

Right to Education Amendment Act (2019) and Detention Debate: A Critical Analysis of Non-Detention and Detention Policies in Indian Elementary Education

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Abstract:- The enactment of Right of Children for Free and compulsory education act (RTE), gave elementary education the status of fundamental right. It has given the provision of non-detention by mandating that no students admitted in schools should be held back in any class till 14th age. In 2012, Central Advisory board of Education (CABE) committee under Ministry of Human resource Development of India was suggested for implementing detention from 5th standard onwards by reviewing the existing non-detention policy. On January 3rd 2019, the Parliament voted to amend the no-detention provision of the Right to Education Act, 2009 by permitting the state governments to take decision on detaining children in Class 5 and Class 8 if they fail an annual exam twice. The suggestions and perceptions of teachers was the significant base for various policy interventions to scrap down the existing provision of non-detention. The provision of detaining students has already been implemented by the State Educational boards such as Punjab and Delhi. This research is a critical study of detention and non-detention policies through a transactional model of analysis by conducting the field research and connecting it with the existing gaps between current policy level interventions and prevalent researches over the issue. It has found that the current policy level interventions and teacher perceptions are showing vivid disconnections between the aspects of quality and equity, short-term and long term impacts, and field perceptions and existing research findings over the debate. By critically analysing and bridging all the connections and gaps, the research is finally suggesting that non-detention with remedial strategy is more effective than the provision of detention.

Keywords: Right to Education, Grade detention, Grade Non Detention, Elementary Education.

1. Introduction

Grade detention, also known as grade retention, has long been a topic of debate in educational policy circles. It involves holding students back in the same grade for an additional year if they fail to meet academic standards.[1] While some advocate for grade detention as a means to maintain academic standards and ensure accountability, others argue that it is ineffective and can lead to negative outcomes such as increased dropout rates.[2]

In recent years, there has been a significant development in the field of grade detention policy in India. On January 3rd, 2019, the Parliament voted to amend the no-detention provision of the Right to Education Act, 2009.[3] This amendment allows state governments to decide whether to detain children in Class 5 and Class 8 if they fail an annual exam twice. The decision to amend the provision was influenced by the suggestions and perceptions of teachers, who expressed concerns about the effectiveness of the existing non-detention policy.

The debate over grade detention versus non-detention is not new. It revolves around questions of educational quality, accountability, and equity. Proponents of grade detention argue that it helps maintain academic standards and holds teachers and schools accountable for student performance. They advocate for standardized assessments to identify underachieving students who may benefit from repeating a grade.[4]

However, research has shown that grade retention often fails to improve student achievement and can even lead to increased dropout rates. Studies have found that students who are held back are more likely to struggle academically and experience lower self-esteem.[5] Moreover, grade retention disproportionately affects students from marginalized communities, exacerbating existing inequalities in the education system.

In India, the implementation of the no-detention provision under the Right to Education Act, 2009 was aimed at creating a stress-free learning environment and ensuring access to education for all children.[6] However, concerns were raised about declining learning outcomes and the lack of accountability in the education system. The recent amendment to allow grade detention reflects a shift in policy priorities towards improving educational quality and accountability.

Despite the amendment, the debate over grade detention remains complex. Teachers play a crucial role in the implementation of detention policies, but they may have limited awareness of the research on its effectiveness.[7] There is also a need to consider the perspectives of students, particularly those from marginalized communities, who may be disproportionately affected by detention policies.

The research on grade detention and non-detention policies holds significant importance in shaping educational practices and policies, particularly concerning marginalized communities. By critically analysing the efficacy of these policies, the research aims to inform the development of more equitable and inclusive educational strategies. Understanding the impact of detention and non-detention policies on learning outcomes can guide efforts to enhance student achievement and educational quality. Moreover, by exploring teachers' perspectives on these strategies, the research seeks to shed light on their experiences and recommendations for improvement. Ultimately, the research contributes to the broader discourse on educational equity, quality, and social inclusion, with the goal of promoting positive change in educational systems.

Moving forward, it is essential to strike a balance between maintaining academic standards and ensuring equity in education. This requires comprehensive assessment practices that take into account the diverse needs of students and provide support to those who are struggling. Additionally, efforts to address the root causes of educational inequalities, such as poverty and social disadvantage, are crucial for creating a more equitable education system.

2. Research Design

The research employed a mixed-method approach involving both quantitative and qualitative data analysis.

In the quantitative method, academic and personal data of 307 students from 9th and 6th standards were collected. A survey questionnaire was distributed among the students to gather information on their family background, financial status, and parents' educational status. Additionally, each student's previous academic records were obtained from the school to analyse the correlation between academic achievement and socio-family-educational background.

The qualitative data was collected through structured interviews with 22 teachers from 4 schools, focusing on their insights and experiences related to detention and non-detention policies. The interview data was coded and analysed to identify key themes and perspectives. Finally, a transactional model was employed to bridge the gaps between existing literature, field data, and various dynamics surrounding the issue, resulting in a comprehensive analysis and consolidation of the final report.

3. Findings of the Study

The qualitative data findings, drawn from discussions with 22 teachers across four schools, reveal several key aspects of teachers' perspectives:

Themes occurred	Teachers' perspectives	Sample extract of teacher views
1. Assumptions on learning	a. Learning and Social background (LSB) are connected	<i>"One of the main reasons for the learning backwardness in the children here are mainly due to lack of the learning atmosphere outside the school."</i>

Themes occurred	Teachers' perspectives	Sample extract of teacher views
	b. Learning level of a child is not uniformed throughout their academic period	<i>I have many experiences of children who don't know the letters and not aware anything on how to read and write were improved later and catch up with average and above average students.</i>
	c. Learning with external fear such as exams	<i>Teacher 01: 'a child performing below average level can only improve by providing some external pressure; giving him a feeling that he will fail unless he study, will pressure him to study something'</i> <i>Teacher 02: 'If a child is not learning consciously, fear can make him/her study; but a child who is not doing it per se, then making him internally motivated is better'</i>
2. Perceptions on existing Assessment and evaluation patterns	a. Continuous and Comprehensive Evaluation System (CCE) is not effective	<i>Teacher 01: 'Initial years of implementing CCE, it was run effectively because, there was proper scrutiny from the upper authority. But now they are also not questioning or caring about this'</i> <i>Teacher 02: We are not getting even time to cover our portions to teach. It is not practically possible to give individual attention to each child and assess him/her'.</i>
	b. Term examination system alone is not sufficient	<i>Teacher: 'labelling a child such as 'failed' or 'passed' based on written exams are not reasonable'.</i>
3. Experiences and Perspectives about Existing Social Promotion of Children.	a. Quality of education is decreasing with promoting all children	<i>Teacher 01: 'Our curriculum is in a form of simple to complex standard. If a child doesn't know one basic simple level, he/she can't comprehend the matters which are teaching in next level. Actually, promoting everybody will include the children of this kind also'.</i> <i>Teacher 02: 'We knew students who repeated the class and then also not improved. I don't think promoting them is not the actual reason; students learning can be affected by various ways'.</i>
	b. Seriousness of the study will lose due to automatic promotion	<i>Teacher 01: 'If a child has a feeling that, I can go to next standard without studying, then how she would find any seriousness for that?'</i> <i>Teacher 02: 'Implement a provision of failing child, and then they will get some seriousness to study'.</i>
	c. Not acquiring even basic skills such as reading and writing while appearing for secondary level examination	<i>Teacher 01: 'We are forced to teach many children in high school who doesn't know properly to read and write.'</i> <i>Teacher 02: Right now, they were promoting to high school even without knowing the alphabets. They can't properly read and write a sentence meaningfully. How can we teach them the concepts in high school in this situation?."</i>

Themes occurred	Teachers' perspectives	Sample extract of teacher views
4. Experiences and Perspectives on detaining the children	a. Detention will improve learning/not improve learning	Teacher 01: "I reached here because I have failed. It gave me humiliation that my friends are not with me now. But, it made me to study hard to reach with them later. I don't say that it is applicable to all children" Teacher 02: "There are experiences of many students who detained and studied in my class. But, I couldn't see any improvement in their learning level. Because they were students who haven't acquired even the basic level and didn't know to read."
	b. Detaining in primary classes are more effective	Teacher 01: "Detaining in high school doesn't seem to be beneficial for the slow learners. If it can implement in primary classes, it will have some benefits for child's learning". Teacher 02: detaining would be more effective in primary classes because the basic learning level such as reading and writing has to be achieved from there'
	c. Detaining a child will impact on psychological and mental health of children	'detaining children can make a child sad and they will face psychological trauma on initial days'
	d. Detaining a child will lead to drop out	"When children are coming from some working class family or family with less financial sources, they will prefer to work than simply making the child repeating one more year. I have experiences of children who dropped out from the school after failure, as their parents asked to stop them'.

Quantitative Data Findings:

Data from 307 students across 3 schools from the state of Kerala, India, aimed to identify students at high risk of low learning outcomes. Grades from the previous academic year were analysed alongside variables like financial status under 'Below Poverty line' (BPL) or 'Above Poverty Line (APL)', social status under the categories of Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC), Other Eligible Category (OEC) and General category, and parents' educational background (first generation learners). The study found correlations between these factors and learning outcomes.

Relationship between Academic Performance and First generation learners

Academic Performance	No	Yes	Total
Average	57 (58.2)	41 (41.8)	98 (100.0)
Average	1 (100.0)	0 (0.0)	1 (100.0)
Below average	6 (14.3)	36 (85.7)	42 (100.0)
Excellent	59 (92.2)	5 (7.8)	64 (100.0)
Good	57 (77.0)	17 (23.0)	74 (100.0)
Total	180 (64.5)	99 (35.5)	279 (100.0)

Figure 1: Cross Connection between academic Performance and First Generation Learner.

Fig.1 illustrates the connection between the educational backgrounds of 307 children and their academic performance. First-generation learners had a higher proportion of below-average performance (85.7%) compared to non-first-generation learners (14.3%). Conversely, non-first-generation learners showed higher achievement in the "Excellent" category (92.2%) compared to first-generation learners (7.8%). This highlights the influence of parents' educational backgrounds on students' learning outcomes.

Relationship between Academic Performance and Social status

Academic Performance	General	OBC	OEC	SC	Total
Average	11 (10.8)	75 (73.5)	1 (1.0)	15 (14.7)	102 (100.0)
Average	0 (0.0)	1 (100.0)	0 (0.0)	0 (0.0)	1 (100.0)
Below average	2 (5.1)	17 (43.6)	1 (2.6)	19 (48.7)	39 (100.0)
Excellent	22 (31.0)	46 (64.8)	0 (0.0)	3 (4.2)	71 (100.0)
Good	14 (19.7)	47 (66.2)	1 (1.4)	9 (12.7)	71 (100.0)
Total	49 (17.3)	186 (65.5)	3 (1.1)	46 (16.2)	284 (100.0)

Figure 2: Cross Connection between Academic Performance and Social status of the students.

Fig. 2 highlights the academic performance disparities between General and SC categories. General category students showed higher excellence levels (31%) and lower below-average levels (5.1%) compared to SC students, who had fewer achieving excellence (4.2%) and more below-average (48.7%). OBC students, despite being proportionally represented, showed varying performance, with higher below-average levels (43.6%) and higher excellence levels (64.8%). Other factors likely influence their performance.

Relationship between Academic Performance and Financial status

Academic Performance	APL	BPL	Total
Average	36.9 (53.7)	34.5 (46.3)	35.8 (100.0)
Average	0.0 (0.0)	0.7 (100.0)	0.3 (100.0)
Below average	3.8 (14.3)	24.8 (85.7)	13.9 (100.0)
Excellent	36.3 (77.0)	11.7 (23.0)	24.5 (100.0)
Good	22.9 (46.8)	28.3 (53.2)	25.5 (100.0)
Total	100.0 (52.0)	100.0 (48.0)	100.0 (100.0)

Figure 3: Cross Connection between Academic Performances with Financial Status

Fig. 3 data illustrates the influence of a child's financial status on academic performance. Notably, 85.7% of below-average performers come from Below Poverty Line (BPL) families, while 77% of excellent performers are from Above Poverty Line (APL) families. The distinction between APL and BPL categories is less pronounced in average and good academic performance levels.

The major findings from all of the above data can be summarised as:

- The academic achievement of the child can be influenced by their social status, financial status and educational background of the parents.
- Among the sample population, SC community was identified as showing a pattern of low status in all of three.
- The children who belong to less social status such as SC, less financial status such as BPL and less parental education status such as first generation learners are presented more in government Malayalam medium classes.

- The social status, financial status and educational status and learning achievement are inter-related each other. The repeating pattern of the frequencies among all these shows that, most of the below average students were the part of first generation learners and most of the first generation learners are belongs to financial status such as BPL and social status such as SC and OBC.

4. Discussion in Connecting with Existing Literature

The overall findings which were collected from the analysis of both qualitative and quantitative data have to be further breakdown with the focused questions regarding the research. The responses of the teachers and students' personal data will be discussed below with the following two broad areas:

1. Effective Strategy to increase quality of education: Detention or Non-detention
2. Impact of detention on Marginalised communities
3. Teachers' Perspective on detention and non-detention

I. Effective Strategy to increase quality of education: Detention or Non-detention

The Annual Status of Educational research [8] report was highlighted the serious concern of deterioration of the quality of elementary education in government schools in India due to the existing system of non-detention. An empirical study conducted by Central Advisory Board of Education Committee [9] also accused the provision of non-detention as the main reason for declining student learning levels in government schools.

The debate between detention and non-detention policies revolves around their impact on learning improvement. While some argue that non-detention leads to declining student learning levels, research indicates that neither detention nor non-detention alone fosters academic advancement. Longitudinal studies comparing detained and non-detained students have consistently shown that promoted students generally fare better academically in the long term. [1]

Detention's Assumptions and Contradictions:

Detention policies are often justified by the assumption that they pressure students to learn and avoid failure. However, teachers argue that external pressure alone cannot benefit students lacking minimum learning levels. Research supports this, suggesting that progress seen in repeaters is attributed to special support rather than grade repetition itself.[1] Thus, the efficacy of detention must be evaluated through a cost-benefit analysis considering its limited academic benefits.

Assessing negative impacts:

Detention and non-detention policies have significant negative impacts to consider. While detention aims to create homogeneous classrooms for easier teaching, it results in larger class sizes, increased management challenges, and financial burdens. Additionally, detention's association with academic achievement, self-esteem, and dropout rates underscores its detrimental effects on students.[10] [11]

In weighing the positive and negative aspects of both approaches, research suggests that non-detention may be the more effective strategy. Automatic promotion, supplemented with early intervention, remedial instructions, and parental involvement, offers a more holistic approach to addressing academic challenges while sparing students the emotional toll associated with detention. Thus, opting for non-detention aligns with the goal of promoting academic success and social well-being among students.[7]

II. Impact of Detention on Marginalised Communities:

Detention policies disproportionately affect marginalized communities, leading to increased dropout rates among detained students.[12] Research indicates a strong correlation between grade retention and dropout rates [7] [1] [2] [13] [11]. Studies suggest that retained students face socio-emotional challenges that increase their likelihood of leaving school ([11] [2]). Moreover, being overage for their grade exacerbates feelings of difference and discouragement, contributing to dropout risk [1] [11].). This raises concerns about the social equity and broader societal impacts of detention policies, particularly for disadvantaged students [19].

Association between academic achievement and marginalisation:

The data collected from 307 students highlights a stark correlation between academic achievement and marginalization across various social, financial, and educational dimensions. Notably, first-generation learners, students from Scheduled Castes (SC), and those from Below Poverty Line (BPL) families comprise a significant portion of below-average performers, indicating systemic barriers to success. Moreover, the intertwining nature of these categories underscores the complex interplay between social background and academic outcomes [12] [15].

This correlation underscores the broader societal impact of detention policies, particularly for marginalized communities. As highlighted by James S. Coleman [15], family background, encompassing financial, human, and social capital, profoundly influences educational outcomes, with parental education playing a pivotal role in shaping a child's learning environment. Consequently, detention policies risk exacerbating existing disparities by disproportionately targeting students already facing marginalization.[15]

Who is dropping out and who have low learning outcomes are associated with an individual and the supportive learning environment around him/her. Bronfenbrenner says; *'To understand the effects of educational experiences on children, it is important to acknowledge the transactional nature of the students experiences within the classroom, the child's early developmental history, and contemporaneous experience outside a formal educational setting'*. [20]

In essence, the data underscores the pressing need to address systemic inequities within the education system. By recognizing the nuanced interplay between social background and academic achievement, policymakers can work towards implementing more equitable strategies that uplift marginalized students and foster inclusive learning environments. This necessitates a shift towards policies that prioritize support and empowerment rather than punitive measures like detention. [12] [15]

Detention and Social exclusion of Marginal communities:

Detention policies exacerbate social exclusion among marginalized communities, perpetuating unequal access to education. Geetha Nambeeshan's [14] research underscores how economically and socially vulnerable groups, such as Scheduled Castes and Scheduled Tribes, face educational disadvantages, leading to higher dropout rates and poorer academic performance [14] [13]. Russel Rumberger's work [5] further emphasizes the connection between socio-economic status and dropout behaviour, indicating that students from insecure socio-economic backgrounds, lacking parental education, are more prone to leaving school. These findings align with the concerns raised by the Central Advisory Board of Education (CABE), which highlights the challenges faced by first-generation learners from disadvantaged backgrounds, suggesting that detention policies disproportionately impact these marginalized groups [9].

Moreover, the implementation of the Right to Education Act's non-detention policy aimed to address the needs of culturally, economically, and socially disadvantaged children by reducing dropout rates [6]. Disha Nawani's explanation of the rationale behind non-detention underscores its role in preventing dropout, particularly among vulnerable communities [6]. However, despite the progress made in reducing out-of-school children, dropout rates remain a significant challenge, particularly in rural areas where disadvantaged subgroups predominantly reside [24]. The global context further supports these findings, with studies showing that retention policies increase the likelihood of dropout, particularly among vulnerable groups like Latinos and students from educationally disadvantaged backgrounds.[11][13] Overall, detention policies risk widening the education gap for marginalized communities and pose a barrier to achieving universal elementary education.

III. Teachers' Perspective on detention and non-detention

Teachers' perspectives on detention effectiveness vary, with some believing that repeating a grade can lead to learning improvement. However, research suggests that immediate gains often fade over time, and long-term trajectories may not benefit from detention.[7][16] Additionally, while teachers may view detention as more

applicable in lower primary classes due to fewer psychological repercussions, studies indicate that early detentions significantly contribute to high school dropout rates.[17][11]

Classroom and homogeneity and detention

Teachers argue that detention can create more homogeneous classrooms, simplifying teaching. However, research suggests that any potential advantages are outweighed by collateral effects, including larger class sizes and increased classroom management challenges.[10][1]. Furthermore, detention disproportionately impacts students from disadvantaged backgrounds, exacerbating socio-economic disparities in education.[9]

Parental Involvement and Dropout Prevention:

Some teachers advocate for detention with parental involvement, believing it can reduce dropout rates and improve learning outcomes. Research distinguishes between voluntary and involuntary detention, suggesting that voluntary repetition, initiated by students or families, can be more beneficial.[1] However, the effectiveness of detention hinges on genuine voluntary participation rather than school-imposed mandates.

Challenges with Continuous Evaluation System and Non-detention Policy:

Teachers express concerns about the effectiveness of the Continuous Evaluation System (CCE) and argue that non-detention is contingent on its improvement. While CCE aims to provide individual attention and holistic assessment, challenges such as time constraints and inadequate support hinder its effectiveness.[18] Furthermore, teachers assert that detention contradicts the ethos of CCE by labelling students as “*low achievers*”, undermining its intended purpose. Overall, both detention and non-detention policies face challenges in ensuring equitable access to education and promoting student success.

In Sum

The perspectives of teacher on Grade detention or non-detention strategies are mostly rooted in their observation and experiences with the children in short term basis. And the conclusions are met with analysing the immediate consequences which a child is facing in his consecutive year after retention or promotion. Most of them are unaware about the long term consequences which are resulting from the implementation of either of these strategies. The validity of majority of teachers’ perceptions found to be contrasting with the existing research studies and literature on Grade repetition and social promotion.

5. Future Implications amidst the contrast between NEP (2020) and RTE (2019):

The alignment of educational policies, particularly in the domain of student assessment, reveals a nuanced evolution over time. Historical documents such as the Kothari Commission of 1966 [21] and the National Education Policy of 1986 [22] underscored the imperative for flexible assessment systems that alleviate student stress and foster holistic learning. Similarly, the Right of Children to Free and Compulsory Education Act (RTE) of 2009 [3] emphasized the importance of continuous and comprehensive evaluation to promote a supportive learning environment. However, the recent Right to Education Amendment Act of 2019 introduces a notable departure from these principles by mandating regular examinations in fifth and eighth grades, potentially introducing stress-inducing evaluation practices.[25] This amendment diverges from the ethos outlined in the National Education Policy (NEP) 2020 [23], which advocates for a more nuanced and multidimensional approach to assessment, emphasizing formative evaluation and reducing the emphasis on high-stakes examinations. The research provides a middle ground between the conflicting approaches of the RTE amendment 2019 and the NEP 2020 regarding the right of children to receive elementary education. While many policy interventions in India have favoured implementing detention after primary school, this research identifies significant shortcomings in current analyses. It stresses the importance of moving beyond the binary choice of detention or non-detention, acknowledging that neither policy alone can adequately meet the needs of underperforming students without additional support and attention. Additionally, the study highlights how detention disproportionately affects marginalized communities, worsening inequalities in access to high-quality education

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