

NATIONAL EDUCATION POLICY 2020 AND ITS IMPACT ON LEGAL EDUCATION

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I. INTRODUCTION

In India, the first National Education Policy was introduced by the administration in 1968. This was replaced by the National education policy in 1986, the implementation of previous policies on education has focused largely on issues of access and equity. The unfinished agenda of the National Policy on Education 1986, modified in 1992 (NPE 1986/92), A major development since the last Policy of 1986/92 has been the Right of Children to Free and Compulsory Education Act 2009 which laid down legal underpinnings for achieving universal elementary education.² And now in 2020, approximately after three decades, the NEP 2020 the new education policy is finally in place after a lot of prevarication in the recent years; two previous drafts were submitted by two committees, namely the Subramanian Committee (May 2016) and the Kasturirangan Committee (May 2019). In June 2017, the Committee for the Drafting NEP was constituted under the chairmanship of Dr. K Kasturirangan, former chief of the Indian Space Research Organisation (ISRO), which submitted **the Draft National Education Policy 2019**³ on 31 May 2019, the NEP 2020 has been formulated after having considered nearly over 2 lakh suggestions from across India. The policy document says that it "aims at producing engaged, productive, and contributing citizens for building an equitable, inclusive, and plural society." The details of this NEP were released to the nation after cabinet approval on 29th June. It was said that this NEP 2020, would be a comprehensive framework to guide the development of education in the country.

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² NEP 2020, p 4

³ Draft National Education Policy (2019): Ministry of Human Resource Development, Government of India https://www.mhrd.gov.in/sites/upload_files/mhrd/files/Draft_NEP_2019_EN_Revised.pdf

II. PRINCIPLES OF NEP 2020

The purpose of the education system is to develop good human beings capable of rational thought and action, possessing compassion and empathy, courage and resilience, scientific temper, and creative imagination, with sound ethical moorings and values. It aims at producing engaged, productive, and contributing citizens for building an equitable, inclusive, and plural society as envisaged by our Constitution. A good educational institution is one in which every student feels welcomed and cared for, where a safe and stimulating learning environment exists, where a wide range of learning experiences are offered, and where good physical infrastructure and appropriate resources conducive to learning are available to all students. Attaining these qualities must be the goal of every educational institution. However, at the same time, there must also be seamless integration and coordination across institutions, and all stages of education. The fundamental principles that will guide both the education system at large, as well as the individual institutions within it are:

- recognizing, identifying, and fostering the unique capabilities of each student, by sensitizing teachers as well as parents to promote each student's holistic development in both academic and non-academic spheres;
- according the highest priority to achieving Foundational Literacy and Numeracy by all students by Grade 3;
- flexibility, so that learners can choose their learning trajectories and programs, and thereby choose their paths in life according to their talents and interests;
- no hard separations between arts and sciences, between curricular and extra-curricular activities, between vocational and academic streams, etc. to eliminate harmful hierarchies among, and silos between different areas of learning;
- multidisciplinary and a holistic education across the sciences, social sciences, arts, humanities, and sports for a multidisciplinary world to ensure the unity and integrity of all knowledge;
- emphasis on conceptual understanding rather than rote learning and learning-for-exams;
- creativity and critical thinking to encourage logical decision-making and innovation;
- ethics and human & Constitutional values like empathy, respect for others, cleanliness, courtesy, democratic spirit, the spirit of service, respect for public property, scientific temper, liberty, responsibility, pluralism, equality, and justice;
- promoting multilingualism and the power of language in teaching and learning;

- life skills such as communication, cooperation, teamwork, and resilience;
- focus on regular formative assessment for learning rather than the summative assessment that encourages today's 'coaching culture';
- extensive use of technology in teaching and learning, removing language barriers, increasing access for Divyang students, and educational planning and management;
- respect for diversity and respect for the local context in all curriculum, pedagogy, and policy, always keeping in mind that education is a concurrent subject;
- full equity and inclusion as the cornerstone of all educational decisions to ensure that all students can thrive in the education system;
- synergy in curriculum across all levels of education from early childhood care and education to school education to higher education;
- teachers and faculty as the heart of the learning process – their recruitment, continuous professional development, positive working environments and service conditions;
- a 'light but tight' regulatory framework to ensure integrity, transparency, and resource efficiency of the educational system through audit and public disclosure while encouraging innovation and out-of-the-box ideas through autonomy, good governance, and empowerment;
- outstanding research as a corequisite for outstanding education and development;
- continuous review of progress based on sustained research and regular assessment by educational experts;
- a rootedness and pride in India, and its rich, diverse, ancient and modern culture and knowledge systems and traditions;
- education is a public service; access to quality education must be considered a basic right of every child;
- substantial investment in a strong, vibrant public education system as well as the encouragement and facilitation of true philanthropic private and community participation.⁴

III. OBJECTIVES OF NEP 2020

The NEP 2020 seeks to introduce and implement a sea of changes across all levels of education in India, including the essential understanding of education in the country. It also seeks to implement changes in the way the facilitators of such education – schools, colleges, and teachers

⁴ NEP 2020 p4-5

– are trained and how they approach education. The policy is based on the pillars of “access, equity, quality, affordability, accountability” and will transform India into a “vibrant knowledge hub”, The policy is supposed to address seven key issues⁵ of educational development namely

1. easy access for the students,
2. ease of participation,
3. quality of courses offered,
4. equity,
5. system efficiency,
6. governance and management,
7. facilities of research and development, and financial commitment involved.

In the next part of this paper, we will examine whether the provisions of NEP 2020 are promising only or trying to achieve these objectives and whether they are truly satisfying these criteria? And in the evaluation part, we will also discuss what are the hits of the policy and in the conclusion and suggestions part, we will identify the misses of the policy.

IV. NEP 2020: TO TRANSFORM AND CREATE A DYNAMIC EDUCATION SYSTEM

Education is the backbone of a nation and a nation will achieve national pride by educating its population only by its own social and cultural traditions, philosophy, and ethos. Education must contain rich historical and social values, true historical and cultural information, the struggle of nation-building, and dark part of the history also, without adding these factors in our curriculum, we are only certifying our student with a piece of paper without any real knowledge and skills. The difference between informed and educated must be understood and the education policy must try to achieve the aim to educate not to inform, the aim of education should not be a job only because getting a good job and a handsome perk is only a part of the education not an aim of education, the NEP 2020 is a promising step toward achieving the goal of education in real sense.

⁵ <https://thediplomat.com/2016/07/indias-new-education-policy-what-are-the-priorities/>

According to K Kasturirangan

"transforming and creating a dynamic education system is fundamental for the progress of any country – India is no different" and that the idea "is to open our minds to excellence."⁶

The study must be attracting and the curriculum must develop an interest in children so that they don't refrain themselves from schools, the NEP aims to reduce the curriculum content to its core essentials, focusing on key concepts and ideas so that children can practice more critical thinking and among other things, more analysis-based learning. The NEP also states that there will be no hard separation among 'curricular', 'extra-curricular', or 'co-curricular' areas, among 'arts', 'humanities', and 'sciences', or between 'vocational' or 'academic' streams. During grades 6-8, students will be required to take a course that will provide hands-on experience of some important vocational crafts as well. Children will also be given increased flexibility in the choices of subjects they wish to study, especially in the secondary stage.

V. NEP 2020: REFORMING HIGHER EDUCATION SYSTEM

The NEP naturally brings about a sea of changes in the system of higher education as well, aiming to improve it with the goal of "creation of greater opportunities for individual employees." The NEP 2020 offers a single regulator for higher education institutions, multiple entries and exit options in degree courses, low stakes board exams, and common entrance exams for universities. It also aims to universalize access to school education at all levels, pre-primary to secondary level with 100 percent Gross Enrollment Ratio (GER) in school education by 2030 and also to increase the GER in higher education, including vocational education from 26.3 percent as of 2018 to 50 percent by 2035.

⁶<https://www.livemint.com/education/news/a-flexible-education-system-under-nep-2020-will-open-our-minds-to-excellence-k-kasturirangan-11596117667217.html>

1. **SINGLE-STREAM** One of the main aims of NEP is to overhaul the fragmented nature of India's existing higher education system and instead bring together higher education institutions (HEIs) into large multidisciplinary universities, colleges, and HEI clusters/knowledge hubs. The policy states that over time, single-stream HEIs will be phased out.
2. **CHANGE IN UNDERGRADUATE DEGREE** the undergraduate degree will be of either a three or four-year duration, with multiple exit options within this period, with appropriate certifications for those dropping out at a certain point in the course. HEIs will also be able to offer master courses of different designs, based on the undergraduate degree of the student.
3. **MULTIPLE ENTRY AND EXIT OPTIONS** multiple entry and exit options at the undergraduate level have been proposed to be allowed. The academic bank of credit will help store credits, and the concept of credits will finally get more weightage in India. However, the students today will have the freedom to experiment with what they have to learn and have the flexibility in it.⁷
4. **M. Phil. PROGRAMME** as the research option is provided in 4th year in the Undergraduate course and/or in Postgraduate course, so the M. Phil. (pre-Ph.D. research) program has been discontinued by the NEP 2020.
5. **WORLD-CLASS RESEARCH TO BENEFIT SOCIETY** The NEP has recommended the establishment of a National Research Foundation which will be the nodal agency for all research work by our universities.⁸
6. **ACADEMIC BANK OF CREDIT** the NEP is seeking to implement is an "Academic Bank of Credit (ABC)", which will be able to digitally store academic credits earned from various recognized Higher Education Institutions (HEI). This will allow degrees from an HEI to be awarded taking into account credits earned.
7. **AUTONOMY BASED ON ACCREDITATION** the NEP states that a system of granting graded autonomy based on accreditation will be adopted for colleges, eventually, the aim is to transform them into an autonomous degree-granting college, or a constituent college of a university.

⁷ <http://bweducation.businessworld.in/article/NEP-2020-Impact-On-Higher-Education-/07-08-2020-305999/>

⁸ <https://www.livemint.com/education/news/a-flexible-education-system-under-nep-2020-will-open-our-minds-to-excellence-kasturirangan-11596117667217.html>

8. THE HIGHER EDUCATION COMMISSION OF INDIA (HECI) The most significant highlight of NEP 2020 is the proposal to set up the Higher Education Commission of India (HECI), a single overarching umbrella body for higher education, excluding medical and legal education. HECI has four independent verticals

- (i). National Higher Education Regulatory Council (NHERC) A change has also been proposed to the regulatory system, with the National Higher Education Regulatory Council (NHERC) set to function as one single regulator for the higher education sector, including teacher education but excluding medical and legal education.
- (ii). General Education Council (GEC) for standard-setting,
- (iii). Higher Education Grants Council (HEGC) for funding,
- (iv). National Accreditation Council (NAC) for accreditation.

In India, to have uniformity in education standards, a single umbrella body was always a requirement. Multiple independent governing bodies led to many standardization issues across institutions, and along with that, any improvement plan to be implemented in this higher education domain took years. If the proposed plan is implemented, uniformity and coordination for all institutions in this country will be much easier. Process changes will be easily implemented and effective too.

9. SINGLE UNIVERSITY ENTRANCE EXAM

the proposal to introduce a single university entrance exam conducted by the National Testing Agency another important provision. Earlier, to seek admission across various universities, a student had to go through the burden of multiple examinations plus the varied difficulty level of question papers across many central universities. If this plan is implemented, a student can give one entrance exam and get saved from the burden of many. At the same time, the question paper's level will be standardized, error-free as NTA conducts it, and the admission process will be streamlined.

10. UNIVERSITIES TO SET UP OFFSHORE CAMPUSES

The policy also allows universities to set up offshore campuses as well as many foreign universities can now set up institutes in India. This move is welcoming indeed. It will lead to competition, talent flow, and key practices from the outside to India, which will ultimately lead to a great deal of improvement in the country's education standards. It will also provide real

exposure to children, and probably there would come a day where students can afford global education in India, instead of spending lakhs in another country.

11. ESTABLISH MULTI-DISCIPLINARY COLLEGES IN EVERY DISTRICT

The focus on having multi-disciplinary colleges in every district by 2030 is a promising idea as well. It will renew the countries' focus on arts, humanities, and a multi-disciplinary form of education to ensure that our students are skilled well for the career ahead. Remote learning of concepts has kept our students very far behind in terms of skills so far.

VI. IMPACT OF NEP 2020 ON LEGAL EDUCATION

Preparation of professionals must involve education in the ethic and importance of public purpose, an education in the discipline, and an education for practice. It must centrally involve critical and interdisciplinary thinking, discussion, debate, research, and innovation. For this to be achieved, professional education should not take place in the isolation of one's specialty. Professional education becomes an integral part of the overall higher education system.

We will discuss some important provisions affecting the legal education in India, the new education policy 2020 moot some significant changes for the Legal education sector, NATIONAL LAW UNIVERSITIES and calls to restructure Legal education

1. RESTRUCTURING OF STAND-ALONE INSTITUTIONS (INCLUDING NLU) The NEP 2020 provides restructuring of agricultural universities, legal universities, health science universities, technical universities, and stand-alone institutions in other fields shall aim to become multidisciplinary institutions offering holistic and multidisciplinary education. All institutions offering either professional or general education will aim to organically evolve into institutions/clusters offering both seamlessly, and in an integrated manner by 2030. This provision will restructure the National Law Universities, as NLUs are established under the State's Statutes so the lack of uniformity in management, curriculum structure, admission process, and fee structure, the NEP 2020 will try to restructure it according to the proposed structure.

2. **LEGAL EDUCATION NEEDS TO BE COMPETITIVE GLOBAL** adopting best practices and embracing new technologies for wider access to and timely delivery of justice. At the same time, it must be informed and illuminated with Constitutional values of Justice – Social, Economic, and Political – and directed towards national reconstruction through instrumentation of democracy, rule of law, and human rights. The curricula for legal studies must reflect socio-cultural contexts along with, in an evidence-based manner, the history of legal thinking, principles of justice, the practice of jurisprudence, and other related content appropriately and adequately.

3. **BILINGUAL LEGAL EDUCATION POLICY** it also states that the state institution of education must consider offering bilingual education for future lawyers and judges in English and in the language of the state in which the institution is situated, this is to alleviate delay in legal outcomes consequences to need for transformation in the state. By this provision, the bar of language would be eliminated and it will provide a chance to the student from non-English background to get a law degree from a reputed institution.

VII. OVERVIEW OF NEP 2020

The policy envisages broad-based, multi-disciplinary, holistic Under Graduate education with flexible curricula, creative combinations of subjects, integration of vocational education, and multiple entry and exit points with appropriate certification. An Academic Bank of Credit is to be established for digitally storing academic credits earned from different HEIs so that these can be transferred and counted towards final degree earned. Multidisciplinary Education and Research Universities (MERUs), at par with IITs, IIMs, to be set up as models of best multidisciplinary education of global standards in the country. The National Research Foundation will be created as an apex body for fostering a strong research culture and building research capacity across higher education. Higher Education Commission of India (HECI) will be set up as a single overarching umbrella body for entire higher education, excluding medical and legal education. Public and private higher education institutions will be governed by the same set of norms for regulation, accreditation, and academic standards. Affiliation of colleges is to be phased out in 15 years and a stage-wise mechanism is to be established for granting graded autonomy to colleges. A new and comprehensive National Curriculum Framework for Teacher

Education, NCFTE 2021, will be formulated by the NCTE in consultation with NCERT. By 2030, the minimum degree qualification for teaching will be a 4-year integrated B.Ed. degree. Stringent action will be taken against substandard stand-alone Teacher Education Institutions (TEIs). **A National Mission for Mentoring** will be established, with a large pool of outstanding senior/retired faculty who would be willing to provide short and long-term mentoring/professional support to university/college teachers. The National Scholarship Portal will be expanded to track the progress of students receiving scholarships. Private HEIs will be encouraged to offer larger numbers of free ships and scholarships to their students. Measures such as online courses and digital repositories, funding for research, improved student services, credit-based recognition of MOOCs, etc., will be taken to ensure distance learning is at par with the highest quality in-class programs. A comprehensive set of recommendations for promoting online education consequent to the recent rise in epidemics and pandemics to ensure preparedness with alternative modes of quality education whenever and wherever traditional modes of education are not possible has been covered. A dedicated unit to orchestrate the building of digital infrastructure, digital content, and capacity building will be created in the HRD ministry to look after the e-education needs of both school and higher education. An autonomous body, the National Educational Technology Forum (NETF), will be created to provide a platform for the free exchange of ideas on the use of technology to enhance learning, assessment, planning, administration. NEP recommends setting an Indian Institute of Translation and Interpretation (IITI), National Institute (or Institutes) for Pali, Persian, and Prakrit, strengthening of Sanskrit and all language departments in HEIs, and use mother tongue/local language as a medium of instruction in more HEI programs. Internationalization of education will be facilitated through both institutional collaborations and student and faculty mobility and allowing entry of top world-ranked universities to open campuses in India. Stand-alone technical universities, health science universities, legal and agricultural universities, etc will aim to become multi-disciplinary institutions. The policy aims to achieve 100% of youth and adult literacy. The Centre and the States will work together to increase the public investment in the Education sector to reach 6 percent of GDP at the earliest.

VII. RECOMMENDATIONS AND SUGGESTIONS

Now the involvement of law is not limited to the courtroom only but it is common and everyone has to deal with legal provisions and legal documents and dealing with the law is part and parcel of life, You are using an online service, banking, property dealing or even buying a bus ticket you have to be face to face with legal provisions and terms and conditions of the service provider. Every service provider has a law team to create the document in his favor while the other contracting party has no any legal knowledge or legal backing, in several cases, the aggrieved party doesn't know that his rights have been hampered, and they have to face loss and also they are compelled to go to court and bear a large amount of money and trauma.

After a detailed study of the NEP 2020, the researcher would submit that

1. **THE BASIC LEGAL EDUCATION MUST BE INCLUDED IN SENIOR SECONDARY LEVEL** the basic legal education will develop an interest in the mind of students about the legal system and policy-making of the country, and also inform them about the importance of their rights and duty. It will also provide a more dedicated student for Law schools. Also, basic legal education is a must to be aware of rights, and duties and it will help to solve several minor problems at a very initial level.
2. **JOB OPPORTUNITY FOR LAW STUDENTS** adding basic legal education at the school level will provide an opportunity to students having an LLM degree to teach Senior Secondary students like TGT teachers it would be a new job option for law students.
3. **VOCATIONAL TRAINING IN LAW** researcher submits to make policy for vocational training in law to trained para-legal staff for courts and lawyers.it would be beneficial for the judicial system of India to solve the backlog and pendency of cases.

As mentioned in NEP 2020 "Students will be given increased flexibility and choice of subjects to study, particularly in secondary school - including subjects in physical education, the arts and crafts, and vocational skills"⁹ here law must be included. Also, NEP 2020 says that in Para 16. Reimagining Vocational Education "The 12th Five-Year Plan (2012–2017) estimated that only a very small percentage of the Indian workforce in the age group of 19–24 (less than 5%) received formal vocational education Whereas in countries such as the USA the number is 52%, in Germany 75%, and South Korea it is as

⁹ NEP 2020, Para 4.9, p 13

high as 96%. These numbers only underline the urgency of the need to hasten the spread of vocational education in India.”¹⁰ It would be beneficial for the students who want to join the legal system as supporting staff.

4. LEGAL EDUCATION MUST BE INCLUDED IN TEACHER EDUCATION

“Teacher education is vital in creating a pool of schoolteachers that will shape the next generation. Teacher preparation is an activity that requires multidisciplinary perspectives and knowledge, formation of dispositions and values, and development of practice under the best mentors. Teachers must be grounded in *Indian values, languages, knowledge, ethos, and traditions including tribal traditions*, here **the legal knowledge** is missing, the researcher submits that legal education must be included in teacher education also.”¹¹

5. PROVIDE QUALITY TEXTBOOK FOR BILINGUAL EDUCATION

bilingual education policy would be succeeded when the students get the good quality of books in their language, translating a book from English to other languages would not suffice, for publication of quality textbook proper funding and backing is needed.

As the NEP 2020 is only a structural document and many provisions and policy documents will be made to achieve this goal so the researcher submits to consider these suggestions.

IX. CONCLUSION

In the end, as the vision¹² of the NEP 2020 mentioned that “to establish an education system rooted in Indian ethos that contributes directly to transforming India, that is Bharat, sustainably into an equitable and vibrant knowledge society, by providing high-quality education to all, and thereby making India a global knowledge superpower”. The Policy envisages that the main aim of the NEP 2020 is to develop among the students a deep sense of respect towards the Fundamental Duties and Constitutional values, bonding with one’s country, and conscious awareness of one’s roles and responsibilities in a changing world. To instill among the learners a deep-rooted pride in being Indian, not only in thought, but also in spirit, intellect, and deeds, as well as to develop knowledge, skills, values, and dispositions that support responsible

¹⁰ NEP 2020, Para 16.1, p 43

¹¹ NEP 2020, Para 15.1, p 42

¹² NEP 2020, p 6

commitment to human rights, sustainable development and living, and global well-being, thereby reflecting a truly global citizen it is important to point out that these policies have all been proposed, and there is a long way to go before the implementation rolls out¹³. The policies and the suggested changes look great on paper, and they would change the face of the Indian education system in the years to come, but that would depend on how they are approached and implemented.¹⁴ In conclusion, the researcher submits that the aim and objectives of the NEP 2020 are quite appealing, and the effective implication would make India "Vishwa Guru"¹⁵ again.

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¹³ *ibid*

¹⁴ <http://bweeducation.businessworld.in/article/NEP-2020-Impact-On-Higher-Education-/07-08-2020-305999/>

¹⁵ NEP 2020, Para 12.8, p 39