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## National Education Policy, 2020

### Executive Summary

In line with the New Education Policy (NEP) 2020 mandate, the UGC released the draft National Higher Educational Qualifications Framework (NHEQF) in February 2022. Its release has reignited the controversy over the policy that was criticised and even rejected by many state governments. The inclusion of Education in the concurrent list gives overriding powers to the centre. However, the sweeping changes the NEP is set to bring has raised concerns that the states would turn into mere implementing agencies while all the decisions regarding education will be taken by the centre. At the root of the controversy lies the federal structure of India which would be jeopardised by the implementation of the policy. Hence, significant and appropriate amendments to the draft are required to address the grievances of the states.

### What is NEP (2020)?

The NEP, released in July of 2020 by the Union Government, seeks to overhaul the entire education system of the country by replacing the thirty four-year old National Policy on Education (1986). In the domain of pre-University education, the new policy aims to transform the curricula structure from 10+2 to 5+3+3+4, mandates the Three Language Formula (TLF), reduces the syllabus to make board exams "easier" and gives thrust to vocational training and skill development. In the realm of higher education, it envisions a single regulator- the Higher Education Council India (HECI)- for Higher Education Institutes (HEIs) by merging UGC, AICTE and other regulatory

bodies. The HECI is further divided into four verticals, namely the National Higher Education Regulatory Council (NHERC), National Accreditation Council (NAC), Higher Education Grants Council (HEGI) and General Education Council (GEC).

The policy introduces four-year undergraduate programmes with multiple exit options, along with proposing a national Academic Bank of Credit and a national entrance exam for all universities. It further allows higher education to be taught in regional languages. Additionally, it proposes the National Testing Agency (NTA) to conduct a "high quality" common entrance test and a common specialised subject exam in sciences, humanities, language, arts, and vocational subjects, at least twice a year. It blurs the distinction between research-oriented and employment-oriented education, emphasising a multidisciplinary approach to education. Additionally, it proposes facilitation to top global universities to set up campuses in India and to top Indian Universities to establish campuses abroad.

The policy also touches upon the issue of Adult Education. It proposes strong and innovative government initiatives to achieve 100% adult literacy, educate about critical life skills (including financial literacy, digital literacy, commercial skills, health care and awareness etc.), impart vocational skills and provide basic education to adults. It also ensures providing necessary infrastructure for adults to facilitate its implementation.

### Why is it a problem?

Since its release, the policy has been opposed by a few states. Though other states have voiced their reservations, none have been as vocal and vehement as Tamil Nadu.

- The foremost reason pertains to the Three Language Formula. The policy states that out of the three languages ought to be taught at pre-University level, two must be Indian. This leaves the students from the southern states to learn Hindi, along with English and the regional language in their curriculum. The formula was brought forward in 1968 by the then Indira Gandhi government as recommended by Kothari Commission. All states adopted the policy except Tamil Nadu, which continued its two language policy.

The Three Language Formula finds its explicit mention in Section 4.13 of the Draft policy. In order to promote multilingualism, the draft states that, "The three-language formula will continue to be implemented". Moreover, a student is given the option to change one of the three languages only once- in Grade 6 or 7. Though the formula has been in continuance since the 1970s, an exclusive emphasis upon it raises eyebrows.

The draft further falls short assuring the states unwilling to implement the formula of any compulsion by the centre, instead offering "greater flexibility" in its implementation. Learning Hindi has always been a controversial issue in Tamil Nadu. The state has seen numerous instances of violence and public protests against imposition of Hindi. The state has also actively promoted Tamil learning in schools. In 2006, the state government

enacted Tamil Nadu Tamil Learning Act, making it compulsory for every school operating in the state to teach Tamil. The state government is also opposed to the establishment of Navodaya Schools by the centre in the state.

- The draft also places an **unprecedented emphasis upon learning of Sanskrit**. Section 4.16 stresses on the need for learning Sanskrit since most of the Indian other languages attribute "their origins and sources of vocabularies" to it. Section 4.17 emphasises the importance of classical literature possessed by the language. It thus offers its teaching "at all levels of school and higher education". Moreover, it promotes teaching of the language through its classical literatures in mathematics, philosophy, grammar, music, politics, medicine, architecture, metallurgy, drama, poetry etc. Laying such a huge emphasis upon an archaic language in schools and even HEIs at "all levels" would leave a student burdened with unnecessary curriculum. Offering courses in Sanskrit to college students, for instance, in non-Hindi speaking states would decrease their grades. Worse still, in Central Universities- mostly dominated by Hindi speakers, such courses will make naked and even exacerbate the language barrier the non-Hindi speaking students face. Further, the postulate that most of the major Indian languages owe their "origins" to Sanskrit is not even remotely true. Additionally, the literature in Sanskrit can be discriminatory against a varna, caste or group, especially in social sciences.
- However, the major concern relates **to the**

**federal structure of India.** The policy proposes establishment of the all-powerful HECI and its verticals. The NHERC, one of its verticals, reserves the power to regulate every facet of HEIs, including financial probity, good governance, and the full online and offline public self-disclosure of all finances, audits, procedures, infrastructure, faculty/staff, courses, and educational outcomes [Section 18.3]. It further envisions a “graded accreditation” system to be given by the NAC, that will “specify phased benchmarks for all HEIs to achieve set levels of quality, self-governance, and autonomy...to attain the highest level of accreditation over the next 15 years” [Section 18.4]. The GEI, another of its verticals, will frame “expected learning outcomes for higher education programmes” and mandate identification of “specific skills that students must acquire during their academic programmes” [Section 18.6].

Owing to its vague language, the draft **lacks clarity** on the extent of jurisdiction of HECI and its verticals. It reserves power to regulate the faculty/staff, courses, educational outcomes etc., thus **infringing upon the state's rights on reservations and education.** Moreover, the students are required to acquire “specific skills” and “learning outcomes” framed by the central government, making it difficult for them to cater to the needs of their respective states. Further, the vocabulary used, such as “good governance”, leaves room for significant **manipulation** in the future.

- The policy **veritably promotes centralization of education at every level.** For instance, it envisages a nation-wide “high-quality” common

aptitude test for admission into the universities, as well as “specialised common subject exams in the sciences, humanities, languages, arts, and vocational subjects” [Section 4.42], which it assumes will reduce the burden on students. Moreover, an all-India test is to be conducted by NTA for admission into pre-service teacher preparation programmes of Teacher Education Institutions (TEIs) [Section 15.7], which it envisions to convert into multidisciplinary institutions [Section 15.4]. Moreover, it places an undue emphasis on a centralised vocational training in all schools and HEIs which would be overseen by the National Committee for the Integration of Vocational Education (NCIVE) [Section 16.8]. In the field of academic research, the policy envisions establishment of the National Research Foundation to provide funding for research [Section 17.9]. Further, it proposes to establish the National Research Foundation (NRF) which is meant to provide funding for research to the institutions, and “undertake major initiatives to seed and grow research at the state universities and other public institutions” [Section 17.9], **centralising disbursement of research-oriented funding.** It is further empowered to ensure that the Research Scholars are “constantly made aware of the most urgent national research issues” to allow breakthroughs to be optimally brought into policy [Section 17.11(c)].

Tamil Nadu’s objection to a country-wide entrance test is premised upon the recommendations of the M. Anandakrishnan committee. Constituted in 2006, it recommended abolition of the Common Entrance Test (CET) in the state from the academic year 2007-08 (Srinivasan, 2016), which it said was mainly

due to the unaffordability of the high fees of coachings for the rural and underprivileged students. Furthermore, the NRF is empowered to fund the research on urgent “national” issues, thus again leaving the door ajar for **manipulation of their jurisdiction**, and depriving state-funded institutions of funding for research on regional issues.

- The policy **seizes the administrative autonomy** from both public and private HEIs. It mandates every such institution to establish a Board of Governors (BoG) which would be empowered to govern the institution [Section 19.2], including selection of leaders of the institution [Section 19.4]. Further, the policy subjugates the BoG to guidelines formulated by NHERC [Section 19.3]. Additionally, it makes it compulsory for every institution to formulate its own Institutional Development Plan [Section 19.5] to strategize its roadmap.

In subjugating the administrative system of the colleges to a central body, the central government ignores the urban-rural divide and caste-based discrimination entrenched in them. Moreover, drafting the same guidelines for urban, rural, minority etc. institutions would, along with waning their autonomy, undermine the purpose they are meant to serve.

- The policy provides multiple exit and entry options to the students pursuing higher education [Section 11.9], along with creation of an Academic Bank of Credits to digitally store credits earned by the student and different designs of Master’s programmes [Section 11.10].

The central government does not contemplate the unintended consequences of the above proposition, especially for the backward communities and female students. It leaves the students of the said groups with multiple exit options but few entry options. Multiple choices of exit will compel such students facing monetary or familial issues to quit their education in the middle. Further, it burdens a teenage student with critical life-changing decisions. Moreover, the proposed system disallows a student to carry backlogs into the next year, bringing about apprehension of exacerbation of the dropout rate, which currently stands at 12.6%.

- Both the draft NHEQF and the draft policy suggest, at multiple instances, all colleges to either become multidisciplinary or merge with existing universities. However, both the documents do not provide any provision regarding how the same will be executed without any monetary assistance. This has raised concerns of many state government colleges becoming defunct due to lack of finances to become multidisciplinary, thus depriving a large number of students educational opportunities.
- The policy makes **no mention of the Reservation System** in educational institutions, both in admission and faculty-recruitment, making it non inclusive of all sections of the society. Further, it does not mention the drop-out rates among the backward communities, let alone ways to tackle them. The NEP policy-makers veritably fail to view education as a tool to uplift the poor and backward classes while formulating it.

- The proposal also **lacks a grievance redressal mechanism**, either for the states or the institutions regarding any facet of the policy. The institutions and state governments are left with no choice but to follow guidelines of the would-be central institutions. Institutions failing to comply with the guidelines are feared to become defunct. Moreover, the power of 'light but tight' regulation bestowed upon the central bodies also leaves the door ajar for **manipulation** of their jurisdiction.

### Tamil Nadu's response to NEP

Since early on, Tamil Nadu's policies have emphasised upon education as a modus operandi to uplift the backward castes. As early as in 1919, certain legislations were in place to encourage and mandate local education authorities to establish schools at places that were accessible to everyone, thus broadening the social base of its educated bracket. The reasons for the Tamil Nadu government opposing NEP are manifold.

Tamil Nadu Chief Minister MK Stalin has explicitly stated that the policy will not be implemented in the state. He has called it a policy "for elites" and, if implemented, education "will be confined and limited to a few sections". The state government has even set up a committee to formulate its own State Education Policy in a bid to replace the NEP. Furthermore, the state plans to implement only some 'good aspects' of the central policy (Sathyanarayana, 2021). It claims that the policy negates the efforts of more than a hundred years of social justice aspirations that were carefully envisaged in Tamil Nadu. State Education Minister K. Ponmudi noted that mandating entrance exams for getting admissions in arts and science colleges would affect the students from rural areas.

Similar concerns were raised by L. Jawahar Nesan, head of the All India Save Education Committee, while complaining that the proposed Academic Bank of Credits (ABC) could result in "students dropping out of higher educational institutions before completing their course". "The proposed system aims at furthering vocational education and creation of a workforce pool", he added ("Academics call for withdrawal of draft", 2022). The State Platform for Common School System- Tamil Nadu (SPCSS-TN) termed the framework as "a crude form of diarchy"(Sathyanarayana, 2022). Regarding the mandatory entrance test akin to NEET, PB Prince Gajendra Babu, General Secretary of the body, said that the students don't have sufficient time and their family circumstances do not permit them to undergo separate coaching for entrance exams(ibid). In September last year, the Coimbatore-based Aram Seiya Virumbu Trust filed a writ petition in Madras High Court challenging the constitutionality of Section 57 of the 42nd Amendment that brought education in the concurrent list as a response to the policy, whose implementation, the trust alleged, will lead to "autonomy of the states in education be completely taken away thereby striking at the very root of the federal structure"(Imranullah S., 2021).

The issue of centralization of education has always been a hot potato in the state. Back in 2006, M. Karunanidhi's government constituted a committee under the chairmanship of M. Anandkrishnan recommended measures for the abolition of the Common Entrance Test (CET) in the state from the academic year 2007-08. On recommendations of the committee, the state government terminated its practice of conducting CET for admission into technical and medical courses, making it easier for underprivileged students to pursue the said graduate courses (Rajasekaran, 2021). Other policy decisions

taken by the state for similar causes include the 50% 'in-service' super speciality seats quota in government medical colleges which was recently upheld by the Supreme Court. Prior to NEET, the quota had provided opportunities to the lower strata of society to enter the colleges which in turn helped the state government in providing uninterrupted supply of doctors in primary health centres (P.M., 2019).

### Other States' Response

Among other states, West Bengal has most emphatically opposed the implementation of the policy. Within a month of its release, Partha Chatterjee, the state Education Minister, announced the government's unwillingness to implement the policy in the state "any time soon", due to its undermining

of the federal structure and non-inclusion of Bengali in the list of classical languages ("No NEP 2020 in West Bengal", 2020). He also said that no one in the state government was consulted for its formulation. Kerala has also protested against the policy in the report of a six-member committee, chaired by Professor Prabhat Patnaik.

Delhi Education Minister Manish Sisodia accused the central government of encouraging privatisation of education and reducing responsibility as a government to provide quality education to all, while questioning the need to make board exams easier. Chhattisgarh CM Bhupesh Baghel termed it as centralization of education which goes against the federal structure of the country (Sharma, 2020). Rajasthan Education Minister Govind Datasra also criticised the draft for lack of clarity.

### Conclusion

The policy possesses strong tendencies of centralization of education, contravening **federalism as a basic structure of our constitution**. It establishes bodies that are empowered to determine policies and curriculum for all educational institutions, including state institutions, with little or no role of the states in formulating them, turning them into mere implementing bodies. Moreover, it imposes teaching of Hindi and Sanskrit in all schools across the country with no consent of the states. The policy violates numerous **Supreme Court rulings that have upheld federalism as a basic structure of the constitution**. The central government must make significant changes to the draft policy to make it more reflective, just and fair to India's diversity.

### Recommendations

- The draft policy is an **onslaught on federalism as a basic structure of our constitution**. The concerned authorities, while acknowledging the competence of the states in educational planning and execution, and its role as a determinant of their development, must re-draft the policy to **omit the provisions that dilute the federal structure**.
- The **Three Language Formula must be waived off** for the states unwilling to pursue it. Additionally, the students of the states that choose to implement the formula must be given the option to change any of the languages in secondary schooling.
- In view of the large endemic socio-economic disparity in India, **the states must be allowed to formulate their own processes of enrolling the students into higher education**. Imposing a central exam on constituents of the backward community might disrupt the smooth process in which they have been uplifted from their backwardness in the last few decades.
- The proposed provision of multiple exit options in higher education must be reformulated so as to prevent dropouts in the middle of the courses. The policy must also consider instating **multiple options to clear backlogs** to further reduce the number of dropouts.
- The **colleges must be given more autonomy** in deciding its curriculum. To turn a vast number of government colleges into multidisciplinary ones might be expensive for the state governments, which could possibly result in these colleges being permanently closed.
- The **attempts to centralize education must be clamped down** to address the grievances of various states. Moreover, the necessary central bodies proposed in the draft must be given adequate **representation by all the states**.
- The policy must **explicitly uphold the reservation system** in educational institutions regarding admissions and jobs.
- The draft **lacks a clarity** on the extent of jurisdiction of the proposed central bodies. Hence, the government must elaborate the roles of these institutions
- The undue emphasis upon vocational education must be dialed down. Instead, emphasis must be placed upon academic education and critical thinking.

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