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# Conundrum in Composure: The CBSE Class 12th Board Policy 2021 - Assessing Legal Ramifications and Futuristic Considerations

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## ABSTRACT

*“Our children are the living messages we send to a future we will ever see... Will we rob them of their destiny? Will we rob them of their dreams? No - we will not do that.”*

*-Elijah Eugene Cummings*

*The period of testament that was awaited with all anxiety<sup>3</sup>, dawned upon the students of Class 12<sup>th</sup> lately, with aggrieved precincts forcing students to bang doors of judiciary, in absence of policy, leading to the civil writ petition filed in the Supreme Court by Advocate Mamata Sharma, seeking cancellation of the CBSE and ICSE board exams for this academic session as well. A simultaneous plea, praying for cancellation of state board exams including HSC and NIOS physical exams was filed by Anubha Shrivastava with seven others,<sup>4</sup> in light of the countrywide impact of the dreadfulness carved by the second wave of the COVID-19 across various parts of India.*

*The first hearing, in which Attorney General K.K. Venugopal kept before the Honourable Supreme Court, the foresight of the central board, to evolve an objective criterion of assessment within two weeks from the date of first hearing which was granted. Resultantly, the policy was presented on 17<sup>th</sup> June 2021 before the two-judge bench led by Justice AM Khanwilkar and Justice Dinesh Maheshwari, thereby, waving a green flag to the policy, that reflected on the CBSE website recently*

## I. INTRODUCTION

This article aims to assess the same policy laid down by the Central Board Of Secondary Education, released as notification no. CBSE/CE/ 2021, dated, 17<sup>th</sup> June 2021,<sup>5</sup> by it and having

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<sup>3</sup> ‘Indefinite Wait for Class 12 Board Exams Making Students Anxious - Times of India’ (*The Times of India*) <<https://timesofindia.indiatimes.com/home/education/news/indefinite-wait-for-board-exams-making-students-anxious/articleshow/82509068.cms>> accessed 19 June 2021

<sup>4</sup> Srishti Ojha, ‘Class 12 Exams : Crucial Hearing In Supreme Court Tomorrow On CBSE, ICSE, State Board Exams’ (16 June 2021) <<https://www.livelaw.in/top-stories/class-12-exams-crucial-hearing-in-supreme-court-tomorrow-on-cbse-icse-state-board-exams-175805>> accessed 19 June 2021.

<sup>5</sup> ‘Tabulation Policy Class XII 2021.Pdf’ <<https://www.cbse.gov.in/cbsenew/documents/Tabulation%20Policy%20Class%20XII%202021.pdf>> accessed

force on all schools affiliated under it, which provide senior secondary schooling to students across the country. In pursuing this assessment, this article evaluates the provisional and realistic relevance of the policy, clause by clause, in an effort to determine, what it holds for the present and future of more than a crore students, who have registered for school leaving certificate this year. For the purpose of a close and careful examination of the policy, aided by experiential perspectives of the authors having lived through the post-pandemic experience of boards, this research has been narrowed down to assess only the provisions of the policy passed by the Central Board of Secondary Education. In doing so, both primary sources and secondary sources have been taken for the purpose of research. The primary focus, however, has been placed upon the critical and analytical valuation of this policy, in light of broad policy framework and ideas, encompassing perspectives from social, legal, political and administrative spheres. The authors have laid mammoth emphasis on eliminating pre-conceived notions and biases in pursuing this task.

## II. LOOKING INTO THE POLICY

### (A) Background

The policy for tabulation incepts with the caution of background in which it has been framed, mandating the challenges before it, and what task is it assigned with, in ensuring the fate of students. The policy rightly recognises the impact of the COVID crisis being felt in educational institutes too. In times unprecedented, the schooling system nearly collapsed in rural regions, while performance and rigour substantially plunged in celebrated urbane institutions as well,<sup>6</sup> <sup>7</sup> leading to the cancellation of the board exams, when the order passed by CBSE, in consonance with the decision of the Ministry of Education came out on June 1, 2021 as a notification.<sup>8</sup>

But interesting to note at this point is the absence of substantially explained reasons and rationale behind such cancellation, with any use of data, digital accessibility figures or why even a time-reduced examination was not sought upon as an option by the board, in both these notifications. A public order, having force upon the myriad aspirations and well-being of students, completely denies substantive explanations of how the cancellation policy was

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19 June 2021.

<sup>6</sup> 'Coronavirus Crisis' Impact on Rural India Exposes Inequality and Pitfalls in Access to Education-India News , Firstpost' (*Firstpost*, 8 May 2020) <<https://www.firstpost.com/india/coronavirus-crisis-impact-on-rural-india-exposes-inequality-and-pitfalls-in-access-to-education-8341701.html>> accessed 19 June 2021.

<sup>7</sup> 'Nearly 20% of Rural School Children Had No Textbooks Due to COVID-19 Impact, Finds ASER Survey' *The Hindu* (New Delhi, 28 October 2020) <<https://www.thehindu.com/news/national/coronavirus-20-of-rural-school-children-had-no-textbooks-due-to-covid-19-impact-finds-aser-survey/article32966299.ece>> accessed 19 June 2021.

<sup>8</sup> 'Notification\_12.Pdf' <[https://www.cbse.gov.in/cbsenew/documents/notification\\_12.pdf](https://www.cbse.gov.in/cbsenew/documents/notification_12.pdf)> accessed 19 June 2021.

arrived at, while it ironically states in the second paragraph, that the board is committed to the “future of lakhs of students.”<sup>9</sup> The doctrine of legal certainty explicitly brings into notice, “escape clauses” that are often found in administrative policy decisions. These escape clauses, despite coming from a legal policy, leave elements of uncertainty, giving the authority in charge, a door to escape duties. The board in this policy “appreciates” the need for school leaving certificate. The clever choice of word clearly highlights a linguistic escape from its duty, to deliver such certificate, in all good faith and responsibility. The “pursuit of higher education” being recognised, is a short-term goal. But the board’s commitment to ensure that the policy, while coming into play in later years of students’ careers, doesn’t impinge upon their job opportunities, has not been identified as a goal. A serious denial, in absence of a separate act that ensures no discrimination in respect of “equality of opportunity”,<sup>10</sup> has also not been dealt with.

### **III. CHALLENGES BEFORE THE BOARD AND OBJECTIVES OF THE POLICY**

The second paragraph, while keeping the challenges faced by the board, enumerates its goals and objectives, that it will have to fulfil in carrying out the purpose of the policy. This is important to identify tests and standards on which the further provisions need to be evaluated. It is indeed a formidable challenge to produce objective results in such a time, but it also states its commitment, on several grounds, which it will “have to fulfil” despite extraordinary circumstances. These grounds, which the policy aims to ensure, are recognised in terms of a result that is “unbiased, reliable, fair, valid and transparent” to all students. This clearly establishes grounds on which the board ensures accountability, at each stage of the policy. It also mandates in its objective, the need for a policy that is “procedurally robust, adequate[ly] credible and reliable of the student’s performance”. Whether it stands devoted to these ideals, shall be further explored. This exploration requires an analysis, both on-paper and in-deed to realise the realist admiration of this policy, something we plan to check at each stage beyond.

### **IV. MODE OF ASSESSMENT**

The policy explicitly states that the examinations, internal in character, are usually conducted as “preparatory tests”, in a relaxed manner than the actual board exams. But the logic behind taking the marks of students into consideration, from the scores of an exam conducted at preparatory stage to satirize their “final scores” in the school leaving certificate, reflects the dreadful adoption of such a policy in a seemingly neutral way. What causation forces such a

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<sup>9</sup> Supra, note 3

<sup>10</sup> A constitutionally recognised fundamental right, Article 16, Indian Const. 1949.

bold decision to dub “the preparatory” as a “final statement” is neither explained, nor well-thought-out. It presents a paradoxical countenance when it itself admits to the fact that these internal examinations were fraught by several unequal factors creating divide- digital literacy, absence of digital infrastructure and failure of strictly restricting unfair practices. Nevertheless, with plain objectivity, the scores account for 40% of the total theory weightage, in an ironical masking mode.

#### **(A) Element 1: Class 12<sup>th</sup>**

Solely relying on internal assessment has been invalidated by the board because of two reasons, enumerated in the policy. But if closely observed, the same enumeration reflects a ‘dichotomous’, ‘factor blinding’, either-or fallacy, to create a myopic diversion. The two “prudent reasons” explained therein, are differential access to digital infrastructure unreflective of the true performance of a student and their inability to meet the standards of a board examination. However, these are not the only issues involved. Firstly, as stated earlier, the preparatory scores are ultimately chosen as the test of final performance. Secondly, The grater fair principle of “retrospective operation” goes completely unaddressed and is left ignored. Thirdly, ‘fairness’, a subjective issue prima facie, in this exam, can’t be eliminated even with standardization due to reasons like inherent favouritism, answer sheet anonymity, handwriting-preference and the constant urge of teachers to dismiss creative answers in pursuit of the stinking system of rote-learning<sup>11</sup> that is insidiously perpetuated by the board exams, having no future ray of hopes.<sup>12</sup> The laughable attempt to arrest this subjectivity by taking into account, scores from the exams conducted in pre-covid times (Class XI and Class X), is equally troublesome. The statement itself is flawed, foremost. Since a nationwide lockdown<sup>13</sup> was imposed in the country w.e.f. 24<sup>th</sup> March 2020, many schools were unable to conduct Class 11<sup>th</sup> examinations in wake of it. This situation, apart from creating insecurity occurring out of repeated extensions, finally resulted in unchecked assessment and grading in many schools back then. Those who were not promoted in these examinations, were given one more

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<sup>11</sup> A majorly complained observational experience. Despite the board’s resolve to include more analytical and creative assessment w.e.f. 2020, the examination papers in wake of COVID jumped back to the rhetoric of testing “memorising skills”. The sections introduced and questions asked in English Core, for instance, clearly exhibit a pattern of repeated questions over last ten years. Similar is the state of questions repeated in major subjects like Political Science and other disciplines.

<sup>12</sup> India Today Web Desk New Delhi August 12, 2020 UPDATED: August 12 and 2020 13:28 Ist, ‘NEP’s Proposal to Make Board Exams Easy Will Not Emphasise on Rote Learning: Manish Sisodia’ (*India Today*) <<https://www.indiatoday.in/education-today/news/story/nep-s-proposal-to-make-board-exams-easy-will-not-emphasise-on-rota-learning-manish-sisodia-1710373-2020-08-12>> accessed 20 June 2021.

<sup>13</sup> Nistula Hebbbar, ‘PM Modi Announces 21-Day Lockdown as COVID-19 Toll Touches 12’ *The Hindu* (New Delhi, 24 March 2020) <<https://www.thehindu.com/news/national/pm-announces-21-day-lockdown-as-covid-19-toll-touches-10/article31156691.ece>> accessed 20 June 2021.

opportunity to make through Class 11th.<sup>14</sup> The original final examination and the re-examination again creates a dilemma of uniformity, since no attempt can balance the difficulty level of two examinations, this again generates an entrenched anomaly against the promised ideal of “fairness”.

The problem of ‘relying’ in perspective of fairness maintains that the scores of Class 12<sup>th</sup> can’t be “solely relied upon”, but the question that characterizes the graveness of the situation is, why should we rely on past performances and internal assessments “at all”? This head also focusses on the “performance by the same student” in prior examinations. But this performance is also pegged with behavioural and assertive rationality that a student develops during senior-secondary schooling, the constant fear of boards delays attention, and students tend to preserve it for Class 12<sup>th</sup>- the big class in which majority of students develop focus. Since the entire performance altogether is distinct, the operability of retrospective scores doesn’t ensure “care for future” in this regard as well.

### **(B) Element 2: Class 10<sup>th</sup>**

The fact that the policy considers the results of the public examination to be a reflection of the student’s capability and capacity in itself, is monstrous. Yes, the Class 10 examinations were conducted in a standardized manner and without any deviation from the scheme announced by the board, but the stance that the exams were conducted two years back, seems to have been overlooked. No scope for any improvement in the capability of the student, seriousness towards the exams and interest in subjects chosen for higher education whatsoever, has been an even an assumption in this policy. The shortcomings of using previous grades for marking the current ones, are not less to ignore. The policy talks about the subjects that the students get to omit from their final results; however, there’s no discussion about the problematic subjects that they forcefully have to include in their best 3s. The fact that the scores of the Class 12 exams would partly be a result of a combination of 3 subjects that the student might not even be pursuing in the future can’t be disregarded.

The policy agrees with the presence of just two additional concerns in this concept. It does seem to state these grievances, it does not however, provide any solution to it. It understands the concept of evolution of the student over time, but does not address anything in this regard. The vast level of generalization among students and their capabilities will surely tend to have a retrospective effect on the candidates.

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<sup>14</sup> India Today Web Desk New Delhi May 14, 2020UPDATED: May 16 and 2020 03:41 Ist, ‘Attention! CBSE Class 9, Class 11 Students Who Failed Will Appear in School Exams Once More’ (*India Today*) <<https://www.indiatoday.in/education-today/news/story/cbse-class-9-class-11-students-who-failed-will-appear-in-school-exams-once-more-1678069-2020-05-14>> accessed 20 June 2021.

**(C) Element 3: Class 11<sup>th</sup>**

As earlier discussed, the policy seems to have totally ignored the fact that even the Class 11 examinations were not everywhere, conducted in a 'standardized' manner. March 2020 was subjected to a nation-wide lockdown and a lot of schools were not able to conduct the final exams in a proper manner. Consequently, these online exams cannot be considered as a credible or fair depiction of the students' performance in their particularly preferred subjects. Also, as the examinations were conducted by the schools themselves, there is no set guarantee for a fair examination. As the CBSE doesn't collect the data of students who did their Class 11 from private schools, there's a huge scope of schools fiddling with the results. The class 11 exams, for myriad reasons can't be considered as a credible marking foundation for the senior secondary exams.

This element, keeping up with its generalized format, has totally ignored the students who shifted their streams in the middle, start or end of the year. These students will end up getting marked on the basis of the subjects that they didn't even get a fair chance to study.

**(D) The Issue of Internal Examinations**

CBSE has cancelled the exams on the basis of the COVID-19 pandemic and by stating the digital divide among students. The absence of modes of giving online exams to students all over the country was stated as a major reason behind the cancellation of the class 12 examinations. In all the havoc created by the policy, it has totally ignored the fact that the Internal Assessments too, were conducted in an online mode. What guarantees that students from all over the nation, would have been able to appear in the internal exams? If the digital divide was a problem in taking theory exams, the internal assessments too should be viewed with the same eye.

How will the students, who have no access to technology, appear for IA? In case of unavailability, how will they be marked? As these marks will comprise to lead to the final result, why are economic barriers and the unavailability of resources, making through their way in educational opportunities? These major questions seem to have been overlooked by the CBSE and consequently in this policy.

**(E) Procedure For Assessment**

The policy provides the following bifurcation of the class 12 marks: -

<b>Theory Marks</b>	<b>Practical/ Internal Assessment Marks</b>	<b>Total Marks</b>
80	20	100
70	30	100
60	40	100
50	50	100
30	70	100

The above discussed problematic mode of conduction of the internal assessments will now begin to create a divide. The internal assessment marks will affect the arrows broken by the burden of expenses or economic barriers. The families who were not able to provide their children with a smartphone or a PC, will be affected the most. The lack of digital devices leads to their unavailability in the Internal Assessments, further which will lead to less scores, which consequently will lead to a drastic fall in the opportunities for higher education. This will end up promoting elitists and lead to a monetary gap among students impacting equality in virtue. The policy states that “The total marks awarded should be in consonance with the past performance of the school in board exams.” This provision leads to the result of the present students, being in hands of the pass outs from that school. Once again here, the policy has totally neglected the scope of differential capabilities among students.

#### **(F) Computation Of Theory Marks**

	Theory Marks			Practical/ IA Marks	Total Marks		
	Class X	Class XI	Class XII		Class X	Class XI	Class XII
	30%	30%	40%				
80	24	24	32	20	24	24	<b>52</b>
70	21	21	28	30	21	21	<b>58</b>
60	18	18	24	40	18	18	<b>64</b>
50	15	15	20	50	15	15	<b>70</b>
30	09	09	12	70	09	09	<b>82</b>

For computation of theory marks in Class 12<sup>th</sup>, a result committee, discussed later in detail, has



been brought into picture. The focus of this and the following sections shall be to assess the powers and discretion that is delegated to this committee in each school.

Firstly, the result committee has been conferred full discretion to decide the weightage of each internal examination in the process, including Unit Test(s)/ Mid Term Exam/Pre-Board Examination(s). In our analysis, this presents many challenges. This conferment will give excess leeway to the result committee of the school in creating a monstrous hybrid, best suited to the scores received in each of these tests. “Credibility and Reliability” are undefined, broadly and vaguely used in context, adding to further subjectivity and a comparative advantage that some schools hold over others. Schools with lesser economic resources tend to conduct less and less examinations internally, while those charging hefty fees, are in a yearlong position to repeatedly conduct weekly tests/unit tests and even test series, that run continuously, offering these schools a wider array of choice. How much syllabus is covered in each of these tests, is again a matter of fact. The difficulty of question papers varying from one school to another, also requires consideration. Core realism of leniency, student preference, banishment of the unpreferred children and other biases that calculatedly lead to reduction of marks cannot even be identified, let alone corrected.

The wordings also portray an excessive, uncontrolled and unbridled delegation of subordinate powers vested in CBSE, which may not be discarded constitutionally, but leaves doubt of suspicion and carvings of abuse in everyday practices. Entire apparatus has entrusted the committee to take “any decision” in carrying forward such an inclusion of marks. The delusion of “aim” dramatizing no check but a clever wording demonstrates nominal role of board in ensuring fairness protocols and ensuring bars to domineering practices. Whatever the school deems fit, has to be recorded in the “rationale document”, as wide a record that will even decide the fate of a student even if he/she hasn’t given any of these examinations.

The average of best three scores in Class 10<sup>th</sup> shall be “uniformly applied” to all subjects in final statement, even if these subjects are diametrically opposite to the interests of the students and do not reflect their contemporaneous reality in “subjects of choice”, when the choice of choosing streams and subjects, is not even provided by the board in Class 10<sup>th</sup>. Year end final scores of Class 11<sup>th</sup> have to be reduced to 30% of those scored out of 80 marks.

### **(G) The Result Committee**

Paragraph 9(iv) mandates inclusion of members from “neighbouring schools” in formation of result committee. The same members have to be “co-opted”, rather than “appointed” by the board. This casts serious clouds of realistic practices of corruption, bribery, mutual settlements

and the constant fear of strained relations<sup>15</sup> that schools keep for each other. In absence of subject teachers required to guide the process, due to reasons of retirement, demise or departure from school, the future course of action is also left unaddressed.

## **V. ASSESSMENT MODERATION POLICY**

### **(A) Historical Performance**

Since the policy is already plagued with retrospective inclusion of marks, a horizontal, unrelated creation of a “historical performance” criterion is unwarranted, unwelcome and worrisome. The basic logic of performances enforces the very idea, that a man’s merit must not go uncredited. It is the very democratic idea against discrimination, that a person ought to be awarded for actions that are caused by her performances.<sup>16</sup> The policy, under this head, not only therefore operates retrospective agencies once again, but also casts burden of “overall school performance” upon an individual student, who despite performing beyond exceptional, will be restricted to historical performance criterion.

Para 10(b) terminates any scope of improvement in a school’s performance. Not only is limiting a student’s capability in the range of +/-5 marks wrong in terms of the result, but also is promised to have an adverse mental effect on the students. Each student works twice or even more hard when he/she reaches class 12 and aims for high scores. However, if a student’s score would be based on the exams that were taken years back and the policy mentions that it could not be more than +5 or less than -5, there’s no witnessed growth among the students and they’ll be disheartened. The fact that the students who actually did work hard and didn’t get what they deserved, may even be subjected to anxiety and stress. Neither is using the school’s capability for marking the student’s capability right, nor is limiting the school’s capacity in a particular range on their past performances right.

The varied choices to schools already developed and accommodating all streams and subjects is unequal against those schools, who introduced certain subjects only a year or two years earlier. Paras 10(c) and 10(d) ensure that, no supplementary or special arrangements are made

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<sup>15</sup> A constant experienced claim of CBSE board practical exams, immortalized in stories and lived experiences of every student, of how these follies remain a challenge to fair examinations, when “outside agencies” are involved. Gaslighting through offer of sweets and food items before examiner, mutual promises for future considerations when duties interchange, discretion of head of the institution and many other factors create an example. Also, see a crude but fervid account of a student’s encounter with CBSE practical examinations: ‘Reality Of Practical Held by CBSE in All Indian CBSE Based School.’ <<https://scholarpower.blogspot.com/2019/08/reality-of-practical-held-by-cbse-in.html>> accessed 20 June 2021.

<sup>16</sup> Furlong, Andy; Cartmel, Fred (1 June 2009). Higher education and social justice. Maidenhead: Open University Press. Tett L, <‘Higher Education and Social Justice – By Andy Furlong and Fred Cartmel’ (2010) 64 Higher Education Quarterly 429>.

for such schools, again creating constrained divides for those having entered the province recently. This absence of a level-playing field for all adds to further woes of students studying in these schools.

Schools having no historical record at all have to face a more arbitrary course of action- the performance of these students to be determined based upon district, state and national averages- for which these schools aren't even answerable and responsible for. Creating further differential treatment, schools having switched boards altogether will be allowed to weigh reference year even from when the board was different earlier. The policy for approving such an arrangement is unattended and unexplained.

The obvious carefulness that comes with usage of 'averages', has not been observed at all. It is practically truthful, that averages of scores received by a smaller number of students will ab intra be greater than those schools having a greater number of students, because the per student attention and resource expenditure on less students are any day greater than schools having a greater number of students. Reduced attention is one thing, the situation draws more attention because clustered government schools (the Delhi Government schools for instance), have a huge number of students studying in them, with less probability for a good average score. Such a policy again carves preferential treatment for ivy league institutions, based on the "own performance of these schools".

Policies enshrined in Para 10(i) and Para 10(k) reveal without any doubt, a good step towards the implementation of the policy. It would ensure that no cheating is done by schools in order to improve their results. The software that would be provided to the all schools would not allow them to fiddle with the result, and to submit it only in accordance with the policy. This step, in a way, has made it easier for the assessors to tally their results. The built-in checks will help in a better execution of the policy.

Under head 11, the trust delegation is inherently critical to the one having experienced school practices. The policy states its aim of "providing autonomy and flexibility" to school committee, but in absence of any substantial safeguards, blind choice and discretion of schools, the guarantee and lens of exactitude is hard to develop, for such a practice is bound to be unfair, at some place or the other. The adverse impact that it aims to control is indeed very much probable, in light of broad, undefined and subjective parameters that the committee is premised upon.

The assessment of more than 5 subjects is very problematic. Keeping in view the fact that students opting for the 6<sup>th</sup> subject have to pay extra to pursue it, the policy's stance is not

justified. Students had monetary investments in this 6<sup>th</sup> subject and judging its scores on the basis of the best 3s is not okay. Firstly, the 6<sup>th</sup> subject might not even have anything to do with the subjects on the basis of which the marks of the former would be assessed. Secondly, as extra money was paid for the pursuance of the subject, marking it on the basis of the other subjects is not fair or reasonable.

Same goes for the subjects whose examinations were to be conducted for the first time. They will also end up getting marked on the basis of the subjects that they didn't even get a chance to study.

No safeguard is visible in the policy, in uploading of marks of students who were enrolled in a distinct board before they joined the CBSE in Class 11<sup>th</sup>. If the same is left upon chance of verification probability, it can lead to unchecked floodgates of incorrect marks being uploaded on the website. This may be a what-if theory, but the trust building mechanism anticipated from policy decisions should accommodate clear demarcation of definitions and courses, something very narrowly coming here, from a specialised body of power acting as the executive.

### **(B) Safekeeping Of The Records**

The policy presents that all the documents should be kept safe with the principal of the school and they may be called for verification by the board. This doesn't really seem to be a practical way out because given the strength of schools in India, the probability of this verification taking place is negligible.

### **(C) Data Once Uploaded**

The policy has laid down that- marks once uploaded, can not be changed in any way. This step again, appears to be problematic. The number of steps in the assessment of these exams and the criteria(s) to stick to, are lengthy and there are chances of mistakes being made. The resultant suffering of this step will be faced by the students. The policy has refused any change in the marks by any way. If a particular student's marks are mis tallied by the teacher, then the former will have to bear the brunt of it.

### **(D) Compartment Examinations**

The policy says that after the application of the criteria put forward by the CBSE, if a student doesn't qualify, then he/she would have to appear of exams whenever the conditions allow. A couple of days ago, 1,152 compartment/ private students moved to the Supreme Court against the CBSE offline exams that are intended to be held for students who appear in compartment

or 2<sup>nd</sup> chance compartment.<sup>17</sup> It is not justified to conduct exams in an offline mode only for certain students and not for others. Exposing certain students to the threat of the virus while keeping others safe is not the right way to go about it.

The suspicion also emerges out of the actions enumerated by the board against non-compliance. The policy at this stage of utmost chaos and despair for students should have an orientation that should keep students' interests in paramount consideration. Despite such a moral obligation, after students having faced the trauma of abrupt practices, in para 18, rule (c) of the policy, students will have to suffer in case the school is at fault. Withholding results in already short time, due to non-compliance of policies, can affect students in a very grave manner because the delay it can cause can cost him/her admission into higher educational institutions.

Paras 20 and 21 exhibit uncaredful homogenisation that reflects ignorance and out-of-focus arrangements for student minorities. A similar policy is laid down for those "absent from assessment" and those having "benchmark disabilities" without focussing on special needs of both individually. Committee will only do an objective assessment and no examination shall be conducted for such students. This not only denies the disabled students, their chance to perform at intermediate level, but also acts as a double-edged sword in as much as this policy can work excessively in favour of a good student or excessively against the one having a bad image in school, while no performances of either are taken into account. The goal of transparency is also hampered under such "objective assessment".

The Right To Information is further curtailed for "later analysis", for those students who were only shown their marks earlier but were not "handed over" internal exam answer sheets. Para 24 outrightly rejects any provision for photocopy of answer book or revaluation, only on the justification that such papers were already shown in schools to students. But it doesn't take into account the fact that these papers are not assessed with a 'scoring' point of view in many schools. Performance "in boards" is emphasized, and students often ignore totalling mistakes and other anomalies in the paper as these marks have no impact on annual scoresheet under normal circumstances. Denying them such information seriously infringes the conscient duty of re-evaluation in case of errors.

Para 28 gives an option to these students to appear for examinations, later, at a conducive stage if they feel unsatisfied with the results. The same is a challenging position for many reasons. The constraint of time doesn't exist for the board in alone, it lies yonder for every single person

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<sup>17</sup> 'Compartment/ Private Students Move Supreme Court against CBSE Offline Exam; Seek Parity with Regular Candidates' <<https://enalsar.informaticsglobal.com:2276/news/litigation/compartment-private-students-supreme-court-cbse-offline-exam-parity-regular-candidates>> accessed 20 June 2021.

amidst crisis. Many universities and colleges in which students seek admission seek admission right after the board results surface. The bracket of “conductive time” shall be worthless if application processes cease to exist by the time exams are conducted for those aggrieved, and the subsequent release of results even later. The University Of Delhi epitomizes one such example, this year as well.<sup>18</sup>

The world of students is not unconnected from their peers. They constantly have to listen and decide to advices and untold behavioural conditions that their friends follow. This further slays the last incentive to appear for such examinations. The fear of gamble if they “don’t score better” than the already worse, further adds to discouragement. Having no window for reevaluation this time, accompanied with no access to photocopy provisions, such an impact is specifically adversarial to girls belonging from unsupportive families, that can hasten their educational deterioration under such circumstances. Economically weak students missing admissions into central and other government universities out of the condition, are more prone to sit at home rather than giving exams again that bear no fruit. In case they still appear, “dropping” for another year casts immense social pressure and self-isolation, which makes many students languish every year into the abyss of mental issues.

### **(E) Merit List**

This is an applaudable step in this policy. As the results would be brought out through a very different manner, bringing out merit lists and making students feel inferior about themselves can prove to be disastrous. Therefore, putting a hold to this concept is the only logical way out.

## **VI. CONCLUSION**

It is worth consideration, indeed, that the policy came out in haste of judicial pronouncement, and exhibits the challenges and focus of the government away from educational sphere, relatively in time of crisis. This article, however, despite regarding venerably the mammoth efforts of the board, attempts to point out the crevices and fissures that policy decisions often develop. The impact of government policies on students might appear to be one requiring special consideration by hook or crook, to dispose attention during times of pandemic. However, these policies go a long way in impacting life and livelihood of individuals, if they are not in line with the interests of the affected communities. The times are harsh, with many people having recently suffered from the second wave of COVID-19 but in the quest to avoid further career and educational loss, it becomes an expedient choice to analyse, question and

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<sup>18</sup> ‘DU Admissions 2021 to Begin from Mid-July: VC’ (19 June 2021) <<https://www.news18.com/news/education-career/du-admissions-2021-to-begin-from-mid-july-vc-du-ac-in-3865643.html>> accessed 20 June 2021

critique the policies that are very much a part of the system that affects us and we live in. In similar consideration therefore, this analysis is done to weigh the cost-benefit analysis of a policy that came after much of a delay.<sup>19</sup> Had the government been prepared about the circumstances and had it been equipped with expedient infrastructural needs, assured for all classes of citizens, the consequences might have been better. In wake of the malady, major competitive examinations still took place last year<sup>20 21 22</sup>, and are destined to take place even in 2021.<sup>23 24</sup> But a complete denial to conduct board exams backed by arbitrary exercise of policy, has to be checked. A petition has also been passed questioning the same from the court.<sup>25</sup> The policy had its objective of ensuring many grounds fulfilled. But as we saw, it failed to account for procedural robustness and had gaps left for unfulfillment of credibility owing to multiple escape clauses and uncontrolled discretion upon schools. It stopped being unbiased when classroom realities were allowed to sneak in with the discretion of teachers. It stopped being reliable and fair when it entailed retrospective scores unaccompanied with any hope for obtaining photocopies or verification of marks and on several grounds discussed above. Transparency, a practical goal yet to be realised, as we saw, can be put at cost with the provision for “board’s approval” and “development of objective criterion” for those who were absent. The policy of the board seems to, yet again fail to recognise the neutral objective view with which it should be committed to, because the idea of practical-theory component completely ignored the difference in weightage, vocational subjects hold (fine arts, for instance). The policy’s preference to look at the decisions that favour the subjects opted by majority of students, and favour optional subject holders with “best three scores” despite the fact that these optional subjects are additionally paid for, is an issue that requires more vigorous deliberation.

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<sup>19</sup> ‘Dy CM Manish Sisodia Welcomes Formula, Questions Cancellation Delay’ (*Hindustan Times*, 18 June 2021) <<https://www.hindustantimes.com/education/news/dy-cm-manish-sisodia-welcomes-formula-questions-cancellation-delay-101624002801797.html>> accessed 20 June 2021.

<sup>20</sup> ‘JEE Mains 2020: What Students across India Said after the Exams’ (*Hindustan Times*, 1 September 2020) <<https://www.hindustantimes.com/education/jee-mains-2020-what-students-across-india-said-after-the-exams/story-QaVgmHHXXLRfNgAWt8k7QM.html>> accessed 20 June 2021.

<sup>21</sup> ‘CLAT 2020: HC Dismisses Plea for Law Exam from Home - Times of India’ <<https://timesofindia.indiatimes.com/home/education/news/clat-2020-hc-dismisses-plea-for-law-exam-from-home/articleshow/78146534.cms>> accessed 20 June 2021.

<sup>22</sup> ‘DU JAT First Merit List 2020 Released at Du.Ac.in; Check Here - Times of India’ (*The Times of India*) <<https://timesofindia.indiatimes.com/home/education/news/du-jat-first-merit-list-2020-released-at-du-ac-in-check-here/articleshow/78872335.cms>> accessed 20 June 2021.

<sup>23</sup> ‘CLAT 2021 to Be Held in Offline Mode on July 23 - Times of India’ (*The Times of India*) <<https://timesofindia.indiatimes.com/home/education/news/clat-to-be-held-in-offline-mode/articleshow/83586208.cms>> accessed 20 June 2021.

<sup>24</sup> ‘JEE Main, NEET 2021: Pending Exams Schedule to Be out Soon, Here’s What Education Ministry Said | India News | Zee News’ <<https://zeenews.india.com/education/jee-main-neet-2021-pending-exams-schedule-to-be-out-soon-heres-what-education-ministry-said-2370309.html>> accessed 20 June 2021.

<sup>25</sup> ‘“How Is 12th Exam a Threat but Not IIT JEE or CLAT?” Plea in Supreme Court Challenges CBSE, ICSE Decision to Cancel Class 12 Board Exam’ <<https://www.barandbench.com/news/litigation/plea-in-supreme-court-challenges-cbse-icse-decision-to-cancel-class-12-board-exam>> accessed 21 June 2021

Nevertheless, it is with hope and pointing out of issues akin to this policy, that changes are brought over time, something that the student community strongly hope for, in the future.

***Views, wherever exhibited, are personal.***

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