

Karnataka Lokayukta
(Under Section 7 of the Karnataka Lokayukta Act, 1984)

CASE NUMBER : **COMPT/LOK/BD /1357/2019**

District : **Kolar**

BY :

1. SUO MOTO,

As per the order of Honble Lokayukta

Dated:26/04/2019

Mobile/Landline:

COMPLAINANT/S

AGAINST :

**1. PRINCIPAL SECRETARY TO
GOVERNMENT,**

Primary and Secondary Education Department,
M.S. Building, BENGALURU.

2. COMMISSIONER,

Public Instruction Department, N.T. Road,
BENGALURU.

3. DEPUTY DIRECTOR,

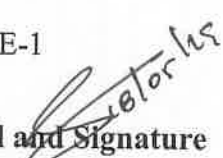
Public Instruction Department, KOLAR District.

RESPONDENT/S

Allegation/Grievance
Brief : Dereliction of Duty.

Received From : By Lok/Bcd/2349/2018/ARE-1

Received On : 16-05-2019

Seal and Signature


Complaint stands
allotted to : ARE-1

SCRUTINY AND OPINION

KARNATAKA LOKAYUKTA, BENGALURU

No.Compt/LOK/BD-1357/2019/ARE-1

Date : 20.12.2019

O R D E R

This is a suo-motu proceedings initiated in terms of the Orders dated 11.1.2019 and 26.4.2019 made in Complaint No.LOK/BCD-2349/2018. In the order dated 11.1.2019 at para-6, I had observed as follows –

“ since, it has come to my notice with regard to the bad condition of the buildings of the schools located in other parts of the state, I am of the view, it would be in the interest of justice to direct the respondent No.1 and 2 to submit the status report on the following-

- (1) The conditions of all school buildings coming under the primary and secondary education, with reference to each district and taluks.
- (2) The respondent no.2 may obtain such reports from the respective deputy directors of public instructions who shall in turn secure the report from the Block



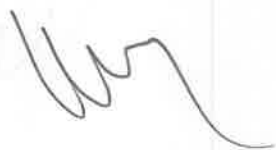
education officer and head masters of the concerned schools.

- (3) The particulars of the schools where immediate steps are required to be taken for repair and reconstruction of the buildings”.

2) Pursuant to my order, comments were called from the concerned authorities. It is useful to extract the note dated 20.12.2019 submitted by the Additional Registrar of Enquiries-1, Karnataka Lokayukta, Bengaluru, which reads as follows –

“This is a suo-moto complaint registered in respect of the bad condition of the school buildings, which comes under Primary and Secondary Education Department situated in different parts of the state. By order dated 20-05-2019 Hon'ble Lokayukta directed the Deputy Director of Public Instructions, Kolar District to submit list of all the schools situated in that district, which requires urgent repairs/reconstruction after securing information from the concerned BEO's.

Now report is received from the Deputy Director of Public Instructions. The Deputy Director of Public instructions has listed the schools in which buildings are in dilapidated



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condition requiring urgent repairs/
reconstruction.

Therefore if approved the copy of the report will be forwarded to the Principal Secretary to Government, department of Public Instructions, Bengaluru to take immediate action for repairs/reconstruction of the school buildings listed in the report, which requires urgent attention as the safety of the students studying in those schools is involved. The case may be listed on **05-02-2020.**"

3) Along with the report dated 04.06.2019 submitted by the Deputy Director (Admn.), Public Instructions Department, Kolar District, the details of the schools which require immediate repair has been set out. The Schools referred to in the report are all Government Schools. It is needless to point out while the State has the duty and obligation to provide education to the students, it is implied that there is an obligation to create a congenial atmosphere for imparting education in the Educational Institutions. It is also needless to point out the condition of the buildings should be suitable for imparting education with all the facilities provided. The dilapidated



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condition of the building, if it remains unattended, and is not made suitable for imparting education to the students, it would result in serious consequences to the life and liberty of the students who attend the school, violating the rights guaranteed under Article 21 and 21A of Constitution of India, and Right of Children to free and compulsory Education Act -2009. In this connection it is useful to refer to the observations made by the Hon'ble Supreme Court of India, in the case of Avinash Mehrotra Vs. Union of India and others reported in (2009) 6 SCC 398 which reads as hereunder –

“24. Education occupies an important place in our Constitution and culture. There has been emphasis on free and compulsory education for children in this country for a long time. There is a very strong historical perspective. The Hunter Commission in 1882-1883, almost 125 years ago, recommended universal education in India. It proposed to make education compulsory for the children.

25. The Government of India Act, 1935 provided that “education should be made free and compulsory for both boys and girls”. While debating on a Bill in the Imperial Legislation Council in 1911, Shri Gopal Krishna Gokhale strongly advocated that elementary education should be both compulsory and free.

26. Our original Framers of the Constitution placed free and compulsory education in the directive principles. The unamended Article 45 provided that:

“45. Provision for free and compulsory education for children.—The State shall endeavour to provide, within a

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period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.”

27. The Kothari Commission on Education set up by the Government of India in 1966 strongly recommended free and compulsory education for children up to 14 years. The Commission observed that there is no other way for the poor to climb their way out of this predicament.

28. Education occupies a sacred place within our Constitution and culture. Article 21-A of the Constitution, adopted in 2002, codified this Court's holding in *Unni Krishnan, J.P. v. State of A.P.* [(1993) 1 SCC 645] in which we established a right to education. Parliament did not merely affirm that right; the amending Act placed the right to education within the Constitution's set of fundamental rights, the most cherished principles of our society. As the Court observed in *Unni Krishnan*¹: (SCC p. 664, para 8)


“8. The immortal poet Valluvar whose *Tirukkural* will surpass all ages and transcend all religions said of education:

‘Learning is excellence of wealth that none destroy; To man nought else affords reality of joy.’”

29. Education today remains liberation—a tool for the betterment of our civil institutions, the protection of our civil liberties, and the path to an informed and questioning citizenry. Then as now, we recognise education's “transcendental importance” in the lives of individuals and in the very survival of our Constitution and Republic.

30. In the years since the inclusion of Article 21-A, we have clarified that the right to education attaches to the individual as an inalienable human right. We have traced the broad scope of this right in *R.D. Upadhyay v. State of A.P.* [(2007) 15 SCC 337 : AIR 2006 SC 1946] holding that the **State must provide education to all children in all places, even in prisons, to the children of prisoners. We have also affirmed the inviolability of the right to education.**

35. The Constitution likewise provides meaning to the word “education” beyond its dictionary meaning. **Parents should not**



be compelled to send their children to dangerous schools, nor should children suffer compulsory education in unsound buildings.

36. Likewise, the State's reciprocal duty to parents begins with the provision of a free education, and it extends to the State's regulatory power. **No matter where a family seeks to educate its children, the State must ensure that children suffer no harm in exercising their fundamental right and civic duty. States thus bear the additional burden of regulation, ensuring that schools provide safe facilities as part of a compulsory education.**

37. In the instant case, we have no need to sketch all the contours of the Constitution's guarantees, so we do not. **We merely hold that the right to education incorporates the provision of safe schools.**

39. **In view of the importance of Article 21-A, it is imperative that the education which is provided to children in the primary schools should be in the environment of safety.**

45. In the end, we should need to do little but enforce existing laws and encourage States in their own well-intentioned safety programmes. However, in the years since the fire at Lord Krishna Middle School, some States have moved slowly and safety standards have varied in quality across the States. These delays and variations have subjected millions more school children to danger from fire, earthquakes and other causes, when simple enhancements could offer much greater protection. **Articles 21 and 21-A of the Constitution require that India's school children receive education in safe schools. In order to give effect to the provisions of the Constitution, we must ensure that India's schools adhere to basic safety standards without further delay.**

46. **It is the fundamental right of each and every child to receive education free from fear of security and safety. The children cannot be compelled to receive education from an unsound and unsafe building.**



47. In view of what happened in Lord Krishna Middle School in District Kumbakonam where 93 children were burnt alive and several similar incidences had happened in the past, therefore, it has become imperative to direct that safety measures as prescribed by the National Building Code of India, 2005 be implemented by all government and private schools functioning in our country. We direct that:

(i) Before granting recognition or affiliation, the State Governments and Union Territories concerned are directed to ensure that the buildings are safe and secure from every angle and they are constructed according to the safety norms incorporated in the National Building Code of India.

(ii) All existing government and private schools shall install fire extinguishing equipments within a period of six months.

(iii) The school buildings be kept free from inflammable and toxic material. If storage is inevitable, they should be stored safely.

(iv) Evaluation of structural aspect of the school may be carried out periodically. We direct that the engineers and officials concerned must strictly follow the National Building Code. The safety certificate be issued only after proper inspection. Dereliction in duty must attract immediate disciplinary action against the officials concerned.

(v) Necessary training be imparted to the staff and other officials of the school to use the fire extinguishing equipments.

48. The Education Secretaries of each State and the Union Territories are directed to file an affidavit of compliance with this order within one month after installation of fire extinguishing equipments.”



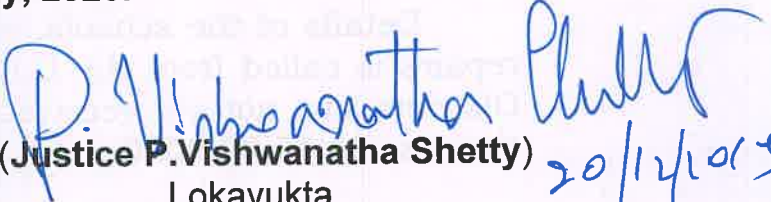
4) In the light of what is stated above, it is the duty of the officer incharge of educational institutions both Government and private to monitor regularly the conditions of the building with regard to the suitability of the building and take immediate remedial measures to carry out the repairs etc., if it is the Government educational institution and if it is private/aided education institution to give appropriate directions to the concerned who are running/managing such educational institutions to take immediate appropriate remedial steps to make the building suitable for use and to avoid any untoward incident to the students and staff of the school. Failure to take remedial measures in my considered view, has to be considered as mal-administration on the part of the authorities of the State within the meaning of Section 2(10) of the Karnataka Lokayukta Act. The list enclosed would disclose that several buildings, as referred in the list, are in a very bad condition and is likely to cause serious injury to the life and liberty of the students and to the teachers who are attending the school and therefore they call for immediate repair and remedial measures.



5) Hence, I am of the view, it would be in the interest of justice to make an order in exercise of the powers conferred on me under Section 12(1) of the Karnataka Lokayukta Act, to direct the respondents to examine the list submitted by the Deputy Director (Administration), Public Instructions Department, Kolar District and take steps to carry out repairs to the school buildings located at Kolar District, without further delay and at any event **not later than six months from the date of receipt of this order.**

6) **Further, the respondents are directed to file the interim Status Report with regard to the steps taken by the authorities to carry out the direction given above within three months from the date of receipt of this order.**

Communicate this order to the parties concerned. List this case on **5th February, 2020.**


(Justice P. Vishwanatha Shetty)
Lokayukta
State of Karnataka

*vI

7) Additional Registrar of Enq.1

ಇ 05/02/2020

ARE-1

ಸರ್ಕಾರದ ಕ್ರಯಾನೆ

ಕಾರ್ಯದರ್ಶಿ,

ಪ್ರಾಥಮಿಕ & ಪ್ರೌಢಶಿಕ್ಷಣ

ಬಿಬಿ, ಆಯುಕ್ತರು -

ಸಾ.ಶಿ. ಬಿಬಿ ಮತ್ತು

DDPI, ಕೋಲಾರ

- ರವರವರ ವರದಿ ಬಂದಿರು -

- ಪ್ರತಿ.

In this case Hon'ble Lokayukta has issued certain directions to the authorities to take urgent steps to carry out repairs to the school buildings which are in dilapidated condition in the State within a period of six months from the date of receipt of the order.

Copy of letter dated 02.01.2020 sent by the Commissioner, Department of Public Instructions to the Deputy Director of Public instructions and B.E.Os of all the District in the State to take up repair and development works in the schools situated in their District is received in No.Compt/LOK/BGM-1341/2019.

Details of the schools, which require urgent repairs is called from the D.D.P.Is of some of the Districts but not yet received. Therefore, put up the case on 15.04.2020.


ARE-1

5/2

KARNATAKA LOKAYUKTA

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No:Compt/LOK/BD-1357/2019 Date: ¹⁰ ~~01~~-02-2021 ✓

ORDER

This is a suo-motu proceeding initiated by means of my order dated 11-01-2019 and 26-04-2019 in Compt/Lok/BCD-2349/2018 with regard to the bad/dilapidated conditions of the Government school buildings in Kolar District. There are similar suo-motu proceedings initiated by me in respect of other districts of the state.

2. Pursuant to the direction issued by me, the Deputy Director of Public Instructions, Kolar District has submitted a status report dated 04-06-2019 setting out the details of the schools situated in Kolar District which requires urgent major and minor repairs. The report submitted indicates that, 431 Primary School class rooms requires major repairs and 42 High School building class rooms requires major repairs. It is useful to extract the relevant portion of the report which reads as hereunder:-



ಉಪನಿರ್ದೇಶಕರ ಕಛೇರಿ,ನಾರ್ಪಿಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆ, ಕೋಲಾರ ಜಿಲ್ಲೆ, ಕೋಲಾರ

ಅನುಬಂಧ-1

ಪ್ರಾಥಮಿಕ ಮತ್ತು ಪ್ರೌಢಶಾಲೆಗಳ ಮಾಹಿತಿ

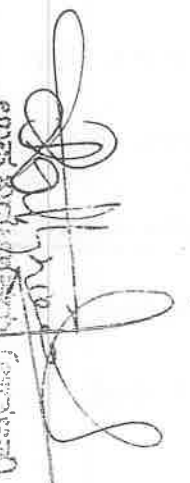
ಕ್ರ.ಸಂ	ತಾಲೂಕು ಹೆಸರು	ಅವಶ್ಯಕವಿರುವ ಕೊಠಡಿಗಳ ಸಂಖ್ಯೆ			ಪ್ರಸ್ತುತ ಶಾಲೆಲ್ಲಿರುವ ಕೊಠಡಿಗಳ ಸಂಖ್ಯೆ			ಇದರಲ್ಲಿ ಬಳಕೆಗೆ ಯೋಗ್ಯವಿರುವ ಕೊಠಡಿಗಳ ಸಂಖ್ಯೆ			ಇದರಲ್ಲಿ ಬಳಕೆಗೆ ಯೋಗ್ಯವಾಗಿಲ್ಲದ ಕೊಠಡಿಗಳ ಸಂಖ್ಯೆ		
		ಪ್ರಾಥ	ಪ್ರೌಢ	ಒಟ್ಟು	ಪ್ರಾಥ	ಪ್ರೌಢ	ಒಟ್ಟು	ಪ್ರಾಥ	ಪ್ರೌಢ	ಒಟ್ಟು	ಪ್ರಾಥ	ಪ್ರೌಢ	ಒಟ್ಟು
1	ಬಂಗಾರಪೇಟೆ	168	27	195	161	24	185	99	18	117	62	6	68
2	ಕೆ.ಜಿ.ಎಫ್	6	0	6	21	0	21	14	0	14	7	0	7
3	ಕೋಲಾರ	5	1	6	69	21	90	43	12	55	26	9	35
4	ಮುಳಬಾಗಿಲು	208	0	208	255	42	297	141	28	169	115	14	129
5	ಮಾಲೂರು	8	0	8	6	0	6	5	0	5	2	0	2
6	ಶ್ರೀನಿವಾಸಪುರ	2	9	11	116	23	139	68	16	84	48	7	131
	ಒಟ್ಟು	397	37	434	628	110	738	370	74	444	260	36	296

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ಅನುಬಂಧ-2

ಪ್ರಾಥಮಿಕ ಮತ್ತು ಪ್ರೌಢಶಾಲೆಗಳ ಮಾಹಿತಿ

ಕ್ರ.ಸಂ	ತಾಲೂಕು ಹೆಸರು	ಬಳಕೆಗೆ ಲಭ್ಯವಿರುವ ಕೊಠಡಿಗಳ ಸಂಖ್ಯೆ			ದುರಸ್ತಿ/ಪುನರು ನಿರ್ಮಾಣಗೊಂಡ ಕೊಠಡಿಗಳ ಸಂಖ್ಯೆ		
		ಪ್ರಾಥ	ಪ್ರೌಢ	ಒಟ್ಟು	ಪ್ರಾಥ	ಪ್ರೌಢ	ಒಟ್ಟು
1	ಬಂಗಾರಪೇಟೆ	317	58	375	118	16	134
2	ಕೆ.ಜಿ.ಎಫ್	4	0	4	3	0	3
3	ಕೋಲಾರ	140	12	152	53	9	62
4	ಮುಳಬಾಗಿಲು	338	7	345	210	9	219
5	ಮಾಲೂರು	20	0	20	17	0	17
6	ಶ್ರೀನಿವಾಸಪುರ	49	17	66	30	7	37
	ಒಟ್ಟು	868	94	962	431	41	472


 ಉಪನಿರ್ದೇಶಕರು (ಆರೋಪಣೆ)
 ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆ,
 ಕೋಲಾರ ಜಿಲ್ಲೆ, ಕೋಲಾರ.

3. After examining the report submitted by the respondent No.3, exercising the powers conferred on me under Section 12(1) of Karnataka Lokayukta Act, I had made an order dated 20-12-2019 directing the respondents to examine the report of respondent No.3 and take steps to carry out repairs to the school buildings located at Kolar District. It is relevant to extract paragraph No.4 to 6 of my order dated 20-12-2019, which reads as hereunder:-

“4) In the light of what is stated above, it is the duty of the officer incharge of educational institutions both Government and private to monitor regularly the conditions of the building with regard to the suitability of the building and take immediate remedial measures to carry out the repairs etc., if it is the Government educational institution and if it is private/aided education institution to give appropriate directions to the concerned who are running/managing such educational institutions to take immediate appropriate remedial steps to make the building suitable for use and to avoid any untoward incident to the students and staff of the school. Failure to take remedial measures in my considered view, has to be considered as mal-administration on the part of the authorities of the State within the meaning of Section 2(10) of the Karnataka Lokayukta Act. The list enclosed would disclose that several buildings, as referred in the list, are in a very bad condition and is likely to cause serious injury to the life and liberty of the students



and to the teachers who are attending the school and therefore they call for immediate repair and remedial measures.

5) Hence, I am of the view, it would be in the interest of justice to make an order in exercise of the powers conferred on me under Section 12(1) of the Karnataka Lokayukta Act, to direct the respondents to examine the list submitted by the Deputy Director (Administration), Public Instructions Department, Kolar District and take steps to carry out repairs to the school buildings located at Kolar District, without further delay and at any event **not later than six months from the date of receipt of this order.**

6) **Further, the respondents are directed to file the interim Status Report with regard to the steps taken by the authorities to carry out the direction given above within three months from the date of receipt of this order”.**

4. Pursuant to my order dated 20-12-2019, Respondent No.1 Principal Secretary to Government, Primary and Secondary Education Department, Bengaluru has submitted a status report dated 09-11-2020. It is useful to extract the said report, which reads as hereunder:

“ವಿಷಯ : ಕೋಲಾರ ಜಿಲ್ಲೆಯಲ್ಲಿರುವ ಶಿಥಿಲ ಶಾಲಾ ಕಟ್ಟಡಗಳ ದುರಸ್ತಿ ಬಗ್ಗೆ ಕಚೇರಿಯಲ್ಲಿ ದಾಖಲಾಗಿರುವ ಸ್ವಯಂಪ್ರೇರಿತ ದೂರಿನ ಕುರಿತು.

ಉಲ್ಲೇಖ : ತಮ್ಮ ಕಚೇರಿಯ ಪತ್ರ ಸಂಖ್ಯೆ: ಕಂಪ್ಲೇಂಟ್/ಲೋಕ್/ಬಿಡಿ- 1357/2019/ಎ.ಆರ್.ಇ-16, ದಿನಾಂಕ:06.10.2020.



ಮೇಲ್ಕಂಡ ವಿಷಯ ಮತ್ತು ಉಲ್ಲೇಖಿತ ಪತ್ರಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಕಳೆದ 03 ವರ್ಷಗಳಲ್ಲಿ ಕೋಲಾರ ಶೈಕ್ಷಣಿಕ ಜಿಲ್ಲೆಯಲ್ಲಿ ಬರುವ ಶಾಲೆಗಳ ದುರಸ್ತಿ ಹಾಗೂ ನಿರ್ಮಾಣ ಕಾಮಗಾರಿಗಳಿಗಾಗಿ ಬಿಡುಗಡೆಯಾದ ಅನುದಾನದ ಮಾಹಿತಿಯನ್ನು ಅನುಬಂಧ-1ರಲ್ಲಿ ಲಗತ್ತಿಸಿದೆ.

ಸದರಿ ಜಿಲ್ಲೆಗೆ ಕಳೆದ 03 ವರ್ಷಗಳಲ್ಲಿ ಒಟ್ಟಾರೆಯಾಗಿ ರೂ.2119.22 ಲಕ್ಷಗಳನ್ನು ಒದಗಿಸಲಾಗಿರುತ್ತದೆ. ಮುಂದುವರೆದು, 2020-21ನೇ ಸಾಲಿಗೆ ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ರಾಜ್ಯವಲಯದ ಮುಂದುವರೆದ ಯೋಜನೆ ಕಾರ್ಯಕ್ರಮದಡಿಯಲ್ಲಿ ರೂ.29.21 ಕೋಟಿಗಳ ಅನುದಾನದಲ್ಲಿ ಮಹಾತ್ಮಗಾಂಧಿ ನರೇಗಾ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ಅನುದಾನವನ್ನು ಒಗ್ಗೂಡಿಸುವಿಕೆಯ (Convergence) ಮುಖಾಂತರ ಸರ್ಕಾರಿ ಪ್ರಾಥಮಿಕ ಮತ್ತು ಪ್ರೌಢ ಶಾಲೆಗಳಿಗೆ ಮೂಲಭೂತ ಸೌಕರ್ಯಗಳಾದ ಶಾಲಾ ಶೌಚಾಲಯ ನಿರ್ಮಾಣ, ಆಟದ ಮೈದಾನ, ಶಾಲಾ ಕಾಂಪೌಂಡ್ ನಿರ್ಮಾಣ ಮುಂತಾದ ಅಭಿವೃದ್ಧಿ ಚಟುವಟಿಕೆಗಳ ಕಾಮಗಾರಿಗಳನ್ನು ಕೈಗೊಳ್ಳಲು ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ:ಇಪಿ 150 ಯೋಜನೆ 2020, ಬೆಂಗಳೂರು ದಿನಾಂಕ:12.08.2020ರ ಮೂಲಕ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.

ಪ್ರಾಥಮಿಕ ಮತ್ತು ಪ್ರೌಢ ಶಿಕ್ಷಣ ಇಲಾಖೆಗೆ ಸರ್ಕಾರಿ ಶಾಲೆಗಳ ಮೂಲಭೂತ ಸೌಕರ್ಯಗಳಿಗೆ ಪ್ರತಿ ವರ್ಷ ಆಯವ್ಯಯದಲ್ಲಿ ಒದಗಿಸಲಾದ ಅನುದಾನದ ಲಭ್ಯತೆಗೆ ಅನುಗುಣವಾಗಿ ಆದ್ಯತೆ ಮೇರೆಗೆ ಸರ್ಕಾರಿ ಶಾಲೆಗಳಿಗೆ ಮೂಲಭೂತ ಸೌಕರ್ಯಗಳನ್ನು ಒದಗಿಸಲಾಗುತ್ತಿದೆ.

ಮುಂದುವರೆದು, ಪ್ರಸ್ತುತ ಸಾಲಿನಲ್ಲಿ ಕೋವಿಡ್-19 ವಿಷಮ ಪರಿಸ್ಥಿತಿಯಿದ್ದು ಆರ್ಥಿಕ ನಿರ್ಬಂಧನೆ ಇರುವುದರಿಂದ, ಇಲಾಖೆಗೆ ನೀಡಲಾಗಿದ್ದ ಅನುದಾನವು ಸಹ ಕಡಿತಗೊಂಡಿರುತ್ತದೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಮುಂದಿನ ದಿನಗಳಲ್ಲಿ ಅನುದಾನದ ಲಭ್ಯತೆಗೆ ಅನುಗುಣವಾಗಿ ಹಂತಹಂತವಾಗಿ ಶಾಲಾ ಕಟ್ಟಡಗಳ ದುರಸ್ತಿ ಮತ್ತು ಮರುನಿರ್ಮಾಣ ಕಾರ್ಯವನ್ನು ಆದ್ಯತೆ ಮೇರೆಗೆ ಕೈಗೊಳ್ಳಲಾಗುವುದು ಎಂಬ ಅಂಶವನ್ನು ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತರ ಅವಗಾಹನೆಗೆ ತಂದು ಪ್ರಕರಣವನ್ನು ಕೈಬಿಡಲು ಆದೇಶ ಪಡೆಯಲು ಕೋರುತ್ತೇನೆ.

ಕೋಲಾರ ಜಿಲ್ಲೆ

ಕಳೆದ 03 ವರ್ಷಗಳಲ್ಲಿ ಕೋಲಾರ ಶೈಕ್ಷಣಿಕ ಜಿಲ್ಲೆಯಡಿಯಲ್ಲಿ ಬರುವ ಶಾಲೆಗಳ ದುರಸ್ತಿ ಹಾಗೂ ನಿರ್ಮಾಣ ಕಾಮಗಾರಿಗಳಿಗಾಗಿ ಈ ಕೆಳಕಂಡಂತೆ ಅನುದಾನ ಮಂಜೂರು ಮಾಡಲಾಗಿರುತ್ತದೆ.



1. ರಾಜ್ಯ ಬಂಡವಾಳ ವೆಚ್ಚದಡಿ ದುರಸ್ತಿ ಕಾರ್ಯಕ್ಕಾಗಿ ಈ ಕೆಳಕಂಡಂತೆ ಅನುದಾನ ಬಿಡುಗಡೆ ಮಾಡಲಾಗಿರುತ್ತದೆ

ವರ್ಷ	ರೂ.ಲಕ್ಷಗಳಲ್ಲಿ ಪ್ರಾಥಮಿಕ ಶಾಲೆಗಳು			ರೂ.ಲಕ್ಷಗಳಲ್ಲಿ ಪ್ರೌಢ ಶಾಲೆಗಳು		
	ಶಾಲೆಗಳ ಸಂಖ್ಯೆ	ಕೊಠಡಿಗಳ ಸಂಖ್ಯೆ	ಬಿಡುಗಡೆಯಾದ ಅನುದಾನ	ಶಾಲೆಗಳ ಸಂಖ್ಯೆ	ಕೊಠಡಿಗಳ ಸಂಖ್ಯೆ	ಬಿಡುಗಡೆಯಾದ ಅನುದಾನ
	2017-18	52	73	57.73	9	30
2018-19	64	72	52.50	41	78	60.94
2019-20	9	40	21.36	4	13	10.25
ಒಟ್ಟು	125	185	131.59	54	121	90.83

2. ರಾಜ್ಯ ಬಂಡವಾಳ ವೆಚ್ಚದಡಿ ನಿರ್ಮಾಣ ಕಾಮಗಾರಿಗಳಿಗಾಗಿ ಈ ಕೆಳಕಂಡಂತೆ ಅನುದಾನ ಬಿಡುಗಡೆ ಮಾಡಲಾಗಿರುತ್ತದೆ.

ವರ್ಷ	ರೂ.ಲಕ್ಷಗಳಲ್ಲಿ ಪ್ರಾಥಮಿಕ ಶಾಲೆಗಳು			ರೂ.ಲಕ್ಷಗಳಲ್ಲಿ ಪ್ರೌಢ ಶಾಲೆಗಳು		
	ಶಾಲೆಗಳ ಸಂಖ್ಯೆ	ಕೊಠಡಿಗಳ ಸಂಖ್ಯೆ	ಬಿಡುಗಡೆಯಾದ ಅನುದಾನ	ಶಾಲೆಗಳ ಸಂಖ್ಯೆ	ಕೊಠಡಿಗಳ ಸಂಖ್ಯೆ	ಬಿಡುಗಡೆಯಾದ ಅನುದಾನ
	2017-18	29	32	578.40	12	12
2018-19	19	37	392.20	22	40	630.00
2019-20	7	7	74.20	4	4	63.00
ಒಟ್ಟು	55	76	1044.80	38	56	852.00

ಸದರಿ ಜಿಲ್ಲೆಗೆ ಕಳೆದ 03 ವರ್ಷಗಳಲ್ಲಿ ಒಟ್ಟಾರೆಯಾಗಿ ರೂ.2119.22 ಲಕ್ಷಗಳನ್ನು ಒದಗಿಸಲಾಗಿರುತ್ತದೆ. ಮುಂದುವರೆದು, 2020-21ನೇ ಸಾಲಿಗೆ ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ರಾಜ್ಯವಲಯದ ಮುಂದುವರೆದ ಯೋಜನೆ ಕಾರ್ಯಕ್ರಮದಡಿಯಲ್ಲಿ ರೂ.29.21 ಕೋಟಿಗಳ ಅನುದಾನದಲ್ಲಿ ಮಹಾತ್ಮಗಾಂಧಿ ನರೇಗಾ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ಅನುದಾನವನ್ನು ಒಗ್ಗೂಡಿಸುವಿಕೆಯು(Convergence) ಮುಖಾಂತರ ಸರ್ಕಾರಿ ಪ್ರಾಥಮಿಕ ಮತ್ತು ಪ್ರೌಢ ಶಾಲೆಗಳಿಗೆ ಮೂಲಭೂತ ಸೌಕರ್ಯಗಳಾದ ಶಾಲಾ ಶೌಚಾಲಯ ನಿರ್ಮಾಣ, ಆಟದ ಮೈದಾನ, ಶಾಲಾ ಕಾಂಪೌಂಡ್ ನಿರ್ಮಾಣ ಮುಂತಾದ ಅಭಿವೃದ್ಧಿ ಚಟುವಟಿಕೆಗಳ ಕಾಮಗಾರಿಗಳನ್ನು ಕೈಗೊಳ್ಳಲು ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ:ಇಪಿ

150 ಯೋಸಕ 2020, ಬೆಂಗಳೂರು ದಿನಾಂಕ:12.08.2020ರ ಮೂಲಕ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.

5. The report extracted above indicates that for the last three years the government has made available in the budget Rs.2119.22 lakhs for the purpose of repair and construction of school buildings in Kolar District and during 2020-21 a sum Rs.29.21 Crores has been made available under NAREGA scheme for providing basic infrastructure/amenities to the schools in Kolar District like toilets, playgrounds, construction of compound walls etc. Further the report indicates that the repair works of the pending school buildings could not be taken up for want of funds/budget.

6. The object of this proceeding is to improve the infrastructure facilities required to be provided for Primary & Higher primary Schools throughout the state. It is needless to point out that, it is an obligation, duty and responsibility of the state to provide a quality education and buildings which are safe and does not expose the students for threat of



physical injury and threat to life. No doubt, for all this the state requires financial resources. The report of respondent No.1 also indicates that for want of required budget they could not take up the essential repair works of the school buildings.

7. In this connection it is also useful to refer to the observations made by the Hon'ble Supreme Court of India, in the case of **Ashoka Kumar Thakur v. Union of India, (2008) 6 SCC 1** which reads as hereunder:-

369. Free and compulsory education is now a fundamental right under Article 21-A. The State is duty-bound to implement this article on a priority basis. There has been grave laxity in its implementation. This laxity adversely affects almost every walk of life. In my opinion, nothing is more important for the Union of India than to implement this critical article.

420. Under Article 21A, it is a mandatory obligation of the State to provide free and compulsory education to all children aged six to fourteen. **In order to achieve this constitutional mandate, the State has to place much greater emphasis on allocating more funds for primary and secondary education. There is no corresponding constitutional right to higher education. The entire Nation's progress virtually depends upon the proper and effective implementation of Article 21A.**

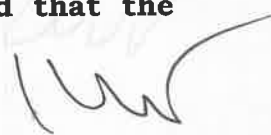


431. Undoubtedly, the Government has allocated more funds of late for education, but we need to have far more allocation of funds and much greater emphasis on free and compulsory education. Anything less would flout Article 21A's mandate.....

432. In a country where only 18% of those in the relevant age group make it to higher education, this is incredible. See NSSO 1999-2000. It is not suggested that higher education needs to be neglected or that higher education should not receive more funds, but there has to be much greater emphasis on the primary education. Our priorities have to be changed. Nothing is really more important than to ensure total compliance with Article 21A. How can a sizeable portion of the population be precluded from realizing the benefits of development when almost everyone acknowledges that the children are our future?

434. Mr. P.P. Rao, learned Senior Advocate, rightly submitted that when you lack a school building, teachers, books and proper facilities, your schooling might be "free" but it is not an "education" in any proper sense. Adequate number of schools must be established with proper infrastructure without further delay. In order to achieve the constitutional goal of free and compulsory education, we have to appreciate the reality on the ground. A sizeable section of the country is still so poor that many parents are compelled to send their children to work. The State must carve out innovative policies to ensure that parents send their children to school.

435. **In addition to free education and/or other financial assistance, they should also be given books, uniforms and any other necessary benefits so that the object of Article 21A is achieved. Time and again, this Court, in a number of judgments, has observed that the**



State cannot avoid its constitutional obligation on the ground of financial inabilities.

8. The Hon'ble Supreme Court in Ashok Kumar Thakur's case referred to above has observed the state cannot avoid its constitutional obligation on the ground of financial inabilities. Therefore, the education provided by the government institutions cannot be of inferior quality either in the matter of academic curriculum or in the matter of providing necessary infrastructure. Without eradicating educational backwardness it is not conducive to promote fraternity among all citizen assuring the dignity of the individual and the unity and integrity of the nation which is an important Constitutional goal. I am sure the concerned who are required to provide funds to improve the quality of education by providing highly qualified teachers/staff and other infrastructure will be able to appreciate what is stated above which considering the report given by Respondent-3 in this matter as well as in all the



connected matters and take very objective decision to provide necessary funds.

9. Further, it is well known that, only the children of poorer and weaker section of the society are going to the government institutions. Therefore, the state is required to take all necessary steps for improving the school buildings and discharge its constitutional obligations. If the children who are the future of this country are allowed to study in the schools which are in a dilapidated condition and unsafe/unsound buildings, it is not only dangerous to the life and limb of the child and also it affects the quality of education that would be imparted in such kind of schools.

10. In this connection it is useful to refer to the observations made by the Hon'ble Supreme Court of India, in the case of **Avinash Mehrotra Vs. Union of India and others** reported in (2009) 6 SCC 398 which reads as hereunder :

“24. Education occupies an important place in our Constitution and culture. There has been emphasis on



free and compulsory education for children in this country for a long time. There is a very strong historical perspective. The Hunter Commission in 1882-1883, almost 125 years ago, recommended universal education in India. It proposed to make education compulsory for the children.

25. The Government of India Act, 1935 provided that "education should be made free and compulsory for both boys and girls". While debating on a Bill in the Imperial Legislation Council in 1911, Shri Gopal Krishna Gokhale strongly advocated that elementary education should be both compulsory and free.

26. Our original Framers of the Constitution placed free and compulsory education in the directive principles. The unamended Article 45 provided that:


"45. *Provision for free and compulsory education for children.*—The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years."

27. The Kothari Commission on Education set up by the Government of India in 1966 strongly recommended free and compulsory education for children up to 14 years. The Commission observed that there is no other way for the poor to climb their way out of this predicament.

28. Education occupies a sacred place within our Constitution and culture. Article 21-A of the Constitution, adopted in 2002, codified this Court's holding in *Unni Krishnan, J.P. v. State of A.P.* [(1993) 1 SCC 645] in which we established a right to education. Parliament did not merely affirm that right; the amending Act placed the right to education within the Constitution's set of fundamental rights, the most cherished principles of our society. As the Court observed in *Unni Krishnan*: (SCC p. 664, para 8)

"8. The immortal poet Valluvar whose *Tirukkural* will surpass all ages and transcend all religions said of education:

'Learning is excellence of wealth that none destroy;
To man nought else affords reality of joy.'"



29. Education today remains liberation—a tool for the betterment of our civil institutions, the protection of our civil liberties, and the path to an informed and questioning citizenry. Then as now, we recognise education's “transcendental importance” in the lives of individuals and in the very survival of our Constitution and Republic.

30. In the years since the inclusion of Article 21-A, we have clarified that the right to education attaches to the individual as an inalienable human right. We have traced the broad scope of this right in *R.D. Upadhyay v. State of A.P.* [(2007) 15 SCC 337 : AIR 2006 SC 1946] holding that the **State must provide education to all children in all places, even in prisons, to the children of prisoners. We have also affirmed the inviolability of the right to education.**

35. The Constitution likewise provides meaning to the word “education” beyond its dictionary meaning. **Parents should not be compelled to send their children to dangerous schools, nor should children suffer compulsory education in unsound buildings.**

36. Likewise, the State's reciprocal duty to parents begins with the provision of a free education, and it extends to the State's regulatory power. **No matter where a family seeks to educate its children, the State must ensure that children suffer no harm in exercising their fundamental right and civic duty. States thus bear the additional burden of regulation, ensuring that schools provide safe facilities as part of a compulsory education.**

37. In the instant case, we have no need to sketch all the contours of the Constitution's guarantees, so we do not. **We merely hold that the right to education incorporates the provision of safe schools.**

39. **In view of the importance of Article 21-A, it is imperative that the education which is provided to children in the primary schools should be in the environment of safety.**

45. In the end, we should need to do little but enforce existing laws and encourage States in their

own well-intentioned safety programmes. However, in the years since the fire at Lord Krishna Middle School, some States have moved slowly and safety standards have varied in quality across the States. These delays and variations have subjected millions more school children to danger from fire, earthquakes and other causes, when simple enhancements could offer much greater protection. **Articles 21 and 21-A of the Constitution require that India's school children receive education in safe schools. In order to give effect to the provisions of the Constitution, we must ensure that India's schools adhere to basic safety standards without further delay.**

46. It is the fundamental right of each and every child to receive education free from fear of security and safety. The children cannot be compelled to receive education from an unsound and unsafe building.


47. In view of what happened in Lord Krishna Middle School in District Kumbakonam where 93 children were burnt alive and several similar incidences had happened in the past, therefore, it has become imperative to direct that safety measures as prescribed by the National Building Code of India, 2005 be implemented by all government and private schools functioning in our country. We direct that:

(i) Before granting recognition or affiliation, the State Governments and Union Territories concerned are directed to ensure that the buildings are safe and secure from every angle and they are constructed according to the safety norms incorporated in the National Building Code of India.

(ii) All existing government and private schools shall install fire extinguishing equipments within a period of six months.

(iii) The school buildings be kept free from inflammable and toxic material. If storage is inevitable, they should be stored safely.

(iv) Evaluation of structural aspect of the school may be carried out periodically. We



direct that the engineers and officials concerned must strictly follow the National Building Code. The safety certificate be issued only after proper inspection. Dereliction in duty must attract immediate disciplinary action against the officials concerned.

(v) Necessary training be imparted to the staff and other officials of the school to use the fire extinguishing equipments.”

11. Based on the materials collected during the course of the investigation of this proceeding, I am satisfied that the children who are studying in the schools which are in a dilapidated condition are facing injustice and undue hardship on account of the failure of the state to get the school buildings repaired periodically. Thereby, there is violation of fundamental right to education guaranteed under Article 21A of the Constitution of India and also seriously affects the right to life and liberty guaranteed to the students under Article 21 of the Constitution of India. It is needless to point out that one of the functions of the Lokayukta is to redress the grievance of the public who have sustained



injustice or undue hardship in consequence of mal-administration.

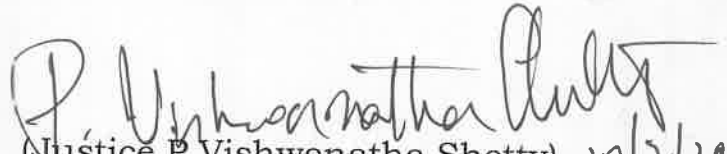
12. In the light of what is stated above, I am sure the concerned authorities of the state who are in-charge of managing the affairs of the state would take in to account the need of providing necessary funds for the purpose of repairs, construction of school buildings, class rooms, compound, toilets etc., and also appointing necessary staff to the school. Hoping that the concerned authorities of the state would consider the entire matter objectively and keeping in mind constitutional obligations and goals, necessary funds would be provided, at this stage I do not find it necessary for me to examine the power conferred on me u/Sec. 12(1) of the Karnataka Lokayukta Act to make an appropriate order to redress the grievances of the students who attend the Government Primary and Higher Primary Schools in the state. I have also no doubt when the request made by the department of Primary and Higher Education is fair and reasonable, the



authorities/Finance Department would consider the same objectively as the goal of both the departments are to work for the benefit/welfare of the people and it is in consonance with the object of Part-IV of the Constitution of India.

13. Communicate this order to the respondents, the Additional Chief Secretary to Government, Finance Department and to the Secretary to the Government, Finance Department (Budget and Resources).

List this matter as well as all the connected matters on 04-03-2021 for further orders.


(Justice P. Vishwanatha Shetty) 10/2/2021.
Lokayukta, State of Karnataka

ck*

ARE-1)

೨) 4-3-2021

R₁ ರವರಿಂದ ವಿಳಾಸ

ಬಂದಿರುತ್ತದೆ.

R₂, R₃ ರವರಿಂದ

ವಿಳಾಸ ಬಂದಿರುವುದಿಲ್ಲ.

೩

Report from R-1 is received.
Report from R-2 and R-3 is not received. Issue reminder to R-2, R-3 and also to the Additional Chief Secretary to the Government, Finance Department and also to the Secretary to the Government, Finance Department to submit report by 04/05/2021.


ARE-1

R₃ ರವರಿಂದ
ವಿಳಾಸ ಬಂದಿರುವುದಿಲ್ಲ
ನಿರೀಕ್ಷಿಸಿ ಕುರಿತು ಸೂಚನೆ