

Analysis Of The No Detention Policy Under The Right To Education Act

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ABSTRACT

Education is a human right with an immense power to transform the society. It plays an instrumental role in the economic growth of a nation and female education particularly plays an important role in the process of economic growth and development. Education also plays an important role in lowering the fertility and mortality rates. Moreover, the returns to education are large and positive. Schooling has seen to have a positive impact on agricultural output, and is proved to create a more constructive citizenry (in political and social terms). India has the largest child population in the world. The number of children under the age of 18 years rose from 428 million in 2001 to 430 million in 2006 and is projected to remain above 400 million in the coming decade. As per the 2011 census, India has 158.7 million children in the age group of 0-6 years. This comprises of nearly 16% of the total Indian population. During the period of 2001-11, considerable progress has been made in improving literacy rate amongst population aged between 7 and above. the most prominent initiative taken by the State in this regard is the 86th Amendment in the Constitution and the legislation that followed, i.e. Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE). The Section 16 of the Right to Education Act mandates that no child can be detained or held back in a class until the completion of his/her elementary education. This provision, read along with Section 29(h) of the Act, has given a legal status to the principle of no detention and the development of a progressive and holistic evaluation framework, both of which were enunciated in the National Policy on Education, 1986 and also NCF 2005. The focus of this paper is on the merits and demerits of Section 16 i.e. the No Detention Policy of the Act. However, Section 29 (h), which introduced a new method of assessment of students i.e. CCE pattern is also intertwined with the former provision due to the fact that both provisions are corollary to each other.

Keywords: Right to Education, No Detention Policy, RTE Act

1.0 RIGHTS OF A CHILD: AN INTERNATIONAL PERSPECTIVE

The discipline of international law is characteristically divided into private international law and public international law. The former refers to the body of laws that regulate private relationships across national borders. It deals largely with cases within legal systems where there is a foreign element to consider. Whereas the latter deals primarily with relations between States and the operation of international bodies. International Child Law encompasses both subdivisions of international law. The scope of child law in international sense ranges from conventions focused on enhancing judicial and administrative co-operation on inter-country adoption and child abduction to various machineries dedicated to

protecting and promote human rights (which consequently includes rights of children too).

The laws relating to rights of children are comparatively a new legal concept. The modern view with respect to rights of children developed in the 20th century. Before 1839, the judicial focus on children was welfare in nature, where the welfare of the child was given more significance than the outdated concept of authority and control of the father over his children. This “welfare approach” concept later was replaced by a more powerful “rights approach”. The reason behind this shift was the nature of the two approaches. Rights are entitlements and imply obligation on the nation states. They also empower individuals, whether minor or major, and play a crucial part in their overall development. The rights perspective is primarily embodied in the United Nations Convention on the Rights of the Child 1989

(UNCRC 1989), which is a landmark international human rights legislation. However, the concept of rights of child in international sense preceded the formation of the United Nations. In fact, the first international instrument relating to the same was The Declaration of the Rights of the Child, 1924 and emanated from the old League of Nations. The document did not have any binding effect on the members and carried only a moral force. Later when the General Assembly of the United Nations unanimously adopted the new text of the Declaration of the Rights of the Child in 1959, it legitimated its persuasive authority. However, the States that had accepted the Declaration of 1959 also opposed to the creation of a legally binding treaty on the subject of children's rights. After a stalemate of nearly 20 years, Poland submitted a draft text for a Convention on the Rights of the Child (CRC). However, many States and parties were of the view that this draft was a mere replica of the Declaration of 1959 and thus did not address the social, economic and cultural changes that had occurred during the span of 20 years. Thus in 1979, the United Nations Commission on Human Rights (UNCHR) organized an open-ended working group to review and expand the original Polish text. After 10 years of rigorous debating, the working group finally adopted a text in December 1988. The UN General Assembly unanimously adopted the CRC the next year and the same entered into force on 2nd September, 1990.

The adoption of UNCRC was one of the two elements that guided the international community to be more concerned about the issue of Child Rights. The other element was the child survival campaign which resulted in the World Summit for Children (WSC) in 1990. The summit was mainly concerned with health and other issues relating to children. The summit adopted a Declaration on the Survival, Protection and Development of Children and a Plan of Action for Implementing the Declaration in the 1990s. The Declaration and the Plan of Action contained numerous targets for improving the survival of children and their opportunities for positive growth and development. However, it is not that the importance of recognizing education as a right was limited to the abovementioned instruments only. The UNCRC is a culmination of efforts put by various other international instruments. The first

document, after the formation of United Nations, which recognized education as a basic human right was Universal Declaration of Human Rights (UDHR), 1948. Later in 1960, the Convention against Discrimination in Education (CADE) was adopted which aimed to combat discrimination on the basis of race, color, sex, language, religion, political or other opinion, origin national or social status, economic status or birth. It also ensured the individuals free choice of religious education, private school and right of national minorities to use or teach their own languages.

Later in 1966, the International Covenant on Economic, Social and Cultural Rights (ICESCR) again recognized the right of individuals to acquire free education so as to enable all persons to participate effectively in society. The instrument provided that primary education be made compulsory and free to all and secondary education be made accessible and available to all with it being made free progressively. The instrument also empower parents with the right choose or establish private educational institutions for their children. Subsequently, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979 and Convention on the Rights of Persons with Disabilities (CRPD), 2006 too affirmed the status of education as a human right.

Apart from these instruments, the United Nations has also set a collection of 17 global goals in 2015 which are also known by Sustainable Development Goals (SDGs). Every goal is somewhat broad and all are interdependent with each goal having a separate list of targets to achieve. The SDGs cover a variety of economic and social issues including poverty, hunger, health, sanitation, energy, environment, climate change etc. Goal 4 of the SDGs aims at ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all. As far as India is concerned, it is a signatory to the UDHR, UNCRC, CRPD, ICESCR and CEDAW.

1.3 INDIA'S STANDING ON CHILD LEGISLATION

With respect to child legislation, age in an important factor. All cultures share the view that the younger the children, the more vulnerable they are physically

and psychologically and less they are able to fend themselves. As a result, the Indian constitution too contains numerous provisions that provide a protective umbrella for the children in the form of “rights” which include: -

- Right to free and compulsory elementary education for all children in the age group of 6-14 years.
- Right to be protected from any hazardous employment till the age of 14 years.
- Right to be protected from being abused and forced by economic necessity to enter occupation unsuited for their age or strength.
- Right to equal opportunities and facilities to develop in a healthy manner and in condition of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment.
- Right to equality.
- Right against discrimination.
- Right to personal liberty and due process of law.
- Right to be protected from being trafficked and forced into bonded labor.

- Right of weaker section of the society to be protected from social injustice and all forms of exploitation.
- Right to freedom including the freedom of speech and expression.
- Right against exploitation.
- Religious, cultural and educational rights, and
- Right to constitutional remedies.

However, the definition of “young” can be a subjective matter. This is where formal reflection of society regarding the age factor comes into picture. Almost everywhere, age limits regulate activities of children. When they can leave school, when they can marry, when they can vote, when they can be tried as adults etc. But these age limits differ from activity to activity and from country to country.

The legal definition of a child has tended to vary depending on the purpose. Article 1 of UNCRC, 1989 states that “a child means every human being below the age of 18 years unless, under the law applicable to the child, the majority is attained earlier”. In India, the age at which a person ceases to be a child varies in different laws. Some of the provisions relating to age are as follows: -

Legislation	Provisions
Indian Penal Code (IPC), 1860	Nothing is an offence which is done by a child below 7 years of age. If a child is found incapable of understanding the consequences of the act, the age limit is extended up to 12 years.
Factories Act, 1948	A child is a person who has not attained 15 years of age.
Indian Contract Act, 1872	A person below 18 years of age is not competent to contract.
Mines Act, 1952	No person below 18 years of age is permitted to work in a mine.
Apprentices Act, 1952	A person can be engaged as an apprentice only if he/she is not less than 14 years of age and satisfies the prescribed standards of education and physical fitness.
Constitution of India, 1950	No child below 14 years of age shall be employed in any factory, mine, or other hazardous employment.
Prohibition of Child Marriage Act (PCMA), 2006	A child means a male who has not completed 21 years of age and a female who has not completed 18 years of age.
Protection of Children from Sexual Offences (POCSO) Act, 2012	A child is any person below 18 years of age.
Juvenile Justice (Care and Protection of Children) Act, 2015	A child is a person who has not completed 18 years of age. Juveniles in conflict with law aged between 16–18 years who commit heinous offences may be tried as adults.

2.0 CHILD LITERACY AND INDIA

Education is a human right with an immense power to transform the society. It plays an instrumental role

in the economic growth of a nation and female education particularly plays an important role in the process of economic growth and development. Education also plays an important role in lowering

the fertility and mortality rates. Moreover, the returns to education are large and positive. Schooling has seen to have a positive impact on agricultural output, and is proved to create a more constructive citizenry (in political and social terms).

According to the criteria followed in Censuses in India, a person aged seven years and above with the ability to both read and write, with understanding in any language, is treated as literate. A person, who can only read but cannot write, is not considered 'literate'. People who are blind but can read in Braille have been treated as literates. All children in the age group 0-6 years are treated as illiterate by definition even if the child has been going to a school and has picked up reading and writing skills. In the Censuses prior to 1991, children below five years of age were treated as illiterates and population aged 5 and above was classified as 'literate' or 'illiterate'. Since the ability to read and write is not developed until one has time to develop these skills, in 1991 Census, it was decided that all children in the age group 0-6 years be treated as illiterate by definition and population aged seven and above only be classified as either 'literate' or 'illiterate'. Therefore, for calculating literacy rate, the sub-population group in the age group of 0-6 years is excluded from the total population and only the population aged seven years and above is considered for working out the literacy rate (effective literacy rate).

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Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE). However, before dipping into the legislation, the background behind the enactment of the Act needs to be taken into consideration.

1.1. Right to education: Background

The Directive Principles of State Policy (DPSPs) occupy an ambiguous position in the Indian constitution. Framed as a set of obligations upon the State, the constitutional texts nonetheless expressly renders them unenforceable. However, irrespective of their nature, these principles were not intended to be merely pious declarations. In the words of Dr. B.R. Ambedkar, "In enacting this Part of the Constitution, the Assembly is giving certain directions to the future legislature and the future executive to show in what manner they are to exercise the legislature and the executive power they will have. Surely it is not the intention to introduce in this Part these principles as mere pious declarations. It is the intention of the Assembly that in future both the legislature and the executive should not merely pay lip-service to these principles but that they should be made the basis of all legislative and executive action that they may be taking hereafter in the matter of the governance of the country." Thus, the State is obligated to create such conditions under which the fundamental rights guaranteed under Part III of the constitution could be enjoyed by the citizens.

Unfortunately, as is the case with nearly all governmental actions in India, implementation of legislation relating to education has been abysmal. From 12% at the end of British rule in 1947, the literacy rate has increased to 74% as per the 2011 census but it still falls well short of the global average of 84%. Apart from this, the Indian education system faces numerous other issues such as lack of infrastructure, below average training staff, social biases etc. These issues, however are not new to the education system and the State and were well established during the drafting of the Constitution. This is the reason why the framers of the Constitution placed heavy emphasis on the importance of education which is evident from bare readings of Article 41 and 45. The former directs the State to make effective provisions in relation to

securing the right to work, education and public assistance to the unemployed, aged, sick and disabled. Whereas the latter, prior to the 86th amendment, warranted that the State provide for free and compulsory education for all children until they complete the age of fourteen years. These, coupled with the rationale of *Mohini Jain v. State of Karnataka* and *Unni Krishnan v. State of Andhra Pradesh* leave no reasonable doubt with regards to the status of right to education is a fundamental right.

However, the *Unni Krishnan judgment*, which designated Article 45 with the status of a fundamental right, differs slightly from the rationale of the *Mohini Jain judgment*. The former did not agree with the broad scope that the latter had given to the interpretation of right to education. The apex court ruled that The right to education which is implicit in the right to life and personal liberty guaranteed by Article 21 must be construed in the light of the directive principles in Part IV of the Constitution. The directive principles being namely Article 41, 45 and 46.

Moreover, the judgment is also highly critical of the failure of the State to uphold the time limit prescribed in Article 45. The provision envisions that the State provide free and compulsory education to all children up to 14 years of age within ten years of commencement of the Constitution. The judgment is highly critical in the manner in which funds are diverted more towards higher education at the cost of primary/elementary education.

Following this highly critical judgment of the Supreme Court, The United Front Government in 1994 resolved to make elementary education as a fundamental right and to enforce it through suitable statutory measures. Accordingly, Saikia Committee (1997) was appointed to examine the economic viability of this proposal. The Committee submitted its report with the following recommendation:

“The Constitution of India should be amended to make the right to free elementary education up to the 14 years of age, a fundamental right. Simultaneously an explicit provision should be made in the Constitution to make it fundamental duty of every citizen who is a parent to provide opportunities for

elementary education to all children up to 14 years of age”.

The government accepted the recommendations of the committee and tabled the Constitution (83rd Amendment Bill, 1997) in the Lok Sabha. The Bill was referred to the ‘Department-Related Parliamentary Standing Committee on Human Resource Development’. The proposed amendment to the constitution was to the following effect:

1. After Article 21 of the Constitution, the following article shall be inserted, namely:

“21A. (1) The state shall provide free and compulsory education to all citizens of the age of six to fourteen years.

(2) The right to free and compulsory education referred to in clause (1) shall be enforced in such manner as the State may, by law, determine.

(3) The state shall not make any law, for free and compulsory education under clause (2), in relation to the educational institutions not maintained by the State or not receiving aid out of the State funds”.

2. Article 35 of the Constitution shall be renumbered as clause (1) of that Article and after clause (1) as so renumbered and before the Explanation, the following clause shall be inserted, namely:

“(2) The competent legislature shall make the law for the enforcement of right to free and compulsory education referred to in clause (1) of Article 21A within one year from the commencement of the Constitution (Eighty-third Amendment) Act, 1997;

Provided that a provision of any law relating to free and compulsory education in force in a State immediately before the commencement of the Constitution (Eighty-third Amendment) Act, 1997 which is inconsistent with the provisions of Article 21A, shall continue to be in force until amended or repealed by a competent legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier”.

3. Article 45 of the Constitution shall be omitted.

4. In Article 51A of the Constitution, after clause (1), the following clause shall be added, namely:

“(k) To provide opportunities for education to a child between the age of six and fourteen years of whom such citizen is a parent or guardian”.

In November 1997, the Department Related Parliamentary Standing Committee submitted its report to both houses of the Parliament with the recommendation that the Bill be passed in the light of changes recommended by it. Accordingly the Constitutional 83rd Amendment Bill, 1997 was amended and reintroduced in the Parliament as the Constitution (93rd Amendment) Bill, 2001.

1.2. Right to Education (RTE) Act, 2009

This legislation is the statutory embodiment of the 86th Amendment of the Constitution. The Amendment sought to make free and compulsory education a fundamental right only for the children in the age group of 6-14 years and not for the children in the age group of 0-6 years. The amendment further provided for the Early Childhood Care and Education (ECCE) for the age group of 0-6 years as a Directive Principle of State Policy (DPSP). Although there is still an ongoing debate as to whether children between the age group of 0-6 years should also be guaranteed fundamental right to education, there is no doubt that this legislation marked a historic moment for the children in India. Few countries in the world have such a national provision to ensure child centered and child friendly education to help all children develop their fullest potential. Following are the salient features of the RTE Act, 2009: -

1. Free and compulsory education to all children of India in the 6-14 age group.
2. No child can be held back, expelled or required to pass a board examination until he/she completes elementary education.
3. If a child above 6 years of age has not been admitted in any school or if he/she could not complete his/her elementary education, the he/she has a right to be admitted in the class appropriate to his/her age and in such cases, these children have a right to receive special training to cope up with his classmates. Such children can also enforce this fundamental right even if they complete elementary education after 14 years.

4. No child can be denied his/her fundamental right to free and compulsory education due to lack of age proof.
5. A child who completes elementary education shall be awarded a certificate of the same.
6. The Act calls for a fixed teacher-student ratio: in primary schools- 1:30 and in upper primary school- 1:35.
7. The Act also provides for a 25% reservation for economically disadvantaged children in admission to Class 1 in all unaided schools of the country.
8. The Act mandates improvement in quality of education.
9. Adequate professional degree is a must for teacher within 5 years otherwise they would lose their job.
10. School infrastructure needs to be improved (where there is problem) within 3 years otherwise the recognition of such schools would be cancelled.
11. The financial burden of providing children free and compulsory education will be shared between Central and State governments.

The focus of this article is on the merits and demerits of Section 16 i.e. the No Detention Policy of the Act. However, Section 29 (h), which introduced a new method of assessment of students i.e. CCE pattern is also intertwined with the former provision due to the fact that both provisions are corollary to each other. Therefore, the article will deal with both policies.

Amendment sought to make free and compulsory education a fundamental right only for the children in the age group of 6-14 years and not for the children in the age group of 0-6 years. The amendment further provided for the Early Childhood Care and Education (ECCE) for the age group of 0-6 years as a Directive Principle of State Policy (DPSP). Although there is still an ongoing debate as to whether children between the age group of 0-6 years should also be guaranteed fundamental right to education, there is no doubt that this legislation marked a historic moment for the

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3.0. SECTION 16 OF RTE ACT

The Section 16 of the Act mandates that no child can be detained or held back in a class until the completion of his/her elementary education. This provision, read along with Section 29(h) of the Act, has given a legal status to the principle of no detention and the development of a progressive and holistic evaluation framework, both of which were enunciated in the National Policy on Education, 1986 and also NCF 2005.

Although this policy of “no-detention and no-expulsion” of students aged between 6-14 years was introduced with a view to ensure that the fundamental right of a child to get educated under Article 21A was not violated, this policy faced substantial backlash from the teaching community, school management and the State governments. Amongst their many reasons, the most prominent one was that the policy encouraged amongst students “a lackadaisical attitude towards studies”. Due to a Statute provided guarantee that they would not be made to repeat an academic year till Class VIII, the students had developed a more carefree attitude towards studies and this in turn adversely affected their performance in board exams. Although the arguments of both sides have their respective merits and demerits, we will first look into what I term as a more idealistic perspective towards the policy, i.e. the reasons why this policy was introduced and why it should remain implemented.

3.1. REASONS FOR A CHANGE:

The Section 16 of the Act provides that: -

“No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education”

The rationale behind the introduction of this policy as stated by the MHRD in 2012 was-

“The ‘no detention’ provision is made because examinations are often used for eliminating children who obtain poor marks. Once declared ‘fail’, children either repeat grade or leave the school

altogether. Compelling a child to repeat a class is demotivating and discouraging.”

Although the motive behind introduction of this policy is noble, however, many relevant parties viewed this as a “no assessment policy”, where each and every student is passed irrespective of his/her performance. This tendency was refuted by MHRD and other academicians in favor of the policy stating that this provision should be read along with Section 29 (h) of the Act, which is a corollary of the former. Section 29 (h) provides that whilst deciding the curriculum and evaluation procedure for elementary education the academic authority has to take into consideration “*comprehensive and continuous evaluation of child’s understanding of knowledge and his/her ability to apply the same*”. This procedure is more commonly known as CCE pattern. The MHRD clarified that the NDP (No Detention Policy) coupled with the CCE pattern would cultivate a non-threatening environment for the child, which will release the fear and trauma of failure in the child and at the same time also enable the teachers to pay individual attention to the child’s learning and performance. Moreover, the earlier practice of detaining students for failing in exams also found no scientific backer. Instead, various researches done in the field indicated that there was no correlation between detaining a student and improvement in his/her learning. The Geeta Bhukkal Committee, which was formed as a sub-committee under the Central Advisory Board of Education (CABE), admitted that there was no research anywhere in the world that established that repeating a year helps children perform better. The committee further stated that however, research does state that repeating a year has adverse academic and social effects on the child. It is argued by several educationists and academicians that the NDP and CCE are a welcome change to the exam-centric culture prevalent in Indian schools. These policies will ensure that the children are not just focused on cramming the syllabus mindlessly but also develop an all-round personality which will enable them to excel in their future endeavors. It is argued that the policies are based on sound principles of pedagogy and assessment and are recognized world-wide. There are also very strong equity considerations behind the NDP policy, especially for the low-

income families and girls. This is due to the fact that in rural areas, due to socio-economic factors, dropping out of the school is preferred than repeating a class. Especially in case of girls, failing an exam is seen as an end to their education. The NDP ensures that irrespective of non-performance of the child on a narrowly defined and rigid set of indicators, the child is able to receive at least elementary level of education rather than losing all hope in himself/herself.

However, a common misconception amongst the teacher and school managements regarding the NDP was that “no detention” means “no assessment”. This is also patently incorrect as the intention behind introducing NDP was to ensure that no child drops out of schools before attaining elementary education. Whereas the assessment clause pertains to Section 29 (h) i.e. the CCE pattern. The aim of the RTE Act is to ensure that no child drops out of school before attaining his/her elementary education *and* at the same time, the assessment of the child during this period is not done traditionally, but in a continuous and comprehensive manner. But since both the policies go hand in hand, criticism of the CCE pattern also took the NDP in its fold.

3.2. ARE CHANGES NECESSARY?

The role of education in an individual’s life can never be undermined. However, how one must attain that education remains in contention. The issues of education place many dilemmas for policymakers and those who have to follow those policy decisions. One of the most prominent amongst such dilemmas is the No Detention Policy under the RTE Act, 2009 which prohibits schools from detaining or removal of students till they have completed their elementary education. This policy, which was introduced way back in 2009, has gained a notoriety amongst the school teachers, several States and other relevant parties due to its “negative” effect on the attitude of students towards studies. A number of States/UTs including Punjab, Delhi, Haryana, Rajasthan, Uttarakhand, Uttar Pradesh, Bihar, Gujarat, Assam, Nagaland, Odisha, Daman & Diu etc. have supported the decision to remove the NDP and have linked the same to the deteriorating learning levels of students. The policy is claimed to have increased the amount of poor performances in higher classes

(particularly in Class X) due to increased academic pressure for which the students are not well prepared.

The reason given by the opponents of the policy behind the poor performance of children in higher classes is that over time, with lack of motivation to perform better than their peers, students become disinterested in studies. With every student destined to qualify for the next grade, the students tend to take studies lightly and this has an adverse negative effect on them in the long term. Some States like Delhi have also argued that this can further lead to prolonged absenteeism and even dropouts.

This lack of motivation can be attributed to teachers too. It can also be argued that with each and every student passing the class through legislative sanction, some teachers may not employ the best of their skills in teaching process, as their efforts to educate the academically weakest of the student might go unnoticed and unappreciated. It can also be pointed out that scrapping the policy might revert the importance of the responsibilities teachers knew they carried before the implementation of this policy.

Moreover, the objective with which the NDP and CCE pattern were introduced was to reduce the unreasonable amount of stress arising out of studies amongst the students. But instead, the CCE pattern, which required the students to study all around the year in the form of endless projects and numerous tests, actually increased the burden of studies on the students. This was made worse by the fact that the competitive spirit amongst the students was diminished due to every child, irrespective of his/her qualification, was getting passed on to the next grade. This resulted in a situation where the children were not motivated enough to excel in studies *and* they were burdened with studies all around the year, at the same time.

4.0 CONCLUSION

Like any other reform, the idea to introduce the NDP and CCE pattern was to bring about a *change* in the way the education system worked. However, without effective implementation in the roots, the policies were doomed to fail. Although the policies, which were based on European constructs, were

aimed at improving the standard of students and teachers, faced stiff resistance in India. This is because, to bring out any change anywhere, the actors who are likely to be directly affected by the change, need to have a belief in it. Unfortunately this was not the case in India. It is not that the teachers and school managements did not want to improve their standards, but they had objected in the way it had been done. Completely changing the way assessment was being done without proper training of the teachers was one of the biggest reasons why the policies failed. The essence of both policies was the nature in which assessment was to be done. If assessments under the CCE pattern had been effectively done, then the NDP would have been a success. However, with flawed and inflated assessments, the children were doomed to perform miserably in examinations once they had crossed the age limit. The teachers themselves did not believe that the new policies would bring out positive changes in the education system, instead they believed in the contrary. As a result, it were the children who suffered. In order to tackle challenges faced to successfully implement the policy, the foremost issue to be resolved is to properly equip the teachers to understand and act according to the philosophy behind introducing the CCE pattern of assessment. Because teaching is just like any other profession such as medicine or law etc. If a professional wants to remain a professional, he or she must have regular reorientation to update on his or her knowledge as well as skills. And in light of the RTE Act, 2009, National Curriculum Framework 2005 and National Knowledge Commission Report 2007, the field of education has entirely changed and so has the field of teacher education in India. And in order to create a more professional teacher, who is up to date with not only the policy changes of the government in the field of education but also with the needs of the students, The National Curriculum Framework for Teacher Education (NCFT), 2009 is vital document to guide the future of Indian teacher education. The document, a fairly comprehensive one, broadly deals with foundations of education, curriculum and pedagogy and school internship. The framework rightly advocates radical changes that need to be made in the current skill-set of current teachers and

the teacher education institutions that will eventually result in a holistic development of the child. However, there are certain additions that might bring out a more positive change in the framework that will eventually ensure more qualified teachers and more quality teaching institutions and as a result, an all-round development of the students.

The first and foremost aspect where an improvement can be made in the quality of teachers is the increased emphasis on making the teachers more technologically oriented. In the era of globalization and technological innovations, a teacher should also be made to catch up with changing times. The Central Institute of Educational Technology (CIET) and State Institutes of Educational Technology (SIET) have prepared many education programs and training modules based on providing training of teachers in Information and Communication Technology (ICT) and training in such tools has now become important for teachers so that they can disseminate information to the students in a more “technologically fashionable” way and make it more appealing to the students. Also, along with teaching through ICT, teachers should also be trained in life skills so that they can enable the children to learn not only the theoretical aspect of education, but also enable the children to develop adaptive and positive behavior in life. The importance of life skills as well as value oriented education have been emphasized numerous times and it is important that teachers not only teach the students the syllabus, but also create and maintain a collaborative problem solving environment where students are allowed to construct their own knowledge and the teacher acts as the facilitator and guide.

Another area due to which severe challenges are faced to produce qualified teachers is the lack of benefits made available to the teachers. It is one of the most definitive factor that dissuades many aspirants from pursuing such a challenging and exciting career. Although private schools have thrived in the country, the state of governmental schools is not so good. Providing benefits such as increased salary, more medical benefits etc. will make the job posts more attractive and will increase the competition, and will eventually rake in more qualified teachers in schools.

Also, the government should address the issues faced by the institutions working in the field of teacher education. Many such institutions are self-financing ones and addressing their grievances will also ensure availability of qualified teachers.

Another flawed philosophy behind introducing the NDP and CCE pattern was that the old regime of assessment had brought upon enormous amount stress on the students to succeed in the examinations. Basing the ill of having unreasonable amount of stress on the students on just one factor is incorrect. There are many other factors due to which stress can be increased to unreasonable levels. Family expectations, peer competition, inability of the student to handle academic pressure and even students' internal expectations can contribute to the stress levels. However, the new policy completely disregarded these factors and instead blamed the earlier policy. There is also one important point to be noted here. The policy intended to safeguard the students from a wrong which is not completely produced by the State. There can be many reasons for stress in a student and the policy blamed the State entirely for that. This is not only absurd but also patently wrong. Also the point that the CCE pattern, instead of reducing the stress on the students, increased it, is also noteworthy.

Although the intention of the government to change the earlier regime of education were noble, they failed on the grass-root level as the people who had to follow the change weren't properly trained and skilled. This could have been avoided had the government first trained and educated the personnel about the policy and its nuances. However, dismal performances of children in but also enable the children to develop adaptive and positive behavior in life. The importance of life skills as well as value oriented education have been emphasized numerous times and it is important that teachers not only teach the students the syllabus, but also create and maintain a collaborative problem solving environment where students are allowed to construct their own knowledge and the teacher acts as the facilitator and guide.

Another area due to which severe challenges are faced to produce qualified teachers is the lack of benefits made available to the teachers. It is one of

the most definitive factor that dissuades many aspirants from pursuing such a challenging and exciting career. Although private schools have thrived in the country, the state of governmental schools is not so good. Providing benefits such as increased salary, more medical benefits etc. will make the job posts more attractive and will increase the competition, and will eventually rake in more qualified teachers in schools.

Also, the government should address the issues faced by the institutions working in the field of teacher education. Many such institutions are self-financing ones and addressing their grievances will also ensure availability of qualified teachers.

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6. Article 2 (b)
7. Article 2 (c)
8. Article 5 (c)
9. Article 13
10. Article 13.2
11. Article 13.3 and 13.4. Also referred to as Freedom of Education. This Article is interpreted as requiring public schools to respect the freedom of religion and conscience of their students.
12. Article 10
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