

## DILUTING “NO DETENTION POLICY” ?

DECEMBER 2016

EDUCATION UPDATE



# CABE DECISION ON “NO DETENTION POLICY”

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*Central Advisory Board of Education (CABE) is the highest advisory body in the country for education sector, comprises the Center as well as states. Its decisions are, however, recommendatory in nature.*

*The 64th Annual Meeting of the CABE was held in New Delhi on 25th October 2016. This meeting was especially important as it comes at the time when the government is working on the New Education Policy. Many aspects at different levels of education were discussed in this meeting including efforts to be taken to improve educational levels of the students. Mandatory examination for class 10 students and No Detention Policy were also a part of the deliberations. Right to Education Act was discussed particularly with reference to untrained teachers and No Detention Policy. Though various issues were discussed, the decision on No Detention Provision is of significance as it speaks directly about the RTE Act*

## No Detention Policy

It was decided in the meeting that no child will be failed till Class 5. Further the states will have the final say on whether they want to hold back students beyond that. It has also been agreed that the Central Government may bring in suitable amendment which will give states the freedom to review the ‘No Detention Policy’. This is so because many states have opposed this Policy complaining that the quality of learning has come down because of this Policy.

## New Education Policy

Mr. Prakash Javadekar, Minister, HRD said in the meeting that the government is likely to implement the new education policy by next year. The new policy is in finalisation step and most recommendations have been received.

The decision on the ‘No Detention Policy’ is a clear indication of the Central government’s intentions of diluting the RTE Act.

## What does 'No Detention Policy' mean?

No student up to class 8 can be failed or expelled from school. All the students up till Class 8 will automatically be promoted to next class. The policy was introduced under Continuous and Comprehensive Evaluation (CCE). It is a process of assessment under the Right to Education Act of India. The main aim of CCE is to evaluate every aspect of the development of a child during their presence in the school. It was also done to reduce the workload on children by taking continuous tests of the students throughout the year. Under the scheme, grades are to be awarded instead of the marks.

## Why was the policy implemented?

The policy was implemented under RTE Act in 2010 for the holistic development of the students throughout the year and not just twice a year. The idea was also to reduce the number of dropouts from the schools. Many states already had no-detention policies. This was also done to reduce the exam pressure on the students twice every year and rather they were to be evaluated throughout the year.

## CABE's views on 'No Detention Policy'

CABE had constituted sub-committees during the previous UPA and the present NDA governments.

## Recommendations of Geeta Bhukkal Sub-Committee

The Geeta Bhukkal sub-committee, constituted by the UPA in 2012 submitted its report in August 2014, soon after the new NDA government was formed. Main recommendations of this sub-committee were:

- Measure Learning level outcomes of all children on regular basis
- Catalyze a 'performance-driven culture', reward high performance at every level
- Introduce pedagogical interventions that complement 'No Detention'
- Changing stake holders mind set and preparing them for new Policies
- Roll out No Detention

## Recommendations of Prof. Vasudev Devnani Sub-Committee

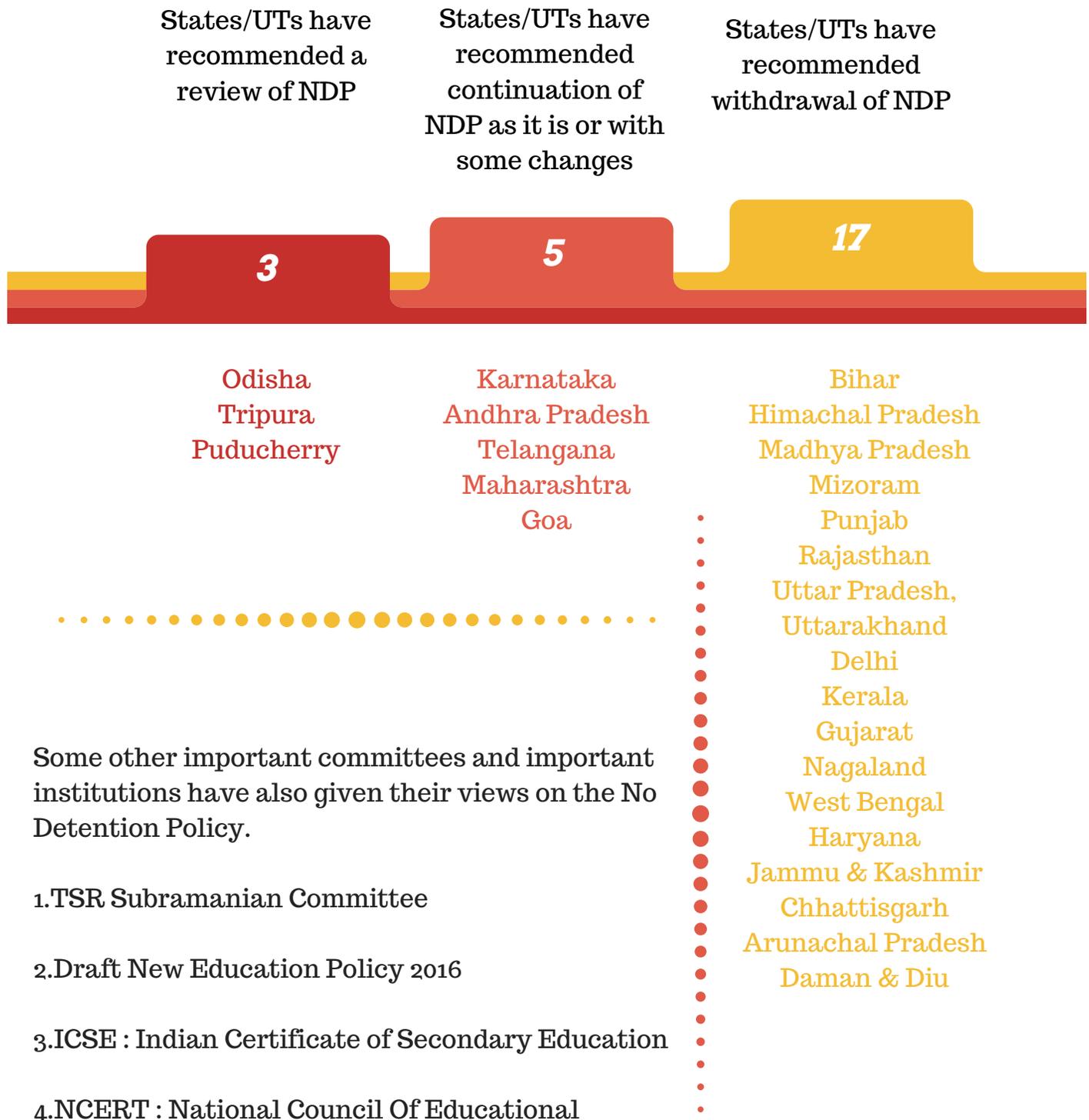
The new NDA Government constituted a new sub-committee with Prof. Vasudev Devnani as its Chair in October 2016. The Devnani sub-committee submitted its report in December 2016. Main recommendations of the Devnani sub-committee were:

- Learning Indicators for all classes for all subjects
- Exam in each class
- Teacher should be held accountable for learning outcomes
- Exam at class 5. States and UTs will decide the Block , District or State level
- If a child fails then allow the child an opportunity to improve, give additional instruction and allow him to take a re-exam. If the child is unable to pass that exam then detain the child.
- There should be school level exam for class 6 & 7.
- At class 8 there should be external exam. If child fails then allow the child an opportunity to improve, give additional instruction and allow him to take a re exam. If the child is unable to pass the exam then detain the child.

Another major issue which is under legal examination was the suggestion made by the HRD Minister in the meeting. He said that Minimum Standards of Academic Performances (MSAP) have to be maintained by children from class 5 to 8. This suggests that if a child is not able to maintain the MSAP for that grade he will be promoted to next grade with the remark Allow to Keep Term (ATKT). However that student will necessarily need to obtain "Completed 8 Certificate" to be eligible for class 9 enrolment. That means if the child has any ATKT remark on mark-sheet he will not be allowed to enroll in class 9.

## Stands taken by various States, Committees, Education boards

Central government has asked State governments for their views on the 'No Detention Policy'. Following is the status of the same.



Some other important committees and important institutions have also given their views on the No Detention Policy.

- 1.TSR Subramanian Committee
- 2.Draft New Education Policy 2016
- 3.ICSE : Indian Certificate of Secondary Education
- 4.NCERT : National Council Of Educational Research And Training

## TSR Subramanian Committee

TSR Subramanian Committee, constituted by HRD Ministry to evaluate NEP, recommended that “No detention policy must be continued for young children until completion of class 5 when the child will be 11 years old. At the upper primary stage, the system of detention shall be restored subject to Policy of remedial coaching and at least two extra chances being offered to prove the capability to move to higher class.”

## Draft New Education Policy 2016

The document circulated by the HRD Ministry, titled ‘Some Inputs for the Draft New Education Policy 2016’ also declares the policy makers’ intention of doing away with the No Detention Policy.

## ICSE board

According to ICSE board there should be a detention system in place as it was before RTE that's why ICSE board favours pass-fail system from Class 6

## NCERT

NCERT has asked government NOT to scrap ‘No Detention’

NCERT Director Hrushikesh Senapathy says that the policy has been most effective in checking school dropout rate and doing away with it could lead to an increase in the number of school dropouts. "There is nothing wrong in the policy but what's wrong is we have not been in a position to implement it properly," he said. The no-detention policy has served its purpose, Senapathy said, pointing out that the dropout rate has decreased sharply and 98 per cent children are in school. "Scrapping it is not the real solution. You can scrap no-detention policy but once you scrap it, dropout rate will increase," he said. "We have our view and have suggested it to the ministry, but it is not binding. This is a political decision. Quality has deteriorated, so people are thinking let us scrap this policy. But after that, what? We have to understand the problem is its implementation," Senapathy said. The policy should be retained while improving teaching simultaneously, Senapathy said. The NCERT director advocated continuous assessment, remedial teaching and continuous monitoring to ensure that every child achieves minimum competency level in each class.

## Implications of the CAFE Decision

With the CAFE meeting decision, the HRD ministry may now take the matter related to reviewing of the No Detention Policy to the Cabinet. After the Cabinet clears it, the Centre may move the amendment to the RTE act in the Parliament. Along with the No Detention Policy, some other Policies of the RTE Act may also be amended. All this will be done in the name of empowering the states, and respecting the doctrine of ‘occupied field’ enshrined in Article 254 (1) of the Constitution of India. The Centre, by amending the RTE Act ‘suitably’, may claim credit for respecting the states’ authority on a subject mentioned in the ‘Concurrent List’. Whatever the claims may be, this move will cause a great deal of harm to the Article 21A of the Indian Constitution, under which every child in the 6-14 years age group in the country is given the fundamental right to free and compulsory education.

## Misuse of Constitutional Policies

As we all know, 'The Right of Children to Free and Compulsory Education Act' or 'Right to Education Act' also known as RTE, is an Act of the Parliament of India enacted on 4 August 2009, which describes the modalities of the implementation of free and compulsory education for children between 6 and 14 years of age in India under Article 21A of the Indian Constitution.

The decisions in the CAFE meeting and the HRD Minister’s address in the same meeting give a clear indication that the Centre is attempting to amend, and dilute the RTE Act. There are many issues involved in this likely decision. The bigger question is, can the Central Government dilute an Act made by the Parliament? Is the Central Government undermining the Parliament by promoting state governments to make their own laws? Is it not a pernicious misuse of a constitutional Policy?

As per the doctrine of “occupied field” enshrined in Article 254(1) of the Constitution, if there exists a Central law on a concurrent subject, then a State law cannot override it. However, Article 254 (2) provides that if a State law receives presidential assent after due consideration, then it can be applied in contravention to the Central law in that particular State. However, it is expected, that this Policy shall not be used to weaken the central laws merely because the central government finds them inconvenient. Supremacy of Parliamentary laws must be upheld, as enshrined in Article 254 (1) of the Constitution.

## What is to be done?

What is really needed is strengthening of the implementation of the RTE Act, including the progressive Policies like 'No Detention'. No Detention does not in any way suggest 'No Assessment'. The RTE Act stresses the need for 'Continuous and Comprehensive Evaluation' (CCE) of the students. What we really need is to activate the CCE system in its true sense and ensure its implementation. Half hearted efforts in fields of teacher training in this regard, lack of institutional mechanisms and inadequate resources including human power are the reasons for ineffective implementation of CCE. Many experts and institutions of repute have suggested ways to improve and implement CCE effectively. The Central government and all the state governments should follow these suggestions to ensure improvements in quality of education of students.



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