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Environmental and Consumer Protection Foundation Vs. Delhi Administration and Ors., 2011

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Case Note: The Court, in this case, emphasizes the duty of the government to ensure that basic facilities such as drinking water and sanitation are available in all primary schools.

Citation: 2011(1)SCALE709

IN THE SUPREME COURT OF INDIA

W.P. (C) No. 631 of 2004

Decided On: 11.01.2011

Appellants: **Environmental and Consumer Protect. Found**

Vs.

Respondent: **Delhi Administration and Ors.**

Hon'ble Judges:

Dalveer Bhandari and Deepak Verma, JJ.

Subject: Constitution

Acts/Rules/Orders:

Free and Compulsory Education Act, 2009

JUDGMENT

1. Mr. Ravindra Bana, learned Counsel appearing for the Petitioner has drawn our attention to a publication of the Ministry of Human Resource Development, namely, "Elementary Education in India - Progress towards Universalisation of Elementary Education", which gives the details of all the primary schools and the facilities available therein, in all the States and the Union Territories. He has also filed a rejoinder affidavit based on this report and the statistics indicate that basic necessities such as drinking water, toilets, electricity, boundary wall, ramps, kitchen etc. have not been made available to majority of the primary schools in the country. According to Mr. Bana, now Free and Compulsory Education Act, 2009 has come into force. It is the bounden duty and obligation of the Union of India and the States to ensure that basic facilities such as drinking water, toilets, electricity etc. be made available in all the schools.

2. Learned Additional Solicitor General submits that it is necessary to issue notices to all the States because Sarva Siksha Abhiyan has to be implemented by the States/UTs. We request the learned Additional Solicitor General to make 40 copies of the above-mentioned booklet available to the Registry of this Court and the Registry in turn is directed to issue notice to all the States/UTs through their standing counsel. Wherever the Registry finds it difficult to serve the standing counsel of any State, it may serve the notice through the Resident Commissioner in Delhi.

3. We would like the learned standing counsel for the States/UTs to provide necessary information to this Court as expeditiously as possible. We would also like all the State Governments and the Union Territories to ensure that basic facilities such as drinking water, toilets, electricity etc. are made available in all the primary schools without further loss of time.

4. The learned standing counsel of all the States and the Union Territories are directed to file their affidavits regarding the availability of the basic facilities such as drinking water, toilets, electricity etc. in the schools in their States.

5. Mr. Tripathi, learned Additional Solicitor General appearing on behalf of the Delhi Subordinate Service Selection Board undertakes to file a comprehensive affidavit within two weeks from today, with an advance copy thereof to the learned Counsel for the Petitioner, who would be at liberty to file the reply, if any, to that affidavit before the next date of hearing.

6. Looking to the urgency of the matter, we direct to list this matter for further directions on 8th February, 2011.