

[1]
HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

IN RE: Safety and well-being of School Going Children.

JUSTICE ANOOP KUMAR DHAND
ORDER

28.07.2025

Reportable

By the Court:

1. A nerve shocking, heart breaking and society rocking news was widely published in Electronic, Print and Social Media that on account of collapse of ceiling and wall of a class-room of a Government Upper Primary School situated in Village Piplodi, District Banswara on 25.07.2025 wherein tragically, seven children (including two siblings) lost their lives, while dozens of other children sustained serious injuries and are currently battling for their lives in the hospital.

2. In its report on 'Safe and Secure Environment' the child rights body viz., National Commission for Protection of Child Rights (NCPCR) highlights a critical concern regarding school infrastructure across the Country. Based on a survey conducted in 12 States, including Rajasthan, covering over 26,000 schools, in terms of the safety and security of the Children studying in School buildings, the report reveals that approximately 22% of operational school buildings are in a dilapidated condition. Around 31% of schools were found to have structural cracks, raising serious concerns about the safety and security of children studying in these buildings.



3. Schools are critical institutions, entrusted with the responsibility of shaping the citizens of tomorrow. A safe and secure environment is a prerequisite for effective teaching and learning. Thus, ensuring the safety of children, teachers and staff members during disasters is necessary & imperative. Prioritizing children's safety not only safeguards their well-being but also reinforces the role of schools as secure shelters, enabling them to serve a dual purpose as evacuation centers during emergencies.

4. According to the Unified District Information System for Education (UDISE) reports, the Government of Rajasthan allocates approximately 6% of its total budget on education, yet the State continues to lag in infrastructural development of Government schools. In 32% of these schools, there is no electricity connection, forcing children to study under extreme heat conditions. Sources from the Education Department further reveal that over 50% of the primary schools are operating without electricity.

Similarly, 9% of the Government Schools in State lack functional drinking water facilities on their premises. Approximately 9% of the Government Schools also do not have boys' toilets, while 10% are without girls' toilets.

5. The lack of toilet facilities for girls in schools, often forces them to 'hold on' and delay urination until they return home. Many girls even avoid drinking water during school hours, fearing they will have no access to toilet in school, when needed. Medical research has shown that deferring urination can lead to Urinary Tract Infections (UTIs), distended bladders, and various gynecological problems. Moreover, lack of sanitary protection and



absence of toilets, for changing sanitary napkins or tampons, during menstruation, significantly increases the risk of toxic shock syndrome. The long-term health consequences of regularly controlling the bladder are well-documented and recognized worldwide.

6. The lack of access to free sanitary pads in schools significantly affects girls' health, well-being and education. Without proper menstrual hygiene products, many girls experience discomfort, a higher risk of infection, and increased absenteeism. The absence of separate girls' toilets coupled with non-availability of free sanitary pads, hampers their academic performance and limits their future opportunities.

7. According to the UDISE report, around 74% of schools have library. However, the students often complain that these are merely small rooms, poorly equipped with few books, falling far short of a functional library. The concept of developing proper libraries in Government schools remains largely unimplemented. The situation is even worse when it comes to computer facilities. Only 30% of schools in the State have access to computer and out of those, only 24% have functional internet connectivity, severely restricting digital learning opportunities. Rural areas are the most affected, with schools often lacking basic classrooms, teaching materials, and even boundary walls..

8. Right to Education is a fundamental right, guaranteed under Article 21-A of the Constitution of India. However, in India and particularly in rural and tribal areas of the State of Rajasthan, access to quality education continues to be a significant challenge.



9. School infrastructure plays a pivotal role in creating a conducive learning environment and inadequacies in this sphere can severely affect the student's retention and academic performance. Despite being the largest state in India, Rajasthan continues to struggle with low literacy rates, especially among females.

10. Despite significant progress in expanding access to education in India, the condition of school infrastructure across the country remains a major concern. According to the latest data released by the Unified District Information System for Education Plus (UDISE+), maintained by the Ministry of Education, infrastructural deficits continue to hamper the quality of education, especially in government-run schools.

11. Out of the 14.71 lakh schools in India, a staggering 1.52 lakh schools still operate without functional electricity. Among the 10.17 lakh government-run schools, only 9.12 lakh have access to functional electricity, while the remaining continue to function in darkness. In contrast, among the 4.54 lakh government-aided, private, and unaided schools, 4.07 lakh schools have electricity.

12. Access to digital learning tools is similarly uneven. Only 57% of schools have functional computers, and a mere 53% have internet access. Out of the total 14.71 lakh schools, only 7.48 lakh have computers for pedagogical purposes, and 7.92 lakh schools are connected to the internet. Government schools lag significantly behind in this area, with only 4.42 lakh (43.5%) of them having functional computers, compared to 2.34 lakh (70.9%) of 3.31 lakh private unaided schools.



13. Basic amenities like drinking water and toilet facilities are also inconsistently available. Although 14.47 lakh schools claim to have drinking water facilities, only 14.11 lakh report them as functional. In government schools, 9.78 lakh of the 10.17 lakh institutions have working drinking water systems. However, 24,580 schools across the country still do not have any drinking water facility within their premises.

14. Toilet infrastructure also presents serious gaps. While 14.50 lakh schools claim to have toilet facilities, only 14.04 lakh have functional toilets. Approximately 67,000 schools still operate without functional toilets, and the majority of these (46,000) are government-run. The situation is even more dismal for children with disabilities. Only 3.37 lakh government schools have disabled-friendly toilets, accounting for just 33.2%, and only 30.6% of those are functional. Government-aided schools fare slightly better, with 35,640 (44.4%) of 80,313 schools equipped with disabled-friendly toilets.

15. Accessibility remains a challenge as well. Although 11.34 lakh schools have ramps, only 7.69 lakh (52.3%) are fitted with handrails, which are crucial for students with mobility issues. Additionally, co-curricular development is grossly neglected. Only 2.57 lakh schools (17.5%) across the country have arts and crafts rooms, with government schools accounting for just 9.9% of this number.

16. Science education also suffers due to inadequate laboratory infrastructure. Among the 2.86 lakh schools that offer secondary education, only 1.6 lakh have integrated science labs. In



government secondary schools, only about half (50.2%) of the 1.19 lakh institutions have this facility.

17. Furthermore, the adoption of sustainable energy solutions like solar panels is still limited. Only 1.54 lakh schools (10.5%) across India have installed solar panels. Within government schools, this figure is even lower-just 89,746 schools (8.8%) have adopted solar energy solutions.

18. These findings underscore the urgent need for systemic reforms and greater investment in school infrastructure, particularly in government-run institutions. Bridging these gaps is essential not just for the holistic development of students but also for ensuring equitable access to quality education across urban and rural India.

19. Rajasthan, India's largest state by area, has made visible progress in improving literacy over the years, but it continues to struggle with significant challenges in educational infrastructure, especially in rural and underdeveloped areas. Despite allocating around 6% of its total state budget to education, the conditions in many government schools remain inadequate. A considerable number of schools function without electricity, which forces students to study under extreme weather conditions. The availability of drinking water and sanitation is also far from satisfactory-about 9% of schools lack functional drinking water, while around 9% do not have boys' toilets and 10% lack toilets for girls, posing serious health and safety issues, particularly for female students.

19. These conditions discourage student attendance and often lead to higher dropout rates.

20. The issue is not limited to government schools. Private schools, too, have been found lacking in essential infrastructure. Over 40,000 private schools in the state were fined for failing to provide facilities accessible to students with disabilities, highlighting non-compliance with basic inclusivity standards. Additionally, sports and physical education are widely neglected. Surveys show that half of the schools do not offer compulsory physical education, and many lack proper sports equipment and dedicated time slots for physical activity, which is crucial for overall student development.

21. Gender disparity is another significant concern. Rajasthan has one of the lowest female literacy rates in India, at around 52.66%. Cultural norms, early marriage, child labor, and safety concerns due to inadequate facilities all contribute to the low enrollment and retention of girls in schools. Although the state has shown improvement in the Performance Grading Index (PGI), reaching Level 2 with a score of 903 in recent years, much work remains to be done to ensure that all students receive equal and quality education.

22. In a major educational push, the previous Rajasthan government converted 3,737 Hindi medium schools into Mahatma Gandhi English Medium Schools to promote English education across the state. However, five years on, the ambitious initiative is facing a severe setback due to poor infrastructure, lack of trained English-speaking teachers, and declining student interest.

23. Building safe schools should be priority for architects, engineers, policy makers, administrators and emergency response planners. Among all public facilities, children in schools are the

most vulnerable during disasters. A large number of schools specially in congested urban centers and rural areas are exposed to various hazards. School safety includes within its ambit structural safety of the buildings.

24. "School Safety" has been defined as creating a safe environment for children, starting from their homes to their schools and back. This includes safety from any kind of abuse, violence, psycho-social issue, disaster: natural and man-made, fire, transportation. Emotional Safety is especially important because it is often difficult for the teachers and parents to detect the emotional problems and difficulties in children. Bullying can cause victimized students to suffer from lower self esteem and clearly stress about their well being.

25. The shortage of schools, especially nearby schools, severely affects boys, girls and children with disabilities. The Government Policies like the National Education Policy (NEP) 2020, emphasizes that a school should ideally be located within 1 Km of habitation at the primary level and within 3 to 5 Kms at the secondary level – a goal far from being achieved in many districts.

26. Non-availability of schools in many villages across the State is a silent crisis that undermines the right to education for hundred or thousands of children. Strengthening physical access to schools must remain a policy prioritizing to ensure that every child, regardless of geography or gender, has the opportunity to receive quality education.

27. Every child in the State has the right to receive education in a safe school environment. It is the paramount duty of the State to improve educational infrastructures and provide a safe shelter

for all school-going children. The lack of safe infrastructure in educational institutions has been highlightedly in the media reports and the data/report prepared by UDISE.

28. The Government has made efforts to improve the educational landscape in the States, but still major infrastructural and systematic gaps persist. Addressing these challenges requires dedicated investment in school infrastructure and regular monitoring to promote the importance of education for every child. Only with such a comprehensive approach, the State can ensure that every child, regardless of location or gender, has access to safe, inclusive and high quality education.

29. Taking a serious note of the situation, this Court treat this order as a Suo Motu petition titled as

Suo Motu: In the matter of Safety and well-being of school going children.

VS.

- (1) Union of India through Secretary, Department of Education and Human Resources, New Delhi.
- (2) Government of India through Secretary, Ministry of Women & Child Development, New Delhi.
- (3) Chief Secretary, Government of Rajasthan, Secretariat, Jaipur.
- (4) Additional Chief Secretary, Department of Education, Government of Rajasthan, Secretariat, Jaipur
- (5) Principal Secretary, Department of Woman and Child Welfare, Secretariat, Jaipur.
- (6) National Commission for Protection of Child Rights (NCPCR), New Delhi through its Chairperson.

Issue show cause notices to the respondents as to why the following directions be not issued to them:-

- (i) To conduct a comprehensive survey of every educational institutions in the State to ensure that the school premises are safe and not in dilapidated condition that could pose a threat to the lives and safety of students.
- (ii) To ensure that all the schools in the State implement adequate measures to ensure the safety of their students.
- (iii) To provide appropriate compensation to the parents of the children who have lost their lives as well as to all the students, injured in the school disaster and to ensure access to quality medical treatment and continued education for the affected children in future as well.
- (iv) To ensure that both urban and rural areas have sufficient number of government schools for the children proportional to the population of the area.
- (v) To ensure that every school has separate and hygienic toilets for boys and girls.
- (vi) To ensure that free sanitary napkins are provided to girls in all the schools.
- (vii) To ensure regular supply of electricity along with adequate lighting and fan facilities in all classrooms for the students, the teachers and the staff working in the school premises.
- (viii) To establish libraries with all relevant books and computer labs equipped with adequate and reliable internet facilities for the students.
- (ix) To develop an online portal and website at every district level, where the students and their parents can submit their grievances including issues related to school infrastructure, with

photo evidence and other issues affecting and relating to their studies.

(x) To create a "Redressal Mechanism Forum" to look into the grievances of the students/the parents and resolve the same quickly without any delay.

(xi) To fix liability and accountability upon the individuals for poor quality construction of school infrastructure and in the event of any causality or tragedy, in future, to recover the cost of construction from the negligent individuals found liable and responsible.

(xii) To hold a discreet enquiry against all the individuals who are responsible for such incidents and initiate appropriate departmental and criminal actions against them.

(xiii) To constitute district-wise monitoring committees to oversee the infrastructure of all the schools lying in urban and rural areas on monthly basis.

(xiv) To promote free sanitary pads to girls by installing sanitary distribution/vending machines near girls' toilet in the school premises.

30. It is the right time and high time for the Centre and the State Governments to improve the education system in urban and particularly in rural areas to promote inclusive national growth and development. By addressing infrastructure deficits, shortage of schools and teachers, technological gaps and by implementing impactful policies, we can ensure that every child, regardless of their location, has the opportunity to learn, grow and contribute to elevate the country's standing on the global stage.

31. Let a report be summoned from the Chief Secretary of the State of Rajasthan and Secretary of the Ministry of Education and Child Development, New Delhi, about the effective steps taken by the State and the Centre, on the issues involved in this petition.

32. Let a copy of this order be sent to all the respondents for their intimation and for submitting compliance report before the Court on or before the next date.

33. List on 01.08.2025 at the top of the list before the Bench having roster of Public Interest Litigation.

(ANOOP KUMAR DHAND),J