



Reconceptualizing the Right to Education under NEP 2020: Implications for Child Rights in India

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ABSTRACT

The Right to Education is universally recognized as a fundamental human right and a cornerstone for the realization of other rights. In India, the constitutionalization of the Right to Education under Article 21-A marked a transformative shift from welfare-based education to a rights-based legal entitlement. The adoption of the National Education Policy 2020 (NEP 2020) has further sought to redefine the objectives, structure, and delivery of education in India by emphasizing holistic development, inclusivity, equity, and lifelong learning. However, this policy-driven transformation raises critical questions regarding its implications for child rights.

This research paper critically examines how NEP 2020 reconceptualizes the Right to Education and assesses its impact on the protection and promotion of child rights in India. The study analyzes constitutional mandates, statutory frameworks, and international child rights standards to evaluate whether NEP 2020 strengthens or dilutes the rights-based approach to education. It argues that while NEP 2020 introduces progressive reforms aimed at quality, flexibility, and inclusiveness, it also presents challenges related to enforceability, privatization, digital divide, and state accountability. The paper emphasizes the need to align educational reforms with a robust child rights framework to ensure that the Right to Education remains justiciable, equitable, and child-centric.

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1. Introduction

Education has long been recognized as a foundational instrument for social transformation, individual empowerment, and democratic participation. For children, education is not merely a means of acquiring knowledge but a fundamental right essential for the realization of dignity, equality, and holistic development. In India, the Right to Education has evolved through constitutional interpretation, legislative enactments, and judicial intervention, culminating in its explicit recognition as a fundamental right under Article 21-A of the Constitution.

The adoption of the National Education Policy 2020 represents a significant policy shift aimed at overhauling the Indian education system to meet the demands of the twenty-first century. NEP 2020 seeks to move beyond rote learning and standardized curricula by promoting multidisciplinary education, experiential learning, early childhood care, and digital integration. While these reforms are intended to enhance educational quality and global competitiveness, they also necessitate a critical examination from a child rights perspective.

The central concern of this study is whether NEP 2020 adequately preserves the rights-based character of education or whether it reorients education towards policy discretion and market-driven frameworks. The reconceptualization of education under NEP 2020 raises fundamental questions about state responsibility, accessibility, equality, and enforceability of the Right to Education. This paper seeks to explore these dimensions by analyzing the implications of NEP 2020 for child rights in India.

2. Conceptual Framework: Right to Education as a Child Right

2.1 Education as a Human and Child Right

The Right to Education is internationally recognized as a basic human right indispensable for the exercise of other rights. For children, education plays a pivotal role in cognitive, emotional, and social development. A rights-based approach to education emphasizes universality, non-discrimination, participation, and accountability.

In the Indian context, the recognition of education as a child right signifies a departure from charity-based models towards legal entitlement. Education is no longer perceived as a privilege or welfare measure but as a binding obligation upon the state. This transformation underscores the importance of accessibility, affordability, and quality in educational provision.



2.2 Child Rights and the Principle of Dignity

Child rights are grounded in the recognition of children as autonomous rights-holders entitled to dignity and respect. Education, as a child right, must therefore promote not only academic achievement but also emotional well-being, creativity, critical thinking, and ethical development. Any educational policy affecting children must be evaluated through the lens of dignity, equality, and best interests of the child. NEP 2020 emphasizes holistic development, which aligns with the broader objectives of child rights. However, the extent to which this holistic vision translates into enforceable rights remains a subject of critical inquiry.

2.3 Reconceptualization of Education under NEP 2020

NEP 2020 introduces a shift from a narrow, exam-centric model of education to a flexible and multidisciplinary framework. The policy emphasizes early childhood education, foundational literacy and numeracy, skill development, and the integration of technology. While these reforms reflect global educational trends, they also redefine the contours of the Right to Education.

The reconceptualization of education under NEP 2020 raises important questions about the role of the state versus private actors, the balance between flexibility and uniformity, and the implications for marginalized children. A child rights perspective requires that such reconceptualization strengthens, rather than weakens, legal entitlements and state accountability.

3. Constitutional and Legal Foundations of the Right to Education in India

3.1 Evolution of the Right to Education

The constitutional journey of the Right to Education in India reflects a progressive expansion of socio-economic rights. Initially included as a Directive Principle of State Policy, education gradually gained recognition through judicial interpretation as an integral component of the right to life and human dignity. The insertion of Article 21-A through the Constitution (Eighty-Sixth Amendment) Act, 2002 marked a historic milestone by making free and compulsory education a fundamental right for children aged six to fourteen years. This amendment underscored the state's obligation to ensure universal access to elementary education.

3.2 The Right of Children to Free and Compulsory Education Act, 2009

The enactment of the Right of Children to Free and Compulsory Education Act operationalized Article 21-A by establishing legal standards for schools, teachers, curriculum, and infrastructure. The Act



embodies a rights-based approach by mandating non-discrimination, neighborhood schools, and child-friendly norms.

However, the Act has faced criticism for its limited scope, implementation challenges, and exclusion of early childhood and secondary education. NEP 2020 seeks to address some of these gaps by expanding the educational continuum, but it also introduces policy-driven reforms that require careful scrutiny from a rights perspective.

3.3 Judicial Interpretation and Child-Centric Jurisprudence

Indian courts have played a significant role in strengthening the Right to Education by interpreting it as essential to human dignity and social justice. Judicial pronouncements have emphasized the obligation of the state to provide quality education and prevent exclusion of disadvantaged children.

The judiciary has also highlighted the interdependence of education with other child rights such as health, nutrition, and protection from exploitation. This jurisprudential foundation provides a critical benchmark against which NEP 2020 must be evaluated.

4. International Perspective on Education and Child Rights

4.1 Global Recognition of Education as a Child Right

International human rights instruments recognize education as a fundamental right and a critical component of child development. Global frameworks emphasize that education must be accessible, acceptable, adaptable, and of good quality. These principles impose obligations on states to ensure equitable and inclusive educational systems.

The integration of child rights into educational policy is widely regarded as essential for achieving sustainable development and social inclusion. International standards also stress the importance of state accountability and legal enforceability in protecting educational rights.

4.2 India's International Obligations

As a signatory to international child rights instruments, India is obligated to align its educational policies with global standards. These obligations require that educational reforms prioritize the best interests of the child and ensure that policy discretion does not undermine legal entitlements.

NEP 2020 must therefore be assessed not only as a domestic policy initiative but also in light of India's international commitments to child rights and educational equity.

5. Review of Literature

Scholarly discourse on the Right to Education in India highlights the transformative impact of constitutional recognition and legislative enactment. Researchers have emphasized that the rights-based approach has enhanced access to education, particularly for marginalized communities. However, implementation deficits and quality concerns remain persistent challenges.

Literature on NEP 2020 reflects a divided perspective. While some scholars commend the policy for its holistic and flexible framework, others express concerns regarding privatization, digital exclusion, and dilution of state responsibility. Child rights scholars caution that policy-driven reforms may weaken enforceability and accountability if not anchored in a robust legal framework.

The existing literature underscores the need for a comprehensive analysis that bridges constitutional law, educational policy, and child rights. This paper seeks to address this gap by critically examining the implications of NEP 2020 for the Right to Education as a child right.

6. National Education Policy 2020: Key Reforms Affecting the Right to Education

The National Education Policy 2020 represents a comprehensive restructuring of the Indian education system. It aims to replace the fragmented and exam-centric framework with a holistic, flexible, and multidisciplinary model. Several reforms introduced under NEP 2020 have direct implications for the Right to Education and child rights.

6.1 Early Childhood Care and Education (ECCE)

One of the most significant contributions of NEP 2020 is the formal recognition of Early Childhood Care and Education as the foundation of lifelong learning. The policy extends the educational continuum to include children from the age of three, emphasizing play-based and activity-oriented learning.

From a child rights perspective, this reform strengthens the developmental dimension of education. However, the absence of a statutory framework governing ECCE raises concerns regarding enforceability, quality standards, and state accountability.

6.2 Foundational Literacy and Numeracy

NEP 2020 prioritizes foundational literacy and numeracy as essential learning outcomes. The policy acknowledges that failure to achieve basic literacy at early stages perpetuates inequality and exclusion.

While this focus aligns with the child's right to quality education, its success depends on effective implementation, teacher training, and adequate infrastructure. Without addressing systemic deficiencies,

the emphasis on outcomes risks placing undue pressure on children rather than strengthening institutional support.

6.3 Structural Reforms and Curriculum Flexibility

The policy introduces a new curricular structure and promotes multidisciplinary education. Rigid subject boundaries are replaced with flexible learning pathways, allowing children to pursue diverse interests.

This flexibility enhances the child's right to participation and choice. However, disparities in resources across regions may limit meaningful access to such opportunities, thereby reinforcing educational inequality.

6.4 Digital Education and Technology Integration

NEP 2020 emphasizes the integration of digital technologies to expand access and improve learning outcomes. Online platforms, virtual classrooms, and digital resources are envisaged as tools for inclusive education.

From a child rights perspective, digital education presents both opportunities and risks. While it enhances access, it also exacerbates the digital divide and exposes children to issues of data privacy, surveillance, and online safety.

7. Implications of NEP 2020 for Child Rights in India

7.1 Right to Access and Equality

The Right to Education as a child right requires universal and equitable access. NEP 2020 reiterates the goal of inclusion by focusing on disadvantaged groups, including children from socio-economically weaker sections, children with disabilities, and marginalized communities.

However, the policy's reliance on digital modes and decentralized implementation may inadvertently exclude children lacking access to technology or adequate institutional support. Equality in education cannot be achieved solely through policy intent; it requires legally enforceable guarantees.

7.2 Quality Education and Child Development

NEP 2020's emphasis on holistic development aligns with international child rights standards. By promoting creativity, critical thinking, and emotional well-being, the policy advances a child-centric vision of education.



Nevertheless, quality education as a right demands minimum standards and accountability mechanisms. The absence of clear legal obligations for quality assurance raises concerns about uneven implementation and regional disparities.

7.3 Participation and Autonomy of the Child

The policy encourages student choice, experiential learning, and reduced exam stress. These measures enhance children's participatory rights and autonomy in the learning process.

Yet, meaningful participation requires institutional capacity and supportive environments. Without adequate teacher training and child-friendly governance structures, participatory reforms risk remaining symbolic.

7.4 State Responsibility and Privatization

NEP 2020 envisages increased participation of private and philanthropic actors in education. While public-private collaboration may enhance resources and innovation, it also raises concerns about commercialization and dilution of state responsibility.

From a child rights perspective, education must remain a public good and a state obligation. Excessive reliance on private actors may undermine affordability, equity, and accountability.

8. Critical Challenges in Reconceptualizing the Right to Education

Despite its progressive vision, NEP 2020 faces several structural and normative challenges:

Dilution of Justiciability: The policy-driven approach lacks the enforceability associated with fundamental rights.

Digital Divide: Unequal access to technology disproportionately affects marginalized children.

Fragmented Governance: Overlapping responsibilities among central, state, and local authorities weaken accountability.

Teacher Preparedness: Inadequate training undermines the realization of child-centric pedagogical reforms.

Lack of Legal Backing: Several reforms lack statutory support, limiting their sustainability and rights-based character.

These challenges highlight the tension between policy flexibility and legal certainty in protecting child rights.

9. Recommendations for a Child Rights–Centric Educational Framework

To ensure that NEP 2020 strengthens rather than weakens the Right to Education as a child right, the following measures are recommended:

Statutory Backing for Key Reforms: Incorporation of NEP 2020 principles into enforceable legislation.

Expansion of Article 21-A: Extension of the constitutional guarantee to include early childhood and secondary education.

Bridging the Digital Divide: State-led initiatives to ensure universal access to digital infrastructure.

Strengthening Public Education: Reinforcement of public schooling to prevent excessive privatization.

Child-Centric Accountability Mechanisms: Establishment of grievance redressal systems accessible to children and parents.

Capacity Building: Continuous training for teachers and administrators on child rights and inclusive pedagogy.

Rights-Based Monitoring: Integration of child rights indicators in educational assessment frameworks.

10. Conclusion

The reconceptualization of the Right to Education under NEP 2020 reflects India's aspiration to create a future-ready, inclusive, and holistic education system. The policy introduces transformative ideas that resonate with contemporary child rights discourse, emphasizing development, participation, and equity. However, the shift from a legally enforceable rights framework to a policy-driven model raises critical concerns regarding accountability, equality, and state responsibility.

This study concludes that NEP 2020 holds significant potential to advance child rights in education, provided its reforms are anchored in a robust legal framework. Education, as a child right, must remain justiciable, equitable, and state-guaranteed. Aligning educational policy with constitutional mandates and international child rights standards is essential to ensure that the promise of NEP 2020 translates into meaningful and sustainable outcomes for every child in India.

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