
RETHINKING EDUCATIONAL REFORM BEYOND POLICY FAILURE: NO DETENTION POLICY AND ADAPTIVE GOVERNANCE FAILURE IN INDIA

Himanshi Sharma, Renaissance Law College, Devi Ahilya Vishwavidyalaya

ABSTRACT

No Detention Policy (NDP) was introduced under the Right to Education Act (2009), which prohibits schools to detain or fail students of primary education. This was not introduced in isolation, but after a long history of study and observation. However, the policy was scrapped down in 2019, and later a revised “Detention Policy” was introduced, after the negative outcomes of NDP in some states. Despite this, states like Kerala continued to support and follow the policy, which now raises critical concerns regarding policy governance issues. The policy was introduced after years of thorough examination, requiring it to be revisited and reformed, rather than to be retreated and wiped out as a result of uneven outcomes and support. This paper argues that such divergence reflects failure of adaptive policy governance in reviewing and taking necessary measures for its better implementation. Thus, exploring the pattern leading to the failure of a robust policy design, and also suggests possible corrective measures to be adopted for smoother application.

Keywords: No Detention Policy, Right to Education, Adaptive Policy Governance, Policy failures, Education system.

Evolution and Objectives of the No Detention Policy

Education has been one of the most significant sectors for the development of both, the people and the country as a whole. Thus, educational reforms always had a higher foot in the governance because of which diverse policy reforms are introduced to bring an atmosphere of literacy, growth, and development from the last few decades. This has been done by adopting various state-specific policies for diverse regions as well as Central policies for uniform governance. In view of this, the Right to Education Act (RTE), 2009¹ was introduced, which says: “An Act to provide for free and compulsory education to all children of the age of six to fourteen years.” Along with this, it included the provision of “No Detention Policy” under Section 16 of the Act², which further says: “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.”

No detention policy was followed in its various forms earlier, before officially enacting, however, this enactment followed long years of observations and reporting. It began from the Hartog Committee in 1929³, which expressed concerns regarding stagnation in primary education, the National Policy on Education (NPE) in 1968⁴ focused on improvement of students rather than to merely certify with quality performance, Education and National Development Report of the Education Commission in 1964-66⁵ supported retention over detention, and the National Curriculum Framework in 2005⁶, openly backed no detention in primary education.

It can be understood that the No Detention Policy was the result of these methodologically produced documents and not merely a statutory provision. It came with the rationale of increasing quality of education, learning outcomes, reducing drop-out rates, fear of failure and the stress level of students. This was apparently a stabilized and effective way for producing quality in education, however the policy framework became complex when it was discontinued by the Central Government in the RTE (Amendment) Act, 2019⁷. After which, the states had

¹ Right of Children to Free and Compulsory Education Act, 2009, No. 35, Acts of Parliament, 2009 (India).

² *Id.*, § 9.

³ Hartog Committee, Report of the Hartog Committee on Education in India 6 (1929).

⁴ National Policy on Education, 42, ¶ 7 (1968).

⁵ Education Commission, Education and National Development: Report of the Education Commission 39 (1966).

⁶ National Curriculum Framework, Ch. 3 pg. 48, ¶ 7 (2005).

⁷ Right of Children to Free and Compulsory Education (Amendment) Act, 2019, No. 1, Acts of Parliament, 2019.

the discretion to either continue or not to continue with the policy.

Here, a major question arises on the relevancy of the NDP after the amendment, as earlier it was seen to be a boon for the education system, and was introduced after validation of the given reports. Analysing the possible concerns of the government for scrapping down the policy remains a vital aspect to understand the later governance pattern.

Declining Learning Outcomes and Criticism of the Policy

Following are some of the factors that contributed to the discontinuation of the NDP by the Centre:-

1. Decline in Foundational Learning Outcomes

The Annual Status of Education Report 2012 (ASER)⁸ provided that, in class V only 24.8% students can do basic arithmetic calculations, 22.5% can read English sentences, and 46.8% can read a class II level text all over India. ASER series data reported a decline from 56.2% in 2008 to 50.3% in 2018 in reading levels of class II text by class V students; and 37% in 2008 to 27.8% in 2018 in basic arithmetic calculations. This data is backed by 25 states and union territories as they feel that the policy is deteriorating the quality of education in India, as per National Council of Education Research and Training (NCERT). Only 5 states including Maharashtra, Goa, Karnataka, Telangana and Sikkim want to continue with the policy.

Further, evidences from National Survey Achievement Report 2021⁹ reveals the Average Performance of Students at the National Level (out of 500 scores), which was 302, 255, 250, and 255 in Language, Mathematics, Science, Social Science in class VIII, respectively. While in class X it was, 277, 220, 206, and 231 in English, Mathematics, Science, and Social Science, respectively.

2. Stakeholder Concerns and Institutional Criticism

Also, CABE Sub-committee report¹⁰ provided that low student motivation, low teacher accountability, lack of assessments, insufficient teaching skills to be the root causes for such a

⁸ Aser Centre, Annual Status of Education Report 3 (2012).

⁹ Ministry of Education, National Achievement Survey 7 (2021).

¹⁰ Press Information Bureau, Ministry of Human Resource Development, Responses Received on No-Detention Policy (Feb. 25, 2016) <https://www.pib.gov.in/newsite/PrintRelease.aspx?relid=136828®=48&lang=2>

low learning level in students which is further aggravated by No Detention Policy. It came up with a conclusion that, the no-detention policy has had a ‘very bad’ impact on children, recommending that government should reintroduce the examination system at least for class V and VIII.

Similarly, research studies suggests that students suffer when they reach class IX because the safety net of no detention policy is till class VIII and has led to the development of a lackadaisical attitude of stakeholders towards the Indian education system¹¹. Furthermore, they found that implementing the no detention policy has significantly lowered students' learning levels¹².

Moreover, according to news Daily ‘The Hindu’, an observation from Chennai reported, “Teachers complain that students have developed a lackadaisical attitude – why study when there is no fear of failing?”¹³ Also reported in ‘The Hindu’ that, All India Democratic Students Organization (AIDSO) protested in Bangalore is demanding re-introduction of the pass-fail system till class VIII.¹⁴

Collectively, these reports and data reflected the negative trends in the education of students as observed after the NDP’s adoption, and thereby became a major contributing factor for the modification and discontinuation of the policy in 2019.

Policy Support and Contradictions

The important point to be noted is that if the NDP was originally introduced mindfully with research-backed reform and clear educational objectives, then how did it eventually produce such uneven and disappointing outcomes? This question becomes even more significant when several states continue to support and implement the policy despite its repeal in others.

1. Pre-RTE Existence of No Detention Practices

Despite the criticisms surrounding the policy, various forms of the NDP existed in several states

¹¹ Karan Sabharwal, *No Detention Policy: Rethinking Education System of India*, 3 International Journal of Academic Research and Development 305 (2018).

¹² Dushyant Tyagi, *No Detention Policy Is a Sweet Poison for the Indian Primary Education System*, 30 Educational Administration: Theory and Practice 3432 (2024).

¹³ Liffy Thomas, *No Detention’ policy works*, The Hindu 2012, <https://www.thehindu.com/news/cities/chennai/no-detention-policy-works/article3429830.ece/amp/>.

¹⁴ *AIDSO opposes no detention policy*, The Hindu 2013, <https://www.thehindu.com/news/national/karnataka/aidso-opposes-no-detention-policy/article4706420.ece>.

even before the enactment of the RTE Act, 2009. According to the CAGE Sub-Committee Report, 28 States and Union Territories were already following some form of no detention prior to the RTE Act¹⁵, although the methods and extent of implementation varied across states. However, states such as Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, and Dadra and Nagar Haveli and Daman and Diu did not follow the policy before 2009.

2. Post-2019 State-Level Divergence

Further, after the Right to Education (Amendment) Act, 2019¹⁶, states were given the discretion to either continue or discontinue the policy. As a result, 18 States/UTs issued notifications implementing the amended provisions, while 16 States/UTs continued to follow NDP from Classes I to VIII.¹⁷ Among them, Kerala, Maharashtra, and Karnataka remained some of the strongest supporters of the policy.

3. Uneven Outcomes and the Question of Policy Failure

The CAGE Sub-Committee Report also observed no negative impact of the policy on Class X performance in certain contexts, and instead reflected positive outcomes. The continued support for the policy, both before and after the 2019 amendment, demonstrates that the policy itself was not universally rejected. Rather, its outcomes varied significantly across states.

Adaptive Policy Governance Failure: An Analysis

With the given observations, it could be understood that there has been a certain kind of non-uniformity and unevenness in the effects of the policy. To understand this contradiction, it becomes necessary to recognise the broader issue of adaptive policy governance across the states and the Centre.

These variations suggest that the issue lies not merely in the conceptual foundation of the policy, but in differences in its implementation, monitoring, and institutional support mechanisms. This uneven impact of the policy required careful review and reform in its execution process. However, instead of addressing these implementation gaps through

¹⁵ RTE, *supra* note 1.

¹⁶ RTE Amendment, *supra* note 7.

¹⁷ Press Information Bureau, Ministry of Education, Ministry of Education to implement every aspect of NEP 2020, amends No Detention Policy (Dec. 23, 2024) <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2087535®=3&lang=2>.

corrective measures, several states moved towards discontinuation of the policy altogether, reflecting larger adaptive policy governance failure.

Such a response reflects a broader failure of adaptive policy governance, where implementation challenges are treated as policy failure itself. Since education falls under the Concurrent List, the responsibility for effective implementation and reform lies with both the Centre and the States. Therefore, when some states continue to achieve better educational outcomes under the same policy while others struggle, the appropriate response is not abandonment altogether, but reassessment, adaptation, and reform of the policy framework. Therefore, the rationale behind scrapping down the policy was not sufficient per se reflecting on the conditionings of its execution and the failure of adaptation through review and reform, accordingly.

Possible Reforms: Reforming Implementation Rather Than Abandoning Policy

1. Comparative Analysis of Implementation Among States

After unwanted and non-uniform outcomes, the policy was considered itself a failure. However, in a highly diverse social, administrative, and institutional conditions of Indian education system in every state, it becomes necessary to comparatively examine the nuances of implementation in different states. For instance, states such as Kerala and Tamil Nadu continued to support the policy even after the 2019 amendment, while some other states moved towards reintroducing detention. This variation cannot merely be understood through the presence or absence of pass-fail system. It also reflects variations in monitoring systems, teacher training, school infrastructure, and administrative accountability. Therefore, comparative policy analysis by examining the functioning models adopted by different states where the policy produced stable outcomes becomes necessary, rather than completely abandoning it.

2. Policy Reformation & Top-to-Bottom Governance

Policy reform includes altering the policy in accordance with the need, without erasing its core which does not require complete abandonment. Since the objectives of the NDP, reducing fear-driven learning, preventing dropouts, and encouraging continuous education continues to be relevant, reforms could have systematically focused on a top-to-bottom governance approach at different levels. At the policy level, review mechanisms and state-specific implementation

assessments can be introduced to identify practical shortcomings. While at the institutional level, teacher training and accountability, remedial learning programmes and other periodic evaluations can be emphasized. Such an approach would preserve the original intent of the policy while adapting it to the practical realities of different states and educational systems.

Conclusion

No Detention Policy became one of the disputable topics in the Indian education system, but it cannot be merely reduced to the pass-fail system. The uneven outcomes of the policy across different states demonstrates the varied institutional, administrative, and social realities. Also, several reports reflected declining learning outcomes, however the continued support from some of the states indicates that the issue was not rooted in the conceptual foundation of the policy itself.

This article therefore, highlights a broader pattern of adaptive policy governance failure, where implementation challenges and institutional deficiencies were considered as policy failure. Now, instead of addressing gaps in monitoring, teacher accountability, assessment mechanisms, many states moved towards policy discontinuation. Such an approach reflects reactive policymaking rather than reform-oriented governance.

The responsibility lies jointly with the Centre and the States to take required measures for adaptation, continuous review, and other institutional reforms rather than complete abandonment. Hence, the experience of the No Detention Policy ultimately signifies that the success or failure of any policy often depends not only upon its design and objectives, but upon the capacity of governance structures to adapt, implement, and reform it according to the changing realities.