

No Detention Policy

An Ontological Analysis of the Rollback Debate in India

PREETI VIVEK MISHRA*

Abstract

The contemporary international discourse on education and development is dominated by two perspectives, namely the human rights approach and the post-development perspective. The present article seeks to utilise the ontological-epistemological toolkit provided by these perspectives to examine the debate on rollback of No Detention Policy. The article begins with an explication of the backdrop of the rollback debate in India. It then scrutinises the arguments for and against a rollback under the respective lenses of the rights-based and post-development thought paradigms. The intent of the article is not to suggest a definite resolution to the debate but to provide an informed theoretical grounding for the stakeholders to further reason their case.

INTRODUCTION

Universalisation of Elementary Education (UEE) is a constitutional 'commitment' in India (Panchapakesan, 2013). The Constitution of India guarantees elementary education to every child as a matter of 'right' (GoI-MHRD, 2012a). A legislation called the Right of Children to Free and Compulsory Education Act (RTE) was passed

in 2009 to 'define the substance of the right more clearly' (Dam, 2012).

The RTE Act has garnered much international accolade and is positioned as indicative of Government of India's (hereafter GoI) sustained commitment to the various international treaties and conventions (Juneja, 2003). RTE's reception in India is ambivalent. With its provision prohibiting detention

* Assistant Professor, Department of Education, University of Delhi, Delhi - 110 007, India.

(failing) of students up to Class VIII; also called the No Detention Policy (NDP), it has become 'arguably the most controversial' clause in the Act (CPRI, 2015b). The debate is fuelled by conflicting evidence from the field.

The GoI is gearing up to mandate the rollback of NDP (*Hindustan Times*, 2016a). The federal consensus favouring rollback is firming up (GoI-PIB, 2016, 2017). This has led to a public debate among educationists, advocacy groups, etc., accompanied by an intellectual mobilisation to stall the rollback terming it detrimental to the marginalised. Yet, the debate seems to be nearing a non-dialogic, top-down resolution.

The present article seeks to deconstruct the NDP debate by invoking the rights-based and post-developmental approaches to education, respectively. The discussion deconstructs the rollback debate using the ontological-epistemological toolkit provided by these perspectives. At the same time, the intent is not to suggest a definite resolution but to analyse the debate as it continues to unfold; the intent then is to provide an informed theoretical grounding for the stakeholders to reason their case.

THE NDP ROLLBACK DEBATE: AN EXPLICATION

The fundamental focus of RTE was to address the issues of wastage and stagnation in education by, among other things, paving a way for a child-friendly assessment modality. Building on an earlier recommendation

of the Ministry of Human Resource Development's (MHRD) Parliamentary Standing Committee (1997) that formal certification of education be done only after Class VIII or 'upper primary years' (GoI-INSCED, 2014), it created a legislative framework for enabling and fear-free assessment through the following articles.

- Chapter IV: Section 16 on 'Prohibition of holding back and expulsion'—
No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.
- Chapter V: Section 29(2)(h) on 'Curriculum and evaluation procedure'—
Comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same.
- Chapter V: Section 30(1) dealing with 'Examination and completion certificate'—
No child shall be required to pass any Board examination till completion of elementary education.

The above provisions are referred to as RTE Act's 'No Detention Policy' (NDP). The NDP does not mean 'no assessment' or 'no relevance of assessment' (CABE, 2014); instead it led to moving away from high-stakes assessment in elementary education and adopting the assessment modality of Continuous Comprehensive Evaluation (henceforth CCE) for 'improving the learning of children and the pedagogy' (CABE, 2014, p. 23).

The CPRI policy brief (2015a) points out the undergirding of the NDP as comprising educational-pedagogical, legal and social-equity based considerations. CABE report (2014) highlighted the pedagogic rationale informing NDP as, ‘a commitment of the nation to every child to provide quality education with a guarantee to ensure expected learning outcomes within the academic year with required support systems including remedial/additional instructions’.

The social considerations are highlighted by CPRI policy brief (2015a) by pointing out that failure reinforced social inequity in opportunities for educational success, by pushing out low-performing students usually hailing from the marginalised strata of the society. Repetition of grades too fed into the high rates of wastage and stagnation characterising Indian education system.

NDP also derives from the RTE’s legal commitment to compulsory education wherein ‘compulsory’ is defined in terms of the ‘State as an active subject’ in place of the pre-rights based paradigmatic perspective of ‘population as a passive subject’ (Juneja, 2003). Therefore, the onus to provide enabling and non-stifling conditions for students to pursue and complete elementary schooling is on the State. As CPRI policy brief (2015a) puts it, ‘Failing a child penalises the child, but not the system and goes against the spirit of the RTE Act’.

Despite the well-intentioned policy discourse of NDP, the public discourse has been marred by scepticism and pessimism (Ghosh, 2015). Official reports lament that NDP has been misunderstood by various stakeholders alike to connote an absence of assessment and its rationale has been lost in the cacophony of misguided objections arising there from (CABE, 2014). Despite initial research evidence that RTE legislation led to a decrease in dropout rates in 2010–11; the very first year of its implementation, widespread dissatisfaction among teachers and parents over the alleged drop in the quality of education created pressure on the MHRD to re-evaluate the NDP. In 2012, a sub-committee of Central Advisory Board of Education (CABE) was constituted and notified (GoI-MHRD, 2012b). Its mandate was to furnish a report on ‘Implementation of CCE in the context of the No Detention provision’ after ‘consulting State governments and other stakeholders’ (CABE, 2014).

The sub-committee reported two noticeable trends in post-RTE years. Firstly, it noticed a decline in Learning Level Outcomes (hereafter LLOs) in government schools. Secondly, it noticed a trend of migration of students towards private schools. It also identified several causes for these trends, namely lack of assessment, low student motivation, low teacher accountability, lack of a pedagogy

that sufficiently addresses multi-level environments, insufficient teaching skills and insufficient systemic support. Noticeably, an explanation for each cause was found in misunderstanding of the rationale of NDP and CCE as well as problems in its day-to-day deployment along with the systemic unpreparedness of Indian education system for adopting the modality in toto (CABE, 2014).

The sub-committee recommended *inter alia* to 'amend the roll-out plan of No detention' (Section 3.5, p.17). It specifically proposed: firstly, a phased roll-out of NDP with state-level assessments at Classes III, V and VIII with no detention till Class V, provisional promotion after Class V and detention after Class VIII. Secondly, it called for more flexibility in exercising 'No Detention' thereby implying possibility of selective detention of students found to be 'lagging behind' in acquiring grade-appropriate competencies.

The recommendations created an ideological rift within the committee. Two members, both educationists, tendered their written disagreement (CABE, 2014, Annexure xvi). Their objections largely implied that the proposal for rollback was made on scanty academic and pedagogical evidence and was rather a testament to systemic unpreparedness and deficits in teacher capacity building. The objections are esemplastic and are corroborated by the concluding section of the report itself which reads:

While theory and theoreticians may have a strong case for retaining the provision of 'No Detention' (this view has been specifically put forward by two members of the Committee), the practical reality and experience across the country, across the stakeholders, clearly shows that ground is not ready to receive this positively. In absence of ground preparation, the intentions of the provision have not been met at all... At this stage, it would be prudent to re-iterate the need for assessment of learning outcomes and make it consequential by linking it to promotion or otherwise to the next class beyond Class V. [CABE, 2014, p.18]

As a follow-up to the report, MHRD decided to seek a written response from all States/UTs concerning their views on the NDP. Noticeably, 22 responses were received with 18 states suggesting that NDP required modifications (GoI-PIB, 2016).

The governmental consensus on NDP rollback has been met by a commensurate mobilisation of opinion against it among rights-based advocacy groups and academics, alike. Print and social media too has been abuzz with discussions and debates.

Those battling for the rollback, including CABE sub-committee, have cited the findings of the Annual Status of Education Report Surveys (ASER). The ASER reports are

based on household surveys with a representative sample of children in over 560 rural districts of India with claims to reach over 6,50,000 children in more than 16,000 villages in the country (ASER, 2014b). The ASER report (2014a) has demonstrated that the school-enrolment rate for students aged 6–14 years has consistently remained above 96 per cent since RTE, the school facilities have improved over time and the trend of older girls (11–14 years) dropping out of school has been bucked in most of the states except two.

On the flip side, the percentage of children in the age group of 6–14 years, enrolled in private schools has increased from 18.7 per cent in 2006 to 30.8 per cent in 2014. The most strategic and disturbing trend is observed in the learning level outcomes and grade-appropriate competencies. To illustrate: Not only are the students seriously lacking in age-appropriate reading competencies, but the competencies have declined over time. Similar trends have been observed for arithmetic skills too. ASER (2014 a) shows that almost half the number of children completing eight years of schooling have not acquired the basic arithmetic skills. A similar number of Class V students deficient in arithmetic skills commensurate to Class II.

The ASER reports hypothesised about a cause and effect relationship between these disturbing trends and the provisions of NDP-CCE (*The Indian Express*, 2013). The federal

machinery due to a self-professed absence of an alternative data source has generally adopted the statistics, as well as, the intellectual hypothesis of ASER (Oza and Bethill, 2013; see also CIBE, 2014).

Scholars have objected to the governmental reliance on ASER data citing methodological anomalies in its collection (Panchapakesan, 2013). The hypothesis about declining learning and performance levels was also contradicted by data showing that despite graduating from a system of no public examination till Class VIII, there has been an increase in the pass percentage of students appearing in public examination in ‘Class X and Class XII for the years 2009, 2012 and 2013’ in most Indian states (GoI-PIB, 2015).

The advocates of NDP argue that punishing children by detaining them without providing them the necessary infrastructure and teaching is really shifting the blame on the children.

Others have expressed an apprehension about the effect of a sudden rollback on students who are presently enrolled in Class I–VIII and have been failed by the system in terms of not receiving age-appropriate skills. Reverting to examinations will invariably imply failure for them in absence of an academic and cognitive readiness to face exams thereby forcing them to drop out (Devendra, 2013).

At this precise moment, the NDP rollback debate has been framed between the conflicting persuasions

of pragmatism vs. idealism, logistics vs. pedagogy and education for learning outcomes vs. education for enabling. Both sides of the debate have conflicting yet valid claims to make. Equally, both sides base their arguments on conflicting research evidence from the field. This amplifies the challenges to a straightforward resolution to the debate.

Assuming that a theoretical lens to assess the arguments on either side can help highlight further issues—gross and subtle—that are imbued in the present ideological impasse. To this end, the subsequent sections attempt to further an ontological analysis of the debate in view of the human rights and post-development perspectives in education, respectively, both of which hold conspicuous currency in the global discourse on educational policy and practice.

THE RIGHTS-BASED APPROACH

The rationale for rights-based approach to education derives from the twin positioning of education as: a human right in itself and as an empowerment right or the ‘means of realising other human rights’ (UN-CESCR, 1999). Surprisingly, the rights-based approach to education has only recently become a focus within the education sector (UNICEF/UNESCO, 2007).

An internationally significant call for education as a human right was made through the Universal Declaration of Human Rights (hereafter UDHR) (UN, 1948,

Article 26). Since UDHR, several international treaties have reinforced education as a human right.

The rights-discourse on education revolves around aims of education and the meaning and implication of the right itself and the obligations arising from there. Since UDHR, the discussion on aims of education has been successively augmented and enriched by various international declarations/conventions like the International Covenant on Economic, Social and Cultural Rights (Article 13-1), the Jomtien World Declaration on Education for All (1990: Article 1), the UN Convention on the Rights of the Child (Article 29-1), the Vienna Declaration and Programme of Action (Part I para 33, Part II para 80), and the Plan of Action for the United Nations Decade for Human Rights Education (para 2).

The commonly agreed upon aim of education is the recognition, protection and promotion of ‘human dignity innate in every child and of his or her equal and inalienable rights’ (UN-CRC, 2001). This core aim is explicated to include: holistic development of the full potential of the child including development of respect for human rights, an enhanced sense of identity and affiliation at various levels, the child’s socialisation and interaction with others and with the environment (UN-CRC, 2001).

With regard to the governmental obligations arising from education as a human right, the international discourse has adopted a 4A scheme

mandating that education be made available, accessible, acceptable and adaptable (Tomaševski, 2004).

With specific reference to right to elementary education, the UDHR professed vide sub-clause (1), 'Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory'.

Despite successive global human rights instruments adopting a rights-based approach to education, the same has not reflected in global political commitments to education. Tomaševski (2006) notes that 'free and compulsory education for all the world's children forms the backbone of international human rights law but does not shape global educational strategies'. The absence of a unified global strategy has resulted in clashes in global approaches to education which themselves originate from conflicting ontological understandings of the aims of education. Tomaševski's exegesis (2006, pp.xiii–xvii) highlights the conflicting interests and agendas of diverse global actors like development banks, private providers, UNESCO and the bonafide 'aid-seeking' state negotiating the 'labyrinth which constitutes global educational governance'.

This decentralised and conflicting global governance of education resulted in the use of an evasive terminology in several international summits on education. Tomaševski (2006) establishes through a comparison of international legal

guarantees and global political commitment on education beginning with Jomtien that, 'it took 15 years (since 1990) to revert to the wording of the Universal Declaration of Human Rights that education should be free and compulsory'.

India's own attempt towards a rights-based approach to education has a long history. During the drafting of the Constitution of independent India, it was proposed to include education up to the age of 14 years under Fundamental Rights but the proposal was rejected and the advisory committee placed it under non-justifiable rights instead (RTEc, n/a). Whereas the 1966 Education Commission reiterated the importance of education for all children, a politico-institutional ethos for concerted action was truly enabled in 1976 when education was shifted to the concurrent list (Jha and Rani, 2016, p. 1). This resulted in the first ever centrally sponsored scheme in 1978 to educate out-of-school children aged 6–14 years through non-formal education. Another poignant political commitment to UEE came in the form of National Policy on Education (NPE), 1986. The NPE recognised infrastructural and human resource deficiencies as key impediments in UEE and took steps to redress this. It is noteworthy that these developments preceded the 1990 Jomtien Conference.

Alongside the renewed global discourse on EFA (Education for All), two landmark Supreme Court

legislations in 1992 and 1993 reiterated that education flows directly from the right to life and personal liberty guaranteed by Article 21 of the Constitution. India being a signatory of all principal global human rights treaties, a justifiable claim to right to education was only established with the constitutional amendment of 2002. Mehendale (2014) notes that, 'One of the key implications of the amendment was paving a path from discretionary state level legislation to a rights based central legislation'. Subsequently, RTE Act, 2009 further explicated the states' obligations in this regard.

While there are several loopholes in the Indian conceptualisation and implementation of right to education via the dilution of rights commitment from 'all children up to 14 years of age' to 'children from 6–14 years of age', identification of child within strict gender binaries of male/female, non-committal definition of 'free education', exemption of minority schools from the ambit of RTE Act, etc., the present article seeks to delimit the discussion to the proposed NDP rollback as framed against India's ostensible commitment to the right of all children to elementary education.

The question to be asked is 'whether a detention policy violates the right to education'. The answer derives from 'who gets detained and why?' The CABE sub-committee recommends detaining the students 'lagging behind' in achieving grade-level competencies (2014). An attempt

to identify trends pertaining to socio-demographic profile(s) of these students is frustrated by lack of comprehensive data. Unfortunately, despite ASER reports and NCERT's National Assessment Surveys (NAS), a comprehensive picture (covering the complex matrix of habitations, school typologies, ages, socio-economic demographics and areas of learning/competencies) at the national level eludes us due to specific objectives, sampling and coverage of each data-source (ASER, 2014c). Some indicative data emerge from reading the two sources in conjunction.

- Where the national statistics of dropout rates is 19.8 per cent at primary and 36.3 per cent at the upper primary level for all students, the same when segregated for Schedule Tribe (ST) students is as high as 31.3 per cent and 48.2 per cent, respectively. Therefore, even with NDP in place, the dropout rates for ST students approximate twice that of national average (GoI-MHRD, 2014).
- NCERT-NAS (2014) presents an indicative account of location of government schools wherein 75.4 per cent schools of the 6,541 surveyed were in rural areas. The locational data read in conjunction with ASER data (rural) on a continuing decline in learning level of students leads to concerns about the 'vicious cycle of inequalities accumulating in time and space' for rural students

enrolled in government schools (Tomaševski, 2003).

- RTE Act, 2009 (Sec. 8–9) forecloses parental claim for reimbursement of expenditure on elementary education upon enrolment of their ward in ‘a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority’. The access to private schooling is therefore restricted for many parents from economically backward strata. Read in conjunction with ASER (2014b) observation that the gap in reading levels between rural children enrolled in government schools and private schools seems to be growing over time; the RTE Act unwittingly essentialises economic backwardness into a lack of access to education of equitable quality.
- The NCERT-NAS (2014) revealed that of the 6,541 government schools surveyed, 65 per cent were utilising the SSA grants for school maintenance, and only 14 per cent schools utilised the same for procuring teaching-learning material. The lack of adequate and up-to-date learning resources impinges upon the learner experiences and performance in government schools.
- NAS (NCERT, 2014) results also show that nationally 37 per cent

students were being taught in a language different than one spoken at home. Startlingly, for students from Arunachal Pradesh, Meghalaya, Nagaland and Sikkim, the numbers went as high as 83–89 per cent.

The above observations prepare the ground to argue that the rollback of No Detention Policy will substantially belie the rights-based commitment to the 4As.

It will compromise *accessibility* of education by perpetuating a discriminatory regimen of default disadvantages for certain students. The students most vulnerable to grade-inappropriate learning competencies may variously or cumulatively belong to rural background, government schools and marginalised socio-demographic profiles *vis-à-vis* a student from ST background. It must be iterated that the unavailability of national data on LLOs and dropout rates stratified by indigenous groups, linguistic minorities, sexual minorities, children with special needs, etc., severely constrict an exhaustive exegesis on learner vulnerability profiles. The availability of such data can only add to the list of discriminatory grounds on which some and not others stand to be detained.

With regard to *acceptability*, students routinely receiving instruction in a language other than one spoken at home, or receiving comparatively low-quality education owing to type of school they attend or those forced

to study in schools with deficient teaching-learning resources, etc., are failed by the system in its commitment to acceptable education. NDP has allowed these students to survive so far. Whereas, stalling a rollback of NDP does not redress the lack of 'acceptability' criteria, but it does foreclose further victimisation of victims of a failed commitment to acceptable education.

Finally, the guiding conviction behind NDP was the principle of *adaptability*. It sought to be sensitive to children's psycho-social contexts and promote children's right to learn in an enabling ethos free of fear, anxiety, trauma and harassment (RTE, 2009). A provision for detention, on the other hand, contravenes the core value of all global human rights instruments, i.e., the inherent dignity of human beings. UNICEF/UNESCO (2007, p.xi) states that 'a comprehensive rights-based approach must be dynamic, accounting for different learning environments and different learners. It must aim to perpetuate human rights and sustainability of a dignified life'.

Tomaševski (2006, p.xi) noted that 'the need for a human rights challenge stems from the proverbial double standard, whereby we apply to the poor much lower standards than we would accept for ourselves'. The NDP rollback debate presents a similar challenge as it exemplifies the discriminating double standards in access to quality education

and opportunities to survive and succeed.

POST-DEVELOPMENT THOUGHT

Post-development furnishes an ontological critique of 'formalist development orthodoxy' of modernisation and neo-liberal theories and their neglect of contextuality and historicity (Brohman, 1995). Modernisation theory is critiqued for its 'evolutionist and unilinear ontology of development, where complex development realities received monocausal explanations', which establishes positivist orthodoxy and economic imperialism resulting in a growth-oriented, government-controlled economic face of development (Andrews and Bawab, 2014). This positions the indigenous knowledge-systems as deficient, retrograde and inferior to superior scientific knowledge of the developed north (Shiva, 1997). Similarly, neo-liberalism is critiqued for its overarching emphasis on market economics and reintroducing imperialism in the garb of globalisation and its blatant disregard for the 'social', 'cultural' and 'environmental'.

For post-developmental theorists, 'development' was a discursive implantation by the global north in a post-war, decolonising world (Brohman, 1995). This discourse served to continue erstwhile patterns of domination through co-optation of the leadership of the subjugated (Rahnema, 1997). The development project was a way to incorporate 'previously autonomous communities

within the networks of power' (Rapley, 2004). This was effected by creating a discourse wherein modernisation was desirable and severed 'archaic superstitions' (Escobar, 1997). Modernisation was constructed as resulting from industrialisation and urbanisation and thus required capital investments. Thus, the white man's burden was redefined in economic terms with international organisations taking 'an active role in promoting and orchestrating the necessary efforts to overcome general backwardness and economic underdevelopment'. The intent was not 'human improvement' but to exercise 'human control and dominance' (Rapley, 2004).

To sum up, post-development theorists contend that development works as a discourse. It relies on the processes of representations, knowledge–power relations, depoliticisation and homogenisation (Haslam, Schafer and Beaudet, 2012). It is an ethnocentric and essentialising grand-narrative which repudiates particularities. It positions development as objectively verifiable and desirable. Post-development thought emphasises that developmental discourse forms and essentialises its object systematically; through a set of relations between institutions and practices. Escobar notes that notions like 'illiterate', or 'underdeveloped' are 'discursive abnormalities/artificial constructions' created to provide

justification for structural reform (Andrews and Bawab, 2014). Brohman (1995) highlights the casualties of development discourse: 'Inappropriate policies resulting from basic misapprehensions of Third World realities have exacted heavy social, economic, and psychological costs, particularly for the poor majority in most developing societies'.

I now frame the debate on the proposed rollback of No Detention Policy (NDP) against the post-developmental framework.

Firstly, 'Education' itself is a discursive construction of the development-project. A deconstruction of the global discourse on education is, therefore, in order.

The Jomtien Declaration 1990 using the discursive representation of forging 'a worldwide consensus' was instrumental in influencing global discourse on education. Its preamble exemplifies its approach—

'... (there have been) major setbacks in basic education in the 1980s in many of the least developed countries. In some other countries, economic growth has been available to finance education expansion... In certain industrialised countries too, cut backs in government expenditure over the 1980s have led to the deterioration of education'.

Post-developmental critique of non-neutrality and instrumentality of language in affecting representations can be invoked here. The idea

of 'least developed vs. industrialised countries' bolsters the rhetoric of inevitability and interconnectedness of 'education-industrialisation-development', etc.

The lack of self-sufficiency of subjects, nations or citizens, is orchestrated discursively and rendered 'a historical' and 'depoliticised' (Haslam et al., 2012). The Jomtien declaration synonymises education with 'basic learning needs'. It ends with, '...basic learning needs of all can and must be met...we commit ourselves to providing basic learning opportunities for all the people of the world' (1990).

Education disbursed through schooling is the panacea for the skill and knowledge deficit required in the industrialised world. The 'unschooled or illiterate' is therefore constructed subject of redemptive economic/systemic assistance.

In addition, a discourse of indispensability of 'assessment' is also woven in—

'The focus of basic education must, therefore be on actual learning acquisition and outcome...it is therefore necessary to define acceptable levels of learning acquisition for educational programmes and to improve and apply systems of assessing learning achievement'.

While this 'hegemonic' synonymisation of education with assessable learning garnered discursive currency, the discourse was remodelled by MDGs Millennium Development Goals, which as Global Monitoring Report, 2015

points, 'shifted the global agenda of education' towards primary education so that 'efforts since 2000 to advance education around the world have become almost synonymous with ensuring that every child would be in school'.

The resultant discourse rendered primary education as the summum bonum, school as the naturalised site of education, and education itself misrepresented as assessable learning in pre-defined 'basic' domains. Here it is noteworthy that the post-developmental thought has repeatedly pointed out the depersonalising and elitist agenda of formal schooling along with the divisive and stratifying agenda of assessment (Ki-Zerbo, Kane, Archibald, Lizop and Rahnema, 1997).

Yet, the discourse enjoys an omnipresence signifying a remarkably similar ontological understanding of education among global actors repudiating Tomaševski's (2006) argument on contrasting understandings. To illustrate: EFA GMR, 2013–14 notes that 'Fifty-seven million children are still failing to learn, simply because they are not in school. Access is not the only crisis—poor quality is holding back learning even for those who make it to school' (UNESCO, 2014, p. i). The ontological premise being that schools are indispensable to learning and assessable learning is same as education.

The assessment machinery has generated sub-discourse on 'worthwhile' knowledge by establishing primacy

of reading, mathematics and science over affective-emotive capacities. This intermeshing discourse on learning and assessment has affected India, too.

India made global headlines as a ‘poor performer’ by pulling out of PISA-2012 (*The Times of India*, 2013, TES, 2013) India’s accusation of culturally disjunct testing was termed escapist by citing ASER survey results to corroborate poor performance (*The Indian Express*, 2012). Noticeably, ASER too buys into the primacy of reading and arithmetic as adequate indicators of basic learning (ASER, 2014c). Here the discursive notion of ‘worthwhile knowledge’ is evident.

The NDP rollback debate is itself a result of conflicting discourses on education informing. GoI’s about-turn on NDP requires closer scrutiny.

GoI’s initial articulation of aims of education can be found in RTE-2009/Article 29(2), which envisions a curriculum for holistic development of children, their knowledge, potentiality, talent and physical and mental abilities. GoI adopted the National Curriculum Framework–2005 (NCF) as the framework for designing such curriculum (GoI-MHRD, 2012c). The NCF–2005 identifies the aims of education and assessment as, ‘Education is concerned with preparing citizens for a meaningful and productive life, and evaluation should be a way of providing credible feedback on the extent to which we have been successful in imparting such an education’.

NCF adopts a post-developmental stance in that it emphasises context-specificity of knowledge and instruction which is antithetical to the developmental universalism of international discourse. NCF’s approach addresses the post-development criticism of education as erasing ‘historic memory of children’ and severing them from their cultural-ethical roots (Ki-Zerbo et al., 1997). It recommends using the socio-cultural context and values as primary referents for designing educational experiences. It also recognises cognitive, physical, aesthetic and affective-emotive aims of education (NCF–2005). It balances the fast-changing economic-technological realities of India with its diverse cultural, secular-spiritual, linguistic landscape.

Ideally, this post-developmental approach to education does not lend itself to the drudgery of nomothetic assessment resulting from the neoliberal aftermath of essentialised homogeneous domain of knowledge lending themselves to universalised ‘measuring operations’ (Connell, 2014).

Yet, the NCF paints a perplexing picture!

For assessment, it recommends, ‘no formal periodic tests, no awarding of grades or marks, and no detention’ for primary grades and ‘continuous as well as periodic assessment (unit tests, term-end tests)...system of “direct” grades... (and) no detention’ for Classes VI–VIII.

Although it recommends no detention up till Class VIII, it does recommend formal assessment after primary classes. Here the influence of the dominating discourse of MDGs and implied sacrosanct nature of primary education becomes evident. CABE (2014) too has bowed to it by rendering primary education untouchable by assessment, while assessment becomes the legitimising-validating touchstone of learning for higher grades. From a post-development lens, CABE's recommendation for selective and/or progressive detaining of students is an instance of discursive subjugation to the international discourse on education and antithetical to NCF.

Clearly, the international focus on primary education along with the omnipresence of discourse synonymising learning with performance indicators and assessment promulgates a hegemonic discourse, thereby allowing a differential treatment for post-primary classes. This differential stance has intensified conflicting discourses at national level.

This conflict is evident within GoI's approach as the proposal for NDP rollback is antithetical to NCF's ontological understanding of learner and learning. The disjunction between the contextually rooted aims of education stipulated by NCF and the call for detention which operates

on the premise of assessable learning as synonymous with knowledge and primacy of certain knowledge areas over others, is indicative of intermeshing of conflicting global-local discourses.

At a macro level, the debate to 'detain' in essence arises from the conflicting discourses of the human capitalist pragmatics of education as investment vs. post-development hope of education as transformative. It embodies the tension between education as mastery of subject-specific skills vs. education as critical consciousness.

Assessment accordingly is either a tool to quantify learning to screen those 'lagging behind' thereby constructing them as 'backward' and 'deficient' or it is, as intended by No Detention policy, a pragmatic toolkit to empower students to critically reflect on their needs, strengths and capacities in partnership with teachers as facilitators.

The rollback signifies GoI's backtracking from the ontological-epistemological commitment to primacy of learners and their unique contexts throughout elementary education to the internalised developmental discourse which prioritises primary education and synonymises education with subject learning, and learning synonymises with schooling and performance in exams.

In the conundrum, the ‘failure’ of the child ‘lagging behind’ is depoliticised, essentialised and granted a historical stability and the functioning of assessment as selective and divisive-disintegrative is overlooked.

CONCLUSION

The rights-based and post-developmental framework when stationed face-to-face lead to further concerns which accentuate the NDP rollback debate beyond the foregoing discussion.

Whereas, the conceptualisation of education as an ‘empowering right’ evokes a natural affirmation when seen from the human-rights lens, a post-developmental lens leads one to question the historicity of disenfranchisement which led to deprivation of ‘other rights’ in the first place. It also forces one to question the construction of education as the ‘redeeming genie’ (Ki-Zerbet al., 1997). Thus, the arguments against rollback debate are rephrased from mere ‘right’ to continuing education with dignity to subverting an education system which constructs failure and stabilises it as an identity.

Although a rights-based perspective may root for no detention and suggest focusing on the quality imperative in

education to ensure every child attains the basic learning competencies, the post-developmental critique may not settle for the monolithic and universalised construction of basic learning standards. In fact, these may actually be responsible for the notion of child ‘lagging behind’ through the process of depersonalisation (Ki-Zerb et al., 1997).

Finally, whereas the rights-based perspective conjures a proactive image of the developmental state as guarantee of compulsory education (Juneja, 2003) and others (Routray, 2015; Andrews and Bawab, 2014) working within the post-developmental paradigm focus on the dynamic interconnectedness the of state and the society, the global discourse on education reiterates the critiques around co-optation of state machinery. If unchecked, the rushed federal consensus on NDP rollback may present another exemplar of the same.

To conclude, the above analysis at the least evidences that the debate is far from being articulated in all its complexity just as yet. Consequently, the GoI’s attempts at amending the RTE *vis-à-vis* No Detention Policy would benefit if the debate is allowed to thrive and intensify.

REFERENCES

- ANDREWS, A. AND S. BAWAB. 2014. A Post-development Hoax? (Re)-examining the Past, Present and Future of Development Studies. *Third World Quarterly*. doi: <http://dx.doi.org/10.1080/01436597.2014.907704>
- ASER. 2014a. *Annual Status of Education Report*. Online. Available at: http://img.asecentre.org/docs/Publications/ASER%20Reports/ASER%202014/fullaser2014mainreport_1.pdf (accessed on 18 April 2016)
- . 2014b. *Trends over Time: 2006–2014. A Supplement to ASER 2014*. Online. Available at: <http://img.asecentre.org/docs/Publications/ASER%20Reports/ASER%20TOT/fullasertrendsovertime.pdf> (accessed on 18 April 2016)
- . 2014c. *Annual Status of Education Report (ASER) and National Achievement Surveys (NAS): A Comparison*. Available at: <http://img.asecentre.org/docs/Publications/ASER%20Reports/ASER%202014/aserandnas-acomparison.pdf> (accessed on 18 April 2016)
- BROHMAN, J. 1995. Universalism, Eurocentrism, and Ideological Bias in Development Studies: From Modernisation to Neoliberalism. *Third World Quarterly*, Vol. 16, No. 1, pp. 121–140.
- Central Advisory Board on Education. 2014. CABE Sub-Committee Report on CABE Sub-Committee for Assessment and Implementation of Continuous and Comprehensive Evaluation (CCE) in the Context of the No Detention Provision in the Right of Children to Free and Compulsory Education (RTE) Act, 2009. Online. Available at: http://mhrd.gov.in/sites/upload_files/mhrd/files/document-reports/AssmntCCE.pdf (accessed on 25 March 2016)
- Centre for Policy Research India. 2015b. No Detention and the CCE: Failed Policy or Failed Implementation? Panel Discussion. Available at: <http://www.cprindia.org/events/4245> (accessed on 21 April 2016)
- CONNELL, R. 2014. Using Southern Theory: Decolonising Social Thought in Theory, Research and Application. *Planning Theory*, Vol. 13, No. 2, pp. 210–223. doi: 10.1177/1473095213499216
- . 2015a. *No Detention Policy [NDP] and Continuous & Comprehensive Evaluation [CCE]-Policy Brief*. Online. Available at: http://www.cprindia.org/sites/default/files/policy-briefs/NDP%20%26%20CCE%20_policy%20brief%20final.pdf (accessed 30 March 2016)
- DAM, S. 2012. Right to Education in India: Horizontal Implications. Online. *Law Quarterly Review*. Available at: <http://login.westlaw.co.uk.libproxy.ucl.ac.uk/maf/wluk/app/document?access-method=toc&src=toce&docguid=I73FE3560FC6D11E19BED9FAEEE64449D&crumb-action=append&context=3> (accessed 20 April 2016)
- DEVENDRA, K. 2013. *No Detention Policy: Note on Assessment and Implementation of CCE in the Context of the No Detention Provision in the RTE Act for the CABE sub committee Constituted for this Purpose*. Official correspondence with CABE included in annexures to the CABE Subcommittee Report (2014).

- ESCOBAR, A. 1997. The Making and Unmaking of the Third-World through Development. In M. Rahnema and V. Bawtree (Eds.), *The Post-development Reader*. Zed Books, London.
- GoI (n/a). *Constitution of India*. Online. Available at: <https://india.gov.in/my-government/constitution-india> (accessed 20 March 2016)
- GoI-INSCED. 2014. *Indian Standard Classification of Education*. Online. Available at: <http://mhrd.gov.in/indian-standard-classification-education> (accessed 20 March 2016)
- GoI-MHRD. 2012a. *Fifty Ninth Meeting of the Central Advisory Board of Education: Agenda Items & Background Notes*. Online. Available at: http://mhrd.gov.in/sites/upload_files/mhrd/files/document-reports/59THCABEAGENDANOTES_0.pdf (accessed on 02 April 2016)
- . 2012b. *Notice- F. No. 20-6/2012-EE-17*. Online. Available at: http://mhrd.gov.in/sites/upload_files/mhrd/files/Notice%20for%20suggestions%20from%20general%20public%20reg%20CCE%20and%20no%20detention.pdf (accessed on 20 April 2016)
- . 2012c. *Notice- F. No. 1-15/2010 EE 4*. Online. Available at: http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/RTEguidelines.pdf (accessed on 20 April 2016)
- . 2014. *Educational Statistics at a Glance*. Online. Available at: http://mhrd.gov.in/sites/upload_files/mhrd/files/statistics/EAG2014.pdf (accessed on 21 April 2016)
- GoI-PIB. 2015. *Limiting the No Detention Policy*. Online. Available at: http://mhrd.gov.in/sites/upload_files/mhrd/files/ru693.pdf (accessed on 21 April 2016)
- . 2016. *Responses Received on No Detention Policy*. Online. Available at: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=136828> (accessed on 21 April 2016)
- . 2017. *Change in No Detention Policy*. Online. Available at: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=159006> (accessed on 21 April 2017)
- GHOSH, A. 2015. *No Detention Policy: Rationale and Reality-An Appraisal*. Online. Available at: <https://www.ijhsss.com/files/Abhijit-Ghosh.pdf> (accessed on 27 March 2016)
- HASLAM, P., J. SCHAFER AND P. BEAUDET. 2012. *Introduction to International Development: Approaches, Actors, and Issues*. 2nd ed. Don Mills, Oxford University Press, Ont.
- Hindustan Times*. 2016. HRD Ministry to Reverse No Detention Policy for Class 5 and 8. Online. *Hindustan Times Website*.
- JHA, P. AND P. GEETHA RANI. 2016. *Right to Education in India: Resources, Institutions and Public Policy*. Routledge, New Delhi.
- JUNEJA, N. 2003. Constitutional Amendment to make Education a Fundamental Right: Issues for a Follow-up Legislation. Online. NUEPA. Available at: <http://www.nuepa.org/Download/Publicatios/Occasional%20Paper-33njuneja.pdf> (accessed on 24 April 2016)
- KI-ZERBO, J., C.H., KANE, J., ARCHIBALD, E. LIZOP AND M. RAHNEMA. 1997. Education as an Instrument of Cultural Defoliation: A Multi-voice Report. In M. Rahnema and V. Bawtree (Eds.), *The Post-development Reader*. Zed Books, London.

- MEHENDALE, A. 2014. The Question of 'Quality' in Education: Does the RTE Act Provide an Answer? *Journal of International Cooperation in Education*. vol. 16, No. 2, pp. 87–103. Online. Available at: <http://www.hindustantimes.com/india/rte-not-applicable-to-minority-schools-sc/story-cRtNIadKfSbvucvpWT7wiK.html> (accessed on 22 April 2016)
- NCERT. 2014. National Achievement Survey Class VIII (CYCLE-3). Online. Available at: http://www.ncert.nic.in/departments/nic/esd/pdf/NAS_8_cycle3.pdf (accessed on 23 April 2016)
- OZA, J. AND G. BETHELL. 2013. *Assessing Learning Outcomes: Policies, Progress and Challenges*. Sarva Shiksha Abhiyan. DFID Research Study. Online. Available at: <http://www.ssatfund.org/LinkClick.aspx?fileticket=g6cmLV3Gr04%3D&tabid=2508> (accessed on 24 April 2016)
- PANCHAPAKESAN, N. 2013. *Note on Assessment and Implementation of CCE in the Context of the No Detention Provision in the RTE Act for the CABE Sub-committee Constituted for this Purpose*. Official correspondence with CABE included in annexures to the CABE Sub-committee Report.
- RAHNEMA, M. 1997. Introduction. In M. Rahnema and V. Bawtree (Eds.), *The Post-development Reader*. Zed Books, London.
- RAPLEY, J. 2004. Development Studies and the Post-development Critique. *Progress in Development Studies*, Vol. 4, No. 4, pp. 350–354.
- ROUTRAY, S. 2015. The Post-development Impasse and the State in India. *Third World Quarterly*, Vol. 36, No. 10, pp. 1906–1921. doi: 10.1080/01436597.2015.1070665
- SHIVA, V. 1997. Western Science and Its Destruction of Local Knowledge. In M. Rahnema and V. Bawtree (Eds.), *The Post-development Reader*. Zed Books, London.
- TES. 2013. *Assessment: Poor Performers Pull Out of Pisa*. Online. TES Website.
- THE INDIAN EXPRESS. 2012. Poor PISA score: Govt. Blames 'Disconnect' with India. Online. The Indian Express website.
- . 2013. *Right to Education Act may be Behind Falling School Learning: ASER Survey*. Online. The Indian Express website.
- THE TIMES OF INDIA. 2013. *India Chickens out of International Students Assessment Program*. Online. The Times of India Website.
- TOMAŠEVSKI. 2003. *Education Denied: Costs and Remedies*. Zed Books, London.
- . 2004. *Manual on Rights-Based Education: Global Human Rights Requirements Made Simple*. UNESCO Bangkok, Bangkok.
- TOMAŠEVSKI, K. 2006. The State of the Right to Education Worldwide: Free or Fee: 2006 Global Report. Online. Available at: http://www.katarinatomasevski.com/images/Global_Report.pdf (accessed on 31 March 2016)
- UN. 1948. *Universal Declaration of Human Rights*. Online. Available at: http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf (accessed on 31 March 2016)

- UN-CRC. 2001. Convention on the Rights of the Child: General Comment No. 1 (2001), Article 29 (1), *The Aims of Education*, 17 April 2001, CRC/GC/2001/1. Available at: <http://www.refworld.org/docid/4538834d2.html> (accessed 27 April 2016)
- UN-CESCR. 1999. Committee on Economic, Social and Cultural Rights: General Comment No. 13 (1999), Article 13, *The Right to Education*, 8 December 1999, E/C.12/1999/10. Available at: <http://www.refworld.org/pdfid/4538838c22.pdf> (accessed 27 April 2016)
- UNICEF/UNESCO. 2007. A Human Rights-based Approach to Education. Available at: http://www.unicef.org/publications/files/A_Human_Rights_Based_Approach_to_Education_for_All.pdf (accessed on 25 April 2016)
- UNESCO. 2014. Teaching and Learning: Achieving Quality for All. EFA Global Monitoring Report 2013–14. UNESCO.