

<p>CHIEF JUSTICE AND N S SANJAY GOWDA</p>	<p>28/07/2021</p>	<p>We have perused the detailed report dated 26th July, 2021 submitted by the learned Senior counsel who has been appointed as an Amicus Curiae. A meeting was convened on 8th July, 2021 under the Chairmanship of the Principal Secretary, Department of Primary and Secondary Education. The first part of the report deals with the survey by Rural Development and Panchayath Raj Department. From the said part of the report starting from Paragraph five, it appears that in rural areas, door to door survey was conducted of all the children in the age group of 0 to 18 years. It is stated that approximately 90.96% of the survey work has been completed. It records that 1,26,245 children in the age group of 03 to 06 years are not going to school. It is recorded that 33,344 children are not going to school and 9,716 children are not enrolled in any school. In fact, the learned Amicus Curiae has noted that though under Sub Rule (1) of Rule (6) of the Karnataka Right of Children to Free and Compulsory Education Rules, 2012 (for short 'Rules of 2012'), house to house survey was required to be carried out of all the children of the age group of 0 to 14 years, the Rural Development and Panchayath Raj Department has taken a welcome step of conducting a survey of the children in the age group of 0 to 18 years. Some concern is expressed by the learned Amicus Curiae about the survey to be conducted by the local body - Bruhath Bengaluru Mahanagara Palike (for short 'BBMP'). In fact, it is mentioned that the survey is not even commenced. The report and in particular, paragraph Nos.40 and 41 show that BBMP wants to conduct 'house to house' survey of the children in the age group of 06 to 14 years who are out of school. The learned Senior counsel is right in submitting that the survey to be conducted by the BBMP should be as per the survey conducted by Rural Development and Panchayath Raj Department. There are three recommendations made by the learned Amicus Curiae. There is no difficulty in accepting the first recommendation. However, our attention is invited to the report of out of school children survey of 2013-14. Needless to add that while analyzing the data collected during the survey, the categorization made under the report 2013-14 will have to be considered. As regards BBMP, apart from directing the Department of Urban Development to do the needful, we propose to issue directions to BBMP. Accordingly, we direct the Registrar (Judicial) to issue notice to the BBMP through its Chief Commissioner at the official email ID of BBMP calling upon it to be represented before this Court on the next date. A copy of this order shall also be forwarded along with the notice. We direct the Secretary of Urban Development Department to issue a direction to BBMP to conduct door to door survey on par with the door to door survey conducted as per the directions of the Rural Development and Panchayath Raj Department. The data collected during the survey shall be compiled in the manner suggested in Clause (1) of the recommendations of the learned Amicus Curiae. While publishing the analysis of the data, it will be appropriate if the details set out in the report of survey of 2013-14 are also incorporated. On the next date of hearing, we will consider the recommendations made by learned Amicus Curiae as well as the action to be taken on the basis of the data collected during the survey. The State shall also respond on the very serious issue of large number of children either not attending the school or not even getting admitted to a school. Today, we are not issuing any direction in this behalf as the schools are not yet opened. Notice issued to BBMP is returnable on 24th August, 2021. The sixth respondent appearing in person has submitted the various memoranda. We request the learned Amicus Curiae to go through the same and address the Court on the next date. At this stage the learned counsel Sri.V.Sreenidhi states that he will take notice on behalf of BBMP. Hence, it is not necessary for the Registrar(Judicial) to issue notice to the BBMP. We may also clarify here that in any case, as per Sub Rule (1) of Rule (6) of Rules of 2012, the BBMP is under an obligation to carry out the survey of the children in the age group for 0 to 14 years. However, without awaiting the direction of the Court, BBMP may commence door to door survey of the children in the age group of 0 to 18 years. Re-list this Petition on 24th August, 2021.</p>
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