



IN THE HIGH COURT OF ORISSA: CUTTACK

SUO-MOTO P.I.L NO.15395 of 2015.

Secretary, High Court Legal Services
Committee.

...

Petitioner

-Versus-

Chief Secretary to Government of
Odisha and others.

...


Opposite Parties

**Report furnished by the Amicus Curiae pursuant to order
dated 15.11.2022.**

1. That the aforesaid Suo-Moto P.I.L was initiated basing upon the report published in "Indian Express" dated 20.08.2015. In the present P.I.L, the broad issues are about Primary education status throughout the State, which are summarized below.

ISSUES.

- (i) To ensure that children's from 6 – 14 years are not deprived of being given Primary Education, which is their fundamental right under Article-21A of the Constitution of India.
- (ii) To combat the situation as to drop-out in the Primary Schools.
- (iii) Non-availability of Play Ground in the Schools imparting primary education.
- (iv) The Primary Schools must have functional Toilets separately for boys and girls with running water facility.
- (v) The Schools should provide portable drinking water for the children.
- (vi) People - Teacher ratio in terms of mandates to Education Act to be maintained in every School.

- (vii) The Schools having classes from I-V or from I-VIII as the case may be should provide separate Class Rooms for separate Classes.
- (viii) The non-availability of basic amenities like Bench & Desk for sitting of the students in the students in the Class Rooms.
- (ix) Schools should be provided with electric power supply having provisions of light and Fan for the Class rooms.
2. That the Government has earlier filed Affidavit to the effect that there are 53,455 Government Elementary Schools running throughout the State. It was also admitted that out of the aforesaid total number of Schools, 42400 Schools were lack of Play-ground facilities. This fact is noted in order No. 09 dated 28.10.2015.
- Besides the above, there is judgment reported in 2012(10)SCC 197, wherein the Hon'ble Supreme Court in the case of "Environment & Consumer Protection Foundation-Versus-Delhi Administration and others" has given clear direction as to providing all basic amenities to the Primary Schools & Children reading in Primary Schools.
3. That on 18.12.2015, it was submitted on behalf of the State that all 53,455 Elementary Schools have drinking water facilities except 582 Schools, which is to be fulfilled by November, 2016.
4. That on the issue of functional toilets, it was stated that out of 53,455 Elementary Schools, 1871 number of Schools are not having Girl's Toilets and 3966 numbers of Schools not having Boy's Toilet, which is stated to be addressed by August, 2016.
- 

5. That order dated 15.11.2022 was passed permitting the Amicus Curiae to visit the sampling of Schools and submit a report, so as to assist the Court. Pursuant to the aforesaid order, the Amicus Curiae selected to visit some Primary Schools in the district of Boudh.
6. That in terms of the aforesaid order, the Amicus Curiae selected to visit some sample Primary Schools in the remote part of the State i.e. District of Boudh and visited the Schools on 09.12.2022, collected data as to availability of basic amenities in the Primary Schools. Accordingly, the following 07 Nos Schools were visited in presence of D.E.O, Boudh District.

Sl. No.	Name of School	Total No. of classes.	Total enrollment strength.	Total No. of Class Rooms available.
1.	Marjakud U.P. School	I to VIII	130	6 Nos Class Rooms for students reading in class-I to VIII.
2.	Khairamal U.P.School	I to VIII	93	For students reading in Class-I to VIII, 7 Nos Class Rooms.
3.	Deuli U.P. School.	I to VIII	46	For- Class I to VIII, 2 Nos Class Rooms.
4.	Damamunda U.P. School.	I to VIII	36	For- Class I to VIII, 4 Nos Class Rooms.
5.	Ghul Ghula Padar U.P. School	I to V	66	For- Class I to V, One Class Room.
6.	Junani U.P. School.	I to VIII	50	For- Class I to VIII, Three Class Rooms.
7.	Rugudipali U.P. School.	I to V	43	For- Class I to V, Two Class Rooms.

7. That now coming to the School-wise Report as to availability of basic amenities like; Portable Drinking Water, availability of Bench & Desks, separate functional Toilets for Boys and Girls, Electricity and Playground etc. Since the PIL is concerning Primary education from Class-I to Class-V, this report will be confined to the aforesaid classes irrespective of the Schools having Class-I to VIII.

1. **MARJAKUD U.P. SCHOOL:**

There is no Bench & Desk available for the students for their sitting in the Class Room. For students from Class-I to V, there are Four Teachers. Students reading in Class-I & II are sitting in one Class Room in two groups opposing each other. Class-III & IV are sharing one Class Room in the aforesaid manner. The student strength as reported by the Head Mistress of the School are as follows;

Class-I - 22 students,
 Class-II - 32 students.
 Class-III - 19 students,
 Class-IV - 28 students.
Class-V - 29 students.
Total - 130 students.

The Tin Roof of the School was found to be damaged having holes over it. The School atmosphere is not being sanitized. The School is not having manpower to clean the class rooms and maintain the campus.

On the day of visit, the following was the attendance of the students in some Classes.

Class-III ... students present- 3

Class-IV ... students present- 2

Class-V ... students present- 4

The School do not have a Playground. The location of the School adjoins bank of River Mahanadi and is exposed to the River bank without any Guard Wall or protection may cause threat to the students' life.

No portable Drinking Water facility is available in the School. On asking, the Headmistress pointed out a Steel Drum bearing drinking water for the children coming to the School.

Separate Toilets for boys and girls are available. Though Toilets are having Tab inside with pipe line connection, but there was no running water flow through the Pipe line. Photographs taken on the spot indicating roof condition, condition of the School building etc are attached herewith.

2. **KHAIRAMAL U.P.SCHOOL**

As reported by the Head Mistress, the following are the student strength of the School.

Class-I - 16 students,

Class-II - 18 students.

Class-III - 16 students,

Class- IV - 23 students.

Class-V - 20 students.

Total - 93 students.

Total Teacher strength in the U.P. School is 3 Nos for Class-I to V. On the date of visit, it was seen that students of

Class-IV & V are sharing one Class Room sitting opposite to each other. No Bench & Desk is there for sitting of the students. The School do not have a Playground. One Teacher is for Class-IV & V. Students of Class-II & III are sharing one Class Room. It is a concrete roofed School. Toilets are separately available for Boys and Girls. Portable Drinking Water was also shown to be available. Photographs taken from the School are attached herewith.

3. **DEULI U.P SCHOOL:**

Total student strength of the School was reported is 46 with 6 Nos of Teachers.

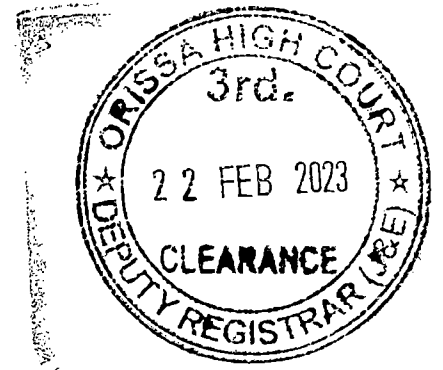
Class-I - 9 students,
 Class-II - 13 students.
 Class-III - 04 students,
 Class-IV - 16 students.
Class-V - 04 students.
Total - 46 students.

The School is having electricity connection.

In this School, students of Class-I, II & III are sharing one Class Room and Class-IV & V are sitting in one Class Room. No Bench & Desk provided for the students. The Toilets newly constructed are of good condition separately for boys and girls, with running water provision. Photographs taken on the spot are attached herewith.

4. **DAMAMUNDA U.P SCHOOL:**

Total student strength of the School was reported is 36 as detailed below.



Class-I - 05 students,
Class-II - 11 students.
Class-III - 05 students,
Class- IV - 02 students.
Class-V - 13 students.
Total - 36 students.

For Five Classes, Four Class Rooms are available with two teachers in the School. Electricity is available in the School. Separate Toilets for Boys and Girls are available without any roof. Students of Class-I, II & III are sharing one Class Room. Students of Class- IV & V are sharing one Class Room. No Bench and Desk provided for sitting of the students. Running water facility is available in the Toilet. The School is having a separate Playground. Photographs taken from the spot are attached herewith.

5. **GHUL GHULA PADAR PRIMARY SCHOOL:**

This School is reported having Class- I to IV with 66 student strength.

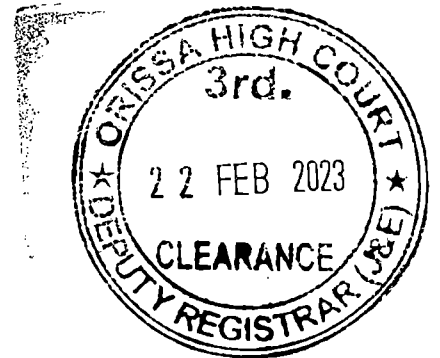
Class-I - 08 students,
Class-II - 12 students.
Class-III - 15 students,
Class- IV - 18 students.
Class-V - 13 students.
Total - 66 students.

Total Teacher strength in the U.P. School as reported 3 Nos. Precarious condition of the School is that all the students from Class-I to Class-V are sharing one Class Room. There is no separate class room for separate class. All the students are sitting on the open floor. There is no adequate lighting facility, no Fans in the Class Room. Only one bulb is available for the entire hall. There is no Office Room for the School. No Toilet, no Drinking Water facility, no Playground, no Boundary except the damaged frontal portion Wall around the School. The School does not have a Playground. No bench and desk provided in the class room. No manpower for cleaning of the class rooms and campus. Students are using open space for attending call of nature leading to unhygienic condition in the School. No portable drinking water facility in the School. Photographs taken from the spot are attached herewith.

6. **JUNANI PRIMARY SCHOOL:**

Total student strength of the School was reported is 86 as detailed below.

Class-I	-	06 students,
Class-II	-	08 students.
Class-III	-	17 students,
Class-IV	-	10 students.
Class-V	-	<u>09 students.</u>
	-	50 students.
Class-VI, VII & VIII	-	<u>36 students.</u>
<u>Total</u>	-	<u>86 students</u>



On the date of my visit, the following numbers of students were present.

Handwritten signature

Class-I	-	05 students,
Class-II	-	02 students.
Class-III	-	01 students,
Class-IV	-	04 students.
Class-V	-	<u>04 students.</u>
Total	-	<u>16 students.</u>

Total Teacher strength in the U.P. School as reported is 4 Nos. Total number of Class Rooms available in the School-3 rooms. Class-III & Class- VIII students are sharing one Class Room. Class- V & Class-VII students are sharing one Class Room. Class-IV & Class-VI are sharing one Class Room. Class-I & Class-II students are found to be sitting and attending classes on the Varendah of the School.

The School was found to be having power supply. There is no Bench & Desk for sitting of the students in the Class Room. No Boundary Wall is there for the School. No portable Drinking Water facility is available in the School. No running water in the Toilets. The Toilets are in broken condition, not fit to be used. Though a Playground was shown to be available, but it was full of bushes, not fit to be used as Playground. Photographs taken from the spot are attached herewith.

7. **RUGUDIPALI PRIMARY SCHOOL:**

This School is reported having Class- I to V with 43 student strength.

Class-I	-	10 students,
Class-II	-	03 students.
Class-III	-	11 students,
Class-IV	-	09 students.
Class-V	-	<u>10 students.</u>
Total	-	<u>43 students.</u>

For Class-I to Class-V, total Teacher in the School is 2 Nos. Out of the two Teachers, only one Teacher was present on the date of visit. The School did not have a Playground. No Bench & Desk for sitting of the students. School is having electricity facility. Total Class Rooms available for Class-I to Class-V are 2 Nos. Class-IV & V students are sharing one Class Room, Class-II & Class-III students are sharing one Class Room. No portable drinking water facility is there in the School. Though running water facility is there in the toilets, but it was not working.

8. That at the time of visit, photographs of Toilets, Class Rooms, Boundary Wall of the School were taken, which are attached herewith.
9. *Views after visiting the Schools are;*

There is lot to be done in the field of Primary Education Sector by the State. The infrastructure and logistics in the Primary School are to be developed which are in a damaged condition. The students coming to the Schools are deprived of basic amenities like:- Bench and Desks in the Class Rooms, Functional Toilets with running water, Separate Class Rooms for all Classes, adequate Teacher for the students and manpower for maintaining hygiene in the class room, toilet and school campus.

The State has to work and focus on enrollment of the children in the Primary Schools. Problems caused on non-availability of infrastructure, lack of motivating factors, the enrollment in the School are very very poor which is indicating to



an inference that the children in the villages are deprived of fundamental right of getting Primary education.

The specific Schools like Ghul Ghula Padar U.P. School, Junani U. P. School, condition of class room, toilet, academic atmosphere are found to be precarious. Students are sitting on the Varendah in Junani Primary School. In case of Ghul Ghula Padar Primary School, there was storage of Potato and Grocery in the Class Room for Mid-Day Meal. All the students of Class-I to Class-V are sharing only one Hall without any separate class rooms. The School did not have minimum basic facilities like; separate toilet for boys and girls with running water facility for the students. The Schools even do not have Office Room for the Teachers for doing administrative work. On the date of visit, for Class-I to Class-V, only one Teacher was available in the School.

Dated: 22 -02-2023

(P.K.RATH), Advocate
(AMICUS CURIAE)



Marjankud UP School No-1

₹ 9 - 12



Morjakhud OP School No-2





Marjakkud UP School No-3



ORISSA HIGH COURT
3rd.
22 FEB 2023
CLEARANCE
REGISTRAR (J&E)

Maryskud UP School No-4

15



ORISSA HIGH COURT
3rd.
2 FEB 2023
CLEARANCE
REGISTRAR (JE)

Marjokand UP School No-5

16



Morjakhud UP School No-7 ✓ 18

ORISSA HIGH COURT ★
3rd.
22 FEB 2023
★ DEPUTY REGISTRAR (RE)
CLEARANCE



Khairmal UP School No-1

19



ସରକାରୀ ଉଚ୍ଚ ପ୍ରାଥମିକ ବିଦ୍ୟାଳୟ, ଖାଇରମାଳ (ଖ)
GOVT. U.P. SCHOOL, KHAIRMAL (B)
ଶିକ୍ଷା କେନ୍ଦ୍ର

ଶିକ୍ଷା କେନ୍ଦ୍ର

ଶିକ୍ଷା କେନ୍ଦ୍ର

Khairatmal UP School No-2

20

ORISSA HIGH COURT * (REG)
3rd.
22 FEB 2023
CLEARANCE
DEPUTY REGISTRAR







Khairamal UP School No-5

23



Kharawal UP School No-6

24



Khairatnagar UP School No-7 25



Deuli UP School No-1 26







Deuli CP School No-4 29



Deuli UP School No-6 - 31 -





E-1953

GOVT. UP SCHOOL DAMAMUNDA
CLASS I TO CLASS VIII

ସରକାରୀ ଉଚ୍ଚାଧିକାରୀ ବିଦ୍ୟାଳୟ
ଦମାମୁଣ୍ଡା

ଶ୍ରୀ-ପ-ନ



ସରକାରୀ ଉଚ୍ଚାଧିକାରୀ ବିଦ୍ୟାଳୟ, ଦମାମୁଣ୍ଡା
ପ୍ରତିଷ୍ଠା-୧୯୫୩

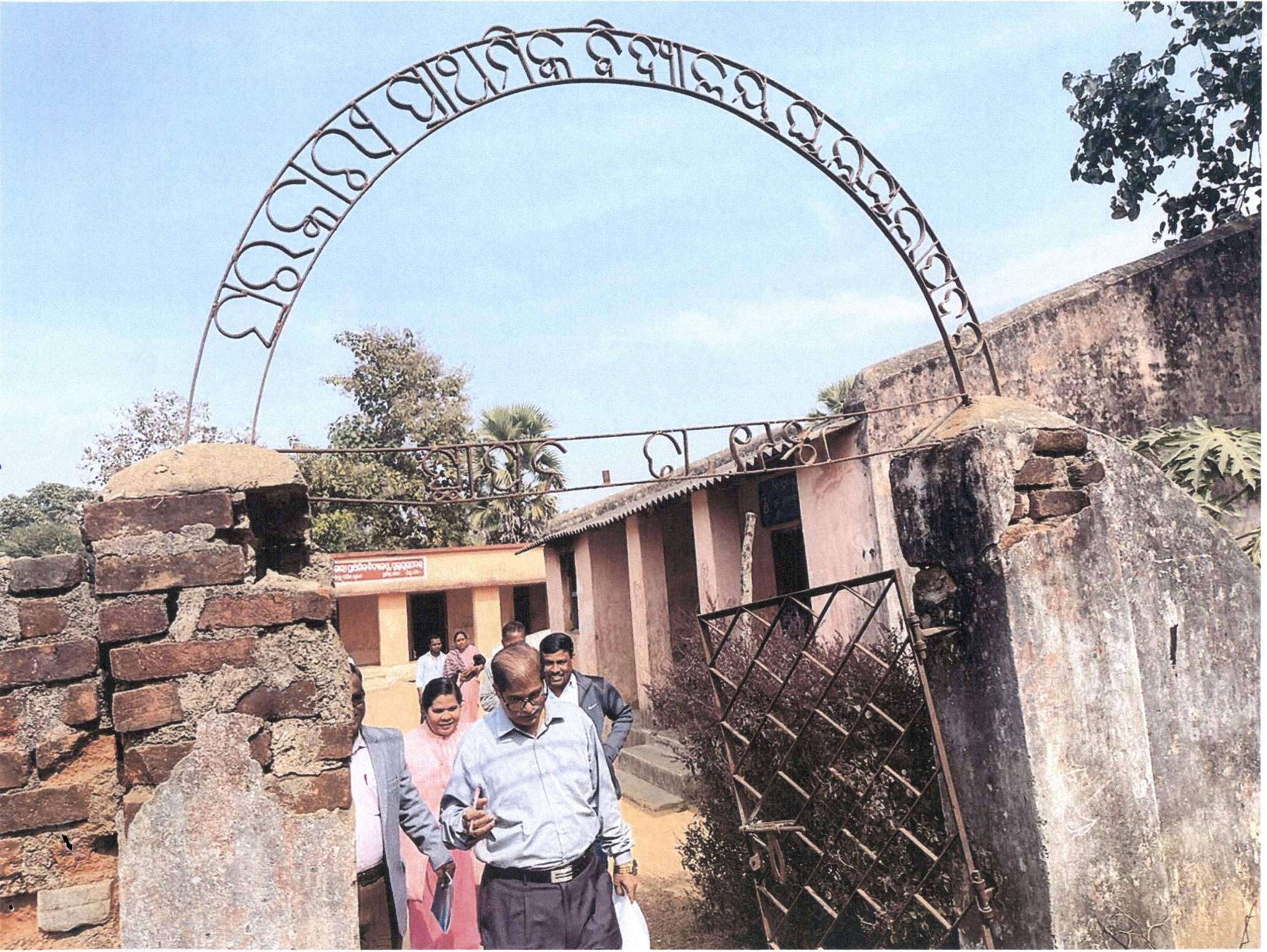
ROJATI
0887344145

Danamunda UP School No-2

33





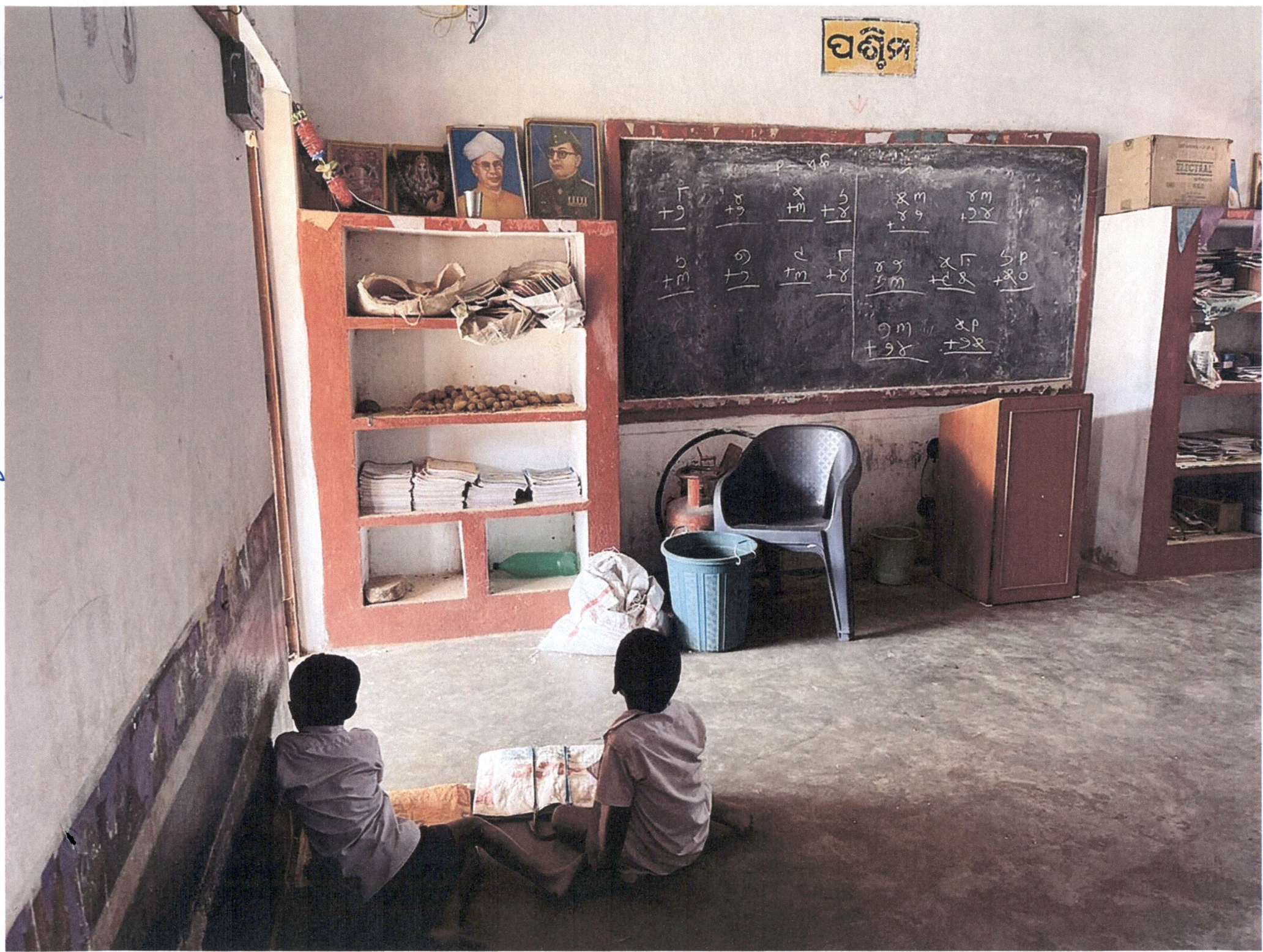






Ghul Ghula Pados Primary School No-4

38



ପଢ଼ିନି

Handwritten mathematical problems on the chalkboard:

$\begin{array}{r} 7 \\ +9 \\ \hline \end{array}$	$\begin{array}{r} 4 \\ +9 \\ \hline \end{array}$	$\begin{array}{r} 3 \\ +3 \\ \hline \end{array}$	$\begin{array}{r} 5 \\ +8 \\ \hline \end{array}$	$\begin{array}{r} 8m \\ +9 \\ \hline \end{array}$	$\begin{array}{r} 8m \\ +58 \\ \hline \end{array}$
$\begin{array}{r} 5 \\ +m \\ \hline \end{array}$	$\begin{array}{r} 9 \\ +7 \\ \hline \end{array}$	$\begin{array}{r} 2 \\ +m \\ \hline \end{array}$	$\begin{array}{r} 7 \\ +8 \\ \hline \end{array}$	$\begin{array}{r} 89 \\ +5m \\ \hline \end{array}$	$\begin{array}{r} 27 \\ +8 \\ \hline \end{array}$
				$\begin{array}{r} 9m \\ +98 \\ \hline \end{array}$	$\begin{array}{r} 2p \\ +98 \\ \hline \end{array}$

Two children sitting on the floor, facing the chalkboard.

Ghul Ghula Gadar Primary School No-5 39



Ghul Ghula Padar Primary School No-6 40



Ghul Ghula Pados Primary School No-7 41





Tunani Primary School No-2 43





45

Jumani Primary School NO-4





Juwani Primary School No-5

46







Jumari Primary School No-8

49



Rugedipali Primary School NO-1

51





Rugvedipali Primary School No-3





Rugudipali Primary School No-5

