
BEYOND ACCESS: REPURPOSING INDIA'S EDUCATION SYSTEM FOR EQUITABLE CAREER CAPABILITY

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ABSTRACT

India's demographic advantage will yield inclusive growth only if education enables people to convert learning into dignified and sustainable work. Yet the legal architecture remains fragmented. Article 21A and the Right of Children to Free and Compulsory Education Act, 2009 guarantee elementary schooling, while vocational education, career guidance, apprenticeships and the transition from higher education to work are dispersed across non-binding policy, sectoral regulation and equality legislation. This paper uses doctrinal legal research, supported by policy data and an exploratory practitioner interview, to examine that gap. It reads the right to education with the guarantees of equality, dignity and occupational freedom and with the Directive Principles concerning work, education and distributive justice. It then evaluates the National Education Policy 2020, the Apprentices Act, 1961, disability and transgender-rights legislation, and the regulatory roles of the University Grants Commission, the All India Council for Technical Education and vocational bodies. Indian constitutional jurisprudence has moved from access to education toward substantive equality, reasonable accommodation and institutional accountability, but it has not recognised a freestanding right to employment or employability. The paper therefore proposes a legally bounded 'career-capability' framework: an enforceable entitlement to non-discriminatory career information, exposure to vocational and experiential learning, reasonable accommodation, transparent outcome data and accountable education-to-work pathways, without promising a job to every graduate. This approach would convert existing constitutional and statutory duties into measurable institutional obligations while respecting federalism, institutional autonomy and labour-market uncertainty.

Keywords: Right to Education; Employability; Career Counselling; Vocational Education; Substantive Equality; Reasonable Accommodation; Demographic Dividend; India.

1. Introduction

India's young population is routinely described as a demographic dividend. That description is conditional, not predictive. A large working-age cohort produces social gains only where institutions enable young people to acquire useful knowledge, navigate credible career pathways and enter dignified work. Expansion of enrolment, by itself, does not establish that education has performed these functions. India's persistent combination of credential growth, graduate unemployment, informal work and employer-reported skill gaps exposes a transition problem: the system is relatively effective at admitting and certifying students, but markedly less reliable at connecting education with occupational agency.

The prevailing debate is often framed as a simple mismatch between curriculum and industry. That diagnosis is incomplete. A student does not choose among careers on equal terms merely because courses exist. Household income determines whether experimentation is affordable; geography determines exposure to institutions and employers; caste can reproduce inherited occupational hierarchies; gender norms affect mobility, safety and unpaid-care burdens; disability can make classrooms, assessments and recruitment inaccessible; and digital exclusion can prevent access to information, applications and training. Employability is therefore both an economic question and an equality question.

The Constitution does not guarantee a public job to every graduate. Nor can a court direct the economy to create a preferred occupation. Nevertheless, Indian public law is not indifferent to the education-to-work transition. Articles 14, 15 and 16 prohibit exclusionary state action; Article 19(1)(g) protects occupational freedom, subject to reasonable restrictions; Article 21 protects dignity and livelihood interests; and Article 21A secures free and compulsory elementary education. The Directive Principles require the State to promote welfare, reduce inequality, secure an adequate means of livelihood, protect children and weaker sections, and make effective provision for education and work within its economic capacity.¹ These provisions do not collapse into a justiciable 'right to employability'. Read together, however, they support a duty to ensure that public education does not distribute career opportunity arbitrarily or reproduce avoidable disadvantage.

The paper asks three questions. First, what duties concerning career preparation can

¹ INDIA CONST. arts. 14-16, 19(1)(g), 21, 21A, 37-39, 41, 45-46 & 51A(k).

legitimately be derived from India's constitutional right-to-education and equality jurisprudence? Second, do existing statutes and policies provide a coherent pathway from schooling to skills, higher education, apprenticeship and work? Third, what institutional design could make career guidance and work-linked learning accountable without converting education into narrow employer training?

The central claim is that India should move from a degree-centred model to a career-capability model. 'Capability' here denotes a person's genuine freedom to identify, prepare for and pursue a range of occupational futures. It is broader than job placement and narrower than a guaranteed job. The State's responsibility is to create fair enabling conditions: reliable information, curricular flexibility, vocational parity, practical exposure, accessibility, protection from discrimination and transparent outcome measurement. The claim does not subordinate universities to immediate market demand. Critical thought, citizenship, scientific temper and cultural learning remain intrinsic educational purposes. Career capability instead resists the opposite error - treating employment consequences as external to educational justice.

2. Literature, Method and the Analytical Gap

Demographic-dividend scholarship consistently treats population structure as an opportunity that depends upon health, education, women's participation and productive employment rather than as an automatic growth mechanism. Bloom, Canning and Sevilla describe the dividend as an institutional and policy achievement; studies of India similarly warn that a youthful age structure can magnify unemployment and inequality when human-capital formation and labour absorption diverge.² Higher-education literature identifies rapid system expansion, uneven quality, limited research capacity and the disconnection between credentials and work. Khare's account of the 'missing links' between employment, employability and higher education remains especially relevant because it shifts attention from aggregate enrolment to the institutional bridge between learning and occupation.³

Three limitations remain in much of this literature. First, policy reports frequently measure

² David E. Bloom, David Canning & Jaypee Sevilla, *The Demographic Dividend: A New Perspective on the Economic Consequences of Population Change* (RAND 2003); C.P. Chandrasekhar, Jayati Ghosh & Anamitra Roychowdhury, *The Demographic Dividend and Young India's Economic Future*, 41 Econ. & Pol. Wkly. 5055 (2006).

³ Mona Khare, *Employment, Employability and Higher Education in India: The Missing Links*, 52 University News 1 (2014).

inputs and outputs - seats, enrolment, training hours and certificates - rather than outcomes such as placement quality, wage progression, retention, occupational mobility or further learning. Second, education and employment are commonly treated as separate administrative silos. School education, higher education, skills, apprenticeships, social justice, labour and digital infrastructure are governed by different ministries and regulators. Third, the legal literature has concentrated, understandably, on access to schooling, fees, admissions and institutional autonomy. It has paid less attention to what equality and dignity require after formal access is secured but before a learner can enter work.

This article employs doctrinal and policy-analytical methods. Primary legal materials include the Constitution, central statutes, delegated legislation, reported decisions of the Supreme Court and selected High Courts, and international instruments binding or normatively relevant to India. Policy analysis covers the National Education Policy 2020 (NEP), the National Credit Framework, skill-development and apprenticeship arrangements, and official education and labour-force reporting. Judicial decisions are used to identify enforceable minima and principled limits, not to claim that courts can administer labour markets.

The paper also retains the draft study's exploratory discussion with a co-founder of GoBudee, a career-counselling service established in West Bengal. The account is treated as practitioner insight, not representative empirical proof. It indicates mechanisms worth testing - exposure to younger professionals, interaction with retired practitioners, psychometric and subject-based guidance, and family risk perceptions - but it cannot establish prevalence or causation. A publication-ready empirical extension would require a documented interview protocol, informed consent, anonymisation choices, purposive sampling across regions and school types, and thematic coding. This methodological qualification is important because vivid anecdotes cannot substitute for systematic evidence.

The paper's original contribution is a legal-institutional bridge between two mature fields: the right to education and equality in access to work. It proposes that the transition itself should become an object of regulation. The relevant question is not whether a graduate can sue for a job. It is whether institutions receiving public authority or funds have taken reasonable, transparent and non-discriminatory steps to equip learners to make occupational choices.

The capability approach helps explain why the distinction matters. Resources, formal rights and certificates do not translate uniformly into achieved opportunities. The same degree may

offer very different prospects to a student who has professional networks, fluent digital access and the ability to relocate, and to a first-generation learner constrained by care duties, inaccessible transport or discrimination. Amartya Sen's account of development as expansion of substantive freedom therefore supplies a useful evaluative lens: policy should examine what learners are actually able to be and do, not merely what inputs have been distributed.⁴ This paper uses capability as an analytical principle rather than as an independent source of legal rights. Its legal force comes from constitutional equality, dignity, enacted statutes and reasoned public administration.

The literature also cautions against allowing 'employability' to become an ideology of individual blame. A labour market can fail to generate sufficient decent work even when workers are educated. Technological change can render a narrow skill obsolete; employers can demand prior experience from first-time entrants; and unpaid internships can ration access by family wealth. The research design therefore separates four variables that are too often merged: educational quality, occupational information, equality of access and aggregate demand for labour. Career-capability reform directly addresses the first three and can improve matching, but it cannot substitute for industrial, macroeconomic or labour-protection policy.

This separation influences the paper's standard of evaluation. A programme is not successful merely because a certificate was issued, and it is not necessarily unsuccessful because every participant did not obtain immediate wage employment. Further study, viable self-employment, movement into a better occupational category and increased capacity to change careers may also be relevant. Conversely, a placement in precarious or unsafe work cannot automatically be treated as a positive outcome. Longitudinal and disaggregated evidence is necessary because initial placement numbers may hide attrition and unequal conversion across social groups.

3. The Constitutional Arc: From School Access to Career Capability

The Supreme Court's education jurisprudence began by locating education within dignity under Article 21. In *Mohini Jain v. State of Karnataka*, the Court connected access to education with the enjoyment of other fundamental rights and invalidated a capitation-fee structure that made access depend heavily upon wealth.⁵ *Unni Krishnan, J.P. v. State of Andhra Pradesh*

⁴ Amartya Sen, *Development as Freedom* 74-110 (Oxford University Press 1999).

⁵ *Mohini Jain v. State of Karnataka*, (1992) 3 S.C.C. 666 (India).

refined that broad formulation, recognising a right to free education for children up to fourteen while making education beyond that stage dependent upon the State's economic capacity and development.⁶ The Eighty-Sixth Amendment subsequently inserted Article 21A, recast Article 45 and added the parental duty in Article 51A(k). Parliament operationalised Article 21A through the RTE Act.

Article 21A is deliberately bounded by age. A doctrinal argument for career capability must not erase that boundary by presenting all higher education or employment preparation as an absolute fundamental right. Its stronger foundation lies in reading the Constitution structurally. Article 14 prohibits arbitrary differentiation and supports substantive equality; Articles 15(4), 15(5) and 15(6) permit special measures in education; Article 16 governs equality of opportunity in public employment; Article 19(1)(g) protects the freedom to practise a profession or carry on an occupation; and Article 21 protects dignity and livelihood interests. Article 37 makes the Directive Principles non-enforceable yet fundamental in governance. Articles 38, 39, 41, 45 and 46 orient public institutions toward reducing inequality, securing livelihood, providing education and protecting weaker sections.⁷ The constitutional position is thus one of graduated obligation: a strong enforceable core against discrimination and denial of elementary education; statutory obligations where Parliament has acted; and reasoned, capacity-sensitive duties for broader career preparation.

The Court has repeatedly stated that the constitutional promise concerns meaningful or quality education, not a physical seat alone. In *State of Tamil Nadu v. K. Shyam Sunder*, it treated quality as integral to the right to education and rejected a policy reversal that lacked an adequate educational basis.⁸ *Society for Unaided Private Schools of Rajasthan v. Union of India* upheld the RTE Act's inclusion mandate for non-minority unaided schools, while *Pramati Educational & Cultural Trust v. Union of India* preserved constitutional protection for minority institutions.⁹ These cases demonstrate both the reach and limits of public regulation: the State may impose inclusion-oriented obligations, but must respect express constitutional autonomy.

Institutional autonomy also matters in higher education. *T.M.A. Pai Foundation v. State of Karnataka* and *P.A. Inamdar v. State of Maharashtra* recognise space for private and minority

⁶ *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 S.C.C. 645 (India).

⁷ INDIA CONST. arts. 37-39, 41 & 46.

⁸ *State of Tamil Nadu v. K. Shyam Sunder*, (2011) 8 S.C.C. 737 (India).

⁹ *Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 S.C.C. 1 (India); *Pramati Educational & Cultural Trust v. Union of India*, (2014) 8 S.C.C. 1 (India).

educational institutions while allowing regulation to maintain standards, fairness and transparency.¹⁰ A career-capability framework should therefore prescribe minimum outcomes and safeguards rather than a uniform national curriculum. Institutions could choose pedagogical methods and local partnerships, but would disclose pathway data, provide guidance, prevent discrimination and meet accessibility standards.

Education's connection with work is constitutionally significant without amounting to a right to appointment. *Olga Tellis v. Bombay Municipal Corporation* recognised livelihood as part of life under Article 21, although it did not create an unconditional claim to a particular job.¹¹ Article 19(1)(g) similarly protects occupational choice against unreasonable state restriction, not against economic scarcity. Article 16 applies to public employment and cannot be converted into a guarantee of selection. The proposed duty is consequently procedural and capability-enhancing: public systems must not obstruct occupational freedom through misinformation, inaccessible learning, discriminatory streaming or arbitrary denial of recognised qualifications.

Substantive-equality decisions strengthen this conclusion. *Indra Sawhney v. Union of India* and *Ashoka Kumar Thakur v. Union of India* place affirmative action within a constitutional response to entrenched social disadvantage in employment and education.¹² *Anuj Garg v. Hotel Association of India* invalidated paternalistic exclusion of women from certain employment and insisted that the State confront rather than perpetuate unsafe conditions.¹³ *Charu Khurana v. Union of India* rejected a trade association's sex-based restriction on women's professional participation.¹⁴ *Lt. Col. Nitisha v. Union of India* explained indirect discrimination and showed why formally identical criteria may preserve structural disadvantage.¹⁵ These cases require career policy to examine effects, not merely neutral wording.

Disability jurisprudence is especially instructive because it translates equality into specific institutional adjustment. The Rights of Persons with Disabilities Act, 2016 defines denial of reasonable accommodation as discrimination and creates duties across education, skill

¹⁰ *T.M.A. Pai Foundation v. State of Karnataka*, (2002) 8 S.C.C. 481 (India); *P.A. Inamdar v. State of Maharashtra*, (2005) 6 S.C.C. 537 (India).

¹¹ *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 S.C.C. 545 (India).

¹² *Indra Sawhney v. Union of India*, 1992 Supp. (3) S.C.C. 217 (India); *Ashoka Kumar Thakur v. Union of India*, (2008) 6 S.C.C. 1 (India).

¹³ *Anuj Garg v. Hotel Association of India*, (2008) 3 S.C.C. 1 (India).

¹⁴ *Charu Khurana v. Union of India*, (2015) 1 S.C.C. 192 (India).

¹⁵ *Lt. Col. Nitisha v. Union of India*, (2021) 15 S.C.C. 125 (India).

development and employment.¹⁶ In *Vikash Kumar v. Union Public Service Commission*, the Supreme Court held that reasonable accommodation is intrinsic to substantive equality and cannot be confined mechanically to persons meeting the statutory benchmark-disability threshold.¹⁷ *Avni Prakash v. National Testing Agency* applied that logic to competitive examinations.¹⁸ *Rajive Raturi v. Union of India* later distinguished enforceable accessibility obligations from merely aspirational guidance and required a legally effective standards regime.¹⁹ These authorities show how a general promise becomes meaningful: identify barriers, impose standards, require individual accommodation, collect compliance information and provide remedies.

The same logic applies to gender identity. *National Legal Services Authority v. Union of India* recognised transgender persons' rights to self-identified gender, dignity, education and public employment, and directed affirmative measures.²⁰ The Transgender Persons (Protection of Rights) Act, 2019 prohibits discrimination in education and employment and imposes duties upon establishments and educational institutions.²¹ Career counselling that presumes binary roles, tolerates harassment or channels transgender learners away from public-facing occupations is not culturally neutral; it may reproduce prohibited exclusion.

International law supports a connected approach. The International Covenant on Economic, Social and Cultural Rights protects the rights to work and education and requires technical and vocational guidance and training policies.²² The Convention on the Rights of the Child directs education toward development of the child's abilities to their fullest potential.²³ The Convention on the Rights of Persons with Disabilities links inclusive education, vocational training, reasonable accommodation and work.²⁴ CEDAW requires equality in education, vocational guidance and employment.²⁵ These instruments do not constitutionalise a guaranteed job, but they confirm that education, guidance and work are linked state responsibilities.

¹⁶ Rights of Persons with Disabilities Act, No. 49 of 2016, §§ 2(h), 3, 16-20, INDIA CODE (2016).

¹⁷ *Vikash Kumar v. Union Public Service Commission*, (2021) 5 S.C.C. 370 (India).

¹⁸ *Avni Prakash v. National Testing Agency*, (2022) 2 S.C.C. 286 (India).

¹⁹ *Rajive Raturi v. Union of India*, 2024 INSC 858 (India).

²⁰ *National Legal Services Authority v. Union of India*, (2014) 5 S.C.C. 438 (India).

²¹ Transgender Persons (Protection of Rights) Act, No. 40 of 2019, §§ 3, 9-11 & 13, INDIA CODE (2019).

²² International Covenant on Economic, Social and Cultural Rights arts. 6, 13, Dec. 16, 1966, 993 U.N.T.S. 3.

²³ Convention on the Rights of the Child arts. 28-29, Nov. 20, 1989, 1577 U.N.T.S. 3.

²⁴ Convention on the Rights of Persons with Disabilities arts. 24 & 27, Dec. 13, 2006, 2515 U.N.T.S. 3.

²⁵ Convention on the Elimination of All Forms of Discrimination Against Women arts. 10-11, Dec. 18, 1979, 1249 U.N.T.S. 13.

4. India's Statutory and Policy Architecture

The RTE Act creates the clearest enforceable educational floor. Section 3 guarantees every child aged six to fourteen free and compulsory elementary education. Sections 8 and 9 impose duties on governments and local authorities; section 12 distributes admission obligations; sections 19 and 25 address school norms and pupil-teacher ratios; and sections 29 and 30 regulate curriculum, evaluation and examinations.²⁶ Section 29 is particularly relevant because curriculum must promote all-round development, discovery, activity and a child-centred learning process. These principles are incompatible with a system dominated exclusively by memorisation. Yet the Act contains no express entitlement to career guidance and generally ends before the stage at which learners make decisive subject and occupational choices.

This age and transition gap is the first legal discontinuity. NEP 2020 proposes exposure to vocational education from Grade 6, internships, flexible subject combinations, multidisciplinary higher education and an expansion of vocational participation.²⁷ These are important design commitments, but the NEP is a policy document, not a self-executing statute. Its promises become enforceable only when translated into legislation, rules, binding regulatory standards, conditions of affiliation or judicially cognisable constitutional duties. Conflating policy aspiration with existing entitlement weakens legal analysis and hides accountability gaps.

The second discontinuity is regulatory fragmentation. The University Grants Commission Act, 1956 coordinates and determines standards in universities; the All India Council for Technical Education Act, 1987 regulates technical education; school boards, state councils and universities set curricula; and the Ministry of Skill Development and Entrepreneurship oversees a parallel skills ecosystem.²⁸ The National Council for Vocational Education and Training was constituted through executive action to regulate awarding bodies and assessment agencies. The National Credit Framework seeks credit equivalence and mobility across school, higher and vocational education. These mechanisms can reduce dead ends, but portability depends on institutional recognition, credible assessment and employer trust. A credit stored on a digital

²⁶ Right of Children to Free and Compulsory Education Act, No. 35 of 2009, §§ 3, 8-9, 12, 19, 25 & 29-30, INDIA CODE (2009).

²⁷ Ministry of Human Resource Development, Government of India, National Education Policy 2020, ¶¶ 4.26, 16.1-16.8 & 11.8 (2020).

²⁸ University Grants Commission Act, No. 3 of 1956, INDIA CODE (1956); All India Council for Technical Education Act, No. 52 of 1987, INDIA CODE (1987).

platform has limited value if receiving institutions do not recognise it or if learners cannot understand how it maps to occupations.

The Apprentices Act, 1961 is the principal legal bridge between organised learning and workplace training. It regulates apprenticeship contracts, qualifications, training obligations, stipends and employer participation.²⁹ Amendments expanded optional trades and sought to simplify engagement. However, section 18 classifies apprentices as trainees rather than workers and excludes the ordinary application of labour laws subject to specified protections. That model can encourage training opportunities, but it also creates a risk that productive work will be relabelled as training. Quality assurance must therefore examine mentoring, competencies, duration, assessment, safety, stipend compliance and transition outcomes, not merely the number of apprenticeship contracts.

The rights-based statutes expose a third discontinuity: strong norms exist, but the mainstream education-to-work system does not consistently internalise them. Sections 16 and 17 of the Rights of Persons with Disabilities Act require inclusive education and measures relating to accessibility, reasonable accommodation, transport and learning support. Sections 19 and 20 address vocational training, self-employment and non-discrimination in employment.³⁰ The Transgender Persons Act prohibits discrimination in educational institutions and employment, requires establishments to comply with the Act and creates a complaints mechanism.³¹ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, maternity legislation and equal-remuneration norms within the labour-code framework affect whether women can convert education into sustained labour-force participation.³² These duties should not sit in separate compliance files; they should shape counselling, internship allocation, placement systems and campus-employer partnerships.

Federalism is a fourth fault line. Education is in the Concurrent List, whereas implementation capacity is distributed across the Union, states, local bodies, regulators and institutions. Uniform national standards can protect portability and equality, but over-centralisation may ignore language, local industry, tribal knowledge, agriculture, crafts and regional labour demand. The correct design is cooperative and layered: national minimum entitlements and

²⁹ Apprentices Act, No. 52 of 1961, §§ 4, 9, 13, 18 & 21, INDIA CODE (1961).

³⁰ Rights of Persons with Disabilities Act, No. 49 of 2016, §§ 16-20, INDIA CODE (2016).

³¹ Transgender Persons (Protection of Rights) Act, No. 40 of 2019, §§ 3, 9-13, INDIA CODE (2019).

³² Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, INDIA CODE (2013); Code on Wages, No. 29 of 2019, § 3, INDIA CODE (2019).

interoperable data; state-level curricula and sector planning; district-level labour-market mapping; and institutional discretion over delivery.

Funding completes the architecture. Article 41 expressly qualifies certain socioeconomic duties by reference to the State's economic capacity, but scarcity does not excuse irrational allocation or discriminatory design. A staged obligation is appropriate. Governments should immediately comply with non-discrimination, accessibility, transparent information and existing statutory mandates; progressively expand counsellor capacity, laboratories, digital access and workplace partnerships; and publish reasoned timelines and budgets. The longstanding public-policy objective of spending six per cent of GDP on education should be assessed alongside composition and effectiveness. Expenditure on a counselling portal is not equivalent to access where schools lack trained staff, devices or connectivity.

Regulatory accountability is further weakened by the gap between recognition and outcome. Approval by a statutory regulator may demonstrate compliance with minimum institutional standards; it does not necessarily verify a provider's advertising about employment. Students purchase many educational and coaching services in reliance on placement percentages, salary packages and claims of industry partnership. The Consumer Protection Act, 2019 prohibits unfair trade practices and misleading advertisements, and the Central Consumer Protection Authority may investigate and order corrective measures.³³ Educational disputes occupy a complex position in consumer jurisprudence, but that complexity is not a reason for regulators to tolerate unverifiable promotional claims. UGC, AICTE and other competent bodies should prescribe a common methodology: denominator, eligible cohort, number opting out, nature of engagement, compensation basis, verification date and relationship between work and programme.

Data governance must accompany outcome regulation. Career platforms may collect aptitude scores, disability information, caste, income, location and preferred occupations. These data can improve support but also enable profiling or discriminatory steering. The Digital Personal Data Protection Act, 2023 establishes general requirements for lawful processing, notice, consent and protection of children's data, subject to its commencement and applicable rules.³⁴ Even apart from that legislation, Article 21 privacy principles require public educational

³³ Consumer Protection Act, No. 35 of 2019, §§ 2(47), 10, 18 & 21, INDIA CODE (2019).

³⁴ Digital Personal Data Protection Act, No. 22 of 2023, §§ 4-9, INDIA CODE (2023).

systems to collect only necessary data, specify purpose, restrict access and provide correction and grievance mechanisms. Justice K.S. Puttaswamy (Retd.) v. Union of India makes proportionality and informational self-determination central to state data practices.³⁵ A public school should not make access to counselling conditional upon indefinite commercial reuse of a child's psychological profile.

The architecture must also address lifelong learning. A career-capability system limited to first entry assumes a stable occupation and ignores technological displacement, migration, care-related career breaks and disability acquired later in life. Article 41's language of work and education, read with the policy commitment to adult education, supports modular and accessible opportunities for reskilling. Recognition of prior learning is especially significant for informal workers whose competence is real but undocumented. The challenge is to certify skill without devaluing experiential knowledge or creating expensive testing barriers. Public institutions, employers and worker organisations should jointly define transparent assessment routes and appeals.

5. The Employability Paradox as a Problem of Structure and Exclusion

The draft paper correctly identifies a paradox: graduates may possess formal qualifications and still lack access to stable, suitable work. The term 'unemployable', however, should be used cautiously. Employer surveys often measure readiness for particular entry-level roles, not a person's inherent capacity to work. The label can shift responsibility from institutions and firms onto students. Employers may underinvest in training; recruitment may rely upon elite-campus networks; jobs may offer wages too low to attract qualified applicants; and macroeconomic demand may be insufficient. A legal account should therefore distinguish learning deficits, information failures, discriminatory barriers and job scarcity.

Rote learning remains a serious concern because high-stakes examinations reward reproduction and narrow coaching. Yet a blanket contrast between theory and skills is misleading. Strong conceptual foundations are transferable; immediately job-specific software or techniques can become obsolete. The better objective is integration: disciplinary knowledge combined with research, communication, digital literacy, ethical judgment, collaborative work and practical application. Higher education should use adult-learning and self-directed approaches where

³⁵ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C. 1 (India).

appropriate, but such labels must not become substitutes for trained teachers, assessment reform and academic support.

Vocational education continues to carry status penalties. This is partly an institutional design problem. When vocational streams are underfunded, difficult to transfer from, weakly connected to further education and concentrated among disadvantaged students, families rationally perceive them as second tier. Merely urging a cultural change cannot correct that hierarchy. Parity requires credit mobility, qualified instructors, safe equipment, pathways into diplomas and degrees, recognised occupational standards and evidence of wage progression. The constitutional concern is heightened where caste maps onto supposedly natural occupational destinies. *Safai Karamchari Andolan v. Union of India* illustrates the State's duty to dismantle, rather than romanticise, caste-linked degrading work.³⁶ Valuing practical knowledge must never mean fixing communities within inherited occupations.

Weak industry-academia linkages also require a balanced response. Employers can assist with curriculum review, laboratories, internships and forecasts of emerging skill demand. They should not control academic content or externalise all training costs to public institutions. Partnership agreements should contain learning objectives, fair selection, safety obligations, accessibility, anti-harassment measures, data protection, grievance procedures and disclosure of paid or unpaid status. Internships that consist of unmentored routine work do not create career capability.

Career information is a neglected public good. The practitioner interview underlying this paper suggests that students respond strongly to relatable role models and to retired professionals who can explain long-term career trajectories. It also identifies two useful counselling routes: beginning with possible careers and mapping required subjects, or beginning with demonstrated interests and exploring the occupations to which they may lead. Neither route should be deterministic. Psychometric instruments can organise reflection, but they carry risks of cultural bias, overclaiming and premature tracking. Students and parents should receive an explanation of a tool's limits, how data will be used, and the option to challenge or disregard a recommendation.

Inequality shapes every stage of this process. Rural students may lack counsellors, broadband,

³⁶ *Safai Karamchari Andolan v. Union of India*, (2014) 11 S.C.C. 224 (India).

English-language resources, transport and nearby institutions. Low-income families cannot easily absorb the cost of uncertain or geographically distant careers. Families may sell productive assets to finance professional degrees because the perceived pathways are legible even when the probability of success is unclear. Policy should reduce information asymmetry and downside risk through grants, public institutions, hostel and transport support, bridge courses and credible disclosure of course costs and outcomes.

Gender exclusion persists even where enrolment reaches parity. Safety, mobility, unpaid care, occupational stereotyping and discriminatory recruitment affect conversion of education into work. Anuj Garg's anti-stereotyping reasoning is directly relevant: the State should improve conditions rather than bar women in the name of protection. For persons with disabilities, inaccessible campuses, digital platforms, examinations and workplaces destroy the value of formal enrolment. Vikash Kumar requires institutions to ask what adjustment enables equal participation rather than whether a learner fits a narrow medical threshold. Transgender students face bullying, documentation barriers and placement discrimination. NALSA and the 2019 Act require active inclusion, not merely formal admission.

The digital divide has become a transition divide. Applications, aptitude testing, courses, internships and recruitment increasingly occur online. *Anuradha Bhasin v. Union of India* recognised the internet's importance to constitutionally protected activity, although it did not declare an unlimited standalone right to internet access.³⁷ In *Faheema Shirin R.K. v. State of Kerala*, the High Court treated internet access as integral to educational participation in the circumstances before it.³⁸ The careful legal conclusion is that where the State or an institution digitises an essential educational process, equality and reasonableness require accessible alternatives or support for those excluded by connectivity, disability or cost.

Finally, outcome measurement must distinguish placement from decent work. A short-term placement can conceal low wages, rapid attrition, unsafe conditions or work unrelated to training. Public dashboards should report completion, apprenticeship conversion, time to first work, median earnings bands, retention at six and twelve months, further study, self-employment survival and disaggregated outcomes. Privacy safeguards and minimum-cell rules are essential to prevent identification of marginalised students. Data should inform

³⁷ *Anuradha Bhasin v. Union of India*, (2020) 3 S.C.C. 637 (India).

³⁸ *Faheema Shirin R.K. v. State of Kerala*, A.I.R. 2020 Ker. 35 (India).

improvement rather than punitive rankings that encourage institutions to exclude learners who appear difficult to place.

The informal economy requires particular attention. Most Indian workers do not enter highly structured graduate recruitment pipelines. Career preparation that recognises only salaried corporate employment will misdescribe opportunity and overlook agriculture, crafts, care work, platform work, micro-enterprise and community services. At the same time, celebrating entrepreneurship can conceal the absence of social security or credit and transfer economic risk to individuals. Counselling should explain regulatory obligations, finance, insurance, intellectual property where relevant, occupational safety and social-protection options. Local knowledge should enter curricula through respectful partnership and compensation, not through extraction from farmers and artisans while outside firms retain commercial control.

Language is another hidden filter. Occupational information, entrance processes and digital interfaces are frequently more detailed in English than in Indian languages. Translation alone is insufficient if technical terms are incomprehensible or automated systems cannot process diverse scripts and speech. A minimum information duty should require clear language, accessible formats and availability in the principal language of instruction. This would operationalise equality without prescribing a single national language policy.

The problem also has a temporal dimension. Learners make choices using information about yesterday's labour market, while institutions may take years to revise programmes. Forecasts should therefore be presented as scenarios rather than promises. Curricula should build adaptable competencies and make it possible to return for modular learning. A career-capability system succeeds not when it predicts one lifelong occupation, but when it gives people the information and learning capacity to navigate change.

6. A Career-Capability Guarantee

India does not require a judicially invented right to a job. It requires a statutory and regulatory guarantee that educational institutions will provide a fair bridge to occupational choice. Such a guarantee could be introduced through amendments to education legislation, model state rules, and binding conditions issued by school and higher-education regulators. It should

contain six elements.

First, every learner should receive age-appropriate, vendor-neutral career education from the secondary stage. This is broader than a one-time counselling session. It should include labour-market literacy, exposure to academic and vocational routes, costs and financing, public-service and entrepreneurship options, risks of misleading advertisements, and the ability to revise choices. Schools lacking a full-time counsellor could use district pools and supervised digital services, but automated recommendations should not be determinative

Second, students should have an entitlement to meaningful experiential learning. At school level this can include community projects, local crafts, agriculture, laboratories and workplace observation with child-safeguarding rules. At higher-education level it can include clinics, apprenticeships, research placements and internships tied to assessed learning outcomes. Regulators should prescribe minimum safeguards, while institutions retain flexibility in form.

Third, vocational and academic routes must be permeable. Credits should be portable across recognised institutions, prior learning should be assessed through reliable procedures, and vocational learners should be able to progress into higher qualifications. Public communication must state where a credential is recognised and what it does not authorise. This would reduce the legal and economic harm caused by certificates that appear official but provide no real progression.

Fourth, inclusion must be designed into the transition. Career materials and platforms must meet accessibility standards; counselling must address rather than reproduce caste and gender stereotypes; institutions must arrange reasonable accommodation for training and recruitment; and grievance officers must be empowered to resolve discrimination in internships and placements. Partnership agreements with employers should incorporate obligations under disability, transgender and workplace-safety law. Where an employer repeatedly violates these conditions, the institution should suspend the partnership.

Fifth, institutions should owe a duty of transparent outcome disclosure. Before enrolment, students should be able to see total programme cost, completion rates, the methodology behind placement claims, median rather than only maximum compensation, the proportion of students placed, common job roles, further-study rates and any material accreditation limitation. Misleading placement advertising should attract regulatory and consumer-law scrutiny.

Disclosure must be contextualised so that institutions serving disadvantaged regions are not punished for labour-market conditions beyond their control.

Sixth, governance must assign responsibility. A National Education-to-Work Council need not become another licensing bureaucracy. A compact coordinating body could instead set data definitions, publish interoperability standards and report annually to Parliament. States should prepare career-capability plans linked to district skill and employment conditions. Local authorities could maintain directories of counsellors, institutions, apprenticeships and support schemes. Existing regulators should incorporate the guarantee into recognition and accreditation, using improvement notices and time-bound compliance before severe sanctions.

The guarantee should be enforced through proportionate remedies. A student denied counselling would ordinarily receive the service, not damages. Inaccessible assessment or discriminatory exclusion may require accommodation, reconsideration and compensation under existing equality statutes. False outcome claims may justify correction, refund or penalty. Systemic non-compliance should trigger an institutional improvement plan and public reporting. Courts should review legality, equality, reasonableness and implementation without selecting curricula or predicting labour demand.

Institutional accreditation offers the most practical enforcement route. Career-capability indicators should form a limited, separately weighted component rather than dominate academic assessment. Evidence might include a published service standard, counsellor qualifications, student-to-counsellor access, diversity of employer and community partnerships, accommodation records, grievance resolution and audited outcome disclosures. Review teams should speak confidentially with students, including those who did not secure placements. Institutions should be allowed to explain regional labour conditions and distinctive educational missions, but they should not be permitted to omit data or advertise selectively.

Procurement rules are equally important because schools and universities may outsource counselling, testing and placement technology. Contracts should prohibit commissions tied to directing students toward particular private courses; require disclosure of conflicts; set accuracy and accessibility standards; limit data retention; permit public audit; and ensure that consequential recommendations are reviewable by a qualified person. An algorithmic score should never be the sole basis for excluding a learner from a subject, internship or placement opportunity. Where automated tools rank candidates, institutions should test for differential

effects across gender, caste, disability, language and location.

The guarantee should be accompanied by a funding formula that recognises unequal starting points. A flat per-student grant may entrench inequality where remote schools face higher travel and connectivity costs or where inclusive education requires specialist support. Weighted grants can account for disability, remoteness, first-generation participation and local deprivation, while audit controls prevent labels from becoming incentives to misclassify students. Public funding should cover reasonable accommodation as an institutional obligation rather than force an individual learner to negotiate charitable assistance.

Implementation should proceed in phases. The first phase can map existing staff, services and employer partnerships and standardise disclosure. The second can train counsellors and teachers, create district resource centres and integrate vocational exposure. The third can link longitudinal education and employment datasets with privacy-preserving identifiers and independent evaluation. Pilots should oversample rural, tribal and low-income districts rather than begin exclusively in elite urban institutions. Evaluation should compare outcomes over time and record student agency, not simply administrator satisfaction.

This framework also clarifies what the State should not do. It should not assign children permanently to streams based on a single test, treat local caste occupations as destiny, require unpaid internships that exclude poor students, equate all employment with success, or allow private counselling vendors to harvest sensitive psychological data without safeguards. It should not promise that education alone can solve macroeconomic job scarcity. Career capability is an educational justice obligation; job creation remains a wider economic and labour-policy responsibility.

7. Conclusion

India's education-employment problem cannot be solved by adding more certificates to an already crowded credentials market. Nor is it sufficient to describe young people as deficient in skills. The deeper problem is an incomplete institutional transition: elementary education has a constitutional and statutory core, higher and vocational education are divided among regulators and policies, apprenticeships provide an underused workplace bridge, and equality laws often operate at the margins rather than at the centre of career design.

Constitutional doctrine supplies a principled way forward. The right to education is strongest

and most specific for children aged six to fourteen; beyond that core, equality, dignity, occupational freedom and the Directive Principles guide legislative and administrative action. The Supreme Court's cases on quality education, institutional autonomy, indirect discrimination, reasonable accommodation and gender identity show that meaningful opportunity requires more than identical treatment. At the same time, livelihood jurisprudence does not justify a guarantee of employment. These boundaries make the career-capability approach both ambitious and legally credible.

The proposed guarantee converts scattered promises into institutional duties: universal career education, experiential learning, mobility between vocational and academic routes, inclusive design, truthful outcome disclosure and assigned public responsibility. It also preserves plural educational purposes and local flexibility. Success should be evaluated through sustained and dignified transitions, disaggregated by social position, rather than enrolment, certificates or headline placement rates alone.

India's demographic dividend is therefore not a population fact waiting to be collected. It is a constitutional-governance project. If education expands the genuine freedom of every learner to understand and pursue occupational futures, youth can become a source of innovation, mobility and democratic confidence. If access remains disconnected from capability, the costs will be borne most heavily by those already excluded. Repurposing career options must consequently mean more than multiplying choices on paper; it must make those choices informed, reachable and equal in practice.

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