

**The Right of Children to Free and
Compulsory Education Act, 2009,
Formation of Grievances Redressal
Mechanism, under Article 32**

**Government of Maharashtra
School Education & Sports Department
Govt. Resolution No: RTE 2014/Case.No.90/S.M.1
Mantralay Vistar Bhavan, Madam Kama Road,
Hutatma Rajguru Chowk, Mumbai-400032
Dated: 21st April, 2014**

Read:

Government resolution No. RTE 2013/case No.20/P.R-1 Dated 31st December, 2013.

Introduction :

In accordance with the policy for universalization of education, the state government has established around 1 lakh primary/ secondary/higher secondary schools all over the state .. Presently, around 2 crore children (class I to class XII) are being provided education in these schools.

2 In order that students receive, socially useful quality education of global standard, the Central as well as State government have taken important decisions during the past few years as follows:

- (i) By making an amendment in the Constitution of India in the year 2002, elementary education has been made a fundamental right of all the children in the age group of 6-14 years.
- (ii) At the instance of centrally legislated “Right of Children to Free and Compulsory Education Act 2009”, it has become mandatory that all the children within the age group of 6-14 years (from class I to class VIII) are ensured free & compulsory education through neighborhood school (1 & 3 Km). In this context, the state government, as a follow up, has notified ‘Maharashtra Right of Children to Free and Compulsory Education, Rules 2011’ on 11th October, 2011.
- (iii) State government has also passed the “Maharashtra Self-financed School (Establishment & Regulation) Act 2012” with respect to opening of new school on ‘permanent no- grant principle’.

3 As per the “**2009 Act**” “school” has been defined as “any recognized school imparting elementary education (article -2(n)). As per the above definition it becomes clear, that the provisions under “2009 Act” will be fully applicable to any school (Primary/Secondary/Higher Secondary) having at least one of the classes out of class I to VIII. This principle is applicable to almost 100% schools of the state, because most of the schools providing education up to class XII have at least one class out of classes I to VIII.

4 Considering the provisions under “**2009 Act**”, provision has been made, that the following institutions shall act as ‘Local authority, for the respective geographical areas mentioned against them, vide GR dated 31st December 2013:

No.	Institution	Geographical Areas
1	Municipal Corporation	For Geographical areas under Municipal Corporation
2	Municipal Corporations / Municipal Council / Municipal Panchayat (Nagar Panchayat) / Cantonment Board	For Geographical areas under Municipal Corporations / Municipal Council/Municipal Panchayat / Cantonment Board
3	Zilla Parishad	For Rural Areas

It is necessary for the aforementioned local authorities to carry out various responsibilities for all the schools (all managements, all media / all examination boards, private aided, private un-aided etc.) under their respective jurisdiction in accordance with Article 9 of “2009 Act”

5 Apart from above, provision of competent authorities has been made, as under, to execute mandates under different articles in the “Act, 2009 for different categories of schools (All Management, All Media / All Examination Boards, Private Aided, Private Un-Aided etc.) vide Resolution dated 31st December, 2013.

No.	Areas/ Jurisdiction	School	Competent Authority
1	Municipal Corporation	All	Commissioner, Municipal Corporation
2	Rural Area	All	Chief Executive Officer, Zilla Parishad
3	Municipality / Municipal Councils / Nagar Panchayats / Cantonment Board	Self-managed schools	Chief Officers / Commanding Officer
		All other schools	Chief Executive Officer, Zilla Parishad

The above mentioned competent authorities have been entrusted with the responsibilities for effective implementation of various centrally/state sponsored schemes of student welfare being implemented through the Department of School Education and Sports (Examples : Mid-Day Meal Scheme, ICT, Sarva Shiksha Abhiyan, RMSA, Kasturba Gandhi BalikaVidyalay, Girls’ Hostel, Model Schools, schemes related to education initiated by Department of Minority Welfare etc.)

6 Under **article 31 of “2009 Act”**, constitution and duties of National and State Commission for Protection of Child Rights have been designed. Whatever is contained in article 31, provision has been made under article 32(1), for anyone, to present written complaints /grievance pertaining to Child Rights before their respective local authority. Though compliance has been made to declare local authorities and competent authorities in accordance with a government resolution dated 31st December 2013, necessity has been felt to constitute administrative level wise machinery, with a view to redress grievances regarding children’s’ right to education. The Grievances Redressal Mechanisms formulated by other states in the country were taken in to account in this regard. On this background, it was under consideration of the government to constitute three -tier Grievance Redressal Committees for Redressal of complaints received under Article 32(1) of 2009 Act.

Government Resolution:

The state government has resolved to constitute three -tier Grievance Redressal Committees to assist the local authorities and competent authorities declared vide GR dated 31st December 2013,

2. The constitution of these committees and general duties will be as follows:

(A) Block Level /Municipal Corporation area or Ward level committee

(i) Block level Committee (Rural and Municipal area)

No.	Officer	Designation
1	Block Development Officer	Chairman
2	Block Education Officer	Member Secretary
3	Senior, Extension Officer (Education)	Member
4	Representative of Chief Officer of Municipal Council in respect of A and B Grade Municipal areas	Member
5	Administrative Officer of Grievance area in the Municipal Corporation or Cluster head	Member
6	Representative of Headmasters (Nominated by BDO)	Member

(ii) Municipal Corporation Area/ Ward Level Committee :

No.	Authority Officers	Designation
1	Deputy Commissioner / Area Officer (Nominated by Commissioner, Municipal Corporation)	Chairman
2	Administrative Officer (Education), Municipal Corporation	Member secretary
3	Principal, District Institute of Education and Training	Member
4	Administrative Officer, (Municipal Corporation) from the Grievance area	Member
5	Deputy Education Officer (Secondary), Zilla Parishad	Member
6	Representatives of Headmasters (Nominated by Municipal Commissioner of Municipal Corporation)	Member

Duties of Committee:

Block / Municipal Corporation's Ward level committees will redress grievances received on matters like information on out of school children, age appropriate admissions, special training, neighborhood school, creating awareness among people, non-discrimination against children of weaker section and deprived group, availability of infrastructure facilities, improvement of quality of education, information of all children in the age group of 6 to 14 years, admission to children of weaker section and deprived groups in the 25% reserved quota, corporal punishment and mental harassment, non-discrimination on the basis of caste, sex, religion, region and language etc., not to conduct private tuitions by teachers, free amenities, completion of syllabus in time etc.

(B) District level/ Municipal Corporation level Committee

(i) District level Committee:

No.	Authority officer	Designation
1	Chief Executive Officer, Zilla Parishad	Chairman
2	Education Officer (Primary) Zilla Parishad	Member Secretary
3	Principal, District Institute of Education and Training	Member
4	Block officer of grievance area/ Administrative officer, Municipal Corporation	Member
5	Education Officer (Secondary), Zilla Parishad	Member

(ii) Municipal Corporation level Committee:

No.	Officers	Designation
1	Commissioner, Municipal Corporation	Chairman
2	Administrative Officer / Education Officer, Municipal Corporation	Member Secretary
3	Principal, District Institute of Education and Training	Member
4	Area Officer of Grievance area / Deputy Commissioner, Municipal Corporation	Member
5	Education Officer (Secondary), Zilla Parishad	Member

Duties of Committee:

In accordance with the article 12(1) (c) of Act, the committee of district /municipal corporation level will redress grievances received on matters like preparation of calendar for admission of children as well as propagation and publicity of the same, admission fee, donation process, discrimination among children, non detention of children in any primary class or removal from school, corporal punishment and mental harassment, admission without age-proof, denying admission on the vacant seats in 25% reserved quota, maintaining pupil-teacher ratio, availability of neighborhood school, learning materials, training of teachers, duties of teachers, availability of physical amenities in school etc. Besides, it will act on appeals received against decisions taken by block/ward/arealevel committees.

(C) State level Committee:

No.	Officers	Designation
1	Commissioner (Education)	Chairman
2	Director of Education (Primary)	Member Secretary
3	Director , MSCERT	Member
4	Joint Director (Primary), Directorate of Primary Education	Member

Duties of Committee:

The state level committee will redress grievances received on matters like approval of neighborhood schools, compliance of norms and standards, availability of teachers, quality education etc. Besides, it will act on the appeals received against decisions taken by District / Municipal Corporation level committees.

3 Procedure of Redressing Grievances Registered:

- (One) The grievances registered by guardian/ person authorized on behalf of children/SMC/institution through post, fax, email or in- person will be accepted in the office of the member secretary of the concerned committees.
- (Two) In the first place, the received grievance will be registered in the ‘grievance register.’ The concerned committee will develop necessary computerized system in this respect.
- (Three) The complainant will be given an acknowledgement of the grievance on the date of registration.
- (Four) A copy of the grievance with a forwarding letter will be sent to the concerned person / institution within 5 days of its receipt and only one reminder will be sent, if explanation is not received from concerned person/institution within 15 days.
- (Five) After giving an opportunity of hearing to all concerned, the committee will give a decision for appropriate action under the appropriate article of the act. A copy of the decision pertaining to the grievance will be sent to Education Officer (Primary), Zilla Parishad or Administrative Officer, Municipal Corporation, Director of Education (Primary) and also to the concerned complaining person / institution and to the person or institution about whom the complaint has been lodged,
- (Six) As per the decision of the committee, steps will be taken towards Redressal of Grievances. It will be binding on schools of all media and management under its jurisdiction to act to redress the complaint as per the decision of the committee.
- (Seven) It will be mandatory for the committee to redress the grievances received within three months of their receipt, under any circumstances.
- (Eight) It will be mandatory for the committees to take appropriate decisions within 15 days of receipt on the grievances like denial of admission to school, denial of the admission for the lack of age -proof etc.
- (Nine) As grievance is meant in the interest of children, information related to children will be kept confidential.

4 Mechanism for Appeal:

If any person is not satisfied with any decision taken against a grievance by a committee of block / ward of municipal corporation, district / Municipal Corporation or state level, s/he can appeal against that decision to the next appellate authority within 30 days. The appellate committee will arrange hearing and give decision at least within 45 days of receipt of the said appeal. Any person aggrieved by decisions of any committee can appeal to State Commission for Protection of Child Rights (SCPCR).

No.	Grievance Redressal Level	Level of Administrative Appellate Authority
1	Block / Ward level Committees in Municipal Corporation	District / Municipal Corporation Level Committee
2	District/ Municipal Corporation Level Committee	State Level Committee
3	State Level Committee	State Commission for Protection of Child Rights

5 Review of Grievance Redressal Mechanism:

- (i) With a view to create awareness regarding the formulation of such Grievance Redressal Committees, statement for information of community will be published in the local newspapers.
- (ii) Grievances / appeals received during the previous month will be reviewed at block/ward of municipal corporation in the first week of every month, at district/municipal

corporation level in second week of every month and at state level in third week of every month.

(iii) As per article 32(1) of 2009 Act, it will be mandatory for Director of Education (Primary), Maharashtra state, Pune to submit a consolidated report on grievances and appeals received and an 'action taken report' to the state government in the months of September and March of every year.

6 All Municipalities, Municipal Corporations and Zilla Parishads will establish online complaint Redressal system at their respective levels within 6 months.

7 This government resolution will be applicable to all schools (imparting education from Class I to XII (all management, all media, education boards, private aided/private unaided etc.)

This GR has been made available on the website of Government of Maharashtra at www.maharashtra.gov.in and the code number in the website is 201404211456078921. This order has been published by attesting with digital signature.

By order and on behalf of Hon'ble Governor of Maharashtra

Sd/-

(Satish Karbhari Jondhale)

Under Secretary, Govt. of Maharashtra

Copy to :

1. Secretary to Hon'ble Chief Minister,
2. Hon'ble Minister (School Education),
3. Hon'ble State Minister (School Education),
4. Private Secretaries to all Hon'ble Cabinet Ministers,
5. Private Secretaries to Hon'ble State Ministers,(all)
6. Personal Assistant to Hon'ble Chief Secretary,
7. Secretary, Department of School Education and Sports,
8. All principal Secretaries/Secretaries, Mantralaya, Mumbai,
9. All Divisional Commissioners
10. Director, Directorate of Information and Public Relations, Mantralaya, Mumbai,
11. All District Collectors,
12. All Commissioners of Municipal Corporation,
13. All Chief Executive Officers of ZillaParishad,
14. State Project Director, Maharashtra PrathmikShikshanParishad, Mumbai
15. Director Education (Primary), Maharashtra State, Pune,
16. Director Education (Secondary & Higher Secondary), Maharashtra State, Pune,
17. Director Education (Adult Education), Maharashtra State, Pune,
18. Director, Maharashtra State Education Board, Pune,
19. Director, Maharashtra State Council for Education Research and Training, Pune,
20. Director, Maharashtra State Bureau of Text Book Production and Curriculum Research Board, (Balbharti) Pune
21. Chairman, Maharashtra State Secondary and Higher Secondary Education Board, Pune,
22. All Divisional Deputy Directors (Education)
23. All Education Officers (Primary / Secondary / Adult Education)
24. All Chief Officers, Municipality/Municipal Council
25. Table S M-1 for documentation