Headline: **Government should not fail children to cover up education system’s failure**
Tagline: Government should not bring amendment to RTE Act to scrap no detention policy and to fail children in class V and VIII to cover up its failure to bring systemic changes in the national education system

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The civil society organisations, teacher unions, and academicians working in the education sector across 20 states of India strongly oppose the Lok Sabha’s decision to pass ‘**The Right of Children to Free and Compulsory Education (Second Amendment) Bill, 2017**’. This bill paves the way for the scrapping of the provision for ‘No Detention’ by allowing states to detain children in class V and VIII. Over 20,000 Indians had already urged the government to withdraw the bill scrapping the ‘**No Detention Policy**’.

With this bill, the Indian government has proved that it has not just systematically failed to implement **The Right of Children to Free and Compulsory Education Act**, 2009 (the RTE Act) but also conveniently decided to punish over 150 million children for its failures. If the Rajya Sabha also passes it, the parliament will fail in its duty to bring systemic changes to build an equitable education system.

Even after 8 years of the RTE Act implementation, almost 90% of schools in India are not fully RTE compliant. Instead of effectively working to ensure the provisions of the RTE Act are followed, the government has taken an easy route and put the burden of the poor quality of education on the children.

“The pulling out of the No Detention clause, one of the most critical parts of the RTE Act, has put the entire RTE Act at risk of disintegration. The greatest negative impact will be on disadvantaged groups, first-generation learners, Adivasi and Dalit students and girls who are most vulnerable to drop out,” said Ambarish Rai, Convenor of the National RTE Forum, India’s largest education network.

There is no established cause-effect link between ‘learning levels’ and ‘no detention policy’; research highlights how it is the poor quality of education, lack of infrastructure, teacher vacancies and the presence of untrained teachers that have had an effect on learning outcomes and not just the lack of examinations as argued by the Ministry of Human Resource Development (MHRD).

Since the introduction of ‘No Detention’, the annual dropout rate has halved\(^1\)(from 8.61% in 2006-07 to 4.34% in 2014-15). The retention rate has increased by 9% (74.92% in 2008 to 83.73% in 2014-15) and the transition rate (Primary to Upper Primary) has increased by 7%. Of the 20 states which shared their results with the Bhukkal committee\(^2\), 13 reported an increase in the pass percentage for class X exams. The NDP, along with other RTE provisions, has had no negative impact on academic performances. On the contrary, it has helped to retain children in schools and has improved their learning by enabling them to complete their elementary education.

While the NDP has been held responsible for the decline of learning outcomes, ASER data\(^3\) shows a consistent decline, not just from 2010, but from 2005 when both board exams and detention existed\(^4\). One may infer that the current low performance is not caused by no-detention, but is part of a long-term trend that predates its introduction.

This bill has been introduced on the pretext of improving learning outcomes, but successive governments have failed to implement the RTE Act in the last 8 years. If the correct Continuous and Comprehensive Evaluation (CCE) had been implemented in its true spirit, it would have provided the tool for teachers to understand difficulties of students and address them. Instead of strengthening the correct CCE process in schools and

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\(^1\)Mehta, D & Saksena, N (2017) Vidhi Law Centre’s submission to the Parliamentary Standing Committee on Human Resource Development. Accessed at [https://static1.squarespace.com/static/551ea026e4b0adba21a8f9df/t/59faaca564265feb54cae830/1509600430177/157671_Vidhi+Submission+to+the+PSC+MHRD+on+NDP.pdf](https://static1.squarespace.com/static/551ea026e4b0adba21a8f9df/t/59faaca564265feb54cae830/1509600430177/157671_Vidhi+Submission+to+the+PSC+MHRD+on+NDP.pdf)


making the system accountable, the government has abdicated its responsibility and put the onus of learning on the children.

The move is also condemned by Rampal Singh, President of All India Primary Teachers' Federation (AIPTF). He said, "First, the faulty implementation of CCE, which led to an undue burden on teachers, children and parents, and now the removal of 'No Detention Policy' which will have a tremendous negative impact on Right to Education."

Evidence worldwide shows that detaining children in the same class does not automatically improve learning, but negatively impacts their self-esteem and motivation to continue in school, effectively pushing them out of school. After concerted efforts of 15 years, India has achieved the present level of enrolment and was trying to reach gender parity in elementary education. This move risks reversing these gains without improving the quality of education or enhancing learning.

The government's own data shows that detaining students is one of the significant reasons for school dropout in India. According to the National Family Health Survey 4 (2015-2016) data, one of the top six reasons for school dropouts was 'repeated failure' with 3.5% of the cases at the national level. In the previous NFHS Survey, repeated failure in school was ranked higher than reasons like required-for-care-of sibling, required-for-outside-work for payment in cash or kind and required-for-work-on-farm/family business. Repetition contributes to school dropout. Children from Dalit and Adivasi communities are most likely to be affected since among those who secured less than 30% marks are from Dalit, Adivasi and Other Backward Caste backgrounds.

Systemic solutions are needed to address the systemic problem of quality. Given that the ASER reports indicate that nearly 50% children in class V do not have basic reading and mathematics skills, it will not be reasonable to detain half of India's students. The two months' remedial package being proposed would be too little and too late to compensate for half a decade of educational neglect. Other critical evidence-based alternatives to grade repetition include early grade and preschool programmes and programmes to enhance parental involvement in children's learning.

Additionally, the bill talks about additional inputs to children who will fail in their exams and provide second opportunity to pass the exams. This raises few very pertinent questions: first, how an education system with a deficit of approximately 6 lakh teachers is going to provide additional inputs when it is not able to teach children in the first place itself? The second, how a child who could not learn in five years, will learn and fill the gap of five years in 2 months? Also, who will bear the additional costs that will be incurred due to additional inputs and an additional number of failed children in the system? Further, while the education budget has not been able to implement the RTE Act even after 8 years of implementation, how the same system will invest in the additional expenses that it will incur due to this amendment of the RTE Act.

The Supreme Court of India, in its verdict in case of Society for Unaided Private Schools of Rajasthan versus Union of India [Writ Petition (C) No. 95 of 2010], had clearly ruled (in 2012, Para 132) thus "Challenge was also made to Section 16 of the Act stating that it will lead to indiscipline and also deteriorate the quality of the education, which I find difficult to agree with looking to the object and purpose of the Act. Holding back in a class or expulsion may lead to a large number of dropouts from the school, which will defeat the very purpose and object of the Act, which is to strengthen the social fabric of democracy and to create a just and humane society. Provision has been incorporated in the Act to provide for special tuition for the children who are found to be deficient in their studies, the idea is that failing a child is an unjust mortification of the child personality, too young to face the failure in life in his or her early stages of education. Duty is cast on everyone to support the child and the child's failure is often not due to the child's fault, but several other factors. No legal infirmity is found in that provision; hence the challenge against Section 16 is rejected".

Acknowledgement: a lot of information and arguments given here have been adopted from the following:


The present amendment in Section 16 of the RTE Act is against the ruling delivered by the Hon'ble Supreme Court and must be taken back by the MHRD.

We the undersigned organizations and individuals make a collective appeal to the Rajya Sabha, to not allow this bill to be passed, and send back it to the Lok Sabha for an informed and detailed debate. It is about the future of millions of children in this country and needs serious attention from our policymakers, and elected representatives.

In conclusion, the Indian parliament will be failing by passing a bill to fail children. Do not fail Children, do not fail the RTE. Implement the RTE Act in letter and spirit and in its entirety, and ensure an equitable quality education for all the children, create an enabling learning environment and not pass this amendment to fail the children.

ENDORSED BY
1. All India Primary Teachers’ Federation
2. Ajay K Jha
3. Ambarish Rai, National Convener, Right To Education Forum (RTE Forum), India
4. Azad Foundation
5. Bharath Bhushan Mamidi, Centre for Action Research and People's Development, Hyderabad
6. Campaign Against Child Labour (CACL)
7. Centre for Social Equity and Inclusion (CSEI)
8. Dalit Vikas Abhiyan Samiti, Bihar
9. Disha, Women Media and News Trust
10. Education Programme, Centre for Child and the Law, National Law School of India University, Karnataka
11. Farah Naqvi, Writer and Activist, Delhi
12. Feminism In India
13. Gujarat Right To Education Forum (RTE Forum);
14. Himachal Pradesh Right To Education Forum (RTE Forum);
15. IT for Change, Bangalore
16. Jharkhand Right To Education Forum (RTE Forum);
17. Jaya Iyer, Artist and Teacher, New Delhi
18. Koninika Ray, National Federation of Indian Women
19. Kuch Mahila Vikas Sangathan, Kutch, Gujarat
20. Lokmitra, Uttar Pradesh
21. Maharashtra Right To Education Forum (RTE Forum);
22. National Coalition for Education, India
23. National Youth Equity Forum (NYEF)
24. Nandini Manjrekar, Professor, School of Education, Tata Institute of Social Sciences, Mumbai
25. Niranjanaradhya.V.P. Fellow and Programme Head, Universalisation of Equitable Quality
26. Odisha Right To Education Forum (RTE Forum);
27. Oxfam, India
28. Partners for Law and Development New Delhi
29. Pairvi
30. P. Joseph Victor Raj, Campaign Against Child Labour
31. Rajesh Bhat, Convener, Child Rights Collective, Gujarat
32. Rama Kant Rai, Convener, NCE Secretariat
33. Right to Education Forum, India
34. Save the Children, India
35. State Collective for Right to Education (SCoRE), Uttar Pradesh
36. Uttar Pradesh Right To Education Forum (RTE Forum)
37. Vacha, Mumbai
38. White Lotus Trust, Haryana
39. World Vision India
40. 300 Civil Society Organisation Partners of National Coalition for Education (NCE) across 20 states in India (Annexure 1)