administration.
- **Accountability:** Establishing a regulatory framework that is agile yet rigorous, designed to uphold the integrity, transparency, and efficient utilization of resources within the educational system through audits and public transparency, while simultaneously fostering innovation and unconventional thinking through autonomy, effective governance, and empowerment.

3.2 NEW EDUCATION POLICY & PROVISION RELATED TO HIGHER EDUCATION

According to the National Education Policy of 2020, there is an expressed intention to augment the gross enrolment ratio within higher education institutions from 26.3 percent, as recorded in the year 2018, to 50 percent³, concomitantly accompanied by an increment of 3.5 crore additional seats. The gross enrolment ratio signifies the proportion of the entire eligible populace that has enrolled in educational establishments. For instance, if there exist 100 students within the age cohort eligible for admission into higher education, and 60 among them are admitted, the ratio would be 60%. In all categories of higher education, excluding medical and legal education, the establishment of a Higher Education Commission of India is envisaged, which will supplant the extant University Grants Commission.⁴ A comprehensive educational and research institution akin to the Indian Institutes of Technology (IITs) and Indian Institutes of Management (IIMs) will be established, attaining a global standard. For admission into these institutions, a universal entrance examination will be administered by the National Testing Agency. It will be an elective examination for all students, devoid of compulsory subject categorisation, with Arts and Humanities disciplines also incorporated into technical institutions.⁵ There will be no compartmentalisation into Arts, Science, and Commerce streams, affording students the liberty to choose subjects according to their

³ *Id.*, para 10.8.

⁴ *Id.*, para 18.2.

⁵ *Id.*, para 11.

predilections.⁶ All educational institutions across the country, including IITs, will adopt a holistic approach.⁷

Four bodies of Higher Education of Commission (HECI)

- National Higher Education Regulatory Council (NHERC): The National Higher Education Regulatory Council (NHERC) is designated to serve as a regulatory authority overseeing the higher education sector, encompassing teacher education.⁸
- General Education Council (GEC): The General Education Council (GEC) will be tasked with formulating the framework delineating anticipated learning achievements for higher education programs, thereby undertaking standardisation efforts.⁹
- National Accreditation Council (NAC): The National Accreditation Council (NAC) will be responsible for the accreditation of institutions, functioning predominantly on foundational benchmarks which encompass public self-disclosure, sound governance, and demonstrable outcomes.¹⁰
- Higher Education Grants Council (HEGC): The Higher Education Grants Council (HGFC) will be entrusted with the allocation of financial resources to colleges and universities.¹¹

Presently, oversight of higher education institutions is administered by entities such as the University Grants Commission (UGC), All India Council for Technical Education (AICTE), and National Council for Teacher Education (NCTE). The National Education Policy of 2020 introduces a paradigm shift by implementing a multi-entry and multi-exit system within the undergraduate curriculum. Under this framework, students enrolled in a three- or four-year undergraduate program will have the option to conclude their studies at various junctures, receiving corresponding degrees or certificates.¹² For instance, a Certificate will be conferred after one year, an Advanced Diploma after two years, and a Bachelor's degree after three years; or alternatively, a Graduate Certificate with research after four years. Students pursuing a four-year degree will also have the opportunity to pursue a Ph.D. concurrently with an MA within a year's duration.¹³ The MPhil program has been discontinued in accordance with the new educational policy.¹⁴ Additionally, the policy

⁶ *Id.*, para 11.5.

⁷ *Id.*, para 11.4.

⁸ *Id.*, para 18.3.

⁹ *Id.*, para 18.6.

¹⁰ *Id.*, para 18.4.

¹¹ *Id.*, para 18.5.

¹² *Id.*, para 11.9.

¹³ *Id.*, para 11.10.

¹⁴ *Ibid.*

introduces the establishment of an Academic Bank of Credit, wherein the credits earned by students will be digitally archived for future reference.¹⁵

A critical component of the provisions concerning online and digital education involves the establishment of a National Educational Technology Forum. This entity will be established with the aim of advancing digital education, and it will assume responsibility for coordinating efforts related to digital infrastructure, educational materials, and capacity enhancement. In conjunction with this initiative, the integration of study and assessment technologies, as well as pedagogical training, will constitute a pivotal aspect.¹⁶

- The Ministry of Education will transform into a dedicated organisation for digital infrastructure, digital content, and capacity building to meet the e-education needs of both school and higher education in order to secure the preparation of alternative means of quality education.
- Regional language versions of the e-content will be made available for study.

3.3 PROVISIONS RELATED TO ADVANCED EDUCATION

The goal of achieving 100 percent youth and adult literacy by 2030 has been met.

3.4 PROVISIONS FOR FUNDING EDUCATION

The emphasis is on allocating up to 6% of GDP to the education sector. Its current share of GDP is 4.43 percent.¹⁷

3.5 PROVISION FOR DIFFERENTLY-ABLED CHILDREN

- Through the implementation of a new education policy, changes to the educational curriculum for PWD have been made. These people will be able to fully participate in the educational process through regular schooling from the primary level on up. Provision for Physical education.¹⁸

Aligned with the 2020 New Education Policy, students will be afforded the chance to cultivate their individual aptitudes. This entails imparting instruction in domains such as horticulture, yoga, music, dance, sports, and sculpture to all students, commencing from the earliest academic levels. This approach ensures that from an early stage, individuals acquire proficiency not only in physical pursuits but also in other forms of talents.

¹⁵ *Supra* note 2, para 11.9.

¹⁶ *Supra* note 2, para 23.3.

¹⁷ *Supra* note 2, para 26.1.

¹⁸ *Supra* note 2, para 6.2.5, 6.10, 6.11, 6.12.

3.6 PROVISIONS FOR FINANCIAL AID TO STUDENTS

- The qualification of students who fall under the SC, ST, OBC, and other particular groups shall be encouraged.
- To aid students receiving student stipends and monitor their progress. Expanded national scholarship portal will keep track of additional announcements.
- In higher education, a single regulator will henceforth oversee institutions in place of the UGC, AICTE, and NCTE.
- By granting colleges autonomy, the process of affiliating with universities will be abolished after 15 years. They will be given complete autonomy. They will either be transformed into independent colleges that grant degrees or will be joined to a university.
- To give international shape to education, the top global ranking university will be allowed to open its branch in India, so that the students of India will not have to go abroad to get admission to the world's best colleges and universities.
- The National Research Foundation will be established as a top entity to conduct research and to support higher education's strong research culture and research capacity.
- The construction of education centres for underprivileged communities and the gender inclusion fund would receive special attention in the new education strategy.
- The student's report card will be examined using a 360-degree evaluation, taking into account the mental ability of his behaviour, by his teacher and classmate.

3.7 RECOMMENDATIONS RELATED TO THE EDUCATIONAL SYSTEM

- The new education policy will occasionally set up teacher promotions based on performance.
- By 2022, a professional standard for teachers will be created by the National Council for Teacher Education.
- On the recommendation of NCERT, national level education is provided for teachers. The course's curriculum will be prepared.
- By 2030, teaching in accordance with the new educational strategy will require a four-year B.Ed. degree.

3.8 PROVISIONS FOR PROTECTION OF LINGUISTIC DIVERSITY

- The recent educational policy offers a range of choices concerning language instruction. It advocates prioritizing the study of one's mother tongue or regional language in Class 5 and Class 8. Additionally, students will have the option to commence learning a foreign language from the secondary level, specifically in the 9th grade.

The tri-language formula¹⁹ stipulates the compulsory inclusion of a minimum of two Indian languages in the curriculum. Within this framework, priority will be accorded to the selection of languages based on the student's state, region, and individual preferences. For instance, students in Mumbai studying Marathi and English will be required to include a third language in their studies.²⁰ The educational curriculum ensures that no student is adversely affected by the language selection process, and it provides the option to study Sanskrit and other classical and ancient languages.

4. DISCUSSION

4.1 QUASI-FEDERAL STRUCTURE AND NATIONAL EDUCATION POLICY

The recently unveiled National Education Policy (NEP) by the Central Government, introduced in July 2020, has been lauded as a catalyst for imperative structural reform within the educational framework. Nonetheless, the policy has engendered a series of constitutional apprehensions. While certain issues pertaining to the language of instruction in educational institutions and potential erosion of federal principles have been articulated in other forums, specific inquiries concerning educational parity and the welfare of marginalised demographics persist unattended thus far. This article, along with its subsequent segment, endeavours to furnish a constitutional context for the apprehensions surrounding educational parity while elucidating certain inherent shortcomings within the NEP. Moreover, we advocate for a resolute fortification of commitments towards educational parity through constitutional and statutory mandates.

On the 29th of July, the Union Council of Ministers, commonly referred to as the Cabinet, ratified the “National Education Policy 2020”, superseding the preceding policy of 1986. Given that Education falls within the Concurrent list outlined in the seventh schedule of the Constitution²¹, the formulation of a national education policy necessitates the concurrent approval of both the central and state authorities. However, prior to engaging in an exhaustive examination of the NEP 2020, it is imperative to acknowledge that the NEP 2020 fundamentally constitutes a policy directive. Consequently, the scope of this discourse is confined to delineating how the policy, in view of its stipulations and omissions, may potentially deviate from the provisions enshrined in Parts III and IV of the Constitution of India. It is essential to emphasise that a comprehensive constitutional assessment can only transpire subsequent to the enactment of legislation by the State in alignment with the policy. Planners must, foremost, take into account the legal constraints arising

¹⁹ *Supra* note 2, para 4.13.

²⁰ *Ibid.*

²¹ INDIA CONST. schedule 7, entry no. 25.

from constitutional, legislative, or regulatory enactments. This encompasses, for instance, the imperative of ensuring non-discrimination on ethnic grounds in the enrolment process, promoting gender equity, enforcing compulsory attendance, and specifying its duration, as well as formulating regulations governing the curriculum and the obligations of educators, among others. Conversely, law serves as a pivotal instrument for planners in accomplishing their objectives. For instance, the legal mandate necessitating communities to participate in defraying educational expenses, contributing to school mapping, and aiding in the campaign against illiteracy stems from the decision to establish compulsory education subject to state oversight and endorsement, particularly within the realm of formal education.

For instance, the policy exhibits a notable absence of substantive engagement with prior National Education Policies (NEPs) or the utilisation of their comprehensive frameworks to address the needs of marginalised populations. A conspicuous omission in this regard pertains to the disregard of the Kothari Commission (and the National Policy of Education, 1968)²² vision of a Common School System (CSS), which aimed at achieving educational equality by emphasizing the equalisation of educational opportunities. Furthermore, it fails to draw inspiration from the 1986 national policy²³, which advocated for a “special emphasis on the removal of disparities and the equalisation of educational opportunity,” particularly for Indian women, Scheduled Tribes (ST), and Scheduled Caste (SC) communities. In pursuit of such social integration, the 1986 policy advocated for the expansion of scholarships, the promotion of adult education, increased recruitment of teachers from the SCs, incentives for economically disadvantaged families to ensure regular school attendance of their children, the establishment of new educational institutions, and the provision of housing and support services.²⁴

The architects of the Indian Constitution demonstrated a nuanced awareness of the imperative to extend educational access universally, while also recognizing the necessity of ensuring equitable access to such opportunities. This sentiment is evident in the developmental process of Article 45, which obligated the State to furnish education to all children within a decade of the Constitution’s inception.²⁵ Concurrently, the framers included provisions in Article 46 of the Constitution of India to mandate targeted endeavours aimed at ameliorating educational disparities between advantaged and marginalised

²² National Policy on Education 1968, Ministry of Education (May 13, 2024, 10:30 PM), https://www.education.gov.in/sites/upload_files/mhrd/files/document-reports/NPE-1968.pdf.

²³ National Policy on Education 1986, Ministry of Education (May 13, 2024, 10:35 PM), https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/npe.pdf.

²⁴ *Ibid.*

²⁵ INDIA CONST. art. 45.

demographics.²⁶ The unanimous adoption of Article 46 (initially presented as Draft Article 37) during the Constituent Assembly Debates, without any alterations, serves as a compelling testament to the steadfast dedication of our founding progenitors towards historically marginalised groups and their hard-fought entitlement to parity in educational access.

The explicit recognition of the right to education as a fundamental right did not occur until the landmark judgment of *Mohini Jain v. State of Karnataka*²⁷. The right to education was further elucidated and legally fortified via subsequent judicial decisions, including the cases of *Unni Krishnan v. State of Andhra Pradesh*²⁸, *TMA Pai Foundation v. State of Karnataka*²⁹, and *P A Inamdar v. State of Maharashtra*³⁰. These rulings contributed to the expansion and consolidation of the legal framework supporting the implementation of this fundamental right. Consequently, the legislators passed the 86th amendment act which added article 21A to Part-III of the constitution formally recognizing the right to education as Fundamental right.³¹ Consequently, the Right of Children to Free and Compulsory Education Act, 2009, also referred to as the Right to Education Act (RTE Act) was enacted.

The Right to Education Act mandates the provision of free, compulsory, and universal education for children between the ages of 6 and 14.³² However, despite its legal status, this provision is progressively losing efficacy within the framework of the National Education Policy. The crucial directive of ensuring universal access to high-quality education, a pivotal component of the RTE Act, is notably absent in the NEP, with the term ‘Universalisation of Early Childhood Care and Education (ECCE)’ appearing only once in the policy document. The NEP assigns a disproportionate emphasis on online education³³, potentially diminishing the significance accorded to enrolment and reduction of drop-out rates in traditional brick-and-mortar schooling. Presently, there exists an imperative to adopt a substantive approach towards achieving equitable educational outcomes, one that duly considers differences, diversity, and disadvantage.

²⁶ *Id.*, art. 46.

²⁷ 1992 SCC (3) 666 (India).

²⁸ 1993 SCR (1) 594 (India).

²⁹ (2002) 8 SCC 481 (India).

³⁰ (2005) 6 SCC 537 (India).

³¹ INDIA CONST. art. 21A.

³² The Right of Children to Free and Compulsory Education Act, 2009, No. 35, Acts of Parliament, 2009 (India) s. 3.

³³ *Supra* note 2, para 9.3, 12.5, 26.4.

5. FINDINGS

5.1 CHALLENGES WITH RESPECT TO NATIONAL EDUCATION POLICY

- **Institutional limitations:** A robust educational framework should encompass a variety of institutions, rather than imposing a uniform multidisciplinary model. Students ought to have the option to select from a range of institution types. The policy runs the risk of establishing a novel form of institutional uniformity dictated by centralised directives.
- **Lack of funds:** As per the Economic Survey of 2019-2020, the collective expenditure (by both the Central and State entities) on education constituted 3.1% of the Gross Domestic Product (GDP). A transformation in the financial framework of education is imminent. While attaining funding equivalent to 6% of the GDP may be uncertain, it is plausible that certain facets of the reform can be realised at a reduced cost, thereby enabling broader implementation.
- **Multilingualism debate:** The proficiency in one's native language proves effective in contexts where a comprehensive support system extends seamlessly from early education to advanced academic pursuits and onward to professional endeavours. In the absence of such a cohesive environment, this proficiency alone may not suffice. The National Education Policy (NEP) underscores the significance of multilingualism, a principle that warrants heightened emphasis. It is noteworthy that a substantial number of classes in India inherently adopt a bilingual instructional approach. It is unfortunate that certain states perceive this policy as an unwarranted endeavour to impose Hindi, a perspective that may hinder its reception.
- **A move in haste:** The nation has struggled for months with lockdowns brought on by COVID. The policy required legislative discussion; it had to have gone through a respectable parliamentary debate and consideration of differing perspectives.
- **Overambitious:** All of the aforementioned policy changes call for a lot of funding. A lofty goal of 6% of GDP for public spending has been established. Given the existing tax-to-GDP ratio and the conflicting demands on the national exchequer from the national defence, healthcare, and other important sectors, this is undoubtedly a difficult task. Meeting existing expenses is choking the exchequer itself.
- **Pedagogical limitations:** The document discusses adaptability, variety, and experimentation. The text acknowledges the multiplicity of educational needs in higher education. If it is a required option within a single institution, this will be a disaster since designing a curriculum for a class that includes both students pursuing one-year diplomas and those pursuing four-year degrees dilutes the institution's character.

- **Issues with examinations:** Exams are stressful because of the competition; even a small performance drop might have significant opportunities-related repercussions. Therefore, the structure of opportunity contains the solution to the exam conundrum. India is not in that situation. This will necessitate a less unequal society, both in terms of access to reputable institutions and wealth disparities resulting from that access.
- **Lack of integration:** There are gaps in both the thought and the document, for example, in the incorporation of technology and education. Large gaps exist, such as lifelong learning, which ought to have been a crucial component in transitioning to new sciences.
- **Language barrier:** The text has a lot of discussion points, including language. In order to enhance learning results, the NEP aims to make home language study possible up until class five. Yes, it is true that a child's home language facilitates early concept processing, which is essential for future development. Even with the best education and facility, learning suffers if the foundations are not solid. However, it is also true that social and economic mobility is a primary objective of education, and that English is the language of mobility in India.
- The knowledge and skills taught and the jobs offered consistently do not match. This is one of the biggest issues the Indian educational system has faced since Independence.
- NEP 2020 did not examine this since it contains no information on education in domains of developing technology, such as artificial intelligence, cyberspace, nanotechnology, etc.
- A lofty goal of 6% of GDP for public spending has been established. Given the low tax-to-GDP ratio and conflicting demands on the national exchequer from the national defence, healthcare, and other important sectors, mobilizing financial resources will be very difficult.
- The Right to Education Act of 2009 and the New Education Policy of 2020's applicability has raised legal issues that have added to the criticism of the policy. In order to address any conflict between the legislation and the recently announced policy in the long run, some provisions like the age at which schooling begins will need to be considered.
- It is important to remember that previous attempts at parliamentary legislation under the previous regulatory structure have failed. As in the case of the Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010, which expired, and the proposed Higher Education Commission of India (Repeal of University Grants Commission Act) Act, 2018, which still needs to be passed by Parliament, the failure can be attributed to the regulators' role and the intended legislative changes' lack of alignment.
- Although the Universities Grants Commission and the All-India Council for Technical Education have played a significant role, the new strategy leaves open questions about their roles.

- One of the policy's declared objectives, to double the gross enrolment ratio in higher education by 2035, requires us to establish one new institution per week for the following 15 years.
- The National Education Policy 2020's emphasis on inter-disciplinary learning is a very welcome development for higher education. Universities have been highly compartmentalised and isolated for many years, particularly in India.

6. CONCLUSION AND SUGGESTIONS

It is important to understand the importance of law and we must not underscore the importance of planning and administration within the Higher Education system. Planning and Administration can be a real instrument for education policy and for enforcement mechanism. This presupposes that particular attention be paid to rules, in both their formulation and their application. It was difficult to cover all question in this very brief article as of how law applies to educational planning. All the same, we cannot afford to ignore one of the major problems is planning. Planning can only be considered and applied, well-nigh speaking, if legislation and, above all, administrative practices follow it up in one important area and that is evaluation. A real commitment to evaluation is necessary, i.e. an evaluation of public policy which focuses both on comparing aimed-for objectives with actual accomplishments, and on a constant assessment of the educational, social and economic effects of the educational policies in place. The law is particularly important socially in that rules often take the form of arbitration between opposing interests. At the same time, it has the mission, which is not the least of its concerns, to be the guarantor of the efficiency of an educational system which, in turn, must provide the ways and means for transmitting collective social values, and be the prime agent of change in developing the world of tomorrow.

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