

Reg. Post.

No. EDN-H (21)A(1) PS-14/2017-Court Case
Directorate of Higher Education
Himachal Pradesh

Tel.No:-0177-2653120, Ext: 234, E-mail:-genbr@rediffmail.com Fax: 0177-2812882

Dated: Shimla-171001

the September, 2017

To

All the Deputy Director of Higher Education,
Himachal Pradesh.

शिक्षा निदेशालय
हिमाचल प्रदेश

16 SEP 2017

Subject: -

Writ Petition (Civil) No. 483/2004 Titled Avinash Mehrotra Vs Union
of India & Ors.

Memo:-

Please kindly find enclosed herewith a photocopy of Order dated 23-08-2017 passed by the Hon'ble Supreme Court of India in the Writ Petition (Civil) No. 483/2004 Titled Avinash Mehrotra Vs Union of India & Ors. as received from the Assistant Registrar, Supreme court of India, vide D No. 2437/2004/SC/PIL(Writ) dated 23-08-2017, on the subject cited above and you are hereby directed to take further necessary action in the matter as per directions of Hon'ble Supreme Court of India, within the stipulated time, under intimation to this department.

Any laxity in the matter will be viewed seriously and action as warranted under Rules will be initialed against the defaulters. **This may be given Personal attention and top Priority being a Supreme Court Matter.**

Sd

Jt. Director of Higher Education(C)
Himachal Pradesh
September, 2017

Endst. No. Even Dated: Shimla-171001 the,
Copy to:-

1. Supdt. Legal Cell Directorate of Higher Education Himachal Pradesh Shimla his U.O. No-EDN-HE (18) LC-57/2017 dated 11-09-2017 for information please.
2. The Incharge, I.T. Cell, With the Direction to upload the same on the Departmental website.
3. Guard file.

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Jt. Director of Higher Education(C)
Himachal Pradesh

3796
8/9/17

No.EDN(D)1- 443/2017-L

Government of Himachal Pradesh.
Department of Education(D).

From

The Principal Secretary (Education) to the
Government of Himachal Pradesh, Shimla-2

To

The Director of Higher/Elementary Education
Himachal Pradesh, Shimla-171001.

Dated: Shimla-171002 the

57/09/2017

**Subject:- Writ Petition(C) 483 of 2004 titled as Avinash Mehrotra Vs.
Union of India & ors**

Sir,

I am directed to enclose herewith a photocopy copy of
Order dated 23-08-2017 passed by the Hon'ble Supreme Court of India
in the above mentioned writ petition(civil) as received from the
Assistant Registrar, Supreme Court of India, Vide D. No.
2437/2004/SC/PIL(Writ) dated-23-08-2017 (copy enclosed) on the
subject cited above and to request you to take further necessary
action in the matter as per directions of Hon'ble Supreme Court of
India, within the stipulated time, under intimation to this department

This may be given PERSONAL ATTENTION AND TOP PRIORITY
being Supreme COURT MATTER.

Yours faithfully,

(Ved Prakash Garg)

Deputy Secretary (Education) to the
Govt. of Himachal Pradesh.

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logged.

S.A.B.G./M.C

RS
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SPEED POST/SPECIAL MESSENGER

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D.NO. 2437/ 2004/SC/PII (WRIT)

SUPREME COURT
INDIA
NEW DELHI

All Communications should be addressed to the Registrar, Supreme Court by designation, NOT by name

DATED: 23rd August, 2017

FROM : Assistant Registrar, PIL (WRIT)

TO :

1. Union of India, through its Secretary,
Ministry of Law and Justice and Company Affairs
Shastri Bhawan,
Government of India, New Delhi
2. State of Andhra Pradesh,
Through the Chief Secretary,
Secretariat, Hyderabad
3. State of Arunachal Pradesh,
Through the Chief Secretary Home
Secretariat,
Itanagar, Arunachal Pradesh,
4. State of Assam,
Through the Chief Secretary,
Secretariat
Dispur, Assam
5. State of Bihar,
Through the Chief Secretary,
Secretariat,
Patna
6. State of Chhattisgarh,
Through the Chief Secretary,
Government of Chhattisgarh,
Secretariat,
Raipur, Chattisgarh
7. State of Goa,
Through the Chief Secretary,
Secretariat,
Panji, Goa
8. State of Gujarat,
Through the Chief Secretary,
Secretariat
Gandhinagar, Gujrat
9. State of Haryana,
Through the Chief Secretary,
Government of Haryana,
Secretariat

21-8-17
Acs (Edm)

1-9-17

Edm

4/9

Edm

4/9

Edm

21/8

10. State of Himāchal Pradesh,
Through the Chief Secretary,
Government of Himachal Pradesh,
Secretariat,
Shimla, Himachal Pradesh,
11. State of Jammu & Kashmir,
Through the Chief Secretary,
Secretariat,
Srinagar, Jammu & Kashmir,
12. State of Jharkhand,
Through the Chief Secretary,
Secretariat, Ranchi, Jharkhand
13. State of Karnataka,
Through the Chief Secretary,
Secretariat,
Bangalore, Karnataka,
14. State of Kerala,
Through the Chief Secretary,
Secretariat,
Thiruvanthapuram, Kerala,
15. State of Madhya Pradesh,
Through the Chief Secretary,
Secretariat,
Bhopal, M.P.
16. State of Maharashtra,
Through the Chief Secretary,
Secretariat,
Mumbai
17. State of Manipur
Through the Chief Secretary,
Secretariat,
Imphal, Manipur
18. State of Meghalaya,
Through the Chief Secretary,
Secretariat,
Shiilong, Meghalaya,
19. State of Mizoram,
Through the Chief Secretary,
Secretariat,
Aizwal, Mizoram,
20. State of Nagaland,
Through the Chief Secretary,
Secretariat,
Kohima, Nagaland
21. State of Orissa,
Through the Chief Secretary,
Secretariat,
Bhubaneshwar, Orissa

22. State of Punjab,
Through the Chief Secretary,
Secretariat,
Chandigarh, Punjab.
23. State of Rajasthan,
Through the Chief Secretary,
Secretariat,
Jaipur (Rajasthan)
24. State of Sikkim,
Through the Chief Secretary,
Secretariat,
Gangtok, Sikkim
25. State of Tamil Nadu,
Through the Chief Secretary,
Secretariat,
Chennai,
Tamil Nadu,
26. State of Tripura,
Through the Chief Secretary,
Secretariat,
Agartala, Tripura
27. State of Uttranchal
Through the Chief Secretary,
Secretariat,
Dehradun, Uttranchal
28. State of Uttar Pradesh
Through the Chief Secretary,
Secretariat,
Lucknow, U.P.
29. State of West Bengal,
Through the Chief Secretary,
Secretariat,
Kolkata, West Bengal
30. Government of National Capital Territory of Delhi
Through the Chief Secretary Home,
Secretariat, Delhi
31. Union Territory of Andaman & Nicobar Islands,
Through the Chief Secretary
Secretariat, Port Blair,
Andaman & Nicobar Islands
32. Union Territory of Chandigarh,
Through the Chief Secretary
Secretariat
Chandigarh
33. Union Territory of Dadra & Nagar Haveli,
Through the Chief Secretary
Secretariat,
Silvassa

34. Union Territory of Daman & Diu,
Through the Chief Secretary
Secretariat,
Daman
35. Union Territory of Lakshadweep,
Through the Chief Secretary
Secretariat,
Kavaratti, Lakshadweep,
36. Union Territory of Puducherry
Through the Chief Secretary,
Secretariat,
Puducherry
37. National Disaster Management Authority
Through its Chairman
NDMA Bhawan, A-1
Safdarjung Enclave,
New Delhi-110029

IN THE MATTER OF:

WRIT PETITION (CIVIL) NO. 483 OF 2004
(Under Article 32 of the Constitution of India)

Avinash Mehrotra

... Petitioner

Versus

Union of India & Ors.

... Respondents

Sir,

I am directed to forward herewith a certified copy of the Signed Order dated 14.08.2017 of this Court passed in the Writ Petition above-mentioned for your information, compliance and necessary action.

Please acknowledge receipt.

Yours faithfully,



Assistant Registrar

Encl.: As above

...Lodhi/-

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 483 of 2004

512874

AVINASH MEHROTRA

..... PETITIONER

VERSUS

Certified to be true copy
AC 318/17
Assistant Registrar (Judge)
Supreme Court of India

UNION OF INDIA & ORS.

..... RESPONDENTS

ORDER

1. Mr. Tushar Mehta, learned Additional Solicitor General, has handed over to us a draft letter, addressed by the National Disaster Management Authority, to All the Chief Secretaries/Principal Secretaries, Department of Education, of all the States and Union Territories. It is also submitted, that the National Disaster Management Authority shall send similar communications to the Ministry of Human Resource Development for being implemented with reference to schools under its jurisdiction.

2. The aforestated draft letter is extracted hereinbelow:

"Letter to Chief Secretaries/Principal Secretaries,
Dept. of Education - States

Dear Sir,

The safety environment in the schools for children is one of the most important priority area for the Central Government as well as for National Disaster Management Authority. Incidents of death / injury of school children in a natural disaster, fires and other disasters highlight the need to focus on making schools

absolutely safe by taking all measures which are required to be taken.

2. The Disaster Management Act, 2005 is a Statute specifically enacted by Parliament for prevention and mitigating effects of disasters and for undertaking a holistic, coordinated and prompt response in a disaster situation. The National Disaster Management Authority is constituted under the same Act and is exercising the statutory powers vested upon it under the said Act.

3. The National Disaster Management Authority (NDMA) formulated the National Disaster Management Guidelines on School Safety Policy in 2016 with a vision of safety of school children. This is a mandatory statutory requirement to be implemented in each of the schools in the country. These guidelines clearly spell out the roles and responsibilities of different stakeholders for preparing plans, developing capacity, incorporating risk reduction in the syllabus, and improving coordination and synergy at all levels. Section 39 (a) of the DM Act 2005 mandates the Departments of State Governments to take measures necessary for prevention of disasters, mitigation, preparedness and capacity building in accordance with the guidelines laid down by the National Authority and the State Authority.

4. The Guidelines on School Safety Policy, 2016 prepared by the National Disaster Management Authority are statutory in nature and are statutorily required to be complied with scrupulously without any deviation. Special attention should be paid to fire safety. All the requirements to ensure safety of children in schools mentioned in the said Policy of 2016 are statutory in nature and everyone involved in the process of ensuring safety of children are statutorily bound by the same.

5. NDMA circulated the copy of the guidelines on 9th January 2017 to Secretaries of Department of Revenue and Disaster Management, State Governments /UTs Administration, Vice Chairpersons of SDMA and Director of Department of School Education and Literacy, Ministry of Human Resource Development (MHRD) for further dissemination and implementation at appropriate levels in the State. A copy of the letter was also marked to all Chief Secretaries of the States/UTs.

6. The copy of the said Guidelines is being enclosed again with this communication. Section 5 of the said Guidelines titled as "Action Points for Stakeholders" details the institutional and operational roadmap for implementation of the Guidelines as well as mentions

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the specific set of actions to be taken right from the National Level to Local Level (up-to school level) to strengthen school safety measures.

7. The Hon'ble Supreme Court of India is also pleased to direct time-bound implementation of the said guidelines. The State Governments/UTs are directed to prepare a State/UT specific action plan along-with timeframe for implementation of the guidelines and submit the same within one month of receipt of this letter to Department of School Education & Literacy, MHRD and NDMA.

8. As per the provisions contained in the Act which provides for a three-tier system viz. National Disaster Management Authority, the State Disaster Management Authority and District Disaster Management Authority, the effective implementation of the policy is possible only if the compliance with the said policy is ensured at the level of District Disaster Management Authority as contemplated under Section 25 of the Act. The District Authority consists of the Collector or District Magistrate or Deputy Commissioner, as the case may be, as its Chairperson and includes elected representatives and Superintendent of Police, Chief Medical Officer etc. as its members. It shall be the duty of the District Disaster Management Authority constituted under Section 25 of the Act to ensure compliance with the National Disaster Management Guidelines on School Safety Policy, 2016 and to monitor such compliance.

9. It is observed that the Central Board of Secondary Education Schools [CBSE], Kendriya Vidyalaya Sangathan Schools [KVS], Sarva Shiksha Abhiyan [SSA] do not fall within the jurisdiction of the State Administration or District Education Officer of each district in a State. For the purpose of administration of these schools, the Central Government can directly monitor them. However, so far as the implementation of National Disaster Management Guidelines [School Safety Policy] 2016 is concerned, it is imperative that a nodal officer is earmarked who can ensure adherence and compliance to the said policy by all above referred schools and who is functioning at local district level.

10. It is, therefore, requested that the Department of School Education & Literacy, MHRD issues necessary instructions to the schools as well as to the Chief Secretaries of each State directing that the district education officer working under the State Administration would be the Nodal Officer for ensuring

adherence and compliance of the aforesaid guidelines even for Central Board of Secondary Education Schools [CBSE], Kendriya Vidyalaya Sangathan Schools [KVS], Sarva Shiksha Abhiyan [SSA] within his jurisdiction.

11. Considering the devastating result in the event of non discharge of Statutory functions for prevention of such disasters, it is necessary that the National Disaster Management Authority and the State Government identifies a responsible officer in each District in the country to function as a Nodal Officer to ensure strict, mandatory and scrupulous compliance with the Statutory guidelines referred above so as to ensure that in the event of failure or negligence of such Nodal Officer, responsibility can be fixed.

12. Under the circumstances, it is directed that the District Education Officer of each District shall be declared to be a "Nodal officer" with responsibility, liability and obligation as well as powers and functions to ensure strict compliance with the National Disaster Management Guidelines [School Safety Policy], 2016 within the district of his jurisdiction.

The District Disaster Management Authority as constituted under Section 25 of the Act shall periodically monitor his functioning and ensure that the District Education Officer as a Nodal Officer discharges his duty for strict adherence and compliance with the directives / guidelines contained in the said Policy of 2016. The Chief Secretary of each State will satisfy himself about the due discharge of functions by the District Disaster Management Authority as well as District Education Officer as a Nodal Officer and would send a report containing compilation of quarterly reports received by him from the District level authorities / nodal officer to the Department of School Education & Literacy, Ministry of HRD as well as NDMA.

13. The Department of School Education & Literacy, Ministry of HRD and NDMA will jointly monitor the implementation of the said guidelines at the national level through periodical meetings for each State and periodical reviews. The joint monitoring of the implementation of such safety guidelines shall be done by Joint Committee consisting of representations of both Department of School Education & Literacy, Ministry of HRD and NDMA to be constituted by NDMA."

3. We are satisfied, that the determination at the hands of the Union of India fully satisfies the parameters required to be

9

implemented on the subject under consideration. We therefore approve the same. We also hereby direct, that the same shall be implemented in letter and spirit by all concerned authorities. The determination recorded hereinaabove effectively disposes of all the issues canvassed in the instant writ petition. The same is accordingly hereby disposed of.

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sd/-

.....CJI.
(JAGDISH SINGH KUEHAR)

sd/-

.....J.
(Dr. D. Y. CHANDRACHUD)

NEW DELHI;
AUGUST 14, 2017.