

Court On Its Own Motion vs Govt Of Nct Of Delhi & Ors. on 16 January, 2020

Author: C.Hari Shankar

Bench: Chief Justice, C.Hari Shankar

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 16th January, 2020

+ W.P.(C) 10893/2017
COURT ON ITS OWN MOTION Petitioner
Through: Mr. Ashok Agarwal, Amicus Curiae
with Mr. Kumar Utkarsh, Adv.
versus
GOVT OF NCT OF DELHI & ORS. Respondents
Through: Mr. Sanjoy Ghose, ASC with Ms.
Urvi Mohan, Adv. for GNCTD with
Mr. Jagdish Kumar Pawar, OSD-
Zone-1, Directorate of Education
CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% 16.01.2020 D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This writ petition has been initiated by this Court on its own motion on receiving a letter from a public spirited citizen. This writ petition is about the safety and security standard to be maintained by the schools in Delhi.
2. Upon issuing notice to the respondents, various steps have been initiated by the respondents as mentioned in the counter affidavit as well as the status report filed by the respondents.
3. Learned counsel appearing for the respondents have pointed out that a circular, dated 7th November, 2017, has been issued, which has clarified in detail several aspects of the minimum standard to be followed for the safety and security of students by the schools situated in Delhi. It is further submitted by the counsel for respondents that besides this, several other circulars have also been issued for the same purposes to strength the safety standards, to be maintained by the schools.
4. Having heard learned Amicus Curiae and learned counsel for the respondents and looking to the facts and circumstances of the case, it appears that a detailed circular dated 7th November, 2017 has

been issued by the respondents, which is Annexure A-1 at page no. 199 of this writ petition. Looking to the said circular, it appears that several steps are enumerated for ensuring the safety and security of the students to be followed by the schools. Moreover, following is the chart, which reveals the various circulars issued to meet the aforesaid purpose:

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Sr. No. Issue as per letter Response of the Answering dated 11.09.2017 Respondent/ Directorate of Education (DoE) 1 Framing of guidelines Circular dated 02.03.2016 to make schools issued by DoE -- a number of accountable, in cases measures have been related to child safety recommended to ensure in schools proper discipline and supervision over students within the school premises.

Circular dated 25.09.2009, issued by DoE - sole responsibility lies with Head of School (HQS) and the designated Nodal Officer/Teacher for ensuring that no child remains in school either in classroom or laboratories or toilets after school hours apart from framing guidelines to ensure general supervision and safety of children in school while disbursing from morning assembly or to go to Labs/Library/ Activity Room/ Sports etc. [Pg 3, Status Report filed on 14.03.2018] 2 Police verification/ Order dated 18.09.2017 issued background check of by DoE - to ensure support staff verification of "character" and "antecedents" of all employees of all private unaided recognized schools, by Delhi 3 Counselling of school Circular dated 25.03.2014 staff issued by the Department of Women and Child Development, Government of NCT of Delhi, circulating guidelines for prevention of Child abuse as documented by Delhi Commission for Protection of Child Rights for compliance with immediate effect. [Pg 4, Status Report filed on 14.03.2018] Circular dated 23.07.2014, issued by the DoE - for deputing Principal and Teachers in the workshop organized by National Institute of Public Cooperation and Child Development 5, Siri Institutional Area, Hauz Khas New Delhi (NIPCCD) on POCSO Act, 2012 for school Principals and Teachers. [Pg 4, Status Report filed on 14.03.2018] Circular dated 11.08.2017 issued by DoE - for conducting workshop on POCSO Act, 2012 for school Principals and Sr. Teachers-in view of the letter received from Ministry of Women and Child Development, National Institute of Public Cooperation & Child Development (NIPCCD). [Pg 5, Status Report filed on 14.03.2018] 4 COTV cameras in Circular dated 04.03.2015 working condition, issued by DoE - issuing covering the entire directions for installation of school premises CCTV cameras in all Govt.

Schools for implementation of standard operating procedure for security purposes.

Circular dated 15.09.2017, issued by DoE - installation of CCTV Cameras in all Private Unaided Recognized Schools for monitoring of safety concerns of students and for ensuring 360 degree coverage of the entire school premises except inside washrooms. [Pg 5, Status Report filed on 14.03.2018] 5 Separate washrooms Circular dated 07.11.2017, for students and issued by DoE - setting out a no direct access of comprehensive policy of support staff in the ensuring Minimum Standard premises of school safety within 15 days from the date of issuance of this Circular. A Comprehensive checklist has been issued and directing the concerned authorities to maintain strict compliance of contents of checklist covering "Toilets". The Circular lay downs minimum security/ safety requirement concerning all aspect of schools in check-

list format to ensure its audit and compliance. [Pg 6, Status Report filed on 14.03.2018] 6 No entry in school Circular dated 07.11.2017, premises, of any issued by DoE -

outsider without comprehensive policy of verifying identity ensuring minimum Standard of school safety within 15 days from the date of issuance of this Circular. A Comprehensive checklist has been issued and directing the concerned authorities to maintain strict compliance of contents of checklist covering "School Entrance for Visitors". The Circular lay downs minimum security/safety requirement concerning all aspect of schools in check-list format to ensure its audit and compliance. [Pg 6, Status Report filed on 14.03.2018] 7 Formation of internal As mentioned in Point no. 6 school above.

committee alongside a Government committee 8 Set up a regulatory As mentioned in Point no. 6 Committee/committee above."

by Government to ensure compliance by schools

5. In view of the aforesaid circulars already issued and the steps taken by the respondents, we see no reason to further monitor this case. Now, the only question left out, is the proper and effecting implementation of the aforesaid circular and the guidelines issued by the respondents in its letter and spirit. We have also perused the suggestions given by the learned Amicus Curiae in this case, which are at page 197 of this writ petition. The suggestions given by the learned Amicus Curiae read as under:

"In compliance of the order dated 18.10.2019 of this Hon'ble Court, following suggestions are being put forth in order to ensure security and security and safety of children studying in schools in the NCT of Delhi:

1. The Directorate of Education, GNCTD has issued inter alia Circular dated 07.11.2017 titled "Minimum Standards of School Safety". The said Circular in addition to enumerating elaborate steps for the subject purpose, provides a comprehensive checklist containing 117 items for the Schools to refer to ensure compliance. However, it is safe to state that majority of the schools either do no adhere to the checklist or do so for mere lip service.

It is thus suggested that the Government of Delhi/Directorate of Education should constitute an independent panel of officers to visit schools from time to time for random surprise inspection in order to not only identify erring schools but also to be able to identify practical concerns of the schools in implementing the steps prescribed in the DOE Circulars.

A true copy of Circular dated 07.11.2017 is annexed hereto and marked as Annexure A-1.

2. Picketing and police surveillance near schools particularly when schools start and school close ought to be by personnel trained and sensitized to children of varying ages so as to effectively ensure security of students as well as reporting of incidents by students who may not obtain assistance out

of fear and a myriad of reasons. Furthermore, periodical report of surveillance and security measures taken in and around schools ought to be submitted to police official not below the rank of Additional Commissioner of Police for review and necessary action.

3. There are no security guards posted in schools run by MCDs. As such, directions be issued to the Commissioner of all three MCDs to deploy two security guards in every MCD school permanently."

6. We appreciate the valuable services and suggestions given by the learned Amicus Curiae in this case. The aforesaid valuable suggestions given by the learned Amicus Curiae as stated hereinabove have also been appreciated by the counsel for the respondents. There should be a strict compliance of the aforesaid circular and guidelines issued by the respondents to the concerned schools, in accordance with law, rules, regulations and the Government policies. In case of violation of circular and guidelines issued by the respondents by any of the schools, action shall be initiated by the respondents against those schools, in accordance with law.

7. With these observations, this writ petition is hereby disposed of.

CHIEF JUSTICE C.HARI SHANKAR, J.

JANUARY 16, 2020/r.bararia