Submission by Right to Education Forum on NDP

To,
Honourable Members,
Parliamentary Standing Committee
Rajya Sabha, Secretariat Room No. 222
2nd Floor, Parliament House Annex
New Delhi-110001

It is our submission that the No-Detention Policy has been made a scapegoat, and the bid for its removal in the name of ‘learning outcomes’ covers intentions other than those stated in ‘Objects and Reasons’ for this Bill. Our objection to the proposed RTE Amendment is:

a. Content not aligned to stated objectives

The stated Objects and Reasons and the remedial measures proposed in the Bill are not in tune with each other. The first reason – that of states ‘raising the issue of adverse effect on the learning level’ is not supported by evidence. On the contrary, ASER data shows consistent decline, not just from 2010, but from 2005 when both board exams and detention existed. Nor has a cause-effect link been established between ‘learning levels’ and ‘No-Detention Policy’ before deciding to change this clause. It is surprising that the ‘issue of adverse effect on the learning level’ was not raised in the context of 25 per cent teachers still being untrained despite 15 years of SSA, 7 years of RTE and 70 years of independence. Poor quality of education where 50% schools lack head masters, 8% of primary schools have only one teacher and 90% schools lack the minimum infrastructure laid down by law is likely to have an effect on learning outcomes. Despite these omissions and commissions of the government, it is the child who has somehow been identified as the one who must be declared as ‘failed’.

The second stated rationale claims the object of the Bill to be “to improve the learning outcomes in the elementary classes”. Yet, no methods for improvement of outcomes (of learning) are suggested in the Bill. The lack of alignment between the stated objectives and the measures proposed naturally raise doubts regarding improvement of learning as the prime motive of this Bill.

b. It puts at risk the internal coherence of the RTE 2009

The provisions of the RTE Act 2009 are built around the now well acknowledged principle that knowledge cannot simply be transferred from teacher to pupil.
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Each child interprets and constructs his/her own understanding and learning with the help of the teacher acting as a facilitator rather than ‘giver’ of knowledge. This principle enunciated in the NCF 2005 (notified under Section 7.6 of the RTE Act as the Framework of National Curriculum) is the basis of a number of provisions in the Act which work together as an organic whole. Pulling out the no detention clause, one of the most critical parts, puts the entire Act at risk of disintegration. Some of the other provisions that it puts at risk include:

- Admission in age-appropriate class
- 25% reservations since it incentivizes failing EWS children who have been frequently seen as “pulling down” learning outcomes in private schools.
- Abolition of screening procedures at the time of admission is meaningless if students are to be subsequently failed and not supported.
- SMC members’ voice risks being stifled given the new threat of their child’s detention as a potential price for complaining about wrongdoing within the school.
- Focus on “outcomes” deflects attention away from non provision of inputs, paving the way for projection of Inputs as being irrelevant to ‘outcomes’.
- Learning through CCE will fall further out of focus.

The greatest negative impact will be on disadvantaged groups. First generation learners and Adivasi students whose mother tongue is other than the language of instruction in the school may be expected to have higher rates of detention. Similarly, education of children with disabilities would be expected to suffer on account of ‘outcome’ based criteria in the absence of measures to ensure inclusive education within the public education system.

Had the intention been to dismantle the RTE Act, which many find inconvenient, then the doing away of this one clause could serve the purpose. The NITI Aayog in its ‘Three Year Action Agenda’ has in fact declared as a key ‘deliverable’ by March 2018 to ‘Modify RTE requirements on inputs and change towards outcomes’ (p 142) towards reformation of the RTE Act into a ‘Right to learning’. It has already stated:

“To remedy this situation, all the requirements on inputs such as school buildings, playgrounds and pupil teacher ratios should be removed or relaxed to take the form of guidelines, and the focus should shift to outcomes instead.”

-Para 20.10 p.136

The content of the amendment Bill appears to be more aligned to NITI Aayog’s Action Agenda rather to its own stated ‘Objects and Reasons’. This alone provides sufficient reason to distrust the motivations of this Bill. Once the main clauses of this Act are rendered incoherent – what remains of the Right to Education?

c. It is a decision made ignoring evidence.
The CABE “Sub Committee on Assessment and Implementation of Continuous and Comprehensive Evaluation (CCE) in the Context of the No Detention Policy of the Right of Children to Free and Compulsory Education Act 2009” (aka the Gita Bhukkal Committee Report) Report cites research that shows that repeating does not help children perform better. It also reports findings that repeating has adverse academic and social effects on the child. Despite this, the committee’s recommendation of amending the roll out of the ‘no detention policy’ is not consistent with the evidence it has itself presented. The notes of dissent by the only two academic members of the Committee raise issues regarding the existence of a political bias in favour of detention. This needs to be probed.

d. It is a decision prompted by backlash against implementation of a wrong CCE.
As per SO 749 E, the Central Government notified the NCERT as the Academic Authority to lay down the curriculum and evaluation procedure for elementary education and the NCF 2005 as the Framework of National Curriculum under the RTE Act. In pursuance of the same, NCERT developed exemplars for CCE. However, instead of adopting the NCERT procedure, the Central schools and many states adopted the CBSE pattern of CCE. This was never questioned. Moreover, the CBSE CCE was developed for the secondary stage, and was not in conformity with the NCF 2005. The CBSE CCE comprised a series of tests, with little or no feedback to learners – a critical element for facilitating learning. This turned CCE into a massive record keeping exercise, with a focus on measuring and not improving learning and led to a massive backlash against both NDP and CCE. The situation was not helped by the fact that teachers were not sensitized to the original intention of the RTE, or to its principles of learning. Nor did the already overworked teachers understand the rationale for this unnecessary and arduous ‘CCE’ exercise.

It is critical to reiterate here that this entire process was contrary to the RTE Act’s National Curriculum Framework and at least in the case of Central schools, not prescribed by their Academic Authority under the RTE Act. In fact, the NCPCR and SCPCRs could and should have intervened in this situation but did not. The CBSE itself has now withdrawn its CCE.
Analysis of the minutes of the 59th CABE committee in 2012 shows that the “Sub Committee on Assessment and Implementation of Continuous and Comprehensive Evaluation (CCE) in the Context of the No Detention Policy of the Right of Children to Free and Compulsory Education Act 2009” was set up in response to persistent issues raised regarding “discontinuation of board exams and starting of CCE”. Only one state, Tripura had raised ‘apprehensions’ (not even based on evidence) regarding outcomes.

To add threats of failure to a situation where children were already at the wrong end of the stick would only add to the wrongs committed in the name of the right to education.

e. It penalizes students (and their parents) for the failure of the system.

The many acts of omission and commission by the government in implementation (and non implementation) of the RTE Act have already failed the child in more ways than one. It would be against all norms of natural and social justice, to now institute a law in a National Act – ironically for the right to education – to enable states to ‘fail’ children.

Consequently, we strongly oppose the proposed amendment as being contrary to the best interest of children. Leaving the choice to the States puts at risk the internal coherence of the legislation, and therefore the Right to Education of India’s children.

Thanks and Regards,

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Note: This Submission is prepared after the discussions with the representatives of several organisations, educationists, activists, Teachers’ Associations, NGOs and RTE Forum State Chapters in 20 states.
Kindly acknowledge our Submission and do the needful.

About RTE Forum

RTE Forum is a collective of CSOs, educationists, Teachers’ Unions, SMCs, Activists and NGOs across 20 states with a strength of ten thousand organisations working to strengthen the public system of education and bring about systemic reforms within it. Every year it brings an Annual Stocktaking Report on the same for translating the provisions in the Act into implementation on the ground.