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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10542/2023

COURT ON ITS OWN MOTION

..... Petitioner

Through: Mr. Hemant Sharma, Advocate for
the applicant Dr. R.M. Sharma

versus

GOVERNMENT OF NCT OF DELHI

..... Respondent

Through: Mr. Santosh Kumar Tripathi,
Standing Counsel (Civil) GNCTD
with Mr. Arun Panwar, Mr.
Pradyumn Rao, Mr. Utkarsh Singh,
Mr. Kartik Sharma, Mr. Prashana
Sharma and Mr. Rishabh Srivastava,
Advocates for R-1 & 2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **03.11.2023**

CM APPL. 56728/2023

1. Pursuant to an order of this Court dated 27.09.2023, a Child Safety Monitoring Committee (the “CSMC” or “Committee”) was constituted to monitor the implementation of the Circular dated 07.11.2017 issued by Government of National Capital Territory of Delhi (the “GNCTD”) whereunder, the GNCTD has prescribed minimum standards of school safety (the “Circular”).
2. Further, the CSMC was granted a period of six months’ time to file a



report in the matter in relation to adherence to the minimum standards of school safety and other ancillary matters related to the issue.

3. In furtherance of the mandate above, the Chairperson of the CSMC i.e., Dr. R.M. Sharma, has preferred this application seeking approval of guidelines / procedures to be adopted by the CSMC in the discharge of its duty.
4. We have perused the proposed guidelines; and with the consent of the parties we issue the following directions in relation to guidelines / procedures to be adopted by CSMC in the course of its inspections:
 - a. No member will be allowed to inspect the schools independently. The Committee as a whole headed by the Chairperson will inspect the schools. However, in exceptional circumstances, the Chairperson may permit any member of the Committee to inspect the schools independently, who shall report to the Chairperson the finding of such inspection in writing. The said report shall only be accepted if the same is approved by the Chairperson. Further, if the Chairperson is not satisfied with the report of the member, the Chairperson may re-inspect the School and prepare a fresh report accordingly.
 - b. The proceedings of the inspection will be conducted by the Chairperson. The members of the committee may make suggestions to the Chairperson directly in writing which will be duly considered by the Chairperson, however the decision of the Chairperson shall be final and binding on the Committee.
 - c. The members will not interact with the head of the school (“HOS”) or the manager of the school or any authority of the



school directly.

- d. The checklist attached with the Circular, shall be supplied to the management/HOS of the school at the time of inspection and the management/HOS shall be provided with an opportunity to furnish their comments and / or provide a written representation in relation to the compliances mandated under the Circular as more particularly identified in the checklist annexed along with the Circular within a reasonable period not exceeding 10 (ten) days from the date of inspection. The said comments / representations given in relation to the compliances mandated under the checklist may be re-verified by the Committee, if required.
- e. Inspection of the classrooms, toilets, and other analogous areas of the school may be inspected by the Chairperson for the safety of the children which shall be photographed to make the inspection process fully transparent.
- f. The police verification of the guards and the staff shall be supplied by the management/HOS of the school, especially, those guards who are deputed outside the toilet of the female children to the Chairperson. In case, the management fails to produce the police verification of the guards, the Chairperson may direct the school management/HOS to suspend such guards till the time their police verification is conducted and produced before the Committee keeping in view the safety of the children.
- g. The police verification of the driver of the school buses shall be produced by the management/HOS at the time of the inspection. However, if the police verification of the bus drivers is not



conducted or produced by the school management/HOS, the Chairperson may direct the school management/HOS to suspend those bus drivers of the school buses till the time their police verification is conducted keeping in view the safety of the children. The management/HOS shall also ensure that breath analyzers tests of the bus drivers is conducted regularly before boarding of the buses by the bus drivers. In cases, where the school buses are not owned by the school authorities and are hired on contract basis, the contractor will ensure that the police verification is done and breath analyzers test are conducted of the bus drivers prior to boarding the buses.

- h. The inspection report of the schools prepared by the Committee headed by the Chairperson, which shall be dictated by the Chairperson in the presence of the members and shall be recorded in writing.
- i. The Chairperson as head of the Committee will decide which school is to be inspected on a particular day and an intimation in advance will be given to the members. If the members or member does not remain present at the time of inspection, the inspection shall be made in their absence by the Chairperson.
- j. The inspection of the school will be made during the school time, when the school is functional i.e. between 7:00 am to 2:00 pm and the members shall not leave the school premises without completing the inspection.
- k. For any meeting, the agenda of the meeting shall be framed and raised by the Chairperson. The meeting will be convened and



presided over by the Chairperson. The suggestions of the members will be considered but in case of difference of suggestions, the opinion of the Chairperson shall be final and binding on the Committee Members.

5. List the matter for reporting and further directions on the date already fixed by the Court, i.e., 18.04.2024.

SATISH CHANDRA SHARMA, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 3, 2023

Aj