

**OBSERVATIONS, SUGGESTIONS AND RECOMMENDATIONS ON**  
**“SOME INPUTS FOR DRAFT NATIONAL EDUCATION POLICY 2016”\***

The Government of India has initiated the process of formulating a New National Education Policy. Initially, discussions were held at the Panchayat, block/cluster, district and state levels on the proposed New Education Policy by the Centre. However, these discussions were all stereotypical based on superficial questions that did not address the core and systemic issues in the education system. A lapse was seen throughout the process in effectively following a bottom-up approach and constructively collecting the public opinion by restricting the discussions to defined thematics. Subsequently, a committee under the able chairmanship of Mr. T.S.R. Subramaniam was constituted to come up with its recommendations and formulate a draft policy on education. Again, the Government of India lapsed in the democratic process by not sharing the report of the T.S.R.Subramaniam Committee in the public domain. Instead, the Ministry of Human Resources Development has released a document titled “*Some Inputs for Draft National Education Policy 2016*” and has sought observations, suggestions and recommendations from the public on the same latest by 31<sup>st</sup> July, 2016.

In this background, the Centre for Child and the Law, National Law School of India University, which has been continuously working for universalisation of equitable quality school education for all children up to 18 years of age for the past two decades, has come up with the following observations regarding the document released by the Ministry.

**ABOUT THE DOCUMENT “SOME INPUTS FOR DRAFT NATIONAL EDUCATION POLICY 2016”**

The inputs given by the Ministry of Human Resources Development, Government of India clearly indicate that the Government accepts that complete revamping of the existing education system is the need of the hour. While this is a much needed step, the direction in which this revamping process is to proceed and what should be the basis of the newly built system of education has been completely misplaced. The inputs not only aim to but also

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\* By Centre for Child and the Law, National Law School of India University – Drafted by Ms. Krithika. B. S., Ms. Shruthi Raman, Research Assistants, Centre for Child and the Law, NLSIU under the guidance of Dr. Niranjanaradhya. V. P., Fellow and Programme Head, Universalisation of Equitable Quality Education Programme, Centre for Child and the Law, NLSIU.

confine the entire educational goal to the development of human resource and the holistic approach to education is not made.

Though there exist certain major flaws in the inputs, few measures like the implementation of ICT, revamping of teacher education, making teacher education accountable for the quality of education, inclusive education etc., are to be acclaimed. However, in the fervour to build a modernised education system accessible to all, the Ministry has unfortunately favoured privatisation, commercialisation and commodification of education to a large extent. Education as a fundamental right of all is not emphasised upon. Instead education is made a privilege by handing over the onus to private sector. The proposed inputs also deviate from the recommendations of the Education Commission of building a National Education System based on the principle of Neighbourhood School which was later reiterated in the previous National Education Policies of 1968 and 1986/92 and further re-emphasised in the Right of Children to Free and Compulsory Education Act, 2009. Neither the international commitment nor the Indian Constitutional values are seen to be adhered to in the present provisions given in the form of inputs.

Hence, much needs to be changed in essence with respect to the current inputs and the proposed provisions of the National Education Policy. In this direction, the Centre for Child and the Law, would like to put forth the following observations and recommendations with respect to the Ministry's document "*Some Inputs for Draft National Education Policy 2016*".

## **OBSERVATIONS AND RECOMMENDATIONS**

### **CHAPTER 1 - PREAMBLE**

Preamble is the introductory part of a document which explains the purpose and the underlying philosophy of the document. When it comes to an Educational Policy, the preamble to the policy should ideally state the essence of education by explaining what is education and why education is of significance with a holistic view. Later a brief account of the previous efforts made in the direction of building an education system by the Government and the challenges faced in implementing them and the gaps in those efforts which lead to the need for formulating a new policy are to be provided.

The present document gravely falls short in this aspect. The Preamble to the document while gives a very good account of the past efforts of the Government in building a strong

education system in the country, misleads that the present education is almost close to perfect with not much issues and problems. One may say that the issues and challenges in the current education system are dealt with in a separate chapter altogether and hence, an account of the same has been provided. Though this might be said to be true, the Preamble lacks the explanation as to what necessitated the formulation of a new education policy to replace the already existing policy, which is the very purpose of writing a preamble.

All the more, the Preamble nowhere makes even a mention of the essence of education, its meaning and necessity. The need to build a system of education based on egalitarian values and in conformation to the Constitutional values is not given due importance. Instead, the Preamble misplaces facts by depicting that education has throughout been equally accessible to all strata of the society. Since the ancient era, education in India has been the privilege of elite classes, which is why the demand for a fundamental right to education for all was made an important component of freedom struggle. It is saddening that even to this day, the struggle continues as education has still not become a right of the masses in reality. In the words of Mr. J. P. Naik, *“Children and youth learnt by living and participating in the activities of the home and society. It was not education for living but education through living; and there was no difference between the process of socialization and education. Gradually, as quantum of available knowledge and the need for specialized skills began to grow, some persons began to specialize. This led to apprenticeship and later on to some regular forms of non-formal education. Even today, this is the only form of education received by numerous children who never enter schools.”* [Naik, JP, ‘Some perspectives on non-formal education’ (Allied publishers, New Delhi, 1977) at pg 6] Issues like stratification of education system, privatisation, commercialisation and commodification of education hamper the very notion of education being a social good. Instead education is perceived as a profit-making business.

Hence, to understand education in its true essence and build a system of education based on Constitutional principles to achieve the formation of an egalitarian society is exceedingly significant. This needs to be effectively reflected in the Preamble of the National Education Policy as the Preamble forms the foundation for the implementation of any policy or legislation.

## CHAPTER 2 – KEY CHALLENGES IN EDUCATION SECTOR

While the chapter recognises considerable number of challenges in the present education sector, few aspects seem to be either misplaced or missed out. The observations in this regard include the following:

- The issue of access and participation in education system does not give an account of the inequalities and discriminatory practices leading to reduced access to education system by the masses. Education still remains a privilege and has not yet become the right of the masses.
- While reduced GER is one aspect of the issue, retention of students is another major challenge. The document fails to identify this issue.
- The document assumes the existence of a full-equipped pre-school education system provided by government and wrongly states that it is not helping students to be ready for formal schooling. The Anganawadi Centres are centres of care and cannot be considered as a pre-school.
- The document fails to account for the failure of the Government in raising the standards of all the Government schools to that of the Schools run by the Central Government like that of Kendriya Vidyalayas etc. Various researches assert the fact that the Central Government run Schools in India are among the best educational institutions.
- Though the document recognises commercialisation as a major challenge persisting in the present education system, it has ignored that increasing privatisation in the sector is adversely affecting the quality of education. The document not only ignores but to a certain extent favours privatisation of education to a certain extent. The recognition of privatisation of education sector as a dangerous development and one of the key challenges is very crucial.
- Effort to identify and discuss the causes leading to the failure of Government flagship programmes like Operation Blackboard, SSA etc., in achieving universalisation of quality education is not made. It is imperative to identify these ensuing challenges and deal with the same.
- While the failure to allot the recommended budget to educational sector is recognised, the reasons behind the same are not identified and discussed. It is pertinent to recognise these challenges and make efforts to allot the necessary budget for education.

- In the process of recognising the failure in the fulfilment of the global commitments with respect to education, the target of universalisation of quality education is pushed further to 2030 much to the transgression of the initial Constitutional mandate of 1960 and the subsequent national as well as global commitments.

### **CHAPTER 3 – VISION, MISSION, GOALS AND OBJECTIVES**

#### **Vision**

A clear cut vision is essential for the effective implementation of any policy document. The vision of the proposed National Education Policy confines education for the development of human resources and the holistic approach is mislaid. Thus, following suggestions are made:

- The Vision of the National Education Policy should be drawn from the core values of the Constitution of India.
- The Vision should be in consonance with Article 39 of the Constitution which emphasises upon the healthy development of children and their protection from exploitation. Education is the ideal way of ensuring holistic and healthy development of children under the conditions of freedom and dignity.
- The Vision should be in the lines of building a national education system based on the Common School System and the neighbourhood school principle as recommended by the Education Commission (1964 – 1966) and reiterated by the earlier educational policies to build an egalitarian society based on the core values enshrined in the Constitution of India and the Preamble.
- The vision should be such as to ensure inclusive quality education and lifelong learning to all and not limit to ensuring opportunities for the same.

#### **Mission**

The mission of the Policy, just like the vision, lays emphasis on acquisition of skills for improvement in employability by completely ignoring the holistic approach and the broader implications of education. It is of much significance that the mission of the National Education Policy should be to achieve the broader goals of education of building an egalitarian society based on the core principles of the Constitution. In this bearing, the Mission of the National Education Policy should be directed towards:

- Achieving the larger purpose of education as connoted by the UN in its 1966 report submitted under the chairmanship of Mr. Jacques Delors. According to the United Nations, the following four pillars of learning are the fundamental principles for reshaping education:
  - i. **Learning to know:** to provide the cognitive tools required to better comprehend the world and its complexities, and to provide an appropriate and adequate foundation for future learning.
  - ii. **Learning to do:** to provide the skills that would enable individuals to effectively participate in the global economy and society.
  - iii. **Learning to be:** to provide self-analytical and social skills to enable individuals to develop to their fullest potential psycho-socially, affectively (emotionally) as well as physically, for an all-round complete person.
  - iv. **Learning to live together:** to expose individuals to the values implicit within human rights, democratic principles, inter-cultural understanding and respect and peace at all levels of society and human relationships to enable individuals and societies to live in peace and harmony.
- Fulfilling the international commitments of India with regard to the Sustainable Development Goals, Education for All etc., and paving way for global citizenships.
- Building an education system that is beyond the mere development of human resources for the gain of financial benefits.

### **Goals and Objectives**

The goals and objectives are set based on the vision and mission of the Policy. Just like the Vision and Mission of the National Education Policy should focus upon the holistic development of individuals, the objectives of the Policy should also be set in this direction. Accordingly, following recommendations are being put forth:

- The overall goal of education should be to achieve holistic development of individuals and should not be confined to the improvement of employability.
- Learning has to be seen as a process as opposed to defining minimum levels of learning in the form of learning outcomes.

- Pre-school education is to be seen as a continuum of early childhood care and education. Emphasis is to be laid on early childhood education based on the mandate of the Constitution of India under Article 45 and in lieu with the ECCE Policy, 2013.
- Non-formal learning modalities are to be a mere support system to the formal education and should not be a parallel system of education. It is an unhealthy practice to engage in non-formal learning by totally discounting the formal education system. Thus, cessation of the non-formal education system is to be carried out and the provision of non-formal learning to enable the avoiding of formal education is to be discouraged.

## **CHAPTER 4 – POLICY FRAMEWORK**

### **Pre-School Education**

- While the prioritisation of pre-school education is a welcome measure, the reduction of age to 4 to 5 years is a contested provision. As envisaged by the ECCE Policy, 2013, the first six years of life are fundamental to the development of an individual and early childhood care and education encompasses the inseparable elements of care, health, nutrition, play and early learning within a protective and enabling environment. 0 to 6 years needs to be seen in a continuum. As recommended in the 259<sup>th</sup> Law Commission Report, with a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years, it is necessary to mandate the provision of free pre-school education to all children in the age group of 3 to 6 years.
- The pre-school education is to be integrated with the primary education and the component of care, nutrition and protection as provided by Anganawadi Centres. For this, these centres are to be located within the school premises. The option of situating them near schools should not be given.
- The Anganawadi Centres are to be converted into community crèches to assist the working parents in lines with the recommendations of the 259<sup>th</sup> Law Commission Report which provides that “every child under six should have an unconditional right to crèche and day care, which is provided, regulated and operated by the State”. (Point 6.19)

- The components of pre-school education should be in accordance with the Early Childhood Care and Education Policy, 2013 and pre-school education shall be managed in coordination with the Ministry of Women and Child Development.
- A time period is to be specified for the transition from Anganawadis to pre-primary school. Providing the discretion of determining the same by the State Governments will lead to confusion and ultimately result in ineffective implementation.

## **Protection of Rights of the Child and Adolescent Education**

### ***Protection of Rights of the Child***

- A Child Protection Policy shall be formulated by all schools based on the framework and guidelines for ensuring school safety and the same is to be implemented by all schools. This shall be made a mandate for recognition and registration of schools. If subsequently any norms are flouted, stringent action shall be taken against the school authorities.
- A Child Rights and Security Cell is to be constituted in each school to deal with the issues within the school pertaining to protection and other rights of the children. Such Cells are also to be constituted at the District level as subsequent level. Rules and provisions relating to these Cells shall be determined.
- The awareness of Child Rights related laws, Acts, Rules, Regulations, etc., should be made a component in the teacher education curriculum to enable teachers to gain knowledge regarding the same in an effective manner.

### ***Adolescent Education***

- The classification between children and adolescents is highly inappropriate and in violation to the principles of UNCRC which defines, everyone below the age of 18 years as a child. The classification corroborates the latest amendment to the CLPR Act which is facing wide-spread staunch criticism from the public. 0 to 18 years is to be seen in a continuum and the entire period is childhood as elucidated by the UNCRC.



## **Learning Outcomes in School Education**

- The provision for “alternate schools” is strongly contested. The concept of alternate schools not only leads to increased discrimination but is in violation of the fundamental right of all children to quality education. Instead mainstreaming of migrant children and other out of school children through additional training is to be carried out.
- The “No Detention Policy” is to be extended up to X standard. In other words, provision is to be made so that no child can be detained in the same class until he/she reaches X standard. The rationale behind such a provision is best explained in the document “*Clarification of Provisions of Right of Children to Free and Compulsory Education Act*” which states as follows:

*“The ‘no detention’ provision is made because examinations are often used for eliminating children who obtain poor marks. Once declared ‘fail’, children either repeat grade or leave the school altogether. Compelling a child to repeat a class is demotivating and discouraging. Repeating a class does not give the child any special resources to deal with the same syllabus requirements for yet another year. Parents and friends of such children also tend to view them as being ‘fit for failure’, thereby reinforcing the perception which the school has already used for declaring a child ‘fail’. The ‘no detention’ provision in the RTE Act does not imply abandoning procedures that assess children’s learning. The RTE Act provides for putting in place a continuous and comprehensive evaluation procedure – a procedure that will be non-threatening, releases the child from fear and trauma of failure and enables the teacher to pay individual attention to the child’s learning and performance. Such a system has the best potential to improve quality, rather than punishment, fear of failure and detention. Consistent with the arguments provided under section 13 that each child has the same potential for learning, a ‘slow’, ‘weak’ learner or a ‘failed’ child is not because of any inherent drawback in the child, but most often the inadequacy of the learning environment and the delivery system to help the child, realise his/her potential, meaning thereby that the failure is of the system, rather than of the child. This requires addressing the improvement of the quality of the system rather than punishing the child through detention. There is no study of research that suggests that the quality of the learning of the child improves if the child is failed. In fact, more often than not the child abandons school/ learning altogether.”*

Hence, the amendment to the RTE Act should be in the direction of extending the “No Detention Policy” up to X standard.

- Learning is a continuous process and connoting education to achieve desired outcomes by defining minimum levels of learning in the form of learning outcomes is in contradiction of the very notion of education. As time and again emphasised by the UNCRC and other international and national documents, education and learning are directed towards the development of an individual's personality, talents and mental and physical abilities to their fullest potential. Thus, confining education to achievement of defined learning outcomes is pitiful.

### **School Education**

- By making provision for merger of schools, the proposed inputs support the closure of Government schools thereby paving way for privatisation. Instead of taking a drastic step of shutting down government schools for lack of facilities, measures are to be taken for attending to the fundamental issue of infrastructure and provision of funds allotment and necessary support is to be made to improve infrastructure and other facilities in these schools. It is strongly recommended that the Policy should in no way legitimise the closure of Government schools.
- The amendment of RTE Act to extend Clause 12(1)(c) to government-aided minority institutions is a welcome measure.
- While the amendment of RTE Act to extend up to secondary education is a desired modification, it seems to be premature at this point of time owing to the poor implementation of the existing RTE Act. Thus, it is necessary to identify and address the relevant issues and cautiously implement the same. However, to make education up to secondary level a fundamental right and the mandate of the State is much needed.
- Proper definition of the term appropriate age in the provision to amend RTE Act to cover secondary education is to be given.
- Open schooling facilities to provide for non-formal education is extremely contested. Such a provision tends to increase child labour wherein more and more children get engaged in labour as they have the option of obtaining non-formal education without having to attend full-time formal schools. This defeats the very notion of universal education to all and violates the fundamental right to education of children. The provision also infringes the Constitutional values and principles of protecting children

from exploitation and ensuring their overall development under the conditions of freedom and dignity.

### **Curriculum Renewal and Examination Reforms**

- Curriculum should be so as to achieve holistic development of children and not to attain skills and knowledge for employment.
- The curriculum should be designed in conformation to the National Curriculum Framework, 2005.
- More emphasis needs to be given to sports and games, physical education and development of life skills and moral and ethical values.
- The assessment of students needs to be made based on their overall development and not based on only their academic achievements.

### **Inclusive Education and Student Support**

- Equity and inclusiveness should be based on constitutional values.
- Issues like providing equal access, subsidising OoSC and improving retention cannot be achieved until the standards of government schools are improved by providing the necessary facilities. For this, the required funds are to be allotted in time.
- The Policy should not confine itself to quantifying the measures. Quantification of supportive measures like that provided in the document (National Fellowship Fund for 10 lakh students) can be set as a short-term goal but those are not to be made a part of the Policy document.
- Inclusion of children in the formal education system is to be realised in such a way that these children are not subjected to labelling either in the schools or in the society. Precautions should be taken in these directions.

### **Skills in Education and Employability**

- Confining education to be a mere means of securing employment is the most disastrous connotation that can be made. While employment can be said to be one of the fruits of education, it cannot be made the one and only objective. The purpose of education is to attain self-development in a holistic manner.
- As emphasised by the UNCRC and other international documents, education should be directed towards the development of an individual's personality, talents and mental

and physical abilities to their fullest potential along with the preparation of the individual for a responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all people, ethnic, national and religious groups and persons of indigenous origin with utmost respect to human rights and fundamental freedoms.

- As stated in the document *Education for International Understanding, Peace, Human Rights and Fundamental Freedoms*, General Recommendation, adopted on 19 November 1974 by the UNESCO General Conference, “The word ‘education’ implies the entire process of social life by means of which individuals and social groups learn to develop consciously within, and for the benefit of the national and international communities, the whole of their personal capacities, attitudes, aptitudes and knowledge. The process is not limited to any specific activity.”
- The National Education Policy should be formulated in consonance with these principles and lay emphasis on attainment of life skills, moral and ethical values along with vocational skills in order to facilitate the overall development of the individual.

### **Use of ICT in Education**

- Use of ICT in education as a supportive tool for aiding and assisting teachers is a progressive measure and is supported. However, it cannot be taken as the only means for providing education and ICT alone is not the solution to all problems.

### **Teacher Development and Management**

- Measures like attractive salaries and benefits are to be implemented to attract the meritorious populace to the teaching profession in lieu with the system followed in Finland.
- Four-years integrated Teacher Education Programmes based on the Delhi model are to be developed and conducted all over the nation.
- Child rights and child development related concepts and the related laws and policies are to be made a component of the teacher education curriculum to enable teachers to gain knowledge regarding the same in an effective manner.
- More and more educational experts are to be inducted in institutes like SCERT, DSERT, DIET etc.
- The teacher education and training programmes are to be oriented in the direction as to achieve the goals of an ideal education system.

- Teacher Education Programme is to be made accountable for the success of the education system.

### **Language and Culture in Education**

- Mother-tongue is to be made the medium of education for primary school as reiterated by UNESCO time and again. Educationally, the child learns more quickly through it than through an unfamiliar linguistic medium. (*International Opinion on Language Issues by Dr. Joga Singh, 2013*)
- A child's mother tongue provides facilities for the acquisition of early cognitive skills and provides a foundation for learning. The mother tongue is the first language of the child that helps him/her formulate thoughts and give direction to action. (*Amy Tsui & J. W. Tollefson, Language Policy and the Construction of National Cultural Identity Language Policy, Culture, and Identity in Asian Contexts, 2007*) Learning the mother tongue properly enhances learning of other languages. Studies have shown that reading and writing in the mother tongue is beneficial to the student in acquiring other subjects and there is no bar on acquiring another language by the same student. (*"Techniques for functional literacy in indigenous languages and the national language" by Sarah. C., 1967*) In the modern world, education is not always in the mother tongue and this is claimed to be detrimental to the cognitive abilities of a child by various researches as this amounts to an imposition of an alien language whilst subverting the naturally acquired language. (*Mother Tongue and the Right to Choose the Medium of Instruction in Primary Education: A Constitutional Basis by Suprotik Das*)
- As opposed to the three-language formula, multi-lingual education shall be introduced by removing the barriers between different languages.

*NOTE – Refer Chapter 9 of the Annexure for further information on mother tongue as medium of education and multi-lingual education and the proposed policy provisions.*

### **Self-Development through Comprehensive Education**

- Emphasis on co-scholastic activities in school education is a much desired provision. However, in this notion, encouraging public-private partnerships is strongly objected to.

- Co-scholastic activities are to be made part of the curriculum and should be directed towards the holistic development of children as opposed to a means of maintaining good health.

### **School Assessment and Governance**

- More responsibilities and powers are to be given to the School Management Committees in ensuring good quality education in the school and overseeing availability and efficient maintenance of all facilities in the school.
- School Management Committees should be extended to Private Schools also (both aided and unaided).
- Training on right to education, child rights and related topics are to be provided not only to the elected members of the SMCs but to the parents of all children studying in the school.
- The funds for the school are to be allocated on the basis of the School Development Plan as mandated in the RTE Act. At present however, the School Development Plan is being designed based on the funds allocated. This practice needs to be discontinued immediately.
- Additional school grants are to be allocated to the SMCs in order to promote more decentralised decisions with respect to finance pertaining to the school and enable in-time fulfilment of needs.

### **Financing Education**

- The measure to allot at least 6% of GDP to education is a progressive step. However, the 6% of GDP measure was as calculated in the late 1960s and recommended by the Education Commission (1964 – 1966). This measure does not hold good for the current period. Hence, this needs to be reviewed and the allocation of funds for education needs to be drastically increased and should be way more than 6% of GDP.
- Inviting private sectors to invest in education leads to more and more privatisation of education. Education is the responsibility of the State and should be state-funded. It is essential that the Policy refrains from legitimising privatisation of education. Private funding of educational institutions adversely affects their accessibility.

## **CHAPTER 5 – IMPLEMENTATION AND MONITORING**

- Community participation in education is to be emphasised upon.
- More emphasis needs to be laid on the coordination and convergence of various Government departments for the effective implementation of child rights within a human rights-based framework.

## **GENERAL OBSERVATIONS AND RECOMMENDATIONS**

- Privatisation, commercialisation and commodification of education is to be strictly forbidden through the National Education Policy.
- The Policy should provide for building a national education system based on the common school system and neighbourhood school principle.
- Inappropriate language like referring students as products of education, using terms like handling of cases of children with disabilities are to be avoided in the Policy document. Children are to be treated with dignity.
- The National Policy of Education is to provide for a system of education within a human rights based framework that enables the overall development of individuals.

## **CONCLUSION**

The National Education Policy is the fundamental document that forms the founding stone of the education system of the country. Therefore, it is of extreme significance that the Policy is based on constitutional values and aimed at building an egalitarian society within the framework of fundamental human rights. It is with this perception that the Centre for Child and the Law, National Law School of India University has put forth the above suggestions and recommendations in relation to the Policy. Also, the Centre has come up with a draft referral policy document on school education which is hereby annexed to this document. We hope that the MHRD takes into consideration the holistic development of the child and not just promote development of skills and vocations aiming to increase the GDP of the nation. We have not come to a situation where we need to increase our economic status by making our children work and by stealing their childhood. Let us be that society and Government who realise and cherish children and their childhoods in our country.