

Education as Fundamental Right or a Commercial Product: A Need of Hour

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Abstract

In the present time, every person tries his best to get education under any circumstances. Education plays an important role in the development of a person as well as a country. Education is given an important place at national as well as international level. Constitution of India provides right to education under Article 21A and various other rights related to education under Articles Article 29(2), Article 41, Article 45 and Article 46. Under various international conventions like ‘International Covenant on Economic, Social and Cultural Rights’, ‘The UNESCO Convention against Discrimination in Education’, education is considered as the human rights of the every individual. Apart from these rights, some initiatives were also taken by the central government from time to time so that education can be affordable to every individual in every possible circumstance. These initiatives were like ‘National policy of education 1979’, insertion of Article 21A into the Constitution of India through the 86th Constitutional Amendment Act, 2002, Insertion of clause (k) under Article 51A, enactment of Right to Education Act (RTE)-2009 and New Education policy 2020. But nowadays more than the fundamental right, education becomes a matter of business by the educational institutes under which education becomes a commercial product and students become a consumer. Education becomes a matter of competition among the students instead a matter of values.

So the preset research paper is the humble attempt to analyze that education is acting as fundamental right of every individual or it is merely becoming a product of commercialization.

Keywords: Education, New Education policy, Commercialization

1. Introduction

Education is extremely important for the development of a country. This is a teaching process aimed at the comprehensive development of young people. This is the only wealth that cannot be robbed. Learning includes the improvement of moral values and character, as well as ways to strengthen spiritual power.¹ Education enables people to contribute to and contribute to social development. Education has a responsibility to transform people into human resources. At the social level, it ensures that traditional wisdom is passed from one generation to another and that new and modern knowledge is absorbed by the contemporary.²

1 Swapnali Borgohain, *Commercialization of Education system: A critical analysis*, Vol. 1, No. 12, INTERNATIONAL RESEARCH JOURNAL OF INTERDISCIPLINARY & MULTIDISCIPLINARY STUDIES (IRJMS), 2016, pp. 71-76.

2 *Ibid.*

Due to education reform in India in the past two decades, the commercialization of education has been a recent trend in India. Commercialization is mainly achieved at the booming of private schools, public schools, private universities, and higher education. It adds financial considerations to eligibility for private schools and public and private universities.³ As a result, it has also changed the traditional educational concepts of Indian society, including student-teacher relations, attitudes to education and knowledge acquisition. Education has been thought-driven in the past.

The main focus in commercialization is on the profit making and business oriented approach towards the education. With the other point of view, commercialization of education clearly indicates the competing behavior of the schools for providing quality education at reasonable price.⁴ Like any other market, this healthy competition is benefit to the buyer or we can say here, the students. In a general sense, commercialization is a process through which a new product or service is introduced into the general market. With the increase of commercialization of education there is decrease of emphasis on the humanities and there is increase in attention to the demands of the students.⁵

The commercialization of education is not simply an economic process related to the governance and structure of colleges and universities, but also a symbolic process by which the values of the market place, associated with the idea of private, for-profit ownership, gradually replace the values associated traditionally with education and knowledge as a public good, something worthy to be pursued for its own sake and serving the needs of all members of society.⁶ Education is no longer seen as having a purpose of its own, but is increasingly seen as a means of achieving a purpose defined primarily from an economic perspective. The sign of this change is that corporate languages have spread to areas that are now almost universally used for education: students are considered 'customers', education as 'products', and teachers are 'service providers', and 'education managers'. Evaluation becomes 'quality control' and education falls under the general concept of 'production'.⁷

The demand for quality education, opportunities abroad, increasing awareness of India's comparative education and the government's inability to cope with the growing demand have led to the widespread popularity of education, which has placed educational institutions in private hands.⁸

Through the present research work researcher will analyze that whether education is acting as fundamental right of every individual or it is merely becoming a product of commercialization.

2. Historical Perspective regarding emergence of education system in India

2.1. Education system during ancient period

During Ancient period education was the impact of the Aryan Civilization and the second was the Buddhist influence. During the beginning of the Aryan period, the education imparted was generally confined to the priestly class and later it spread to the two other classes - the Kshatriyas and the

3 Anamika, *Commercialization of Education in India*, Vol. 3, No. 10, INTERNATIONAL JOURNAL OF ALL RESEARCH EDUCATION AND SCIENTIFIC METHODS , 2015, p. 1-2.

4 *Ibid.*

5 *Ibid.*

6 Hemlata, K.L.Sharma, *Commercialization of Education*, Vol. 8, No. 1 INTERNATIONAL JOURNAL OF RECENT TECHNOLOGY AND ENGINEERING, 2019, p. 1266.

7 Vinod S. Chandwani And Shraddha M.Bhome , *A Study of Impact of Commercialization of Education in India* , Vol. 1, No. 5, EPISTEME: AN ONLINE INTERDISCIPLINARY, MULTIDISCIPLINARY & MULTI-CULTURAL JOURNAL, 2013, p. 29.

8 *Ibid.*

Vaishyas.⁹. As the caste system became more and more rigid, its operation restricted the educational opportunities. Education was mostly confined to the Brahmins and the Upanayana was being gradually discouraged among the non-Brahmins. Shudras generally came to be denied all access to education. The rigidity, complexity and exclusiveness of the Brahmanistic system led to a great revolt which gave birth to two new religions viz., Buddhism and Jainism. Buddhist education and learning centre Buddhist temples, some of which are particularly famous like Nalanda and Taxila, Therefore, before the Islam was introduced to India, education was informative and systematic. It summarizes the education system of physical, moral, intellectual and spiritual education, which aims to build and develop personality and preserve the ancient culture of the motherland. The purpose of education is to develop all aspects of life and ensure social development

2.2. Education system during medieval period

With the advent of the medieval period, another system of education found its way into the country, viz., and Muslim education. Like the Hindus, the Muslims also had two types of institutions - the Maqtabas and Madrassa. Education at that time was religion-centered.¹⁰ The centres of the education were the forest and the villages. They strive to build a student's personality. The teachers started teaching because of their love for learning. The rulers at that time used the funds to establish the universities and other educational institutions they did not interfere with the administration system. Even the landlords had a moral obligation to spread education and each village had its own elementary school.¹¹

2.3. Education system during British period

During the British period, Persons like Rammohan Roy, Radhakant Dev and others were feeling need for a new type of education. Rammohan Roy was of the view that the introduction of English education in this country would lead to a renaissance.¹²

In the pursuance of this, in 1823, the General Committee of Public Instruction was set up to give shape to the educational policy of the Government which was based on the principle of winning confidence of the educated and influential class by encouraging the learning and literature that they respected.¹³

In 1854, Sir Charles wood, then Chairman of the Indian control board, issued his office report to the Indian Government which was considered as the Magna Carta in the history of education. It was written in the report that "what went before led up to it, what followed flowed from it." It contains a scheme of education far wider and more comprehensive than the local government would have ventured to suggest

9 Kalam Chouhan, *Education System in Ancient India*, Vol. 6, No. 2, INTERNATIONAL JOURNAL OF HISTORY, 2016, p. 1.

10 V.K. Maheshwari, *Education During Medieval Period in India*, May 6, 2012, <http://www.vkmaheshwari.com/WP/?p=512>, (visited on January 18, 2020).

11 *Ibid.*

12 Meenakshi Sarin, *Education System In India During British Rule*, Vol. 2, No. 2, JOURNAL OF ADVANCES AND SCHOLARLY RESEARCHES IN ALLIED EDUCATION, 2011, pp. 1-6.

13 *Ibid.*

In 1982, the Government of India appointed an Education Commission to enquire into the principles of Wood's Despatch and to make recommendations to the Government for necessary changes.¹⁴

2.4. Education system after independence of the country

At the time of independence and up to 42nd Amendment, education was in the hands of the States. Our Constitutions provides some safeguards to protect the educational and cultural interests of the linguist and religious minorities. University Grants Commission(U.G.C.) was established in 1953 as a non statutory body and became a statutory commission in 1956¹⁵. N.C.E.R.T. was founded in early 1990s.

2.4.1. Kothari commission

According to Kothari Commission¹⁶, education is an important means of change, and development of material resources is a means to an end. Human resources are an end in themselves. Without it, even material resources cannot be fully developed. Kothari Commission observes that the quality of primary education was very poor.¹⁷

Commission has recommended 7 years compulsory education and suggested certain practical measures for implementing it¹⁸. Kothari Commission gives an important place for higher education. Functions or the objectives of the universities according to the commission include, to seek and cultivation of new knowledge, providing right kind of leadership in all walks of life, to provide society, trained men and women in all the areas of need, to promote equality and justice and to have improvement in overall education system¹⁹.

2.4.2. National policy of education 1979

According to the National Policy of Education 1979²⁰; high priority must be given to free education to all up to the age of 14. According to this policy, the basic reform in the content of elementary education is to introduce productive work and social service activities as integral elements of the educational process²¹. It also advocates non-formal education for all dropouts and who had no

14 Jayakumar Anagol, *Compulsory Primary Education Challenges and Opportunities*, 2018, pp. 1-5, http://cmdr.ac.in/editor_v51/assets/mono-22.pdf, (visited on January 16, 2020).

15 J V Vil'anilam, "Development of Education in India: 1947-2012", YOJANA, August 2012, <https://www.insightsonindia.com/wp-content/uploads/2013/09/development-of-education-in-india.pdf>, (visited on January 18, 2020).

16 Pratima Dutta, "The Indian Education System, Kothari Commission 1964, and the National Policy on Education 1968— A Historical Evaluation", 2018, http://jacobenfield.com/dossier/IndianEducationSystem_HistoricalAnalysis_Dutta_Barry_Bull.pdf (last visited January 19, 2020).

17 *Ibid.*

18 *Ibid.*

19 *Supra* n. 14.

20 *Draft National Policy on Education*, 1979, INDIAN JOURNAL OF PUBLIC ADMINISTRATION , 1979, pp. 503-512.

21 *Ibid.*

schooling. Incentives such as mid-day meals, free text books, stationeries and uniform for the poor children, find a place in the draft. Special attention for the S.C.s and S.Ts also are taken care²².

Draft on the National Policy of Education 1979 gives equal importance to secondary education with elementary and adult education. Secondary education is considered as the central link line of the entire chain of education, because it is through this that backward and forward linkages are established. The need of vocational education at secondary level is emphasized. Also, it advocates for the expansion of secondary education in the rural areas.

2.4.3. Reddy Committee on National Education Policy-1992

This committee was headed by N. Janardhana Reddy. It was to look into the implementation of the National Policy on Education 1986 in the light of the Report of the Review Committee, under the Chairmanship of Acharya Ramamurthy²³.

According to the committee, universalisation of elementary education, universal enrollment and setting up of primary schools within one kilometer of walk able distance for all children are to be the priorities for the English Five Year Plan²⁴. It has recommended extending “operation blackboard” to upper primary level also.

3. Education as a Fundamental Right

The right to education is a basic human right. It is a necessary condition for human development. Only with the development of its main body can a country develop.

3.1. Rights guaranteed by the Constitution of India

The Indian Constitution imposes an obligation on the government to provide education to citizens. The right to education is included in the right to life contained in Article 21²⁵ of the Indian Constitution, which provides for the right to live with dignity, and education enables human dignity. The 1976 Constitution Amendment included the subject of ‘education’ in the concurrent list of the Seventh Schedule to the Constitution of India, which enabled the State government to enact legislation on this subject. The Parliament of India passed the Act on the ‘Right to Free and Compulsory Education for Children’ on August 4, 2009, which came into effect on April 1, 2010. The Act ensures the education of all children aged 6 to 14.

According to Article 29(2)²⁶, of the Constitution of India, “No citizen shall be denied access to educational institutions funded by religion, race, caste, language or any one of them or receive assistance from state funds.”

Entry 66²⁷ of the State list provides for the coordination and determination of standards in higher education or research institutions and scientific and technical institutions. Prior to the constitutional

22 *Ibid.*

23 “Ministry of human resource development Department of education, Programme of Action 1992 2018”, www.mhrd.gov.in, (visited on January 19, 2020).

24 *Ibid.*

25 Article 21- Protection of Life and Personal Liberty- No person shall be deprived of his life or personal liberty except according to procedure established by law.

26 Article 29 of Constitution of India.

27 Entry 66 of State list- fees in respect of any of the matters in this list, but not including fees taken in any court.

amendment in 1976, education was the exclusive responsibility of the State. The inclusion of education in the Concurrent List in the 1976 Constitutional Amendment was a far-reaching step.

Entry 25²⁸ of the Concurrent List states that education, including technical education, medical education, and universities, shall comply with entries 63, 64, 65, and 66 of List I, vocational and technical training for the workforce. Article 26 includes law, medicine and other professions.

Article 41²⁹ of the Constitution stipulates that the State should make effective provisions to guarantee the right to education within its economic capacity and development.

Similarly, Article 45³⁰, which was replaced in 86 amendment to the Constitution of India which states that The State shall strive to provide all children with childcare and education up to the age of 6. Article 46³¹ of the Indian Constitution states that “the State shall pay special attention to promoting Educational and economic interests, especially the interests of Scheduled Castes and Scheduled Tribes, and to protect them from social injustice and all forms of exploitation”.

The issue of the right to free and compulsory education was raised in the *Mohini Jain case*³² in 1992, commonly known as the ‘capitation fee case’. In this case the court stated:

“The right to education is directly derived from the right to life. Unless the right to education is attached, the right to life and personal dignity under Article 21 cannot be guaranteed. The State has an obligation to work hard to provide education facilities at all levels to its citizens.”

The court declared that education in India was never a saleable commodity. The court further ruled, “We believe that the Constitution provides every citizen with a right to education.”

*Unnikrishnan v. Andhra Pradesh State*³³, A five judges bench agreed with *Mohini Jain’s* decision by of 3-2 majority and considered the right to education to be a basic right under Article 21 of the Constitution, as it comes directly from the right to life. By considering its content, the court partially overruled the decision of *Mohini Jain’s* case and held that children can enjoy the right to free education until they reach the age of 14, then the responsibility of the State to provide education is subject to its financial ability.

In *Bandhua Mukti Morcha v. Union of India*³⁴, the Supreme Court explained the meaning of human dignity, Bhagwati J. observed that:

Article 21's right to dignity and student life stems from the Directive Principles of state policy, especially Article 41, and it must therefore include educational facilities.

In the *Unni Krishnan case*³⁵, the Supreme Court ruled that private and aided universities have a legal obligation to provide heavily subsidized professional education to students who pass the Common

28 Entry 25 of the Concurrent List- Education including technical education , medical education and universities, subject to provisions of entries 63, 64, 65 and 66 of List I; vocational and technical training of labour.

29 Article 41- Right to work, to education and to public assistance in certain cases- The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

30 Article 45- Provision for early childhood care and education to children below the age of six years- The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years

31 Article 46- promotion of educational and economic interest of Scheduled Castes, Scheduled Tribes and other weaker sections- The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the scheduled castes and scheduled tribes, and shall protect them from social injustice and all forms of exploitation.

32 AIR 1992 SC 1858.

33 AIR 1993 SC 2178.

34 AIR 1984 SC 802, 812.

Entrance Examination (CET) to develop a seductive and well-designed plan under which top students will be accepted.

In *TMA Pai Foundation vs. State of Karnataka*³⁶, the Supreme Court ruled on the State's general practice, ruling more than 60% to 85% of 327 medical and 1345 engineering colleges across the country which are privately promoted and unaided, and then these seats are allocated to students who are the toppers in the Common entrance Test. It is also considered that state governments and universities cannot regulate admission policies for independent educational institutions managed by linguistic and religious minorities, but state governments and universities can determine student's educational qualifications and establish rules and regulations to uphold academic principles.

However, in the case of *P.A. Inamdar v. State of Maharashtra*³⁷ Court upheld and reaffirmed the 11 judge bench in the *T.M.A. Pai's case*. The political classes have also come together to introduce the draft 'Private Professional Educational Institutions (Enrollment and Fee Management) Bill 2005', which aims to repeal the Supreme Court's decision in the TMA Pai case.

3.2. The 86th Constitutional Amendment Act, 2002.

• Insertion of Article 21A

In The 86th Constitution amendment Act 2002, a new Article 21A was inserted in the Constitution of India after Article.

Article 21A³⁸, Right to Education: The State shall provide free and compulsory education to all children aged 6 to 14 years in the manner prescribed by law. Article 21 of the Constitution is related with protection of life and personal liberty. Article 21A was added after Article 21.

• Insertion of clause (k) under Article 51A:

Article 51A of the constitution includes 10 fundamental duties of citizens. By virtue of this amendment 11th fundamental duty inserted Article 51(A) (k)³⁹, which imposes duty on the parents/guardian to provide opportunity of education to the children is added

3.3. Right to Education Act (RTE)-2009

On 26th of August 2009, the Indian Parliament passed a historic Act regarding education, known as "Right to Education Act 2009."⁴⁰

3.3.1 Role and responsibility of the teachers under RTE Act⁴¹

It is the duty of every teacher to maintain regularity and punctuality in attending the school.

- Teacher has to complete entire curriculum within specified time.
- It will be the duty of every teacher to assess the learning ability of each child and provide learning opportunities to the child accordingly.

35 *Supra* n. 35.

36 (2002) 8 SCC 481, Para 51.

37 (2005) 6 SCC 537.

38 Article 21A of constitution of India.

39 Article 51(A)(k)- Who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

40 The Right of children to Free and Compulsory Education Act, 2009 (No. 35 of 2009).

41 Section 24 of RTE Act, 2009.

- Teacher should hold regular meetings with the parents/guardians of the child and apprise them about the overall performance and progress of the child.
- It is the responsibility of every teacher to extend all types of help to make the child free of fear, trauma and anxiety, teachers should implement carefully the procedure of comprehensive and continuous evaluation (CCE).
- If teachers are committing default in performance of duties then you will be liable to disciplinary action.

3.4. International legal framework for the right to education

According to Article 13, paragraphs 3 and (4) of the International Covenant on Economic, Social and Cultural Rights, the freedom of parents and guardians to guarantee the religious and moral education of their children is consistent with their own beliefs and bodies to establish and direct educational institutions. Failure to ensure that private educational institutions meet the minimum education standards required by Articles 13 (3) and (4) constitutes a violation of the right to education.⁴²

The UNESCO Convention against Discrimination in Education has similar provisions. It states that the purpose of establishing or maintaining a private educational institution should not be to ensure the exclusion of any group, but to “provide educational facilities in addition to those provided by public authorities” and “the education provided should be consistent with the Standards that may be developed or approved by the competent authority, especially for the same level of education.”

According to the interpretation of the Committee on Economic, Social and Cultural Rights, in accordance with article 13 of the Convention, in most cases, States are considered to have primary responsibility for the direct provision of education.⁴³ In accordance with Article 14 of the Convention, countries have a “clear obligation” to provide free primary education to all, and have detailed action plans to gradually improve their provision.⁴⁴

4. Protecting the right to education from commercialization

In the past few years, privatization of education has occupied a large place in the education debate. The movement has a negative meaning. It is related to increasing inequality of educational opportunities and declining social cohesion. Privatization somewhere led to commercialization.

The commercialization of education by multinational companies is a practice that changes or disrupts the school teaching process from kindergarten to university by introducing advertising and other commercial activities to accumulate wealth and power.

42 Economic and social council, E/C.12/1999/10, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4sIQ6QSmIBEDzFEovLCuW%2BKyH%2BnXprasyMzd2e8mx4cYID1VMUKXaG3Jw9bomilLKS84HB8c9nIHQ9mUemvt0Fbz%2F0SS7kENyDv5%2FbYPWaxMw47K5jTga59puHtt3NZr>, (visited on January 19, 2020).

43 *Ibid.*

44 *Ibid.*

4.1. The negative impact of commercialization on the Indian education system

(I) Marks are more emphasized⁴⁵: The commercialization of education emphasizes more on marks. It is not an attempt to satisfy the all-round development of students. Students are forced to get more and more grades in each subject, focusing only on intellectual activity. There is too much continuing education in such institutions.

(II) Failure to maintain the principle of equality⁴⁶: The commercialization of education cannot maintain the principle of equality. In society, there are three types of people living between the upper class, the middle class, and the lower class. Only wealthy people can be educated because they have the ability to spend a lot of money. It deprives large communities of economic poverty and social disability the right to education, especially higher education

(III) Profit-oriented⁴⁷: The commercialization of education always emphasizes profit. It makes education a business. There has been a rise in this, but it has increased rapidly.

(IV) High cost⁴⁸: The impact of commercialization on education makes education very expensive. In private institutions, entrance fees, monthly fees, development fees, semester fees, etc. are high. It is not possible to send their children to this type of institution. They require students to accept substantial donations for various courses.

(V) Materialism⁴⁹: The commercialization of education has developed materialism among the students. The attitude of students is to receive a proper education and find a good job. They pay and receive education. They want to live a life of luxury. This type of education does not help students develop a democratic attitude towards the people, society and nation.

(VI) Burden upon teachers⁵⁰: The impact of commercialization on education is also related to overburdened teachers. In the private sector, they put pressure on teachers for business benefits and share the work load all day. They must engage in activities provided by the authorities.

(VII) Overload courses: Educational institutions become commercial enterprises due to the impact of the commercialization of education. The institution's curriculum is very extensive. It includes a variety of other subjects in the general curriculum. Little children are suffering this kind of pain.

4.2. Steps Taken by the Government to Control Commercialization

Over the past decade, private higher education institutions have grown rapidly, but universities and affiliated colleges (think of them as universities) must be established as “non-profit” institutions in order to do business in the field.

The government has always believed that education in India is not considered a commercial activity. The government has taken various measures to curb the commercialization of education, such as Section 13⁵¹ of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 which makes a clearly prohibition on the collection of any capitation fee.

45 Subhadeep Dutta, *Commercialization of Education System in India: A Close Outlook to Teachers' and Students' Perspective*, Vol. 5, No. 4, INTERNATIONAL JOURNAL OF RESEARCH, 2018, p. 786.

46 Gajanan Dhannu Rathod, *The Negative Impact on Privatization and Commercialization of Educational Institutes in India*, Vol. 4, No. 1, INTERNATIONAL JOURNAL OF MULTIDISCIPLINARY RESEARCH, 2018, p. 45.

47 *Ibid.*

48 *Supra* n. 47.

49 *Ibid.*

50 *Ibid.*

51 Section 13 of RTE Act 2009- No capitation fee and screening procedure for admissions-

Therefore, in short, the RTE Act provides:

- Children who drop out of school or have never been to any educational institution will be admitted to school, and no school will reject any children.
- Private agencies must reserve 25% of seats for children from socially disadvantaged groups.
- Neighborhood schools will be identified through a school mapping system, and children 6 and older who are not in school will be identified by local authorities or the school management committee.
- All such schools must be recognized or a fine of up to Rs.1 will be imposed. 100,000
- The law also prohibits donations or capitation fees, and does not allow children or parents to take entrance exams or interviews.
- No child shall be prevented, expelled, and required to pass a board exam before completing basic education.
- It also provides a sufficient number of qualified teachers to maintain a ratio of one teacher per 30 students.
- Schools must ensure proper infrastructure, including playgrounds, libraries, a sufficient number of classrooms, bathrooms, and accessible wheelchairs and drinking water facilities for children with disabilities for three years.
- 75% of school management committee members will be made up of students' parents, who will oversee school operations and the use of grants.
- The National Committee for the Protection of the Rights of the Child shall monitor the implementation of the bill and state committees shall be established.

Regulation 12A (2) (d) of the UGC Act, 1956 established the minimum standards that persons with such qualifications should be able to maintain in work related to such activities, and therefore need to ensure that there may be no candidates ensure their entry to the course because of their financial strength, which prevents more successful candidates from gaining admission to the course.

According to regulation 6.2⁵², “Any institution deemed to be a university shall not charge any fees for the entrance examination, but the fees shall represent a reasonable fee incurred in conducting such examinations: in addition, provided that Institutions must not be engaged in commercialization to educate in any way, and should provide equality and opportunity to all students who deserve it.”

According to regulation 6.5⁵³, “Every institution deemed to be university shall publish, before expiry of sixty days prior to the date of the commencement of admission to any of its courses or programmes of study, a prospectus containing the following for the purposes of informing those persons intending to seek admission to such institution and the general public.”

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- (1) No school or person shall, while admitting any child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure.
 - (2) Any school or person, if in contravention of the provisions of sub section (1)-
 - (a) receives capitation fee, shall be punishable with fine which may extend to ten times the capitation fee charged
 - (b) subject a child to screening procedure, shall be punishable with fine which may extend to twenty five thousand rupees for the first contravention and fifty thousand rupees for the each subsequent contraventions.

52 Regulation 6.2 of UGC Act 1956.

53 Regulation 6.5 of UGC Act 1956.

4.3. New Education Policy 2020

This National Education Policy envisions an education system rooted in the Indian ethos that contributes directly to India, that is, to transform India into a uniform and vibrant knowledge society, by providing high quality education to all, and thereby making India a global knowledge Super strength. The policy envisages that the curriculum and pedagogy of our institutions must To develop among the students a deep sense of respect for the Fundamental Duties and Constitutional values, attachment to one's country and conscious awareness of one's roles and responsibilities in a changing world. To create between policy vision The learners have a deep pride in being Indian not only in thought, but also in spirit, intellect. and action, as well as to develop the knowledge, skills, values and dispositions that support Responsible commitment to human rights, sustainable development and life and global Well-being, thus reflects a truly global citizen.⁵⁴

NEP 2020 aims to reform higher education in India. will use the cooperation of International communities and their experiences will be used. Further higher education ICT to be included in line with facilities provided in Indian universities and colleges under NEP 2020 The need for education in the new normal post-Covid era. it's pointless to continue With the old education system. There will be many changes from the Government of India need to be brought into the curriculum of higher education by absorbing the global demand for Getting skilled manpower. Thus, implementing NEP 2020 will be a big challenge. The policy is bound to bring revolutionary and innovative changes. Higher education Entities (HEIs) to come under one regulator from the existing system of multiple regulators regulator. There will be a liberal environment of autonomy to promote academic freedom Distribution, scope of research and emphasis on innovation. will get opportunity abroad Universities to start their campuses in India and for this there will be no constraint for Indian University Setting up its campus abroad. NEP 2020 will lay great emphasis on skilling in India as it provides Multiple entry and exit options for the student and to complete their higher education after taking a break employment. Overall, NEP 2020 is largely a very progressive document, which has a strong hold on Present socio-economic scenario and likely to face future challenges. well no policy Anything gives fruit if it is not implemented in a proper way. Anyway, this proposal appears A well thought out and genuine effort to remodel the Indian education system. this policy Integration of vocational education in HEIs for skilling and employability is highlighted generation. It would not be wrong to conclude that NEP 2020 has prepared a solid roadmap for India 2.0 and if implemented properly; It has everything to make India a global hub education by 2030.⁵⁵

5. Conclusion and Suggestions

5.1. Conclusion

The commercialization of education has been a huge challenge until India has acquired the right to basic education. The demand for quality education, opportunities abroad, increasing awareness of India's comparative education, and the government's inability to cope with the growing demand have led to the widespread popularity of education, which has placed educational institutions in private hands. Enormous demands for higher education in India have led to the Industrialization of education. But today's education is the object of business and it has a serious and negative impact on our society. The more money a person can pay, the higher the education he can get. Every year, the number of students in

⁵⁴ [NEP Final English 0.pdf \(education.gov.in\)](#) accessed on 16/03/2023

⁵⁵ [New education policy \(NEP\) 2020: A roadmap for India 2.0 \(usf.edu\)](#) accessed on 16/03/2023

higher vocational education in India is increasing, so all these universities make money by offering such courses.

In country like India which has been on thrown of socio economic change the policies of privatization and commercialization of education will create a new kind of education inequality along with the traditional social inequality. The System of such nature will provide for social divide, dubious fee structure investments by black money markets, invisible profits and the education as the commodity only at the disposals of like class. the primary education may remain the domain of mass but the high and professional education may become the monopoly of class. the total with drawl of the state from such important national field will definitely cause the irreparable damage to the interest of country in the long term.

5.2. Suggestions

- To maintain quality and standards of education, regulatory bodies should be established in the state because education is the responsibility of State Government as per constitution of India. It should decide the fee structure as per Government norms. It should check the salaries and status to the teachers for minimizing their exploitation. Only then our education system gets reformed in the private sector.
- In terms of higher education, the Mushroom Academy has grown rapidly. Such universities are becoming centers for selling degree.
- After paying money, you need not attend the classes. Such institutions are more in professional courses like Engineering, Pharmacy, Education and Management courses. Due to this, employers get low wages. So government should check these kinds of colleges in control.
- Teacher in Government school should really toil to bring the name up so that people will get encourage send their ward in Government Schools.
- Government should make some policies which can encourage the parents to admit their children to government schools.
- Over commercialization of education is ignoring to quality improvement. Overall it should be regulated to keep private institutions in checked and ensure quality control.