

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 | 22-09-2011

The office report dated 21-9-2011 indicates that in pursuance of the directions of this Court, almost all the States and Union Territories have filed their affidavits, except the States of Rajasthan and Tamil Nadu. It is indeed unfortunate that this Court's orders are not taken seriously by the States of Rajasthan and Tamil Nadu.

This Court on 9-8-2011 (*Environmental & Consumer Protection Foundation v. Delhi Admn.*, (2012) 10 SCC 204) passed the following order: (SCC p. 205, paras 1-3).

“1. By order dated 29-4-2011 (*Environmental & Consumer Protection Foundation v. Delhi Admn.*, (2011) 13 SCC 16; (2012) 1 SCC (L&S) 592), this Court directed that the basic facility of potable drinking water be made available to all the schools. It is indeed unfortunate that the States of U.P., Bihar, Orissa and Jammu and Kashmir have yet not complied with that order in toto. There are many schools where there is no provision of drinking water.

2. We direct the Chief Secretaries concerned of these States to ensure that potable drinking water is made available in all the schools of their respective States on or before 15-9-2011 and an affidavit to that effect be filed by Chief Secretaries of the States on or before 20-9-2011. In case, for any reason, this facility is not provided by any State, then the Secretary concerned of that State shall remain present in Court on the next date of hearing i.e. 22-9-2011.

3. We also direct all the other States to file affidavits before this Court within one week informing this Court that the facility of potable drinking water has been provided in all the schools in their respective States. The affidavits would be filed by the Chief Secretaries of the States themselves or by the Administrators of the Union Territories.”

The order passed by this Court is clear that all the States were directed to ensure that potable drinking water is made available to all the schools in their respective States on or before 15-9-2011 and the Chief Secretaries of the States concerned were directed to file affidavits on or before 20-9-2011.

#### State Rajasthan

The State of Rajasthan has neither filed an affidavit nor provided the facility of drinking water in all the schools. We fail to comprehend as to why the order of this Court passed on 9-8-2011 (*supra*) was not complied with by the State of Rajasthan.

At this stage, the learned Additional Advocate General appearing for the State of Rajasthan submits that potable drinking water facility would be provided in all the schools in the State of Rajasthan on or before 11-10-2011. We direct the Chief Secretary to file his own affidavit to that effect on or before 11-10-2011, failing which the Secretary to the Government of Rajasthan shall remain personally present in the Court on the next date of hearing.

#### State of Tamil Nadu

The learned counsel appearing for the State of Tamil Nadu submits that because of the change of the Government, he has recently been appointed counsel for the State of Tamil Nadu. He prays for two weeks' time to take instruction.

We direct the State of Tamil Nadu to provide the facility of drinking water in all the schools in the State, if not already provided, on or before 11-10-2011. An affidavit be filed by the Chief Secretary to that effect.

State of Punjab

In pursuance of the directions of this Court, the State of Punjab has filed an affidavit in the Court today in which it is mentioned that drinking water facility has been made available in all the government schools in the State of Punjab.

State of Meghalaya

In pursuance of the directions of this Court, the State of Meghalaya has been an affidavit in the Court today in which it is mentioned that the PHE Department, Meghalaya would be able to provide safe drinking water supply to all government/government aided schools by September 2012. We direct the Chief Secretary to the Government of Meghalaya to file further affidavit on or before 15-10-2011 giving therein the latest position of the schools in which drinking water facility is made available, on before 15-10-2011.

State of U.P.

10. Shri Anup Mishra, secretary to the Government of U.P., is present in the Court. He submits that in majority of the schools, drinking water facility has been provided and in the remaining schools, it would be made available on or before 15-10-2011. He also submits that other infrastructural facilities would also be made available in the schools by that date.

We direct the State to file an affidavit on or before 15-10-2011.

State of Jammu and Kashmir

In pursuance of the directions of this Court, Ms. Naseem Lankar, Secretary, Department of Education, Jammu and Kashmir is present in the Court. She assures the Court that drinking water would be provided in all the schools in the State of Jammu and Kashmir by 31-10-2011.

#### State of Madhya Pradesh

In pursuance of the directions of this Court, an affidavit has been filed by the State of Madhya Pradesh in which it is mentioned that facility of drinking water has been extended to all the government schools in the State. Ms. Vibha Datta Makhija, learned counsel appearing for the State of Madhya Pradesh prays for time to file further affidavit.

Let an affidavit be filed on or before 15-10-2011 also indicating therein other infrastructural facilities which have been augmented in the schools in pursuance of the directions of this Court passed from time to time.

#### State of Bihar

In pursuance of the directions of this Court, the Chief Secretary, Government of Bihar has filed an affidavit in which it is indicated that drinking water facility has been made available in all the schools in the State of Bihar. He is directed to file a further affidavit indicating about the other infrastructural facilities, on or before 15-10-2011.

#### State of West Bengal

In pursuance of the directions of this Court, the Chief Secretary, Government of West Bengal has filed an affidavit in which it is mentioned that drinking water facility has been made available in all the primary and upper primary schools in all the 19 districts of the State, excepting Darjeeling.

The learned counsel for the State of West Bengal submits that drinking water facility would be provided in all the schools at least on temporary basis in Darjeeling District on or before 15-10-2011.

#### State of Orissa

In pursuance of the directions of this Court, Ms. Aparajita Sarangi, IAS, School of Mass Education, Orissa, is present in the Court. She has made a categorical statement that drinking water facility has been provided in all the schools in the State of Orissa and she submits that a cell has been created to monitor these facilities on regular basis. She further assures the Court that toilet facilities for boys and girls would also be provided in the schools as expeditiously possible.

#### State of Maharashtra

The Chief Secretary to the Government of Maharashtra has filed an affidavit in which it is mentioned that they have provided permanent water supply in 93% of the schools and in the remaining 7% of the total schools, water tanks are provided and the tanks are filled by bringing water from the adjacent areas and they are in the process of giving permanent water supply in those schools, which would be done on or before 31-10-2011.

We direct the Chief Secretary to file further affidavit regarding the other infrastructural facilities which have been augmented by the State, on or before 15-10-2011.

#### State of Karnataka

Non one is present on behalf of the State of Karnataka. The Chief Secretary to the Government of Karnataka has filed an affidavit in which it is clearly mentioned that out of 46,400 schools in the State, in 43,437 schools drinking water facility has been provided and in the remaining 2963 schools drinking water facility would be made available on or before 31-10-2011.

We direct the State to ensure that till permanent water connections are provided in the Schools, drinking water be made available in the schools at least through tanks/containers and an affidavit to that effect be filed by the Chief Secretary on or before 15-10-2011. The Chief Secretary is also directed to indicate in the affidavit about the other infrastructural facilities which the State have provided in the schools in pursuance of the directions of this Court passed from time to time.

#### State of Assam

The Chief Secretary to the Government of Assam has filed an affidavit in which it is mentioned that out of 41,251 government schools in the State, drinking water facility has been provided in 33,970 schools and efforts are being made to provide permanent water connections in the remaining 7281 schools. Meanwhile, we direct the State of Assam to ensure that drinking water is made available in the remaining schools through plastic sintex tanks so that no school remains without drinking water facility. An affidavit to that effect be filed by the Chief Secretary on or before 15-10-2011.

#### State of Sikkim

The Chief Secretary to the Government of Sikkim has filed an affidavit in which it is mentioned that in all the 778 government schools in the State, they have provided drinking water facility.

We direct the Chief Secretary of the State to file further affidavit regarding the other infrastructural facilities on or before 15-10-2011.

#### NCT of Delhi

The Chief Secretary to the Government of NCT of Delhi has filed an affidavit in which it is mentioned that all the schools under the Director of Education,

Government of NCT of Delhi have been provided with the facility of potable drinking water. The learned Senior Counsel appearing for the NCT of Delhi submits that the facilities of toilets and electricity have also been provided in all the schools.

The Chief Secretary to the Government of NCT of Delhi is directed to file further affidavit regarding the other infrastructural facilities on or before 15-10-2011.

#### Union Territories of Chandigarh and Puducherry

The Chief Secretaries to these Union Territories have filed their affidavit stating therein that they have provided the facility of drinking water in all the schools in the respective Union Territories.

The Chief Secretaries to the Government of Chandigarh and Puducherry are directed to file further affidavits regarding the other infrastructural facilities on or before 15-10-2011.

#### State of Andhra Pradesh, Chhattisgarh, Himachal Pradesh, Haryana, Jharkhand, Uttarakhand, Manipur, Gujarat, Kerala, Mizoram, Nagaland and Tripura

In pursuance of the directions of this Court, the Chief Secretaries of these States have filed their affidavits stating that drinking water facility has been made available in all the schools in their States. They are directed to file further affidavit indicating about the availability of other infrastructural facilities, like toilets, electricity, etc. on or before 15-10-2011.

List this matter for further directions on 18-10-2011 as first item.