

JUDGMENT ON UNSAFE CLASS ROOMS

IOIN CWP-7393-2013

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Present: Mr.H.C.Arora, - petitioner in person.

Mr.Kamal Sehgal, Addl. AG, Punjab.

This petition was filed in public interest seeking directions to the respondents to take steps to shift students from the schools of Ludhiana District which had been declared to be 'unsafe' by the PWD Department. It was highlighted during the course of hearing of the petition that there were many more schools housed in unsafe buildings. Hence, vide order dated 22.04.2013, the respondent State was directed to file a report as to how many school buildings had been declared unsafe and what was the proposal to reconstruct the same. A short affidavit was filed, in which some information was given and more time was sought to conduct a fuller and more extensive survey and take remedial steps. Accordingly, this petition was disposed of vide order dated July 23, 2013 by observing as under:

"In view of the short affidavit filed on record, the respondent/State of Punjab will take necessary action including qua identification of further schools which are running in unsafe buildings in view of the averments contained in Annexure R3. Funds are stated to have been released to carry out the necessary works including for construction of toilets which are short. The steps would also include re-construction of dilapidated class rooms. We expect the State of Punjab to complete the task within a maximum period of four months from today. The writ petition stands accordingly disposed of."

The matter was directed to be listed on 10.01.2014 for submitting compliance report.

Thereafter, from time to time status reports have been

filed. During the course of hearing, the issues of need for construction of additional classrooms, separate toilets for girls and boys and provision of safe drinking water to the students also came under focus and information regarding these aspects was also sought. It was pointed out that some funds for construction of classrooms were to be provided by the Union of India under the Sarv Shiksha Abhiyan and other Central Government Schemes, hence the Union of India was also impleaded as a party respondent.

In the affidavit dated 5.12.2014 after an exhaustive survey in the entire State, following infrastructural gap was projected:

"... As per information furnished by the District Education Officers of the 22 districts of Punjab, the following are the infrastructure gaps as on 30th October, 2014:

i)	Additional Class Rooms against unsafe buildings	-	3519
ii)	Additional Class Rooms as per enrollment (Except(i) above)	-	2832
iii)	New Toilets	-	901
iv)	Repair of Existing Toilets	-	196
v)	Drinking Water	-	Nil

6. That the above said infrastructure gap is to be covered in the following manner:-

i) **Additional Classrooms-** That after merger, there is fresh requirement of 6351 (3519+2832) classrooms in the State of Punjab. It is pertinent to mention here that grant for 3942 classrooms has already been approved in 2013-14 and 2014-15 including grant for 1110 class rooms against unsafe classrooms. Out of this, funds for 269 classrooms have already been released in October, 2014 for construction which is in progress. Construction of remaining 2832 classrooms as per enrollment will be started after receipt of funds already approved by the Government of India. For construction of rest of the 2409 classrooms with respect to unsafe buildings, funds to the tune of Rs.144.54

crores (@ Rs.6 lac per class room) is required. This gap will be covered in the next two years under the flagship programmes like Sarva Shiksha Abhiyan and Rashtriya Madhyamik Shiksha Abhiyan, which are running on sharing pattern between the Government of India and the State Government with the share of 65%: 35% and 75% : 25% respectively. The funds requirement will be proposed in the Annual Work Plan and Budget (AWP & B) for the financial years 2015-16 and 2016-17 respectively.

- ii) **New Toilets and repairs** – That the construction of 281 toilets out of total 901 toilets approved during 2014-15 is in progress. The Project Approval Board of Ministry of Human Resources and Development (MHRD), New Delhi has approved funds for construction of 620 new toilets and repairs of 196 existing toilets. Construction will be started on receipt of funds from Government of India.

It is pertinent to mention here that Department has also released the grant @ 3700/- for primary schools and Rs.4400/- for Upper Primary Schools for cleaning of toilets and school premises etc.”

Thereafter, affidavit dated 20.4.2015 was filed in which the progress till that date was disclosed. Taking note of the same on 24.4.2015 the following order was passed:

“In compliance with the order dated 05.12.2014 passed by this Court, Mr.Pardeep Kumar Agrawal, Director General School Education-cum-Special Secretary School Education, Punjab has filed affidavit on behalf of respondents No.1 to 4 stating therein that the necessary funds for construction of 269 classrooms have already been released in the month of October, 2014. It has also been stated that as per the latest progress report received from the various District Education Officers, construction of only seven classrooms has been completed in all respects whereas 45 class rooms are nearly ready and only furnishing work is pending. It is further stated that 79 classrooms are at plaster level and construction of the remaining 138 classrooms is still in

progress. It has also been stated that the pending construction of classrooms will be completed within next few months.

Regarding construction of new additional classrooms, it has been stated that 4315 additional classrooms for Government Schools in the State of Punjab are required and in this regard proposal for sanctioning the same has already been sent to the Ministry of Human Resources and Development, New Delhi. It has also been stated that in the meeting of Project Approval Board of MHRD, 1296 new classrooms have been approved. It has also been stated further that immediately after receiving the funds from the Central Government, the construction work will be started.

Mr. Chetan Mittal, Assistant Solicitor General, puts in appearance on behalf of Union of India, which was impleaded as party-respondent vide order dated 05.12.2014 and states that the approval for construction of 1296 additional classrooms in lieu of demolishing/unsafe classrooms has been granted and funds will be released immediately as per requirement. In addition to that Union of India has also been releasing the funds for repairs and for civil works. It has also been assured by learned Assistant Solicitor General that in this regard all necessary funds will be made available immediately to the State Government even for providing safe drinking water to the students, teachers etc.

Regarding testing of drinking water in the Government schools (Primary, Middle, High and Senior Secondary), it has also been stated that drinking water of 13182 Primary Schools and 6487 of Upper Primary Schools have been tested. Out of which, 2035 samples in Primary and 887 in Upper Primary Schools have been found failed. In this regard, it has been stated that necessary action, as per the requirements like treatment of water, arrangement of supply from water tank/supply established by the Water Supply and Sanitation Department etc. will be taken. This issue is very serious and we direct that in regard of supplying of potable water to the school in the State of Punjab must be ensured by installing RO system etc wherever required.

As far as the issue with regard to releasing the funds for construction of separate toilets for boys and girls, is concerned, it has been stated that the necessary funds have been released and 98 toilets (7 boys toilets and 91 girls toilets) are under construction and it shall be completed within three months "

Thereafter, the matter has been listed today and the affidavit dated

14.7.2015 has been filed in which the progress as on date has been

indicated by stating as under:

“2. That deponent submits that the construction of all the 269 classrooms the work of which was in progress, has now been completed in all respects as per report received from District Education Officers Punjab.

3. That deponent further submits that construction of 198 (6 Boys toilets and 192 Girls toilets) has now been completed. It is further submitted that 924 new toilets have also been constructed under Swachh Bharat Abhiyan.

4. That total RS.14.39 crore has been released by the Ministry of Human Resource and Development, New Delhi for construction of Civil Works. The same has been received on 11.05.2015 by State Government treasury. These funds will be disbursed to respective districts on clearance of bills for the same.

5. That the testing of Drinking Water in the Government Schools (Primary, Middle, High and Senior Secondary) was conducted and completed with the help of Department of Health and Rural Water Supply and Sanitation, Punjab. Total 2922 samples were found failed. Concerned District Education Officers in the State of Punjab were instructed to take affective remedial measures as per requirements. Now after making arrangements, it has been reported that 1833 schools have made arrangements for potable drinking water by installing Reverse Osmosis. systems, Water works connections and by chlorination etc. The process regarding installing Reverse Osmosis systems, Water works connections and by chlorination etc in the remaining school is in progress. it is further submitted that the matter regarding drinking water was discussed with experts of Department of Water Supply and Sanitation, Punjab .as samples were collected and tested through this department. The Department of Water Supply and Sanitation supplied expert opinion which is annexed herewith as **Annexure R-1**. It also suggested different means and methods to purify the water. Department of school education issued letter dated 06.04.2015 and instructed to school heads to follow the instructions and to ensure to do the needful to provide the potable drinking water in school. Copy of said letter is annexed as **Annexure R-2**. It is submitted that the programme regarding providing training for test procedure of Drinking water and bacterial treatment through Hydrogen Sulphide (H₂S) was telecast through Edusat (Education through Satellite) on 26.02.2015, 17.03.2015, 19.03.2015 and 16.04.2015. This telecast covered approximately 7.5 lac children of 3289 schools

along with their school staff and H2S Kits have been supplied in all Government schools in the state of Punjab."

It is, thus, apparent that since the institution of this petition considerable progress has been made and active steps are underway to fill the gaps in infrastructure like providing additional class rooms, toilets, making provision for safe drinking water etc.

In view of the steps already taken and those underway there is no need to keep this matter pending.

Accordingly, it is directed that :

- i) the existing classrooms which are unsafe be demolished. In no case should the children be made to use the unsafe classrooms;
- ii) Additional classrooms that are required, as per the affidavit, be constructed at the earliest;
- iii) Provision for safe drinking water by installing Reverse Osmosis systems, water works connections and by chlorination etc. as stated in the affidavit dated 14.07.2015 be made in the schools where it is not so provided, within a period of six months; and
- iv) In all the schools clean and separate toilets for boys and girls be provided.

(SATISH KUMAR MITTAL) (HARINDER SINGH SIDHU)
JUDGE JUDGE

July 17, 2015

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