

To,  
Smt. Smriti Zubin Irani,  
Hon' Minister of Human Resource Development,  
Shastri Bhawan,  
New Delhi – 110001.

Date: 08.09.2015

**Sub: Request to retain the 'No Detention' provision in the Right of Children to Free & Compulsory Education Act, 2009**

Dear Smt. Smriti Zubin Irani,

The **Right** of Children to Free and Compulsory Education (RTE) Act, 2009, hereby referred as RTE Act or the Act) introduces the "Prohibition of holding back and expulsion" under clause 16 which essentially means "no child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education". The introduction of this clause in the Act is often questioned with the argument that this clause compromises the quality of education in government schools.

However, it should be clarified that clause 16 makes no mention of any examination of the child during the course of his elementary education. Rather it states that the child shall not be held back in the same class. At the same time it, should be reiterated that the Act is not against assessment of children. In fact it introduces the concept of "Continuous and Comprehensive Evaluation" (CCE) under clause 29 (2) (h), with the sole purpose of assessing a child's performance and assisting the child to perform better in subjects where he/she is lagging behind. Such a system, as envisioned within the RTE Act, 2009, does away with unnecessary competition, reducing the pressure on the child to get good marks and the stress of "pass" or "fail". It emphasizes on learning.

The consequence of detaining a child in the same class works adversely on the child's psyche and has an impact on his/her self-esteem. It often affects the child's motivation to continue in school which results in drop-out or rather, being pushed out of the school system. Moreover, there is no evidence available that anywhere which states that detention in the same class has improved the learning of any child. It is also important to note the profile of these children, who are generally from the marginalised sections of the society and are often, first generation learners.

Quality of education is more than a mere transaction between teachers and students, text books and activities. It is a process of getting every child to school, practicing non-discrimination,

appreciating the challenges faced by the first generation learner, and a zero-tolerance of school dropouts including a policy of 'no child being out of school'.

Quality of education begins with treating all children as equals and respecting first generation learners. Additionally, it encompasses an institutional culture and practices wherein, for example, the school starts on time; the teacher is regular and comes to class on time; there is an enabling environment in the classroom for learning; substantial learning materials available in the language predominant among a majority of the class; children's voices are heard and so on. Therefore, it is essential to revisit the concept of quality education, taking into account the factors that enable the realisation of quality within education.

It is often found that children, who are failed in school examinations, declared non-performers, have not only been able to catch up with their peers but have shown immense resilience to study. Sometimes, all they require is an enabling environment and respect. Thus, instead of type-casting a child as a 'failure' which the detention system certainly ensures, it is important to take joint responsibility of the under-performance of the child- by the teachers, the school authorities and the academic support system.

It is essential to note here that the RTE Act introduces the system of CCE, a provision that has not been implemented in a majority of the schools in the country. While the 'no-detention policy', a relatively easier to implement provision, has been introduced, the CCE is yet a distant dream. We believe that evaluation is an indispensable part of the educational process, as some form of assessment is certainly necessary to determine the effectiveness of teaching learning processes and their assimilation by learners. And the CCE provides ample scope to the teachers to assess the child and identify both his/ her strengths and weakness within an academic year; and subsequently, together with the child, work towards nurturing his/ her skills. However, in the last five years, the CCE has been grossly neglected and hardly any training has been provided to the teachers to practice it, in their day-to-day transactions. Failure to implement the CCE and its continued misinterpretation is probably the bigger reason which has led to the drop in quality, as against a no-detention policy.

The continued misinterpretation of the RTE Act has led to a less than 10% compliance rate of all the provisions of the Act. Instead of reviewing/ removing clauses which are intended to accelerate the goal of a universal, quality education for **all** the children, we must focus on channelizing our energies into implementing all the provisions of the Act, in a holistic manner. Only then will we be able to attain the true goals of universal access to good quality elementary education for all children in the country.

We request you to take stock of the implementation of the RTE Act and analyse the reasons that are impeding its implementation. We also urge you to think about the likely consequences of the re-implementation of the detention policy and of the children who will be pushed out of the system because of such a clause. We are certain that the removal of the no-detention policy would hamper the overall goals of the RTE Act and lead to massive drop-outs; especially among the first generation learners.

We urge you to take urgent, appropriate actions to stop such regressive measures.

Regards,

Ambarish Rai  
(National Convener)  
Right to Education (RTE) Forum

Copy To:

1. Dr. Subhash Chandra Khuntia,  
Secretary, Department of School Education & Literacy,  
124- C, Shastri Bhawan,  
New Delhi- 110001.
2. Ms. Rina Ray,  
Additional Secretary, Department of School Education & Literacy,  
116- C, Shastri Bhawan,  
New Delhi- 110001.