

17.02.2004

Chief Secretary, GoNCTD
Delhi Government Secretariat,
IP Estate, New Delhi – 110002

Sub: WP 8954 to 8959 / 2003 (against allotment and use of school sites in violation of Delhi Master Plan and for enforcing Master Plan provisions for common school system)

Ref: News item 'Schools must teach poor children free', Hindustan Times, 17.02.2004, p.1

Dear Madam,

The news item under reference suggests ongoing discussions about Hon'ble High Court's order of 20.01.04 in WP 3156/2002 and a scheme for 15% freeships, etc, to be placed before the Hon'ble Court for its approval. Please permit me to point out that:

- (a) The Hon'ble Court, while disposing off WP 3156/2002, has not sought a 'scheme', only a compliance report. Its order requires DoE, GoNCTD 'to point out to DDA wherever a breach is committed' and 'If there are no rules for admission framed ...to see that the rules are framed'.
- (b) The freeships condition flows from Delhi Master Plan in the context of its schema for common school system and authorities are duty-bound under Delhi Development Act to devise schemes and rules, including for compliance, within this context (which does allow scope for flexibility).
- (c) In WP 8954/2003, content of which has direct bearing on efforts for compliance in WP 3156/2002, Hon'ble Court passed orders on 17.12.2003 and on 04.02.2004 (directing reply / personal appearance of officers). The matter is listed on 25.02.2004 and no reply has been filed.

The news report under reference conveys the impression that the Hon'ble Court has left scope for government and schools to negotiate the law without regard to its purpose and spirit. This is entirely without basis and you are requested to ensure that such reports at least do not have official quotes.

Please also permit me to raise two related questions:

- (1) As per news reports a policy has been jointly made by all tiers of government to allow misuse of private farmhouses against payment of a fee much higher than the penalty set out in law. Would this not require a similar, if not stricter, policy for misuse of public land sites, such as schools?
- (2) One of the schools mentioned in WP 8954/2003 had moved court against a notice against misuse in 2003. The Hon'ble Court, upholding the notice, granted the school's prayer for time till end of academic year. In case of resettlement in WP 1362/2004 Hon'ble Court did not grant the same to residents in view of certain assurances by the authorities. What action has been taken on these assurances and which schools will be providing freeships to children in resettlement areas?

Lastly, it is requested that reply in WP 8954/2003 be expedited for timely clarification of common school system perspective of Delhi Master Plan so that opportunity arising from the Hon'ble Court's order in WP 3156/2002 to take a huge step towards universalisation of education is not missed.

Yours sincerely

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cc: For information, and with request to expedite reply in WP 8954/2003

1. Vice Chairman, Delhi Development Authority
2. Secretary, Ministry of Urban Development
3. Commissioner, MCD
4. Joint commissioner (Traffic), Delhi Police