

Locating Children's Right to Education in India's National Education Policy 2020

Gunjan Sharma

Dr. B. R. Ambedkar University Delhi, Delhi, India

Sunita Singh

Dr. B. R. Ambedkar University Delhi, Delhi, India

Abstract

This paper traces the location of the principles of India's Right of Children to Free and Compulsory Education (RTE) Act, 2009, in the country's most recent National Education Policy (NEP) 2020, and the documents leading up to the policy. It draws on the capability development approach and critical theory that facilitate understanding education as a fundamental right, moving beyond the narrow understanding of education as a mere instrument for the global economy. It also draws on global education policy literature and critical policy analysis lens to examine the assumed policy rationality. Based on a qualitative document analysis the paper argues that the policy does not demonstrate a commitment to the ideas of public-funded elementary education, child-centered democratic learning environment, and bridging the gap between equity and quality. The recommendations signal a further dilution of the RTE mandates. The policy statements and linguistic choices show an allegiance to neoliberal discourses reflecting the influence of global education policy transfer without systematic consideration of the realities of Indian school education. This approach indicates a missing link between the policy aims and social justice, that does not bode well on the educational rights of the marginalised children.

Keywords: *right to education, national education policy, critical policy analysis, social justice*

Introduction

India is considered to be the largest democracy globally with a high demographic dividend offering immense potential for economic growth. India's educational status, policies and programmes have been a subject of global development discourses particularly given the high returns on investment that education offers. These discourses have increasingly shaped India's education policies and practices, especially from the 1990s as the economic liberalisation policies were actively implemented. Since then, there has been a rise in privatisation across the levels of education. Guided by a neo-liberal imaginary, these discussions have elided and skirted critical engagement with social and educational inequalities in India, and the broader democratic aims of education (Nambissan, 2015). Historically, the oppressed castes, tribal groups, religious and linguistic minorities, women, and other socio-economically disadvantaged groups in India, have faced issues in access to and successful transition in school and further education. Despite an overall increase in the school enrolment of these marginalised groups there are concerns about the quality and meaningfulness of education accessible to them. Critical studies have highlighted the lack of systematic policy engagement with the longstanding concerns of bridging the goals of access, equity and quality in education, and the need for a broader articulation of education as a fundamental human right and for social justice and democracy (Raina, 2020a).

Against this background, in 2002, the Indian parliament introduced an amendment in the Constitution of India to make education a fundamental right of children in the ages of six to fourteen years. This was followed by the introduction of the

Right of Children to Free and Compulsory Education (RTE) Act, 2009, that was implemented in 2010. A decade after the implementation of Act, the Government of India released the National Education Policy (NEP) 2020 (Ministry of Education (MoE), 2020). The NEP 2020 has been released at a time when the social policy directions in India, especially over the past one decade, have been debated in critical literature (Chacko, 2018; Thapliyal, 2023). The rise of authoritarianism, populism, backsliding of democracy, awkward but effective alliance of neo-liberal and neo-conservative ideologies, and the conundrums of the Coronavirus pandemic, are seen as having shaped the broad policy directions across sectors. In education, these policy shifts have become visible in the new formations between the market, state and education. A host of non-state global and local actors have acquired a legitimate status of knowledge brokers, reformers/agents of change, and policy advocacy groups, that work with the state to manufacture centralising instruments such as national policies, national curriculum, national standards, and national assessments. Such regimes of power and truth “make it more likely that an emphasis on the weak state and a faith in markets will cohere with an emphasis on the strong state and a commitment to regulating knowledge, values, and the body” (Apple, 2004, p. 23).

Located in this context, this paper tracks the status of the core principles of India’s RTE Act, 2009, in the NEP released in 2020 and the documents that have led to the evolution of this policy. Taking the RTE legislation and NEP 2020 as cases in point, the broader purpose of the paper is to understand the continuities and discontinuities that shape India’s policy discourse and make sense of the implications of these for the educational rights of marginalised children. Based on qualitative document analysis the paper examines the NEP 2020, its preceding official and unofficial drafts, and related frameworks to examine the location of

three fundamental RTE principles of: a) public-funded elementary education, b) child-centered democratic learning environment, and c) bridging the gap between equity and quality.

There are critical commentaries on NEP 2020 analysing its different aspects from a social justice perspective including the broader concerns relating to children's right to education available in the existing literature (Batra, 2020; Bhatta, 2020; Raina, 2020a; Rampal, 2021; Rampal, 2020). It has also been argued that a policy document emerging from a neoliberal-neoconservative regime could not be expected to address social justice concerns (Kumar, 2021). In this context, the need for an anti-capitalist alternative imagination of education policy – largely seen as missing in the organised politics in India – has been underlined (Kumar, 2021). This paper has been framed amidst these discussions on the NEP 2020. While engaging with the critical commentaries we found that a study that systematically follows the evolution of the recommendations across the policy documents is currently not seen in the relevant literature. Such an approach would facilitate making sense of the policy framework 'as a whole', rather than only examining the final document in isolation, and support critical analysis of the policy process. With the ongoing discussions on NEP 2020 in India, there is a need for a research-based understanding of not only the underlying policy issues with regards to the RTE Act, 2009, but also of the assumed policy rationality that cross cuts the dominant discourses. Following this approach, the paper is organised in five sections. The first section contextualises the current education policy context in India, with a focus on NEP 2020 and RTE Act, 2009. The second section discusses the perspectives and literature that have informed the study, including the capability development approach, critical theory and critical policy analysis, and global education policy studies. The third and fourth sections present the method

followed for this study and the findings respectively. The last section is conclusion and discussion.

Policy context of NEP 2020 and the RTE

India's Ministry of Education, known as Ministry of Human Resource Development (MHRD) until 2020, released the third NEP in July 2020. The development of the policy was announced in 2014 as being based on a grassroot or bottom-up consultative approach¹. The then MHRD minister was quoted saying that while in the previous political regimes a few "experts" (academics, bureaucrats, and politicians) decided what the nation should study, this policy would be shaped by the views of India's Village Education Committees – decentralised education governance structures at village level comprising of village heads, village school head and other community members (Kumar, 2015, para 2). The Ministry thereby decided to invite suggestions through a decentralised consultative process from across the country amounting to roughly 2,50,000 meetings at the village level, 6,600 at the block level, 3,700 at the urban local bodies level, and 676 at the district level. This was to be followed by around 100 state level, six to eight regional, and 12 national consultative meetings². A National Task Force was expected to consolidate the views emerging from these consultations in the form of policy recommendations. At different stages of this entire process, certain guiding documents including consultative frameworks and policy drafts were made public for receiving feedback and comments from across the country. This consultative approach was highlighted by the Ministry as a unique feature of the policy. However, who were involved in these consultations and the process of policy evolution have remained opaque as not much information has been officially provided. It is, however, observed that the grassroot consultation process turned out to be a 'logistical nightmare' (Kumar, 2015, para

1). Deployment of such populist approach of national and state-level policy framing and decision-making in education has become dominant in social policy in India in the past decade (Chacko, 2018).

The final policy was released after over three decades since the second NEP in 1986 (and its programme of action in 1992). Over this period the education sector has undergone massive changes and restructuring, especially with the implementation of the economic liberalisation reforms of the 1990s that are seen as having been shaped by the pressures of the global economy (Raina, 2020b; Sharma, 2019). These changes were also reflected in a rapid and massive expansion of education across all levels, especially school education, as a reflection of the aspirations across socio-economic groups to participate in the global knowledge economy for upward social mobility (Sharma, 2021). This in turn shaped the intensely diversified landscape of school education in India that has led to debates on what comprises equitable quality education and on public funding of education. On the one hand, there are arguments that define quality in terms of minimum learning levels or outcomes (Banerji and Chavan, 2016). On the other hand, there are critical studies conceptualising quality as a holistic concept that integrates the concept of equity (Batra, 2020; Raina, 2020a; Rampal, 2021). While there is a fair agreement on the abysmal quality of public schools, some stakeholders argue for a systemic strengthening of the public system (Nambissan, 2015), and others advocate public-private partnerships and affordable schools as the way forward (Central Square Foundation, 2020; Jain and Dholakia, 2009). These debates reflect distinct positions on the primary aim of education – whether the aim is to merely create a skilled workforce, or it is to deepen democracy [this is discussed further in the next section].

Even though after 1986-92 a national education policy has not been designed, during the intermittent decades there have been significant national level initiatives that have brought shifts in the education sector – particularly in the elementary education in the country. Some of these developments arguably have aimed at democratising education. The RTE Act, 2009, is one such development for elementary education that has a bearing on the other school levels as well. The RTE Act, 2009, is the legislation for Article 21(a) of the Constitution of India, that states, “The State shall provide free and compulsory education to all children of the age of six to 14 years in such manner as the State may, by law, determine” (p. 11). On the one hand, the Act is seen as a critical turn in the discourse on public-provisioning of elementary education in India following the legal battles of the 1990s (Sharma, 2016). On the other hand, the Act and the processes through which it has emerged have been critiqued for being neoliberal and discriminatory. It is argued that the Act contradicts or dilutes the Constitutional principles of equality and justice by: a) restricting the age group of children and school stages covered; b) restricting the financial commitment and accountability of the state; and c) legitimising multi-layered school system based on social class divisions (see Sadgopal, 2015).

While the RTE Act, 2009, has been debated, it is broadly agreed that with regards to the curricular aspects it is based on a reform continuum that has followed the concern for democratising learning and recentering education around the interest of the learners. The Act has emerged from the glaring gap between equity and quality in the Indian classrooms. The high dropout rates and repeated failures have been major challenges in universalising elementary education often seen as being linked with lack of critical and meaningful classroom experiences (Sharma, 2016). The need for systemic reforms in inequitable quality, uninteresting rote-based

curriculum, and undemocratic punitive/fear-based pedagogies and assessments has been long discussed (Nawani, 2013, 2020). The other policy related documents in this reform continuum include the Learning without Burden Report 1993 (MHRD, 1993), the National Curriculum Framework 2005 (National Council of Educational Research and Training, 2005), the National Curriculum Framework for Teacher Education 2009 (National Council for Teacher Education, 2009) and the Justice Verma Commission on Teacher Education 2012 (MHRD, 2012). The RTE Act is meant to operationalise Article 21(a) of the Constitution of India, whereas the Learning without Burden Report 1993 and the National Curriculum Framework 2005 outline what democratic child-centered educational experience would look like in school contexts. The National Curriculum Framework for Teacher Education and the Justice Verma Commission on Teacher Education chart the revamping of teacher education in the country to reform teaching–learning in schools. These policy related documents foreground education as children's right and outline a framework to reform 'quality' of school education. These three policy related frameworks have not been fully implemented and have been debated as being 'difficult to implement' as these were met with resource constraints and lack of political motivation (Nawani, 2013; RTE forum, 2020). It is also argued that based on elitist framings of education these documents were unable to create a sense of ownership among the enactors, thereby fueling resistance among the practitioners (Setty, 2014).

However, even before the RTE Act, 2009, was fully implemented, two amendments in its provisions have already been introduced and enacted. These include:

a) The amendment in Section 23(2) that mandated the provision of qualified teachers at the elementary school stage within five years from the Act's

implementation – that is, by 2015. Paradoxically, the mounting shortage of trained teachers led to its amendment in August 2017 (RTE Amendment Act, 2017), extending the time for teachers to acquire the qualifications (Batra, 2017).

b) The amendment in Section 16 of the RTE Act, 2009, known as the No Detention (not failing children) provision at the elementary school stage. This Section mandated that any child admitted in a school shall not be held back in any class or expelled till the completion of elementary education. Since its implementation in 2010, it has been argued by several interest groups that No Detention “is neither practicable nor desirable in the given school realities in India” (Sharma, 2018, para 2). This second amendment was passed in the Indian parliament in July 2018 and enacted through the RTE (Amendment) Act, 2019³. With this amendment, rather than a progression of each child in the subsequent grade until the completion of elementary education, it is within the power of the governments, schools, teachers, and parents to detain children in Classes V and VIII based on their performance on tests. This also implicates other aspects of the RTE Act, such as Section 29(h) of that suggests Continuous Comprehensive Evaluation as the basis for gauging learning rather than relying on single shot examinations (Nawani, 2020; Sharma, 2016). This has been further discussed in the findings section of the paper. These amendments signal the dilution of those dimensions of the RTE Act, 2009, that are critical in quality education provision and require resource commitments (Batra, 2017). It can therefore be inferred that the Act that was critiqued for being restrictive and discriminatory has further been narrowed down. This provides a glimpse into the workings of a neoliberal and neoconservative state and limited scope for any solutions to emerge from the current framework of the state (Kumar, 2021). Given these developments, it becomes essential to examine the continuities and contradictions between these RTE related discourse and the NEP 2020, to

make-sense of the future trajectories of the educational rights in education policy thinking in India.

Educational aims, global policy transfer and rights of the marginalised

To develop a conceptual framework for the study, we have drawn upon three kinds of literature. The first set of works has supported conceptualising the linkages between liberal purposes of education and social justice while pointing to the problems of understanding educational aims in narrow economic terms. The second set of works have supported the understanding of how markets and state mediate educational policies leading them farther away from democratic goals and towards neoliberal and neoconservative agenda. The third set of works, taking India as a case in point, explicate the effects that such policies produce for the education in marginalised contexts.

This paper understands education as a democratic right of individuals. It draws upon the works of Sen (2009) and Nussbaum (2011) that provide a framework – capability development approach – for public-policy thinking while interlinking the concept of development with quality of life and freedom. This approach attributes a constitutive role to education in the development of human capabilities “to lead more worthwhile and free lives” (Sen, 1999, p. 295), while simultaneously challenging the narrow view of education as a mere instrument for income-generation and creating knowledge-workers for the global economy (Nussbaum, 2011). In other words, it provides an alternative to the utilitarian or preference-based economic models of social policy and distribution by paying attention to human flourishing (or what people can do) rather than focusing on “how much they have” (Hinchcliffe and Terzi, 2009, p. 387). The capability approach has supported the analysis of this study by providing a critique of the policy

interpretation of education as ensuring ‘basic’ or ‘foundational’ learning defined in terms of minimal standards – as these are insufficient for the development of capabilities for free or good lives. This critique is especially important in instances where policies are narrow and instrumental in nature, “for example those that concentrate on a narrow focus such as raising achievement through testing”, and at the same time claim to deliver equality and social justice within a liberal welfare framework (Maguire, 2019, p. 299). However, based on the liberal notion of justice, Sen’s (1999) approach has its own limitations and critiques. The emphasis in the capability approach on individual and effective freedom displaces or fundamentally contradicts anti-capitalist notions of social justice. Nussbaum’s (2003) focus on the ‘collective’ to some extent addresses this concern. However, in general liberal justice prioritises the individual whereas the community is limited to the state. It seeks to limit state power through the rule of law, freedom of expression, and protection of property rights and private-family spaces (Gindin, 2002).

With this understanding of goals of education and tensions therein, the paper draws upon critical theory, particularly Apple’s (2000, 2001, 2009a, 2009b, 2019) analysis of power, politics and ideology in school education. These works understand education and education policy as resulting from struggles by powerful groups “to make their knowledge legitimate and increase their power in the larger arena” (Apple, 2000, p. 10), while envisioning schools as spaces for democratic practice for social repositioning (Apple, 2009a, 2009b). Apple’s (2001) central argument is that the coalition of the Right promotes a policy perspective rooted in “conservative modernisation” often consisting of “odd combination of markets, return to lost traditions and values, a godly education and the managerialism of tightened standards” (p. 26). This perspective argues for freeing the public schools

by placing these in markets and tightening control through standards and testing, while also simultaneously pushing for restoration of 'the' tradition and culture. It thereby alters the common-sense about public education and re-organise the identity politics. Apple (2001) furthers the understanding of education policies as essentially political rather than as straightforward drivers of reform, while also highlighting the need to examine the underlying identity politics by asking whose interests does policy represent and whose voices are excluded. This lens, or the critical policy analysis approach, has been extended in multiple ways by education policy scholars. For instance, Ball (1993) furthers the understanding of policy as text, as discourse and effects, and Rizvi's (2006) work extends the view that policy is not neutral and descriptive but is essentially politically constituted and framed by negotiations within and among local, national, and global actors. Gorur (2011) develops the understanding of 'policy as assemblage' to make sense of the new orthodoxy of "Evidence Based Policy" and explains policy as a "chaotic hodgepodge" while questioning the certainties that characterise policy rationality (p. 619).

Based on these perspectives, we have followed two trajectories in the relevant literature. One of these trajectories concerns global education policy that has significantly shaped education policy directions in India since 1990s, including the NEP 2020. Global education policy is often understood as global education goals or norms setting (for example, Education for All Goals, and Sustainable Development Goals) by International Organisations and other non-state actors (like, international development agencies, Civil Society Organisations, private sector organizations) (Tromp and Datzberger, 2019). It reflects processes, agents, and events of globalisation in education policy across contexts – through mechanisms such as international aid, development assistance, and technical

support. Sometimes referred to as “traveling reform” (Steiner-Khamsi, 2006, p. 665), global education policy is critiqued for proliferating a neoliberal social imaginary in national policies through policy diffusion, transfer, adoption, isomorphism, or convergence (Rizvi and Lingard, 2010; Verger, Novelli, and Altinyelken, 2012). These influences can be identified by tracing global policy networks and lexicon of standards, learning outcomes, performance, accountability, and efficiency, reflecting a narrow connotation of education as a mere instrument for the global market (Nambissan and Ball, 2010). On the one hand, this points to a trend across national contexts of standardisation and homogenisation of educational goals as well as indices drawn from the New Public Management approach (Tromp and Datzberger, 2019; Verger and Curran, 2014). On the other hand, scholars argue that the effects that global education policy produces in different contexts are mediated by the local historical, cultural, and politico-economic conditions (Ball, Maguire, and Braun, 2012). To understand global education policy effects, it is essential to engage not only with how and why educational policies are globally constructed but also with how they are recontextualised in national policies (Verger and Curran, 2014). This supports visualising national policies as sites for re-contextualisation of global education discourses.

The second trajectory is drawn from empirical works on the question of the quality of education accessible to marginalised social groups in India and its link with education policies. This literature underlines the poor quality of education in public schools of India (PROBE, 1999; 2011; Ramachandran, 2012) all the while also demonstrating how shifts towards a neoliberal policy paradigm has further exacerbated the situation (Kumar, 2018; Raina, 2020b; Velaskar, 2016). This literature problematises the relation between neoliberal policies and markets that

strengthen the narrow economic meaning of quality and disconnect it from the broader goal of social justice for the marginalised citizens. A segment of this literature analyses how global education policy – for instance, through learning outcomes and performance-based accountability regimes – is increasingly impacting India's public education especially in the post-liberalisation context (Kumar, 2018; Nambissan, 2010; Raina, 2020b; Sharma, 2020). In this time, as Rizvi (2017) states, the policy thinking that the global market has a fundamental role in deciding education policies has become naturalised in policy discourses, vocabularies, and technologies. At the same time, the rise of the neoconservative extreme-right ideology poses new threats to the already constrained scope for democratic public education and critical thought and action. These developments together frame the context in which critical scholars have located and analysed NEP 2020 as being largely subsumed under the global education policy discourses (Bhatty, 2020; Dhankar, 2020; Rampal, 2020; Raina, 2020).

Method

This study constitutes a segment of a broader research agenda that maps critical policy shifts in India's educational discourses particularly focusing on the questions of equity and social justice. This research agenda uses the critical policy analysis lens to identify the latent assumptions concerning equity and social justice in India's national policy level documents. As discussed in the preceding section, critical policy analysis has been advanced to understand policy as a political value-laden process (Allan, Iverson, and Ropers-Huilman, 2010, p. 4). A critical policy analysis lens enabled us to utilise interpretive methods for data analysis (Yanow, 2007).

While drawing on this lens, this paper is specifically based on the method of qualitative document analysis. Qualitative document analysis is a “systematic procedure for reviewing or evaluating documents – both printed and electronic (computer-based and internet-transmitted) material” (Bowen, 2009, p. 27). The method involved immersing in reading the documents to conduct a qualitative textual analysis (Hsieh and Shannon, 2005). It was critical to strike a balance between evidence and analysis (Platt, 2006). This approach enabled us to examine successive policy documents analytically. The syntagmatic analysis of the policy texts was juxtaposed with a paradigmatic analysis highlighting some of the sequential changes. The analysis of the content further led to a deeper understanding of the NEP 2020 and related documents vis-a-vis the RTE Act, 2009.

The data sources for the study included the successive background documents and drafts of the policy from the initial grassroots consultations in 2015 to the final NEP 2020. The background documents were essential for tracking the policy recommendations concerning the RTE Act 2009. These documents also highlight the main stages of the NEP 2020 formation. These include documents that guided the grassroots consultations, draft versions of the policy inviting inputs from all stakeholders (official and unofficial versions) and the final NEP. We analysed the school education section of these documents presented in Table 1 that also highlights the chronological pathway of the policy formation.

Table 1: Data Sources: Documents of the National Education Policy 2020

Document title	Year	Author	Total Pages	Purpose
Themes and Questions for Policy Consultation on School Education	2015a	MHRD	27	Guiding the grassroot consultations on school education
Themes and Questions for Policy Consultation on Higher Education	2015b	MHRD	10	Guiding the grass-root consultations on higher education. This document does not include recommendations for school education.
Manual for Grassroot Level Consultations on New Education Policy	2015c	MHRD	12	A process document regarding the organisation of the consultations and reporting of the responses
National Policy on Education 2016 Report of the Committee for Evolution of the New Education Policy (CENEP)	2016a	MHRD Committee for the Evolution of NEP	230	Unofficially released report of the CENEP based on the grass-root consultations. It was released unofficially for reasons not stated in the public domain.
Some Inputs for Draft National Education Policy 2016 (SIDNEP)	2016b	MHRD	43	A prelude to the final policy that was based on some changes in the Unofficial report of the CENEP. The document invited all interest groups to provide feedback on the proposed recommendations.
Draft National Education Policy (DNEP)	2019	MoE	484	A prelude to the final policy based on SIDNEP. The document invited all interest groups to provide feedback on the proposed recommendations.
National Education Policy (NEP)	2020	MoE	66	Final policy

Given the wide scope of the documents, it was important to identify the focal areas of analysis. First, all seven documents were read in their entirety to understand the purpose and themes. Even though six of the documents were process documents leading to the final policy, they were also analysed given the purpose of the study in examining the evolution of the policy. The data analysis included: a) identifying and collecting relevant policy documents from government websites (as listed above); b) reading the documents; and c) developing categories (public-funded education, child-centered democratic education, inseparability of equity-quality, learning, learning outcome, assessment, and so on) based on the documents related to the policy, RTE Act and key literature (Stemler, 2001). The thematic analysis included coding of segments across the selected documents, specifically mapping references to RTE and its core principles. This laid the foundation for the second analysis stage of developing thematic units which targeted drawing explanatory patterns among the themes.

Findings: Locating the RTE principles in NEP 2020

This section presents the analysis of the ways by which the core principles of the RTE Act, 2009, are reflected in NEP 2020 and its documents listed in Table 1. The themes of analysis have been conceptualised along the three salient and interconnected aspects of the RTE Act on which the paper has focussed.

Decentering public education

The analysis of the NEP 2020 documents indicates that reforming, furthering or extending the RTE Act has not been conceived as a policy concern. In NEP's Themes and Questions framework (MHRD, 2015a) none of the 13 consultation themes for school education focus on RTE. There are only five references to the RTE Act out of which three are 'passing' references or mere mentions. The two

somewhat significant references are placed under Theme 10, Enabling inclusive education – education of Scheduled Castes, Scheduled Tribes, girls, minorities and children with special needs. The document states, “In your view to what extent has RTE helped to ensure participation of children, especially from disadvantaged families, in schools?” and “By excluding minority establishment from RTE what are the pitfalls?” (MHRD 2015a, p. 21). Both the questions invite critical evaluation of the RTE Act in terms of its impact on the marginalised social groups in India. This invitation to evaluation of the Act is decontextualised from the reality that the RTE mandates have not been implemented fully (The RTE forum, 2020). One of the most significant aspects on which there has been delay in implementation is the availability of qualified teachers in schools that impacts most other provisions of the Act (Batra, 2017). This is the general approach that the NPE Themes and Questions framework adopts in relation to RTE. Thus, the document that signals the initiation of the formation of a new education policy does not consider the RTE Act and its core principles as the way forward. Given this framework on which the consultations were based, the successive documents also do not centrally place the RTE Act or education as a right in the policy thrust.

However, without providing a supporting rationale, the CENEP (MHRD, 2016a, p. 89) report recommended the extension of the scope of the RTE Act, 2009, from early childhood to elementary school stages, while not extending it to the secondary stage. Contrary to this recommendation, the document released following the CENEP report, SIDNEP (MHRD, 2016b) articulated an “endeavour” to extend RTE to cover the elementary and secondary school stages while omitting the early childhood level (p. 20). The right is not drawn upon in the SIDNEP vision or goals, even when it is mentioned in the SIDNEP preamble as one of the major developments in the field. The document states, “A major development relating to

education sector in India has been the establishment of Constitutional and legal underpinnings for achieving universal elementary education.” (MHRD, 2016b, p. 4).

DNEP 2019 (MHRD, 2019) deviates from SIDNEP and re-states the need to include early childhood/pre-school education within the purview of RTE. It notes, “To reinforce the public system’s commitment to provide quality early childhood care and education to all children before the age of 6, the policy suggests that ECCE be included as an integral part of the RTE Act.” (p. 23). Compared to the other documents, DNEP has laid more emphasis on early childhood education and its funding by the State. However, this is based on the narrow economic connotation of education being “perhaps the best investment for a society” and a “quasi-public good” (p. 399). DNEP explains this in the language of Returns on Investment from early childhood education,

Particularly for early childhood education, the returns are larger at about 13% on an average, and range from 7%-18%; this is due to the larger advantages gained by individuals with early childhood care and education (ECCE), both in terms of overall health as well as education as the inputs are in the early years of growth. (MHRD, 2019, p. 400)

This push and pull around extension of the RTE, emerges as an example of iterations on selective integration or co-option of progressive terminologies into the dominant tradition of power – a recurrent feature of politics of official knowledge (Apple, 2000). This indicates presence of spaces (though restricted) for acknowledging the right to education within the policy framework that have been negotiated in the successive drafts of the policy. The processes of these

negotiations are difficult to discern without sufficient information on the mediating policy processes. However, it is evident that the provisioning for one level of education is weighed against that for the other. As discussed in the paper, the extent of public funding for education has been debated in India within the neoliberal framing of education. The RTE Act has itself been critiqued for a diluted commitment to public funding for education and the NEP 2020 documents further negotiate this restricted provisioning. This is particularly evident in the NEP's Manual for Grassroot Consultations (MHRD, 2015c), that frames the following questions for grassroot consultations, "What are different funding models to finance universal secondary education? How can PPP models be leveraged? Can CSR budgets be used for such initiatives?" (p. 2).

The final NEP 2020 (MHRD, 2020) altogether omits the recommendation of extending the RTE to other levels including early childhood, even as early childhood education has been co-located with school education as the first segment or the foundational years including preschool and classes one and two (MoE, 2020, p. 6). There is also no extension of the RTE to the upper grades. This is notwithstanding that the suggestion of including early childhood education or the upper grades in the educational right has emerged from the grassroot consultations (Bhatty and Sharma, 2015). This is perhaps also an indication that the inputs received at the grassroots consultations have not been directly considered in framing the policy. Instead of considering broadening the Right, NEP 2020 offsets the input requirements of the RTE Act that require state funding commitments:

To make it easier for both governments as well as non-governmental philanthropic organizations to build schools, to encourage local variations... to allow alternative models of education, the requirements for schools will be made less restrictive. The focus will be

to have less emphasis on input and greater emphasis on output potential concerning desired learning outcomes. (MoE, 2020, p. 11)

Pointing to this concern of the NEP 2020 signaling shrinking funding for the RTE Act, Rampal (2021) has argued that the policy “categorically denies any focus on ‘inputs’ and even casts aside a fundamental right as being too restrictive, especially as a host of private players are now invited with ‘flexible’ models of education through ‘multiple pathways’, including the Open School even for primary children” (p. 288). The ideas of ‘alternative’ and public-philanthropic partnership schools for disadvantaged social groups have been critiqued widely by critical scholars in India. Such alternate routes pave the way for further withdrawal of State funding from education that has ramifications for equity and quality in education (Bhatty and Sharma, 2015). This is simultaneous with none of the NEP 2020 documents referring to education as a fundamental right – as education is exclusively seen as a means for skilling for the global economy. For instance, SIDNEP makes a case for skill development through education to “meet the demands of the emerging knowledge economy” by “promoting the acquisition by learners of knowledge and skills on a life-long basis to enhance their capacity to adapt to changing skill requirements” (MHRD, 2016b, p. 4). The omnipresence of such discourses in the policy signals an official initiation to place the school systems in the market and understanding of education as a commodity (Apple, 2001).

Fringing child-centered education

The development of ideas of joyful, fear free, and child-centered education have been a significant development in Indian policy and academic discourse since 1986 (Nawani, 2016). The education system in India has grappled with a variety of

challenges in providing quality educational experiences to children. As stated in the context section of this paper, alienating curricula, rote based pedagogy, and stringent summative examinations are the longstanding issues that educationists have critiqued and deliberated upon (Kumar and Sarangapani, 2004). Some key policy-related documents (like MHRD, 1993; NCERT, 2005), as discussed in this paper's context section, have articulated the need for systemic reform in the school curriculum and assessment based on child-centered education to address these issues. The RTE Act, 2009, has drawn upon these discourses and has included these in its mandates on no detention (Section 16), child-centered fear free curriculum and continuous comprehensive evaluation [or formative assessment] (Section 29). A somewhat simplified version of child-centered education as 'learning by doing' or 'activity-based learning', has also made its way in India's policy discourse through global policy transfer in the post-liberalisation context as the country adopted the Education for All goals like many other Global South countries (Sriprakash, 2012).

Breaking the continuity with these generally agreed-upon ideas, the concept and principles of child-centered education have not found sufficient place in the NEP 2020 documents. In the NPE Themes and Questions framework (MHRD, 2015a) and SIDNEP (MHRD, 2016b), child-centered education and its allied ideas do not find any mention. Rather, there is a constant questioning of two allied mandates facilitating such education – no detention and continuous comprehensive evaluation. The NEP's Manual for Grassroot Consultations frequently include questions such as, "Are you in favour of Continuous and Comprehensive Evaluation? ...Has the no-detention policy improved the learning outcomes of students? (MHRD, 2015c, p. 3–4)." "Is no detention a good policy to help children learn and participate in schooling? Should children be allowed to fail in class?"

(MHRD, 2015c, p. 7). CENPE (MHRD, 2016a) articulates a similar dismissal of no detention and continuous comprehensive evaluation in a much debatable manner:

...promoting laggards drags down the standard of the whole class, handicaps the teacher's ability to teach the curriculum at the expected pace... the brighter students feel frustrated as the pace of the class is determined by the ability of its least competent members... This is not fair to the majority of the students in the class. (p. 61)

This recommendation is reiterated in SIDNEP (MHRD, 2016b, p. 19). The linguistic choices in this recommendation indicate a lack of understanding of the vision of child-centered education and the concern for equitable education for the children from disadvantaged social backgrounds who need time to cope with the demands of the system before they begin to 'perform'. Academic failure or success is not essentially an outcome of a child's 'ability' or 'merit'; it is a phenomenon to a large extent shaped by the interaction between privilege and marginality and adult-child politics in a socio-historic-political context (Nawani, 2020; Sharma, 2016). Suggesting "alternative education" (MHRD, 2016b, p. 80) for the children who are unable to attain the standard benchmark is thus severely flawed from a social justice perspective. As discussed in the context section of this paper, before the release of NEP 2020, the RTE Act was amended to reverse no detention provision in classes five and eight. The withdrawal of no detention provision will also make other child-centred principles redundant by imposing the pass-fail binaries and pressures of performance on children (Nawani, 2013).

The shift from the RTE discourse is also evident in the linguistic choices of NEP 2020 where the term 'child-/learner-centered' finds only one reference, and

'democratic education' finds none. Instead, the text uses simplified terminologies such as 'fun' and 'activity' [67 and 17 mentions respectively]. Further, NEP 2020 as it defines learning for children, almost pushes the onus on children for adapting to new systems for becoming employable:

Indeed, with the quickly changing employment landscape and global ecosystem, it is becoming increasingly critical that children not only learn, but more importantly learn how to learn. Education thus, must move towards less content, and more towards learning how to think critically and solve problems, how to be creative and multidisciplinary, and how to innovate, adapt and absorb new material in novel and changing fields. (MoE, 2020, p. 1)

Even when NEP 2020 talks about critical thinking, problem solving and creativity, it only narrowly imagines learning in terms of basic skill sets. It states,

On the curricular side, there will be an increased focus on foundational literacy and numeracy - and generally, on reading, writing, speaking, counting, arithmetic, and mathematical thinking - throughout the preparatory and middle school curriculum, with a robust system of continuous formative/adaptive assessment to track and thereby individualize and ensure each student's learning. (MoE, 2020, p. 9)

This focus on foundational literacy and numeracy has been critiqued by educationists as 'minimalist' and 'diluting the potential of a creative and critical primary school curriculum' (Rampal, 2020, p. 288), while simultaneously creating a narrow learning outcomes-based system resting on competition and fear of falling behind. In fact, an emphasis on learning outcomes is seen as a common theme cutting across the NEP 2020 documents. In the NEP's Themes and Questions framework (MHRD, 2015a), enhancement of learning outcomes has been posed as the dominant theme for policy framing. Consistently stitched

through the other NEP 2020 documents, enhancing learning outcomes has been crystallised as the single major objective in the final policy,

The gap between the current state of learning outcomes and what is required must be bridged through undertaking major reforms that bring the highest quality, equity, and integrity into the system, from early childhood care and education through higher education. (MoE, 2020, p. 3)

The documents reflect an overarching emphatic commitment to a performance-based learning-outcomes-oriented framework of education – moving away from the understanding that achievement is shaped by socio-historic-political contexts. The problems of this approach have been discussed further in this paper’s section on quality and equity vis-à-vis the literature on global education policy.

Thus, the hallmarks of child-centred education have become marginal in the NEP 2020. The processes of the conceptualisation of the policy with ‘learning outcomes’ at the centre and the fundamental changes in the RTE Act with the reversal of no detention provision in tandem shift the conception of learning. The linguistic choices deployed further imply that the responsibility of learning has shifted to the child and away from the system of schooling. The burden of surviving in the competitive school system, not learning and consequently failing, is also on the child. It is well established that this focus on learning outcomes has led to the ‘teaching to the test’ in other contexts (Ravitch *et al.*, 2022). Hitherto, the no detention provision along with the continuous comprehensive evaluation placed the onus on the school systems and the State. However, instead of strengthening teacher quality and providing more resources to schools, a key focus on learning outcomes diverges from child-centred democratic education.

Quality without equity

While the RTE Act, 2009, has been propounded by the state as a progress towards education with equity and quality (with universal access supported by quality benchmarking for curriculum and infrastructure), its mandates have not been met across India (RTE forum, 2020). The implementation of the critical components of the RTE Act has been sluggish. Therefore, a way forward and beyond the Act was expected from the new national policy, especially as it claimed to be based on grassroot voices.

However, the NEP 2020 documents do not clearly articulate the equity-quality dyad in education. In NEP's Themes and Questions framework (MHRD, 2015a) equity only finds mention in Theme 10, *Enabling Inclusive Education*. No further connections have been drawn between equity-quality. Equity has been seen as synonymous with ensuring "participation" with a focus on preventing dropouts (MHRD 2015a, p. 20) and no explicit or implicit connections have been drawn between equity and quality. However, the vision, mission, and goals of CENEP report, SIDNEP, and NEP 2020 do articulate the need for equity and quality for achieving the Sustainable Development Goal 4. For instance, the SIDNEP 2016 states,

...long-term economic growth and development of the nation critically depends on the quality of products of its education system and that an education system built on the premises of quality and equity is central to sustainable development and to achieving success in the emerging knowledge economy and society. It recognizes education as the most potent tool for socio-economic mobility and a key instrument for building an equitable, just and human society. (MHRD, 2016b, p. 5)

Yet, the recommendations do not go beyond articulating equity as piecemeal initiatives for increasing educational access and make no reference to India's socially stratified unequal school system. Further, the policy documents fall short of suggesting reforms for creating a sensitive, meaningful, and inclusive environment in schools for children from diverse and marginalised contexts.

At the same time, 'quality' – a dominant policy concern in India – has not been defined or systematically engaged with anywhere in the NEP 2020 related documents. Analysis also indicates that enhancing learning outcomes is equated with ensuring quality as reflected in recurrent statements across the documents analysed. One example from SIDNEP is as follows:

In elementary education, poor learning outcomes continues to be a matter of serious concern... However, despite all these efforts, poor learning outcomes remain a challenge. It is therefore priority of the central and state governments to improve learning outcomes of school children which would result in enhancing the quality of elementary education. (MHRD, 2016b, p. 18)

Following identical lexicon, NEP 2020 states,

The highest priority of the education system will be to achieve universal foundational literacy and numeracy in primary school by 2025. The rest of this Policy will become relevant for our students only if this most basic learning requirement (i.e., reading, writing, and arithmetic at the foundational level) is first achieved. (MoE, 2020, p. 11)

As discussed in the section on child-centred education, the analysis points that vocabulary of performance-based measures for students, teachers, administrators, and institutions cuts across the documents. This orientation aligns with the much-

critiqued New Public Management approach for education policy planning, governance and funding that dominates the global education policy discourses. In scholarly literature, however, transition to a performance-based system in an inequitable educational environment is seen as detrimental to socially just democratic education (Raina and Parul, 2020).

It is well documented that the most students attending government schools are from marginalised backgrounds (PROBE, 2011; Ramachandran, 2012). It is also well established that teachers play a key role in ensuring quality education and problems in teacher quality have been significant in India's education system (Batra, 2017; Sarangapani *et al.*, 2021). However, in the documents leading-up to the final policy, the focus is more on increasing the number of teachers, for example in the question, "What steps are being taken for addressing teacher shortages, at all levels in your district?" (MHRD, 2015c, p. 4). To address this shortage, short-term mission mode solutions are suggested. For instance, the DNEP 2019 suggests a National Tutor Programme "where the best performers in each school will be drawn in the programme for up to five hours a week as tutors during the school for fellow (generally younger) students who need help" (MHRD, 2019, p. 60). The question of quality of teacher preparation is intermittently posed in these background documents (for example, MHRD, 2015c, p. 4).

However, the final NEP 2020 is silent on the matter of acute teacher shortage of about one million teachers in India (Sarangapani *et al.*, 2021). Further, in the NEP 2020, the recommendation of truncated teacher training (six months of training for pre-school educators/workers, and one year diploma through digital/distance mode) and volunteer efforts involving community in literacy campaigns (MoE, 2020, p. 8), dilutes the consideration of quality in teacher preparation. This also

contradicts the policy recommendation of intensive four-year integrated teacher education (p. 23). A New Public Management approach for teacher governance and management through performance-based measures recommended by the policy indicates that quality teaching is equated with testing of teachers and the outcomes of learners (p. 22). Both these trends point to the policy transfer or borrowing from the global education policy discourses on teacher governance that impinge upon teacher autonomy and public investment on qualified teachers (Nambissan and Ball, 2010). With the backdrop of the Amendment in the RTE Act (2017), for providing additional time for teachers to attain the qualifications, teachers' role does not seem to be central in providing quality education in the classroom in the post-2015 policy discourse in education.

This conception of equity and quality as divorced from each other diverges from the values and vision underlying the idea of education as a fundamental human right. It also leaps over the discourse on the aims of education and schooling that go much beyond achieving 'minimum' targets on decontextualised indices promulgated by global education policy or travelling reforms. A commitment to creating inclusive schools and well-resourced schools for the most marginalised, investment on quality teacher development seems to be largely absent and replaced by a focus on testing and learning outcomes. Such a focus on narrow outcomes and performance-based competition for resources in an unequal context will make even the limited goals of education embedded in the RTE redundant.

Conclusion and discussion

Education policy is a well-developed field in India with scholarly discussions from multidisciplinary perspectives. There have been longstanding multidisciplinary discourses on education as a fundamental right of children in India. The RTE Act,

2009, has both been critiqued as a neoliberal framing and celebrated as an aspirational culmination of these discourses. How the NEP 2020 approaches this agenda needs systematic consideration as it will to a large extent shape the vision and principles that underlie budgetary planning, provision, and processes for education. On the one hand, the policy appears to be building legitimacy for and extending the neoliberal tendencies that the RTE represents through its appeal to authoritarian populism that harnesses public discontent against elitist discourses (Chacko, 2018). On the other hand, the policy clearly further narrows down the limited possibilities within the RTE Act, 2009. It simultaneously mystifies the populist process of the policy evolution.

Located in a neoliberal and neoconservative ideological alliance, NEP 2020 lacks a systematic assessment of India's educational context. Its identification of core priorities set against a future vision is thus neither coherent nor continuous. In the policy design, the concern for equity has become synonymous with measuring access, which is a very limited reading of the concept. This does not represent the inseparability of equity from all aspects of the provision of quality education even as rhetoric. The missing link between policy vision and equity-quality and social justice restricts the scope of the policy recommendations solely to raising learning achievement or outcomes (Maguire, 2019).

NEP 2020 indicates that education policy planning, curriculum, governance, and funding will move in the direction of a performance-based system that represents application of the New Public Management approach in education. The institutions and individuals (teachers, children, schools, and social groups) that perform better will have better chances of survival in the system. The dilution of the no detention provision also signals that children across diverse social groups would need to

demonstrate performance achievement on given global standards. Those who don't succeed will be ejected to alternate routes (Rampal, 2021). A focus on learning outcomes and their enhancement through performance-based accountability measures are the most dominant policy concerns. This approach is a direct reflection of the traveling global education policy reforms and the underlying neoliberal social imaginary (Steiner-Khamsi, 2006; Rizvi and Lingard, 2010; Verger, Novelli, and Altinyelken, 2012). This is simultaneous with an emphasis on further diluting the constrained resource requirements of the RTE Act, 2009, exploring PPP in school education, and not extending the RTE to early childhood education and other levels. Contrary to the literature that indicates that the global education 'reforms' are often re-contextualised in the national contexts (Ball, Maguire, and Braun, 2012), our analysis points that the NEP 2020 has not factored in the realities of Indian school education while drawing upon the global education policy lexicon. The transition to a performance focused ideology in an inequitable environment at the cost of the principles of equity and social justice will not enable even the limited vision that is set out in NEP 2020. Such a scenario does not bode well with the educational rights of the marginalised children.

Considerations for equity and social justice have been elided in the policy development process as well. A distinction between consultations to obtain feedback of experiences and concerns around education and policy formulation needs to be made. Education policy formulation requires expertise and envisioning based on nuanced understanding of macro and micro problems, provisions, and prospects. Whereas policy consultations with the public at large could only develop a broad picture of the dominant opinions and aspirations. The feedback from various civil society organisations conducting consultations at the village and community levels highlight critical issues of representation of voices of the

marginalised (Bhatty and Sharma, 2015). Women, people from disadvantaged castes and tribes, economically weak households and other marginalised groups and individuals are unable to voice their concerns in group processes aimed at aggregation of opinions. It is mostly the dominant social groups and individuals who are in the position to influence the discussions (Bhatty and Sharma, 2015). Since the range of actors in education has increased substantially in the past decades, ensuring representations of multiple voices has become much more challenging.

The policy claims to be based on the opinions from the grassroots consultations. However, how these opinions have been analysed and synthesised to arrive at the recommendations is not presented in the policy and is also not self-evident. The findings bring out that there are aspects (including early childhood education) that were not included for discussion in the grassroot consultation frameworks but are included in the policy. There are also certain contradictions between successive policy documents, such as on the matter of public funding of early childhood education (and secondary levels of education) despite prioritising it. On the other matters, such as the focus on learning outcomes, the successive policy related documents show an infallible consistency. This indicates that the policy has not been drawn from a mere aggregation of grassroot opinions, and that other politico-economic processes have mediated the successive drafts. Thus, the policy has further mystified the populist process of its evolution. In this context, Gorur's (2011) metaphor of policy as an assemblage supports in critically examining the narrative of policy rationality and of policy development as a 'problem-solving' exercise and makes it essential to engage with the underlying politics.

These findings have implications for the process of policy formation and for refocusing education in a rights perspective. Advocacy at all levels is critical for bringing back the discourse on quality education for all and child-centred education with a focus on equity. The paper also points to the need for disassociating equity and quality education from outcomes-based education with the absence of provisioning that leads to quality education. While this paper has framed its arguments within a limited liberal understanding of aims and right to education, it is hoped that a detailed analysis of neoliberal-neoconservative education policies and processes of their evolution will strengthen public discourse on education and augment resistance to populist but unjust policies.

Notes

¹ <https://www.education.gov.in/en/nep-new>

² <https://www.education.gov.in/en/consultation-framework>

³ The amended Section 16 reads as follows:

16. (1) There shall be a regular examination in the fifth class and in the eighth class at the end of every academic year.

(2) If a child fails in the examination referred to in sub-section (1), he shall be given additional instruction and granted opportunity for re-examination within a period of two months from the date of declaration of the result.

(3) The appropriate Government may allow schools to hold back a child in the fifth class or in the eighth class or in both classes, in such manner and subject to such conditions as may be prescribed, if he fails in the re-examination referred to in sub-section (2): Provided that the appropriate Government may decide not to hold back a child in any class till the completion of elementary education. (RTE (Amendment) Act, 2019, p. 1-2).

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Author Details

Details of corresponding author

Gunjan Sharma

Dr. B. R. Ambedkar University Delhi, B. K. Dutt Colony, Aliganj, Lodhi Road,
New Delhi 110003, Delhi, India

Email: gunjan@aud.ac.in

Phone: Country code: +91 Mobile number: 9899445849

Gunjan Sharma [ORCID: 0000-0001-6096-917X] is Assistant Professor, School of Education Studies, Dr. B. R. Ambedkar University Delhi, Delhi India.

Sunita Singh [ORCID: 0000-0002-8726-6324] is Associate Professor, School of Education Studies, Dr. B. R. Ambedkar University Delhi, Delhi, India