

Delhi Commission for Protection of Child Rights (DCPCR)

Government of NCT of Delhi

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No.C/RTE/DCPCR/20-21/785/ 3790.

Dated 21/06/2021

In the matter of

Vs

1. Central Board of Secondary Education, AND
2. Directorate of Education, Government of NCT of Delhi.

ORDER

1. The Commission received a complaint from Mr. [REDACTED] stating that his child [REDACTED] was marked absent in his Class 12th mathematics practical assessment for the academic year 2019-20 despite scoring 17/20 in the assessment. The complainant further stated that they were called for a meeting on 12.01.2021 with the regional officer, CBSE where it was suggested that instead of 17/20, the student will be scored 4/20 on a pro-rata basis. The student is also set to appear for his improvement exam for mathematics theory in the year 2020-21.
2. Considering marking a student absent while being duly present in the examination not only deprives the child of the world of opportunities that lay in front of him but also violates his constitutional rights. Therefore, in exercise of its powers under Commission For Protection of Child Rights Act 2005, the Commission decided to conduct an enquiry into this matter considering the grave implications it may have on the future of the child and hence directed all authorities including Directorate of Education and the CBSE to file an explanation into the matter.



3. The Commission has heard all the parties in the hearing dated 20.04.2021. Written submissions by different parties have also been filed. They are all taken on record.
4. CBSE's reply can be summarised as below:
- It was declared on the basis of the marks uploaded by the school. Since the school marked [REDACTED] absent, CBSE declared results accordingly. CBSE sought clarification from DDE Patrachar on being apprised by the child about wrong marks being uploaded. But, it was again shared in the response that the child was absent. Accordingly, CBSE decided not to change marks of the child.
 - Despite the guidelines stating that the marks once uploaded will not be changed, marks for some children were changed on humanitarian grounds.
 - In the case of [REDACTED] his practical marks were calculated on a pro-rata basis and corrected as per the policy.
5. Patrachar Vidyalaya(PV)'s response can be summarised as below :
- [REDACTED] request for change of centre had come just a day before commencement of classes, and as such matters are not regular matters, he remained enrolled in both the centres. Due to this confusion, wrong marks (as submitted by centre 1) were submitted to CBSE.
 - When [REDACTED] approached Patrachar Vidyalaya with a letter from centre 2 which mentioned his marks as 17/20, PV reached out to CBSE to make the correction and followed up for the same. A meeting was conducted where it was decided that as [REDACTED] has been declared pass after his compartment exams. And that as he applied for the Additional Subject CBSE Exam, 2021 as private candidate, instead of internal Assessment, marks for the Maths Subject may be awarded on prorata basis for the upcoming exam.

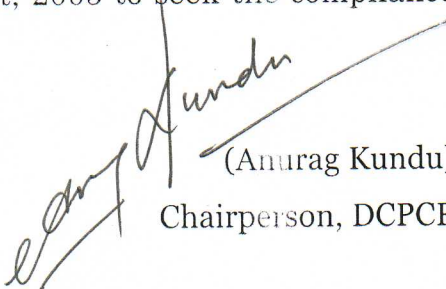
6. Clearly, there were multiple systemic breakdowns at the Patrachar Vidyalaya (PV) level. The centre change information was not given to the original centre which resulted in the previous centre marking the child Absent inadvertently. This is a fault of the Patrachar Vidyalaya which was then supervised by Shri Ranjeet Singh, (then Principal, PV). [REDACTED] marks were received from 2 centres but it went unnoticed and original information was shared. This reflects breakdown at the process of collating marks by Patrachar Vidyalaya from PCP centres which was then supervised by then principal Shri Ranjeet Singh. Thus, while there were attempts made to get the mistake corrected over letters and emails and a meeting was also scheduled regarding the same, but the mistake was avoidable if the robust systems and processes existed.
7. CBSE informed the Commission that through its circular dated 15.01.2020, it was clearly stated that "Corrections in the internal grades once uploaded will not be accepted by the board". But as the matter impacted the child's future, it was decided that [REDACTED] will be allocated marks on a pro-rata basis of written assessment or marks submitted by school (*actual marks scored*) - whichever is lower. Accordingly, CBSE offered to correct [REDACTED] 'Absent' to 4/20 (on a pro-rata basis) instead of 17/20 (actual marks scored). The Commission has examined the response and finds that it suffers from three deficiencies:
- a. CBSE is an examination body i.e. it's role is to conduct examinations and report scores. By seeking to decide marks to something the child has not scored and disregarding the actual marks scored by the child, the CBSE assumes to itself the powers it does not have. Allowing CBSE to exercise powers it does not have to amend scores of the child at its whims (or through a whimsical policy) is a constitutionally untenable position.



- b. [REDACTED] scored 17/20 marks, and therefore by giving him marks lower than he scored(4/20), the CBSE violates his right to education and deprives him of the world of opportunities that are dependent on board results in our country. In that sense, the CBSE's policy assumes greater significance and must be fair. The Commission deems its current policy unfair. In jurisprudence, punishment to the guilty and protection to the innocent are non-negotiable elements. [REDACTED] has committed no wrong and yet CBSE's policy seeks to punish a poor boy who is a victim here for no fault of his. CBSE is seeking to victimise the victim. The Commission can hardly think of a justification for that and deems the CBSE's policy arbitrary and violative of the rights of the child.
- c. CBSE's policy of awarding marks to students on a pro-rata basis violates its own policy of separation of practicals and theory. By including both components, the CBSE by design concedes that these are two different skills: there are students who might reproduce how light travels and its effects on 5 marks questions, and yet may not be able to perform 2 experiments and vice-versa. Since CBSE has a separate approach to the practical and theory marks and the policy of awarding those marks, the CBSE violates its own policy by now linking practical marks to theory's. It reduces the entire process to a mechanical process which is devoid of its relationship with reality and learning. Consequently, it produces a set of policies that contradict each other.
8. Having considered the matter, the Commission in exercise of its powers under section 15 of the Commission For Protection of Child Rights Act 2005 decides the case in favour of [REDACTED] and recommends the following:



- a. CBSE to ensure that [REDACTED] is awarded marks exactly what he scored and not on a pro-rata basis.
 - b. CBSE to amend its policy suitably and award marks as is, not pro-rata
 - c. Department of Education, Government of NCT of Delhi to make the procedural changes required to ensure that mistakes such as uploading of wrong marks , loss of information of child's centre, lack of alerts being raised in case of duplicate entries and other procedural breakdown do not happen again. This might require use of technology, greater staff and robust processes.
 - d. Department of Education, Government of NCT of Delhi to initiate appropriate proceedings under service rules against the then CBSE Incharge and then Principal, PV whose responsibility included ensuring that correct numbers of students should be sent.
 - e. Department of Education, Government of NCT of Delhi to compensate [REDACTED] with Rs. 50,000/- as compensation for the mental trauma he has had to suffer because of the departmental lapse.
9. The Commission seeks an Action Take Report (ATR) from all authorities to be submitted within 60 days.
10. In case of non compliance, the authorities may consider this order as an advance notice of the writ petition that the Commission shall file in Hon'ble High Court of Delhi in exercise of powers under section 15 of the Commissions for Protection of Child Rights Act, 2005 to seek the compliance of its recommendations.


(Anurag Kundu)
Chairperson, DCPCR

To :

1. Pr. Secretary (Education), Govt of NCT of Delhi (secyedu@nic.in)
2. Secretary, Central Board of Secondary Education (CBSE) (secy-cbse@nic.in)
3. Director (Education), Govt of NCT of Delhi (diredu@nic.in)
4. Regional Officer , Regional Office, Delhi East Region, CBSE, PS-1-2, Institutional Area, I.P. Extn. Patparganj, Delhi-110092 <rodelhi.cbse@nic.in>
5. Additional Director (Education), Government of NCT of Delhi, Room No. 10, Old Secretariat, Delhi-54 (adl.de.school@gmail.com)
6. Regional Director (Central), Office of Regional Director of Education(central), Lucknow Road, Timarpur, Delhi- 110054 (rdirectorcentral@gmail.com), - with the request to serve it to Dr. Ranjit Singh, OSD , Regional Director (Central)
7. Deputy, Director of Education (Patrachar Vidyalaya) (patracharvidyalaya@gmail.com)
8. Principal (Patrachar Vidyalaya) (patracharvidyalaya@gmail.com)
9. Mr. Dalip Kumar, CBSE Incharge (Patrachar Vidyalaya), BL block shalimar bagh Delhi 110088, (patracharvidyalaya@gmail.com)
10. HoS, SKV, C Block, Dilshad Garden, Delhi-110095 (1106025@delhi.gov.in)
11. HoS, GBSSS, SU Block Pitampura, Delhi - 110088 (1411017@delhi.gov.in)

Copy to:

1. Complainant, [REDACTED]

