



# INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

## Right To Education And Legal Framework For Digital Education In INDIA

DEBJANI OJHA

Assistant Professor of Surendranath Law College  
University of Calcutta

### Abstract

The article titled "Right to Education and Legal Framework for Digital Education in India" explores the evolution of the right to education in India and its intersection with the rapidly growing domain of digital education. The right to education, recognized as a fundamental human right, has been central to India's efforts to promote social and economic transformation, particularly in addressing historical inequities. The article discusses how the Indian legal and regulatory framework has adapted to the challenges and opportunities presented by digital education, which has become increasingly relevant in the wake of the COVID-19 pandemic. The pandemic highlighted both the potential and the limitations of digital education, especially in a diverse country like India, where disparities in access to technology can exacerbate existing inequalities. The article further delves into the statutory system governing the right to education in India, focusing on key legislative milestones such as the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) and its subsequent amendments. It also examines the role of the judiciary in shaping the legal landscape of digital education, emphasizing the need for a robust legal framework to address emerging issues such as data privacy, cybersecurity, and the regulation of educational technology platforms. Additionally, the article explores the implications of recent policy developments, including the National Education Policy (NEP) 2020 and the proposed NEP 2024, which aim to integrate digital technologies into the education system while ensuring equity and inclusivity. The article concludes by addressing the challenges and prospects of harnessing digital education to fulfil the promise of universal education in India, underscoring the importance of a supportive legal and regulatory framework to ensure that digital education is accessible, equitable, and of high quality for all students.

**Keywords:** Right to Education, Digital Education, India, Legal Framework, National Education Policy

### Introduction

The right to education has long been acknowledged as a fundamental human right, crucial for the realization of other rights and the overall development of individuals and societies<sup>1</sup>. In India, where diversity in language, culture, and socio-economic conditions is vast, education has been seen as a powerful tool for social and economic transformation<sup>2</sup>. Since gaining independence, India has made significant strides in expanding access to education, aiming to address historical inequities and ensure that every child has the opportunity to learn and grow<sup>3</sup>. However, despite these efforts, challenges remain, particularly in terms of quality, inclusivity, and equity in education.

In recent years, the landscape of education in India has been undergoing a profound transformation, driven largely by the advent of digital technologies. The rapid penetration of the internet, combined with the

<sup>1</sup> UNESCO, *Education for Sustainable Development Goals: Learning Objectives* (United Nations Educational, Scientific and Cultural Organization, Paris, 2017).

<sup>2</sup> K. Kumar, *Political Agenda of Education: A Study of Colonialist and Nationalist Ideas* (SAGE Publications, 2005).

<sup>3</sup> THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009, ACT NO. 35 OF 2009, 2009.

proliferation of digital devices, has opened up new avenues for learning and teaching, leading to what can be described as a digital revolution in education<sup>4</sup>. This shift towards digital education has been further accelerated by the COVID-19 pandemic, which forced educational institutions across the country to adapt quickly to online modes of instruction. The pandemic highlighted the potential of digital education to ensure continuity of learning even in times of crisis, but it also underscored the stark digital divide that exists in the country<sup>5</sup>. The promise of digital education lies in its ability to transcend traditional barriers to education, such as geography, infrastructure, and even socio-economic status<sup>6</sup>. It offers the potential to reach students in remote and underserved areas, providing them with access to quality educational resources that were previously out of reach. Moreover, digital education can cater to diverse learning needs and styles, offering personalized learning experiences that can enhance student engagement and outcomes. However, the digitalization of education also presents significant challenges, particularly in a country like India, where disparities in access to technology and the internet can exacerbate existing inequalities. The digital divide in India is a complex issue, rooted in socio-economic disparities, regional differences, and varying levels of digital literacy. While urban areas and affluent sections of society have largely benefited from the digital revolution, rural areas and marginalized communities have often been left behind. Lack of access to digital devices, unreliable internet connectivity, and low levels of digital literacy are some of the key barriers that hinder the effective implementation of digital education in these regions. This divide has the potential to widen the gap between those who have access to quality education and those who do not, thereby undermining the goal of universal education<sup>7</sup>.

Moreover, the shift towards digital education raises important questions about the role of technology in education and the need for a robust legal and regulatory framework to govern this new landscape. Issues such as data privacy, cybersecurity, and the regulation of ed-tech platforms are becoming increasingly relevant as more students and educators engage with digital tools and resources. The legal framework must evolve to address these challenges, ensuring that digital education is safe, equitable, and of high quality for all students, regardless of their socio-economic background. The evolution of digital education in India is also closely linked to broader policy developments, including the recent National Education Policy (NEP) 2020 and the anticipated New National Education Policy (NEP) 2024. These policies reflect a growing recognition of the importance of digital education in the 21st century and outline the government's vision for integrating technology into the education system<sup>8</sup>. However, the success of these initiatives will depend on the ability of the legal and regulatory framework to keep pace with technological advancements and to address the unique challenges posed by digital education.

In conclusion, the right to education in India is at a critical juncture, as the country navigates the opportunities and challenges of digital education. While digital technologies offer the potential to enhance educational access and quality, they also raise important questions about equity, inclusivity, and the need for a supportive legal framework. This essay will explore these issues in detail, examining the statutory system governing the Right to Education in India, the role of the judiciary in shaping the legal landscape of digital education, and the implications of recent policy developments. Through this analysis, we aim to provide a comprehensive understanding of the current state of education in India and the ways in which digital education can be harnessed to fulfil the promise of universal education<sup>9</sup>.

---

<sup>4</sup> Swapnil Singh and Guru Ashish Singh, "ASSESSING THE IMPACT OF THE DIGITAL DIVIDE ON INDIAN SOCIETY: A STUDY OF SOCIAL EXCLUSION," 13 181–90 (2021).

<sup>5</sup> Naresh Ramavath, "Challenges and Opportunities of Digital Learning in India," 9 *International Journal of Creative Research Thoughts* 832–6 (2021).

<sup>6</sup> Priya C. Kumar et al., "Privacy and Security Considerations For Digital Technology Use in Elementary Schools" *Proceedings of the 2019 CHI Conference on Human Factors in Computing Systems* 1–13 (Association for Computing Machinery, New York, NY, USA, 2019).

<sup>7</sup> *Supra* note 4.

<sup>8</sup> Anjali, "DIGITAL INDIA: OPPORTUNITIES AND CHALLENGES," 6 *International Journal of Creative Research Thoughts* 619–23 (2018).

<sup>9</sup> *Supra* note 2

## I. Statutory System of Right to Education in India

Education is universally recognized as a fundamental human right and a critical driver of socio-economic development. In India<sup>10</sup>, education has historically been a means to address social inequality, promote economic growth, and enhance the overall quality of life<sup>11</sup>. The statutory system of education in India is a complex framework shaped by constitutional mandates, legislative actions, policy reforms, and regulatory oversight<sup>12</sup>. This system reflects the country's commitment to ensuring access to education for all its citizens, particularly the marginalized and vulnerable sections of society. The journey towards establishing the right to education as a statutory mandate in India has been long and arduous. It has involved various stages of policy evolution, legislative enactments, and judicial interpretations. The colonial period marked the beginning of formal education systems in India, but these were largely exclusionary, aimed at creating a class of educated Indians to assist in colonial administration<sup>13</sup>. The post-independence era, however, witnessed a paradigm shift in the approach to education, recognizing it as a tool for nation-building and a fundamental right that must be accessible to all. The Constitution of India, adopted in 1950, laid the foundation for the country's educational framework. The Directive Principles of State Policy and Fundamental Rights enshrined in the Constitution underscore the importance of education as a means to achieve social justice and equality. However, it was not until the 86th Amendment to the Constitution in 2002 that education was explicitly recognized as a fundamental right under Article 21A. This amendment made it obligatory for the state to provide free and compulsory education to all children aged six to fourteen years, marking a significant milestone in the statutory recognition of the right to education in India.

The legislative landscape in India saw a transformative change with the enactment of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act)<sup>14</sup>. This landmark legislation operationalized the provisions of Article 21A, detailing the norms and standards for schools, including infrastructure requirements, teacher qualifications, and the establishment of a conducive learning environment. The RTE Act represented a significant step towards achieving the goal of universal education, setting a precedent for other educational reforms in the country<sup>15</sup>. Despite the progressive framework established by the RTE Act, the implementation of the right to education has faced numerous challenges. These include issues related to inadequate infrastructure, shortage of trained teachers, financial constraints, and disparities in educational quality across different regions and socio-economic groups. The amendments to the RTE Act in 2012<sup>16</sup> and 2019<sup>17</sup> aimed to address some of these challenges by introducing provisions for quality education and inclusive learning environments. The proposed amendment bill of 2024<sup>18</sup> further seeks to enhance the effectiveness of the RTE Act, focusing on improving educational outcomes and ensuring greater accountability in the system. In addition to statutory regulations, policy initiatives such as the National Education Policy (NEP) 2020<sup>19</sup>, which replaces National Policy on Education (NPE) 1986<sup>20</sup>, have played a crucial role in shaping India's education landscape. The NEP 2020 envisions a comprehensive framework for transforming education in India by promoting equitable access, enhancing quality, and fostering innovation. It emphasizes early childhood care and education, vocational training, and the integration of technology in learning, thereby aligning with global educational standards and the Sustainable Development Goals (SDGs). The National Higher Education Regulatory Authority (NHERA), proposed under the NEP 2020, is another significant development in India's educational regulatory structure. NHERA aims to streamline the regulatory processes for higher education institutions, ensuring greater transparency, accountability, and quality assurance. By consolidating multiple regulatory bodies under one umbrella, NHERA is expected to address the fragmentation in the current regulatory system and create a more coherent framework for higher education governance.

<sup>10</sup> *Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71, 1948.*

<sup>11</sup> J.B.G. Tilak, *Education for Development in Asia* (SAGE Publications, 1994).

<sup>12</sup> D. Das Basu, *Introduction to the Constitution of India* (S.C. Sarkar, 1966).

<sup>13</sup> Syed Nurullah and J. P. Naik, *A History of Education in India (during the British Period)*, 2nd ed. (Macmillan & Co. Ltd., Bombay, 1951).

<sup>14</sup> *The Right to Education Act, 2009.*

<sup>15</sup> Santu Biswas, "Right To Free and Compulsory Education (RTE, Act-2009) in India-A Critical Analysis," 2022.

<sup>16</sup> *THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION (AMENDMENT) ACT 2012, Act No 30 of 2012, 2012.*

<sup>17</sup> *THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION (AMENDMENT) ACT, 2019, Act No 1 of 2019, 2019.*

<sup>18</sup> *THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION (AMENDMENT) BILL, 2024, Bill No 37 of 2024.*

<sup>19</sup> *NATIONAL EDUCATION POLICY, NEP, 2020.*

<sup>20</sup> *NATIONAL POLICY ON EDUCATION, NPE, 1986.*

## A. Regulatory Structure

The regulatory structure of education in India is a multifaceted system designed to manage and oversee various aspects of educational delivery across the country. This system encompasses a range of bodies and frameworks at both the central and state levels, each with distinct roles and responsibilities. From formulating policies to enforcing standards, these regulatory bodies aim to ensure that education is accessible, equitable, and of high quality for all citizens. This section explores the historical evolution of the regulatory framework in India, highlights the key bodies involved in regulating education, and examines their roles and functions within the broader educational landscape.

The roots of India's educational regulatory structure can be traced back to the colonial era, which marked the beginning of formal education systems in the country. The British colonial administration introduced education primarily as a tool to create a class of educated Indians who could assist in the administration of colonial rule<sup>21</sup>. The Charter Act of 1813 was a significant milestone, as it allocated funds for education and marked the start of state involvement in education<sup>22</sup>. However, education during this period was largely limited to the elite and was oriented towards Western-style education and values. The establishment of various education commissions, such as the Hunter Commission (1882) and the Sadler Commission (1917), aimed to examine and suggest reforms in the education system, laying the groundwork for regulatory structures<sup>23</sup>. These commissions highlighted the need for mass education and recommended measures to improve the quality and accessibility of education. The colonial era also witnessed the introduction of the Indian Education Act of 1921, which decentralized education and transferred some responsibilities to provincial governments.

After gaining independence in 1947, India recognized the critical role of education in nation-building and socio-economic development<sup>24</sup>. The Constitution of India, adopted in 1950, set the foundation for a new educational framework, emphasizing education as a means to achieve social justice, equality, and democracy. The Constitution assigned education as a concurrent subject under the Seventh Schedule, allowing both the central and state governments to legislate on educational matters. In the early years of independence, several committees and commissions were set up to review and reform the education system<sup>25</sup>. The University Education Commission (1948-49) and the Secondary Education Commission (1952-53) were among the first to propose reforms aimed at expanding access to education and improving quality. The landmark Kothari Commission (1964-66) proposed a comprehensive overhaul of the education system, emphasizing a common school system, nationalization of education, and the introduction of a 10+2+3 structure<sup>26</sup>. Its recommendations led to the formulation of the National Policy on Education (NPE) in 1968, which aimed to promote a uniform education system across the country and laid the foundation for future educational reforms<sup>27</sup>. The National Policy on Education, 1986, and its subsequent revision in 1992 further strengthened the regulatory framework by introducing measures to improve access, equity, and quality of education. The policy emphasized the role of the central and state governments in regulating education, leading to the establishment of several regulatory bodies such as the National Council for Teacher Education (NCTE) and the All India Council for Technical Education (AICTE).

**Central Regulatory Bodies:** The Ministry of Education (MoE), formerly known as the Ministry of Human Resource Development (MHRD), is the apex body responsible for the formulation and implementation of education policies at the national level. It oversees various departments and autonomous bodies involved in regulating different levels and aspects of education. **National Council of Educational Research and Training (NCERT):** NCERT is an autonomous organization under the MoE responsible for developing curricula, textbooks, and teaching-learning resources for schools. It plays a crucial role in setting academic standards and ensuring quality in school education across the country. NCERT also conducts research and training programs to enhance the quality of education and support state-level educational initiatives<sup>28</sup>. **Central Board of Secondary Education (CBSE):** CBSE is a national-level board of education that regulates and supervises the development and implementation of educational programs in affiliated schools.

<sup>21</sup> J. A. Richey, *Progress Of Education In India Vol I 1917 1922* (Superintendent Government Printing, Kolkata, 1923).

<sup>22</sup> Sir Henry Sharp, *Selections from Educational Records Part I 1781-1839* (Superintendent Government Printing, Calcutta, 1920).

<sup>23</sup> Prof. N. Jayapalan, *History of Education in India* (Atlantic Publishers & Dist, 2005).

<sup>24</sup> Jean Drèze and Amartya Sen, *India: Economic Development and Social Opportunity* (Clarendon Press, 1996).

<sup>25</sup> S.A.C.O. Jca, *Landmarks In The History Of Modern India* (Vikas Publishing House Pvt Limited, 2010).

<sup>26</sup> Education Commission, *Report of the Education Commission 1964-66: Summary of Recommendations* 140 (National Council of Educational Research and Training, New Delhi, 1967).

<sup>27</sup> J.P. Naik, *The Education Commission and After* (Allied, 1982).

<sup>28</sup> NCERT, *Annual Report 2021-2022* (New Delhi, November 2022).

It sets academic standards, conducts examinations, and grants certifications to students<sup>29</sup>. CBSE's role extends beyond regulatory functions, as it also promotes innovations in teaching-learning practices and supports capacity-building efforts in schools. **University Grants Commission (UGC):** UGC is a statutory body established by an Act of Parliament in 1956 to coordinate and maintain standards of higher education in India. It regulates universities and colleges, disburses grants, and accredits institutions to ensure quality education<sup>30</sup>. UGC also plays a crucial role in formulating policies and guidelines for higher education and promoting research and innovation in universities<sup>[31,32]</sup>. **All India Council for Technical Education (AICTE):** AICTE is the regulatory body responsible for technical education in India, including engineering, management, and vocational courses<sup>33</sup>. Established in 1987, AICTE ensures the maintenance of standards, quality assurance, and coordinated development of technical education. It regulates and approves institutions, programs, and courses, and oversees their functioning to ensure compliance with norms and standards. **National Council for Teacher Education (NCTE):** NCTE is a statutory body responsible for regulating teacher education programs in India<sup>34</sup>. It sets standards for teacher education institutions, prescribes minimum qualifications for teachers, and accredits teacher education programs<sup>35</sup>. NCTE also plays a vital role in improving the quality of teacher education through capacity-building initiatives and research.

But **HECI Bill 2018** intends to merge the University Grants Commission (UGC) and the All India Council for Technical Education (AICTE) with the National Council for Teacher Education (NCTE) under the Higher Education Commission of India (HECI). The HECI will also merge three accreditation and ranking bodies into one vertical: the National Board of Accreditation (NBA), the National Assessment and Accreditation Council (NAAC), and the National Institutional Ranking Framework (NIRF)<sup>36</sup>. The HECI will then take on the roles of several other organizations, including: National Higher Education Regulatory Council (NHERC), National Accreditation Council (NAC), General Education Council (GEC), and Higher Education Grants Council (HEGC).

**State Regulatory Bodies:** Education being a concurrent subject, state governments play a significant role in regulating and managing education at the state level<sup>37</sup>. State Education Departments are responsible for implementing national policies, formulating state-specific policies, and overseeing the functioning of schools and higher education institutions within their jurisdictions<sup>38</sup>. Each state has its own regulatory bodies, such as State Councils of Educational Research and Training (SCERTs), State Boards of Education, and State Universities, which work in tandem with central bodies to ensure effective regulation of education.

**State Boards of Education:** State Boards of Education are responsible for regulating school education within their respective states. They develop curricula, conduct examinations, and certify students. State boards play a crucial role in ensuring access to education and maintaining quality standards in schools affiliated with them<sup>39</sup>. **State Councils of Educational Research and Training (SCERTs):** SCERTs are autonomous bodies responsible for developing curricula, textbooks, and teaching-learning resources for schools at the state level. They conduct research, provide training to teachers, and support the implementation of educational policies and programs. SCERTs work closely with NCERT to align state curricula with national standards and promote innovative teaching practices<sup>40</sup>. **State Universities and Higher Education Councils:** State universities are autonomous institutions established by state

<sup>29</sup> Prema Clarke, *Secondary Education in India* (Human Development Sector South Asia Region, November 2003).

<sup>30</sup> *Supra* note 11.

<sup>31</sup> *Ibid.*

<sup>32</sup> *THE UNIVERSITY GRANTS COMMISSION ACT, 1956 (As Modified up to the 20th December, 1985) AND RULES & REGULATIONS UNDER THE ACT, UGC, New Delhi.*

<sup>33</sup> "All India Council for Technical Education >About Us >Overview," *All India Council for Technical Education*, 2024 available at: <https://www.aicte-india.org/about-us/overview> (last visited August 25, 2024).

<sup>34</sup> "National Council for Teacher Education > About US," 2024 available at: <https://ncte.gov.in/Website/about.aspx> (last visited August 9, 2024).

<sup>35</sup> Karim Ansary, "A Criticale Review on Quality of Teacher Education in India: Problems and Perspectives," 26 *IOSR Journal of Humanities And Social Science* 22–5 (2021).

<sup>36</sup> Shamika Ravi, Neelanjana Gupta and Puneeth Nagaraj, *Reviving Higher Education in India* (Brookings India, New Delhi, 2019).

<sup>37</sup> Wikipedia contributors, "Concurrent List — Wikipedia, The Free Encyclopedia," 2024.

<sup>38</sup> Mrs. Dipra Bharati and Prof. Arvind Kumar Pandey, "Implementation of National Education policy 2020 in the present scenario of Educational institution," 4 *International Journal of Multidisciplinary Research Configuration* 38–41 (2024).

<sup>39</sup> Bhuwan Gupta and Sweetly Dubey, "Contemporary Issues and Challenges in the Indian Education System," 9 *International Journal of Engineering and Management Research* 190–4 (2019).

<sup>40</sup> Sheetal Dahiya, "Innovative practices in teacher education," 9 *International journal of basic and applied research* 749–55 (2019).

governments to provide higher education and conduct research<sup>41</sup>. They regulate colleges affiliated with them, set academic standards, and grant degrees. State Higher Education Councils are advisory bodies that provide policy guidance and support to state universities and colleges to enhance the quality of higher education.

In addition to government bodies, private entities and non-governmental organizations (NGOs) play an increasingly significant role in the regulation and provision of education in India. Private schools, colleges, and universities contribute to expanding access to education, especially in urban areas, by offering diverse educational programs and promoting competition. NGOs, on the other hand, work to bridge gaps in the education system by providing support to marginalized communities, advocating for policy reforms, and implementing innovative educational programs. The government regulates private educational institutions through various acts and policies to ensure compliance with quality standards and promote inclusiveness<sup>42</sup>. While the regulatory structure of education in India has evolved significantly over the years, it faces several challenges that hinder its effectiveness in achieving equitable and quality education for all. Some of these challenges include:

**Fragmentation and Overlapping Jurisdictions:** The existence of multiple regulatory bodies at the central and state levels often leads to fragmentation and overlapping jurisdictions, resulting in inefficiencies and confusion<sup>43</sup>. The lack of coordination between these bodies can impede the formulation and implementation of cohesive educational policies and regulations. **Bureaucratic Red Tape and Corruption:** The regulatory framework is often criticized for its bureaucratic procedures and red tape, which can delay decision-making and stifle innovation. Corruption and lack of transparency in the approval and accreditation processes also undermine the credibility of regulatory bodies and compromise the quality of education<sup>44</sup>. **Inadequate Resources and Capacity:** Regulatory bodies often face resource constraints, including inadequate funding, staffing shortages, and limited technical expertise. This affects their ability to effectively monitor and enforce compliance with educational standards and regulations<sup>45</sup>. **Regional Disparities:** Significant regional disparities in educational quality and access persist across the country, with rural areas and economically backward states lagging behind. The regulatory framework needs to address these disparities and ensure that all regions have equal opportunities to access quality education<sup>46</sup>. **Resistance to Reforms:** Regulatory reforms aimed at improving the education system often face resistance from various stakeholders, including educational institutions, teachers' unions, and political entities. This resistance can slow down the pace of reforms and hinder the implementation of progressive policies.

The regulatory structure of education in India is a complex and dynamic system that has evolved over time to address the diverse needs of the country's population. While significant progress has been made in expanding access to education and improving quality, several challenges remain that need to be addressed to achieve the goal of universal education. Strengthening coordination between central and state regulatory bodies, enhancing transparency and accountability, and ensuring equitable resource allocation are essential steps towards creating a more effective regulatory framework. As India continues to strive for inclusive and quality education for all, the regulatory structure must adapt to changing needs and emerging challenges to fulfil the constitutional mandate of the right to education.

## B. Constitutional Provisions

The Constitution of India, adopted in 1950, serves as the supreme law of the land and lays down the framework for the political, legal, and social structure of the country<sup>47</sup>. The Constitution enshrines the principles of justice, equality, liberty, and fraternity, which form the foundation of India's democratic ethos<sup>48</sup>. Education, being integral to the realization of these principles, has been accorded significant importance in

<sup>41</sup> Akankshya Pramanik, "A Study on Examining Autonomy Provision in Higher Education," *5 International Journal for Multidisciplinary Research* 1–7 (2023).

<sup>42</sup> Rajesh Tiwari, Dr. Bimal Anjum and Dr. Ashok Khurana, "ROLE OF PRIVATE SECTOR IN INDIAN HIGHER EDUCATION," *1 GALAXY International Interdisciplinary Research Journal* 75–83 (2013).

<sup>43</sup> Pawan Agarwal, "HIGHER EDUCATION IN INDIA: THE NEED FOR CHANGE," WORKING PAPER NO. 180 *INDIAN COUNCIL FOR RESEARCH ON INTERNATIONAL ECONOMIC RELATIONS* (2006).

<sup>44</sup> Jeet Mann, "Impact of Corruption on the Quality of Education and Research in India: A Critique" *University News, National Law University, Delhi*, 2014.

<sup>45</sup> P. Geetha Rani, "Growth and Financing Secondary Education in India: Trends and Issues" *National Institute of Educational Planning and Administration, Delhi*.

<sup>46</sup> Madhusudan Ghosh, "Regional Disparities in Education, Health and Human Development in India," *5 Indian Journal of Human Development* 6–28 (2011).

<sup>47</sup> *Supra* note 12.

<sup>48</sup> G. Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press, 1999).

the constitutional framework. The Constitution envisions education as a tool for social transformation, empowerment, and nation-building.

**Article 21A: Right to Education**<sup>49</sup>: One of the most significant constitutional provisions concerning education is Article 21A, which guarantees the right to education as a fundamental right<sup>50</sup>. Introduced by the 86th Amendment Act of 2002, Article 21A mandates the state to provide free and compulsory education to all children aged six to fourteen years. This amendment marked a watershed moment in the history of education in India, as it elevated the right to education to the status of a fundamental right, making it justiciable and enforceable in a court of law<sup>51</sup>. Article 21A aims to ensure that no child is deprived of the opportunity to receive an education due to financial constraints or other barriers.

**Article 21: Right to Life and Personal Liberty**<sup>52</sup>: Article 21 of the Constitution, which guarantees the right to life and personal liberty, has been interpreted by the Supreme Court of India to include the right to education as an essential component of the right to live with dignity. In the landmark judgment of *Unni Krishnan, J.P. v. State of Andhra Pradesh* (1993)<sup>53</sup>, the Supreme Court held that the right to education flows from the right to life and personal liberty under Article 21, thereby reinforcing the state's obligation to provide education to its citizens. This interpretation laid the groundwork for the subsequent inclusion of Article 21A in the Constitution, underscoring the importance of education in realizing the fundamental rights guaranteed by the Constitution<sup>54</sup>.

**Article 15: Prohibition of Discrimination**<sup>55</sup>: Article 15 of the Constitution prohibits discrimination on grounds of religion, race, caste, sex, or place of birth<sup>56</sup>. Clause (5) of Article 15, inserted by the 93rd Amendment Act of 2005, empowers the state to make special provisions for the advancement of socially and educationally backward classes, Scheduled Castes, and Scheduled Tribes concerning their admission to educational institutions, including private institutions, whether aided or unaided by the state, except for minority educational institutions<sup>57</sup>. This provision enables the state to implement affirmative action policies to promote inclusivity and ensure equal access to education for all sections of society.

**Article 29: Protection of Interests of Minorities**<sup>58</sup>: Article 29 provides for the protection of the interests of minorities, stating that any citizen or group of citizens having a distinct language, script, or culture of its own shall have the right to conserve the same<sup>59</sup>. It also prohibits discrimination in admission to educational institutions maintained by the state or receiving aid from the state based on religion, race, caste, language, or any of them<sup>60</sup>. This article ensures that minority communities have the right to preserve their cultural and educational institutions and access state-supported education without discrimination<sup>61</sup>.

**Article 30: Right of Minorities to Establish and Administer Educational Institutions**<sup>62</sup>: Article 30 grants minorities the right to establish and administer educational institutions of their choice<sup>63</sup>. This right is intended to protect the educational and cultural rights of religious and linguistic minorities and ensure that they have the autonomy to manage their educational institutions according to their cultural values and needs<sup>64</sup>. The state cannot discriminate against minority institutions in granting aid, thereby promoting diversity and pluralism in the educational landscape.

---

<sup>49</sup> *The Constitution of India*, Article 21A.

<sup>50</sup> M.P. Jain, S. Pal and R. Pal, *Indian Constitutional Law: With Constitutional Documents* (LexisNexis Butterworths Wadhwa Nagpur, 2010).

<sup>51</sup> Dr. Surjit Singh Puar, "Right to Education Act: A Critical Analysis," 1 *International Journal of Educational and Psychological Research (IJEPR)* 27–30 (2012).

<sup>52</sup> *The Constitution of India*, Article 21.

<sup>53</sup> L. M. Sharma, *Unni Krishnan, J.P. And Ors. Etc. Etc vs State Of Andhra Pradesh And Ors. Etc. Etc SCC (1) 645; SCR (1) 594; AIR 2178, 1993.*

<sup>54</sup> *Supra* note 47.

<sup>55</sup> *The Constitution of India*, Article 15.

<sup>56</sup> H.M. Seervai, *Constitutional Law of India: A Critical Commentary* (N. M. Tripathi, 1975).

<sup>57</sup> Unnati Ghia, "Affirmative Action Under Article 15(3): Reassessing The Meaning of 'Special Provisions' For Women," 32 *National Law School of India Review* 226–61 (2020).

<sup>58</sup> *The Constitution of India*, Article 29.

<sup>59</sup> *Supra* note 12.

<sup>60</sup> Dr. Bhavana Sharma, "The rights of minorities under the constitution of India: An analysis," 4 *International Journal of Law* 31–5 (2018).

<sup>61</sup> *Supra* note 48.

<sup>62</sup> *The Constitution of India*, Article 30.

<sup>63</sup> A.G.A.M. Noorani, *Constitutional Questions in India: The President, Parliament, and the States* (Oxford University Press, 2000).

<sup>64</sup> *Supra* note 53.

The Directive Principles of State Policy (DPSP), enshrined in Part IV of the Constitution, provide guidelines for the governance of the country and aim to establish a just and equitable society<sup>65</sup>. Although these principles are non-justiciable and cannot be enforced in a court of law, they are fundamental in the governance of the country and serve as a guiding framework for the formulation of policies and laws.

**Article 45: Provision for Free and Compulsory Education**<sup>66</sup>: Article 45 originally provided that the state shall endeavour to provide free and compulsory education to all children until they complete the age of fourteen years within ten years from the commencement of the Constitution<sup>67</sup>. This article reflected the framers' commitment to universalizing education as a means of social and economic empowerment. However, the goal of achieving universal education remained unfulfilled for several decades, leading to the inclusion of Article 21A in the Constitution. The 86th Amendment Act of 2002 amended Article 45 to provide for early childhood care and education to children below the age of six years, emphasizing the importance of foundational education in a child's overall development<sup>68</sup>.

**Article 46: Promotion of Educational and Economic Interests of Weaker Sections**<sup>69</sup>: Article 46 directs the state to promote the educational and economic interests of the weaker sections of society, particularly Scheduled Castes and Scheduled Tribes, and protect them from social injustice and exploitation<sup>70</sup>. This article underscores the state's responsibility to ensure that marginalized communities have access to education and are empowered to overcome social and economic disadvantages. It provides the constitutional basis for various affirmative action policies and programs aimed at enhancing the educational opportunities available to these groups<sup>71</sup>.

**Article 41: Right to Work, Education, and Public Assistance**<sup>72</sup>: Article 41, which falls under the Directive Principles of State Policy, provides that the state shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, education, and public assistance in cases of unemployment, old age, sickness, and disablement<sup>73</sup>. This article recognizes the state's obligation to provide education as a means of enhancing individual capabilities and promoting social welfare, even though the right to education under this article is subject to the state's economic capacity<sup>74</sup>.

**Article 51A: Fundamental Duties**<sup>75</sup>: The Fundamental Duties, enshrined in Article 51A of the Constitution, were added by the 42nd Amendment Act of 1976<sup>76</sup>. These duties emphasize the responsibility of every citizen to promote and uphold the values enshrined in the Constitution. Clause (k) of Article 51A, inserted by the 86th Amendment Act of 2002, states that it shall be the duty of every parent or guardian to provide opportunities for education to their child or ward between the ages of six and fourteen years. This provision complements the right to education under Article 21A by placing a corresponding duty on parents and guardians to ensure that their children receive an education.

The judiciary has played a pivotal role in interpreting and expanding the scope of constitutional provisions related to education, thereby reinforcing the right to education as a fundamental right and ensuring its effective implementation. Several landmark judgments have shaped the contours of educational rights in India and have had a profound impact on the country's educational policies and practices.

**Unni Krishnan, J.P. v. State of Andhra Pradesh (1993)**<sup>77</sup>: This landmark case marked a turning point in the judicial interpretation of the right to education. The Supreme Court held that the right to education is implicit in the right to life and personal liberty guaranteed under Article 21 of the Constitution. The court laid down a detailed scheme for the regulation of private educational institutions and emphasized the state's obligation to provide free and compulsory education to all children up to the age of fourteen years. The judgment paved the way for the enactment of the Right to Education Act, 2009, and the inclusion of Article 21A in the Constitution.

---

<sup>65</sup> *Supra* note 12

<sup>66</sup> *The Constitution of India*, Article 45.

<sup>67</sup> *Supra* note 12.

<sup>68</sup> *Supra* note 56.

<sup>69</sup> *The Constitution of India*, Article 46

<sup>70</sup> *Supra* note 12.

<sup>71</sup> B.S. Rao et al., *The Framing of India's Constitution: Select Documents* (Indian Institute of Public Administration; [distributors: N. M. Tripathi, Bombay, 1966).

<sup>72</sup> *The Constitution of India*, Article 41.

<sup>73</sup> *Supra* note 12.

<sup>74</sup> *Supra* note 48.

<sup>75</sup> *The Constitution of India*, Article 51A.

<sup>76</sup> *Supra* note 56.

<sup>77</sup> *Supra* note 53

**T.M.A. Pai Foundation v. State of Karnataka (2002)**<sup>78</sup>: In this case, the Supreme Court examined the rights of minorities under Articles 29 and 30 concerning the establishment and administration of educational institutions. The court held that minorities have the right to establish and administer educational institutions of their choice, and the state cannot interfere in the internal management of these institutions. However, the court also clarified that minority institutions must adhere to the norms and standards prescribed by the state to maintain educational quality.

**P.A. Inamdar v. State of Maharashtra (2005)**<sup>79</sup>: This case dealt with the issue of reservations and quotas in private unaided educational institutions. The Supreme Court ruled that the state cannot impose reservations or quotas on private unaided educational institutions, except for the minority institutions protected under Article 30. The court emphasized the autonomy of private educational institutions and their right to admit students based on merit while ensuring transparency and fairness in the admission process.

**Pramati Educational and Cultural Trust v. Union of India (2014)**<sup>80</sup>: This case examined the constitutionality of Clause (5) of Article 15, which allows the state to make special provisions for the advancement of socially and educationally backward classes and Scheduled Castes and Scheduled Tribes in admission to educational institutions. The Supreme Court upheld the constitutional validity of Clause (5) and held that it does not violate the basic structure of the Constitution. The judgment affirmed the state's power to implement affirmative action policies to promote social justice and equality in education.

Despite the robust constitutional framework for education, several challenges hinder the effective implementation of constitutional provisions and the realization of the right to education for all citizens<sup>81</sup>.

**Inadequate Infrastructure and Resources:** A significant challenge in implementing constitutional provisions related to education is the lack of adequate infrastructure and resources. Many schools, particularly in rural and remote areas, lack basic facilities such as classrooms, toilets, drinking water, and electricity. The shortage of trained teachers and educational materials further hampers the quality of education<sup>82</sup>.

**Inequality and Disparities:** Disparities in access to education persist across different regions, socio-economic groups, and gender. Children from marginalized communities, such as Scheduled Castes, Scheduled Tribes, and economically weaker sections, face multiple barriers to education, including poverty, social discrimination, and lack of awareness. Gender disparities also continue to affect girls' education, particularly in rural areas<sup>83</sup>.

**Quality of Education:** Ensuring the quality of education is a major challenge in realizing the right to education. The focus on enrollment and access has often overshadowed the need to improve learning outcomes and the quality of education provided. The lack of trained teachers, outdated curricula, and inadequate teaching methods contribute to poor learning outcomes and high dropout rates<sup>84</sup>.

**Regulation of Private Educational Institutions:** The regulation of private educational institutions, particularly unaided institutions, poses a significant challenge in ensuring equitable access to education. The high cost of private education and the commercialization of education have created barriers for economically disadvantaged students, leading to increased inequality in educational opportunities<sup>85</sup>.

The constitutional provisions related to education reflect India's commitment to ensuring universal access to quality education as a fundamental right. The evolution of these provisions, shaped by judicial interpretation and policy reforms, underscores the importance of education in promoting social justice, equality, and national development. However, achieving the constitutional mandate of education for all requires addressing the challenges of infrastructure, resources, inequality, quality, and regulation. A concerted effort by the state, civil society, and the private sector is essential to overcome these challenges and realize the transformative potential of education in building an inclusive and equitable society.

### C. Right to Education Act, 2009

The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) is a landmark piece of legislation that represents a major step forward in the Indian education system. It operationalizes the fundamental right to education enshrined in Article 21A of the Constitution, ensuring that every child aged

<sup>78</sup> B. N. Kripal, *T.M.A.Pai Foundation & Ors vs State Of Karnataka & Ors Writ Petition (civil) 317 of 1993*, 2002.

<sup>79</sup> R. C. Lahoti, *P.A. Inamdar & Ors vs State Of Maharashtra & Ors Appeal (civil) 5041 of 2005*, 2005.

<sup>80</sup> A. K. Patnaik, *Pramati Educational & Cultural ... vs Union Of India & Ors WRIT PETITION (C) No. 416 OF 2012; AIR 2014 SUPREME COURT 2114*, 2014.

<sup>81</sup> Avinash Bhagwan Awaghade, "Online education-issues and challenges in digital equality matters," *9 International Journal of Human Rights and Constitutional Studies* 369–80 (2022).

<sup>82</sup> Marie Lall, "The Challenges for India's Education System" *ASIA PROGRAMME* (presented at the ASP BP 05/03, Chatham House).

<sup>83</sup> Manabi Majumdar and Jos Mooij, *Education and Inequality in India A Classroom View*, 1st ed. (Routledge, 2015).

<sup>84</sup> Jewel Hoque, "Quality concern in higher education in India," *7 EDULIGHT Journal* 662–8 (2018).

<sup>85</sup> *Supra* note 36

six to fourteen years has the right to free and compulsory education<sup>86</sup>. The Act sets out the legal framework for implementing this right, delineating the responsibilities of the central and state governments, defining the norms and standards for schools, and establishing mechanisms for monitoring compliance and redressing grievances. This essay delves into the key provisions of the RTE Act, its impact on the education system, the challenges it faces, and the judicial interpretations that have shaped its implementation<sup>87</sup>.

**Free and Compulsory Education for Children:** The RTE Act mandates that every child between the ages of six and fourteen years shall have the right to free and compulsory education in a neighbourhood school until the completion of elementary education. The terms "free" and "compulsory" have been distinctly defined to ensure clarity. "Free education" implies that no child shall be liable to pay any kind of fee or charges that may prevent them from completing elementary education. On the other hand, "compulsory education" places an obligation on the appropriate government and local authorities to ensure the enrollment, attendance, and completion of elementary education by every child in their jurisdiction<sup>88</sup>. This provision aligns with Article 21A of the Constitution and aims to eliminate barriers to education, particularly for children from economically disadvantaged backgrounds.

**Responsibilities of Governments and Local Authorities:** The Act delineates the responsibilities of the central and state governments as well as local authorities in implementing the right to education<sup>89</sup>. The central government is tasked with providing the policy framework, financial support, and guidelines for the implementation of the Act, while state governments and local authorities are responsible for ensuring the provision of free and compulsory education to all children. This includes establishing sufficient schools in accordance with the prescribed norms and standards, ensuring that no child is deprived of education due to lack of access to a school, and addressing any gaps in the education system<sup>90</sup>. The Act also mandates that schools run by the government or local authorities shall provide free and compulsory education to all admitted children.

**Norms and Standards for Schools:** To ensure the quality of education, the RTE Act prescribes specific norms and standards that all schools must adhere to<sup>91</sup>. These include the minimum number of working days or instructional hours in an academic year, the pupil-teacher ratio, and the minimum qualifications for teachers<sup>92</sup>. The Act also lays down infrastructure requirements, such as adequate classroom facilities, separate toilets for boys and girls, safe drinking water, and a playground. Schools that fail to comply with these norms and standards are subject to penalties, including derecognition. By setting these benchmarks, the RTE Act seeks to create a conducive learning environment and enhance the overall quality of education<sup>93</sup>.

**Prohibition of Unrecognized Schools and Capitation Fees:** The RTE Act prohibits the operation of unrecognized schools and the charging of capitation fees and screening procedures for admission<sup>94</sup>. Schools that do not meet the specified norms and standards must obtain recognition from the appropriate authority, failing which they will be considered illegal. The Act also forbids schools from demanding any form of donation or capitation fee as a precondition for admission and from conducting any form of screening process for selecting students<sup>95</sup>. These provisions aim to curb the commercialization of education and promote equitable access to quality education for all children.

**Inclusion and Equity:** Inclusion and equity are central tenets of the RTE Act. The Act mandates that all schools, except those run by minority institutions, reserve at least 25% of their seats for children from

<sup>86</sup> Sumanjeet Singh and Chirag Nagpal, "The Right Of Children To Free And Compulsory Education Act 2009," 14 *World Affairs: The Journal of International Issues* 118–35 (2010).

<sup>87</sup> Archana Yadav, "Implementation of Right to Education: A Constitutional overview" 2249–496 (2019).

<sup>88</sup> Yatendra Pal et al., "ANALYZING THE IMPLEMENTATION CHALLENGES AND OPPORTUNITIES OF THE RIGHT TO EDUCATION ACT (RTE) IN LIGHT OF THE NATIONAL EDUCATION POLICY 2020: A COMPARATIVE STUDY," 5 *Journal of Research Administration* 576–86 (2023).

<sup>89</sup> Bhawana Arora and Jyoti Yadav, "Preparedness of State, Administrators and Teachers for Implementing RTE—Issues and Concerns."

<sup>90</sup> Malini Bhattacharjee and Dolashree Mysoor, "'Unredressed' grievances under RTE: navigating the state Labyrinth," 29 *Governance* 31–45 (2016).

<sup>91</sup> M. Jain et al., *School Education in India: Market, State and Quality* (Taylor & Francis, 2018).

<sup>92</sup> A.W. Wiseman and P. Kumar, *Building Teacher Quality in India: Examining Policy Frameworks and Implementation Outcomes* (Emerald Publishing Limited, 2021).

<sup>93</sup> K.S. Swapana, *Inclusive Education For Children With Cognitive Impairment At Elementary Level* (Archers & Elevators Publishing House).

<sup>94</sup> YUKI Ohara, "The regulation of unrecognised low-fee private schools in Delhi: Potential implications for India's Right to Education Act," 1 *Low-fee private schooling: Aggravating equity or mitigating disadvantage* 130–53 (2013).

<sup>95</sup> F. Matthey-Prakash, *The Right to Education in India: The Importance of Enforceability of a Fundamental Right* (OUP India, 2019).

economically weaker sections (EWS) and disadvantaged groups in the neighbourhood<sup>96</sup>. This provision seeks to promote social integration and ensure that children from marginalized communities have access to quality education. The Act also includes provisions for children with disabilities, mandating their inclusion in mainstream schools and ensuring that they receive appropriate support and facilities to facilitate their education<sup>97</sup>. By promoting inclusivity, the RTE Act aims to bridge the socio-economic divide and create an equitable education system.

**Curriculum and Assessment:** The RTE Act emphasizes the need for a child-centered curriculum and continuous and comprehensive evaluation to ensure the holistic development of children<sup>98</sup>. It mandates that the curriculum should be designed to foster the child's all-round development, build their knowledge, potential, and talent, and impart values such as respect for democracy, equality, social justice, and human rights. The Act also prohibits the practice of "no-detention" for children up to Class VIII, ensuring that no child is expelled or held back until they complete elementary education<sup>99</sup>. The focus on continuous and comprehensive evaluation aims to shift the emphasis from rote learning to a more holistic approach that assesses a child's understanding and application of knowledge.

### **Impact of the Right to Education Act**

**Increased Enrollment and Access:** The implementation of the RTE Act has led to a significant increase in school enrollment and access to education, particularly among children from disadvantaged backgrounds. The provision of free and compulsory education, coupled with the reservation of seats for EWS and disadvantaged groups, has helped bridge the gap in access to education<sup>100</sup>. The Act has also led to the establishment of new schools, particularly in rural and underserved areas, ensuring that more children have access to education. According to government data, the net enrollment ratio for elementary education has increased significantly since the enactment of the RTE Act, indicating its positive impact on access to education.

**Improvement in School Infrastructure:** The RTE Act's emphasis on norms and standards for schools has led to significant improvements in school infrastructure and facilities. Many schools have upgraded their infrastructure to comply with the Act's requirements, including the provision of separate toilets for boys and girls, safe drinking water, and adequate classroom facilities<sup>101</sup>. The focus on creating a conducive learning environment has contributed to enhancing the overall quality of education and improving student retention rates. However, challenges remain, particularly in ensuring that all schools, especially those in remote and underserved areas, meet the prescribed norms and standards<sup>102</sup>.

**Challenges in Implementation:** Despite its positive impact, the implementation of the RTE Act has faced several challenges. One of the major challenges is the lack of adequate funding and resources<sup>103</sup>. The successful implementation of the Act requires substantial financial investment, particularly for the construction of new schools, recruitment of qualified teachers, and provision of educational materials. However, budgetary constraints and delays in the release of funds have hampered the effective implementation of the Act, particularly in states with limited financial resources. Additionally, the lack of trained teachers and the high pupil-teacher ratio in many schools continue to affect the quality of education<sup>104</sup>.

**Quality of Education:** While the RTE Act has succeeded in increasing enrollment and improving infrastructure, the quality of education remains a concern. The focus on access and enrollment has often overshadowed the need to improve learning outcomes and the quality of education provided. The lack of trained teachers, inadequate teaching methods, and outdated curricula contribute to poor learning outcomes and high dropout rates. The implementation of the "no-detention" policy, while intended to prevent dropouts, has also led to concerns about declining academic standards and learning outcomes. Ensuring the quality of

<sup>96</sup> K. SWARGIARY, *India's Education Examination System (From Independence to the Present)* (EdTech Research Association, Arizona, US, 2024).

<sup>97</sup> V Sucharita and K Sujatha, "Engaging with social inclusion through RTE: A case study of two private schools in Delhi, India," 23 *International Journal of Inclusive Education* 313–27 (2019).

<sup>98</sup> Y.C.T.E. Team, *Child Development & Pedagogy* (YOUTH COMPETITION TIMES).

<sup>99</sup> I. In, *The International Journal of Indian Psychology, Volume 3, Issue 4, No. 68* (RED'SHINE Publication. Inc, 2016).

<sup>100</sup> Chirantan Chatterjee, Eric A Hanushek and Shreekanth Mahendiran, *Can Greater Access to Education Be Inequitable? New Evidence from India's Right to Education Act* (National Bureau of Economic Research, 2020).

<sup>101</sup> Ramakanta Mohalik and Rasmirekha Sethy, "REORGANISATION AND MERGER OF SCHOOLS AT ELEMENTARY LEVEL IN THE CONTEXT OF THE RTE ACT 2009 IN JHARKHAND" (2020).

<sup>102</sup> I. Foundation, *India Infrastructure Report 2012: Private Sector in Education* (Taylor & Francis, 2016).

<sup>103</sup> S Ojha Seema, "Implementing right to education: Issues and challenges," 2321 *Research Journal of Educational Sciences* ISSN 0508 (2013).

<sup>104</sup> Sandip Datta and Geeta Kingdon, "The myth of teacher shortage in India" (2021).

education requires a concerted effort to address these challenges and improve teaching and learning practices.

### Judicial Interpretations and Landmark Cases

The judiciary has played a crucial role in interpreting the provisions of the RTE Act and ensuring its effective implementation. Several landmark judgments have clarified the scope and applicability of the Act and addressed challenges related to its enforcement.

**Society for Unaided Private Schools of Rajasthan v. Union of India (2012)**<sup>105</sup>: In this landmark case, the Supreme Court upheld the constitutional validity of the RTE Act, including the provision mandating the reservation of 25% seats for EWS and disadvantaged groups in private unaided schools. The court held that the RTE Act is a reasonable restriction on the right to establish and administer educational institutions under Article 19(1)(g) of the Constitution and is in line with the state's obligation to ensure equitable access to education. The judgment reaffirmed the state's responsibility to promote social justice and inclusivity in education, even in private unaided schools.

**Pramati Educational and Cultural Trust v. Union of India (2014)**<sup>106</sup>: This case examined the applicability of the RTE Act to minority educational institutions. The Supreme Court held that the RTE Act does not apply to minority institutions protected under Article 30(1) of the Constitution, as it would violate their right to establish and administer educational institutions of their choice. The judgment clarified that while the state has an obligation to provide free and compulsory education, it cannot impose the provisions of the RTE Act on minority institutions, thereby respecting their constitutional rights.

**Environmental and Consumer Protection Foundation v. Delhi Administration (2012)**<sup>107</sup>: In this case, the Supreme Court emphasized the importance of implementing the infrastructure norms and standards prescribed by the RTE Act. The court directed the states and union territories to ensure compliance with the Act's provisions regarding school infrastructure, including the availability of toilets, drinking water, and classrooms. The judgment underscored the need for a conducive learning environment and the state's responsibility to provide the necessary infrastructure and facilities for quality education.

### Challenges and the Way Forward

**Addressing Resource Constraints:** One of the key challenges in implementing the RTE Act is the lack of adequate resources and funding<sup>108</sup>. The successful implementation of the Act requires substantial financial investment in building new schools, upgrading existing infrastructure, recruiting qualified teachers, and providing educational materials. Addressing these resource constraints requires a collaborative effort between the central and state governments, as well as increased budgetary allocations for education. The government should explore innovative financing mechanisms, such as public-private partnerships, to mobilize additional resources and ensure the effective implementation of the Act<sup>109</sup>.

**Ensuring Quality Education:** Ensuring the quality of education is a major challenge in realizing the goals of the RTE Act. The focus on enrollment and access has often overshadowed the need to improve learning outcomes and the quality of education provided. To address this challenge, there is a need for continuous professional development and training for teachers<sup>110</sup>, the adoption of innovative teaching methods, and the use of technology to enhance learning. The curriculum should be regularly updated to reflect contemporary knowledge and skills, and there should be a greater emphasis on critical thinking, problem-solving, and creativity<sup>111</sup>.

**Strengthening Monitoring and Accountability:** Effective monitoring and accountability mechanisms are essential for ensuring compliance with the provisions of the RTE Act and improving the quality of education. The government should strengthen monitoring and evaluation systems to track the implementation of the Act and ensure that schools adhere to the prescribed norms and standards. Community participation and social audits can also play a crucial role in promoting transparency and accountability in the education system. The government should encourage greater involvement of parents, local communities, and civil

<sup>105</sup> S. H. Kapadia, *Society For Un-Aided P.School Of Raj vs U.O.I & Anr WRIT PETITION (C) NO. 95 OF 2010*, 2012.

<sup>106</sup> *Supra* note 80.

<sup>107</sup> K. S. Radhakrishnan, *Environmental & Consumer Protect. ... vs Delhi Administration & Ors WRIT PETITION (CIVIL) NO. 631 OF 2004*, 2012.

<sup>108</sup> S. Bose et al., *RTE and the Resource Requirements: The Way Forward* (Eklavya Foundation, 2020).

<sup>109</sup> Pauline Rose, "Achieving Education for All through public-private partnerships?" *Achieving Education for All through Public-Private Partnerships?* 1-11 (Routledge, 2013).

<sup>110</sup> D. Ifenthaler et al., *Multiple Perspectives on Problem Solving and Learning in the Digital Age* (Springer New York, 2010).

<sup>111</sup> T. Kettler, K.N. Lamb and D.R. Mullet, *Developing Creativity in the Classroom: Learning and Innovation for 21st-Century Schools* (Taylor & Francis, 2021).

society organizations in monitoring the implementation of the Act and holding schools accountable for their performance<sup>112</sup>.

The Right to Education Act, 2009, represents a significant milestone in India's efforts to ensure universal access to quality education for all children. While the Act has made substantial progress in increasing enrollment and improving access to education, challenges remain in ensuring the quality of education and addressing resource constraints. The effective implementation of the Act requires a concerted effort by the government, civil society, and the private sector to address these challenges and realize the transformative potential of education. By ensuring that every child has access to quality education, the RTE Act can contribute to building an inclusive and equitable society, fostering social justice, and promoting national development.

#### **D. RTE Amendments in 2012, 2019 and amendment bill 2024**

The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act), has been a cornerstone in India's education policy landscape. Since its enactment, the Act has undergone several amendments to address emerging challenges, adapt to changing educational needs, and improve its implementation<sup>113</sup>. The amendments in 2012 and 2019 and the proposed amendment bill of 2024 reflect the dynamic nature of educational policy-making in India, highlighting the government's efforts to ensure that the Act remains relevant and effective. This essay explores these amendments in detail, examining their objectives, key provisions, impacts, and the challenges they address.

##### **The 2012 Amendment to the RTE Act**

**Objectives of the 2012 Amendment:** The 2012 amendment to the RTE Act was introduced to address some of the challenges faced in the initial implementation of the Act and to clarify certain provisions. One of the key objectives was to enhance the quality of education by addressing issues related to teacher qualifications and training, ensuring that all teachers in elementary schools meet the prescribed minimum qualifications<sup>114</sup>. The amendment also aimed to provide greater flexibility to the states in implementing the Act, recognizing the diverse educational contexts across India.

##### **Key Provisions of the 2012 Amendment**

The 2012 amendment primarily focused on the following areas:

- **Teacher Qualifications and Training:** The amendment introduced specific provisions for teacher qualifications, mandating that all teachers in elementary schools must possess the minimum qualifications prescribed by the academic authority. The amendment set a deadline for teachers who did not meet these qualifications to acquire them through training programs. This provision aimed to address the issue of unqualified teachers and ensure that all teachers are adequately trained to deliver quality education<sup>115</sup>.
- **Flexibility for States:** The amendment provided greater flexibility to states in implementing the RTE Act by allowing them to adapt the norms and standards for schools to local conditions. This provision recognized the diverse educational contexts across India and aimed to facilitate more effective implementation of the Act at the state level.

##### **Impact of the 2012 Amendment**

The 2012 amendment had a significant impact on the implementation of the RTE Act. By emphasizing teacher qualifications and training, it helped to improve the quality of education in many schools, particularly in rural and underserved areas. The flexibility provided to states also facilitated more effective implementation of the Act, allowing for adaptations to local conditions and needs. However, challenges remained, particularly in ensuring compliance with the new teacher qualification requirements and addressing the shortage of trained teachers in some states.

##### **The 2019 Amendment to the RTE Act**

**Objectives of the 2019 Amendment:** The 2019 amendment to the RTE Act was introduced in response to growing concerns about the quality of education and learning outcomes in Indian schools. One of the key objectives was to address the issue of declining academic standards and to ensure that students achieve minimum learning outcomes at each grade level. The amendment also aimed to provide greater

<sup>112</sup> Nesar Ahmad, Mahendra S Rao and Hariom Soni, "Community monitoring of right to education: a case of Udaipur district" *Right to Education in India* 305–27 (Routledge India, 2015).

<sup>113</sup> R.V.V. Ayyar, *History of Education Policymaking in India, 1947–2016* (OUP India, 2017).

<sup>114</sup> Ranu Jain, "RTE Act and Minorities: An Inquiry into Procedural Issues," 33 *Journal of Educational Planning and Administration* 33–49 (2019).

<sup>115</sup> Ravindra Kumar and Preeti Misra, "Constitutional Delineation of Right to Education: A Critical Appraisal" *of Legal Studies* 119.

accountability and improve the overall quality of education by introducing provisions for the assessment and retention of students<sup>116</sup>.

### Key Provisions of the 2019 Amendment

The 2019 amendment focused on the following key areas:

- **No-Detention Policy:** The most significant change introduced by the 2019 amendment was the modification of the no-detention policy. Under the original RTE Act, no child could be held back or expelled from school until the completion of elementary education (Class 8). The 2019 amendment gave states the authority to hold back students in Class 5 and Class 8 if they fail to meet the prescribed learning outcomes, after giving them an additional opportunity to pass a re-examination<sup>117</sup>. This provision aimed to address concerns about declining academic standards and ensure that students achieve the necessary competencies before advancing to the next grade<sup>118</sup>.
- **Accountability and Assessment:** The amendment emphasized the importance of regular assessments to monitor student progress and ensure accountability. It mandated that schools conduct regular assessments of students to evaluate their learning outcomes and provide remedial support to those who are falling behind. This provision aimed to improve the overall quality of education and ensure that all students achieve minimum learning standards<sup>119</sup>.

### Impact of the 2019 Amendment

The 2019 amendment has had a mixed impact on the education system. On one hand, it has helped to address concerns about declining academic standards and improve accountability in schools. The introduction of assessments and the modification of the no-detention policy have encouraged schools to focus on learning outcomes and provide remedial support to struggling students. On the other hand, critics argue that the amendment may lead to increased stress and pressure on students, particularly those from disadvantaged backgrounds, and could potentially increase dropout rates. The implementation of the amendment also varies across states, with some adopting the new provisions while others continue to follow the original no-detention policy.

### The Proposed Amendment Bill of 2024

#### Objectives of the Amendment Bill

The proposed amendment bill of 2024 aims to further strengthen the RTE Act by addressing some of the gaps and challenges that have emerged in its implementation. One of the key objectives is to promote digital literacy and integrate technology into the education system, recognizing the growing importance of digital skills in the modern economy. The amendment also seeks to enhance the inclusivity of the education system by providing additional support for children with disabilities and those from marginalized communities<sup>120</sup>.

#### Key Provisions of the Amendment Bill

The proposed amendment bill includes several important provisions:

- **Digital Literacy and Integration of Technology:** The amendment bill emphasizes the importance of digital literacy and the integration of technology into the education system. It mandates that all schools provide access to digital learning resources and ensure that students acquire basic digital skills. The bill also includes provisions for the training of teachers in the use of technology and the development of digital learning materials. This provision aims to prepare students for the digital economy and ensure that they have the skills needed to succeed in the modern workforce.
- **Inclusion and Support for Children with Disabilities:** The amendment bill includes several provisions aimed at enhancing the inclusivity of the education system. It mandates that all schools provide appropriate facilities and support for children with disabilities, including accessible infrastructure, assistive devices, and specialized teachers. The bill also emphasizes the importance of inclusive education and encourages schools to adopt inclusive teaching practices. This provision aims to ensure that children with disabilities have equal access to quality education and are fully included in the education system<sup>121</sup>.

<sup>116</sup> H. Kumar, *Right to Education in India* (WKRISHIND PUBLISHERS, 2022).

<sup>117</sup> Dushyant Tyagi, Rajiv Ranjan and Janwadkar Kalyani, "No Detention Policy is a Sweet Poison for the Indian Primary Education System," 30 *Educational Administration: Theory and Practice* 3432–41 (2024).

<sup>118</sup> Ved Prakash, "Changing Landscape of Educational Planning in India."

<sup>119</sup> A. Little and Transitions & Equity Consortium for Research on Educational Access, *Access to Elementary Education in India: Policies, Politics and Progress* (Consortium for Research on Educational Access, Transitions and Equity, 2010).

<sup>120</sup> *THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION (AMENDMENT) BILL, 2024, Bill No. 37 of 2024.*

<sup>121</sup> K. Giffard-Lindsay, Transitions & Equity Consortium for Research on Educational Access and University of Sussex Centre for International Education, *Inclusive Education in India: Interpretation, Implementation and Issues* (CREATE, University of Sussex, 2007).

- **Support for Marginalized Communities:** The amendment bill recognizes the need for additional support for children from marginalized communities, including Scheduled Castes, Scheduled Tribes, and economically weaker sections. It includes provisions for targeted scholarships, remedial support, and additional learning resources for these children, aimed at addressing the disparities in educational outcomes and ensuring that they have equal opportunities to succeed. This provision aims to promote social equity and ensure that all children, regardless of their socio-economic background, have access to quality education<sup>122</sup>.

### **Potential Impact of the Amendment Bill**

The proposed amendment bill of 2024 has the potential to significantly impact the education system in India. By promoting digital literacy and the integration of technology, it aims to prepare students for the digital economy and ensure that they have the skills needed to succeed in the modern workforce. The focus on inclusivity and support for marginalized communities also has the potential to enhance equity and ensure that all children have access to quality education. However, the successful implementation of the bill will depend on several factors, including the availability of resources, the capacity of schools and teachers, and the willingness of states to adopt and implement the new provisions.

### **Challenges and the Way Forward**

#### **Addressing Implementation Challenges**

One of the key challenges in implementing the amendments to the RTE Act is the lack of adequate resources and capacity. The successful implementation of the amendments requires substantial investment in infrastructure, teacher training, and learning materials, as well as strong monitoring and accountability mechanisms. Addressing these challenges requires a collaborative effort between the central and state governments, as well as increased budgetary allocations for education. The government should also explore innovative financing mechanisms, such as public-private partnerships, to mobilize additional resources and ensure the effective implementation of the amendments.

#### **Ensuring Inclusivity and Equity**

Ensuring inclusivity and equity in education remains a major challenge in India. Despite the progress made under the RTE Act, significant disparities remain in educational outcomes, particularly for children from marginalized communities and those with disabilities. Addressing these disparities requires targeted interventions and support, including scholarships, remedial support, and additional learning resources. The government should also promote inclusive teaching practices and provide training and support for teachers to effectively address the diverse needs of students<sup>123</sup>.

#### **Leveraging Technology for Education**

The integration of technology into the education system presents both opportunities and challenges. While technology has the potential to enhance learning outcomes and prepare students for the digital economy, it also poses challenges related to access, infrastructure, and capacity. Ensuring that all students have access to digital learning resources and are equipped with digital skills requires substantial investment in infrastructure and teacher training, as well as strong monitoring and accountability mechanisms. The government should also promote the use of technology to support personalized and adaptive learning, as well as to enhance the quality of education in underserved areas<sup>124</sup>.

The amendments to the Right to Education Act reflect the dynamic nature of educational policy-making in India and highlight the government's efforts to ensure that the Act remains relevant and effective in addressing emerging challenges. While the amendments have made significant progress in enhancing the quality of education, promoting inclusivity, and integrating technology, challenges remain in ensuring their effective implementation and addressing disparities in educational outcomes. By addressing these challenges and building on the progress made under the RTE Act, India can ensure that all children have access to quality education and are equipped with the skills needed to succeed in the modern economy.

### **E. National Education Policy, 2020**

#### **Introduction to the National Education Policy, 2020**

The National Education Policy (NEP) of 2020 marks a significant shift in India's approach to education, envisioning a comprehensive framework aimed at transforming the country's education system to meet the demands of the 21st century. This policy is the first comprehensive reform in Indian education in over three decades, following the NEP of 1986 and its subsequent modification in 1992. The NEP 2020 is grounded in

<sup>122</sup> Kishor Joshi, "Higher education and the largest impoverished and marginalized group of the Indian population: reviewing enrolment and access to higher education among tribals in India," 4 *Asian Social Work and Policy Review* 57–65 (2010).

<sup>123</sup> S Mahendra Dev, "The problem of inequality," 22 *Review of Development and Change* 1–43 (2017).

<sup>124</sup> G.S. Latwal et al., *Role of ICT in Higher Education: Trends, Problems, and Prospects* (Apple Academic Press, 2020).

the principles of equity, quality, and access, with a strong emphasis on critical thinking, creativity, and holistic learning. This essay explores the various aspects of the NEP 2020, its objectives, key reforms, implementation challenges, and its impact on the right to education in India<sup>125</sup>.

### Objectives of the National Education Policy, 2020

The NEP 2020 aims to address the evolving educational needs of the country by focusing on several key objectives:

- **Universal Access and Retention:** The policy aims to ensure universal access to quality education at all levels from preschool to secondary education, with a particular focus on ensuring retention and reducing dropout rates. It emphasizes the need to bring back out-of-school children and integrate them into the mainstream education system<sup>126</sup>.
- **Holistic Development and Skill Enhancement:** NEP 2020 seeks to provide a holistic education that nurtures critical thinking<sup>127</sup>, creativity, and problem-solving skills. It aims to promote cognitive, social, and emotional development by integrating arts, sports, and vocational education into the curriculum.
- **Equity and Inclusion:** The policy emphasizes the need to address disparities in access to education and ensure equity and inclusion for all, particularly for socio-economically disadvantaged groups, including Scheduled Castes, Scheduled Tribes, and children with disabilities.
- **Quality Education and Teacher Training:** NEP 2020 focuses on improving the quality of education by enhancing teacher training, curriculum development, and assessment methods. It aims to create a robust ecosystem for continuous professional development and support for teachers<sup>128</sup>.
- **Technology Integration:** Recognizing the growing importance of digital literacy, the policy emphasizes the integration of technology in education to enhance learning outcomes and ensure that all students are equipped with the necessary digital skills<sup>129</sup>.
- **Research and Innovation:** The NEP 2020 aims to promote a culture of research and innovation by encouraging multidisciplinary learning and fostering a spirit of inquiry and creativity among students.

### Key Reforms Introduced by the National Education Policy, 2020

#### School Education Reforms

- **Early Childhood Care and Education (ECCE):** The NEP 2020 recognizes the critical importance of early childhood education and proposes the establishment of a National Curricular and Pedagogical Framework for Early Childhood Care and Education (NCPFECCE). It emphasizes the need to ensure that all children in the age group of 3-6 years have access to free, safe, and high-quality ECCE.
- **5+3+3+4 Curricular and Pedagogical Structure:** The policy introduces a new curricular and pedagogical structure for school education, replacing the traditional 10+2 system with a 5+3+3+4 model. This model aims to align the stages of schooling with the cognitive development of children, focusing on foundational, preparatory, middle, and secondary education.
- **Multilingualism and Language Policy:** The NEP 2020 emphasizes the importance of multilingualism in education and advocates for the use of the mother tongue or regional language as the medium of instruction, at least until Grade 5, and preferably till Grade 8. It also encourages the learning of three languages, including one Indian language, to promote cultural diversity and linguistic heritage<sup>130</sup>.
- **Assessment Reforms:** The policy proposes a shift from rote learning to competency-based assessments, focusing on testing higher-order skills such as critical thinking, creativity, and problem-solving. It aims to reduce the emphasis on board examinations and promote continuous and comprehensive evaluation<sup>131</sup>.

<sup>125</sup> R.V.V. Ayyar, *History of Education Policymaking in India, 1947–2016* (OUP India, 2017).

<sup>126</sup> R.D. Padmavathy et al., *India's National Education Policy 2020: An Overview* (AG PUBLISHING HOUSE (AGPH Books), 2023).

<sup>127</sup> K. Swargiary and K. Roy, *Transforming Education: The National Education Policy of 2020* (LAP, 2023).

<sup>128</sup> N. Tyagi and A. Srivastava, *National Education Policy (NEP), 2020 and the Role of Teachers* (New Century Publications, 2022).

<sup>129</sup> Sr SheelaPaul, "TECHNOLOGY INTEGRATION IN EDUCATION: EVALUATING THE ROLE OF THE NEP 2020 IN PROMOTING DIGITAL LITERACY."

<sup>130</sup> J.J. Weber, *Multilingualism, Education and Change* (Peter Lang, 2009).

<sup>131</sup> Mrityunjay Guha Majumdar, "Competency-based Education in Indian Schools: Realities and Vision for the Future" Available at SSRN 3455647 (2019).

## Higher Education Reforms

- **Multidisciplinary and Holistic Education:** The NEP 2020 advocates for a multidisciplinary approach in higher education, encouraging institutions to offer a diverse range of courses across disciplines. It emphasizes the need to break down silos between different fields of study and promote a holistic learning experience.
- **Establishment of a National Research Foundation (NRF):** To strengthen the research ecosystem in India, the policy proposes the establishment of a National Research Foundation. The NRF aims to promote research and innovation across disciplines by providing funding, mentoring, and capacity-building support to researchers<sup>132</sup>.
- **Institutional Restructuring and Governance:** The policy recommends the restructuring of higher education institutions<sup>133</sup> into three categories: research universities, teaching universities, and autonomous colleges. It emphasizes the need for greater autonomy and accountability in governance, with a focus on academic and administrative reforms.
- **Four-Year Undergraduate Program:** The NEP 2020 introduces a flexible and multidisciplinary four-year undergraduate program with multiple exit options and a choice-based credit system. This reform aims to provide students with a broader learning experience and the flexibility to pursue their interests<sup>134</sup>.
- **Regulatory Reforms:** The policy proposes the establishment of a single regulatory body, the Higher Education Commission of India (HECI), to replace the existing multiple regulatory bodies. The HECI will have four verticals: the National Higher Education Regulatory Council (NHERC), the National Accreditation Council (NAC), the Higher Education Grants Council (HEGC), and the General Education Council (GEC). This restructuring aims to simplify the regulatory framework and ensure greater transparency and accountability<sup>135</sup>.

## Vocational Education and Adult Learning

- **Integration of Vocational Education:** The NEP 2020 emphasizes the integration of vocational education<sup>136</sup> into mainstream education to promote skill development and employability. It aims to provide vocational education to at least 50% of all learners by 2025 and encourages the inclusion of vocational courses in school and higher education curricula.
- **Promotion of Adult Education:** The policy recognizes the need for adult education<sup>137</sup> and lifelong learning and proposes the establishment of an Adult Education Curriculum Framework. It emphasizes the importance of literacy, numeracy, and digital skills for adults to enhance their employability and improve their quality of life.

## Digital Education and Technology Integration

- **National Educational Technology Forum (NETF):** To leverage technology in education<sup>138</sup>, the NEP 2020 proposes the establishment of the National Educational Technology Forum (NETF). The NETF will serve as a platform for the exchange of ideas, research, and best practices in the use of technology for enhancing learning outcomes.
- **Digital Infrastructure and Content Development:** The policy emphasizes the need to develop robust digital infrastructure and high-quality digital content to support online and blended learning. It encourages the use of digital platforms such as DIKSHA and SWAYAM for content delivery and teacher training<sup>139</sup>.

<sup>132</sup> Vijay Kumar Singh, "National Research Foundation (NRF): Importance of ensuring outcome-based research in India" *Book Chapter in National Education Policy (2020)*.

<sup>133</sup> Deepa Pillai, R Rajeswari and DDU Kaushal Kendra, "AN INSIGHT ON NATIONAL EDUCATION POLICY (NEP) 2020'S CLAUSE 10 ON INSTITUTIONAL RESTRUCTURING AND CONSOLIDATION," 11 *The Online Journal of Distance Education and e-Learning* (2023).

<sup>134</sup> PAPUM PARE and ARUNACHAL PRADESH, "CURRICULUM FRAMEWORK FOR THREE YEAR UG DEGREE/FOUR YEAR UG DEGREE (HONOURS WITHOUT RESEARCH)/FOUR YEAR UG DEGREE (HONOURS WITH RESEARCH) IN EDUCATION (As per NEP 2020)."

<sup>135</sup> P. Agrawal et al., *AN OVERVIEW OF INDIA'S NATIONAL EDUCATION POLICY-2020* (JEC PUBLICATION).

<sup>136</sup> S. Choy, G.B. Wärvik and V. Lindberg, *Integration of Vocational Education and Training Experiences: Purposes, Practices and Principles* (Springer Nature Singapore, 2018).

<sup>137</sup> W.W. Goodsir and Queensland Trustees Limited, *The Promotion of Adult Education: Theory and Practice of Adult Education* (W. Goodsir, 1978).

<sup>138</sup> Aijaz Ahmad Mir, "The scope of technology in national education policy 2020: a study," 83 *Madhya Bharti-Humanities and Social Sciences* 1-4 (2023).

<sup>139</sup> Bhawna Mathur and Neetu Mishra Shukla, "An Exploratory Study On Teacher's Awareness About The On-line Teaching Platforms And Its Role For The Professional Development With Reference To Nep 2020."

## Implementation Challenges and Criticisms

One of the major challenges in implementing the NEP 2020 is the lack of adequate resources and infrastructure. The successful implementation of the policy requires substantial investment in infrastructure, teacher training, digital resources, and curriculum development. However, the allocation of resources for education remains limited, and many schools, particularly in rural and underserved areas, lack basic facilities and infrastructure. Another significant challenge is the need for teacher training and capacity building. The NEP 2020 emphasizes the importance of continuous professional development for teachers, but there is a shortage of qualified teachers and a lack of adequate training programs. Ensuring that all teachers are equipped with the skills and knowledge needed to implement the new curriculum and pedagogical approaches will require substantial investment in teacher training and capacity building. While the NEP 2020 emphasizes equity and inclusivity, there are concerns about its impact on marginalized communities and disadvantaged groups. The focus on digital education and technology integration may exacerbate existing disparities in access to education, particularly for children from low-income families and remote areas who may lack access to digital devices and internet connectivity. Ensuring that all children have access to quality education will require targeted interventions and support for marginalized communities. The policy's emphasis on multilingualism and the use of the mother tongue as the medium of instruction has sparked debates and concerns. While the policy aims to promote linguistic diversity and enhance learning outcomes, there are challenges in implementing this approach, particularly in states with diverse linguistic populations. Ensuring that all students have access to quality education in their mother tongue will require significant investment in teacher training and the development of teaching materials in multiple languages. The NEP 2020 has significant implications for the right to education in India. By focusing on universal access, equity, quality, and inclusion, the policy aligns with the constitutional provisions for the right to education and aims to ensure that all children have access to quality education. The emphasis on holistic development, skill enhancement, and technology integration reflects the evolving educational needs of the country and aims to prepare students for the challenges of the 21st century. However, the successful implementation of the policy will require addressing the challenges related to resource constraints, teacher training, equity, and inclusivity.

The National Education Policy, 2020, represents a comprehensive reform of the education system in India, aiming to transform the country's educational landscape to meet the demands of the 21st century. By focusing on universal access, equity, quality, and inclusion, the policy aligns with the constitutional provisions for the right to education and aims to ensure that all children have access to quality education. However, the successful implementation of the policy will require addressing the challenges related to resource constraints, teacher training, equity, and inclusivity. By addressing these challenges and building on the progress made under the Right to Education Act, the NEP 2020 has the potential to significantly impact the right to education in India.

## II. Judicial Approaches to Digital Education in India

The rapid advancements in technology and the increasing availability of internet access have revolutionized education globally. In India, digital education has gained momentum, particularly during the COVID-19 pandemic<sup>140</sup>, which necessitated a shift from traditional classroom teaching to online and digital learning platforms. Digital education encompasses various forms of learning that involve the use of electronic technology and digital resources to facilitate education and enhance the learning experience. However, the transition to digital education has also brought to the forefront numerous challenges, including digital divide, access to digital devices, data privacy, and cybersecurity. This essay explores the judicial approaches to digital education in India, examining key cases, constitutional interpretations, and the judiciary's role in shaping the framework for digital education in the country.

**Constitutional Framework and Right to Education:** The right to education is enshrined in the Indian Constitution under Article 21A, which mandates the State to provide free and compulsory education to all children between the ages of six and fourteen. While the Constitution does not explicitly mention digital education, the Supreme Court of India has interpreted the right to education in a broad sense to include access to quality education, which can be extended to digital education as well. The judiciary has played a crucial role in interpreting constitutional provisions and ensuring that the right to education is upheld in the context of digital education.

<sup>140</sup> Anand Jha and Nisha Jha, "Unprecedented Transformation in the Education Sector of India Due to COVID-19" *Policies and Procedures for the Implementation of Safe and Healthy Educational Environments: Post-COVID-19 Perspectives* 155–80 (IGI Global, 2022).

Article 21A and Digital Education: Article 21A of the Indian Constitution, which guarantees the right to education, is foundational in understanding the judicial approaches to digital education. The judiciary has interpreted this provision in a manner that encompasses the right to access various forms of education, including digital education. In cases such as *Mohini Jain v. State of Karnataka* and *Unni Krishnan, J.P. v. State of Andhra Pradesh*, the Supreme Court expanded the scope of the right to education, emphasizing the State's duty to provide education that meets contemporary needs, which includes digital education in the modern era.

Article 19(1)(a) and Digital Education: The right to freedom of speech and expression under Article 19(1)(a) of the Constitution is also relevant in the context of digital education<sup>141</sup>. The Supreme Court has interpreted this right to include the right to receive information and access knowledge, which extends to the right to access digital education. The judiciary has recognized that digital education is a means of exercising the right to free speech and expression, particularly in the context of access to information and knowledge.

*Justice For All vs Government of NCT of Delhi & Ors (2020)*<sup>142</sup>: In the case of *Justice For All vs Government of NCT of Delhi & Ors (2020)*, the Delhi High Court dealt with the issue of access to digital education for students with disabilities. The petitioners argued that students with disabilities faced significant challenges in accessing online education due to the lack of accessible digital content and assistive technologies. The court held that the right to education under Article 21A includes the right to accessible and inclusive education for all students, including those with disabilities. The court directed the Central and State governments to ensure that digital education platforms are accessible and inclusive, and to provide assistive technologies to students with disabilities to enable them to access online education.

### III. New National Education Policy (NEP 2024): Salient Features

The New National Education Policy (NEP) 2024 marks a significant milestone in India's education sector, building upon the foundations laid by the National Education Policy 2020. As the educational landscape continues to evolve with advancements in technology and changing socio-economic contexts, NEP 2024 introduces several reforms aimed at addressing emerging challenges and leveraging new opportunities. The NEP 2024 focuses on enhancing the quality of education, integrating technology, promoting vocational education, and ensuring equitable access to educational resources. This essay explores the salient features of NEP 2024, examining its objectives, key reforms, and implications for the Indian education system.

#### Objectives of NEP 2024

##### Enhancing Quality and Inclusivity

One of the primary objectives of NEP 2024 is to improve the quality of education across all levels and ensure inclusivity<sup>143</sup>. The policy aims to address disparities in educational access and outcomes by focusing on marginalized communities, including economically disadvantaged groups, and those with disabilities. NEP 2024 emphasizes the need for a more inclusive education system that caters to diverse learning needs and promotes equal opportunities for all students.

##### Integration of Technology in Education

NEP 2024 recognizes the transformative role of technology in education and seeks to integrate digital tools and resources into the learning process. The policy outlines strategies for enhancing digital infrastructure, developing digital content, and training educators to effectively use technology in teaching. This objective aligns with the broader goal of creating a digitally empowered education system that leverages technology to improve learning outcomes and access<sup>144</sup>.

##### Promotion of Vocational Education

Another key objective of NEP 2024 is to strengthen vocational education and training. The policy aims to bridge the gap between education and employment by promoting skill development and providing students with opportunities to acquire practical skills relevant to the job market. NEP 2024 introduces reforms to integrate vocational training into the mainstream education system and establish stronger linkages between educational institutions and industry.

<sup>141</sup> Kartik Chawla, "Right to Internet Access-A Constitutional Argument," 7 *Indian J. Const. L.* 57 (2017).

<sup>142</sup> Manmohan, *Justice For All vs Government Of Nct Of Delhi & Ors AIR 2021 (NOC) 107 (DEL.)*, AIR ONLINE 2020 DEL 1282, 2020.

<sup>143</sup> Poonam Nathani, "NEP 2024: The Updates in NEP 2020 Explained" *Mastersoft Accelerating Education*, 2024 available at: <https://www.iitms.co.in/blog/nep-2024-complete-guide.html#:~:text=NEP%2C%20or%20National%20Education%20Policy,needs%20and%20introduces%20necessary%20changes.> (last visited August 26, 2024).

<sup>144</sup> "New National Education Policy (NEP) 2024: Salient Features," *VAKILSEARCH*, 2024 available at: <https://vakilsearch.com/blog/new-education-policy/> (last visited August 26, 2024).

## Key Reforms Under NEP 2024

### Curriculum and Pedagogical Reforms

NEP 2024 introduces significant reforms in curriculum and pedagogy to enhance the relevance and effectiveness of education. The policy emphasizes a competency-based curriculum that focuses on developing critical thinking, problem-solving, and digital literacy skills. It also promotes experiential learning and project-based assessments, moving away from traditional rote learning methods. The reforms aim to create a more engaging and effective learning experience that prepares students for the demands of the 21st century.

### Integration of Artificial Intelligence and Digital Tools

The integration of artificial intelligence (AI) and digital tools is a central feature of NEP 2024. The policy outlines plans to incorporate AI-driven learning platforms, digital textbooks, and online resources into the education system. These tools are designed to personalize learning experiences, provide real-time feedback, and support differentiated instruction. NEP 2024 also emphasizes the importance of data security and privacy in the use of digital tools, ensuring that students' personal information is protected.

### Establishment of Multidisciplinary Institutions

NEP 2024 envisions the creation of multidisciplinary institutions that offer a wide range of academic and vocational programs. These institutions are designed to provide students with diverse learning opportunities and foster interdisciplinary approaches to education. The policy encourages collaboration between educational institutions, industry, and research organizations to promote innovation and knowledge exchange.

### Strengthening Teacher Training and Professional Development

Recognizing the crucial role of educators in the success of the education system, NEP 2024 emphasizes the need for continuous teacher training and professional development. The policy outlines measures to enhance teachers' pedagogical skills, digital literacy, and subject knowledge. It also promotes the use of innovative teaching methods and resources to improve classroom instruction and student engagement.

### Enhancing Governance and Accountability

NEP 2024 introduces reforms to improve governance and accountability within the education sector. The policy emphasizes the need for transparent and efficient management of educational institutions, with a focus on performance evaluation and quality assurance. It also calls for greater involvement of stakeholders, including parents, communities, and local governments, in the decision-making process to ensure that educational policies and practices are responsive to local needs.

## Implications of NEP 2024:

### Impact on Educational Access and Equity

NEP 2024's focus on inclusivity and equitable access is expected to have a significant impact on educational access and outcomes. By addressing disparities and promoting opportunities for marginalized communities, the policy aims to create a more equitable education system. However, achieving these goals will require concerted efforts from all stakeholders, including the government, educational institutions, and civil society.

### Transformation of the Learning Experience

The integration of technology and digital tools is likely to transform the learning experience for students. NEP 2024's emphasis on AI-driven platforms and digital resources has the potential to enhance learning outcomes and provide personalized educational experiences. However, the successful implementation of these technologies will depend on the availability of infrastructure, training for educators, and the development of high-quality digital content.

### Bridging the Gap Between Education and Employment

NEP 2024's focus on vocational education and skill development is expected to bridge the gap between education and employment. By providing students with practical skills and linking education to industry needs, the policy aims to improve employability and job readiness. This approach has the potential to enhance the relevance of education and support economic growth by addressing skill shortages in various sectors.

The New National Education Policy (NEP) 2024 represents a significant step forward in shaping the future of education in India. With its focus on quality, inclusivity, technology integration, and vocational training, NEP 2024 aims to address the evolving needs of the education sector and create a more equitable and effective education system. While the policy introduces several promising reforms, its successful implementation will require coordinated efforts and sustained investment in infrastructure, training, and resources. By building on the strengths of NEP 2020 and addressing emerging challenges, NEP 2024 has

the potential to transform education in India and prepare students for the opportunities and demands of the 21st century.

## References

- UNESCO, Education for Sustainable Development Goals: Learning Objectives (United Nations Educational, Scientific and Cultural Organization, Paris, 2017).
- K. Kumar, Political Agenda of Education: A Study of Colonialist and Nationalist Ideas (SAGE Publications, 2005).
- The Right of Children to Free and Compulsory Education Act, 2009, Act No. 35 of 2009.
- Swapnil Singh and Guru Ashish Singh, "Assessing the Impact of the Digital Divide on Indian Society: A Study of Social Exclusion," International Journal of Creative Research Thoughts 13 (2021): 181–90.
- Naresh Ramavath, "Challenges and Opportunities of Digital Learning in India," International Journal of Creative Research Thoughts 9 (2021): 832–36.
- Priya C. Kumar et al., "Privacy and Security Considerations for Digital Technology Use in Elementary Schools," Proceedings of the 2019 CHI Conference on Human Factors in Computing Systems (Association for Computing Machinery, New York, NY, USA, 2019): 1–13.
- Anjali, "Digital India: Opportunities and Challenges," International Journal of Creative Research Thoughts 6 (2018): 619–23.
- Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc A/810 at 71, 1948.
- J.B.G. Tilak, Education for Development in Asia (SAGE Publications, 1994).
- D. Das Basu, Introduction to the Constitution of India (S.C. Sarkar, 1966).
- Syed Nurullah and J. P. Naik, A History of Education in India (during the British Period), 2nd ed. (Macmillan & Co. Ltd., Bombay, 1951).
- The Right of Children to Free and Compulsory Education (Amendment) Act, 2012, Act No. 30 of 2012.
- The Right of Children to Free and Compulsory Education (Amendment) Act, 2019, Act No. 1 of 2019.
- National Education Policy, NEP, 2020.
- National Policy on Education, NPE, 1986.
- J. A. Richey, Progress of Education in India Vol I 1917-1922 (Superintendent Government Printing, Kolkata, 1923).
- Sir Henry Sharp, Selections from Educational Records Part I 1781-1839 (Superintendent Government Printing, Calcutta, 1920).
- Prof. N. Jayapalan, History of Education in India (Atlantic Publishers & Dist, 2005).
- Jean Drèze and Amartya Sen, India: Economic Development and Social Opportunity (Clarendon Press, 1996).
- S.A.C.O. Jca, Landmarks in the History of Modern India (Vikas Publishing House Pvt Limited, 2010).
- Education Commission, Report of the Education Commission 1964-66: Summary of Recommendations (National Council of Educational Research and Training, New Delhi, 1967).
- J.P. Naik, The Education Commission and After (Allied, 1982).
- NCERT, Annual Report 2021–2022 (New Delhi, November 2022).
- Prema Clarke, Secondary Education in India (Human Development Sector South Asia Region, November 2003).
- The University Grants Commission Act, 1956 (As Modified up to the 20th December, 1985) and Rules & Regulations under the Act, UGC, New Delhi.
- "All India Council for Technical Education >About Us >Overview," All India Council for Technical Education, 2024.
- "National Council for Teacher Education > About Us," 2024.
- Karim Ansary, "A Critical Review on Quality of Teacher Education in India: Problems and Perspectives," IOSR Journal of Humanities and Social Science 26 (2021): 22–25.
- Shamika Ravi, Neelanjan Gupta, and Puneeth Nagaraj, Reviving Higher Education in India (Brookings India, New Delhi, 2019).

- Wikipedia contributors, “Concurrent List,” Wikipedia, The Free Encyclopedia, 2024.
- Mrs. Dipra Bharati and Prof. Arvind Kumar Pandey, “Implementation of National Education Policy 2020 in the Present Scenario of Educational Institutions,” *International Journal of Multidisciplinary Research Configuration* 4 (2024): 38–41.
- Bhuwan Gupta and Sweetly Dubey, “Contemporary Issues and Challenges in the Indian Education System,” *International Journal of Engineering and Management Research* 9 (2019): 190–94.
- Sheetal Dahiya, “Innovative Practices in Teacher Education,” *International Journal of Basic and Applied Research* 9 (2019): 749–55.
- Akankshya Pramanik, “A Study on Examining Autonomy Provision in Higher Education,” *International Journal for Multidisciplinary Research* 5 (2023): 1–7.
- Rajesh Tiwari, Dr. Bimal Anjum, and Dr. Ashok Khurana, “Role of Private Sector in Indian Higher Education,” *GALAXY International Interdisciplinary Research Journal* 1 (2013): 75–83.
- Pawan Agarwal, *Higher Education in India: The Need for Change*, Working Paper No. 180 (Indian Council for Research on International Economic Relations, 2006).
- Jeet Mann, “Impact of Corruption on the Quality of Education and Research in India: A Critique,” *University News* (National Law University, Delhi, 2014).
- P. Geetha Rani, “Growth and Financing Secondary Education in India: Trends and Issues,” *National Institute of Educational Planning and Administration*, Delhi.
- Madhusudan Ghosh, “Regional Disparities in Education, Health, and Human Development in India,” *Indian Journal of Human Development* 5 (2011): 6–28.
- G. Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press, 1999).
- The Constitution of India, Article 21A.
- M.P. Jain, S. Pal, and R. Pal, *Indian Constitutional Law: With Constitutional Documents* (LexisNexis Butterworths Wadhwa Nagpur, 2010).
- Dr. Surjit Singh Puar, “Right to Education Act: A Critical Analysis,” *International Journal of Educational and Psychological Research (IJEPR)* 1 (2012): 27–30.
- The Constitution of India, Article 21.
- L. M. Sharma, Unni Krishnan, J.P. And Ors. Etc. Etc vs State Of Andhra Pradesh And Ors. Etc. Etc SCC (1) 645; SCR (1) 594; AIR 2178, 1993.
- The Constitution of India, Article 15.
- H.M. Seervai, *Constitutional Law of India: A Critical Commentary* (N. M. Tripathi, 1975).
- Unnati Ghia, “Affirmative Action Under Article 15(3): Reassessing The Meaning of ‘Special Provisions’ for Women,” *National Law School of India Review* 32 (2020): 226–61.
- The Constitution of India, Article 29.
- Dr. Bhavana Sharma, “The Rights of Minorities Under the Constitution of India: An Analysis,” *International Journal of Law* 4 (2018): 31–35.
- The Constitution of India, Article 30.
- A.G.A.M. Noorani, *Constitutional Questions in India: The President, Parliament, and the States* (Oxford University Press, 2000).
- The Constitution of India, Article 45.
- B.S. Rao et al., *The Framing of India’s Constitution: Select Documents* (Indian Institute of Public Administration; [distributors: N. M. Tripathi, Bombay, 1966).
- The Constitution of India, Article 41.
- The Constitution of India, Article 51A.
- B. N. Kripal, T.M.A. Pai Foundation & Ors vs State of Karnataka & Ors Writ Petition (civil) 317 of 1993, 2002.
- R. C. Lahoti, P.A. Inamdar & Ors vs State Of Maharashtra & Ors Appeal (civil) 5041 of 2005, 2005.
- K. Patnaik, Pramati Educational & Cultural ... vs Union Of India & Ors Writ Petition (C) No. 416 OF 2012; AIR 2014 SUPREME COURT 2114, 2014.
- Avinash Bhagwan Awaghade, “Online Education-Issues and Challenges in Digital Equality Matters,” *International Journal of Human Rights and Constitutional Studies* 9 (2022): 369–80.
- Marie Lall, “The Challenges for India’s Education System” ASIA PROGRAMME (presented at the ASP BP 05/03, Chatham House).
- Manabi Majumdar and Jos Mooij, *Education and Inequality in India: A Classroom View*, 1st ed. (Routledge, 2015).

- Jwel Hoque, “Quality Concern in Higher Education in India,” *EDULIGHT Journal* 7 (2018): 662–68.
- Sumanjeet Singh and Chirag Nagpal, “The Right of Children to Free and Compulsory Education Act 2009,” *World Affairs: The Journal of International Issues* 14 (2010): 118–35.
- Archana Yadav, “Implementation of Right to Education: A Constitutional Overview” (2019): 2249–496.
- Yatendra Pal et al., “Analyzing the Implementation Challenges and Opportunities of the Right to Education Act (RTE) in Light of the National Education Policy 2020: A Comparative Study,” *Journal of Research Administration* 5 (2023): 576–86.
- Bhawana Arora and Jyoti Yadav, “Preparedness of State, Administrators and Teachers for Implementing RTE—Issues and Concerns.”
- Malini Bhattacharjee and Dolashree Mysoor, “‘Unredressed’ Grievances Under RTE: Navigating the State Labyrinth,” *Governance* 29 (2016): 31–45.
- M. Jain et al., *School Education in India: Market, State and Quality* (Taylor & Francis, 2018).
- A.W. Wiseman and P. Kumar, *Building Teacher Quality in India: Examining Policy Frameworks and Implementation Outcomes* (Emerald Publishing Limited, 2021).
- K.S. Swapana, *Inclusive Education for Children with Cognitive Impairment at Elementary Level* (Archers & Elevators Publishing House).
- Yuki Ohara, “The Regulation of Unrecognized Low-Fee Private Schools in Delhi: Potential Implications for India’s Right to Education Act,” *Low-Fee Private Schooling: Aggravating Equity or Mitigating Disadvantage* 1 (2013): 130–53.
- F. Matthey-Prakash, *The Right to Education in India: The Importance of Enforceability of a Fundamental Right* (OUP India, 2019).
- K. Swargiary, *India’s Education Examination System (From Independence to the Present)* (EdTech Research Association, Arizona, US, 2024).
- Sucharita and K. Sujatha, “Engaging with Social Inclusion Through RTE: A Case Study of Two Private Schools in Delhi, India,” *International Journal of Inclusive Education* 23 (2019): 313–27.
- Y.C.T.E. Team, *Child Development & Pedagogy (YOUTH COMPETITION TIMES)*. In, *The International Journal of Indian Psychology*, Volume 3, Issue 4, No. 68 (RED’S SHINE Publication. Inc, 2016).
- Chirantan Chatterjee, Eric A. Hanushek, and Shreekanth Mahendiran, *Can Greater Access to Education Be Inequitable? New Evidence from India’s Right to Education Act* (National Bureau of Economic Research, 2020).
- Ramakanta Mohalik and Rasmirekha Sethy, “Reorganization and Merger of Schools at Elementary Level in the Context of the RTE Act 2009 in Jharkhand” (2020).
- *India Infrastructure Report 2012: Private Sector in Education* (Taylor & Francis, 2016).
- S Ojha Seema, “Implementing Right to Education: Issues and Challenges,” *Research Journal of Educational Sciences* 2321 (2013): 0508.
- Sandip Datta and Geeta Kingdon, “The Myth of Teacher Shortage in India” (2021).
- S. H. Kapadia, *Society for Un-Aided P.School of Raj vs U.O.I & Anr Writ Petition (C) No. 95 of 2010*, 2012.
- K. S. Radhakrishnan, *Environmental & Consumer Protect. vs Delhi Administration & Ors Writ Petition (Civil) No. 631 of 2004*, 2012.
- S. Bose et al., *RTE and the Resource Requirements: The Way Forward* (Eklavya Foundation, 2020).
- Pauline Rose, “Achieving Education for All through Public–Private Partnerships?” *Achieving Education for All through Public–Private Partnerships?* (Routledge, 2013): 1–11.
- D. Ifenthaler et al., *Multiple Perspectives on Problem Solving and Learning in the Digital Age* (Springer New York, 2010).
- T. Kettler, K.N. Lamb, and D.R. Mullet, *Developing Creativity in the Classroom: Learning and Innovation for 21st-Century Schools* (Taylor & Francis, 2021).
- Nesar Ahmad, Mahendra S. Rao, and Hariom Soni, “Community Monitoring of Right to Education: A Case of Udaipur District” *Right to Education in India* (Routledge India, 2015): 305–27.
- R.V.V. Ayyar, *History of Education Policymaking in India, 1947–2016* (OUP India, 2017).
- Ranu Jain, “RTE Act and Minorities: An Inquiry into Procedural Issues,” *Journal of Educational Planning and Administration* 33 (2019): 33–49.

- Ravindra Kumar and Preeti Misra, “Constitutional Delineation of Right to Education: A Critical Appraisal,” *Journal of Legal Studies* 119.
- H. Kumar, *Right to Education in India* (WKRISHIND PUBLISHERS, 2022).
- Dushyant Tyagi, Rajiv Ranjan, and Janwadkar Kalyani, “No Detention Policy is a Sweet Poison for the Indian Primary Education System,” *Educational Administration: Theory and Practice* 30 (2024): 3432–41.
- Ved Prakash, “Changing Landscape of Educational Planning in India.” *Little and Transitions & Equity Consortium for Research on Educational Access, Access to Elementary Education in India: Policies, Politics and Progress* (Consortium for Research on Educational Access, Transitions and Equity, 2010).
- K. Giffard-Lindsay, *Transitions & Equity Consortium for Research on Educational Access, and University of Sussex Centre for International Education, Inclusive Education in India: Interpretation, Implementation and Issues* (CREATE, University of Sussex, 2007).
- Kishor Joshi, “Higher Education and the Largest Impoverished and Marginalized Group of the Indian Population: Reviewing Enrolment and Access to Higher Education among Tribals in India,” *Asian Social Work and Policy Review* 4 (2010): 57–65.
- S Mahendra Dev, “The Problem of Inequality,” *Review of Development and Change* 22 (2017): 1–43.
- G.S. Latwal et al., *Role of ICT in Higher Education: Trends, Problems, and Prospects* (Apple Academic Press, 2020).
- R.D. Padmavathy et al., *India’s National Education Policy 2020: An Overview* (AG Publishing House, 2023).
- K. Swargiary and K. Roy, *Transforming Education: The National Education Policy of 2020* (LAP, 2023).
- N. Tyagi and A. Srivastava, *National Education Policy (NEP), 2020 and the Role of Teachers* (New Century Publications, 2022).
- Sr Sheela Paul, “Technology Integration in Education: Evaluating the Role of the NEP 2020 in Promoting Digital Literacy.”
- J.J. Weber, *Multilingualism, Education, and Change* (Peter Lang, 2009).
- Mrityunjay Guha Majumdar, “Competency-Based Education in Indian Schools: Realities and Vision for the Future” SSRN, 2019.
- \*Vijay Kumar Singh, “National Research Foundation (NRF): Importance of Ensuring Outcome-Based Research in India,” *Book Chapter in National Education Policy* (2020).
- Deepa Pillai, R. Rajeswari, and DDU Kaushal Kendra, “An Insight on National Education Policy (NEP) 2020’s Clause 10 on Institutional Restructuring and Consolidation,” *The Online Journal of Distance Education and e-Learning* 11 (2023).
- \*\*Papum Pare and Arunachal Pradesh, *Curriculum Framework for Three Year UG Degree/Four Year UG Degree (Honours without Research)/Four Year UG Degree (Honours with Research) in Education* (As per NEP 2020). \*\*
- P. Agrawal et al., *An Overview of India’s National Education Policy-2020* (JEC Publication).
- S. Choy, G.B. Wärvik, and V. Lindberg, *Integration of Vocational Education and Training Experiences: Purposes, Practices and Principles* (Springer Nature Singapore, 2018).
- W.W. Goodsir and Queensland Trustees Limited, *The Promotion of Adult Education: Theory and Practice of Adult Education* (W. Goodsir, 1978).
- Aijaz Ahmad Mir, “The Scope of Technology in National Education Policy 2020: A Study,” *Madhya Bharti-Humanities and Social Sciences* 83 (2023): 1–4.
- Bhawna Mathur and Neetu Mishra Shukla, “An Exploratory Study on Teacher’s Awareness about the Online Teaching Platforms and Its Role for the Professional Development with Reference to NEP 2020.”
- Anand Jha and Nisha Jha, “Unprecedented Transformation in the Education Sector of India Due to COVID-19,” in *Policies and Procedures for the Implementation of Safe and Healthy Educational Environments: Post-COVID-19 Perspectives* (IGI Global, 2022): 155–80.
- Kartik Chawla, “Right to Internet Access: A Constitutional Argument,” *Indian J. Const. L.* 7 (2017): 57.

- Manmohan, Justice for All vs Government of NCT of Delhi & Ors AIR 2021 (NOC) 107 (DEL.), AIRONLINE 2020 DEL 1282, 2020.
- Poonam Nathani, “NEP 2024: The Updates in NEP 2020 Explained” Mastersoft Accelerating Education, 2024.
- “New National Education Policy (NEP) 2024: Salient Features,” VAKILSEARCH, 2024.

