





KERALA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS

T.C. 14/2036, Vanross Junction, Kerala University P.O., Thiruvananthapuram – 34

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No. 2922/11/LA2/2017/KeSCPCR.

Date: 22-04-2017.

From

The Registrar.

To

1. **The Principal Secretary to Govt.,**
General Education Department,
Govt. Secretariat, Thiruvananthapuram.
2. **The Director of Public Instructions**
Jagathy, Thiruvananthapuram
3. **The Director,**
Higher Secondary Education,
Thiruvananthapuram.
4. **The Director,**
Vocational Higher Secondary Education,
Thiruvananthapuram.
5. **The Regional Officer,**
CBSE, LIC Building, Pattom,
Thiruvananthapuram.
6. **The Secretary,**
ICSE, Pragati House, 3rd Floor, 47-48,
Nehru Place, New Delhi – 110 019.

Sir,

Sub:- Kerala State Commission for Protection of Child Rights – Vacation classes at school during summer – Forwarding of Order – Reg.

Attention is invited to the subject cited. The Copy of Order in **CRMP No. 2922/11/LA2/2017/KeSCPCR** is forwarded herewith for necessary action and to furnish Action Taken Report within the time limit specified in the Order, since it is a statutory requirement under rule 45 of Kerala State Commission for Protection of Child Rights Rules, 2012.

Yours faithfully,



S.H. Jayakesan,
Registrar.

Copy to:- S. Jayapal,
Aradhana, Athottakkara.P.O,
Ottapalam – 679 102.



KERALA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS

(Present : Smt. Shoba Koshy, Chairperson)

Dated this the 22nd day of April, 2017

**CRMP No.: 2922/11/LA2/2017/KeSCPCR
2735/09/LA2/2017/KeSCPCR
2925/07/LA1/2017/KeSCPCR
3651/01/LA1/2017/KeSCPCR &
3061/01/LA1/2017/KeSCPCR**

Complainants :

1. Yesudas K. Thomas.
2. S. Jayapal,
Aradhana, Athottakkara.P.O,
Ottapalam – 679 102.
3. Suo motu
4. Anonymous
5. Anonymous.

Respondents :

1. The Principal Secretary to Government,
General Education Department,
Thiruvananthapuram.
2. Director of Public Instructions,
Thiruvananthapuram.
3. Director,
Higher Secondary Education,
Thiruvananthapuram.
4. Director,
Vocational Higher Secondary Education,
Thiruvananthapuram.

5. Regional Officer, CBSE,
LIC Building, Pattom, Thiruvananthapuram.

6. ICSE,
New Delhi.

ORDER

1. The 1st complainant is the parent of a high school student who raises the general issue that all students must be allowed to enjoy their two months vacation completely without any interruption. The complainant points out that even though CBSE schools schedule classes from May in a bid to cover the extensive syllabus and ensure a 100% pass rate, it denies children the opportunity to enjoy, refresh, relax, play, socialize and involve themselves in acquiring skills in activities like swimming or music and even skills that will help them in their day to day lives like ironing, cooking etc. Classes during vacations also deny children of NRI parents the opportunity to be with their families. Hence the complainant pleads for the Commission's intervention to prevent schools from having extra classes during summer vacations.
2. The 2nd complainant is the father of a child studying in Std. VIII who has pointed out that some schools are trying to conduct vacation classes during summer time, when the weather is drastically hot, in the name of improving academic progress. The complainant alleges that these schools are trying to create a new, alternate, academic culture against the existing one which provides for vacations and that this one is bound to adversely affect the growth of the student both mentally and physically. He has sought the Commission's intervention against this decision of school Managements.
3. The 3rd is a complaint taken up suo moto by the Commission, based on a report in the Madhyamam newspaper dated 19.04.2017, about private schools starting classes in the drastic heat. This report states that despite protests from parents and students and the acute water scarcity, the school managements, including those in rural areas, are going ahead with their decision to conduct classes, mainly to impress parents of newly admitted students about their commitment, and the quality of the education they offer. The news report also points out that even arrangements for drinking water to combat the heat have not been made in many schools. Therefore, parents are unhappy with this move of managements, but are afraid to complain openly for fear of its adverse fall out on their children in schools.

4. The 4th complaint is an anonymous one about the lack of adequate arrangements made in school for a camp being conducted from 9 to 5. Here the complainant states that the heat is too intense for them to be comfortable, and seeks exemption, thus pointing to the inadequacy of the arrangements for the camp.
5. The 5th complaint is from a parent of children studying in SBOA Public Senior Secondary School in Ernakulam requesting the Commission to ensure that children are allowed to enjoy their two month vacation.
6. The Commission has received numerous complaints in writing and orally, from distraught parents and children who are being subjected to summer vacations in extreme weather conditions with hardly any arrangements in place to combat the heat, such as adequate arrangements for drinking water and also water to use in toilets. Despite the recommendations of the Commission in CRMP No. 1346/01/LA1/2017/KeSCPCR dated 25.02.2017 that adequate arrangements for water should be available in any school that holds classes in summer and despite instructions being issued by some of the respondents to this effect, it is learnt that many schools are holding classes without complying with these directions. Now that it is openly acknowledged that there is a severe water crisis in the State, it needs nothing but a simple guess to understand the extent of shortage of water experienced in schools in any part of the State. Consequently, children are facing the rigours of such shortage much as schools may claim that there are adequate facilities to provide water. There is no doubt that children are being subjected to very difficult conditions in schools and the distressed complaints from children and parents alike (in some cases teachers too) are a confirmation of this situation. It is not possible for the District administration to check the status of the arrangements made in every school; it was, however, expected that schools would make some effort to comply with the directive issued about making suitable arrangements before starting vacation classes. However, instances are being reported where schools are violating the directives with impunity.
7. There is a basic issue that needs to be addressed in this context – viz. why some schools need to hold classes during vacations. Some may argue that it is to comply with the RTE norms which require a minimum number of working days to be ensured in each academic year. Many of the CBSE/ICSE schools hold classes during vacations, especially for children facing the

Board level examinations in the new academic year, on the ground that this will help them to ensure better academic success. Initially, these students were being asked to report back a month ahead of the regular opening day, viz. in the first week of May. However, over a period of time, there are instances of schools reopening for senior students within less than a week of the annual exams being over, and schools wanting even children in the 8th standard to be included in the vacation classes in order to start grooming them for the 9th standard. Going by this trend, one can expect the whole concept of vacations being challenged in the foreseeable future.

8. It is also necessary to point out that the Kerala Education Rules 1959, which is applicable to all educational institutions in the State, irrespective of the syllabus followed clearly, states in Chapter VII Rule 1 that "*All schools shall be closed for the Summer Vacation every year on the last working day of March and reopened on the first working day of June, unless otherwise notified by the Director*". Thereafter, the Director of Public Instructions issued directions vide circular numbers H4/31570/05/DPI dated 23.04.2005 and H4/31658/07/DPI dated 04.05.2007, which state that no classes should be held during vacations for students up to class 8. These circulars were made applicable to CBSE and ICSE schools also. By emphasizing the embargo only up to the 8th class, these Circulars give leeway for classes to be held for children from the 9th class onwards. Such an open ended order has created avenues for each school to creatively interpret it to their convenience, resulting in the present situation where children in class 9 onwards are being denied their vacations, having to suffer extreme weather and related conditions and being denied their basic child rights.
9. In this context, it is important to note that the numerous schools in the Public sector, including Kendriya Vidyalayas (KVs) and Navodayas, which follow the CBSE syllabus, continue to observe vacations without providing for vacation classes. All KVs and Navodaya schools follow a 50 day vacation plan.
10. The concept of vacations has always been an integral part of the education system because it was well recognized that during childhood a child must be given the opportunity not only for the formal learning received at school but also for informal learning to develop life skills, to be able to interact and socialize with others, to nurture talents that every child may have for arts, sports etc. In brief, vacations are the space given to a child to develop those skills which are essential for leading a healthy and meaningful life, and

which cannot be obtained from between the pages of a book. It is also the opportunity not just for children but for teachers to recharge their batteries, revitalize themselves, interact with their families, indulge in leisure time activities and come back refreshed to face the challenges of a new academic year, with gusto. By conducting vacation classes under very trying conditions, any academic gains that some schools may claim, are nothing in comparison to the loss that children will suffer in terms of their development as individuals, and as social beings, in some of the critical years of their lives. The UN Convention on the Rights of the Child (UNCRC) has specifically recognized the importance of children enjoying leisure, of pursuing activities that will nurture their talents and of children spending time with their families. By not giving them the vacations due to them, their schools are violating the basic tenets of Child Rights, as envisaged in the UNCRC to which India is a signatory since 20th November 1992. It is also to be noted that despite facing the same circumstances in the State, all Government schools following the State syllabus are able to ready their students at the Higher Secondary level without encroaching on their vacations; similarly in the case of schools following the CBSE syllabus, Kendriya Vidyalayas and Navodayas are in a position to groom their students adequately for the Board level examinations and the challenges ahead of them in life despite following a 50 day vacation period.

11. The Commission therefore concludes that the concerns expressed by children and parents alike about the loss of vacations are valid. All children, including children in hostels living away from their families, in whatever class they may be, must enjoy their vacations, as envisaged in the Kerala Education Rules 1959. With the intensification of the heat in summer in recent years, and water shortages looming large, every year, parameters need to be spelt out not just for vacation classes but even for arrangements for group activities, camps etc. held in schools to avoid the problems currently faced by students.
12. Accordingly, the Commission in exercise of the powers under Sec.15 of the Commissions for Protection of Child Rights Act, 2005 recommends the following:
 - (1) *Immediate orders shall be issued by the 1st Respondent to stop all vacation classes in the State in accordance with the provision in Rule 1 Chapter VII Kerala Education Rules.*

- (2) *The 1st Respondent shall examine the whole issue of vacation and classes being held during summer vacations in the context of the provisions of the Kerala Education Rules 1959 and the provisions of the UNCRC relating to basic Child Rights, and issue clear cut instructions covering all aspects of this issue, that shall be applicable to all educational institutions in the State, including those schools affiliated to the CBSE, ICSE and such other Authorities (both Aided and Unaided).*
- (3) *The 1st Respondent shall also issue clear instructions on the conduct of summer camps/workshops in schools, the maximum number of days such camps can be conducted etc. and the arrangements to be made in this regard to ensure that the present difficulties faced by children regarding drinking water, toilet facility etc. are avoided.*
- (4) *Respondents 2, 3, 4, 5 and 6 shall ensure strict compliance of the orders that will be issued by the first respondent in all the schools under them, or affiliated to them.*

The 1st respondent shall file Action Taken Report on **recommendation No. 1** within 10 days of the date of receipt of this order and in the case of the 2nd and 3rd recommendation, Action Taken Report shall be filed by the 1st respondent within thirty days, as mandated under rule 45 of the Kerala State Commission for the Protection of Child Rights Rules, 2012.



(Sd/-)
Shoba Koshy
(Chairperson)

By order

S.H. Jayakesan
Registrar