

IN THE SUPREME COURT OF INDIA
(ORIGINAL CIVIL WRIT JURISDICTION)
WRIT PETITION (CIVIL) NO. 860 OF 1991

IN THE MATTER OF:

M. C. MEHTA

.... PETITIONER

VERSUS

UNION OF INDIA & ORS.
RESPONDENTS

....

SUPPLIMENTARY AFFIDVAIT ON BEHALF OF RESPONDENT NO. 40
i.e. NCERT

I, Suresh Kumar, S/o Shri Badri Dass, having office at NCERT, Sri Aurobindo Marg, New Delhi-16, do hereby solemnly state and affirm as under:

1. That I am the Secretary of Respondent No.40 and being familiar with the facts and circumstances of the case am competent and authorized to swear this Affidavit on behalf of Respondent No.40.
2. That the abovementioned Writ Petition was filed by the Petitioner seeking certain directions with a view to educate the people of this country about their social obligation in the matter of the keeping the environment in proper shape and making them alive to their obligation of not acting as polluting agencies or factors. This Hon'ble Court in the abovementioned Writ Petition in its order dated 22.11.1991 stated," *We accept on principle that through the medium of education, awareness of the environment and its problems related to pollution should be taught as a compulsory subject.*" In this context this Hon'ble Court, further, stated," *So far*



as education upto the college level is concerned, we would require every State Government and also every Education Board connected with the education up to the matriculation stage or even the intermediate colleges to immediately take steps to enforce compulsory education on environment in a graded way."

3. That further, in an Interlocutory Application filed in the abovementioned writ petition, this Hon'ble Court vide its order dated 13.07.2003 directed Respondent No. 40 i.e. NCERT to prepare a Model Syllabus of Environmental Education (EE) for being implemented uniformly throughout the country.
4. That in compliance of the above said direction, on 24.12.2003 the NCERT prepared the Model Syllabus of Environmental Education. On 8th April 2004, the said syllabus along with a report was presented by Respondent No. 40 to this Hon'ble Court.
5. This Hon'ble Court vide its order dated 22.04.2004, while accepting the above said syllabus, stated, "*We accept this syllabus and we are of the opinion that the same should be introduced in all the schools in India.*" Further, on 13th July 2004, this Hon'ble Court stated, "*We confirm the order dated 22nd April, 2004 made by this Court and direct that the syllabus prepared by the NCERT for class I to XII shall be adopted by every State in their respective schools.*

We further direct that NCERT is appointed as a nodal agency to supervise the implementation of this Court order."

Thus, this Hon'ble Court vide order dated 13.07.2004 directed Respondent No. 40 to supervise the implementation of Environmental Education syllabus in all the States/UTs in their respective schools.



6. Meanwhile, a new development took place in the form of introduction of new curriculum framework namely National Curriculum Framework, 2005. It would be relevant here to mention that with a view to have a fresh look on the problems of education, particularly with regard to the problem of academic burden on students, the Ministry of Human Resource Development, had set up a National Advisory Committee, headed by Prof. Yash Pal, in March 1992 with the following terms of reference:

'To advise on the ways and means to reduce the load on school students at all levels particularly the young students, while improving quality of learning including capability for life-long self-learning and skill formulation.'

After a wide-ranging consultations, all over the country, with teachers, curriculum designers, textbook writers, various school boards, academics, book publishers and several others, a report namely, '*Learning Without Burden (1993)*' was submitted by the above said committee in 1993. Although, thereafter NCERT came out with new Curriculum framework namely NCFSE 2000; but the vexed issue of curriculum load and tyranny of examinations remain unresolved. In the light of the abovementioned report, the Executive Committee of the NCERT took a decision, at its meetings held on 14/19 July 2004, to revise the National Curriculum Framework for School Education (NSFSE, 2000). In view of the above said decision, a National Steering Committee, chaired by Prof. Yash Pal, and 21 National Focus Groups were set up. A report of NCF 2005 was finalized by the above said National Steering Committee. The National Curriculum Framework-2005 is built on the following guiding principles:



- a. Connecting knowledge to life outside the school;
- b. Ensuring that learning is shifted away from rote methods;
- c. Enriching the curriculum to provide for overall development of children rather than remain textbook centric;
- d. Making examinations more flexible and integrated into classroom life and;
- e. Nurturing an over-riding identity informed by caring concerns within the democratic polity of the country.

The NCF 2005 has been approved by the General Council of NCERT on 06.09.2005 and also by CABE, which is chaired by the Union Minister of Human Resources and Development and comprises of Education Ministers of all the States/UTs and other professionals as its ex-officio members, on 07.09.2005.

7. It is submitted that one of the abovementioned 21 Focus groups was on 'Habitat and Learning' chaired by the eminent environmentalist Professor Madhav Gadgil of the Indian Institute of Science, Bangalore. The above said Focus Group was constituted with a view to reorient environmental education i.e. to get away from a system in which students are being encouraged to do no more than mechanically reproduce what is written in the authoritative texts, instead to encourage them to observe, to figure out, to generate knowledge on their own.

The above said focus group in its report while delineating the objective of the Environmental Education recognizes the need for a paradigm shift and states, "*The main focus of EE should be to expose students to the real-life world, natural and social, in which they live; to enable them to analyse, evaluate, and draw inferences about problems and concerns related to the*



environment; to add, where possible, to our understanding of environmental issues; and to promote positive environmental actions in order to facilitate the move towards sustainable development. To achieve these goals, the curriculum may be based on:

- a. Learning about the environment;*
- b Learning through the environment;*
- c Learning for the environment;*

It further provides;

The new paradigm of education, embodying the spirit of science, of democracy, and of caring for the environment, would emphasize a number of key elements:

Learning rather than teaching;

Building capacity for critical thinking and problem solving;

Locale specificity in the context of a global vision;

Multidisciplinary in the context of a global vision;

Multi-sourced and accessed, rather than top-down, controlled and orchestrated in nature;

Participatory with broad involvement of peers and other community members;

Life long and continuous in character;

Sensitivity to diversity, equity and gender;

Knowledge generation;

Empowerment, rather than indoctrination.

This would be a paradigm appropriate to the pursuit of sustainable development in the emerging Information Age."

8. As per the aforementioned focus group, the best way of accomplishing the order of this Hon'ble Court regarding



implementation of EE is to infuse the teaching of EE as a part of different disciplines while ensuring that adequate time is earmarked for pertinent activities.

Finally, the said focus group in its report while concluding states, *"Of course, working towards such a paradigm shift is a major challenge and the Focus Group recommends that we do so through efforts in six major areas:*

- a. Curricula revision;*
- b. Materials development: conventional media;*
- c. Taking advantage of Information and Communication Technology;*
- d. Teacher preparation;*
- e. Evaluation system;*
- f. The school habitat.*

The Group has also sketched a road map for organizing this effort over a period of five years, beginning serious work from the first year onwards. We recognize that the judgment of the Hon'ble Supreme Court emphasizing the necessity of teaching environmental studies as a compulsory subject at all stages underscores the significance of the concerns addressed by our Group, and is an important impetus towards achieving the required changes. The Group sincerely believes that if our recommendations are accepted, the resulting actions would follow the Hon'ble Supreme Court judgment in letter as well as in spirit."

9. In view of the above development, the NCERT felt it was necessary that the Model Syllabus of Environmental Education, which was prepared by the NCERT and submitted before this Hon'ble Court should be reviewed. Therefore, the NCERT had moved an



application namely I.A. No. 6/2005 seeking permission from this Hon'ble Court to review the 'Model Syllabus of Environmental Education'. On 16.01.2006, when the aforementioned I.A. of the NCERT was listed before this Hon'ble Court, the NCERT informed this Hon'ble Court that in view of NCF 2005, a new curriculum framework for environmental education is being suggested by the NCERT and therefore, this matter should be adjourned. In this regard, the counsel of NCERT and the Petitioner had a discussion also and therefore, while adjourning the matter on 16.01.2006 this Hon'ble Court observed that, *"The matter concerning this application has been discussed between Mr. M.C. Mehta and Mr. Prashant Bhushan, learned counsel. They state that it is proposed that officers of the National Council of Educational Research and Training and other experts shall be involved and the issue of environmental education further discussed in detail. The main aspect which falls for determination is whether environmental education in schools should be taught as a separate subject or it should be infused in other subjects. In view of the submission made, we adjourn the matter for four weeks with the hope that it will be resolved and it may not require court's intervention as to how to teach environmental issues in the schools."*

10. The NCERT after an extensive and intensive multi-level consultations and debates amongst almost all the sections of the noted educationalists, experts from the field of Environment, teachers, representatives of NGOs as well as all the State Boards of School Education, State and Union Territory Govts. drafted a new syllabus for Environmental Education for Higher Secondary stage. The new syllabus aims at generating among young learners an awareness of

File

and sensitivity to the local environment in a holistic manner. It would equip the children with the requisite knowledge of the total environment, natural and social, the problems associated with it and the necessary skills for solving them in a positive and sustainable manner.

11. The NCERT had a preliminary discussion with the Petitioner on 11th October 2006 on the project based new draft syllabus on EE and the manner in which EE is being infused in different subjects for classes VI to X and also for classes XI and XII. Thereafter, in a meeting held on 19.02.2007, a detailed discussion took place on the new draft of syllabus and the infusion method. This meeting was attended by the Petitioner, some independent experts, who were invited by the Petitioner, the experts from the NCERT including the Director, NCERT and the counsel of the NCERT. In the said meeting, after exhaustive discussion, a broad consensus emerged on the new draft syllabus for Higher Secondary stage but with some modifications, which were suggested by the Petitioner.
12. The environmental education will be imparted in the schools in following manner:
 - (a) **EE for classes I and II:** EE concerns and issues are transacted through activities.
 - (b) **EE for classes III to V:** Environmental education is being imparted through a subject namely EVS (Environmental Studies).
 - (c) **EE for class VI to class X:** One of the guiding principles of NCF 2005 being "connecting knowledge to life outside the school". While developing the new textbooks based on NCF 2005, NCERT has taken special care to see to it that awareness and sensitivity towards environment related



concerns are infused wherever feasible. Further, activity and project work related to such issues are introduced. Tests of environment related concerns and components will be taken in the examination of the concerned subjects in which they have been infused. NCERT will develop books on Projects concerning EE one each for each of the classes VI to X based on the concepts already in the textbooks of different subjects of each of these classes. All examination papers of these classes should compulsorily have questions pertaining to the EE component present in the text. Further efforts are to be made so that project work receives enough importance in the evaluation. At the class X level in the examination papers of different subjects, there should be compulsory questions on concepts of EE, such that 10% of the grand total of marks in different subjects are earmarked for EE. The projects will be evaluated orally by an internal evaluator along with an external evaluator. CBSE and other state Boards should ensure proper evaluation of projects including involvement of external evaluators as teachers involved in project works on EE.

- (d) **EE for classes XI and XII:** As after class X students opt for different elective papers and all the subjects are not studied by the students, the NCERT, apart from infusing environmental content into as many elective subjects as possible, has also proposed that all students study environmental education compulsorily by utilizing the time meant for General Studies in the CBSE curriculum or any other similarly compulsory subject in the curriculum of other Boards. In addition to this classroom teaching, the students



will also engage themselves in the project activities. The new syllabus will also list a series of exemplar projects for class XI and XII students. The core syllabus as well as the projects should be evaluated orally by an internal evaluator along with an external evaluator. It will be advisable to have the external evaluators as teachers involved in project works on EE. The marks for the EE component- both core and the project together should be 50. There should be no written examination. The marks for the project as well as the core component should appear on the mark-sheet and should be added to the final marks and therefore, will be considered for pass/fail/division of the student. CBSE and other boards should take appropriate measures to implement above suggestions in the examinations conducted by them.

Copies of syllabus for classes I to V, the detailed analysis of the infusion for classes VI to X and new draft syllabus for classes XI and XII along with the list of projects for classes XI and XII which were discussed in the meeting of 19th Feb. 2007 are annexed hereto as Annexure A (Colly).

13. As far as the project activities for class VI to X are concerned, it is submitted that the NCERT has already initiated work to develop projects for the students of these classes which are likely to be made available for the academic session 2008-09. It is submitted that in the meeting held on 19th Feb. 2007, the petitioner had suggested that the project works should be prepared by the NCERT for classes VI to X also as it has been done for classes XI and XII. In view of the fact that the current academic year has already started and also that the




NCERT aims to complete the project books for classes VI to X only by the next academic year, it is therefore submitted that till the next academic year i.e. 2008-2009, the various school Boards should teach their students in accordance with the existing Model Syllabus which was earlier drafted by the NCERT and was submitted before this Hon'ble Court. Further, as recommended by the said Model syllabus, they may take public examination of the environmental education for classes X and XII at par with other subjects in the present academic year i.e. 2007-08. However, once the project books for Classes VI to X are ready, then EE as visualized in NCF 2005 would be fully implemented.

14. EE as visualized in NCF 2005 and proposed in this affidavit shall be for the entire country. As far as the monitoring of the implementation of EE is concerned, NCERT will continue to: visit the States/UTs to interact with the State/UT authorities for obtaining a first hand information on teaching of EE; organize annual or biannual National level workshops where concerned State level officials will exchange their experiences, views, and difficulties if any with their counter parts from other States/ UTs and with concerned NCERT faculty. Further to emphasize the importance of projects concerning EE, the major component of Jawaharlal Nehru National Science Exhibition for Children (JNNSEC) will have projects on EE and Jawaharlal Nehru National Science Exhibition for Children will be renamed as Jawaharlal Nehru National



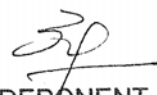
Exhibition for Science and Environmental Education for
Children (JNNESEC).



DEPONENT
सि.सं. १०००००
सं.सं. ११००१०.
Secretary,
NCE E.T.
New Delhi-110010

VERIFICATION

I, the above named Deponent, do hereby verify that the contents
of the above Affidavit are true and correct to my knowledge, no part of
it is false and nothing material has been concealed there from.

Verified at New Delhi on this day of November, 2007.


DEPONENT
सि.सं. १०००००
सं.सं. ११००१०
०/८

Draft as per corrections and modifications approved
by The Director (C) on 28/11/07

28/11/07



Annexure A

Teaching learning of environmental concerns and issues from
classes I to XII

CLASSES	MODE OF TRANSACTION
I and II	Through activities
III to V	Environmental Studies (EVS)
VI to X	Infusion model
XI – XII	Project based study