

R E V I S E D

ITEM NO.57

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(Criminal) No.136/2017

BARUN CHANDRA THAKUR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for intervention)

WITH W.P.(C) No.874/2017 (PIL-W)

(With appln.(s) for intervention)

Date : 09-10-2017 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Sushil K. Tekriwal, Adv.
Dr. Mamta Tekriwal, Adv.
Mr. Venkateswara Rao Anumolu, AOR

Ms. Sujeeta Srivastava, AOR

For Respondent(s) Mr. Ranjit Kumar, SG
Ms. Binu Tamta, Adv.
Mr. P.K. Dey, Adv.
Mr. B.V. Balram Das, Adv.
Ms. Vimla Sinha, Adv.
Mr. Mukesh Kumar Maroria, AOR

Mr. Tara Chandra Sharma, AOR
Ms. Neelam Sharmaa, Adv.
Ms. Pankhuri Shrivastava, Adv.
Mr. Rupesh Kumar, Adv.
Mr. Rajeev Sharma, Adv.

Applicant-in-person

Mr. Neeraj Shekhar, AOR

Mr. P.S. Narasimha, ASG

Mr. Shailinder Saini, Adv.

Mr. Mukul Singh, Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. Gopal Singh, AOR

Mr. Manish Kumar, Adv.

Mr. K. V. Vijayakumar, AOR

Ms. Anuja Kapur, In-person

Mr. P. Venkat Reddy, Adv.

Mr. Prashant Tyagi, Adv.

Ms. Aishwarya Bhati, Adv.

Mr. Kamendra Mishra, Adv.

Mr. Rajeev Kumar Dubey, Adv.

Ms. Shobha, Adv.

Ms. Joyshree Barman, In-person

Mr. Shuvodeep Roy, Adv.

Mr. Sayooj Mohandas, Adv.

Mr. S.B. Upadhyay, Sr. Adv.

Mr. Murari Kumar, Adv.

Mr. Animesh Kumar, Adv.

Mr. Sumit Kumar, Adv.

Mr. Anil Grover, AAG

Mr. Satish Kumar, Adv.

Mr. Sanjay Kr. Visen, Adv.

Ms. Noopur Singhal, Adv.

Ms. Aruna Mathur, Adv.

Mr. Avneesh Arputham, Adv.

Ms. Anuradha Arputham, Adv.

Ms. Simran Jeet, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Writ Petition (C) No.874/2017

Mr. Ranjit Kumar, learned Solicitor General appearing for the Union of India undertakes to file an affidavit indicating the stand of the Union of India and the

guidelines that have already been framed and issued to the States for implementation in terms of the Right of Children to Free and Compulsory Education Act, 2009. Additionally, it is submitted that after the tragic incident has occurred, the Union of India has issued two more guidelines on 1st September, 2017 and 11th September, 2017, and the same have been sent to the States for implementation. It is also set forth in the affidavit, as Mr. Ranjit Kumar would submit, that National Disaster Management Authority Guidelines, 2016, have been amended on 27th February, 2017, for the purpose of safety of the children in the schools.

The four States, namely, Bihar, Tamil Nadu, Haryana and Uttar Pradesh have entered appearance in the matter. The said States may indicate additional guidelines if necessary to be added. That apart, the States shall see that the guidelines circulated by the Union of India are implemented in reality and also have an action plan so that the children feel safe in the schools and do not suffer from any phobia in schools.

We have been apprised by the learned counsel appearing for the petitioners and the intervenors that the safety guidelines are to be rigorous and they have to be followed in absolute strictness. We agree with the said submission in entirety. However, we would like the learned counsel appearing for the petitioners and the intervenors to suggest any other guideline as they think fit in writing after perusing the guidelines framed by the Union of India.

Needless to emphasize, when we say action plan for implementation, it basically conveys that there has to be accountability and visiting of adverse consequences. The guidelines framed by the Central Board of Secondary Education (CBSE) which is a part of the counter affidavit shall be served on the Standing Counsel for the States. In addition

to the aforesaid, the Union of India and the CBSE shall put the guidelines in their respective websites.

As far as the States who have not appeared today, notice be issued to the Chief Secretaries of the States so that they can make arrangement for appearing in the matter and file their response. The Registry is directed to issue notice to the Chief Secretaries of the States forthwith.

The affidavit of the Union of India be taken on record when it is filed.

List the matter at 2 p.m. on 30th October, 2017.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar

ITEM NO.57

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(Criminal) No.136/2017

BARUN CHANDRA THAKUR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for intervention)

WITH W.P.(C) No.874/2017 (PIL-W)

(With appln.(s) for intervention)

Date : 09-10-2017 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Sushil K. Tekriwal, Adv.
Dr. Mamta Tekriwal, Adv.
Mr. Venkateswara Rao Anumolu, AOR

Ms. Sujeeta Srivastava, AOR

For Respondent(s) Mr. Ranjit Kumar, SG
Ms. Binu Tamta, Adv.
Mr. P.K. Dey, Adv.
Mr. B.V. Balram Das, Adv.
Ms. Vimla Sinha, Adv.
Mr. Mukesh Kumar Maroria, AOR

Mr. Tara Chandra Sharma, AOR
Ms. Neelam Sharma, Adv.
Ms. Pankhuri Shrivastava, Adv.
Mr. Rupesh Kumar, Adv.
Mr. Rajeev Sharma, Adv.

Applicant-in-person

Mr. Neeraj Shekhar, AOR

Mr. P.S. Narasimha, ASG

Mr. Shailinder Saini, Adv.

Mr. Mukul Singh, Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. Gopal Singh, AOR

Mr. Manish Kumar, Adv.

Mr. K. V. Vijayakumar, AOR

Ms. Anuja Kapur, In-person

Mr. P. Venkat Reddy, Adv.

Mr. Prashant Tyagi, Adv.

Ms. Aishwarya Bhati, Adv.

Mr. Kamendra Mishra, Adv.

Mr. Rajeev Kumar Dubey, Adv.

Ms. Shobha, Adv.

Ms. Joyshree Barman, In-person

Mr. Shuvodeep Roy, Adv.

Mr. Sayooj Mohandas, Adv.

Mr. S.B. Upadhyay, Sr. Adv.

Mr. Murari Kumar, Adv.

Mr. Animesh Kumar, Adv.

Mr. Sumit Kumar, Adv.

Mr. Anil Grover, AAG

Mr. Satish Kumar, Adv.

Mr. Sanjay Kr. Visen, Adv.

Ms. Noopur Singhal, Adv.

Ms. Aruna Mathur, Adv.

Mr. Avneesh Arputham, Adv.

Ms. Anuradha Arputham, Adv.

Ms. Simran Jeet, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Writ Petition (C) No.874/2017

Mr. Ranjit Kumar, learned Solicitor General appearing for the Union of India undertakes to file an affidavit indicating the stand of the Union of India and the

guidelines that have already been framed and issued to the States for implementation in terms of the Right of Children to Free and Compulsory Education Act, 2009. Additionally, it is submitted that after the tragic incident has occurred, the Union of India has issued two more guidelines on 1st September, 2017 and 11th September, 2017, and the same have been sent to the States for implementation. It is also set forth in the affidavit, as Mr. Ranjit Kumar would submit, that National Disaster Management Authority Guidelines, 2016, have been amended on 27th February, 2017, for the purpose of safety of the children in the schools.

The four States, namely, Bihar, Tamil Nadu, Haryana and Uttar Pradesh have entered appearance in the matter. The said States may indicate additional guidelines if necessary to be added. That apart, the States shall see that the guidelines circulated by the Union of India are implemented in reality and also have an action plan so that the children feel safe in the schools and do not suffer from any phobia in schools.

We have been apprised by the learned counsel appearing for the petitioners and the intervenors that the safety guidelines are to be rigorous and they have to be followed in absolute strictness. We agree with the said submission in entirety. However, we would like the learned counsel appearing for the petitioners and the intervenors to suggest any other guideline as they think fit in writing after perusing the guidelines framed by the Union of India.

Needless to emphasize, when we say action plan for implementation, it basically conveys that there has to be accountability and visiting of adverse consequences. The guidelines framed by the Central Board of Secondary Education (CBSE) which is a part of the counter affidavit shall be served on the Standing Counsel for the States. In addition

to the aforesaid, the Union of India and the CBSE shall put the guidelines in their respective websites.

As far as the States who have not appeared today, notice be issued to the Chief Secretaries of the States so that they can make arrangement for appearing in the matter and file their response. The Registry is directed to issue notice to the Chief Secretaries of the States forthwith.

The affidavit of the Union of India be taken on record when it is filed.

List the matter at 2 p.m. on 30th October, 2017.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar