**Written submission to the Parliamentary Standing Committee on HRD on the proposed amendment to the RTE Act (Bill No 166 of 2017) *regarding reintroduction of Detention at Elementary Level***

We welcome the opportunity provided by the Standing Committee to provide input on the proposed amendment. While appreciating this opening, we feel that the proposed amendment to Article 16 does not address the root causes of poor learning outcomes, risks penalizing students for the system’s failure and damages the internal coherence of the RTE Act. As such, we are opposed to the proposed changes for five reasons:

1. **Goes against the global evidence on detention**

No Detention Policy is standard practice in several high performing education systems and was thus adopted under the RTE Act. According to PISA’s 2009 Education Rankings report, the top nations in reading, math, and science are China, Korea, Finland, Singapore, New Zealand, Japan, and Canada. Grade retention is uncommon or restricted in all of these countries.

The Subramanian Committee report 2016 had said that no detention was a European construct that would not work in India given its poverty. It is unclear, however, why things would work differently in India. Evidence from Sub- Saharan Africa (with even higher poverty levels) yields the same findings: [no detention does not improve learning](https://www.academia.edu/1049782/Grade_repetition_in_primary_schools_in_Sub-Saharan_Africa_an_evidence_base_for_change).

Even the Geeta Bhukkal committee report that forms the basis of the present amendment does not find evidence of improvement of learning after detention. Consequently, any move to reintroduce detention would be contrary to evidence and run counter to the interest of students and taught alike.

Research worldwide does not show positive impact of detention on learning, the stated purpose of the amendments. To summarize, this is what [international research](http://wandinyallockps.vic.edu.au/app/webroot/uploaded_files/media/torepeatornottorepeat.pd) findings show about grade repetition

* Repeating does not improve academic outcomes
* Repeating contributes to poor mental health outcomes
* Repeating leads to poor long term social outcomes
* Repeating contributes to a negative attitude to school and learning
* Repeating results in students dropping out of school
* Repeating decreases the likelihood that a student will participate in post-secondary schooling
* Repeated students demonstrate higher rates of behavioural problems
* There is no advantage to students in delaying school entry for a year to increase ‘school readiness’
* There are huge costs associated with students repeating a year of schooling.

India is not the only country to ban detention- many European countries (eg. Norway, Bulgaria, Iceland) ban it outright and others (eg. UK and Finland) resort to it in truly exceptional circumstances.

1. **It is not coherent with the evidence of Article 16’s impact**

The RTE Act came into force from 1 April 2010. The first batch of students that passed class eight without detention gave their class 10 exams in the academic year 2012-13. The pass percentage in CBSE schools was 88.85 percent in 2009, one year before the RTE, but rose 10 points to 98.18 percent in 2012. Similarly, out of the 20 states which shared their results with the Bhukkal committee, 13 reported an increase in the pass percentage for class 10 exams. The annual dropout rates from classes one to five declined from 9.11 percent in 2009 to 6.50 percent in 2012. The No Detention Policy (NDP) appears to have made no negative impact on the academic performance of children, but has instead helped to retain children in school and enabling them to complete a cycle of schooling.

Keeping students in school is one of the major contributions that NDP has had. Given high rates of poverty and other socio-economic factors, dropping out is often preferred to repeating a class. Addressing low levels of enrollment among marginalized communities was one of the main aims of the RTE Act and pushing them back out again would be counterproductive. Failing an exam is particularly likely to end a girl’s education. Detention will hit girls and children from SC and ST communities as the majority of low achievers who have secured less than 30% have been from SC, ST and OBC backgrounds[[1]](#footnote-1).

Furthermore, as the evidence from ASER assessments over the years shows, learning levels have been in consistent decline from 2005 when both board exams and detention existed. Consequently, it is unfair to place the blame for the decline on the NDP.

1. **Puts other aspects of the RTE Act at risk**

Restoring the examination system within the RTE framework will damage the internal coherence of the RTE Act. Thus, the Act provides for age-appropriate admissions followed by special training for children whose learning level is below required levels. [MHRD](http://www.tehelka.com/tag/mhrd/) states that the objective behind age appropriate admission is to protect older children from the humiliation and embarrassment of sitting with younger children which it states risks their drop out from school. It provides for special training instead to ensure students catch up with their age mates. In contrast, students will now be detained and made to compulsory attend the same class as younger children, without any additional academic support.

Some of the other unintended consequences of a return to detention will include

* Easier to fail children with disabilities, especially in the absence of measures to ensure inclusive education
* Additional barriers for the education of disadvantaged groups. Thus, Adivasi students whose mother tongue is other than the language of instruction in the school would be expected to have higher rates of detention.
* Incentivizing failure of EWS children who have been frequently seen as “pulling down” learning outcomes in private schools.
* rendering meaningless the abolition of screening procedures at the time of admission, if students are to be failed and not supported thereafter.
* Risks stifling the voice of SMC members given the new threat of their child’s detention as a potential price for complaining about wrongdoing within the school
1. **Ignores critical design elements**

Given the potential negative consequences of detention, it would have been important to consider the safeguards that need to be put in place for detention to work. [Global experience](http://eacea.ec.europa.eu/education/eurydice/documents/thematic_reports/126EN.pdf) suggests some essential issues that must be considered:

* Basis of the decision: Children’s performance should be judged based on holistic evaluation across the year. If detention is based on academic performance, this is usually based on pupil work during the year and not just performance on an end-year exam (eg. in Spain and France).
* Formal mechanisms for parental and student views to be taken into consideration;
* Opportunities to catch up must be given to the student at risk of failure before a detention decision. Poor performing students must be supported around the year with detention becoming truly a measure of last resort.
* Additional resources must be provided to children to cover the syllabus.
1. **Ignores tested solutions to improve quality and prevent detention**

Good teaching that is geared towards the levels of students is the essential prerequisite for improving learning. Making students go through the same content again in the same way that they didn’t understand the last time would not help them to understand things better.

For this, teachers need to be qualified, trained, motivated and supported. Ironically, the government has just extended the deadline for all teachers to be trained when it is introducing detention of students with immediate effect. With over a million of our teachers currently untrained, failing students that are being taught by untrained teachers seems hardly fair. Furthermore, over 9 lakh teacher posts are currently vacant, especially in educationally lagging states like UP, Bihar, West Bengal, MP and Chhattisgarh. Poor teacher training development and onsite support provided to teachers and weaknesses in the support systems like the CRCs and BRCs affect teacher motivation and performance.

Teachers’ work needs to be supported with them having the necessary tools and the educational process must take place within an environment that is enabling, safe and secure. In contrast, less than 10% of all schools in India currently comply with RTE norms. In fact, about 8% primary schools still have only one teacher to teach all five classes. Inadequate attention to ensuring pupil teacher ratio as per the RTE norms makes it difficult for teachers to pay attention to the individual needs of each child as per the requirement of CCE. 13 states not complied with the RTE norms at upper primary level on average number of instructional days (220 days).

Measures that could have helped to support student learning (eg. CCE) have not been implemented properly since their inception. If done right, it could allow problem areas to be identified early and teaching to be done based on level. In an ideal world, this would allow teaching to be geared to students’ learning levels and make the whole idea of “grade” redundant. In the face of such gaps in efforts made by the State, it is grossly unfair to penalize students.

**Equity** is another matter of concern. Detention rates are likely to be highest in rural areas (where quality inputs have been lowest) and the policy will disproportionately negatively affect Dalits and Adivasis (whose habitations have not had adequate investment in education. It would also promote child labour and enhance girls’ dropout since students who would be asked to repeat the same content again are likely to drift to paid or household work instead.

**Conclusion:**

We do not support the proposed amendment as a measure that will penalize students (and their parents) for the failure of the system. We feel that leaving the choice to the states, especially without any central guidance and support, risks damaging the internal coherence of the Right of Children to Free and Compulsory Education Act 20015. More directly, it puts the continued enjoyment of the right to education is children from poor and marginalized communities at risk.

We, therefore, call on the Parliamentary Standing Committee to

1. Not approve the proposed amendment to Article 16 of the RTE Act
2. In the event that it feels that it recommends reintroduction of detention, recommend that common guidelines be issued for all States prescribing steps that need to be taken to avoid damaging the organic fabric of the RTE Act.
3. Make clear recommendations on steps to be taken to
	1. provide additional support to educationally lagging students.
	2. Build teacher capacity to enable teachers to support students with diverse learning levels and needs
	3. strengthen implementation of existing provisions critical to quality within the RTE Act including accelerating RTE Compliance of all schools, enhancing the budget allocation to education to bring it in line with the global benchmark of 6% GDP, strengthen teacher training and support mechanisms and implementation of CCE.

1. http://www.india-seminar.com/2012/638/638\_madhumita.htm [↑](#footnote-ref-1)