



Amnesty International India submission to the Ministry of Human Resource Development, Government of India on the Draft National Policy on Education 2019

15 August 2019

Amnesty International India submits the following recommendations to the Ministry of Human Resource Development (hereinafter referred as Ministry), Government of India, in response to the Ministry's call for feedback on the Draft National Policy on Education 2019 (the draft policy).

The submission focusses specifically on School Education, listed in Part I with particular reference to inclusion of human rights framework in education. The draft policy in its preamble states, "The historic Universal Declaration of Human Rights, adopted at the UN General Assembly in 1948, declared that "everyone has the right to education". Article 26 in the Declaration stated that "education shall be free, at least in the elementary and fundamental stages" and "elementary education shall be compulsory", and that "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms"."

While Amnesty International India appreciates the acknowledgement that education must be directed at strengthening respect for human rights and fundamental freedoms in the draft policy, it is concerned that the policy does not include the incorporation of human rights framework in Indian education in its recommendations and suggestions.

India is party to the Convention on Rights of Children (CRC), and the International Convention on Economic, Social and Cultural Rights (ICESR). It is also a state party to the Optional Protocol to CRC on Sale of Children, Child Prostitution and Child Pornography and Optional Protocol to CRC on involvement of Children in Armed Conflict.

The recommendations draw on Amnesty International India's ongoing work in India, which involves interactions with local and international non-governmental organizations, school-going children and their families, lawyers, governmental officials and individuals. The recommendations listed here are based on such interactions and the constitutional guarantees and standards set by various legal mechanisms at the national and international level. The concerns listed here are not exhaustive.

General Recommendations:

- 1) **Time Frame and Language:** The draft policy recommends revamping all aspects of education structure, its regulation and governance and suggests creating a new system thus proposing a wide range of changes at all levels of education. Any new changes brought in the 75 years-old education system stand to impact the lives of many children. Hence, it is important that the policy document is discussed widely in terms of its possible implications instead of striving for a hasty implementation. In this context, we feel that the time frame fixed by the Ministry to send comments and feedback on the draft policy is inadequate. The state governments need time to discuss and consult with the public and the relevant departments concerned. Besides, the full text of the draft policy is made available only in Hindi and English, while only the summarized version of the policy was made available in 21 other languages that too after a month of announcing the draft policy. India, with a quasi-federal constitutional structure and diverse languages and cultures, guarantees the fundamental right of access to information to every citizen in the language known to them. Thus we recommend that the Ministry takes into consideration these concerns and extends the time frame for wider discussion on the draft policy from various sections and conducts a careful scrutiny based on the concerns expressed below and feedback from different stake holders.
- 2) **Best Interests of the Child:** India being a signatory to the CRC, should keep the best of interest of the child at the core of all policies framed for the children. Most of the recommendations proposed in this draft policy such as a) mandatory education for children from age of three; b) introduction of three languages from the age of three; c) introduction of vocational training at the formative years; d) competitive school culture and e) proposed State Census Examination in classes three, five and eight, besides the board exams at grades 10 and 12 will exacerbate the burden of children and is likely to lead to a stressful childhood. This will affect the overall well-being, development and growth of a child to his/her fullness. Besides, the introduction of vocational training in various kinds of skills from upper primary schools stands to reinforce caste-based occupation and push children from lower rungs of the society out of schools. The draft policy is silent on this evident consequence.
- 3) **Introduction of Human Rights Education in School Curriculum:** The draft policy recommends to “incorporate basic ethical and moral reasoning throughout school curriculum” and to introduce a course on the same. It states that the process and content of education at all levels “will aim to develop constitutional values” in all students. It also proposes gender awareness sessions in all schools. Amnesty International India is concerned that this may not be adequate in inculcating the

values of human rights among children. The morals and ethics that are taught in schools may boost individual morale but it must also promulgate rights as basic universal freedoms and entitlements that apply to everyone. Constitutional values and ethos can be developed only through fostering the values of dignity, social justice, freedom, equality and non-discrimination through a participatory human rights education. In fact, the United Nations World Programme for Human Rights Education, in 2005 called upon the member states to spread human rights education in all sectors. Based on the Resolution A/HRC/39/3 of the UN Human Rights Council, the Ministry must recognise the importance of human rights education and the relevance of youth as the focus group of the fourth phase of the World Programme for Human Rights Education, which begins on 1 January, 2020. Hence, Amnesty International India recommends that the draft policy must be built upon and developed according to the results of the first phase of the World Programme that is focused on human rights education in the primary and secondary school systems and implement the steps put forward in the fourth phase of the World Programme. The draft policy must also align with the fourth phase of the 2030 Agenda for Sustainable Development and specifically with target 4.7 of the Sustainable Development Goals. Moreover, youth in formal education must be provided with high quality human rights education which includes a holistic approach (national education policies, curricula, teacher education, and quality material and student assessment) to human rights-based schooling that strengthens knowledge, skills and attitudes of young people to claim their own rights and rights of others.

- 4) **Equitable and Inclusive Education:** The draft policy highlights some of the existing challenges faced by the current education system like (i) access, (ii) equity, (iii) quality, (iv) affordability, and (v) accountability. However, the draft policy does not elucidate on the solutions or reforms necessary to address these existing challenges and disparities. Although Chapter 6 underlines the need for equitable and inclusive education, it does not guarantee inclusion at all levels or safeguard the rights of different marginalised sections of the society. The government's affirmative action program in education, for instance, is aimed at realising the constitutional vision of achieving social justice and providing equal opportunity to all, especially those who come from socially and educationally backward sections. However, instead of focussing on strengthening the affirmative action mechanisms, the draft policy suggests new methods. Amnesty International India believes that it is far more important to address the existing inequalities in education than dismantling existing structures. Amnesty International India, therefore, recommends that the draft policy must be subjected to careful analysis in terms of its concurrence with vulnerabilities emanating from one's gender, caste, disability, minority status and identity and the concept of inclusivity must inform the entire policy, including the curricula, syllabi and text books. The draft policy also needs to categorically reaffirm policies of

affirmative action for socially marginalised groups and address the issues and concerns of students with disabilities.

Specific Recommendations:

- 5) **Chapter 3, P4 - Ensuring Safety:** The draft policy appropriately recognizes inadequate infrastructure and lack of safety as main causes for students dropping out of schools. It proposes the adoption of a zero-tolerance policy for breach of child rights and introduction of credible mechanisms for students to report harassment. While it recommends setting up a 24x7 helpline, it also proposes that school principals, social workers and local law enforcement will work together to identify the perpetrators and take action. In Chapter 6 (P6.2.5), the draft policy further recommends that all educational institutions must be mandated to conduct gender awareness sessions. However, many similar mechanisms such as the 1098 child helpline and coordination between school teachers and law enforcement officers exist, in spite of which reported incidents of crimes against children, especially child sexual abuses have steadily increased. According to the National Crime Record Bureau, which records the number of crimes at the end of every year, there has been an increase of 421% in “child rape” and “penetrative sexual assault” between 2005 and 2016. This indicates the inadequacy of these mechanisms which remain as mere guidelines on paper in the absence of tools for effective implementation and monitoring of such guidelines. Hence, Amnesty International India recommends to review and effectively implement the existing guidelines on Safety and Security of Children in Schools drafted by National Commission for Protection of Child Rights (NCPCR) based on the 2014 Ministry of Human Resource Development guidelines, in addition to other department guidelines, and put in place other stringent monitoring mechanisms at the school, block, district and state level. The draft policy should adopt the proposed National Child Protection Policy 2018 which also calls for zero tolerance towards breach of child rights and implement such measures across all schools both, public and private.

- 6) **Chapter 3, P12 - Allowing multiple models for schools, and loosening the input restrictions of the Right to Education (RTE) Act:** The draft policy proposes “to make it easier for both government, as well as non-governmental philanthropic organizations to build schools, to encourage local variations on account of culture, geography, and demographics, and to allow alternative models of education such as *gurukulas*, *paathshaalas*, *madrasas*, and home schooling”. It recommends substantially easing of RTE Act requirements for school models and, instead proposes that the focus must be to emphasize less on input and more on the desired learning outcomes. Going a step further, it also recommends other pilot models for schools, such as philanthropic-public partnerships. Amnesty International India is concerned that this may open the gates for low-cost and poor quality schools. Many

low-cost private schools, functioning as non-profit entities, operate without adequate infrastructure and resources, violating the rights of children. Amnesty International India recommends that low-cost schooling must not be a goal, public or private. The draft policy must reaffirm “education is a fundamental right” by ensuring adequate resources allocation. Further, it must ensure that public, private and non-profit school models conform to educational standards, and that they are not exploited to perpetuate inequality or injustice.

- 7) **Chapter 4, P4.5.6 - Implementation of the three language formula:** While the draft policy recognizes the importance of learning through one’s mother tongue, it also promotes the notion of multilingualism and national integration. In light of this, the draft policy recommends introducing a three language policy for children from the age of three which will make it compulsory for children to learn in two other new languages other than their mother tongue. Amnesty International India is concerned that this formula will exacerbate the burden of children and is likely to lead to a stressful childhood. Moreover, it is not in sync with the inadequate recruitment of teachers in schools. The added responsibility of teaching other languages may worsen the situation. Hence, we recommend that the three language formula must be reviewed.

- 8) **Chapter 4 P4.9.4 - Continuous Comprehensive Education & No Detention Policy:** The draft policy recommends that the recent amendments to the RTE Act on Continuous and Comprehensive Evaluation (CCE) and the No Detention Policy (NDP) must be reviewed. It further states that there should be no detention of children till class 8 and instead, schools must ensure that children are achieving age-appropriate learning levels. Amnesty International India welcomes this step since the recent amendment to the RTE Act is discriminatory and risks penalizing students for the educational system’s failure, and stands to disproportionately impact the education of children from marginalized communities. However, the same draft policy also recommends under the ‘School Exam Reforms’ that the State Census Examination should be conducted in classes 3, 5 and 8. It is important to note that the RTE Act 2009 provides for children’s learning to be monitored through an ongoing process of CCE which is a methodology to promote a non-threatening, stress-free and joyful learning environment for students from diverse homes & situations. Therefore, Amnesty International India recommends that the Government must first identify the existing gaps in the implementation of CCE and address them on a priority basis rather than introducing a School Census examination in classes 3, 5 & 8, which focuses on quantitative and not qualitative aspects of education. It is important to note that the draft policy itself emphasizes on qualitative aspects of education such as encouraging critical thinking, ethics, sympathy etc. Further, the draft policy must focus on enhancing implementation of CCE as a critical measure for identifying and supporting students’ learning needs.

The academic pressure associated with recurring competitive tests at the early and formative years of children stands to place first-generation learners and those coming from the marginalized communities at a disadvantage, thus automatically pushing them out of schools.

- 9) **Chapter 7: P7.2.1 - Better Resourcing of schools through school complexes:**
School infrastructure: The draft policy recommends that multiple public schools should be brought together to form a school complex. This complex will consist of one secondary school (classes 9 to 12) and all the public schools in its neighborhood that offer education from pre-primary till class 8. Amnesty International India is concerned that this recommendation may potentially violate the RTE Act that entitles students to access neighborhood schools i.e. within 1 km from the habitation of the child at the primary level (class 1 to 5) and within 3 km walking distance for upper primary level (class 6 to 8). While the rationing and consolidation is justified to effectively utilize limited resources, it is important to note that the recent consolidation efforts led to increased dropout rates and further exclusion of children, especially in tribal and other backward regions where increased school distance is directly proportionate to the safety and security concerns of the child. Thus, Amnesty International India recommends that a separate guideline and committee must be formed to oversee the consolidation/ rationalization of existing stand-alone primary, upper primary, secondary, and higher secondary schools so that it does not violate the fundamental rights of children to access free & quality education.
- 10) **Role of Teachers cannot be replaced with Volunteers:** The draft policy promotes community volunteer service and peer to peer teaching. This may not be possible for historically oppressed communities with low education rate as it will not assure a quality education. Besides, volunteer engagement program has not been found to lead to sustainable education. Recruitment of qualified teachers at all levels of school education cannot be substituted with involvement of community volunteers. As the draft policy recognizes that well-trained teachers are the need of the hour, due investment must be made for their recruitment and training.
- 11) **Culture of Diversity** - The draft policy is "India centred" and seems to negate the cultural, linguistic, ethnic and religious diversity of different states. While there is a great emphasis on the promotion of Indian culture and tradition, careful analysis is required to ensure a monolithic culture is not promoted through education. Article 30 of the CRC states "in those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language". Moreover, according to the draft policy, a National Educational Regulatory Authority or Rashtriya Shiksha Aayog (RSA) and

National Education Commission will be the decision making bodies and headed by the Prime Minister. Amnesty International India recommends that the vision of state assemblies and state education ministers and departments must be duly incorporated in every decision of these bodies to ensure the dilution of disparities.