

# RTE Grievance Redress in Karnataka

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Scholarly debates on the right to education in India have primarily focused on examining the content of the right while paying little attention to the institutions enforcing it. A study of the rules under the Right to Education Act in Karnataka shows that there are a multitude of authorities which perform grievance redress functions with overlapping jurisdictions. The rules create a parallel, informal grievance redress system that primarily comprises officials against whom grievances may arise.

A common refrain in India is that our statutory welfare rights suffer from weak implementation, monitoring and enforcement (Aiyar 2012 and 2013; Panagariya 2013). Despite this, we seldom pay attention to the role of grievance redress mechanisms in the enforcement of these rights. While a few studies have highlighted the role of social audits in social enforcement of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) (Aiyar and Samji 2009; Shankar 2010), there is a serious lack of scholarly attention to the enforcement of the Right to Education (RTE) Act (hereafter, the Act). Recent scholarly debates on the right to education in India have primarily focused on examining the content of the right (Ramachandran 2009; Sadgopal 2010 and 2011; Aiyar 2012; Mehta 2012; Krishnaswamy and Iyengar 2012; Sabherwal 2012), paying little attention to the institutions enforcing it. In this article we respond to this lack of academic attention to this important area of law and policy. We show that the official mechanisms for grievance redress under the RTE in Karnataka are poorly developed and perplexing, and that substantial efforts need to be directed towards revamping existing institutions and processes to achieve significant results.

## An Overview

Mashaw (2006) distinguishes between three forms of accountability in public governance: administrative, legal and political. In addition to these individual forms of accountability, social accountability, which entails monitoring, exposing wrongdoing, etc (Joshi 2008) through collective action, is also gaining ground in enforcing social welfare delivery. This is evident particularly in the case of the MGNREGA. Though the grievance redress

system under the RTE provides space for all these different forms of accountabilities, it primarily assumes the shape of administrative accountability which by nature is hierarchical, managerial and continuous.

**Typology of Grievances under the RTE:** Section 9 of the Act directs local authorities<sup>1</sup> to implement it. Additionally, Section 32 mandates local authorities to also perform grievance redress functions. A complaint may be filed against any public official or private person responsible for implementing the Act. Grievances under the Act may relate to bureaucratic non-performance,<sup>2</sup> impediments in access to schools,<sup>3</sup> non-performance of teachers,<sup>4</sup> school management committees (SMCs),<sup>5</sup> non-compliance with regulatory standards<sup>6</sup> and violation of child rights through punishment and harassment,<sup>7</sup> expulsion and detention,<sup>8</sup> and denial of admission.<sup>9</sup> Types of grievances are, therefore, not limited to those against government officials alone, and may arise against any stakeholder who is obligated under the Act.

**Legislations Governing RTE Grievance Redress:** The Act and the Commissions for Protection of Child Rights (CPCR) Act, 2005 provide the institutional and legal framework for RTE grievance redress in India.<sup>10</sup> The RTE Act designates the National Commission for Protection of Child Rights (NCPCR) as the national level monitoring authority and the State Commissions for Protection of Child Rights (SCPCR) as the state level monitoring authority.<sup>11</sup> As monitoring bodies, the commissions are expected to examine the prevalent safeguards for rights under the Act, inquire into complaints relating to a child's right to education and take necessary steps.<sup>12</sup> Furthermore, SCPCRs are also responsible for acting as appellate grievance redress bodies under the Act.<sup>13</sup> In order to avoid duplicity of institutions monitoring child rights, the Act identifies these authorities for the aforesaid functions.

Section 32 also provides that the "local authority" is the first level grievance redress officer. It is vested with the functions of enforcing the right, i e,

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resolving complaints and addressing violations of the right to education. This authority is bound to resolve complaints by hearing both parties and within three months from the date of complaint. The Act encourages only written complaints.

In 2012, the Ministry of Human Resource Development (MHRD) issued an advisory<sup>14</sup> to clarify that the local authorities under Sections 9 and 32 of the Act need to be kept separate, as most of the grievances would arise against authorities implementing Section 9. According to the advisory, a grievance may arise as a result of a violation of any provision of the Act. It recommends that all state governments should identify grievance redress institutions at the village, block, mandal and district levels as “local authorities”. The local authority must resolve a complaint within a period of three months, upon which the complainant can appeal to the SCPCR.

### Institutional Arrangements

The Karnataka state government acting under the Act has designated a host of authorities for its implementation. Under the Karnataka RTE rules, the block education officer (BEO), chief executive officer of the zilla panchayat (CEO-ZP) and the deputy director of public instruction (DDPI) are

primarily responsible for implementing the Act under Section 9. In addition to this, schools, teachers and school development and management committees<sup>15</sup> (SDMCS) are also responsible for its implementation. It is interesting to note that the Karnataka RTE rules do not define the term “local authority” as defined under the Act;<sup>16</sup> however, the rules vest functions to implement the act in various officials under the education bureaucracy.<sup>17</sup> In addition to these authorities, the Karnataka state government, through a notification issued in July 2012 and a government order (GO) of September 2013, identified different local authorities for grievance redress. Moreover, the Karnataka rules vest functions that are similar to those of grievance redress in the BEOs, DDPI and CEO-ZP. Consequently, any person aggrieved under the Act has the option of approaching a multitude of bodies.

**‘Local Authorities’ in Karnataka:** Table 1 maps the various institutions that are empowered to act as grievance redress authorities for the violation of the Act in Karnataka.

As Table 1 indicates in Karnataka there are a multitude of authorities which perform grievance redress functions and many of these have overlapping jurisdictions.

This leads to a series of problems, a few of which are illustrated here.

First, the existence of multiple authorities with overlapping jurisdictions does not provide clarity to the complainant on which of these forums can be approached. To elaborate, the District Level Education Regulating Authority (DLERA) is vested with grievance redress functions that cover all provisions of the Act. Further, the social justice committees (SJC) are empowered to redress grievances against any local authority for not performing functions under Section 9, these functions almost cover the length and breadth of the Act.<sup>18</sup> A complainant may approach either authority, and, may do so simultaneously. Neither the notification nor the GO clarifies whether the DLERA’s decision will prevail over that of the SJC, or vice versa.

Second, the Karnataka RTE rules vest powers similar to grievance redress in the CEO-ZP and the DDPI but do not formally designate them as “local authorities”. They articulate the nature of their authority to resolve complaints through inquiries and sanctions. Anecdotal evidence reveals that the BEO is the most sought after official to look into complaints under the Act, however, the forwarding of these complaints to the relevant DLERA or SJC is yet to happen. Moreover, while the

**Table 1: Institutions Acting as First Level Grievance Redress Authorities in Karnataka**

Institution	Source of Authority	Composition	Jurisdiction & Powers
District Level Education Regulation Authority (DLERA)	Government Notification, July 2012	Deputy district commissioner, the CEO-ZP, executive engineer ZP, deputy director for pre-university education and DDPI.	Empowered to look into all grievances arising under the Act. Orders of the DLERA are binding on the CEO-ZP, DDPI and BEO.
Social Justice Committee (SJC) of Taluk Panchayat, Zilla Panchayat and Municipal Corporation	Government Order, September 2013	Typically 3-5 members mandatorily comprising president of the taluk panchayat or the zilla panchayat, one female member and one member belonging to a scheduled caste or scheduled tribe.	Empowered to redress grievances arising under selective provisions of the Act. No clarity on whether they can issue binding orders or if the authorities are bound by their orders.
CEO-ZP	Karnataka RTE Rules, April 2012		Officially identified as “local authority” for other functions but not as “local authority” under Section 32 for grievance redress. Also, vested with residuary functions under the Karnataka RTE Rules. The CEO-ZP is empowered to issue orders on violation of any provisions of the RTE Act or Karnataka Rules. Orders of the DLERA and the Social Justice Committee are binding on the CEO-ZP. Orders of the CEO-ZP are binding on the BEO and DDPI. BEO and DDPI are empowered to address violations of any provisions of the RTE Act or Karnataka Rules and report to the CEO-ZP. Orders of the DLERA and CEO-ZP are binding on the DDPI. DDPI’s Orders are binding on the BEO.
DDPI	Karnataka RTE Rules, April 2012		
BEO	Karnataka RTE Rules, April 2012		

notification explicitly binds CEO-ZP, BEOS and DDPIs to execute the order of the DLERA, the relationship between the social justice committees and the education bureaucracy is unclear. The rules create a parallel, informal<sup>19</sup> grievance redress system that primarily comprises officials against whom grievances may arise.

Third, the formal grievance redress system under the notification and the GO is severely tainted by conflicts of interest. To elaborate, the DDPI and the CEO-ZP are not only vested with implicit grievance redress functions under the Karnataka RTE Rules, but they are also members of the DLERA. There is no explicit mention of the roles these officials play in the working of the DLERA. Despite the fact that the CEO-ZP and the DDPI are bound by the decisions of the DLERA, their independent powers to address complaints make them capable of influencing the decisions of the DLERA. The existing system allows these officials to play an instrumental role in making decisions at the DLERA for complaints that may arise against their own actions. This relegates the grievance redress system to one that is destined to make a complainant apprehensive about approaching it.

Fourth, the deputy district commissioner, an official who performs several key administrative, revenue and magisterial functions, heads the DLERA. Even the CEO-ZP and SJsCs perform several other functions that are not related to education alone. This leaves little time for these authorities to effectively address complaints under the Act.

Fifth, one knows little about what kind of complaints are coming in or how they are being processed. There are no means to check pendency of complaints in this system as all authorities are empowered to deal with most types of violations. Violations could range from minor issues such as unavailability of uniforms to grievous violations such as denial of admissions or physical abuse. This may lead to a situation where local authorities at any level may be burdened with every form of grievance, thus leading to inordinate delays in resolving complaints.

There is a need to revise these instruments in order to create a more meaningful and accessible grievance redress

system. To start with, the government may consider clarifying jurisdictions of various authorities, instituting mechanisms to channel complaints through the formal grievance redress system and demarcating the specific of grievances to be resolved by different authorities.

**The Karnataka SCPCR:** The SCPCR as already mentioned is established under the Commissions for Protection of Child Rights (CPCR) Act, 2005. The women and child development department of the state government appoints its members. Empowering commissions that fall outside the MHRD's jurisdiction to monitor implementation of the RTE Act keep the grievance redress system independent of the education bureaucracy. However, the nature and effectiveness of this body requires further examination.<sup>20</sup> We acknowledge that the NCPCR has also engaged in resolving complaints under the RTE Act, however, we limit ourselves to focus on the role of the SCPCR in this article.

**Jurisdiction of the SCPCR:** The commissions are established under the CPCR Act<sup>21</sup> and are broadly responsible for the protection of child rights.<sup>22</sup> Moreover, all procedures for operation and specific powers and functions for grievance redress and monitoring under the Act<sup>23</sup> are largely related to their functions under the CPCR Act. Under the CPCR Act, the commissions are independently empowered to inquire into complaints on violations of child rights; the Act therefore, only adds a right to the commissions' existing mandate. However, it is important to note that the Act does not clearly demarcate and define the monitoring and grievance redress functions of the commissions.

Additionally, the Act empowers the SCPCR to act as an appellate grievance redress body. In the event a complainant is aggrieved by the decision of the local authority, she may appeal to the SCPCR for redress. These provisions lead to a situation where the SCPCRs have both original and appellate jurisdictions for redressing violations on the right to education; therefore a complainant may directly approach the SCPCR or may do so by an appeal.

The Karnataka SCPCR<sup>24</sup> it is the appellate authority for grievance redress under the RTE Act. The Karnataka SCPCR comprises of seven members, including the chairperson, who have expertise in the area of child rights. Additionally, it is also provided with administrative and accounting staff. The Karnataka SCPCR Rules, 2010 also mandate a complaint management system that requires the commission to maintain records of complaints and action taken reports.

As mentioned above, the Karnataka SCPCR is empowered to inquire into all violations of child rights. In this regard, the SCPCR is empowered to make recommendations, recommend compensation and to litigate when required.<sup>25</sup> It is imperative to note that the SCPCR cannot enforce its recommendations on the state government or compel it to act on them.

#### **Two Years of RTE Grievance Redress:**

In the last two years, the Karnataka SCPCR has not received any formal appeals filed against the order of any local authority; all complaints have been directly filed before the Karnataka SCPCR. A dominant percentage of these cases are reported from Bangalore city, thus indicating a clear urban bias even though the crying need is at the rural level where awareness is low. Moreover, since no time limit has been imposed on the Karnataka SCPCR to resolve complaints related to the RTE Act, the average time taken by it to resolve a complaint is a minimum of two months. Finally the limited powers of the commission allow it to only make recommendations and hence, it cannot guarantee bureaucratic performance.

Being devoid of any legal authority, the Karnataka SCPCR is taking recourse to popular mechanisms such as conducting public hearings. The commission conducted its first RTE public hearing in September 2013 in Bangalore where 32 cases were heard and disposed off. While the process was intended to heighten awareness and redress grievances, the exercise resulted merely in public reprimand of schools without any penalties and misapplication of the law in a few instances.<sup>26</sup> Hence, there is a need to carefully evaluate the effectiveness of such processes that take recourse to

popular legality in the context of rights enforcement (Gauri 2013: 112).

### Other Mechanisms

**Social Accountability:** Apart from the administrative form of accountability discussed above, social accountability is envisaged in the Act through SDMCs. The SDMC that comprises parents, local authorities, teachers, two students and the head teacher of a school, acts as the primary unit of social accountability under the Act.<sup>27</sup> The SDMCs have the primary responsibility of monitoring the implementation of norms and standards in the school, preparing the school development plan, monitoring utilisation of grants, etc. Any tangible outcomes of the SDMCs' functions are dependent on the amount of grants received by the school.<sup>28</sup> In addition to these functions, the Karnataka RTE rules assign the SDMCs with the additional responsibility of addressing grievances of teachers<sup>29</sup> and monitoring cases of corporal punishment, mental harassment and discrimination.<sup>30</sup> However, this institution is only available in government and aided schools, thus leaving a large section of unaided schools outside the ambit of any form of monitoring by them. Even where they are available, the SDMCs do not have any powers to enforce bureaucratic action.

**Legal Accountability:** Above all, the judiciary acts as a parallel mechanism for rights enforcement where "judicial officials have the power to penalise government officials for clear illegalities and are created to be more impartial than other redress options" (Robinson 2013: 20). The Supreme Court<sup>31</sup> and high courts<sup>32</sup> at the state level are empowered to adjudicate upon cases involving violation of fundamental rights. These courts can enforce fundamental rights by issuing writs that can compel the state to take action on violations of fundamental rights.<sup>33</sup> The Karnataka High Court has witnessed a surge in RTE-related litigation in the form of public interest litigations (PILs)<sup>34</sup> and the Supreme Court has been adjudicating upon the constitutional validity of the Act<sup>35</sup> and also emphasising its implementation.<sup>36</sup>

Additionally, lower courts are not specifically barred from adjudicating upon

cases under the Act.<sup>37</sup> Ordinarily, these courts do not adjudicate upon cases that involve infringement or enforcement of fundamental rights. However, the right to education raises a new legal question as it imposes positive obligations upon the state to implement the right through a statute.<sup>38</sup> It appears that complainants may approach lower courts for injunctive relief under the Specific Relief Act, 1963. Under this law, courts are empowered to issue different types of injunctive reliefs<sup>39</sup> to compel performance of obligations<sup>40</sup> under any law.<sup>41</sup> Civil courts are empowered to issue temporary,<sup>42</sup> perpetual,<sup>43</sup> mandatory<sup>44</sup> and prohibitive<sup>45</sup> injunctions under this law.

The existence of a statutory obligation and the competence of the court to enforce the obligation are prerequisites for issuing mandatory injunctions under the Specific Relief Act, 1963 (Pollock and Mulla 2011: 2893). Complainants may approach the civil courts for injunctive relief, particularly perpetual injunctions, only if there is no "equally efficacious relief" available under the relevant statute.<sup>46</sup> In the context of the Act, it appears that a complainant has an alternative relief available under Section 32. However, the existing system marred by severe conflicts of interest, and the Karnataka SCPCR's recommendations which cannot compel bureaucratic action to enforce the right render the system incapable of enforcing the right effectively. This may necessitate the courts to question the efficaciousness of the grievance redress system and open their doors to prospective complainants seeking rights enforcement.

### Conclusions

The hallmark of recent statutory rights to welfare such as education, work and food is that they create binding obligations on the state to deliver these rights. A meaningful shift from political to legal accountability however, can be achieved through increased awareness, provisions for assistance to communities' complaints and responsive institutional structures. A preliminary examination of the institutional design and performance of the Karnataka grievance redress system under RTE reveals that it is far from providing any of these conditions, as a

result of which, legal accountability has not taken off.

The Karnataka RTE rules and other policy documents have contributed towards creating a web of "local authorities" with unclear and overlapping jurisdictions. Though the system provides for multiple entry points for a complainant, it increases the chance of red tape and delays and does little to raise awareness or provide any space for social mobilisation. While the original jurisdiction of the Karnataka SCPCR seems to be popular, its appellate authority has been non-functional. Vested with only recommendatory powers, the Karnataka SCPCR is taking recourse to populist processes such as the recently conducted RTE public hearing which has no legal sanction whatsoever. With faltering administrative accountability, many complainants still find themselves with unresolved grievances and are tending to take recourse to political and even "rude" forms of accountability.

In light of these issues, it is imperative that the state provides a well-developed matrix of authorities for grievance redress with clearly defined appellate structures and powers.<sup>47</sup> It may even be useful to conceptualise a one-stop window for handling all complaints relating to RTE through technology-enabled service delivery mechanisms such as the Sakala Mission. This would save citizens from the difficulties of having to navigate through the bureaucratic labyrinth that delay enforcement. Moreover, for the Karnataka SCPCR to act as a credible original or appellate authority, it may be beneficial to amend the SCPCR Act in order to revamp its membership design and substantially increase its powers and authority in ways that can enforce bureaucratic action and enforce sanctions against schools. Alternatively, courts have to be imagined as an important institution for rights enforcement. This includes not only the role of high courts but also that of lower courts in enforcing the right to education.

### NOTES

1 Section 2 (h) of the RTE Act defines a "local authority" as "a Municipal Corporation or Municipal Council or Zilla Parishad or Nagar Panchayat or Panchayat, by whatever name called, and includes such other authority or body having administrative control over the school or empowered by or under any law for the time being in force to function as a local authority in any city, town or village".

- 2 Section 9 of the RTE Act makes local authorities responsible for implementing the provisions of the Act. Broadly speaking, they are responsible for ensuring access to schools; monitoring admission, attendance, access and completion of education of all children; provisioning of books and uniforms; supervising the functioning of SMCs' enforcing norms and standards in schools; ensuring compliance of all schools within their jurisdiction; maintenance of pupil-teacher ratios; maintenance of records; monitoring functioning of schools; supervising utilisation of funds and imposing sanctions on schools.
- 3 Sections 3-5, RTE Act, 2009.
- 4 Section 24, RTE Act, 2009.
- 5 Section 21, RTE Act, 2009.
- 6 Sections 18, 19, and 25, RTE Act, 2009.
- 7 Section 17, RTE Act, 2009.
- 8 Section 16, RTE Act, 2009.
- 9 Chapter II read with Sections 12, 13 and 14, RTE Act, 2009.
- 10 Section 32, RTE Act, 2009 read with Section 15 and 24 of the CPR Act, 2005.
- 11 Section 31, RTE Act, 2009.
- 12 Ibid.
- 13 Section 32 (3), RTE Act, 2009.
- 14 Advisory of MHRD New Delhi F No: 1-18/2010-EE4 dated: 14-02-2012.
- 15 SDMCs in Karnataka are called School Development and Management Committees.
- 16 Supra at N 1 and N 19.
- 17 Part III, Karnataka RTE Rules, 2012.
- 18 SJs are technically barred from admitting complaints against private persons, however, they may require a CEO-ZP to issue sanctions against a particular school for violations.
- 19 Not formally designated as grievance redress authorities under Section 32, RTE Act, 2009.
- 20 Dhir Jhingran, former national coordinator of right to education at the NCPDR, sheds light on the bureaucratic politics between the two ministries and its effect on monitoring RTE implementation, available at <http://www.governancenow.com/views/interview/some-elements-npcdr-are-opposed-rte-act>
- 21 Section 3 and 17, CPR Act, 2005.
- 22 Section 13, CPR Act, 2005.
- 23 Sections 31 and 32, RTE Act, 2009 read with Sections 13, 14, 15, 24 of the CPR Act, 2005.
- 24 Established in 2009 under the CPR Act, 2005, the Karnataka State Government details the composition of this body under the Karnataka State Commission for Protection of Child Rights Rules, 2010 (Karnataka SCPCR Rules, 2010).
- 25 Section 24 read with Section 15, CPR Act, 2005.
- 26 Data on the Public Hearing availed from the Karnataka SCPCR.
- 27 Section 21, RTE Act, 2009 read with Rule 13, Karnataka RTE Rules, 2012.
- 28 Accountability Initiative, "Do Schools Get Their Money?" PAISA Report 2012, available at: [http://www.accountabilityindia.in/sites/default/files/state-report-cards/paisa\\_report\\_2\\_012.pdf](http://www.accountabilityindia.in/sites/default/files/state-report-cards/paisa_report_2_012.pdf)
- 29 Rule 17, Karnataka RTE Rules, 2012.
- 30 Guidelines on Elimination of Corporal Punishment, Mental Harassment and Discrimination in Schools by NCPDR (2012).
- 31 Article 32, Constitution of India, 1950.
- 32 Article 226, Constitution of India, 1950.
- 33 Supra at N 35 and 36.
- 34 In *K Nagesh vs State of Karnataka* [WP (c) 18856 of 2012] the Karnataka High Court held that the state government's notification stipulating Rs 3,50,000 as the income limit for RTE admissions for economically disadvantaged children is not feasible and tends to allow the "creamy layer" within socially and economically backward classes to avail benefits that are primarily meant for the distressed. The Karnataka High Court has taken up a suo motu petition [WP (c) 15768/2013] on the issue of out of schoolchildren in

- the state. This petition was based on a newspaper report that was featured in *The Hindu* on 31 March 2013, available at: <http://www.thehindu.com/news/national/karnataka/the-glitches-that-dog-rte-implementation/article4564801.ece>. This litigation has not only led to enforcing rights of out of school children, but it has also contributed to significant changes in educational governance in the state. Finally, in *Sarvodaya School Students vs State of Karnataka* [WP (c) 18809 of 2012] the Court directed the school to accommodate disadvantaged students. Furthermore, the Court also directed the state government to fix a fee structure for private schools that is reasonable and to earmark funds for reimbursement of schools under the RTE Act.
- 35 *Society for Unaided Private Schools of Rajasthan and Ors vs Union of India and Anr* (2012) 6 SCC 1.
  - 36 *Environmental & Consumer Protection Foundation vs Delhi Administration and Ors* (2012) 10 SCC 197.
  - 37 Nothing under the RTE Act bars a civil court from enforcing it.
  - 38 Article 21 A, Constitution of India, 1950.
  - 39 Part III, Specific Relief Act, 1963. Pollock and Mulla describes an injunction as a "judicial remedy" that orders a person to perform a specific act or restrains a person from performing an act (Pollock and Mulla 2011: 2815).
  - 40 While the Specific Relief Act, 1963 mostly governs specific performance under contractual obligations, the word "obligations" in this law has been defined as "obligation" includes every duty enforceable by law" under Section 2 (a). Hence, it would be possible to move a civil court for injunctive relief on the RTE Act under this law.
  - 41 Civil courts may grant injunctive relief for performance of obligations that create enforceable duties under any law. See *Kishore Chand Shiva Charan Lal vs Budaun Electronic Supply Co.* AIR 1944 All 66 in Pollock and Mulla (2011: 2404).
  - 42 Section 37, Specific Relief Act, 1963 empowers the court to issue temporary injunctions. Temporary injunctions are issued to "preserve matters pending the trials of matters in dispute" to maintain status quo, preserve the litigated property or prevent the apprehended mischief. Temporary injunctions have also been described as a "step-in-aid" to the final decision of the court (Pollock and Mulla 2011: 2815).
  - 43 Perpetual injunctions may be granted under Section 38 of the Specific Relief Act, 1963. These injunctions are granted after the determination of rights of both parties is complete. Perpetual injunctions play a vital role in giving effect to and protecting the rights of parties (Pollock and Mulla 2011: 2815).
  - 44 Section 39, Specific Relief Act, 1963 allows civil courts to issue mandatory injunctions. Mandatory injunctions are issued in order to compel performance (Pollock and Mulla 2011: 2815).
  - 45 Prohibitory or restrictive injunctions are those injunctions that restrain a party from performing a particular act that infringes rights of the plaintiff (Pollock and Mulla 2011: 2815-6).
  - 46 Section 41, Specific Relief Act, 1963. The word "efficacious" must determine whether the alternative remedy available under another law would put the plaintiff in the same position had he not sought injunctive relief and whether the plaintiff would be able to secure similar results under the alternative relief (Pollock and Mulla 2011: 2925).
  - 47 For example, the grievance redress structure under the RTE Act in Gujarat comprises many institutions and officials across the state's education department and local bodies such as the panchayats and municipal corporations. However, this system is developed under a clear matrix of functions, powers and timelines. (Government of Gujarat Education Department Resolution No PRE-1112-GOI-29-K, dated 30 April 2013 available at: [http://mhrd.gov.in/sites/upload\\_files/mhrd/files/gr/Gujarat%20GR1%20.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/gr/Gujarat%20GR1%20.pdf). Also see Gujarat: Matrix For Grievance Redressal under RTE Act, 2009 available at: [\[gov.in/sites/upload\\\_files/mhrd/files/gr/Gujarat%20GR%202%20Matrix%20English.pdf\]\(http://mhrd.gov.in/sites/upload\_files/mhrd/files/gr/Gujarat%20GR%202%20Matrix%20English.pdf\)\).](http://mhrd.</a></li>
</ol>
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## REFERENCES

- Aiyar, S (2012): "The Right to Education Threatens Education", *The Economic Times*, available at [http://articles.economictimes.indiatimes.com/2012-04-25/news/31399110\\_1\\_unrecognised-schools-private-schools-school-fees](http://articles.economictimes.indiatimes.com/2012-04-25/news/31399110_1_unrecognised-schools-private-schools-school-fees), accessed on 26 December 2013.
- (2013): "Food Security Bill Won't Eliminate Hunger, Will Not Help Win Elections and Won't Add to High Spending", *The Economic Times*, available at [http://articles.economictimes.indiatimes.com/2013-08-28/news/41538779\\_1\\_food-security-bill-infant-mortality-malnutrition](http://articles.economictimes.indiatimes.com/2013-08-28/news/41538779_1_food-security-bill-infant-mortality-malnutrition), accessed on 15 December 2013.
- Aiyar, Y and S Samji (2009): "Transparency and Accountability in NREGA: A Case Study of Andhra Pradesh", Accountability Initiative Working Paper No 1, Accountability Initiative, Centre for Policy Research, New Delhi.
- Gauri, Varun (2013): "Redressing Grievances and Complaints Regarding Basic Service Delivery", *World Development*, Vol 41, pp 109-19.
- Joshi, A (2008): "Producing Social Accountability? The Impact of Service Delivery Reforms", *IDS Bulletin*, Vol 38, No 6, pp 10-17(8).
- Krishnaswamy, S and V Iyengar (2012): "RTE Must Be Extended to Minority Schools", *Deccan Chronicle*, 29 April, available at <http://www.deccanchronicle.com/channels/cities/bengaluru/rte-must-be-extended-minority-schools-also-796>, accessed on 10 December 2013.
- Mashaw, J L (2006): "Accountability and Institutional Design: Some Thoughts on the Grammar of Governance", Research Paper No 116, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=924879](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=924879), accessed on 5 December 2013.
- Mehta, P B (2012): "Classroom Struggle", *The Indian Express*, 18 April, available at <http://www.indianexpress.com/news/classroom-struggle/937982/>, accessed on 21 December 2012.
- Panagariya, A (2013): "What Right to Education? Failing to Meet the Prescribed Norms, Half of the Existing Schools Will Lose Their Recognition", *The Times of India*, 6 April, available at <http://timesofindia.indiatimes.com/home/opinion/edit-page/What-Right-To-Education-Failing-to-meet-the-prescribed-norms-half-of-the-existing-schools-will-lose-their-recognition/articleshow/19403581.cms>, accessed on 17 December 2013.
- Pollock and Mulla (2011): "Indian Contract and Specific Relief Act", 13th Edition (2006), 6th reprint (2011), LexisNexis Butterworths Wadhwa, Nagpur.
- Ramachandran, V (2009): "Right to Education Act: A Comment", *Economic & Political Weekly*, Vol 44, No 28, 11 July.
- Robinson, N (2013): "Complaining to the State: Grievance Redress and India's Social Welfare Programs" (19 August 2013) UPenn Centre for Advanced Study of India Working Paper Series. Available at SSRN: <http://ssrn.com/abstract=2312647>, accessed 11 November 2013.
- Sabherwal, M (2012): "Right to Education Is the Right Thing for the Wrong Reason", *The Economic Times*, 23 April, available at [http://articles.economictimes.indiatimes.com/2012-04-23/news/31387122\\_1\\_dysfunctional-government-schools-private-schools-reservation-for-poor-students](http://articles.economictimes.indiatimes.com/2012-04-23/news/31387122_1_dysfunctional-government-schools-private-schools-reservation-for-poor-students), accessed on 24 December 2013.
- Sadgopal, A (2010): "Right to Education vs Right to Education Act", *Social Scientist*, Vol 38, No 9/12, September-December, pp 17-50
- (2011): "Neoliberal Act", *Frontline*, Vol 28, Issue 14, 2-15 July.
- Shankar, S (2010): "Can Social Audits Count?", ASARC Working Paper 2010/09, available at [https://crawford.anu.edu.au/acde/asarc/pdf/papers/2010/WP2010\\_09.pdf](https://crawford.anu.edu.au/acde/asarc/pdf/papers/2010/WP2010_09.pdf), accessed on 11 November 2013.