

(2011) 12 SC CK 0012

In the Supreme Court Of India

Case No : Writ Petition (C) No. 631 of 2004

Environmental and Consumer Protect. Found

APPELLANT

Vs

Delhi Administration and Others

RESPONDENT

Date of Decision : 05-12-2011

Acts Referred:

Constitution of India, 1950 — Article 21A

Citation : (2011) 13 SCALE 503

Hon'ble Judges : Dipak Misra, J; Dal Veer Bhandari, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. On 18.10.2011, a statement was made by the Learned Counsel for the State of U.P. that except in 300 schools, potable drinking water facility is available in all other schools in the State. Learned Counsel for the State of U.P. submits that even in the remaining 300 schools in the State of U.P., arrangements have been made for providing potable drinking water and permanent arrangement for making potable drinking water available would be made very shortly.

2. Learned Counsel for the State of Jammu & Kashmir has handed over a copy of the affidavit filed by the Commissioner/Secretary to the Government, School Education Department, Government of Jammu & Kashmir in which it is indicated that arrangements have been made for providing drinking water in all the schools in the State; heads of the institutions have been directed to make arrangements for installation of Syntax tanks which could be filled by a pipe from a nearby post; Public Health Engineering Department has undertaken to provide Chlorine tablets to the Headmasters and teach them how to use it and will also provide a filter under Jal Mani Scheme to the schools where Syntax tanks are installed. In view of the affidavit handed over today, all the schools in the State of J & K have also been provided with the facility of drinking water.

3. In our previous order dated 18.10.2011, we clearly indicated that it is

imperative that all the schools must provide toilet facilities; empirical researches have indicated that wherever toilet facilities are not provided in the schools, parents do not send their children (particularly girls) to schools. It clearly violates the right to free and compulsory education of children guaranteed under Article 21 -A of the Constitution. Office Report dated 3rd day of December, 2011 indicates that despite opportunity granted, the States of Tamil Nadu, Gujarat, Chhattisgarh, Meghalaya, West Bengal, Arunachal Pradesh, Punjab, Goa, Tripura and Union Territory of Lakshdweep have not filed their affidavits. One more opportunity is granted to these States/Union Territory to file their affidavits. Let the affidavits be filed within two weeks from today. No further time shall be granted for this purpose.

4. We are told that the Ministry of Drinking Water and Sanitation is the concerned ministry. We request the learned additional Solicitor General appearing on behalf of the Union of India to take instructions from the Ministry of Drinking Water and Sanitation and file an affidavit within four weeks from today, indicating therein the latest position about the problem of drinking water in the country.

5. Learned Counsel appearing on behalf of the Kendriya Vidyalaya Sangathan as also on behalf of Jawahar Navodaya Vidyalaya undertakes to file an affidavit within four weeks from today after serving an advance copy thereof upon the Learned Counsel for the Petitioner.

6. List this matter on 10th January, 2012 for further directions.