

## Detention no cure: on RTE Act amendment

The legislation to amend the Right to Education Act to give States the power to detain students who fail an examination in Class 5 or 8 is a negative measure. Although many States want such a change, the [amendment passed by the Lok Sabha](#) goes against the view of many educationists, who argue that it would weaken one of the progressive features of the RTE Act, which is to guarantee the continued presence of the child in school during the formative learning phase. The proposed change will allow State Boards to declare a student failed and detain her on the basis of an examination, although Section 30(1) of the RTE Act holds out the assurance that no child shall be required to face any Board examination till completion of elementary education. There are genuine concerns on learning outcomes produced by India's schooling system. But these are determined not only by a student's effort but also by the number and quality of teachers, processes for continuous assessment and, crucially, active engagement of parents and the community in encouraging excellence. It is the lack of attention to some of these determinants that has created what Human Resource Development Minister Prakash Javadekar calls a "broken" school education system. Detaining already disadvantaged children can only break it further, and render the RTE Act a dead letter.

The case to replace the no-detention provision with one that reintroduces examinations in grades 3, 5 and 8 was made by a sub-committee of the Central Advisory Board of Education set up to review the provision, but its assumptions were faulty. For one, it concluded that the crucial guarantee could be implemented only under ideal conditions, and these were not available, while the pioneering [RTE Act](#) wanted to extend it to all grades within its purview. Yet, the provision is central to the objects of the law, since it seeks to check dropouts and enable all children to attend school in order to derive benefits that go beyond rote-learning. In fact, in 2016 the NITI Aayog found, based on a study in Punjab, that bringing back detention in elementary schooling would increase the dropout rate, impacting the poor and Dalits the most as they depended on government institutions. Besides, the proposed 'cure' may make another problem worse: when parents are unable to ensure regular attendance of children due to social circumstances, it is inconceivable that detaining them for non-performance will act as an incentive to attend school regularly. The move to introduce examinations as filters has not been fully thought through, and may be a hasty response to demands from State governments which want to be seen as acting firmly in favour of quality. Tinkering with the RTE Act without sufficient thought will erode a major constitutional achievement.

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