



## Towards Inclusive and equitable education: Modifying right to education act as per NEP 2020

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### Abstract

Right of children free and compulsory education act 2009 Mark as a One of the historical decision or initiative taken by government to provide free and compulsory education to all children age group between 6 to 14 years. This act primary goal is to bring excellence in education providing through medium of reaching unreached section of society. After that India became one of the selected countries of the world make education as fundamental right for each and every child. This act significantly contributed to improve effective, accessible and quality of education such as increasing enrollment rate, reducing dropout's rates and so on. With the introduction of national education policy 2020 there is need to bring some reforms under right to education act align with modern education system. The NEP 2020 is the one of the progressive step taken by government of India for reshaping nation education system. It replaced the NEP 1986 and transformative decision for making education, flexible and skills oriented. The primary objective of this paper is to modify provision under RTE act in line with NEP 2020. Additionally, it explores revised RTE act to ensure greater access for marginalized communities and social economical disadvantages section of society. By bridging these gaps India can ensure universal access to education with quality education, fostering an inclusive and equitable learning environment.

**Keywords:** Right to education (RTE) act, national education policy (NEP) 2020, inclusive and equitable education, access and quality of education, marginalized communities

### Introduction

Education is the one of the powerful tools for development of nation, social progress and economic development. It is cornerstone of every field of life. It provides individual with knowledge, skills and ability to think critically. Considering importance of education, nation and various non-governmental organizations mandate to providing education to children. Every child has right to primary education which should be free for all child. It is vital importance not only for human development but also country progress and prosperity. It provides better outlook understand problem of society. Therefore, education is foundation for batter life. It prepares good citizen lives into meaningful life, empower individuals drives economic progress, social mobility. Article 26 of the UDHR started that "education shall be directed to the full development of the individual personality and strengthen of respect for human rights and fundamental freedom and education shall be free at least in the elementary and fundamental stages." In following this India also providing right of children free and compulsory education. But enactment of this has a long history. It has subjected to numerous rounds of debate. The landmark decision of free and compulsory education in India by Sargent plan which recommended Free and compulsory education for 6 to 14 years for every child.

After India got independence constitution of India recognized free and compulsory education. Article 29 and 30 of the Indian constitution provides citizens educational and cultural rights. Also mention in the article 45 of the DPSP states that "state shall be endeavor to provide free and compulsory education to the children between 6 to 14 age group. But due to resource unavailability government have not enable to make this act in practical for many further decades. The period between 1950 to 1993 saw significant development in India educational policies, Constitutional Amendment and Judiciary Interpretation regarding Right to

Education. The Kothari Commission Recommended a common school system and proposed spending 6% of GDP on education. The National Policy of Education 1968 was the First Educational Policy that aims to universalize education, promote national integration, improve quality. During emergency period, allowing both central and state government to legislate on education under 42nd amendment of the constitution and transfer from the state list to concurrent list. After eighteen years of NPE1968 replace by national policy of education 1986 that emphasizes universalized elementary education and introduce "operation blackboard" improve primary education and provide minimum essential facilities to all primary school.

A great legal judgement was achieved in 1992 the supreme court of India held that "right to education" is fundamental right under article 21. The supreme court reconsider the above judgement reinforced education as fundamental right for children 6 to 14 years and led foundation for 86th constitutional amendments 2002 which added article 21A of the constitution. The 2002 amendment made it legally enforceable right under fundamental right. It didn't specify how act will be implemented. Hence RTE act 2009 created detailed legal framework to enforce right to education. This act ensures actual access free education This act effectively increase enrollment rate, decrease dropouts' rates and improving quality of education. After 11 years' implantation of RTE act the government of India introduced national education policy 2020 which replaces national policy on education 1986 focus on holistic, flexible and inclusive education. Hence RTE act 2009 need to reform its provisions align with new education vision without these reforms the implementation of NEP may face several legal and structural obstacles or hurdles.

### Literature review

Dr. Bidyananda Borkakoty (2024) <sup>[1]</sup> conducted a study on

"The Right to Education Act 2009: Its Promises, Impact and Outcomes". Here he indicated promises and provision of right to education act 2009 and outcomes of the RTE act in term of their infrastructure development, teacher training and student's performance. He views that continues efforts are required to address these issues to fulfill the act promises.

Dr. komal vig, mr. suhas k hosamani (2016) [2] conducted study on "right to education act- noble ideas but impractical approach". here they started critical analysis on provision and its aspect. there is need to attempt should be made to provide a platform for stockholder and civil society organizations from various states comes together accountable for its implementation. with this enactment opened new possibilities improving school education. also provide potential reforms and suggestions for the effective implementation of rte act 2009.

dr. saroj mallick in his article on "national education policy 2020 and its comparative analysis with rte act". he asserted that well defined and well planned education policy helps to improve economic development and social position. also analysis, innovation and new adoption in nep 2020 it's comparison with existing policy, provision and implementation.

### Statement of Problem

The RTA Act 2009 was significant legislation aimed to Providing free and compulsory education to all children age group of 6 to 14 years. however, with the introduction of the national education policy 2020 significant gaps emerged in this frame work necessitating reforms has to be taken ensuring inclusive and equitable education for all.

### Objective of the study

This study aim to analyses modification of right to education act 2009 alignment with the NEP 2020 to ensure inclusive and equitable educational system of India.

1. To examine gaps and shortcomings within current RTE framework.
2. To examine influence of NEP 2020 on India education policy.
3. To examine similarities on RTE act with NEP 2020.
4. To examine educational priorities and reforms between NEP 1986 and NEP2020.

### Methodology

The presented study is based on qualitative analysis of secondary method such as text books, journals, articles, government gazette, newspapers etc. this presented study is both empirical and analytical in nature.

### National policy on education 1986

The NEP 1986 was significant policy framework introduced by Rajiv Gandhi government which intended to prepare India for 21st century. NEP 1986 give great importance to removing disparities and equalizing educational opportunities and provide every kind of needs those who have been denied equality. It's efforts to uplift weaker and neglect section of society like women, STs and SCs. Another consequences of the NEP were the several initiatives have been developed increasing quality of education such as

1. Operation blackboard  
This aimed to improve primary school by providing

essential facilities like classrooms, teacher, learning materials

2. Navodaya vidyalaya  
This policy established jawahar navodaya vidyalaya in rural areas to provide high quality education to talented students
3. National program for nutritional support to primary education  
This program aims to provide cook meal every day for children of all government school.
4. Sarva shiksha abhiyan  
It is one of the flagship program launched by the government of India in 2001 to achieve universal elementary education also provide free and compulsory education to all.
5. Education for handicapped  
The NEP 1986 emphasizes education of children belongs physical disabilities or handicapped. Measures should be taken for establishing special school with hostel facilities for severally handicapped children.
6. Programs of action  
In 1989 government appointed a committee to review effectiveness of NEP 1986. Rammurti committee appointed by government which constitute 1991 recommendation some modifications in NPE 1986. This document also known as "program of action" 1991. The main emphasis of this policy ensure quality in education by removing all social, economic, political, gender disparities

### Right to education act 2009

RTE act is one of the important legislation that makes education is fundamental right for all children. The act is completely titled as " the right of children to free and compulsory education act". It was passed by legislation on 2009 and come into existence on 2010. After that India became one among 135 member countries where education is fundamental right for all children. 86th constitutional amendments 2002 provide inclusion on article 21a of Indian constitution started that " state shall provide free and compulsory education to all children of 6 to 14 years". The word "free" started that no child is required to pay any kind of fee or charges which may prevent to him / her for completing its elementary education. Again government enacted right to education act 2009 to defined the framework responsibility and implementation of free and compulsory education for all children.

### Provision under RTE act 2009

The RTE act 2009 provides comprehensive legal framework to ensure free and compulsory education to all children.

1. Free and compulsory education  
Every child has the right to free and compulsory education age between 6 to 14 years. No child shall be backed, expelled, required to pass until completion of elementary education.
2. Reservation in private school  
Every private school provide 25 % reservation for

children belongs to disadvantages section and economically weaker section of the society.

3. Prohibition of discrimination  
School couldn't deny admission on the basis of caste, gender, disability or economic background. No child required to pay any kind of fee or capitation charges.
4. No detention policy  
No detention policy helped to increase enrollment and reducing dropouts rates, reduce psychological pressure on student. Despite its aim detention policy face challenges without any fear of failing students lacked motivation of study. Due to these challenges on 2019 amendment take place to conduct regular assessment in class 8 and 5, if a student fails they will get chance for reexamination.
5. 5.promoting education quality  
It aims to eliminate all the discrimination on the basis of education by ensuring that children from different economic and social group receive equal learning opportunities.
6. Preventing child labor through education  
For improving school enrollment, the act has significantly reduced child labour rates ensuring that every child receive education.
7. School near to home  
The act mandates government setup neighborhood school to ensure children can access education.
8. Better education quality  
School must follow prescribed quality norms including teacher qualification, infrastructure standard and student's teacher' relation.
9. Reduce gender gaps in education  
This act provides equal access to education addressed educational disparities and contributed women's social and economic advancement.

### National education policy 2020

The union cabinet has approved NEP in the year 2020 which aims to introduce several changes in Indian education system in accordance with modern educational needs. The union cabinet also approved rename ministry of human resources development to the ministry of education. The ministry of human resources development appointed committee chaired by D.N kasturirangan for preparing national education policy in 2017 and submitted its report 2019. The first two national policies on education was based on recommendation of the education commission (1964-66). This policy wants to "radical restructuring" of Indian education system with equalizing educational opportunities. National policy on education 1986 introduced 10+2 system which didn't address early childhood education or vocational training at the school level. This is also followed by content heavy curriculum and memorization and rigid structure limiting student's choices. But NEP 2020 introduced preprimary education and focusing on holistic development from early age. This policy promotes critical thinking, creativity, skill based learning. Its aim to create progressive and inclusive education.

### Key provision under NEP 2020

1. Restructuring schooling system  
The traditional 10+2 system is replaced by 5+3+3+4 model. This model divided into four main stages first foundational stage which involves 3 years of preschool with grade 1to 2, second preparatory stage which involves three years of schooling with grade 3 to 5, third middle stage which comprises six, seven, eight grade, last final stage which comprises grades 9 to 12. This new structure involves preschool education, vocational learning, skill development and ensuring holistic development to learning.
2. Competency oriented learning and continuous assessment  
Instead of promoting memorization heavy curriculum, the NEP advocate for competency based examination, deeper understanding, practical application. It results reducing dominance of final exam incorporating continuous assessment.
3. Multilingual language  
The mother tongue language or regional language will be primary medium of instruction. This ensures better conceptual understanding. The 'Ek Bharat Shrestha Bharat ' initiatives will encourage students to appreciate India rich linguistic and cultural diversity. It introduced three languages formula including their regional language Hindi and English.
4. Introduction flexible curriculum  
NEP allow students to choose subjects across stream such as combination of science and humanities promoting multidisciplinary education
5. Promoting vocational education  
It's strongly emphasizes on vocational education aiming to integrate skill based learning. This reduces dependency on traditional degree by providing alternative careers. It will boost India vision like 'skill India 'or' Atmanirbhar bharat'.
6. Holistic assessment  
NEP2020 moves away from memorization and emphasizes holistic assessment which evaluate students based overall learning, critical thinking, real world applications.

### Common aims and objectives between RTE act and NEP 2020

A major similarity in the aims and objectives of RTE act and NEP 2020 is there inclusive, equitable and quality education for children in India.

1. Universal Access to education  
Both policies emphasize on universal access to quality education to all levels to all level from early childhood to higher education, argued no child shall be denied admission in school. In this way both give importance to education for all.
2. Child development approach  
The education system priorities the needs and interests of children for their fullest development. Both focus on holistic development and wellbeing of children.
3. Equity and inclusion  
It is fundamental objective of both RTE act and NEP 2020

ensuring every children regardless of their background has equal opportunity to access education. It is also providing nondiscrimination practice to create Good environment.

#### 4. Reduction of dropouts

Reducing dropout's rates is the basic objective of both aim to ensure every children complete their education without any hurdles. For removing hurdles government provide mid-day meal, free text books and infrastructure improvement to retain student in school.

### Comparison between NPE 1986 and NEP 2020

There is a difference between provision under national policy on education 1986 and national education policy 2020 which are discussed below

#### 1. Difference in objective and vision

Initial policy focus on universal access to education, increasing literacy and removing disparities education those who are belong disadvantages group but latter policy give importance to the previous policy with more focus holistic multidisciplinary and flexible education system aligned with 21st century need.

#### 2. changing structure of school education

Initial policy follows 10+2 system. But latter policy introduced 5+3+3+4 structure covers education started at the age of 3. It covers four different stages started foundational stage, preparatory stage, middle stage, end with final secondary stage.

#### 3. Early childhood care education

NPE 1986 focused on development of children through integrated child development and services but didn't early childhood education. But NEP 2020 introduced ECCE framework where education start from 3 years as a part of formal schooling.

#### 4. Learning approach

Initial policy emphasis rote learning, memorization and Textbook based knowledge on the other hand NEP 2020 promotes conceptual learning, critical thinking, problem solving.

#### 5. Three languages formula

Although initial policy emphasis three languages formula through regional language Hindi and English but without strong emphasis on mother tongue language. But latter policy strengthens three languages formula encouraging mother tongue language or regional language as medium of instruction until class 5.

#### 6. Vocational skill based education

NPE 1986 introduced vocational education started at the secondary level but that remain underdeveloped. But NEP 2020 introduced vocational education start from class 6 including internship to promote skill development.

#### 7. Change in evolution and assessment

NPE 1986 relied on traditional based examination but latter policy emphasis on competency based assessment reducing the borders of final exam.

#### 8. Multidisciplinary education

NPE 1986 emphasis on specialization learning in stream

like science, arts, commerce. But national education policy focus on multidisciplinary education allowing students choose subjects from any stream.

### Is it right time to revise RTE act as per provision of NEP 2020

With the introduction NEP 2020 there is rise concern for revise RTE act in accordance with new educational reform.

1. Expanding age range for free and compulsory education  
The right to education act 2009, establishing to provide free and compulsory education for children age group 6 to 14 years. But it didn't include early childhood care education. National early childhood care education policy emphasis holistic development for children under 6 years. It envisions that anganwadi centers as primary role to deliver this ECCE. To address such gaps NEP 2020 give importance to expansion of age group for free and compulsory education with inclusion Early childhood care education. Through this children develop their foundational literacy, language development and improve social interaction. For achieving the goals of NEP 2020 there is need to expansion of the age from 3 to 18 for inclusive and holistic education.

#### 2. Conducting competency based test to monitor student progress

For reducing high dropout's rates among disadvantages students, RTE act introduced no detention policy allowing students to pass till completion of elementary education. This aim to reduce fear of failure and encourage continue school. However, this policy has eventually led to decline in students learning outcomes. in this response NEP2020 introduced structure assessment system at key stages grades 3,5 and 8. Teacher will be responsible for addressing learning gaps and students who fails they can repeat exam. Timely assessment can enhance learning outcomes, reduce dropouts, improve overall teaching quality.

#### 3. Strengthening teacher evolution and development

RTE act only specifies qualification of teachers but it doesn't specify uniform standards for requirement and continuous professional development. This led to variation in teacher training. The NEP introduced teacher selection criteria including classroom demonstration, interview, continuous training, skill enhancement, training technological integration in education.

#### 4. Introducing transparent school ranking system

The RTE act emphasizes infrastructure development in school including sanitation and drinking water facilities. To achieve greater transparency and accountability, NEP introduced assessment and accreditation council which institution evolution school performance. A structure of ranking system improves access, equity, quality in education

#### 5. Adopting holistic education combine multiple subject with skill based learning

NEP 2020 emphasis vocational education, digital learning, skill development from early stage. RTE act need to modify to incorporate experiential learning, competency based education.

#### 6. Integration of early childhood care education

RTE act only cover 6-14 year children but NEP emphasis early childhood care education including 3 to 6 years. This

requires for quality preschool education as part of formal education for developing language and communication.

#### 7. Reservation of seat for transgender children under RTE act

As government provide nondiscrimination against transgender they are facing challenges for completion of their education. Hence there is need to provide reservation seats for him help to provide get quality education without any discrimination and provide affirmative action to uplift. School should be made safe and welcoming for transgender student. Teacher and staff should be trained on a way they should create a supportive environment.

#### Conclusion

In conclusion, both RTE act and NEP 2020 aim to transfer Indian education system with modern educational needs by promoting universal access to education, equality, inclusiveness and quality. While NEP cover comprehensive approach cover all education, RTE act focus on elementary education. Despite different scope both policies aim to no one is left behind. Although NEP 2020 has not been properly implemented yet, there is still need to reform RTE act align with evolving educational needs. Modifying and strengthening RTE act can help achieve vision of NEP 2020 for more inclusive and holistic educational system.

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