

Environmental & Consumer Protection Foundation

v.

Delhi Administration & Others

(Supreme Court Of India)

HON'BLE DR. JUSTICE DALVEER BHANDARI HON'BLE MR. JUSTICE  
DEEPAK VERMA

Writ Petition (Civil) No. 631 Of 2004 | 29-04-2011

Dr. Dalveer Bhandari, J.

Madhya Pradesh

1. In compliance with the order of this Court dated 8-2-2011, Environmental and Consumer Protection Foundation v. Delhi Admn., (2011) 13 SCC 22, the Chief Secretary to the Government of Madhya Pradesh has filed an affidavit after obtaining the requisite information from the District Collectors and Magistrates in the States. In the affidavit it is mentioned that in the State of Madhya Pradesh, there are 83,663 government primary schools. Out of them, 74,083 schools have the facility of potable drinking water. The learned counsel for the State submits that looking to the gravity and urgency of the matter, drinking water facility would be provided in all the schools by 31-5-2011.

2. It is further mentioned in the affidavit that out of 83,663 government primary schools, only 27,272 schools have toilet facility for boys and girls separately. The learned counsel for the State seeks time for construction of toilets in the remaining schools. Similarly, out of 83,663 primary schools, only 4568 schools have electricity and 21,567 schools have boundary walls. All the schools have been provided mid-day meal facility. Only 33,061 schools have teachers as per the Right to Education Act, 2009. In the affidavit, it is also mentioned that there are about 53,164 posts of teachers to be filled in the primary schools in the State of Madhya Pradesh.

3. It appears that the conditions of primary schools are far from satisfactory. We direct the State to provide basic infrastructural facilities in all the government primary schools as early as possible, in any event, within six months from today. This is imperative, otherwise Article 21-A of the Constitution, right to free and compulsory education of children would become meaningless.

## Bihar

4. In pursuance of the directions of this Court, the Chief Secretary to the Government of Bihar has filed an affidavit in which it is mentioned that all the 38 District Magistrates of the State of Bihar have been directed by the Principal Secretary of the Department of Human Resource Development and the Chief Secretary of the State to furnish report regarding the availability of basic facilities in accordance with the directions of this Court. It is further stated in the affidavit that consolidated reports are yet to be received from the District Magistrates. We direct the Chief Secretary to collect the said information and file a supplementary affidavit before this Court.

5. This affidavit is based on the information available with the district information of school education data for 2009-2010. It is indicated in the affidavit that there are 67,822 schools and out of the 67,822 schools, only 26,910 schools have separate toilets for girls, 12,601 schools have separate toilets for boys and 32,848 schools have common toilets. Out of 67,822 schools, only 2654 schools have electricity connection, 62,730 schools have facility of potable drinking water, 21,102 schools have playgrounds, 59,941 schools have buildings and 38,928 schools have constructed boundary walls. Mid-day meal facility is provided in all the schools.

6. The Chief Secretary in its affidavit has mentioned that the State require additional 3,14,906 teachers and 38,298 instructors and as per the requirement, qualified teachers are not available in the State. A request has been made to the Government of India to relax the eligibility criteria for teachers in the State of Bihar.

7. We direct the State to provide the facility of drinking water in all the government primary schools on or before 31-5-2011 and other infrastructural facilities be provided in the schools as early as possible, in any event, within six months from today.

## Punjab

8. The Chief Secretary to the Government of Punjab has filed an affidavit in which it is mentioned that there are 13,397 primary schools and 6235 upper primary schools in the State of Punjab and out of them, 12,977 primary schools and 5987 upper primary schools are having common toilet facility. Similarly, out of 13,397 schools, 8607 primary schools and 5323 upper primary schools have separate toilet facilities for girls. Out of 13,397, 13,306 primary schools have drinking water facility and 6141 have drinking water facility, 12,060 primary schools have electricity, 12,625 schools have boundary walls and 9787 schools have playground.

9. The learned counsel for the State of Punjab undertakes to file an affidavit regarding the strength of teaching staff in the government schools within eight weeks from today.

10. We direct the State to provide the facility of drinking water in all the government schools on or before 31-5-2011 and other infrastructural facilities in the schools be provided as early as possible, in any event, within six months from today.

## Haryana

11. The Chief Secretary to the Government of Haryana has filed an affidavit in which it is mentioned that there are 14,785 primary schools in the State and out of them, 14,377 schools have potable drinking water, 14,675 schools have electricity connection, 14,112 schools have proper boundary walls and 14,758 schools have fire safety facility. All the schools in the State of Haryana have

provisions for separate toilets for boys and girls and mid-day meal facility is available in all the schools.

12. We direct the State of Haryana to provide the facility of drinking water in all the government schools on or before 31-5-2011 and other infrastructural facilities, including the up-to-date strength of teachers in the schools be provided as early as possible, in any event, within six months from today.

#### Uttarakhand

13. The Chief Secretary to the Government of Uttarakhand has filed an affidavit in which it is indicated that there are 12,493 primary schools and 3010 upper primary schools, 2 combined primary and upper primary schools. 1637 upper primary schools have been affiliated with high schools and inter colleges and thus the total number of schools related to primary education is 17,142. As regards the availability of basic facilities in the schools, 15,788 schools have drinking water facility, 11,572 schools have separate girls' toilets and 6628 schools have boys' toilets, 29,218 schools have common toilets, 5373 schools have electricity, 8894 schools have playgrounds and 8314 schools have ramp and railing for physically challenged persons. The total number of sanctioned posts of primary teachers is 17,672 out of which there are vacancies to the tune of 3073. Mid-day meal is being provided in the 12,785 schools.

14. We direct the State to provide the facility of drinking water in all the government schools on or before 31-5-2011 and other infrastructural facilities in the schools be provided as early as possible, in any event, within six months from today.

#### Jharkhand

15. The Chief Secretary to the Government of Jharkhand has filed an affidavit in which it is indicated that there are 39,778 primary schools. Out of them, 34,563 schools have drinking water, only 2044 schools have electricity, 8076

schools have boundary walls and 27,211 schools have toilet facility for boys and 22,459 schools have toilet facility for girls.

16. We direct the State to provide the facility of drinking water in all the government schools on or before 31-5-2011 and other infrastructural facilities in the schools be provided as early as possible, in any event, within six months from today.

### Maharashtra

17. The Chief Secretary to the Government of Maharashtra has filed an affidavit in which it is mentioned that there are 97,157 primary schools in the State of Maharashtra. Out of them, 89,338 schools have facility of drinking water, 71,612 schools have electricity connection, 55,171 schools have boundary walls and 29,628 schools have common toilets, 69,053 schools have toilet facility for girls, 63,143 schools are having ramp facility and 30,568 schools have kitchen sheds.

18. We direct the State to provide the facility of drinking water in all the government schools on or before 31-5-2011 and other infrastructural facilities in the schools be provided as early as possible, in any event, within six months from today.

### Sikkim

19. The Chief Secretary to the Government of Sikkim has filed an affidavit in which it is indicated that there are 778 primary schools. Out of them, 662 schools are having drinking water facility, 469 schools are having electricity, 349 schools have boundary walls and 734 schools have toilet facility.

20. We direct the State to provide the facility of drinking water in all the government schools on or before 31-5-2011 and other infrastructural facilities in

the schools be provided as early as possible, in any event, within six months from today.

#### Uttar Pradesh

21. The Chief Secretary to the Government of Uttar Pradesh has filed an affidavit in which it is mentioned that there are 1,46,959 primary schools in the State. Out of them, 1,28,868 schools have drinking water facility through handpump, facility of electrification is available in 76,729 schools, 72,205 schools have boundary walls, 1,33,502 schools have toilet facility for boys, 1,24,865 schools have toilet facility for girls, ramps are available in 1,34,747 schools and kitchen sheds are available in 1,28,376 schools.

22. We direct the State to provide the facility of drinking water in all the government schools on or before 31-5-2011 and other infrastructural facilities in the schools be provided as early as possible, in any event, within six months from today.

#### Arunachal Pradesh

23. The Chief Secretary to the Government of Arunachal Pradesh has filed an affidavit in which it is indicated that there are total number of 1690 primary schools in the State and all these schools have basic infrastructural facilities. Mid-day meal facility is also available in all the schools. Hence, no further directions are necessary.

#### Puducherry

24. The Chief Secretary to the Government of Puducherry has filed an affidavit in which it is indicated that there are 710 schools in all, out of which 433 schools are managed by the Government of Puducherry directly. The remaining schools are private unaided. All these 433 government schools have been provided with the facilities of potable drinking water, electricity, pucca

boundary walls, playground, basic fire safety measure, mid-day meal, telephone connection. There is not a single school without toilet/urinal. However, in many schools the number of toilets are less than the nor prescribed under the Pondicherry School Education Rules, 1996. Hence, no further directions are necessary.

## Jammu and Kashmir

25. The Commissioner/Secretary to the Government, Education Department of Jammu and Kashmir has filed an affidavit in which it is mentioned that there are 21,695 government schools in the State of J&K. Out of them, 18,264 schools have drinking water facility and provisions are being made to make available the facility in the remaining 3431 schools. Out of the 21,695 schools, 6394 schools have common toilets, 3537 schools have separate toilets for girls and 2247 schools have toilets for boys, 1711 schools have electricity facility, 4405 schools have boundary walls and 2755 schools have ramps facility for children with special needs.

26. We direct the State to provide the facility of drinking water in all the government schools on or before 31-5-2011 and other infrastructural facilities in the schools be provided as early as possible, in any event, within six months from today.

## Tripura

27. The Chief Secretary to the Government of Tripura has filed an affidavit in which it is indicated that there are 4386 recognised schools in the State. Out of them, 3251 schools have drinking water facility, 627 schools have electricity, 315 schools have boundary walls, 1908 schools have girls toilet and 3298 schools have kitchen sheds.

28. We direct the State to provide the facility of drinking water in all the government schools on or before 31-5-2011 and other infrastructural facilities in

the schools be provided as early as possible, in any event, within six months from today.

## Karnataka

29. The Chief Secretary to the Government of Karnataka has filed an affidavit in which it is mentioned that there are 46,400 primary schools. Out of them, 41,556 schools are having potable drinking water, 42,595 schools are having electricity, 26,283 schools have boundary walls, 40,750 schools have separate toilets for boys, 34,798 schools have separate toilets for girls and mid-day meal facility is available in 45,962 schools.

30. We direct the State to provide the facility of drinking water in all the government schools on or before 31-5-2011 and other infrastructural facilities in the schools be provided as early as possible, in any event, within six months from today.

## Tamil Nadu

31. The Chief Secretary to the Government of Tamil Nadu has filed an affidavit in which it is indicated that there are a total of 16,198 primary schools. Out of them, 15,761 schools have potable drinking water, 15,430 schools have electricity, 8287 schools have boundary walls and 7026 schools have toilet facilities for boys and 8854 schools have toilet facilities for girls. Mid-day meal facility is available in 16,187 schools and ramp facility is available in 11,505 schools.

32. We direct the State to provide the facility of drinking water in all the government schools on or before 31-5-2011 and other infrastructural facilities in the schools be provided as early as possible, in any event, within six months from today.

33. List this matter for further directions on 26-7-2011.

