

MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

Administrative Staff College Compound, 9, Hazarimal Somani Marg, Opp. C.S.T.(VT), Mumbai- 400 001.

Telephone Number : 2207 3434 Fax : 2209 1804 / 22093678

Website : <http://mshrc.maharashtra.gov.in>

SHRC/VGM/04/2009/ (12)

SM Case No. – 1210/16/2005

Name of the Complainant : Justice R G Shindkar (Retd.)
403-B, Prachi, Balasaheb Sawant Marg,
Versova Link Road, Behind HDFC Bank,
Andheri (W), Mumbai – 400 083.

Vs.

1. The Secretary
School Education and Sports Dept.
2. The Dy Director of Education
Charni Road, Mumbai

Date : 9 April 2009

Coram : **Justice V G Munshi, Member**

ORDER

Read the averments made in the complaint and the reply given by Respondent Dy Director (Education), Mumbai. Read the case papers. Heard the parties.

2. Before proceeding with the merits of the case, points to be decided etc, it is necessary to acquaint ourselves with the facts of the case with which we are concerned.

3. In earlier Case No. 1168/2003 which was filed before Commission, there arose issue that, children / small children were required to carry heavy school bags every day to their Schools. It affects the health of the children. President of National Anti



Corruption and Crime Preventive Council, Mumbai did file this case before Commission in respect of hardship faced by the School going children in carrying heavy School bags, beyond their physical capacity. It was alleged that a small child of average built is compelled to carry heavy school bag without realizing the consequential damage to his or her body and mind. Therefore, intervention of Commission was sought to save the children from becoming disables. The Commission thought that "rights of the children are indeed intergral" part of human rights, and every child grows up in the spirit of dignity and freedom. The Commission issued certain directions or made recommendations in this matter on 19.12.2003 and they are reproduced as under.

"The Secretary, Government of Maharashtra, Education, Department is, therefore, directed to ensure full implementation of 1997 Government Resolution atleast from the next academic year. The Commission further directs that it would be appropriate that, the Education Department shall take strict disciplinary action against any School / Institution which did not comply with the instructions contained in Govt. Resolution. To enable it's strict compliance by the Education Inspectors, the Commission further directs that the Education Department may prepare a model instructions, for uniform application of the instructions containing Govt. Resolution throughout the State as applicable to Governmental or non Governmental aided Schools / Institutions."



R/R,HRG-RECOMM

The Commission disposed of the said case with these directions.

4. Present Case No. 1210/16/2005-06 was filed by Justice R G Shindkar making grievance that the Respondent did not properly implement the directions issued by the Commission. It was alleged that the Government Resolution dated 27th May 1997 was not at all followed, or implemented by all the persons concerned. According to the complainant, merely issuing instructions is not enough, and the Education Department has to ensure not only fullest implementation of the Government Instructions, but also should take strict disciplinary action against the Schools / Institutions which fail to comply these instructions and to achieve its uniform application through out to both Government and non Government Schools. In the last it was alleged that the matters remained where they were. Therefore, the complainant by filing present case, sought proper implementation of Government Resolution and the directions issued by Commission earlier.

5. The Respondent Education Department by filing their reply made it clear that, the Department from time to time issued Govt. Resolutions, Circulars, Instructions in this regard and the concerned persons / Schools / Institutions were called upon to act strictly in accordance with these Govt. Resolutions / Circulars etc. Secondly, in order to verify the compliance or implementation some Shools were inspected. Lastly, it was pointed out that the Respondent, has taken number of steps or adopted number of measures, to reduce the burden, of school bags, upon the children to great extent. The Respondent also from time to time, filed on record the action taken reports.



6. There cannot be any difference of opinion on the point that the School going children are over burdened with heavy bags. Secondly, there cannot be any dispute on the point that such burden needs to be reduced. Justice R G Shindkar made number of valuable suggestions in order to reduce the weight of school bag. At the same time, the Respondent Education Department, with same intention and motive and on same lines already issued another Govt Resolutions dated 17.02.2006 on the same subject. It was pointed out that all these instructions were brought to the notice of all the persons concerned and even some Schools were also inspected. There is no scope for doubt that, the Respondent Education Department is taking steps in that direction. At the most in the given circumstances it can be said that, the steps taken to achieve the aim, are inadequate or insufficient. Therefore, it is incumbent upon the Respondent Education Department to see that all the instructions / directions given in Government Resolutions are strictly followed and to see that the burden of School bag is reduced to maximum extent and the aim is achieved.

7. In view of this situation and in the given circumstances I feel it proper and necessary to make following recommendations.

(i) Secretary (School and Sports) Department, Mumbai to see that the Government Resolution dated 27th May 1977, 17th Feb'2006, and all other Govt. Resolutions / Instructions issued from time to time are strictly followed by all the persons concerned, in real sense and in true spirit and to act in the interest of or for the welfare of the children.



RR/HRG-RECOMM.

- (ii) Secretary - Education Department to issue necessary instructions to all the District Education Officers in State, they either themselves or through the School Inspectors periodically to inspect the Schools and to see that the instructions contained in Govt. Resolutions are strictly followed by School / Institutions and to submit quarterly reports to the Education Department.
- (iii) The Secretary Education Department to submit such quarterly action taken report to Secretary State Human Rights Commission, Mumbai for information and necessary action.
- (iv) The Secretary Education Department to take all the steps which are necessary to achieve the aim and in the interest of children and for their welfare.
- (v) The Secretary Education Department in case of necessity and in a fit case to take stern coherisive action for the proper implementation of the Government Resolution.
- (vi) The copy of this order be sent to Secretary School and Sports Department, Mantralaya, Mumbai through Secretary State Human Rights Commission for information and necessary action.

With these recommendations the Case No. 1210/16/2005 is disposed of accordingly.

Dated : 9 April 2009



V.G. Munshi
(Justice V G Munshi)
Member, SHRC