

Right to Education and No Detention Policy

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Abstract: Many arguments are being forwarded in favour of and against No Detention Policy (NDP) in elementary education. Before going to debate these arguments we should consider two other important provisions of the Right to Education Act (RTE) which are directly related to the NDP: Age Appropriate Class, Continuous & Comprehensive Evaluation (CCE). All these three provisions need to be considered together when we argue for/against the NDP. Indeed removal of NDP due to low learning achievements of the students is the result of lack of teachers and infrastructure in the school which seems to be shifted on the students. The punishment for the weakness of the system as well as poor economic and social backwardness of parents should not be transferred upon the student by adopting the removal of no detention policy.

Key Words: Right to Education, No Detention Policy, Comprehensive and Continuous Evaluation, Drop out

INTRODUCTION

As a part of Millennium Development Goals (MDG) of the 20th Century, universalisation of elementary education with good quality was accepted by the Government of India, although, this goal could not be achieved until the end of the century. Now it has been achieved with almost a hundred per cent enrolment in elementary education. However, the quality of education is still questionable.

The rights-based approach was adopted by the Government of India and in the same sequence the Right to Compulsory Education Act, 2009 was promulgated to improve the quality of education. One of the important provisions of this Act is the No Detention Policy (NDP) up to Class 8. According to this provision, no child will be detained in the same class due to failing in any examination up to Class 8. It was envisioned in the Act that if any student could not pass the examination at any particular stage, the teacher would provide him/her special training so that he/she could achieve the required level of learning, but students could not be detained in the same Class. Though this Act was initiated in 2009, a few state governments had already adopted the policy of no detention before that. Since it was a central act, after 2010, every state had to adopt this policy (i.e. no detention).

After the implementation of this mandatory provision, in many states, it was felt that the quality of education deteriorated. Many studies were conducted and it was found that even in Class 6 and 8, a big share of students was not able to read and write a simple sentence and calculates simple addition and subtraction of arithmetical operations, especially in rural government schools. Therefore, after passing Class 8, without any rigour, a high proportion of these students failed in Class 9 and 10. It was argued that because of No Detention Policy (NDP), students did not have any incentive or pressure to pass the examination and did not take the learning activities seriously. They went to school for the mid-day meal and came back home without any learning. Thus, there was a demand from many state governments, educationists, teachers, and non-government organizations to change the NDP.

Therefore, the Government of India constituted a committee to review this policy under the chairmanship of Vasudev Devnani (the then Education Minister of the Government of Rajasthan). The committee recommended the removal of this provision from the RTE Act. The Government of India changed this provision of the Act and the state governments were given the freedom not to implement this provision (i.e. no detention) and free to implement in their own ways. However, the issue is still being debated in the academic and different quarters of the society.

Many arguments are being forwarded in favour of and against this policy. Before going to debate these arguments we should consider two other important provisions of the Act which are directly related to the NDP: viz. Age Appropriate Class, and Continuous & Comprehensive Evaluation (CCE). All these three provisions need to be considered together when we argue for/or against the NDP. Age Appropriate Class is the provision 'to save children from the humiliation and embarrassment of sitting with younger children' (RTE Act, 2009). The Act provides the, i.e. 'given the life experiences of the children, it is recognized in the field of education that their (high-age children) mental capabilities are higher than those of entry-level (six-year-old) children, and they are indeed capable of accelerated learning.' Similarly, Comprehensive & Continuous Evaluation (CCE) process in which a student is evaluated every week for the separate weekly unit only so that the child does not have the heavy burden of memorising a long course as in the case of annual examination. This process is free from the fear of failing in the annual examination. The CCE was designed by educationists and proven as the best teaching-learning process.

ARGUMENT AGAINST THE NDP

The CCE is a complex pedagogical method which is not easy to understand for teachers. Lack of comprehension of the CCE is the main hurdle in implementing NDP (Dhankar, 2017). Since NDP is linked with the CCE and without proper training and sufficient resources, such as infrastructure in schools and required teaching staff the CCE cannot be implemented effectively. Hence, NDP cannot give expected results. Indeed, without these essential resources, no method can improve quality, particularly in the case of NDP, it becomes more difficult to produce quality. In the RTE Act, the term 'Class' is very important, but the Act does not have any provision of examination. The Class can only be relevant when a barrier of examination exists which measures the level of learning. Thus, 'Class' and detention are mutually dependent, without detention we cannot imagine the concept of 'Class' (Dhankar, 2017). Under NDP teachers become non-serious and lazy and teacher absenteeism also increases. Teachers rotate their 'French-leave'. Therefore, one teacher has to manage more than one class. As the teachers know that every student has to be promoted to the next class, they do not care much about their level of learning. The Central Advisory Board on Education (CABE) recommended reintroducing the examination at least for Class 5 and 8. The Board has the assertion that the quality of learning has declined due to NDP. Under NDP the level of learning is not measured, so performance cannot be judged and we cannot know whether the goal has been achieved or not. Since the performance is not available publicly, accountability also reduces (CABE, 2014).

ARGUMENT IN FAVOUR OF NDP

For the Indian education system, detention may not be a good policy. It may be good for the child, but in a different pedagogic system, be like in the U.S., where by this system students are identified and helped, then an examination may be a good policy. The objective of the examination should not be to shame and punish children; rather it should be to identify the schools which are not performing well so that they can be monitored accordingly (Benerjee, 2016). The fundamental assumption behind NDP stated in article 13 of the RTE Act, 2009 is that children are born with equal potential to learn and become creative adults, which implies that every child can complete the curriculum of elementary education in eight years. For the educational outcome (learning level), nature, and nurture both work together and make the final effect. All children have a set of universal human genes. When children are given a reasonable environment to develop as a capable member of society, environmental conditions also influence development. Nurturing is affected by many factors, namely physical through nutrition, physical activity, and stress; intellectual through informal experience and formal instructions; and social through adult role models and peer relationship (McDvtt and Ormrod, 2007).

It is a misconception that no detention means no assessment. The CCE is a process by which formative assessment is assessed which includes social attitudes, creativity, emotional development, and perseverance (Livemint, September 2,

2015). The detention is used to eliminate the children who fail in the examination. The detained children have to repeat the same class or leave school. Thus, detention is demotivating and discouraging. The notion of 'compulsion' does not match with the notion of 'right'. Detention makes such an education system, that refuse to serve the children's right. Expulsion should not be the solution. For instance, a child who is violating the discipline of school should not be expelled from school. Instead, the child should be addressed differently, through counselling, different curricular and co-curricular activities, so that his/her behaviour can be changed. Similarly, poor performing students should be treated differently rather than detaining them. This is not a casual matter but a serious job and has to be taken sincerely. Sen and Dreze (2002) argue that education demand a good deal of time and attention. For example, preparation of a child to send him to school, stimulates his interest, help in doing homework, and establish a rapport with the teacher. They empirically establish that a large number of children from marginalized sections left the school after detaining them. The removal of NDP worst affects those children who belong to marginalized sections of the society. The cost of detention becomes double on the disadvantaged social groups (especially girl children in all social groups). Such children already have a low socio-economic profile and also have poor schooling (Ramchandran, 2012).

The CCE is the best for development of students but it requires a lot of attention and labour. This requires extra effort to train the teachers and to implement this process. It is argued in favour of detention policy that it evaluates the schools and measures their efficiency, which can be used to make them better accordingly but this argument is not tenable for evaluating the schools. There are several other methods to evaluate schools and it is not suitable to adopt the detention policy to evaluate a school's educational performance. The punishment for the weakness of the system as well as poor economic and social backwardness of parents should not be transferred upon the student by adopting the removal of no detention policy.

Those who argue against the NDP assuming that only children are responsible for their failure and the quality of education also declines due to such children suggest that these children should be detained and repeat the same class so that they can be made more serious about their studies and as a result, the quality of education will improve. It is also assumed that by creating a fear of examination and by failing students can make them really serious about their studies. Only the students are responsible for their own failure in the examination is the main argument for the removal of NDP. They also claim that such students are only responsible for the low quality of education in schools. If a student does not work hard for the studies he or she should get a result as a failure in the examination and he should reappear in the same class again. This argument is based on the assumption that the fear of failure in examination makes students serious towards studies. On the contrary, under the Right to Education Act, it was assumed that students should be free from the fear of failure in examination during the age from 6 to 14 years. Under this Act, there was no provision of detention of students in the same class up to the Class 8. This no detention was assumed necessary to reduce the dropout rate during elementary education of the student. The objective of this policy is to retain the students in school under the age of 14 without any interruption.

Indeed, the objective of RTE Act was that the children of age between 6 to 14 years can continue their study without any fear and drop-out rate in the elementary education can be reduced, so that the CCE is also added with the NDP. It was assumed that the children of age 6 to 14 years are too young to bear the brunt of failing; therefore, this alternative system was adopted. In the new system of detention, in some of the states, even an annual board examination for Class 5 and 8 will be conducted, in which the full course of a year will be assessed. The justification of a single annual examination is already questionable, even in the higher education the semester system is being adopted and even in one semester, at least two examinations are preferred. In the annual examination, the stress is on rote of answers only. In this system rather than studying the whole course and understanding and developing the ability to analyse the subject, the mechanical process of memorizing the information is emphasized. Securing maximum mark becomes the only target. Therefore, in this system of the annual examination, there is no scope of development of comprehensive understanding, analytical abilities, and higher cognitive skills in the children. To crack, the examination becomes the sole objective of education. Ideally, in elementary education children should be given practical training of behaviour and other skills like communication, etc.

The object of NDP was not to assess, what the children had learned, but to retain them in the elementary education during the initial 8 years of their schooling. In the annual examination system, the ability to memorise only the bookish knowledge is assessed. In the CCE the creativity, emotional ability, community behaviour, and other higher cognitive

skills are developed and assessed. It may be that in the annual examination system the ability to memorize the bookish knowledge may be higher than that of NDP and CCE system, but the objective of education cannot be fulfilled through only memorization the bookish knowledge. The purpose of NDP was not the complete absence of examination, but to retain the student in school until the age of 14. The objective of education is not to remember the bookish information but to develop the thinking, understanding and analyzing capability of the student. These objectives can be achieved only by the Comprehensive & Continuous Evaluation system.

RELUCTANT TEACHERS

Many teachers not willingly become teachers. They choose this profession out of compulsion and because of unemployment, and since no other alternative white-collar job is available in the job market. Therefore, they do not like teaching and are reluctant to teach. Such teachers cannot be dedicated ones. Out of the total state government employees, approximately half are the teaching job. In some states, 25 to 30 per cent enrolment of students is in private schools. Generally, a government school job is preferred to a private school one so the quality of the private school teacher is lower than that of government ones. Many teachers in private schools are not trained. Only a few private schools have good quality teachers. In government schools, in the name of para-teachers and teaching assistants untrained persons are hired at very small honorarium/salary to teach. Given the job market conditions, they become ready to teach at such a low honorarium/salary. Even out of those who are trained, i.e. have obtained certificate/diploma/degree in education, less 4 per cent of them have passed the Teacher Eligibility Test (TET) conducted by the Central Board of Secondary Education (CBSE) at all India level, and by various state governments at the state level.

In such condition, unemployed job seekers, who want a government job, depend on state government teaching jobs. If we want to know the job preference of unemployed youth, teaching comes at the end. Any other government job which has less salary than teaching is preferred due to higher social status. Due to this preference, the youth best in merit adopt other jobs than teaching and the remaining youth get the teaching job. The youth, who adopt teaching out of compulsion, do not work with full capability and mental disposition. Highly meritorious youth, available in the market are not willing to work as teachers. In order to reduce the expenditure on education, governments appointed untrained youth as para-teachers, shiksha-mitras and teacher assistant in government schools on low honorarium/salary. Due to the distress conditions in labour market, unemployed youths get ready to work at very low honorarium/salary. Even on such low paid jobs, unemployed youth face harsh competition for getting jobs in government sector due to the high rate of unemployment among the youth. Para-teachers are ready to work on low honorarium because they have the hope to be a permanent teacher in the future. This experiment of appointing para-teachers in government schools reduced government expenditure a lot but resulted in deterioration in the quality of education in government schools. Thus, one of the important reasons for the low quality of education in government schools is the working of the last remaining available minds in schools because the best minds are neither willing nor available to work as teachers.

Let us answer these questions: Are only the children responsible for deteriorating the quality of education? Is the education system as a whole not responsible for this deterioration of the quality of education? Are the school and the society giving all the required facilities and opportunities to the children for that they have the right to get? Is it justifiable to expect the best educational outcome from the children without providing required opportunities and facilities to them? Do all the schools have the basic infrastructure? Should the boring curriculum, substandard textbooks, and reluctant and careless teachers, many of them untrained and ineligible to teach not be blamed? These are the problems on the part of the supply-side.

On the other hand, there are some demand-side problems that are also responsible. The parents who send their children to schools are the consumers, who demand education, also have their own problems. More than thirty per cent population of the nation is still living below the poverty line and more than sixty per cent population live in rural areas. Twenty-two per cent population belongs to SC and ST who are not only socially backward but also more than fifty per cent of them are economically backward whose economic and social condition is miserable. Even in the general category population, there are many people living below the poverty line. Discrimination against the girl child is still prevalent in our society. Thus,

the Indian parents, who are the consumer of education, are victims of huge inequality.

If we look at the conditions of the government schools, there are many reports which reveal the poor condition and inequality among the schools. There is a hierarchy even amongst the government schools. Many types of government schools exist namely, Kendriya Vidyalayas, Navodaya Vidyalayas, Sainik Schools, state government schools, rural schools, urban schools, panchayat schools, and municipal corporation schools. There is much difference among these schools in terms of quality of education and infra structure. Most of the schools belong to the state governments and local bodies and the quality is still poor in these schools. Some urban schools are better in the quality but their number is very small. In government schools, especially in rural areas, the infrastructure is very poor and their monitoring and governing is also poor. Teacher absenteeism is quite common in these schools.

In a society like in India, where a large section belongs to economic and social backwardness with low education, it is a challenge to bring down the high dropout rate in elementary education. There will not be any adverse effect of NDP and CCE on the economically and socially well off sections of the society because the poor performance in education of these students can be taken care of by their parents. Inside the schools as well as outside the learning environment has an important implication on the educational performance and learning capacity of students. Parents' income, education level, profession, residence, and neighbourhood affect a lot on the learning level or performance of the student. Factors, such as whether a student lives in the urban area or in the rural area and within urban areas, well developed, or slum area, also affect the educational performance of the student.

Neither NDP nor detention policy has much impact on the child that belongs to higher income or higher middle-income family. In a family where parents are educated, have higher income and awareness about the benefits and importance of education, a child remains unaffected from any policy of detention or no detection, but in the family with low income, low education and have low inspiration to get education the failure in the examination of a child up to elementary classes may leads to dropout. These first generation poor learners feel difficulty to continue the studies as they do not get any help at home in their studies as parents cannot help them and due to poor economic condition, parents are not able to afford private tuition. A low fee of education, mid-day meal, and free books help these students a lot in continuing their studies. Detention policy for these students at elementary education makes a serious problem to continue their education, and as a result, many of them become child labourers. The remedial teaching was also absent in most of the schools which was envisioned in the Right to Education Act. Detention may increase the chance to be dropped out. These are the most sensitive sections of the society and detention policy hurts them the most. It is better to make these students stay in the education system even with poor learning because detention will lead to dropout and child labour.

Parents belonging to a high-income group can pay sufficient attention to their wards' studies or can arrange private tutors or they can help the children in studies but, parents with subsistence livelihood who send their child to schools with much difficulty are not able to do so. If the child belongs to a very low-income family and fails in the examination most likely he/she will leave the school and work as a child labour. Without the availability of sufficient physical infrastructure, sufficient number of teachers in school who are trained in CCE how can a child be punished as failure and dropout by detaining? There is also the lack of sufficient researches in India about the fact whether detention policy improves the quality of learning or not. Only on the basis of the ASER report (Pratham), the removal of NDP is not just. One thing needs to be considered that during the prevailing of NDP the quality of education was different in different types of schools. Private schools in the urban area had higher quality of education than in government schools and after that come the government schools in the rural area. The quality of learning was not the same in these schools while NDP was in effect. This indicates that removal of NDP is not necessary and sufficient condition exists to improve the quality of education.

One argument is also given in favour of the removal of NDP that teachers do not make much effort in teaching because all students will be promoted in the next class due to no detention policy. Thus parents are unable to know the real evaluation of the child and so they cannot help the child accordingly. Under NDP students know that no one will fail in the examination so, this feeling makes them non-serious towards studies. But all these arguments do not carry much weight to evaluate the NDP. During the NDP regime, the system of evaluation was CCE. Under CCE evaluation the weakness of

student can be identified and there is the role of teachers and parents to correct these weaknesses. Whatever the system of evaluation it does not have any adverse effect on the student's learning capacity if the student belongs to educationally advanced parents, as the parents can contribute to student learning.

CONCLUSION

Detention cannot be a good method for the better learning of the student up to elementary Classes. Removal of no detention may probably have an adverse effect on the child belonging to the weaker section of the society. Without much research on the effect of annual board examination on the learning improvement of the student, it is too hasty to remove the NDP. The enrolment up to elementary education is nearly universal but there is a serious threat to increase the dropout rate. Detention has a serious adverse effect on the dropout of the student especially belonging to the weaker section of the society. No detention should be seen with provision of Age Appropriate Class and Comprehensive & Continuous Evaluation so far. The purpose of the evaluation in the examination is not only to memorise the study material, several other important aspects of the life such as creativity and a better understanding of the student, which have been ignored in the process of the removal of NDP. The punishment for the weakness of the education system as well as poor economic and social backwardness of parents should not be transferred upon the student by adopting the removal of NDP. As the school and the society are giving all the required facilities and opportunities to the children for that they have the right to get, it is fair to expect the best educational outcome from the children without providing required opportunities and facilities to them.

References

- Andrew, (2014) The scarring effects of primary-grade retention? A study of cumulative advantage in the educational career. Social Forces as cited in Saraf and Deshmukh (2017), To fail or not to Fail?, accessed on March 23, 2017, from https://static.mygov.in/rest/s3fs-public/mygov_14752601179223001.pdf
- CABE, (2014), Report of CABE sub-committee on Assessment and Implementation of CCE and NDP (under the RTE Act, 2009) (New Delhi: MHRD). accessed on March 24, 2017 from http://mhrd.gov.in/sites/upload_files/mhrd/files/document-reports/AssmntCCE.pdf Editorial (2014, September 5). Economic and Political Weekly, 50(36). accessed on March 25, 2017, from <http://www.epw.in/journal/2015/36/editorials/back-fail-passsystem>.
- Diris (2016) Don't Hold Back? The Effect of Grade Retention on Student Achievement. Education Finance and Policy, as cited in Saraf and Deshmukh (2017), To fail or not to Fail?, accessed on March 23, 2017, from https://static.mygov.in/rest/s3fspublic/mygov_14752601179223001.pdf
- Duggan (2014) The Effects of Retention on Students Achievement as cited in Saraf and Deshmukh (2017) To fail or not to Fail?, accessed on March 23, 2017, from https://static.mygov.in/rest/s3fs-public/mygov_14752601179223001.pdf
- Education. accessed on March 28, 2017, from <http://www.financialexpress.com/opinion/no-detention-policy-dont-detain-the-right-to-education/334450/>
- Ghosh, A. (2015, July). No Detention Policy: Rationale and reality- An appraisal. International Journal of Humanities and Social Sciences, II(I), 257-261, accessed on March 23, 2017, from <https://www.ijhss.com/files/Abhijit-Ghosh.pdf>
- Haneef, K. M., Baliya, J. N., & Lone, M. N. (2015, July-September). No Detention Policy an Immediate Threat to Quality Primary Education in Jammu and Kashmir. International Journal of Social Science and Humanities Research, 3(3), 348-352. accessed on March 23, 2017, from www.researchpublish.com Hindustan Times. (2017, April 4). All's not right with RTE: More misses than hits. Mumbai,
- Html Dhankar, R. (2017, March 25). Beyond the Oxymoronic Idea of No Detention Policy. Economic & Political Weekly, 52(12), pp. 36-42. accessed on March 28, 2017, from http://www.epw.in/system/files/pdf/2017_52/12/PE_LII_12_25032017_Rohit_Dhankar.pdf

- Hussain, M. M., & Khan, M. B. (2016, June). Provision of No Detention in RTE Act: A Boon or Bane. *Indian Journal of Applied Research*, 6(6), 646-648 accessed on March 27, 2017 from [https://www.worldwidjournals.com/indian-journal-of-applied-research-\(I-JAR\)/file.php?val=June_2016_1464937661__203.pdf](https://www.worldwidjournals.com/indian-journal-of-applied-research-(I-JAR)/file.php?val=June_2016_1464937661__203.pdf)
- Livemint. (2015, September 2). Merits of No Detention. India: Livemint. accessed on March 29, 2017, from <http://www.livemint.com/Opinion/Dw2LtXQk5UUFjwzSi389kM/Merits-of-No-Detention.html>
- McDevitt, T. M., & Ormrod, J. E. (2007). *Child Development and Education* (3rd ed.). Australia: Pearson Allyn Bacon Prentice Hall. accessed on April 11, 2017, from <https://www.education.com/reference/article/nature-nurture/>
- MHRD. (2012). Annual Report 2012-13. New Delhi: Government of India. accessed on March 27, 2017, from http://mhrd.gov.in/sites/upload_files/mhrd/files/documentreports/AR_2012-13.pdf
- MHRD. (2016). Report of the Committee for Evolution of the New Education Policy, National Policy on Education 2016. New Delhi: Government of India. accessed on March 27, 2017, from <http://nuepa.org/NEW/download/NEP2016/ReportNEP.pdf>
- Mishra, S. (2015, June & December). Doubts Over Efficacy of NO Detention Policy for Quality in Education. 5(1-2), 15-18. accessed on March 27, 2017, from <http://ndpublisher.in/admin/issues/TLV5I2c.pdf>
- Mumbai, India. accessed on April 6, 2017, from <http://www.hindustantimes.com/mumbai-news/all-s-not-right-with-rte-more-misses-than-hits/story-YOHfukhTCT4nZ0z0Os7yBM.html>
- NCERT (2005): National Curriculum Framework. National Council of Educational Research and Training, New Delhi accessed on March 26, 2017, from <http://www.ncert.nic.in/rightside/links/pdf/framework/english/nf2005.pdf>
- Ramachandran, V. (2012). Can Rights go Wrong? The RTE Conundrum in India. *India International Centre Quarterly*, 39(1), 56-63. accessed on March 26, 2017, from <http://www.jstor.org/stable/41804019>
- RTE Act, (2009), “The Right of Children to Free and Compulsory Education Act, 2009”, Ministry of Law & Justice, New Delhi. accessed on March 22, 2017, from http://mhrd.gov.in/rte_rules
- Saraf, A., & Deshmukh, K. (2017). To fail or not to fail? accessed on March 23, 2017, from https://static.mygov.in/rest/s3fs-public/mygov_14752601179223001.pdf
- Sen, A., & Drèze, J. (August 2002). India: Development and Participation. Oxford University Press as cited in *The Financial Express*. (2016, August 1). No Detention Policy: Don’t Detain the Right to Education. accessed on March 28, 2017, from <http://www.financialexpress.com/opinion/no-detention-policy-dont-detain-the-right-to-education/>
- Sharma, G. (2016, Feb 27). Reversing the Twin Ideals of Right to Education. *Economic and Political Weekly*, L 1(9), pp. 85-89. accessed March 25, 2017, from http://www.epw.in/system/files/pdf/2016_51/9/Reversing_the_Twin_Ideals_of_Right_to_Education_0.pdf
- The Financial Express. (2016, August 1). No Detention Policy: Don’t Detain the Right to
- The Indian Express. (2016, May 29). The Exam Factor: Why RTE’s No Detention Provision is on Test. accessed on March 28, 2017, from <http://indianexpress.com/article/education/right-to-education-detention-policy-hrdministry-2823782/to-education/334450/>

