

AFFIRMATIVE ACTION IN THE ERA OF THE NATIONAL EDUCATION POLICY 2020 - A CONSTITUTIONAL STUDY OF EDUCATIONAL INCLUSION IN TIRUNELVELI DISTRICT

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ABSTRACT

Education has long been recognised as the foundation for achieving equality, social mobility, and democratic participation. In India, the constitutional vision of educational justice extends beyond formal equality and seeks to address historical discrimination through affirmative action measures, including reservations, scholarships, institutional support, and targeted welfare initiatives for socially and educationally disadvantaged groups. The introduction of the National Education Policy (NEP) 2020 represents the most significant educational reform since 1986, aiming to transform India's education system by emphasising equity, inclusion, quality, accessibility, and multidisciplinary learning. While the policy proposes numerous initiatives to improve educational participation among marginalized communities, its implementation raises important constitutional questions concerning the effectiveness of affirmative action in ensuring substantive equality. Recent academic literature has examined various dimensions of NEP 2020, including teachers' perspectives, inclusion of students with disabilities, awareness among educational stakeholders, institutional challenges, and curriculum reforms, highlighting both the transformative potential and practical limitations of the policy. This research adopts a doctrinal approach supplemented by a district-specific analysis of Tirunelveli, Tamil Nadu, to evaluate whether the objectives of affirmative action have been strengthened under NEP 2020. The study critically analyses constitutional provisions, judicial precedents, statutory developments, and policy initiatives governing educational inclusion, particularly concerning Scheduled Castes, Scheduled Tribes, Other Backward Classes, Economically Weaker Sections, women, minorities, and persons with disabilities.

KEYWORDS - Affirmative Action; National Education Policy 2020; Educational Inclusion; Constitutional Law; Equality; Reservation; Tirunelveli District; Higher Education.

INTRODUCTION

Education occupies a central position within the constitutional framework of India as an essential instrument for promoting equality, dignity, and socio-economic transformation. Since Independence, the Indian State has consistently recognised that merely guaranteeing formal equality cannot eliminate centuries of caste-based discrimination, social exclusion, economic deprivation, and educational backwardness. Consequently, affirmative action emerged as a constitutional mechanism designed to achieve substantive equality by extending preferential opportunities to historically disadvantaged communities. Unlike the concept of equality prevailing in many liberal constitutional systems, the Indian Constitution incorporates protective discrimination as an indispensable means of ensuring equal access to education, employment, and public institutions.

The adoption of the National Education Policy (NEP) 2020 marks a significant milestone in the evolution of educational governance in India. The policy seeks to restructure the educational ecosystem by improving access, quality, equity, affordability, and accountability while encouraging multidisciplinary education, digital learning, skill development, and institutional autonomy. One of its defining features is the emphasis on inclusive education through targeted interventions for Socio-Economically Disadvantaged Groups (SEDGs), encompassing Scheduled Castes, Scheduled Tribes, Other Backward Classes, minorities, women, transgender persons, children with disabilities, migrant communities, and economically weaker sections. The policy proposes several mechanisms, including Gender Inclusion Funds, Special Education Zones, flexible learning pathways, multilingual education, digital accessibility, financial assistance, and institutional reforms aimed at reducing educational disparities (Asagar & Kumari, 2023).

Scholarly research indicates that NEP 2020 has generated significant optimism regarding its potential to improve higher education through inclusive institutional practices and learner-centred pedagogical reforms. Nevertheless, researchers have simultaneously identified concerns relating to inadequate infrastructure, digital inequalities, financial constraints, limited institutional preparedness, and implementation challenges that may undermine the policy's constitutional objectives (Majhi, 2026; Sharma & Bala, 2022). Studies focusing specifically on inclusive education have further observed that although the policy adopts an expansive understanding of educational inclusion, successful implementation requires

coordinated efforts among governments, educational institutions, teachers, and local communities (Saha, 2022a; Saha, 2022b).

From a constitutional perspective, affirmative action in education derives legitimacy from multiple provisions of the Constitution, particularly Articles 14, 15, 15(4), 15(5), 15(6), 16, 21A, 29, 30, 38, 39, 41, 45 and 46. These provisions collectively impose a positive obligation upon the State to eliminate structural disadvantages affecting vulnerable sections of society. The Supreme Court has consistently interpreted these constitutional guarantees as permitting reasonable classification and protective discrimination in pursuit of substantive equality. Beginning with *State of Madras v. Champakam Dorairajan* (AIR 1951 SC 226), which initially invalidated communal reservations, the constitutional jurisprudence evolved through the First Constitutional Amendment introducing Article 15(4), thereby expressly empowering the State to enact special provisions for socially and educationally backward classes and Scheduled Castes and Scheduled Tribes. Subsequent constitutional developments and judicial pronouncements have progressively expanded the constitutional foundation of affirmative action.

The constitutional understanding of educational equality has further developed through landmark judicial decisions. In *Indira Sawhney v. Union of India* (1992 Supp (3) SCC 217), the Supreme Court reaffirmed that equality under Article 14 encompasses substantive equality rather than mere formal equality. Similarly, *Ashoka Kumar Thakur v. Union of India* ((2008) 6 SCC 1) upheld reservations in educational institutions under Article 15(5), recognising education as a critical means for achieving social justice. More recently, *Janhit Abhiyan v. Union of India* (2022 SCC OnLine SC 1540) upheld the constitutional validity of reservations for Economically Weaker Sections under the One Hundred and Third Constitutional Amendment, reflecting the continuing evolution of affirmative action within India's constitutional framework.

The constitutional relevance of NEP 2020 becomes particularly significant when examined within local socio-economic contexts. Tirunelveli District in Tamil Nadu presents an important case study due to its diverse demographic composition, significant Scheduled Caste population, educational institutions, rural-urban disparities, and longstanding implementation of social justice policies. Although Tamil Nadu has historically maintained one of India's most extensive reservation frameworks, educational inequalities continue to exist across caste, gender, disability, geography, and economic status. Evaluating NEP 2020 within this district enables an assessment of whether recent policy initiatives complement or merely replicate existing constitutional commitments toward educational inclusion.

Recent scholarship has also highlighted the broader institutional implications of NEP 2020. Researchers have examined challenges relating to governance reforms, curriculum restructuring, research development, infrastructure creation, faculty preparedness, marketing strategies of higher educational institutions, and stakeholder awareness, concluding that constitutional aspirations cannot be realised solely through policy declarations without sustained implementation mechanisms (Kumar & Jain, 2026; Roy & Misra, 2024; Sharma, 2020; Journal of Informatics Education and Research, 2024; Aminah & Ismail, 2018; Padi & Chetia, 2025; Hamid & Sharma, 2024; Nagaraju, 2026).

Against this backdrop, the present study investigates the constitutional relationship between affirmative action and educational inclusion under NEP 2020 by focusing specifically on Tirunelveli District. It analyses whether the policy strengthens existing constitutional guarantees or merely reiterates previously recognised commitments without introducing sufficiently enforceable mechanisms. The research seeks to demonstrate that affirmative action remains indispensable to the constitutional vision of educational equality and that the effectiveness of NEP 2020 ultimately depends upon its capacity to operationalise substantive constitutional rights through measurable, inclusive, and locally responsive educational reforms.

Table 1 - Constitutional Framework of Educational Inclusion in India

Constitutional Provision	Subject Matter	Relevance to Affirmative Action
Article 14	Equality before law	Foundation of substantive equality
Article 15(4)	Special provisions for socially and educationally backward classes	Constitutional basis of reservations in education
Article 15(5)	Reservation in educational institutions	Enables inclusion in public and private educational institutions (except minority institutions)
Article 15(6)	Reservation for Economically Weaker Sections	Expands affirmative action beyond social backwardness
Article 21A	Right to Education	Guarantees free and compulsory education
Article 46	Promotion of educational interests of weaker sections	Directive Principle supporting educational inclusion

CONSTITUTIONAL DIMENSIONS, NEP 2020 AND EDUCATIONAL INCLUSION

Affirmative action in India derives its constitutional legitimacy from the principle that equality requires positive intervention to remove historical disadvantages. Articles 14, 15(4), 15(5), 15(6), 21A and 46 collectively empower the State to provide reservations, financial assistance, scholarships and institutional support for socially and educationally backward classes, Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Classes (OBCs), Economically Weaker Sections (EWS) and other disadvantaged groups. The Supreme Court has consistently recognised that equality under the Constitution is substantive rather than merely formal. In *State of Madras v. Champakam Dorairajan* (AIR 1951 SC 226), the Court initially invalidated communal reservations, resulting in the First Constitutional Amendment introducing Article 15(4). Subsequently, *M.R. Balaji v. State of Mysore* (AIR 1963 SC 649), *State of Kerala v. N.M. Thomas* ((1976) 2 SCC 310), *Indra Sawhney v. Union of India* (1992 Supp (3) SCC 217), *Ashoka Kumar Thakur v. Union of India* ((2008) 6 SCC 1) and *Janhit Abhiyan v. Union of India* (2022 SCC OnLine SC 1540) progressively strengthened the constitutional foundation of affirmative action in education.

The National Education Policy (NEP) 2020 builds upon this constitutional philosophy by adopting a broader understanding of inclusion. Rather than treating reservation as the sole instrument of equality, the policy promotes equitable access through multidisciplinary education, digital learning, flexible curriculum, multilingual instruction, vocational integration and institutional autonomy. It specifically identifies Socio-Economically Disadvantaged Groups (SEDGs) and proposes targeted measures such as Gender Inclusion Funds, Special Education Zones, financial assistance and improved educational infrastructure (Mhavan, Nair, & Gudipudi, 2022). According to Agnihotri (2022), the policy attempts to align educational reforms with constitutional ideals by balancing excellence with social justice. Beerannavar and Pancrasius (2024) further observe that the policy encourages learner-centred education capable of reducing structural inequalities across higher educational institutions.

The policy has also been appreciated for linking educational reforms with sustainable national development. Patra (2025) argues that NEP 2020 promotes lifelong learning, innovation and equitable educational opportunities, while Prasad (2025) notes that successful implementation depends upon adequate financial allocation, institutional accountability and continuous policy evaluation. Ghose (2024) similarly emphasises that effective collaboration between universities, industries and governmental agencies is necessary to convert constitutional aspirations into practical educational outcomes. Thus, NEP 2020 expands the traditional scope of affirmative action by combining reservation with institutional reforms intended to improve both access and educational quality.

TIRUNELVELI DISTRICT - EDUCATIONAL INCLUSION UNDER NEP 2020

Tirunelveli District in Tamil Nadu presents an appropriate case study for evaluating the constitutional effectiveness of NEP 2020 because of its diverse demographic composition, significant Scheduled Caste population, rural educational institutions and long-standing implementation of social justice policies. Tamil Nadu has historically maintained one of India's most comprehensive reservation systems, providing substantial opportunities for socially disadvantaged communities. Nevertheless, disparities continue to exist between rural and urban educational institutions, government and private schools, economically weaker families and digitally connected learners.

The implementation of NEP 2020 within Tirunelveli has focused upon strengthening foundational literacy, improving higher education, promoting vocational education and expanding digital learning facilities. Universities and colleges in the district have gradually introduced multidisciplinary programmes, skill-based courses and outcome-oriented curricula consistent with the objectives of NEP 2020. Government scholarship schemes, hostel facilities, free textbooks, transport assistance and reservation policies continue to support students belonging to SC, ST, OBC, minority and economically weaker communities. These initiatives reflect the constitutional mandate contained in Article 46, which directs the State to promote the educational interests of weaker sections.

Despite these achievements, several implementation challenges remain. Rural educational institutions often experience inadequate digital infrastructure, shortage of trained faculty, limited research facilities and unequal access to technological resources. Students from economically disadvantaged households continue to encounter difficulties in accessing online education, language support and career counselling. Pandit and Paul (2023) argue that governance reforms must accompany policy reforms if educational inclusion is to become meaningful. Ghosh (2020) similarly observes that ambitious educational objectives require sustained administrative commitment and effective institutional monitoring.

Teacher preparedness also represents a critical component of successful implementation. Mishra (2020) contends that inclusive education depends upon continuous teacher training, professional development and awareness of constitutional values. Ruby (2020) further notes that educational transformation requires educators to adopt innovative pedagogical methods capable of addressing diverse learning needs. Without such capacity-building measures, the constitutional promise of equal educational opportunity may remain only partially fulfilled.

Another challenge concerns the persistence of social discrimination within educational institutions. Although reservation policies have improved enrolment among disadvantaged communities, subtle forms of exclusion based on caste, gender, disability and socio-economic status continue to affect educational experiences. Prasad and Mandal (2020) observe that affirmative action should therefore extend beyond admission policies to include institutional support systems, anti-discrimination mechanisms and inclusive campus environments. Abarar (2024) similarly questions whether existing institutional capacities are sufficient to realise the ambitious objectives of NEP 2020.

Nevertheless, the policy also creates significant opportunities. Bayan (2025) links inclusive education with sustainable development goals by arguing that equitable access to quality education enhances human capabilities, economic productivity and democratic participation. Likewise, Manna and Ghosh (2025) acknowledge that although financial constraints, digital disparities and administrative coordination remain substantial challenges, NEP 2020 provides an

unprecedented opportunity to modernise India's educational framework while preserving constitutional commitments to equality and social justice.

Table 2 - Assessment of Educational Inclusion under NEP 2020 in Tirunelveli District

Parameter	Present Status	Constitutional Significance
Reservation in Higher Education	Well established under Tamil Nadu policy	Promotes substantive equality under Articles 15 and 46
Scholarships and Financial Assistance	Available for SC, ST, OBC, EWS and minority students	Improves educational accessibility
Digital Learning	Expanding but uneven in rural areas	Supports equal educational opportunity
Multidisciplinary Curriculum	Gradually implemented in higher education institutions	Consistent with NEP 2020 reforms
Teacher Capacity	Requires continuous professional development	Essential for effective inclusive education
Major Challenges	Digital divide, infrastructure gaps, socio-economic inequality	Requires stronger constitutional and policy implementation

The constitutional vision of educational inclusion cannot be measured solely through enrolment statistics. Instead, the success of affirmative action under NEP 2020 should be assessed through retention rates, academic performance, accessibility, institutional inclusiveness and the long-term socio-economic advancement of disadvantaged communities. Tirunelveli illustrates that while constitutional guarantees and policy initiatives have substantially expanded educational opportunities, their transformative impact ultimately depends upon effective implementation, continuous governmental support and institutional accountability.

COMPARATIVE ANALYSIS, FINDINGS AND RECOMMENDATIONS

A comparative assessment indicates that Tirunelveli has performed relatively better than many districts in implementing educational inclusion because of Tamil Nadu's long-standing commitment to social justice and reservation policies. Nevertheless, disparities continue to exist when compared with metropolitan districts such as Chennai and Coimbatore, where educational infrastructure, digital connectivity, faculty strength and research opportunities are considerably stronger. While reservation has substantially improved access to higher education, the quality of educational facilities available to rural and economically disadvantaged students remains uneven. Consequently, affirmative action must increasingly focus on ensuring equality of educational outcomes rather than merely equality of access.

Recent government data further demonstrates both progress and continuing challenges. According to the 2011 Census, Tirunelveli District recorded an overall literacy rate of 82.5%, which was significantly higher than the national average at the time, with male literacy at approximately 88% and female literacy at around 77%. Scheduled Castes constitute nearly 20% of the district's population, making affirmative action measures particularly significant for educational advancement. Further, the All India Survey on Higher Education (AISHE) 2021–22 reports that the Gross Enrolment Ratio (GER) in higher education at the national level increased to 28.4%, while Tamil Nadu consistently records one of the highest GERs in the country, exceeding 45%, reflecting the State's comparatively successful higher education policies. The National Education Policy 2020 aims to increase the national GER in higher education to 50% by 2035, thereby significantly expanding access to universities and colleges. These statistics indicate that although Tamil Nadu has made substantial progress, districts such as Tirunelveli must continue strengthening institutional quality, digital accessibility and retention of students belonging to disadvantaged communities (Ministry of Education, 2023; AISHE, 2021–22).

The constitutional vision embodied in NEP 2020 therefore extends beyond increasing enrolment. It seeks to improve educational quality, research capacity, employability and social mobility while ensuring that vulnerable communities are not excluded from emerging educational opportunities. In Tirunelveli, implementation of multidisciplinary education, vocational integration and digital learning has gradually progressed; however, the pace of reform varies considerably across institutions depending upon financial resources and administrative capacity. This demonstrates that constitutional guarantees require sustained governmental investment and institutional commitment for their effective realisation.

MAJOR FINDINGS OF THE NEP

The study reveals that affirmative action continues to remain the constitutional foundation of educational inclusion in India. Although NEP 2020 does not substantially alter the reservation framework, it broadens the concept of inclusion by recognising multiple dimensions of disadvantage through the identification of Socio-Economically Disadvantaged Groups (SEDGs). The policy therefore complements constitutional guarantees rather than replacing them.

Secondly, judicial interpretation has consistently affirmed that substantive equality permits positive discrimination in education. The decisions in *Indra Sawhney v. Union of India* (1992 Supp (3) SCC 217), *Ashoka Kumar Thakur v. Union of India* ((2008) 6 SCC 1) and *Janhit Abhiyan v. Union of India* (2022 SCC OnLine SC 1540) demonstrate that affirmative action remains constitutionally valid when implemented to achieve social justice.

Thirdly, Tirunelveli District illustrates that States with strong welfare policies and reservation frameworks are better positioned to implement the objectives of NEP 2020. However, digital inequalities, rural infrastructure deficits, faculty shortages and socio-economic barriers continue to restrict educational inclusion despite constitutional guarantees.

Finally, the study establishes that successful implementation of NEP 2020 depends not merely upon policy formulation but upon effective coordination among governments, universities, local authorities and educational institutions. Inclusive education requires continuous monitoring, adequate financial allocation and institutional accountability.

The Union and State Governments should increase public investment in higher educational institutions located in rural and semi-urban districts to ensure that infrastructure, libraries, laboratories and digital facilities are comparable with urban institutions. Greater financial assistance should be provided to first-generation learners, economically weaker students and persons with disabilities through scholarships, hostel facilities and technological support.

Educational institutions should establish robust Equal Opportunity Cells, anti-discrimination committees and counselling mechanisms to address caste-based discrimination, gender inequality and exclusion of vulnerable communities. Faculty development programmes should be conducted regularly to familiarise teachers with inclusive pedagogical practices and constitutional principles governing affirmative action.

District-level implementation committees should periodically evaluate the progress of NEP 2020 using measurable indicators such as enrolment, retention, graduation rates, placement statistics and student satisfaction. Such evidence-based evaluation would improve accountability and ensure that constitutional objectives are translated into tangible educational outcomes.

CONCLUSION

Affirmative action remains one of the most significant constitutional mechanisms for achieving educational equality in India. The National Education Policy 2020 does not dilute this constitutional commitment; rather, it expands its scope by adopting a holistic understanding of educational inclusion based upon equity, accessibility, diversity and quality. Through provisions relating to multidisciplinary education, digital learning, Gender Inclusion Funds, Special Education Zones and support for Socio-Economically Disadvantaged Groups, the policy seeks to create a more inclusive higher education system.

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