

**GOVERNMENT OF ODISHA
SCHOOL AND MASS EDUCATION DEPARTMENT**

No. 25105 /SME dt. 1-10-12
IISME(B)-26/12

NOTIFICATION

The Right of Children to Free and Compulsory Education Act, 2009 provides for children's right to an education of equitable quality, based on principles of equity and non discrimination. In order to respond the child and to enquire into the complaint relating to child's rights provided under the Act a grievance redressal mechanism is required to be established.

Section-32 of the Act provides for redressal of grievances relating to rights of a child by the Local Authority within a period of 3 months. The Act has made Local Authority as the grievance redressal agency.

For effective implementation of the above provisions of the Act, the State Govt. do here by designate the District Inspector of Schools, as the Local Authority in respect of the elementary Schools belonging to a Education District.

The District Inspector of Schools, being the Local Authority shall have the jurisdiction in respect of responsibilities specified for Local Authority under section 9 of the Act.

The Local Authority shall perform the following functions for the purpose of redressal of grievances in conformity with the provisions under section-32 of the Act.

- a) The Local Authority shall prepare a list of legal entitlements guaranteed under the Act and make this information widely available & publicly displayed i.e. on school walls.
- b) The grievances may relate to violation of any of the provisions under the RTE Act and may be against any public office, public servant, private institution, private person or any other agency responsible directly or indirectly for the effective implementation of provisions of the Act.
- c) The Local Authority shall take into consideration the following factors while developing a procedure for registration and processing of such grievances:
 - (i) The Local Authority shall accept written complaint made by parents / authorized guardians on behalf of the child. Complaints could be sent by post, fax, e-mail, or in person. To address the grievances at various levels, the Local Authority

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may prescribe format which shall be simple and easy to understand, comprehend and furnish. However the format should not be mandatory.

- (ii) The Local Authority shall also develop a computerized system of registration of grievances, and a receipt of registration of the grievance shall be provided to the complainant instantly.
- (iii) The receipt of the registration of the grievance shall contain the date, the time frame within which the grievance would be dealt with, the contact details of the person responsible for dealing with the grievance.
- (iv) For the purpose of deciding a matter arising out of a grievance/complaint, Local Authority may cause such verification/ investigation and call for such information as it considers necessary. The investigation should be conducted involving an official of the Department senior to the one against whom the complaint is registered.
- (v) The grievances shall be decided by the Local Authority within three months of its filing, after affording adequate opportunity to both parties. i.e. the accused and the complainant of being heard. The investigation should be conducted as far as possible publicly. The decision of the Local Authority shall be a reasoned order, and shall contain the details of the Appellate Authority (OSCPDR) before whom an appeal can be preferred under section 32(3) of the RTE Act.
- (vi) In respect of grievances relating to matters of urgency, such as denial of admission, etc. the Local Authority shall dispose the matter in a shorter time. Further, in respect of grievances relating to violation of Indian Penal Code, such as violence, child abuse, corporal punishment, etc., the Local Authority may facilitate filing of FIR before the Police Authorities.
- (vii) In respect of grievance, registered before the Local Authority which require to be decided by an authority other than the Local Authority, such grievances shall be sent to the competent authority, who is empowered to decide the matter, and on receipt of such grievances the competent authority shall take steps to decide the matter expeditiously.
- (viii) The Local Authority shall maintain a record of grievances filed and decisions taken by it and will submit a periodic report to the Director Elementary Education/SPD, OPEPA. Such report shall be furnished quarterly.
- (ix) The Local Authority shall keep aside fixed days/timings for hearing grievances and for personal meetings with aggrieved parties. Such days / timings shall be put into the public domain by giving wide publicity.

- (x) The result of the investigation must be conveyed to the complaint in writing and must recommend redressal by the officer charged with providing the entitlement within a specific time frame, in line with the schedule for the redressal.
- (xi) The Local Authority shall also redress the grievances that arise from schools within the education districts which are under the control of other Departments.
- (xii) The Local Authority shall appoint a responsible officer of the S & ME Department to register grievances and issue receipts at the Block level. However, such officers shall not be the persons against whom the grievance is being registered.
- (xiii) If the Local Authority considers that it is the best interest of the complaint/ child to preserve confidentially he may not disclose the identity of the complaints.

ORDER : Ordered that the Notification shall be published in an extraordinary Issue of Odisha Gazette.

By Order of the Governor

[Signature] 1/10/12
Commissioner-cum-Secretary to Government

Memo No. 25106 /SME dt. 1-10-12

Copy forwarded to the in-charge Odisha Gazette Cell, C/o Commerce Department, Odisha Secretariat, Bhubaneswar with a request to publish the above notification in the next issue of extra ordinary Gazette and supply 500 (five hundred) copies of the Gazette to this Department.

[Signature]
Special Secretary to Govt.

Memo No. 25107 /SME dt. 1-10-12

Copy forwarded to the Chair Person Odisha State Commission for Protection of Child Rights, Qr. No.IVAA-22/5, Unit-II, Bhubaneswar for information and necessary action.

[Signature]
Special Secretary to Govt.

Memo No. 25108 /SME dt. 1-10-12

Copy forwarded to all Departments of Govt./ All Directorates under S&ME Department/SPD, OPEPA/ All DPCs, SSA / All D.I. of Schools/ All District Education Officers /All Officers /All Sections of S&ME Department / Legal Cell I & II / Computer Cell / SME Cell, Cuttack & BBSR for information and necessary action.

[Signature]
Special Secretary to Govt.