

**PARLIAMENTARY STANDING COMMITTEE ON EDUCATION, WOMEN,
CHILDREN, YOUTH AND SPORTS**

**The Right of Children to Free and Compulsory Education
(Second Amendment) Bill, 2017**

THREE HUNDREDTH REPORT

The Right of Children to Free and Compulsory Education (Second Amendment) Bill, 2017 was introduced in Lok Sabha in 2017 and referred for examination to the Department-related Parliamentary Standing Committee on Human Resource Development.

The Amendment Bill seeks to submit a new Section for **Section 16, which states that no child admitted to a school shall be held back in any class or expelled until the completion of elementary education.**

According to the Bill's Statement of Objectives and Reasons, the **RTE Act of 2009 mandates free and mandatory education for all children ages six to fourteen.** As examinations are frequently used to eliminate students with low test scores, which can demotivate and discourage them, Section 16 of the Act prohibits holding children back in any class until the conclusion of elementary school. Despite this, a number of states and union territories have expressed concern about the impact of the "No Detention" provision on the educational attainment of children. **The proposed amendment aims to empower the appropriate government to decide whether to hold back a child in the fifth or eighth class, or both classes, or not to hold back a child in any class until the completion of elementary education.**

The Committee solicited the input of all stakeholders. During study visits to Guwahati and Imphal, the Committee met with five North-Eastern (NE) State Governments and the Central Ministry of Human Resource Development. Eleven memoranda were received after a press

release soliciting suggestions/memoranda regarding the proposed provisions of the Bill was disseminated on November 7, 2017. The memos were eventually sent to the Ministry of Human Resource Development.

The Secretary of the Department of School Education and Literacy elaborated on the background of the Bill, explaining that the proposed **amendment aims to improve children's learning levels and will lead to greater accountability and an improvement in education quality**. Due to RTE provisions, states and union territories are prohibited from detaining a child from kindergarten through eighth grade, and informal **surveys and assessments have revealed that learning outcomes have been progressively declining as a result of the no-detention policy**. It is proposed to amend Section 16 in order to give states and union territories the option to withhold or not withhold a child and to improve the quality of elementary education. The emphasis of corrective measures was noted as it was easier to **implement corrective measures to improve the quality of education at lower grade levels, such as the fifth or eighth grade, than at the tenth grade level**.

The Committee conducted extensive consultations with all interested parties and submitted its Report, which served as the basis for the proposed amendment to Section 16 of the RTE Act (Right to Education Act) of 2009 (Right to Education Act).

The Report details the recommendations made by the Devnani CAGE Sub-Committee, which was established to analyze the feedback received from states and union territories regarding the No-Detention policy.

Recommendations, including establishing learning indicators for all classes and subjects, administering an exam in each class so that teachers are aware of their students' learning level, and holding teachers accountable for the learning outcomes of their students. parents ensure the regular attendance of their children and that Class 5 exams be administered at the block, district, or state level.

If a student fails the examination, he or she should receive additional instruction and the opportunity to retry it. If the child's performance does not improve, detention should be considered.

The issue of the RTE Act's No-Detention provision was revisited and it was decided that the **Central Government may make suitable amendments to the No-Detention Provision, leaving it to the States and UTs to determine whether to detain a child or not.**

The Report also discusses the perspectives of various stakeholders, such as the National Council for Education Research and Training (NCERT), the Delhi Commission for Protection of Child Rights (DCPCR), PRS Legislative Research, the Right to Education Forum, Care India, the Central Board of Secondary Education (CBSE), the National Commission for Protection of Child Rights (NCPCR), the National University of Education Planning and Administration (NUEPA), and the National Association for the Advancement of Colored People (NAACP).

The Director of NCERT emphasized the **importance of delineating learning outcomes and proposed facilitating the learning of children in schools, ensuring their holistic development** through the adoption of appropriate pedagogical processes by teachers and other stakeholders. Additionally, the Director proposed **integrating assessment into the teaching and learning** process, as opposed to conducting it as a separate activity at the end of each term or year. The focus of assessment should be on evaluating the learning process, and learning deficiencies should be identified through continuous assessment using methods such as observations, peer and self-assessment, tests, and assignments.

According to the Delhi Commission for Protection of Child Rights (DCPCR), before the passage of the Right to Free and Compulsory Education Act of 2009, a number of states and union territories had already implemented a no-detention policy. Therefore, the DCPCR suggested that the policy be reviewed to ensure that it is implemented in a manner that benefits

all students. The PRS Legislative Research suggested that the government should **prioritize improving the quality of education over detention policies, while the Right to Education Forum suggested that detention should be a last resort.**

The **proposed amendment to the Right of Children to Free and Compulsory Education (RTE) Act mandates regular examinations for classes fifth and eighth at the end of each academic year.** It seeks to address the decline in student learning outcomes since the introduction of the no detention provision, which resulted in automatic promotion up to eighth grade and caused a massive bottleneck in class ten, where a significant number of students were failing the examination. The Secretary of the Department of School Education and Literacy clarified that the provision regarding expulsion until the end of elementary school will remain unchanged, and that the proposed amendment merely grants States/UTs the authority to hold regular examinations and detain a child if they so choose.

Only six states/territories advocated for the retention of the no detention provision, while fifteen states/territories advocated for its modification or review and seven states/territories desired its elimination. Majority of states/territories desired a modification, review, or repeal of the no-detention provision of the RTE Act.

It was observed that following the enactment of the RTE Act, the emphasis of the elementary education system in the country shifted to its universalization among children aged 6 to 14, relegating the quality aspects of teaching and learning and necessitating a review of the Act. It was suggested that **fifth- and eighth-grade exams must be used to assess children's learning in order to improve the education of elementary school pupils.**

The proposed amendment to **Clause 2(1) mandates regular examinations at the end of each academic year for fifth and eighth graders, and Clause 2(2) mandates additional instruction and re-examination within two months if a student fails the examination.**

Some stakeholders, however, believed that the proposed two-month timeframe with one re-examination was insufficient and suggested that the children be given more time and re-examination opportunities.

Clause 2(3) stipulates that the relevant government may, subject to prescribed conditions, authorize schools to hold back a child in the fifth or eighth grade if he fails the re-examination referred to in clause 2(2). A government may also decide not to hold a child back in any grade until elementary education is completed.

During discussions, it was expressed, that the proposed amendment would allow State Governments/Union Territory Administrations to decide whether to conduct examinations or to withhold a child in fifth or eighth class, or both, which could lead to varying results and exacerbate confusion and inequalities between States/Union Territory Administrations. However, the Secretary of the Department of Education and Literacy clarified that, **due to the unique circumstances of each state, a single policy for the entire country may not be advisable, and that rather than imposing a policy on the States/UTs, it should be left to their discretion based on their specific circumstances.**

The **need to strengthen the Comprehensive and Continuous Evaluation (CCE) system** of RTE (Right to Education), which provides for the ongoing multidimensional evaluation and assessment of students, is one of the major issues addressed in the report. The majority of those consulted by the Committee believed that the CCE provision included in Section 29 of the original Act had not been implemented correctly, resulting in poor educational outcomes for children. The CCE is a pedagogical tool that can be used to assess a child's understanding of knowledge and their ability to apply it, as well as their overall development. In order to

guarantee a quality elementary education, the CCE framework should be implemented in letter and spirit.

Another major issue that was discussed in the Report was the dearth of professionally qualified teachers was cited by officials as one of the reasons for children's subpar learning outcomes. In many states and union territories, instructors also performed non-teaching responsibilities, which diverted their attention from teaching. The Committee recommended that the Department **increase teacher capacity through pre-service and in-service training in addition to professional teacher education. Additionally, the Committee was concerned about teachers engaging in non-teaching activities and recommended that teachers be encouraged to focus solely on teaching.**

SECOND MEETING

The Committee discussed the examination progress of the National Sports University Bill, 2017 and the Right of Children to Free and Compulsory Education (Second Amendment) Bill, 2017. An assessment of the work involved in the examination of the National Sports University Bill, 2017 and the Right of Children to Free and Compulsory Education (Second Amendment) Bill, 2017. Clause-by-clause considerations of the Bills were conducted to finalise the recommendations and adoptions.

THIRD MEETING

The meeting discussed the proposed amendment to section 16 of the 2009 Right of Children to Free and Compulsory Education Act, which seeks to amend the 'no detention' policy. In addition to extensive teacher training and community awareness, the Director of NCERT suggested that the **Comprehensive Continuous Evaluation (CCE) be strengthened to perpetually identify the strengths and weaknesses of children in attaining learning outcomes.** The representative of the Delhi Commission for Protection of Child Rights argued that there was no conclusive

evidence that the 'no detention' policy resulted in poor academic performance. The President of PRS Legislative Research argued that the assessment and detention provisions of the bill were inconsistent with what the majority of states have requested, and it was unclear who would design and administer the examinations at the conclusion of fifth and eighth grade. The representative of the Right to Education Forum stated that the proposed amendment would not address pertinent issues such as teacher-to-student ratio, teacher training, inadequate quality of education, teacher shortage, and infrastructure, among others. The Technical Director of Care India emphasized that the 'no detention policy' had no negative effect on the academic performance of the children, but rather had assisted in keeping children in school and allowing them to complete a cycle of education.

SIXTH MEETING

The discussion regarding the reintroduction of Class 10 examinations by the Central Board of Secondary Education (CBSE) following the implementation of the Right of Children to Free and Compulsory Education Act of 2009. Class 12 students' quality standards must be maintained through periodic examinations, according to the CBSE chairperson. The meeting also addressed **the effective implementation of Section 29 of the Act for continuous evaluation of a child's capacity, allowing students to appear for Class 5 examinations multiple times, granting two additional years to students who do not perform well on Class 8 examinations, and providing students with an evaluation certificate based on their aptitude rather than failing them.** The Vice Chancellor of National University of Educational Planning and Administration emphasized the need for regular examination and evaluation of Class 5 and Class 8 students. The representative of the Pratham Education Foundation **emphasized the significance of elucidating the nature of the examination and the number of opportunities a student should have to pass it.** To avoid stigmatization, it was suggested to **grade pupils as 'satisfactory' or 'unsatisfactory' instead of pass/fail.**

An advocate at the Supreme Court of India, suggested encouraging students to pass the exam on their first attempt and giving those who fail special consideration. Certain officials advocated for the abolition of the 'No-Detention Policy' but suggested incorporating necessary safeguards, such

as providing students with multiple opportunities to pass the exams and ensuring that children remain in school even if they fail the exams.

SEVENTH MEETING

The Committee met to consider and adopt the draft 300th Report on the Right of Children to Free and Compulsory Education (Second Amendment) Bill, 2017 and the 301st Report on the government's response to the observations/recommendations contained in the 290th Report on the Demands for Grants 2017-18 of the Ministry of Human Resource Development (Department of School Education and Literacy). It was decided to present the Reports to both Houses of the Parliament in February 2018

