

(2003) 12 SC CK 0043

In the Supreme Court Of India

Case No : Interlocutory Application No. 1 in Writ Petition (C) No. 860 of 1991

M.C. Mehta

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 18-12-2003

Acts Referred:

Constitution of India, 1950 — Article 32

Citation : AIR 2004 SC 175 : (2004) 1 ALD 64 : (2004) 5 ALLMR 51 : (2004) 1 JCR 205 : (2003) 8 JT 267 : (2004) 4 LW 167 : (2004) 136 PLR 405 : (2003) 9 SCALE 210 : (2003) 8 SCC 745 : (2003) 5 SCR 90 Supp

Hon'ble Judges : N. Santosh Hedge, J;B. P. Singh, J

Bench : Division Bench

Advocate : Sarup Singh, A.A.G for Punjab, C.S. Vaidyanathan and P.P. Mahotra, P.N. Ramalingam, V. Balaji, S. Wasim A. Qadri, Anil Katiyar, Neeraj Kumar Jain, Bharat Singh, Kavita Wadia, T.V. Ratnam, Hemantika Wahi, Archana, V. Hazarika, Madhu Sharrna, Sunita Hazarika, Kuldip Singh, R.S. Suri, Tara Chandra Sharma, Neelam Sharma, Gourab K. Banerjee, Saurav Agrawal, Ruby Singh Ahuja, Chava Badrinath Babu, R.P. Goyal, Anurag Sharma, Indu Malhotra, Jaideep Bedi, Ruchi Khurana, Kumar Rajesh Singh, Sunita R. Singh, B.B. Singh, Vineet Sinha, J.S. Attri, Sakesh Kumar, Satish K. Agnihotri, R.K. Rathcre, A.A.G. Punjab, V.G. Pragasam, Vipul Maheshwari, P.K. Chakravarti, D. Stephen K. Yanthan, Krishna Sarma, Asha G. Nair, R.K. Singh, Deepa Rai, Hema Gupta, A. Mariarputham, Aruna Mathur, Y.P. Mahajan, Anil Katiyar, R.K. Rathore, D.S. Mahra, J.S. Attri, A. Subhashini, Sapam Biswajit K.H. Nobin Singh, Anil Shrivastava, Janarajan Das, Swetaketu Mishra, Moushvmi Gahlot, Wasim Q. Quadri, Kamlendra Mishra, Rajeev Kumar Dubey, Ravindra K. Adsure, Jatinder K. Bhatia, Rachna Srivastava, Prakash Shrivastava, Sushma Suri, Mukesh K. Giri, Ashok Mathur, Kamini Jaiswal, Anis Suhrawardy, Pradyot Kumar Chakravarty, Gopal Singh, K.V. Mohan, Sanjay R. Hegde, Rameshwar Prasad Goyal, Ranjan Mukherjee and K.R. Sasiprabhu and Avtar Singh Rawat, A.A.G.Party-in-Person, for the Appellant;

Final Decision : Dismissed

Judgement

N. Santosh Hegde, J.—All the respondents have filed their response indicating the steps taken by them in implementing the orders of this Court.

2. Shri M.C. Mehta, Petitioner-in-person requested the Court to first consider the steps taken by the respondents-States in regard to the 4th direction issued by this Court as per its order dated 22nd November, 1991 and consider other directions separately on any other subsequent date.

3. The direction No. 4 issued by this Court reads thus:

"We accept on principle that through the medium of education awareness of the environment and its problems related to pollution should be taught as a compulsory subject. Learned Attorney General pointed out to us that the Central Government is associated with education at the higher levels and University Grants Commission can monitor only the under graduate and post graduate studies. The rest of it, according to him, is a state subject. He has agreed that the University Grants Commission will take appropriate steps immediately to give effect to what we have said, i.e. requiring the Universities to prescribe a course on environment. They would consider the feasibility of making this a compulsory subject at every level in college education. So far as education up to the college level is concerned, we would require every State Government and every Education Board connected with education upto the matriculation stage or even intermediate colleges to immediately take steps to enforce compulsory education on environment in a graded way. This should be so done that in the next academic year there would be compliance with this requirement."

4. It is seen that as per this direction this Court has directed the respondents-States and other authorities to create environmental awareness amongst the students through the medium of education. Accepting the suggestion made by the then Attorney General, this Court required the State Governments and other authorities connected with the education to introduce compulsory education on environment upto matriculation stage or even in intermediate stage in a graded way. Though belatedly, we notice from the replies filed by the respondents, some steps have been taken by the States and other authorities concerned to comply with the said directions issued by this Court.

5. However, Shri M.C. Mehta contends that the steps taken by the various States and other authorities are insufficient and not in conformity with the spirit and object of the above order of this Court. He submitted that the States and other authorities concerned should prescribe a suitable syllabus by way of a subject on environmental awareness, not only in the primary level of education but also in the higher courses leading upto even post graduate level. He submits that the University Grants Commission, NCERT and AICTE who are some of the apex bodies in prescribing and controlling educational standards should be directed to work out a proper syllabus to be taught at different levels uniformly all over the country. In the absence of such uniform prescribed syllabus in the educational institutions in various States, different institutions are adopting different methods some of which are only basic which do not fulfil the requirements of the directions issued by this Court.

6. Having heard the learned counsel for the parties and bearing in mind the burden that may be imposed on the students by introducing an additional subject, we think for the present the steps taken by the respondents as indicated in their affidavits could be accepted pending further consideration in this regard. However, to make sure that these steps taken by the concerned states are implemented without fail, we direct all the respondents-States and other authorities concerned to take steps to see that all educational institutions under their control implement respective steps taken by them and as reflected in their affidavits fully, starting from the next academic year, viz., 2004-2005 atleast, if not already implemented. The authorities so concerned shall duly supervise such implementation in every educational institutions and non-compliance of the same by any of the institution should be treated as a disobedience calling for instituting disciplinary action against such institutions.

7. This acceptance of an interim arrangement, however, will not prevent the respondents-State and other authorities from drawing up or of taking further steps to more effectively fulfil the objects of the directions issued by this Court earlier.

8. We also direct the NCERT which is a respondent herein to prepare a module syllabus to be taught at different grades and submit the same to this Court by the next date of hearing so that we can consider the feasibility to introduce such syllabus uniformly throughout the country at different grades.

9. List this matter for further orders on 14th April, 2004.