

**HARYANA GOVERNMENT
SCHOOL EDUCATION DEPARTMENT**

Order No.10/29-2010-RTE(1),Dated Panchkula, the January 20th, 2012

In exercise of the powers conferred by sub section (3) of section 31 of **The Right of Children to Free and Compulsory Education Act, 2009 (Central Act No. 35 of 2009)**, read with rule 23 of **The Haryana Right of Children to free and compulsory Education Rules-2011** and all other powers enabling him in this behalf, the Governor of Haryana is pleased to constitute Right to Education Protection Authority Haryana, hereinafter called REPA.

2. COMPOSITION:-

The Composition of REPA shall be as under:-

1	Chief Secretary, Government of Haryana	Chairperson (Ex-Officeo)
2	Financial Commissioner & Principal Secretary, School Education, Government of Haryana.	Member (Ex- Officeo)
3	Legal Remembrancer, Government of Haryana.	Member (Ex-Officeo)
4	Financial Commissioner & Principal Secretary, Women and Child Development, Government of Haryana.	Member (Ex-Officeo)
5	Financial Commissioner & Principal Secretary, Finance, Government of Haryana.	Special Invitee (Ex-Officeo)
6	Financial Commissioner & Principal Secretary, Labour, Government of Haryana	Special Invitee (Ex-Officeo)
7	One non-official person	Member (Nominated) (Non-Officeo)
8	Director Elementary Education, Haryana	Member-Secretary (Ex-Officeo)

3. TERMS AND CONDITIONS FOR THE OFFICE OF CHAIRPERSON AND OTHER MEMBERS:-

- (a) The term of nominated/non-official members shall be for a period of three years from the date on which he assumes office or till attaining the age of sixty five years whichever is earlier.
- (b) The Official members will draw Travelling Allowance & Daily Allowance from their respective Departments, whereas non-officials members shall be paid Travelling Allowance & Daily Allowance for attending the meetings of REPA, as admissible to class Ist officers of the State Government out of the budget provision of Elementary Education Department.
- (c) One non-official member from the field of Education or Child Health to be nominated by the Government.
- (d) Non-official member, if wishes to resign during his term, may in writing under his hand addressed to the Chairperson submit the resignation but he shall continue in his office till resignation is accepted.

- (e) The Govt. may remove non-official/nominated members on the recommendation of chairman at any time and may nominate another non-official member in his place.

4. FUNCTIONS AND POWERS OF REPA:-

The REPA shall perform the following functions as enunciated under the Right of children to Free and Compulsory Education Act, 2009 (in short RTE Act):-

- (a) Examine and review the safeguards for rights provided by or under the RTE Act and recommend measures for their effective implementation to the Government.
- (b) Inquire into complaints relating to Child's right to free and compulsory education; and
- (c) Take necessary steps as provided under sections 15 and 24 of the Commissions for Protection of Child Rights Act, 2005.
- (d) To hear the appeals filed under sub section 3 of section 32 of RTE Act against the order of the Local Authority.
- (e) The REPA shall, while inquiring into any matters relating to child's right to free and compulsory education under clause(c) of sub-section (1) of section 31 of the Right of Children to Free and Compulsory Education Act, 2009, shall have the same powers as assigned under sections 14 & 24 of The Commissions for Protection of Child Rights Act, 2005.

5. PROCEDURE FOR TRANSACTION OF BUSINESS:-

(i) THE APPEAL BEFORE THE REPA:-

- (a) The person aggrieved by the decision of local authority passed under sub section 2 of section 32 of the RTE Act, may file appeal directly to REPA within a sixty days of the decision of local authority.
- (b) The Appeal shall be received by the Member-Secretary of the REPA and same shall be placed by him before the REPA for the decision.
- (c) The REPA may entertain any appeal filed after sixty days of the decision if it is satisfied that delay caused in filing the appeal was beyond the control of the appellant or it is in the interest of justice to entertain the appeal after sixty days.
- (d) The REPA shall decide all the appeals after affording a reasonable opportunity of being heard to the parties concerned.

- (e) Wherever The REPA is satisfied that appeals cannot be decided without holding an enquiry in the subject matter, it shall direct any local authority or District Nodal Officer to hold the enquiry and to submit a report. However, REPA shall not mark the enquiry to the local authority, whose order is impugned in an appeal.
 - (f) After receiving the report of District Nodal Officer/ Local Authority, REPA shall decide the appeal keeping in view of the enquiry report and other documents produced before it.
- (ii) THE COMPLAINTS BEFORE THE REPA:-
- (a) The REPA may transfer any complaint placed before it, to the local authority for deciding the same under sub section 2 of section 32 of RTE Act, 2009, if the same was filed, without availing the remedy available under sub section 1 of section 31 of RTE Act. However, the REPA may decide the same at its own level, if it is satisfied that keeping in view the nature of the complaint, the same is required to be decided at its own level.
 - (b) The REPA shall decide the complaints, which are referred by the Member-Secretary /Director Elementary Education under clause 11(f) of this order, at its own level.
 - (c) The REPA may summon any complaint pending before any local authority and decide the same at its level.
 - (d) As far as possible, The REPA may follow same procedure of the appeals while entertaining complaints.
- (iii) Each member of REPA shall be competent to decide the appeals and complaints on behalf of REPA, as per allocation made by the Chairperson. The appeals or complaints so decided by the member, shall be deemed to be decided by the authority of REPA and member while deciding such appeals and complaints, may exercise all powers vested in REPA.
- (iv) The REPA shall meet at its office at such time as the Chairperson thinks fit.
- (v) All the decisions at a meeting shall be taken by majority, provided that in the case of equality of votes, the Chairperson, or in his absence the person presiding, shall have and exercise a second or casting vote.
- (vi) If for any reason, the Chairperson, is unable to attend the meeting, the senior most member present at the meeting or any Member chosen by the Members present from amongst themselves at the meeting, shall preside.
- (vii) Three members including chairperson, if present shall form the quorum at every meeting of The REPA.

- (viii) All orders and decisions of the REPA shall be authenticated by the Member-Secretary or any other officer of the REPA duly authorised by Member-Secretary in this behalf.
- (ix) If at any time, The REPA found that provision under this order are not sufficient to deal with peculiar circumstances faced by it while transacting its business, it may frame its own guidelines for the procedure to be adopted and amend the same whenever it is felt necessary for smooth conduct of its proceedings.
- (x) ENQUIRY BY DISTRICT NODAL OFFICER/LOCAL AUTHORITY.
 - (a) The District Nodal Officer or Local authority may summon and enforce the attendance of any person for examining him on oath or may direct any person to file affidavit on the subject matter within his knowledge.
 - (b) The District Nodal Officer or Local authority may also direct any school or office to produce any record or documents or its certified copy before them for purpose of completing enquiry. If any school or any office fails to produce the required record, they may report in this regard to the Member-Secretary , who shall direct the concerned office or school to produce the required document immediately before District Nodal Officer or Local authority as the case may be.
 - (c) The District Nodal Officer or Local authority shall submit the detailed enquiry report along with all the record of enquiry to the Member-Secretary and it shall be placed before the REPA by him along with the record for further proceeding.

6. The Member-Secretary shall exercise and discharge all functions in regard to day to day administration, expenditure and working of the authority which may include steps for convening meetings, circulation of agenda, implementation of decisions taken by the authority and all such powers and functions as entrusted and delegated by the Chairperson.

7. HEADQUARTER:-

The Headquarter of the authority shall be at Chandigarh or at any other place as decided by the Government. The authority may hold its meetings at place/places as decided by the Chairperson.

8. SUPPORTING MECHANISM FOR FUNCTIONING:-

The REPA shall draw up a detailed supporting Mechanism for its efficient functioning and submit the same for the approval of the State Government. Necessary manpower and expenditure on account of working of the authority for the supporting mechanism so drawn, shall be provided by the Department of School Education and Haryana School Shiksha Pariyojna Parishad, Panchkula.

9. CONSTITUTION OF GRIEVANCES REDRESSAL CELLS:-

Pending creation of supporting mechanism as provided under clause 8. The following structure with requisite manpower for the redressal of grievances, under RTE Act shall be immediately constituted:-

(i). STATE LEVEL GRIEVANCES REDRESSAL CELL:

A State Level grievances redressal cell consisting of following shall be constituted as under:-

- (a) State Nodal Officer- One
- (b) Assistant District Attorney - One
- (c) Programme Officers - Two
- (d) Reader-One (Reader shall record the proceeding of REPA and tender Secretarial assistance to the REPA).
- (e) Assistants for managing the work of REPA Grievance Cell- Four
- (f) Data Entry Operators-cum-Record keeper- Four
- (g) A representative from a reputed NGO with the approval of Chairperson of REPA-One
- (h) Peon- Two.

(ii) DISTRICT LEVEL GRIEVANCES REDRESSAL CELL:-

There shall be a district level grievances redressal cell for every district of Haryana consisting of following Staff:-

- (a) District Nodal Officer- District Elementary Education Officer of the District shall be Ex-officeo designated as District Nodal Officer.
- (b) Additional District Nodal Officer- One (A lecturer of school cadre shall be deputed in his own pay scale at this post).
- (c) Data Entry Operator-cum-record keeper-One

(iii) The Department of Elementary, Secondary Education/ Haryana School Shiksha Pariyojna Parishad shall provide necessary manpower, expenses and necessary equipment for putting up the above structure in place with immediate effect.

(iv) The Member-Secretary of REPA/DEE may depute any official in the above cells for its working and may increase/decrease the number of officials of these cells as required from time to time.

10. FUNCTIONS OF GRIEVANCES REMOVAL CELLS:-

(i) The State Grievances Cell shall perform the following functions:-

- (a) To provide necessary guidance to the aggrieved persons.
- (b) To monitor the progress of the complaints received.
- (c) To make the all out efforts to redress the grievances of the complainants.
- (d) To tender assistance and ancillary help to REPA.
- (e) Any other work as assigned by the Member-Secretary , REPA.

(ii) Function Of District Grievances Removal Cell:-

- (a) To provide necessary guidance to the aggrieved persons.
- (b) To monitor the progress of the complaints received.
- (c) To make the all out efforts to redress the grievances of the complainants
- (d) To conduct enquiry as directed by REPA and submit the report accordingly.
- (e) Any other work as assigned by the Member-Secretary , REPA in relation to removal of grievances.

The Member-Secretary REPA may issue guidelines/instructions to these cells for the disposal of matters connected with redressal of grievances. All the District Grievances Removal Cells and the State Grievances Removal Cell shall work under the direct superintendence/control of Member-Secretary REPA.

11. PROCEDURE FOR REMOVAL OF GRIEVANCES.

- (a) The aggrieved person shall be entitled to file written complaint addressed to the Member-Secretary of concerned School Management Committee (SMC) with a copy to the District Nodal Officer.
- (b) The Head of institution/Member-Secretary SMC would redress the grievance if competent to do so at his own level and inform the complainant under intimation to the District Nodal Officer, otherwise he shall submit report with his comments to the District Nodal Officer.
- (c) The District Nodal Officer (DNO) shall take all necessary steps to get the redressal of grievances of the complainant from the Competent Authority at district level. The concerned authority shall be duty bound to redress the grievance of the complainant at their own level subject to competency.
- (d) If the competent authority does not respond or the complainant is not satisfied at district level, the District Nodal Officer shall send a detailed report with his comments along with record, to the State Grievances Removal Cell for the redressal of grievance of the complainant.
- (e) The State Cell, shall examine the complaint and take all necessary steps for redressal of such grievance.
- (f) If grievance of complainant could not be redressed or complainant is not satisfied with the action taken, the Member-Secretary , REPA shall put up the complaint before the REPA for decision.

12. Any person having any grievances relating to the right of a child under RTE Act, may also make a written complaint to the local authority having jurisdiction under Section 32(1) of the RTE Act.

13. PROCEEDINGS NOT TO BE INVALIDATES ON ACCOUNT OF VACANCY ETC.

No act, order or proceeding of the Authority shall be invalidated merely due to:-

- (d) Any vacancy in , or any defect in the Constitution of the Authority; or
- (e) Any defect in the appointment of a person as the Chairperson or a Member; or
- (f) Any irregularity in the procedure of the Authority not affecting the merit of the case.

14. ANNUAL REPORTS:-

The authority shall prepare annual report and special reports if required and submit the same to the State Government.

SURINA RAJAN
Financial Commissioner & Principal Secretary
to Govt. Haryana, School Education Department,
Chandigarh.

Endst. No. Even

Dated, Panchkula, the 24.01.2012

A copy of the Order No.10/29-2010-RTE(1) dated 20.01.2012 is hereby forwarded to the following for information and necessary action:-

1. The Chief Secretary, Haryana, Chandigarh.
2. The Financial Commissioner & Principal Secretary to Govt. Haryana, Finance Department, Chandigarh.
3. The Financial Commissioner & Principal Secretary to Govt. Haryana, Women & Child Development, Chandigarh.
4. The Financial Commissioner & Principal Secretary to Govt. Haryana, Labour Department, Chandigarh.
5. The Financial Commissioner & Principal Secretary to Govt. Haryana, School Education Department, Chandigarh.
6. The Legal Remebrancer & Secretary to Govt. Haryana, Law & Legislative Department, Chandigarh.
7. Professor Khazan Singh, Head of the Sociology Department, MDU, Rohtak (Nominated Member).
8. The Director, School Education, Haryana, Panchkula.


Joint Secretary Elementary Education,
for Financial Commissioner & Principal Secretary
to Govt. Haryana, School Education Department,
Chandigarh.