*Siddhanta's International Journal of Advanced Research in Arts & Humanities*
*Vol. 3, No. 5, May-June 2026*

# *Socio-Legal Study on Educational Disparities in India: An Analytical Examination of Structural Inequities, Legislative Frameworks, and Reform Imperatives*

***Dr. Dawinder Singh***

*Assistant Professor, Department of Sociology, Punjab College of Commerce and Agriculture, Chunni Kalan, Fatehgarh Sahib, Punjab, India*

***Parhlad Singh Ahluwalia***

*Dr. Bhimrao Ambedkar Law University, Jaipur, Rajasthan, India*

## ABSTRACT

Educational disparities in India represent one of the most persistent and structurally embedded challenges within the nation's socio-legal landscape. Despite constitutional provisions guaranteeing the right to education and a robust statutory framework—culminating in the Right of Children to Free and Compulsory Education Act, 2009, and the National Education Policy, 2020—significant inequities continue to pervade the educational ecosystem across dimensions of caste, gender, religion, geography, and socioeconomic class. This paper undertakes a comprehensive socio-legal analysis of educational disparities in India, situating the problem within theoretical frameworks drawn from critical legal theory, constitutional jurisprudence, and sociological inquiry. Employing secondary data from Census 2011, ASER 2022, UDISE+ 2021-22, and National Sample Survey Office reports, the study maps literacy differentials, enrolment ratios, dropout rates, and infrastructure deficits across diverse demographic categories. The paper identifies structural drivers of disparity including economic deprivation, patriarchal norms, caste-based exclusion, and inadequate implementation of constitutional mandates. The analysis reveals that while legislative intent has been progressive, implementation gaps and resource deficits continue to undermine educational equity. The paper concludes with actionable socio-legal recommendations directed at policymakers, judicial bodies, and civil society organisations.

**Keywords:** *Educational disparities, Right to Education, socio-legal analysis, caste and education, gender gap, constitutional law, India*

## 1. Introduction

Education occupies a foundational position in the architecture of any democratic society. In India, the aspiration for an equitable and universally accessible educational system is deeply embedded in constitutional philosophy, reflecting the Constituent Assembly's commitment to social justice, equality, and the eradication of historical disadvantages rooted in caste, gender, and class. Article 21A of the Constitution of India, inserted by the 86th Constitutional Amendment Act, 2002, elevated

elementary education to the status of a fundamental right, underscoring the State's solemn obligation to ensure free and compulsory education for all children between the ages of six and fourteen years.

Notwithstanding these constitutional imperatives and an elaborate statutory apparatus, India continues to grapple with deep-seated educational disparities that cut across multiple axes of social differentiation. The National Statistical Office's Household Social Consumption Survey and the Annual Status of Education Report (ASER, 2022) consistently reveal a troubling paradox: while gross enrolment ratios at the primary level have approached near-universal figures, retention rates decline sharply at higher levels, and foundational learning outcomes remain deeply unequal across social and economic groups. The mere presence of a child in school does not guarantee meaningful educational participation, particularly for marginalised communities.

The socio-legal dimensions of educational inequality are multifaceted and demand analytical attention. The law, as both a reflective and transformative instrument, simultaneously mirrors existing social hierarchies and holds the potential to disrupt them. When the State enacts legislation mandating universal education but fails to allocate adequate resources, enforce anti-discrimination provisions, or address structural barriers such as child labour and early marriage, the gap between legal promise and social reality widens. This paper interrogates that gap through a rigorous socio-legal lens.

This study proceeds in several stages. First, it maps the current landscape of educational disparities through empirical data. Second, it examines the legislative and constitutional frameworks governing the right to education. Third, it analyses structural and socio-cultural determinants of inequality. Fourth, it evaluates jurisprudential responses to education-related grievances. Finally, it proposes evidence-based recommendations for achieving substantive educational equity in India, contributing to the literature at the intersection of law, education, and social justice.

## 2. Research Methodology

This study adopts a qualitative-quantitative mixed methodology grounded in analytical and doctrinal research traditions. The doctrinal component involves systematic examination of constitutional provisions, legislative enactments, judicial pronouncements, and policy documents relating to education in India. The empirical component draws upon secondary data from authoritative national and international sources, including the Census of India (2011), Unified District Information System for Education Plus (UDISE+, 2021-22), Annual Status of Education Report (ASER, 2022), National Sample Survey Office (NSSO, 2018), and District Information System for Education reports published by the Ministry of Education, Government of India.

The study employs comparative analysis to examine inter-state, inter-caste, and gender-based educational disparities. Data on literacy rates, Gross Enrolment Ratios (GER), Net Enrolment Ratios

(NER), dropout rates, infrastructure availability, and teacher-pupil ratios are analysed to identify systemic patterns of exclusion. The theoretical framework draws upon Martha Nussbaum's capabilities approach, Amartya Sen's conception of development as freedom, and critical legal scholarship on the transformative potential of rights. Purposive sampling of judicial decisions—including landmark cases from the Supreme Court and High Courts—provides the basis for jurisprudential analysis. The study is limited to the period 2009-2024, commencing with the enactment of the Right to Education Act.

## 3. Constitutional and Legislative Framework

### 3.1 Constitutional Provisions

The constitutional architecture for educational rights in India is built upon several interlocking provisions. Article 21A, a product of sustained civil society advocacy and judicial interpretation, mandates that the State shall provide free and compulsory education to all children aged six to fourteen years. This provision, read conjointly with Article 21 (right to life and personal liberty), has been interpreted by the Supreme Court to encompass the right to education with dignity and quality. The landmark judgment in Unni Krishnan, J.P. v. State of Andhra Pradesh (1993) first recognised education as a fundamental right flowing from Article 21, prior to the formal constitutional amendment.

Articles 15(3) and 15(5) empower the State to make special provisions for women, children, and educationally backward classes, providing constitutional sanction for affirmative action in education. Article 46 of the Directive Principles of State Policy imposes a duty upon the State to promote the educational and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker sections. Article 45, as amended, now directs the State to endeavour to provide early childhood care and education to all children below the age of six years. These provisions, read together, establish a constitutional mandate for not merely formal access to education but substantive educational equity.

### 3.2 Statutory Framework and Legislative Evolution

The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) operationalised the fundamental right under Article 21A. The Act mandates free schooling in neighbourhood schools, prohibits capitation fees and screening procedures for admission, requires age-appropriate enrolment, mandates a 25 per cent reservation for disadvantaged children in private unaided schools, prescribes minimum infrastructure norms, and prohibits corporal punishment. The no-detention policy, though subsequently amended in 2019 to restore detention after Class V and Class VIII examinations, represented a pedagogical choice aimed at reducing exam-related dropout. The National Education Policy 2020 introduced a transformative reconceptualisation of the Indian educational paradigm,

adopting a 5+3+3+4 curricular structure and explicitly targeting Socially and Economically Disadvantaged Groups (SEDGs) through dedicated inclusion mechanisms.

**Table 1: Legislative Evolution of Educational Rights in India**

| Year | Legislation / Policy | Key Provision |
|---|---|---|
| 1950 | Constitution of India (Art. 21A, 45) | Free & compulsory education; directive to promote education |
| 1968 | National Education Policy (NPE) | Universal elementary education mandate |
| 1986 | Revised NPE & Programme of Action | Non-formal education; Operation Blackboard scheme |
| 2002 | 86th Constitutional Amendment | Art. 21A: RTE as Fundamental Right for children 6-14 yrs |
| 2009 | Right of Children to Free & Compulsory Education Act | Neighbourhood schools; 25% reservation for disadvantaged groups |
| 2017 | RTE Amendment Act | Modified no-detention policy; introduced Class V & VIII exams |
| 2020 | National Education Policy (NEP) | 5+3+3+4 curriculum structure; SEDGs inclusion mandate |

*Source: Ministry of Education, Government of India; compiled by the author.*

Despite this progressive legal architecture, implementation deficits remain stark. The 25 per cent reservation under Section 12(1)(c) of the RTE Act has faced consistent challenges from private school managements. The Supreme Court's decision in Society for Unaided Private Schools of Rajasthan v. Union of India (2012) upheld the constitutional validity of Section 12(1)(c) but exempted minority institutions, creating an asymmetry that dilutes the provision's operational reach. State-level variations in RTE implementation further compound the challenge, with several high-population states demonstrating chronic underperformance against statutory benchmarks.

## 4. Mapping Educational Disparities: An Empirical Analysis

### 4.1 Literacy Rates and Gender Disparities

India's overall literacy rate of 74.04 per cent (Census 2011, projected to approximately 77.7 per cent by 2021 estimates) masks significant gendered and regional variations. The male literacy rate stands at 82.14 per cent compared to female literacy at 65.46 per cent, reflecting a gender gap of approximately 16.68 percentage points. This gap, while having narrowed from 21.7 points in 2001,

remains indicative of structural barriers to women's educational access. Rural-urban differentials are equally pronounced: urban female literacy approaches 79.4 per cent, while rural female literacy lags at 57.9 per cent, reflecting the compounding disadvantage of gender and geographical marginalisation.

**Figure 1: Literacy Rates by Gender and Residence in India (Census 2011)**

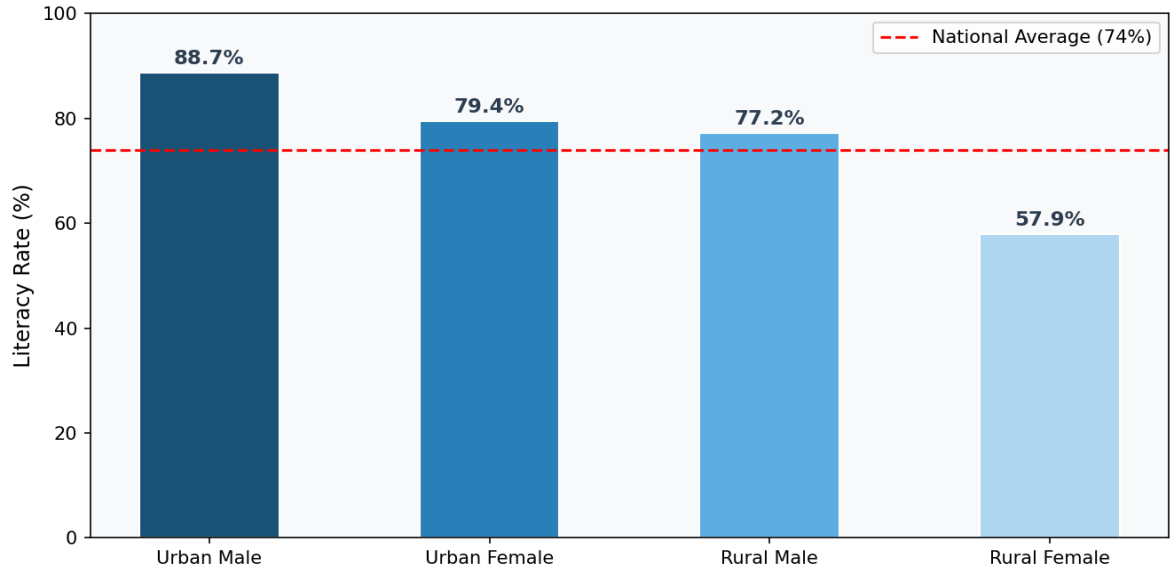


*Figure 1: Literacy Rates by Gender and Residence in India (Census 2011). Source: Office of the Registrar General & Census Commissioner, India.*

Among scheduled castes (SCs), the literacy rate is 66.1 per cent, and for scheduled tribes (STs) it is 59.0 per cent—substantially below the national average. These figures corroborate persistent caste-based exclusion from quality educational opportunities. Muslim communities, as documented in the Sachar Committee Report (2006) and subsequent surveys, also exhibit below-average educational indicators, particularly in urban areas where community-specific schooling options have diminished. The intersection of caste, religious identity, and gender creates zones of extreme educational deprivation that aggregate national statistics systematically obscure.

## 4.2 Enrolment and Retention Disparities

While gross enrolment ratios at the primary level have reached near-universal coverage (approximately 101.4 per cent as per UDISE+, 2021-22), the data reveals a precipitous attrition as students progress to higher educational levels. For scheduled caste students, the GER drops from 99.1 per cent at primary level to 69.2 per cent at secondary and a mere 23.1 per cent at the higher education level. This funnel effect is even more pronounced for scheduled tribes, for whom the higher education GER stands at 18.2 per cent. The concentration of dropout at the transition from upper primary to secondary education suggests that economic and social constraints intensify precisely when educational investment would yield the highest returns.

**Figure 2: Gross Enrolment Ratio by Caste Category Across Education Levels (2021–22)**

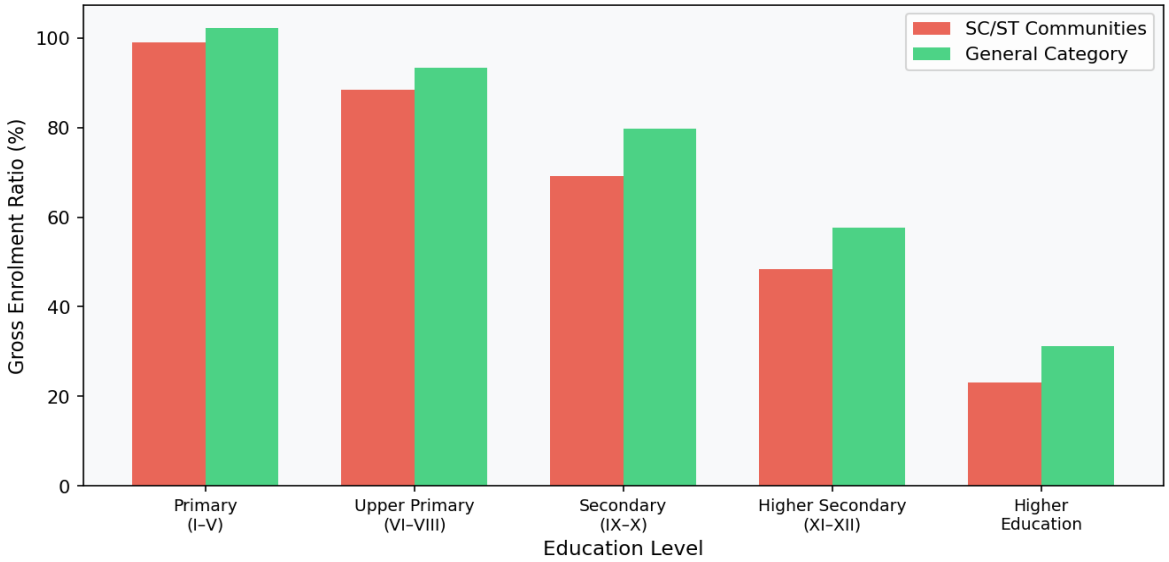


*Figure 2: Gross Enrolment Ratio by Caste Category Across Education Levels (2021-22). Source: UDISE+ 2021-22, Ministry of Education.*

## 4.3 Dropout Rates and Their Determinants

School dropout rates constitute perhaps the most telling indicator of structural exclusion. As per UDISE+ 2021-22 data, the overall dropout rate at the secondary level is 14.6 per cent, with SC and ST dropout rates at 18.4 per cent and 22.9 per cent respectively. The dropout crisis is multi-causal. Economic constraints compelling children into agricultural labour and girls into domestic work account for the largest share of dropouts. ASER 2022 data reveals that poverty remains the single most cited reason for withdrawal from school, followed by gender bias and child marriage in the case of girls, and infrastructural barriers such as long distances to secondary schools in rural and tribal regions.

**Figure 3: Primary Reasons for School Dropout in India (ASER 2022)**

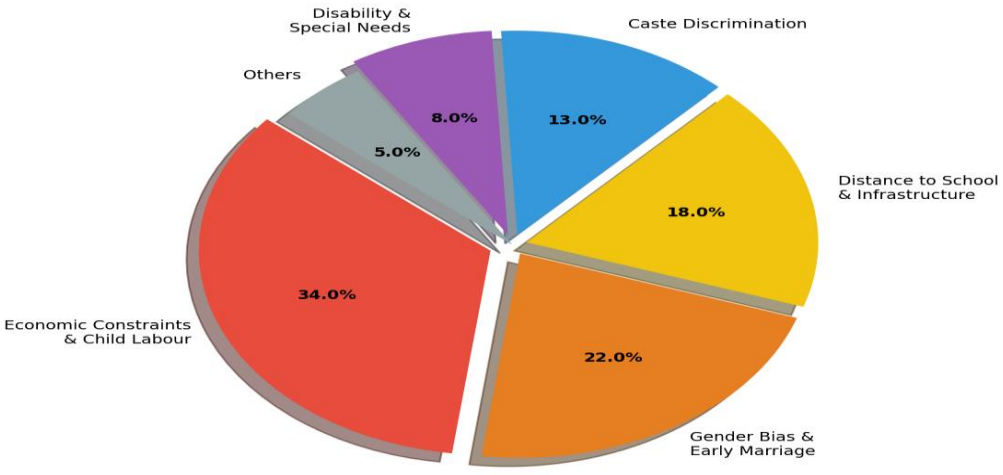


*Figure 3: Primary Reasons for School Dropout in India (ASER 2022). Source: Annual Status of Education Report, 2022.*

**Table 2: Key Educational Indicators by Social Category (2021-22)**

| Indicator | SC Community | ST Community | National Average |
|---|---|---|---|
| Literacy Rate (%) | 66.1 | 59.0 | 74.0 |
| Primary GER (%) | 99.1 | 96.8 | 102.3 |
| Secondary GER (%) | 69.2 | 61.4 | 79.8 |
| Higher Education GER (%) | 23.1 | 18.2 | 27.1 |
| School Dropout Rate (%) | 18.4 | 22.9 | 14.6 |
| Out-of-School Children (%) | 7.8 | 11.3 | 4.9 |

*Sources: Census of India (2011); UDISE+ (2021-22); ASER Report (2022); Ministry of Education, GOI.*

## 4.4 Geographical and Inter-State Disparities

Educational disparities in India have a profound spatial dimension. States such as Kerala (93.9 per cent), Himachal Pradesh (83.8 per cent), and Delhi (86.2 per cent) exhibit literacy rates far exceeding the national average, while Bihar (61.8 per cent), Rajasthan (66.1 per cent), and Uttar Pradesh (67.7 per cent) lag significantly behind. This pattern broadly corresponds to historical investment in public education, female workforce participation, and Human Development Index rankings. The north-south divide in female literacy is particularly stark: southern states have consistently prioritised girls' education, while northern states continue to grapple with entrenched patriarchal norms that limit female educational access.

**Figure 4: State-wise Literacy Rate Variation in India (Census 2011)**

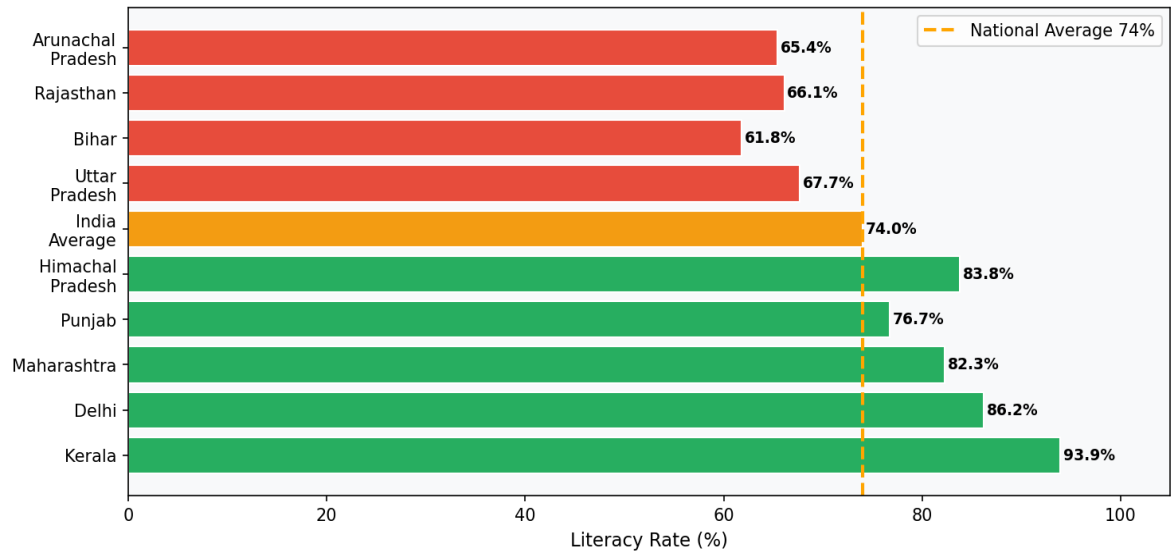

*Figure 4: State-wise Literacy Rate Variation in India (Census 2011). Source: Census of India (2011).*

**Table 3: Comparative Educational Performance Across Select States**

| State | Literacy Rate (%) | Female Literacy (%) | Dropout Rate (%) | HDI Score |
|---|---|---|---|---|
| Kerala | 93.9 | 91.9 | 2.1 | 0.779 |
| Maharashtra | 82.3 | 75.9 | 7.4 | 0.696 |
| Uttar Pradesh | 67.7 | 59.3 | 21.6 | 0.596 |
| Bihar | 61.8 | 51.5 | 28.1 | 0.576 |
| Rajasthan | 66.1 | 52.7 | 24.3 | 0.629 |
| All India Average | 74.0 | 65.5 | 14.6 | 0.645 |

*Sources: Census 2011; UNDP Human Development Reports; UDISE+ 2021-22. HDI = Human Development Index score.*

## 5. Structural Determinants of Educational Inequality

### 5.1 Caste-Based Exclusion

The caste system, deeply embedded in India's social fabric, operates as a powerful determinant of educational access and outcome. Historically, upper-caste monopolisation of knowledge—institutionalised through Brahminical codes restricting education to the twice-born varnas—systematically excluded Dalit, Adivasi, and Other Backward Class communities from intellectual participation. While constitutional untouchability provisions and educational reservations have partially disrupted this monopoly, caste-based discrimination persists in contemporary schooling environments through mechanisms of social ostracism, separate seating arrangements, denial of mid-day meals, and teacher bias against lower-caste students. Thorat and Newman (2007) document extensive evidence of caste discrimination in educational institutions, contributing to lower aspiration, absenteeism, and eventual dropout among marginalised students.

### 5.2 Gender-Based Barriers

Gender constitutes the most statistically visible dimension of educational inequality in India. Patriarchal norms that subordinate women's intellectual development to domestic and reproductive roles, combined with concerns about safety during transit to school, early marriage pressures, and the economic calculus prioritising male education, collectively create structural barriers to female educational participation. The Beti Bachao, Beti Padhao programme and the construction of gender-

separated toilet facilities under the Swachh Bharat Abhiyan have partially addressed infrastructural barriers, but cultural transformation—which is the prerequisite for sustained gender parity—remains a long-term project requiring sustained legal enforcement and social mobilisation across communities and institutions.

### 5.3 Economic Deprivation and Child Labour

Economic deprivation remains the most immediate driver of educational exclusion. With an estimated 10.1 million child labourers documented in Census 2011, India bears testimony to the tension between the economic compulsions of impoverished households and the constitutional guarantee of the right to education. The Child Labour (Prohibition and Regulation) Act, 1986, as amended in 2016, prohibits the engagement of children below 14 years in any occupation and children below 18 years in hazardous occupations, but enforcement remains deeply inadequate. The National Child Labour Projects and conditional cash transfer schemes such as the Pahal scheme have had measurable positive effects on enrolment in targeted districts, but their geographic and demographic reach is insufficient given the scale of the problem.

### 5.4 Infrastructural Deficits and Teacher Quality

Quality education is contingent upon functional infrastructure—schools with adequate classrooms, trained teachers, clean drinking water, functional toilets, and learning materials. Despite significant improvements under the Samagra Shiksha Abhiyan, UDISE+ data for 2021-22 reveals that approximately 11 per cent of schools in rural India lack a fully functional girls' toilet, 14 per cent have no library, and pupil-teacher ratios in several states remain far in excess of the 30:1 norm prescribed under the RTE Act. The persistence of single-teacher schools—nearly 1.04 lakh across the country—represents a structural failure to deliver constitutionally mandated quality education. These deficits disproportionately affect children in tribal belt schools, government schools in BIMARU states, and schools serving migrant and nomadic communities.

## 6. Judicial Responses and Jurisprudential Analysis

The Indian judiciary has played an increasingly active role in advancing educational rights, particularly through Public Interest Litigation (PIL) jurisprudence. The Supreme Court's seminal ruling in Mohini Jain v. State of Karnataka (1992) and Unni Krishnan v. State of Andhra Pradesh (1993) laid the doctrinal foundations for education as a component of the fundamental right to life. The post-86th Amendment jurisprudence has further elaborated the scope of this right: in P.A. Inamdar v. State of Maharashtra (2005), the Court grappled with the tension between institutional autonomy and the State's

redistributive mandate, ultimately balancing minority educational rights against the imperatives of social inclusion.

Significant High Court decisions have addressed caste discrimination in educational settings, teacher absenteeism as a violation of students' rights, and the State's obligation to provide quality education rather than mere formal enrolment. The Rajasthan High Court's directions in the Shala Darpan cases mandated real-time monitoring of teacher attendance and learning outcomes, representing judicial activism in implementation oversight. The Supreme Court's continued monitoring of mid-day meal implementation through the People's Union for Civil Liberties case reflects the Court's recognition that social rights require ongoing supervisory jurisdiction rather than one-time adjudication.

However, judicial enforcement of educational rights faces significant structural limitations. The adversarial structure of litigation is ill-suited for systemic policy reform; courts can mandate compliance but lack the institutional capacity to deliver quality education. The doctrine of polycentricity cautions against over-judicialisation of educational policy. The most effective interventions combine judicial oversight with executive action, civil society monitoring, and community participation—a convergence that remains the exception rather than the rule in India's educational governance landscape. Courts also face the challenge of institutional legitimacy when directing detailed educational policy choices that require technical and budgetary expertise beyond legal analysis.

## 7. Discussion and Policy Recommendations

The foregoing analysis reveals a structural chasm between India's progressive legal framework for educational rights and the ground realities of educational access, quality, and outcomes. The gap is not primarily a legislative deficit—the constitutional provisions are robust and the RTE Act comprehensive—but reflects insufficient political will, limited institutional capacity, and inadequate financial commitment to transform legal mandates into lived realities.

First, the financial commitment to public education must be substantially enhanced. The consistent recommendation for increasing public expenditure on education to six per cent of GDP—advanced by the T.S.R. Subramanian Committee (2016) and NEP 2020—has not been realised, with current allocations at approximately 4.6 per cent of GDP. Increased, ring-fenced budgetary allocation targeted at marginalised communities and quality improvement is a non-negotiable prerequisite for meaningful educational equity.

Second, the implementation machinery for the RTE Act requires fundamental strengthening. State-level RTE monitoring cells must be adequately staffed, equipped with real-time data systems, and empowered to initiate enforcement action against non-compliant schools. The 25 per cent reservation under Section 12(1)(c) must be enforced uniformly, and the reimbursement mechanism for private

schools must be streamlined to eliminate compliance barriers. Legal standing of parents' representative bodies in school management committees should be enhanced to create accountability at the institutional level.

Third, gender-sensitive educational infrastructure must be universalised, and conditional cash transfer programmes for girls' education expanded in geographic coverage. Caste-based discrimination in educational institutions must be addressed through dedicated legal mechanisms—a specific anti-discrimination code for educational institutions, analogous to comparable statutes in South Africa and the United Kingdom, would provide clearer rights and stronger deterrence. Finally, teacher quality and equitable deployment must be radically reformed, addressing the chronic shortage of trained teachers in rural and tribal areas through locally recruited cadres, mandatory posting rotations, and performance-linked professional development under the National Professional Standards for Teachers framework proposed in NEP 2020.

## 8. Conclusion

This paper has undertaken a systematic socio-legal examination of educational disparities in India, traversing constitutional philosophy, statutory architecture, empirical reality, and judicial response. The central finding is sobering: despite over seven decades of constitutional commitment, three decades of Supreme Court jurisprudence on educational rights, and fifteen years of the RTE Act, India's educational landscape remains deeply fractured along the fault lines of caste, gender, class, religion, and geography. The universality proclaimed by the law exists in persistent tension with the particularism enforced by entrenched social structures.

Yet the analysis also reveals grounds for measured optimism. Enrolment at the primary level has achieved near-universality. Gender gaps in literacy, while persistent, are narrowing. Landmark judicial decisions have progressively expanded the content and enforceability of educational rights. The NEP 2020, if implemented with genuine political commitment, offers a comprehensive roadmap for educational transformation. Civil society organisations—from village-level parent committees to national advocacy networks—continue to hold the State accountable for its constitutional obligations.

The realisation of educational equity in India ultimately requires a convergence of law's transformative potential with genuine social reform. The law can mandate access, prohibit discrimination, and create structural conditions for learning—but it cannot, by itself, dismantle centuries of social hierarchy or compensate for decades of public underinvestment. What is required is a composite strategy pairing vigorous legal enforcement with sustained social mobilisation, adequate public financing, and a deep institutional commitment to the dignity and capability of every learner.

The promise of Article 21A—that every child shall be educated—is not merely a legal obligation; it is a civilisational aspiration that India cannot afford to defer.

## References

Aggarwal, J. C. (2010). Development and planning of modern education (9th ed.). Vikas Publishing House.

Annual Status of Education Report (ASER). (2022). ASER 2022: National findings. Pratham Education Foundation.

Balagopalan, S. (2014). Inhabiting 'childhood': Children, labour and schooling in postcolonial India. Palgrave Macmillan. https://doi.org/10.1057/9781137282538

Beiteille, A. (2002). Caste, class and power: Changing patterns of stratification in a Tanjore village (2nd ed.). Oxford University Press.

Child Labour (Prohibition and Regulation) Act, No. 61 of 1986, as amended by Act 35 of 2016, Government of India.

Constitution of India. (1950). Ministry of Law and Justice, Government of India.

Deshpande, A. (2011). The grammar of caste: Economic discrimination in contemporary India. Oxford University Press. https://doi.org/10.1093/acprof:oso/9780198072034.001.0001

Dreze, J., & Sen, A. (1995). India: Economic development and social opportunity. Oxford University Press.

Government of India. (2006). Social, economic and educational status of the Muslim community of India [Sachar Committee Report]. Prime Minister's High Level Committee.

Government of India. (2020). National Education Policy 2020. Ministry of Education.

Government of India. (2022). UDISE+ 2021-22: Flash statistics. Ministry of Education.

International Labour Organization (ILO). (2020). Child labour: Global estimates 2020, trends and the road forward. ILO & UNICEF.

Jha, P., & Parvati, P. (2014). Assessing progress on Universal Elementary Education in India. Economic and Political Weekly, 49(16), 44-51.

Kumar, K. (2005). Political agenda of education: A study of colonialist and nationalist ideas (2nd ed.). Sage Publications.

Mohini Jain v. State of Karnataka (1992). 3 SCC 666. Supreme Court of India.

National Sample Survey Office (NSSO). (2018). Household social consumption on education in India 2017-18. Ministry of Statistics and Programme Implementation.

Nussbaum, M. C. (2011). Creating capabilities: The human development approach. Harvard University Press. https://doi.org/10.4159/harvard.9780674061200

Office of the Registrar General & Census Commissioner. (2011). Census of India 2011: Primary census abstract. Ministry of Home Affairs, Government of India.

P.A. Inamdar v. State of Maharashtra (2005). 6 SCC 537. Supreme Court of India.

Right of Children to Free and Compulsory Education Act, No. 35 of 2009, Government of India.

Right to Education Forum. (2020). Report card on the Right to Education: Tracking implementation across states. RTE Forum.

Sen, A. (1999). Development as freedom. Oxford University Press.

Society for Unaided Private Schools of Rajasthan v. Union of India (2012). 6 SCC 1. Supreme Court of India.

Thorat, S., & Newman, K. S. (Eds.). (2007). Blocked by caste: Economic discrimination in modern India. Oxford University Press.

UNESCO. (2023). Global Education Monitoring Report 2023: Technology in education—A tool on whose terms? United Nations Educational, Scientific and Cultural Organization.

Unni Krishnan, J.P. v. State of Andhra Pradesh (1993). 1 SCC 645. Supreme Court of India.

Wazir, R. (Ed.). (2000). The gender gap in basic education: NGOs as change agents. Sage Publications.

World Bank. (2022). India education sector assessment: Equity, quality, and employability. World Bank Group.