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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT, SCHOOL EDUCATION DEPARTMENT
Jammu/ Srinagar
(LEGAL SECTION)

No: Edu/legal/J/06/2011
Dated: 27-01-2012

Subject: PIL (Writ) SCI in WP (Civil) No: 631/2004 titled Environmental and Consumer Protection Foundation V/S Delhi Administration and others.

C I R C U L A R

Whereas, the above titled writ petition was listed before the Hon'ble Supreme Court of India on 18-10-2011 and the Hon'ble Supreme Court passed the following directions:-

".....we direct all the states and Union Territories to ensure that toilet facilities are made available in all the schools on or before 3th November 2011. In case it is not possible to have permanent construction of toilets, at least temporary toilets be provided in the schools on or before 30th November, 2011 and permanent toilets be available by 31st December 2011".

Whereas, the copy of the order dated: 18-10-2011 was endorsed to Director School Education, Kashmir, Director School Education, Jammu and State Project Director, Sarva Shiksha Abhiyan (SSA) vide letter No:Edu/Legal/J/06/2011 dated: 20-10-2011 followed by reminder dated: 25-11-2011, 7-12-2011 and 8-12-2011 with the request to implement the same in letter and spirit and furnish a compliance report in the matter;

Whereas, the matter was also discussed in a meeting held by the Commissioner/Secretary to Government, School Education Department on 29-12-2011;

Whereas, the Education Department prepared an action plan in the matter, the salient features of which are as under:-

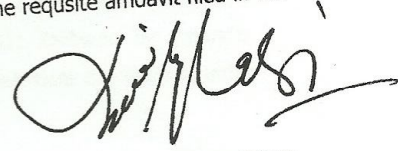
- I. 281 No. of schools will be provided drinking water facility and toilet facility by debit to Rashtriya Madhyamik Shiksha Abhiyan ("RMSA") in High Schools which have elementary classes also. The funds stand sanctioned by Government of India @ Rs. 1.52 lacs per unit which stand released to Chief Education Officers and schools are also identified.
- II. The school buildings being constructed under RMSA have an in-built cost of toilet blocks. The Chief Education Officers will ensure construction of toilet blocks wherever the building are under construction under RMSA.
- III. Toilets will be provided in schools sanctioned under SSA. The cost of the toilet is in-built in cost of the building of new Primary Schools and upgraded Upper Primary Schools.
- IV. 6,000 (Six thousand) schools will be covered under Total Sanitation Campaign as per the target fixed district-wise by the Rural Development Department during the 2011-12. All Chief Education Officers and District Panchayat Officers have been ordered to monitor the implementation and ensure achievement of approved targets.
- V. The schools which are not covered under aforesaid schemes will be provided toilet facility by debit to school local fund. The specification and norms will be same as are applicable under Total Sanitation Campaign in Rural Development and BSUP in Urban areas.

Whereas, the aforesaid decisions stands conveyed to Commissioner/Secretary to Government, Rural Development Department, Commissioner/Secretary to Government, Public Health Engineering Department, Director School Education, Kashmir, Director School Education, Jammu, State Project Director, Sarva Shiksha Abhiyan (SSA), State Project Director, Rashtriya Madhyamik Shiksha Abhiyan and all Chief Education Officers of Jammu and Kashmir Division for its implementation through minutes of meeting dated:29-12-2011;

Whereas, on the basis of the information provided by the Director School Education, Kashmir and Director School Education, Jammu an affidavit has been filed in the Hon'ble Supreme Court of India;

Whereas, the case was listed before the Hon'ble Supreme Court of India on 13-01-2012 and as intimated by the Standing Counsel, J&K, the Hon'ble Court has directed that the **permanent arrangements** should be made available in the remaining schools which lack separate toilets for boys and girls by **31st March, 2012** and an affidavit in compliance be filed by the State accordingly.

Now, therefore, in view of the above position, it is impressed upon the Commissioner/Secretary to Government, Rural Development Commissioner/Secretary to Government, Public Health Engineering Department, Director School Education, Kashmir, Director School Education, Jammu, State Project Director, Sarva Shiksha Abhiyan (SSA), State Project Director, Rashtriya Madhyamik Shiksha Abhiyan and all the Chief Education Officers of Kashmir and Jammu Division to implement the directions of the Hon'ble Supreme Court before 31st March 2012 read with the decision conveyed to them as mentioned hereinabove and furnish a compliance report in the matter enabling this Department to have the requisite affidavit filed in the Hon'ble Supreme Court.



Ch. R.A. Inqilabi (KAS)
Additional Secretary to Government
School Education Department

25/1

Copy to the:-

1. Commissioner/Secretary to Government, Public Health Engineering Department for information and necessary action.
2. Commissioner/Secretary to Government, Rural Development Department for information and necessary action.
3. Chairman/Secretary, J&K Board of School Education, Jammu.
4. Chief Engineer, Public Health Engineering Department, Kashmir/Jammu for necessary action.
5. Director, School Education, Kashmir/Jammu for immediate necessary action.
6. Director, Information Department, J&K Srinagar for publication of the Circular in two leading local dailies of English/Urdu in Kashmir and Jammu Division.
7. Special Secretary to Chief Secretary for information of Chief Secretary.
8. All Deputy Commissioners _____ for strict follow-up action.
9. All Chief Education Officers _____ for immediate necessary action. They are directed to furnish the action taken report within a fortnight.
10. Pvt. Secretary to Commissioner/Secretary to Government, School Education Department, J&K Jammu for information of Commissioner/Secretary.
11. PA to Additional Secretary to Government, School Education Department to hoist the Circular on official website.