

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
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Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated
25.9.97

Date of hearing: 10.06.2020

Complainant : Smt. Rajni – Present.

Respondent : The Director,
Dte.of Education, GNCTD.
Through Sh. Satpal Singh,DDE(SWB1)

Ms.Jayati Kapoor,
HOS/Vice-Principal, Sarvodaya Kanya Vidyalaya,
Samalkha, New Delhi. - Present.

Grievance No. : PGC/2019/Annx-II/Edn./36/

1. Brief facts of the complaint

1.1 Smt. Rajni has filed a grievance petition before Public Grievances Commission aggrieved by atrocities on her daughter, Ms. Tannu, a student of Class-IX, Sarvodaya Kanya Vidyalaya, Samalkha, by way of repeated humiliation, derogatory behaviour, casteist slurs, verbal abuse, physical assault and targeting a community by Ms. Renu Dagar, the Class Teacher. She has requested for Commission's intervention in the matter for protection, granting permission for attending the School in respect of her child and also action against the said teacher and the School Authorities.

2. Facts emerged during the proceedings.

2.1 Shri Satpal Singh, Dy.Director of Education(SWB1), GNCT of Delhi, filed an action taken report. It is stated that the "*Office of DDE, Zone-21, South-West B requested the Department of Welfare for SC/ST/OBC, GNCT of Delhi vide letter No. 371 dated 13.03.2020 to nominate one member from their department to get the enquiry conducted as per directions of PGC. Deputy Director(PG), Deptt.of Welfare of SC/ST/OBC, GNCT of Delhi, vide letter dated 04.06.2020 has informed "that this case was also heard in NCSC and after due deliberations it has been closed as intimated to by Research Officer, NCSC vide letter No.Delhi/31/2019-APCR dated 25/02/2020.*

Deputy Director(PG), Deptt.of Welfare for SC/ST/OBC, GNCT of Delhi has further submitted that this case does not come under the ambit of SC/ST(POA) Act, 1989. Moreover, it is for the investigating agency to find

out whether circumstances warrant invocation of provision of SC/ST/POA Act, 1989.

Further, as per direction of PGC, the student, Ms. Tannu was asked to attend the school regularly. However, Ms. Tannu did not attend the school from 13/02/2020 to 15/02/2020. There was ICT(Computer) Internal Test held on 14.02.2020 for 9th class for which she did not appear. She came to school only on 17.02.2020 which was a preparatory holiday of the concerned class i.e. 9th. Examination in-charge informed her date sheet for the coming examination and Ms.Tannu, student took the exam from 20/02/2020 to 16/03/2020. Further, she was given one more opportunity to attempt the ICT exam on 13.03.2020 and she attempted the same.”

It was again reassured that the child, Ms. Tannu, student of 9th Class at GGSSS, Samalka(1821280) is being provided all feasible support.

The Dy.Director of Education also informed that though a Inquiry Committee has been constituted to look into the case, the Department of SC/ST/OBC, GNCTD has not deputed any Member to complete the quorum for conducting and concluding the inquiry. He further informed that neither the Education Department nor the School Authorities is in possession of Caste Certificate of the complainant's daughter.

2.2 None present on behalf of the Deptt.for the Welfare of SC/ST/OBC and Minorities, GNCT of Delhi. However, a letter dated 17.03.2020 addressed to Dy.Commissioner of Police (South West) and endorsed to PGC is on record. It has been stated therein that *“Since Department of Welfare of SC/ST/OBC is Nodal Department under the SC/ST(POA) Act, 1989, hence the matter is referred to you with the request to look into the matter and to send the action taken report in the format of NCSC directly to Sh. A.P. Gautam, Research Officer-APCR, National Commission for Scheduled Castes, 5th Floor, Loknaya Bhawan, Khan Market, New Delhi, under intimation to this Department so that further necessary action may be initiated by this Office.”*

2.3 The complainant along with her daughter (Ms. Tannu) is present. She produced the Caste Certificate before the Commission as directed. The daughter of the complainant present stated that earlier she was humiliated by the faculty member of the School for becoming overage (18 years) and for not being able to complete her schooling in time. She further alleged that she was suggested to drop out and complete her education through open schooling. However, when enquired by the Commission, she informed that she was allowed to take her 09th standard final exams by the School Authorities. She is also being properly guided and helped in pursuing her on-line classes. It is further stated by her that

she is satisfied with the conduct of the School Authorities now and has not reported any incident of misbehavior or discrimination with her or her family members. She also informed that she has got compartment in three subjects and will soon reappear again to clear her exams. She also requested the Commission to direct the School Authorities not to harass her in any manner in future. The representative of the Rashtriya Janadhikar Party, present also expressed his satisfaction and thanked the Commission for taking prompt cognizance, passing effective directions and expeditious redressal of the grievances of the complainant.

2.4 The Commission though not satisfied with the action taken and initiative taken by the Department of SC/ST/OBC and Minorities against the School Authorities put the matter to rest on the ground that the complainant's daughter (Ms. Tannu) has now no grievance against the School Authorities and she is being supported and guided well by the Education Department as well as the School Authorities. However, the Department of SC/ST/OBC should have kept in mind the provisions of Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act as recent judgment of Hon'ble Supreme Court of India has held that on mere casteist slur, an FIR can be registered. The SC/ST Department, which is committed to improve the quality of life of SC/ST communities and safeguard their interests should have taken cognizance of the grievance of the complainant to protect her from exploitation/discrimination and should have passed appropriate directions *suo moto* against the erring officials. They should have deputed a Member in the Inquiry Committee constituted by the Education Department, GNCT of Delhi to look into the allegations levelled by the complainant. Instead they closed the case. The Commission feels that the whole purpose of constitution of a Committee by the Education Department was defeated as the right of the minority was not protected.

The Commission is also of the view that though the Constitution provides for protection of SC/ST people, yet their struggle for equality is still not over. They still face untouchability, abuse and are socially outcast and subject to discrimination.

2.5 Further, the daughter of the complainant is now advised to pursue her studies sincerely, clear her exams, maintain complete attendance. She is also advised to approach the Commission as well as Deptt. of SC/ST/OBC, GNCT of Delhi in case of any discrimination or misbehaviour by the School Authorities in future. She is further advised to contact the Dy. Director of Education, (SWB1) in case of any discrimination or harassment by the School Authorities in the instant matter. The Principal of the School is advised to personally ensure that the

complainant's daughter should get all support and guidance from the school in completing her studies and is not discriminated, harassed or abused in any manner in future. She is also advised not to give unnecessary and useless suggestions to the students with regard to their schooling as that would demoralize them to a great extent in their future life.

3. Directions :

3.1 Director (Education), GNCT of Delhi, is requested to ensure that the complainant's daughter do not face any discrimination or harassment from the School Authorities in future and is able to complete her studies in a prestigious manner like all other students. It shall be ensured that official or faculty member should desist from any act of discrimination against student from SC/ST on grounds of their social origin. The officials should be more sensitive while dealing with such complaints. Strict legal action should be taken against erring officials/perpetrators immediately so that others get a lesson and such cases do not recur. The Department should also form a Committee to look into these complaints.

3.2 Pr.Secretary, Deptt.of SC/ST/OBC, GNCT of Delhi, is requested to take immediate action if such issues of discrimination and harassment are reported to them. Strict legal and disciplinary action be initiated *suo moto* against the perpetrators./erring officials. Assistance and cooperation should also be provided to other departments in prompt redressal of such grievances.

3.3 Dy.Director of Education (SWB1), GNCT of Delhi shall personally monitor the case and ensure all support to the complainant's daughter in completing her studies in School. He shall also monitor the activities of the School Authorities and take strict action in case of any violation of rules.

3.4 With the above directions, the case of the complainant is disposed in the Commission.

(MRS. MADHU SHARAN)
MEMBER

No.PGC/2019/Annx-II/Edn./36/

Dated:

1. The Secretary(Education), Govt.of NCT of Delhi, R.No.6, Old Secretariat, Delhi-110054.
2. The Director, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
3. Pr.Secretary, Deptt.of Welfare for SC/ST/OBC, GNCT of Delhi, B-Block, 2nd Floor, Vikas Bhawan, I.P.Estate, New Delhi.

4. The Special.Director of Education(HQ)/Nodal Officer, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
5. The Dy.Director of Education, District South West B-1 (Zone-21), GNCT of Delhi, District South West B-1, Najafgarh, New Delhi-110043.
6. Head of School, Govt. Girls Sr. Secondary School (ID No.1821280) Samalkha, New Delhi-110037.
7. Smt. Rajni.
8. Shri Raghunath Chauhan