Raja Satyajit Banerjee

BBA, LL.B., MA (Criminology & Police Science), LL.M.
ADVOCATE

Chamber & Residence

consultbanerjee@gmail.com

Date: 10-05-2020

To

1. The Department of Education, Government of West Bengal, service through the Principal Secretary Shri Manish Jain, having office at Bikash Bhavan, Sector-I, Salt Lake, Kolkata 700091. secy.hestbt-wb@gov.in
2. The West Bengal Commission for Protection of Child Rights, service through the Chairperson Smt. Ananya Chakraborti Chatterjee, having office at ICMARD Building, 9th Floor, Block-14/2, CIT Scheme, Kolkata 700067, West Bengal. wbscpcr@gmail.com
3. Delhi Public School NewTown, service through the Principal Smt. Sonali Sen, having office at Block- DG/3, Action Area-I, Newtown, Rajarhat, Kolkata 700156. admin@dpsnewtownkolkata.com

Re:

Before The Hon'ble High Court at Calcutta
W.P. 5393(w) of 2020
Samrat Guha & Others Vs. State of West Bengal & Others

Sir,

Please find enclosed a copy of the above referred Writ Petition along with all Annexures, which is listed under 'Motion' before The Hon'ble Justice Subrata Talukdar, High Court, Calcutta, on 12th may 2020. I request you to appear at the time of hearing.

This is for your information and necessary action.

Yours faithfully,

Raja Satyajit Banerjee
Advocate

District: North 24 Parganas

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

W.P. (w) of 2020

Subject matter relating to:

Group :

Head :

of the Classification List.

Cause Title

Samrat Guha & Others

. . . . Writ Petitioner

- Verses -

Department of Education, Government of West Bengal and Others

. . . . Respondents

Filed by:

Raja Satyajit Banerjee, Advocate

District: North 24 Parganas.

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

W.P. No. of 2020

In the matter of :

Samrat Guha & Others

. . . . Writ Petitioner

- Verses -

Department of Education, Government of West Bengal and Others

. . . . Respondents

INDEX

List of Dates

24-Mar-2020	Government of India issued Orders prescribing national lockdown from 24-03-2020 for 21 days considering the Covid-19 pandemic.
10-Apr-2020	Department of School Education, Government of West Bengal, issued advisory to all unaided private schools to have a considerate view of the circumstances and to restrain from enhancing school fees during the current academic year and to consider delayed payment sympathetically.
14-Apr-2020	National Disaster Management Authority extended the Lockdown Measures till 3rd May.
21-Apr-2020	National Commission for Protection of Child Rights issued advisory to School Education Departments of all States to be deliberate and devise state-specific solutions to redress the grievances related to fees charged by the private schools during lockdown period.
22-Apr-2020	Department of School Education, Government of West Bengal, issued advisory to all private unaided schools to comply with the direction dated 10-04-2020.
26-Apr-2020	A group of parents of a private school wrote to consider the fees.
29-Apr-2020	The private school replied with only considering the extension of date till 30 June to pay the quarterly charges.
01-May-2020	National Disaster Management Authority extended the Lockdown Measures for 2 weeks w.e.f. 4th May 2020.

Points of Law

1. Whether the Respondents has failed to enforce the directives of the National Commission for Protection of Child Rights.

2. Whether education being fundamental right, is not violated, by not issuing appropriate direction regulating the fees of private schools during this lockdown period, by the State Government.

3. Whether the Respondents has failed to inquire into the complaints of non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children u/s 13(1)(j)(iii) of the Commission for Protection of Child Rights Act, 2005.

4. Whether it is not absolutely necessary to pass an Order directing the Private unaided Schools to restrain from charging various fees on different heads including fees hike, considering the hardship of the common man to pay during lockdown, under the Disaster Management Act, 2005.

5. Whether under Article 19(6) the State Government by not making any law imposing reasonable restrictions on the unaided private schools, in the interest of general public, has not deprived the parents of West Bengal from equality before law.

District : North 24 Parganas

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

W.P. No. (w) of 2020

And

In the matter of :

An application under Article 226 of the Constitution of India.

And

In the matter of :

A writ in the nature of mandamus, certiorari, prohibition and or any other writ or writs, order or orders, direction or directions under the Constitution of India.

And

In the matter of :

Right of Children to Free and Compulsory Education Act, 2009.

And

In the matter of :

Disaster Management Act, 2005.

And

In the matter of:

An application for violation of natural justice.

And

In the matter of :

1. Samrat Guha, son of Mukul Chandra

2. Atul Maheshwari, son of Munna Lal

3. Raja Mukhopadhyay, son of

4. Someswar Ray, son of Late Ashok

5. Rajarshi Nandi, son of Susanta

… Writ Petitioners

~ Versus ~

1. The Department of Education, Government of West Bengal, service through the Principal Secretary Shri Manish Jain, having office at Bikash Bhavan, Sector-I, Salt Lake, Kolkata 700091. secy.hestbt-wb@gov.in

2. The West Bengal Commission for Protection of Child Rights, service through the Chairperson Smt. Ananya Chakraborti Chatterjee, having office at ICMARD Building, 9th Floor, Block-14/2, CIT Scheme, Kolkata 700067, West Bengal. wbscpcr@gmail.com

3. Delhi Public School NewTown, service through the Principal Smt. Sonali Sen, having office at Block- DG/3, Action Area-I, Newtown, Rajarhat, Kolkata 700156. admin@dpsnewtownkolkata.com

… Respondent(s)

To

The Hon'ble Thottathil B. Nair Radhakrishnan, Chief Justice and His Companion Justices of the said Hon'ble Court.

The humble petition on behalf of the Petitioner above named, Most Respectfully

SHEWETH :

1. Petitioners state that, Petitioner No. 1, namely Samrat Guha, son of Mukul Chandra Guha, aged about 47 years, by occupation Service, by faith Hindu; Petitioner No. 2, namely Atul Maheshwari, son of Munna Lal Kela, aged about 46 years,

by occupation Service, by faith Hindu; Petitioner No. 3, namely Raja Mukhopadhyay, son of Samaresh Mukherjee, aged about 49 years, by occupation Professional, by faith Hindu; Petitioner No. 4, namely Someswar Ray, son of Late Ashok Kumar Ray, aged about 39 years, by faith Hindu, by profession Service (Banker); Petitioner No. 5, namely Rajarshi Nandi, son of Susanta Kumar Nandi, aged about 51 years, by occupation Engineer, by faith Hindu; are law abiding peace loving citizen of India, having permanent home, hearth and roofs in the address as mentioned in the cause title, are the parents of the children who are studying in the school of the Respondent No. 3. The Respondent No. 3 is working under the administrative guidance of the Respondent No. 1, being the Department of Education, Government of West Bengal, who has given permission to conduct school and also has issued 'no objection' to get the affiliation of CISCE Board Delhi. The Respondent No. 2, being a statutory body under National Commission for Protection of Child Rights, is require to look into the issues cropping out under the State and is require to address the same.

2. Petitioners states that National Disaster Management Authority (hereinafter says as NDMA) considering the Covid-19 pandemic, on 24-03-2020 vide notification No. 1-29/2020-

PP(Pt.II), directed Government of India including all States/UTs Authorities to maintain social distancing for 21 days (Lockdown-1) w.e.f. 25th March 2020. The NDMA further increased the said lockdown (Lockdown-2) till 3rd May, by a notification dated 14-04-2020 vide No. 1-137/2018-Mit-II(FTS-10548). And further the NDMA increased the said lockdown (Lockdown-3) till 18th May, by a notification dated 01-05-2020 vide No. 1-29/2020-PP. Copy of the said notifications are annexed hereto and collectively marked as Annexure-P1.

3. Petitioner states that due to lockdown from and on 25th March 2020, all schools in the State of West Bengal are closed, and by a communication of the Department of School Education, Government of West Bengal, vide No. 138-SSE/20 dated 16-04-2020, it appears that the State Government has directed all schools to remain close till 10th June 2020. Copy of the said notification is annexed hereto and marked as Annexure-P2.

4. Petitioner states that

   a. The Hon'ble Supreme Court in Islamic Academy of Education and Ors vs. State of Karnataka and Ors., reported in AIR 2003 SC 3724, decided on 14-08-2003, at paragraph 213 observed that "…at present, mere statutes/regulations which govern the fixation of fees and as this Court had, not yet considered the validity of those statutes/regulations" and thereby directed "…that in order to give effect to the judgment in TMA PAI's case the respective State Governments concerned authority shall set up, in each State, a committee headed by a retired High Court judge who shall be nominated by the Chief Justice of that State."

b. The Hon'ble Supreme Court in Modern School vs. Union of India & Ors, reported in AIR 2004 SC 2236, decided on 27.04.2004, while considering such a legislation namely Delhi School Education Act, 1973 and Rules as made thereunder, which intends to regulate the fees of private unaided school held that the State has power to laid down law under Article 19(6) of the Constitution of India and thereby upheld the Delhi School Education Act, 1973 and Rules as made thereunder, and further emphasized on the point that school should not increase fees for three years and without consultation with the Director of Education.

c. The Hon'ble Supreme Court in Society for Un-aided Private Schools of Rajasthan vs. Union of India & Ors, reported in AIR 2012 SC 3445, decided on 12.04.2012, at paragraph 180 concluded (according to majority) that Right to Children to Free and Compulsory Education Act, 2009 (hereinafter says as RTE Act 2009) is constitutionally valid and shall apply to an unaided non-minority school.

5. Petitioner states that The National Commission for Protection of Child Rights (hereinafter says as NCPCR), a statutory body, under the administrative control of the Ministry of Women & Child Development ,Government of India, was set up in March 2007 under the provision of the Commissions for Protection of Child Rights Act, 2005 (hereinafter says as CPCR Act 2005), to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. The Child is defined as a person in the 0 to 18 years age group. The Commission visualizes a rights-based perspective flowing into National Policies and Programmes, along with nuanced responses at the State, District and Block levels, taking care of

specificity and strengths of each region. In order to touch every child, it seeks a deeper penetration to communities and households and expects that the ground experiences gathered at the field are taken into consideration by all the authorities at the higher level. Thus the Commission sees an indispensable role for the State, sound institution-building processes, respect for decentralization at the local bodies and community level and larger societal concern for children and their well-being.

6. Petitioner states that NCPCR, being statutory authority, has made a 'Model Framework' with regard to 'Fee Regulation of Unaided Private Schools' and thereby has laid down detailed guidelines. The NCPCR and the Respondent No. 2 being the State Authority under the said guidelines shall be responsible to monitor and implement the framework under Section 31 and 32 of the RTE Act 2009. It is observed at Annexure-3 of the said 'Model Framework' that Tamil Nadu, Rajasthan, Maharashtra, Gujarat, Delhi, Uttar Pradesh, Karnataka, Punjab, Andhra Pradesh, Uttarakhand, Jammu & Kashmir, Assam, Telengana, Jharkhand, Madhya Pradesh and Haryana has either enacted law or a bill is under table to get consideration, while the Government of West Bengal has appointed 16 members to form a 'Self-Regulatory Commission' (as per data till 30-April-

2018) to regulate the fee of unaided private schools. Copy of the said 'Model Framework' is annexed hereto and marked as Annexure-P3.

7. Petitioner states that on 21-04-2020 the NCPCR vide F.No. NCPCR/2020-21/SF/EDU, expressed that "The National Commission for Protection of Child Rights (NCPCR) has been receiving complaints/representations from parents/parents' organizations from across the country regarding the issue directly or indirectly linked to fees charged by the private schools. These complaints/representations include issues such as discontinuation of education (offline/online) to children due to non-payment of fees; schools charging hiked fee without following adequate procedure; striking off name of the children; demand for fee waiver during lockdown etc. Such incidents can add to stress among children especially under the current circumstances." and emphasized that "regarding the issues specific to nation-wide lockdown such as charging of quarterly fees by schools and hiking of school fees during this period, the SCPCRs and State Education Departments are requested to deliberate on and devise state-specific solutions." Copy of the said communication is annexed hereto and marked as Annexure-P4.

have a considerate view of the matter and restrain from enhancing school fees during the current academic year. Any case of delay payment/non-payment of the fee by the guardian in the prevailing situation may be considered sympathetically." Further, on 22-04-2020, the said department issued a notice vide No. 139-SSE/20, addressing to the unaided private schools, wherein the department "advised to follow the request made" as on 10-04-2020. Copy of the said notifications are annexed hereto and collectively marked as Annexure-P5.

9. Petitioner states that the Respondent No. 3, being the unaided private school, without respecting the Respondent No. 1's request letter dated 10-04-2020 and 22-04-2020, and without following the Model Framework of NCPCR, increasing the fees (which includes tuition fees, transportation charges, laboratory charges, annual miscellaneous charges, etc.) every year. Below table indicates that during the lockdown also, the school has increased the fees for the session 2020-21 (April to March) starting from 1st April, and every year the school is increasing fees.

	April to March Session						
	2014-15	**2015-16**	**2016-17**	**2017-18**	**2018-19**	**2019-20**	**2020-21**
Tuition Fees	8,700	10,500	10,500	11,700	11,700	13,050	13,050
Transport Fees	5,400	5,400	6,000	6,600	7,200	7,200	7,200

Annual Misc. Fees	15,000	17,500	17,500	17,500	21,000	21,000	23,750
TOTAL	**29,100**	**33,400**	**34,000**	**35,800**	**39,900**	**41,250**	**44,000**

Copy of the aforementioned fees receipts are annexed hereto and collectively marked as Annexure-P6.

10. Petitioners state that they wrote a letter to the Respondent No. 3 on 26th April to consider their representation related to non-increase of school fees for the session 2020-21, following the massive lockdown and pandemic, along with some other reasonable requests, and also made a copy to the Respondent No. 1 and 2. But the Respondent No. 3 published a letter on the website on 29-04-2020 in reply to that, wherein it is stated that there will be no late payment charges till 30th June for payment of 1st quarter fees and regarding the other requests it is sated that only after opening of school ‘the management will decide’, and everything was thereby kept in abeyance. It requires to mention herein that when your Petitioners tried to pay the fees online after 30th April, which was the last date to pay fees without late fine, though the letter as published in the school website states that there will be no late fine, but the fee payment portal is configured to charge only with the late fine, and there is no option to pay the fees without late fine through

the portal till filing of this petition. Copy of the said letter dated 26-04-2020 and its reply dated 29-04-2020 are annexed hereto and marked as Annexure-P7 and P8 respectively.

11. Petitioners submit that the School Education Department of the State of West Bengal, the Respondent No. 1 herein, is the Authority to take appropriate steps to regulate the unaided private schools fees structure under the State of West Bengal, wherein the Respondent No. 3 is running the school under due permission and the Respondent No. 1 has also given 'no objection' to the Respondent No. 3 to take the affiliation of CISCE Board Delhi.

12. Petitioners summit that the advisory of NCPCR and request of the Respondent No. 1 has no impact on the Respondent No. 3, running under the umbrella of the Respondent No. 1, since the letter dated 10-04-2020 of Respondent No. 1 is a 'request' and not a proper direction, and the Respondent No. 3 is rigid on their quarterly advance payable fees structure, and increasing the fees under the lockdown situation.

13. Petitioners submit that the schools are closed in the State from 16th March to 10th June as per direction of the State Government. Under the lockdown situation most your

petitioners are facing acute financial hardship to meet the both ends. At this situation, your petitioners are suffering a lot due to increase in fees under the lockdown and for charging transport and laboratory charges even without using the same, which adversely affecting the children, is against the principle of nature justice.

14. Petitioners submit that since the Teachers are supposed to take online classes, it will be unreasonable to stop paying the tuition fees, but considering the acute financial hardship during the lockdown period, it will be reasonable to charge the tuition fees on monthly basis, instead of advance quarterly payment, for the 1st and 2nd quarter of this session (2020-21). And since the school is totally closed till 10th June, the Transportation cost and Laboratory charges should be abolished for the 1st quarter (April-June).

15. Petitioners further submit that striking of the name of students and debarring from taking online classes, for non-payment of fees, during the lockdown period, is totally unconstitutional, and against the spirit of the RTE Act 2009, which has been also advised by the NCPCR in its letter dated 21-04-2020.

16. Petitioners submit that there is great urgency in the matter since right to education, as a fundamental right of the children, is violated for the arbitrary charging of fees by the unaided private schools, during this national lockdown situation, which needs to be restrained and regulated immediately, otherwise the helpless parents at large are directly suffering, while the innocent children are adversely suffering, and which is against the spirit of RTE Act, 2009 also.

17. Petitioners submit that the Respondent No.1 has not complied with the Supreme Court directions to form a committee headed by a retired Judge of High Court, neither followed the Model Framework of NCPCR, in order to regulate the fees of unaided private school under the State.

18. Petitioners submit that the State Government has enough power to give relief even under the provision of the Disaster Management Act, 2005, and when a large section of people are suffering, it is the need of the time to address such situation immediately. It is not the right time to make business by the private schools which are basically in the nature of a Charitable Institution, and since they are under the administrative control

of the State Government, the State need to act promptly, addressing the mass grievance.

19. Petitioners submit that non action and /or in action on the part of the respondent authorities is an illegal act and its continuation shall cause immense suffering to the life and security of the people and the same can be secured only upon passing appropriate direction in terms of the payer as prayed below, otherwise your petitioners will suffer irreparable loss and injury which shall not be compensated in terms of money.

20. Your Petitioner thus has no other equally effective, suitable, speedy, efficacious, inexpensive and adequate alternative remedy and the reliefs prayed for, if granted, will be adequate.

21. Unless therefore the reliefs prayed for herein are granted, even in the interim and ad-interim forms, your Petitioner will be severely prejudiced and suffer irreparable injury which cannot be compensated for in money value.

22. Being aggrieved by and dissatisfied with the act and or illegal action on the part of the concerned respondent authorities, Your Petitioner begs to move this writ petition, before this Hon’ble Court on the following amongst other

GROUNDS

I. For that as per direction of the Hon'ble Supreme Court of India and as per advisory of the National Commission for Protection of Child Rights, the State Government has failed to frame any committee and or law, rule, regulation, to control the fees structure of unaided private schools in the State.

II. For that as per advisory of the National Commission for Protection of Child Rights, the State Government has failed to issue appropriate direction upon the unaided private schools not to increase fees, and charge arbitrarily, during the lockdown period.

III. For that unless appropriate provision is made for controlling the fees of unaided private schools during the lockdown period, the suffer, mental pain and agony, of a large number of peoples, those who are financially affected due to lockdown, cannot be redressed.

IV. For that to prevent such illegal practice of increasing fees every year or every alternate year, violating the Supreme Court and NCPCR guidelines, it is absolutely necessary to frame appropriate guidelines.

V. For that the impugned acts and culpable omission on the part of respondent authority are arbitrary, illegal, unreasonable, unlawful, perverse within the meaning of law, whimsical, capricious, cannot be sustained in law and cannot be suffered to continue and ought to be corrected by way of judicial review.

VI. For that the respondents have acted in dereliction of their statutory duties and legal obligation.

VII. For that the non-action and or in action on the part of the respondent authorities, your petitioners are suffering immensely.

VIII. For that the procedure adopted by the concerned respondent authorities in dealing with the case of the petitioner is violative of the provisions enshrined in the Article 14 and 21 of the Constitution of India.

IX. For that the acts of the respondents concerned are also violative of the principles of natural justice, and in particular the Third Principals, which provides that the act of an authority, whether judicial, quasi-judicial or administrative, must be just, fair, reasonable and bonafide.

X. For that the acts of the respondent authorities concerned is vitiated on the grounds of delay in so far as the act of an authority, vested with the power of dealing with fundamental and Constitutional Rights of the citizen, is required not only to be fair and just, but also be with reasonable diligence and promptitude.

XI. For that the act of the authorities concerned demonstrates their partisan attitude and dealing with the case of the petitioner.

23. Your Petitioners submit that in the facts and circumstances stated hereinabove, the petitioner has made out a strong prima facie case which warrants judicial review.

24. Your Petitioners submit that the balance of convenience and inconvenience is titled in favour of the petitioner and the prayers, if allowed, would grant relief to the petitioner.

25. Your Petitioners submit that the petitioner had demanded justice from the respondent authorities, times without number and the same has been denied and any further demand for justice would be an empty formality.

26. Your Petitioners submit that the record/ document related to the case are lying in the office of the respondent authorities, all within the Appellate Side jurisdiction of this Hon'ble Court.

27. Your Petitioners have taken out no other writ application on the self-same cause of action.

28. Your Petitioner craves reference to the statute and to make appropriate submission of law at the time of hearing.

29. Your Petitioner undertakes to pay deficit court fees within 48 hours of opening the High Court, after attaining normalcy, under the prevailing circumstances the petitioner also prays for leave to move the writ petition without a duly affirmed affidavit.

30. Your Petitioner most humbly prays that unless the order prayed for herein is granted, your petitioner shall suffer irreparable loss and injury.

31. This application is made bona fide and for the ends of justice

In the above facts and circumstances your Petitioner prays most humbly that Your Lordships will be graciously be please to :-

a. Grant leave to move this writ petition exempting the petitioner form filing duly affirmed affidavit in the prevailing circumstances.

b. Grant leave to the petitioner to pay deficit court fees within 48 hours of opening the High Court, after attaining normalcy.

c. Issue a writ or and or in the nature of Mandamus directing the Respondent No.1 to make appropriate direction, considering the prevailing situation of national lockdown, directing the unaided private schools

    i. To charge tuition fees on monthly basis, instead of advance quarterly payment, for the 1st and 2nd.

    ii. Not to charge Transportation Charges and Laboratory Charges for the 1st quarter.

iii. Not to increase fees and any other charges for the session 2020-21.

iv. Not to charge late fees till 30th June.

v. Not to strike of any name of students for non-payment of fees during the lockdown period and allow them to attend online classes.

d. Issue a writ of and or in the nature of Mandamus directing the Respondent No.1 to make appropriate Act, Rule, Regulations, to regulate the fees structure of unaided private schools.

e. Issue a writ of and or in the nature of Certiorari commanding the Respondent No.1 and 2 to produce relevant documents showing the constitution, function and directions issued by the 'Self Regulatory Commission' to control the fees structure of unaided private schools, as explained in the NCPCR Model Framework at Annexure-3.

f. Issue a writ of and or in the nature of Certiorari commanding the the Respondent No. 1 and 2 to produce relevant documents with regard to the action taken in pursuance with the NCPCR letter dated 21-04-2020.

g. Issue Rule Nisi in terms of prayers (c) to (f) above.

h. Pass an interim order directing the respondent State to pass an appropriate order directing the unaided private schools to receive only monthly tuition fees, and allow all students to participate in the online classes, till 10th June or until disposal of this writ petition, whichever is earlier.

i. Pass an Ad-interim order in terms of interim prayers as made above.

j. Costs and other incidentals thereto,

k. And /or to pass such other or further order as Your Lordships may deem fit and proper.

And for this Act of Kindness, your Petitioner as in Duty Bound, Shall Ever Pray.

Verification

We, the writ petitioners cause title named above, which is more meaningfully mentioned under paragraph no. 1 of the writ petition, do hereby solemnly verify and say as follows :-

1. That we are the petitioners in the instant petitioner and we are fully acquainted with the facts and circumstances of the case out of which present application arises, as such we are competent to sign this verification.

2. That the statements as made in paragraph no. 1 to 6 are true to the best of my knowledge and belief, the statements as made in paragraph no. 9 to 18, are derived from internet source of records and which I belief to be true, and the rest are my humble submission before the Hon'ble Court.

5th May 2020

DEPONENT(s)

Deponent is known to me

Clerk to Advocate

Prepared in my office

Raja Satyajit Banerjee, Advocate.

Government of India
NATIONAL DISASTER MANAGEMENT AUTHORITY
Policy & Plan Division
NDMA Bhawan, A-1, Safdarjung Enclave
New Delhi -110 029

No 1-29/2020-PP (Pt II)

Dated 24th March 2020

ORDER

Whereas, the National Disaster Management Authority is satisfied that the country is threatened by the spread of COVID-19, which has been declared as a pandemic by the World Health Organisation, and that it is necessary to take effective measures to prevent its spread across the country and for mitigation of the threatening disaster situation,

And whereas, experts, keeping in view the global experiences of countries which have been successful in containing the spread of COVID-19 unlike some others where thousands of people died, have recommended that effective measures for social distancing should be taken to contain the spread of this pandemic.

And whereas, there is a need for consistency in the application and implementation of various measures across the country while ensuring maintenance of essential services and supplies, including health infrastructure,

Now, therefore in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, the National Disaster Management Authority has decided to direct Ministries/ Departments of Government of India, State Governments and State Authorities to take measures for ensuring social distancing so as to prevent the spread of COVID-19 in the country. Necessary guidelines in this regard shall be issued immediately under section 10(2)(l) of the Disaster Management Act, 2005 by the National Executive Committee. These measures shall be in force for a period of twenty one days w. e. f. 25th March, 2020.

24/3/2020

Member Secretary, NDMA

To

Union Home Secretary,
North Block, New Delhi-110001

Government of India
National Disaster Management Authority
"NDMA Bhawan",
A-1, Safdarjung Enclave, New Delhi-110029.

No.1-137/2018-Mit-II(FTS-10548) Dated, the ~~13th~~ 14th April, 2020.

ORDER

On 24th March, 2020, the National Disaster Management Authority directed the Ministries/Departments of Government of India, State Governments and State Authorities to take measures for ensuring social distancing so as to prevent the spread of COVID 19 in the country. These measures are in force for a period of 21 days w.e.f. from 25th March 2020. Detailed guidelines and addenda were issued by National Executive Committee from time to time under section 10(2)(l) of the Disaster Management Act 2005.

2. Considering the fact that strict social distancing measures need to be implemented for a further period to contain the spread of COVID 19, the National Authority, in exercise of powers under Section 6 (2) (i) of the Disaster Management Act, 2005, directs the Ministries/Departments of Government of India, State Governments and State Authorities to continue the same measures for social distancing upto 3rd May, 2020. In this regard the guidelines/orders issued by NEC shall continue to be applicable throughout the country. The Authority further directs NEC to issue modifications in the guidelines as necessary, keeping in view the need to contain the spread of COVID 19.

14/4/2020

Member Secretary, NDMA

To

Union Home Secretary,
North Block, New Delhi 110011

Government of India
NATIONAL DISASTER MANAGEMENT AUTHORITY
Policy & Plan Division
NDMA Bhawan, A-1, Safdarjung Enclave
New Delhi -110 029

No. 1-29/2020-PP

Dated : 1st May, 2020.

ORDER

In exercise of the powers under section 6(2)(i) of the Disaster Management Act 2005, on 24th March 2020 and 14th April, 2020 the National Disaster Management Authority directed the Ministries/Departments of Government of India, State/Union Territory (UT) Governments and State/UT Authorities to take measures for ensuring social distancing so as to prevent the spread of COVID 19 in the country. These measures have been in force from 25th March 2020. Detailed guidelines, Orders, clarifications and addenda were issued by National Executive Committee (NEC) from time to time under section 10(2)(l) of the Disaster Management Act 2005.

Considering the fact that firm lockdown measures need to be implemented for a further period in the Country to contain the spread of COVID 19 based on classification of districts into red, orange and green zones, the economic activities can be opened up with some basic safeguards of adhering to physical distancing norms, the National Authority, in exercise of powers under Section 6(2)(i) of the Disaster Management Act 2005, directs the Ministries/Departments of Government of India, State/UT Governments and State/UT Authorities to continue the lockdown measures for two more weeks with effect from 4th May 2020. The Authority further directs NEC to issue modifications in the guidelines as necessary, keeping in view the need to contain the spread of COVID 19, while opening up economic activities.

1/5/2020

Member Secretary, NDMA

To

Union Home Secretary,
North Block, New Delhi - 110001

Annexure- P2

Government of West Bengal

Department of School Education

Bikash Bhavan, 6th floor, Salt Lake City, Kolkata – 700091

No.: 138-SSE/20

Date: 16/04/2020

From: Manish Jain,

Principal Secretary to the Govt. of West Bengal

To:

1. President, West Bengal Council of Higher Secondary Education
2. President, West Bengal Board of Secondary Education
3. President, West Bengal Board of Primary Education

Sub: Communication to combat spread of Novel Corona Virus (COVID -19)

Sir / Madam,

In pursuance to order and guidelines issued by Ministry of Home Affairs vide no 40-3/2020-DM-I(A) dated 24-03-2020 and dated 15-04-2020 read with subsequent orders issued from time to time and in view of the prevailing situation on the spread of Novel Corona virus (COVID - 19) and as a matter of abundant precaution to check its spread in the State of West Bengal, it has been decided by the competent authority in the Government of West Bengal that all Government, Government-aided, private educational institutions, Training Institutes will remain closed up to 10th June, 2020 in public interest.

2. Administrative departments of schools, Head of the institute including emergency services e.g. electricity, cleanliness, water supply, security etc may remain open under strict COVID-19 protocol and extant guidelines issued, as per local need to be decided by the head of respective institute.

3. Hostels will also remain closed till 10th June, 2020 though, adequate arrangements as per the medical protocol will be made by the respective institute for the foreign students who are not able to leave the campus due to distance or otherwise. No visitor should be allowed during the period to visit the hostel, without prior approval of the Head of the Institute.

This is for your kind information and necessary action.

Yours faithfully

16/04/20

Principal Secretary

No.: 138/1(2)-SSE/20

Date: 16/04/2020

Copy forward for kind information and necessary action to

Chief Executive Officer, Council for the Indian School Certificate Examination / Secretary, Central Board of Secondary Education. He is requested to consider taking similar suitable steps in respect of all schools under his jurisdiction.

16/04

Principal Secretary

No.: 138/2(7)-SSE/20

Date: 16/04/2020

Copy forwarded for kind information and necessary action to:

1. Addl Secretary, School Education Department.
2. State Project Director, PBSSM.
3. Commissioner of School Education.
4. Commissioner, School Education Department.
5. Project Director, CMDMP.
6. Joint Secretary (All).
7. OSD to HMIC, School Education Department.

16/04

Principal Secretary

FEE REGULATION OF UNAIDED PRIVATE SCHOOLS

Model Framework

NCPCR

Education Division

National Commission for Protection of Child Rights

Preface and Acknowledgement

Taking cognizance of the complaints received in the Commission regarding mental and emotional harassment of children due to fee-related dispute between parents and the school, NCPCR has developed a *Model Fee Regulatory Framework for Unaided Private Schools*. The framework has been developed by NCPCR under the mandate given to it u/s 13 of CPCR Act, 2005 and in consonance with the child rights perspective as enshrined in the Constitution of India, also the UN Convention on the Rights of the Child (UNCRC). As school fee is a financial matter between the school authorities and the parents; therefore, it is to be dealt with the parents and not with the children.

The model framework is for private unaided schools which are 23 percent of the total school in India catering to 36 percent of total population of children attending school. The framework is a model document that may be recommended to States where the fee regulation mechanism is not working effectively.

The framework developed after examining the fee regulatory guidelines/laws/acts adopted by different State aims to provide a preventive strategy against physical, mental and emotional harassment of children in schools resulting from mutual dispute between school and parents on fees related issue. It includes inter alia the appointment and enhanced role of the Parent Teachers Association (PTA) in the nature of a School Management Committee (SMC) as prescribed by the RTE for government schools. Besides the PTA, a district fee regulatory committee and a state appellate authority Under the framework, the private school fee needs to commensurate with the school infrastructure and its facilities (including hostel, sports, co-curricular and extra-curricular activities).

I express my sincere gratitude to Ms. Stuti Kacker, Hon'ble Chairperson, National Commission for Protection of Child Rights (NCPCR) for her support in drafting of the framework. I am extremely grateful to Dr. Madhulika Sharma for her invaluable inputs in developing the framework and finalising the document. I extend special thanks to Dr. Mallika Basu, Task Based Consultant for developing the report based on analysis of the existing fee regulations in the States. I also thank the Legal Team of NCPCR for editing and vetting of the draft document.

(Priyank Kanoongo)
Member-Education
NCPCR

CONTENTS

CHAPTER I

PRILIMINARY

1) Short Title, Extent and Commencement

a) The framework may be called the "Model Fee Regulatory Framework for Unaided Private Schools".
b) Nothing contained in this framework shall be applicable to Schools receiving aid or grants to meet whole or part of its expenses from the Union Government, State Government or the local authority.
c) Nothing contained in this framework shall be applicable to Private Play School as defined in Private Play School Regulatory Guidelines formulated by NCPCR. The fee regulation pertaining to the Private Play School and other such facilities would be in reference to the Early Childhood Care and Education (ECCE) policy as notified by the Government of India.
d) The fee structure will be applicable from the entry level to the last higher class of the School.
e) This framework may come into force after due notification as per procedures of the Union Government or respective State Governments. The respective Government may notify this framework or adopt content of this framework as legislation to regulate fee in unaided private Schools in their respective States.

2) Definitions

a) "Affiliating body" means State Board of Education; Central Board of Education or any other Indian or International Examination body under which the said School is affiliated.

b) "Appropriate Government" means State Government or Government of Union Territory in whose jurisdiction the School is situated.

c) "Capitation fees" is any kind of donation or contribution or payment other than the fee determined by the District Fee Regulatory Committees (DFRC) for the School.

d) "Committee" means District Fee Regulatory Committees (DFRC) constituted under sections 3 of the framework.

e) "Competent Authority" means the District level Education Officer responsible for implementation, administration of all education related schemes, policies, laws/legislations etc. in the district as applicable in respective States/Uts.

f) "Fee" means any amount collected directly or indirectly by a School for the purpose of imparting education or facilities/services related for imparting education

g) "Fee Determination" is the process of class-wise fee fixation by the Committee and will be revised every three years.

h) "Guardian" means a person having care and custody of the child and includes a natural guardian or guardian appointed or declared by a court or a statute;

i) "Levels of Schooling" means the pre-primary Schooling (Class Nursery, LKG, UKG); Primary Schooling- I (Class I-II); Primary Schooling- II (Class III-V); Upper-primary Schooling (Class VI-VIII); Secondary Schooling (Class IX-X) and Senior Secondary Schooling (Class XI-XII).

j) "National Commission for Protection of Child Rights" (NCPCR) means the National Commission for Protection of Child Rights constituted under Section 3 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006).

k) "Parent" means either the natural or step or adoptive father or mother of a child;

l) "Processing fee" means the amount as prescribed by appropriate Government for the purpose of processing the application for determination of fee for the School.

m) "School" means an unaided private School, not receiving any kind of aid or grant to meet its expenses from appropriate Government or the local authority, affiliated by any formal Board of Education and recognized by appropriate Government and charging fees in any form for the purpose of imparting education and also as mentioned in Section 2 (n) (iv) of RTE Act 2009.

n) "State Commission for Protection of Child Rights" (SCPCR) means the State Commission for Protection of Child Rights constituted under Section 17 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006)

o) "State Appellate Authority" means Authority constituted under section 11 (b) of the framework

CHAPTER II
DISTRICT FEE REGULATORY COMMITTEE (DFRC)

3) Formation and Functioning of District Fee Regulatory Committee (DFRC)

a) The State shall form a District Fee Regulatory Committee (DFRC) for regulation of School fees in each District of the State for regulation of fees in each School.

b) The Committee shall be headed by the District Collector/ District Magistrate as Chairperson and consist of;

   i) District Education Officer as Member Secretary for coordination and ensuring smooth functioning of the Committee and the office of DEO shall provide secretarial support to the Committee;

ii) District Audit Officer/ Auditor of Pay & Accounts Officer/ Treasury Officer;
iii) District Road Transport Officer, for providing input on transport fee and ensuring duties as prescribed by Competent Authorities from time to time
iv) Principal of District Institute of Education and Training (DIET);
v) One Principal/Head Master of a renowned Government School such as Kendriya Vidyalaya or Navodaya Vidyalaya as deemed appropriate by the Chairperson of the Committee.

c) For smooth functioning, the Chairperson of the Committee may nominate an official having administrative powers not below the rank of District Level Officer for the purpose of routine meetings and day to day functioning on behalf of the Chairperson. However any final order has to be approved and signed by the Chairperson only.

d) The information of the Committee and its Members has to be submitted to State Education Department, State Education Board, SCPCR and concerned Regional Officer, CBSE/ICSCE.

e) The fee must be determined for each School separately as per the procedure mentioned in section 5. In this regard, the case of each School is required to be considered by DFRC, separately.

f) The fee determined by the Committee having regard to relevant factors shall be binding on the School.

g) The fee determined by the Committee shall be valid for a period of three academic years.

h) The Committee shall review its order of fee determination on the orders of State Appellate Authority.

4) Submission of Proposal for Fee Determination

a) The School shall submit a proposal to the Committee on the prescribed Performa in *annexure 1*. The proposal for fee determination for next year shall be submitted by 31st October[1] of the preceding year.

b) The School shall pay such amount towards the processing fee, as may be prescribed by the State Government, along-with the proposal.

c) The proposal shall contain all the requisite documents as specified in the Performa.

[1] In case the academic session begins from April 01st

d) In case a School fails to submit a proposal within prescribed time limit or submits an incomplete proposal for fixation of fee;

i) the Committee shall recommend to the appropriate Government to bar the School from taking any new admission for next academic year or to impose fine equivalent to 10 percent of the total revenue generated by the School/society/trust in the preceding year, as applicable.

ii) Further, such Schools shall submit their proposal to the Committee on the prescribed Performa as provided in *annexure 1* before commencement of academic session.

iii) if the School fails to submit proposal before commencement of academic year, the Committee shall recommend to the appropriate government to take over the Management of the School until School submits proposal as specified in the Model Framework.

Provided that the appropriate Government after taking over the School, shall appoint administrator not below the rank of Sub-Divisional Magistrate as administrative head of the School to ensure its smooth functioning.

During this period, no further developmental/procurement/construction activities shall be taken up in the School except activities related to education and safety of children.

iv) if the School further fails to submit proposal for number of years as deemed fit by the appropriate Government, the appropriate Government shall withdraw the recognition of the School.

e) The School shall be bound to supply any further information or statements which may be required by the Committee within the time limit specified by the Committee.

f) The School shall apply for fee determination (as per the procedure laid down under section 4) every three years from the year of last fee determination;

5) Procedure for Fee Determination

a) The appropriate Government shall develop a suitable online mechanism by use of digital technology/artificial intelligence.

b) The online system shall be accessed by Administrator at State Level, and DFRC for respective districts.

Provided that the State Level Administrator shall have access to the information of all Schools in the State and the DFRC shall have access to proposals of Schools of their respective district only.

c) Following is the procedure from proposal submission to fee determination

i. The School will log in to the system and a unique login id will be generated for each School
ii. After logging in, the School shall submit proposal and the requisite processing fee as per the instructions provided and prompted on the system
iii. After the proposal is successfully submitted, the proposal will be analysed taking into consideration the variable indicators of expenditure and income (as given by the School in enclosed performas/forms/annexures including depreciation/loans/interests etc.) and constant indicators of the respective district (as specified in sub-section (f) below) using software/artificial intelligence.
iv. The analysis will provide a range of fee i.e minimum and maximum fee a School can charge and the same shall be forwarded to the DFRC along with complete proposal of the School.
v. The Road Transport Officer (RTO) being Member of DFRC will examine the proposal for transportation fee based on state specific procedure for fixation of fare.
vi. The Committee shall, before passing the final order of fee determination of a given School, may offer separate hearing to the representative of the concerned School to present any additional/supporting information in favour of their proposal.
vii. Thereafter, a separate hearing shall be offered by the Committee to the Parents-Teacher Association (PTA) of that School to present their concerns, if any.
viii. For this, a schedule of hearing be published by the Chairperson of the Committee. The School shall communicate the date of hearing published by the Committee to the parents through PTA.
ix. The Committee shall take a decision on the proposal within a period of ninety days from the date of receipt of the proposal but not later than 31st January of each year.

d) The proposal of Schools for determination of fees shall be examined taking into account the following indicators;

i. Consumer Parity Index;
ii. Per Capita Expenditure of the respective District/State;
iii. City Allowance;
iv. Cost of land and building as per circle rate;
v. Approved intake of number of students

e) The Committee may call for any further information or statements as are necessary for scrutiny of the proposed fee or fee structure from the School within the specified time limit.

f) If required, the Committee may conduct a visit or may seek a spot verification report from the Competent Authority on basis of proposal submitted by the School.

g) The increase in fee within the levels shall not be more than 10 percent of the preceding level.

h) The student entering any class will be charged the fee for that class in the given year.

i) The Committee shall adopt procedure as specified in section 5 for deciding the proposal submitted by the School.

Provided that the determined fee shall not be more than 10 percent of the fee determined in the preceding year.

6) The Order of Fee Determination and its Implementation

a) The Committee shall issue an order including consolidated fee and excluding transportation, hostel and mess charges for three consecutive years;

Provided the order of fee determination shall also include the transportation fee, hostel and mess charges, separately;

Provided further that the fee determined by DFRC shall be the maximum amount of fee that the School can charge from a student.

b) The School shall charge fee for Transportation and Hostel including mess charges from the actual number of students availing the facility.

c) The Committee shall determine the level-wise and year-wise fees for next three academic years under a single head which may be levied or collected.

d) The caution money, which is refundable at the time a student leaves the School, shall be fixed as per level of Schooling by the Committee and shall be charged only once.

Provided that when as child enters the next higher level of Schooling, only the differential amount shall be charged and the School shall maintain a separate account for caution money.

Also, the School shall refund the caution money along with the Transfer/School Leaving Certificate of the child.

e) No School shall demand fee amounting to more than one quarter from any student at a time and demand of fee for more than one quarter at a time shall be construed as collection of capitation fee and such School shall be liable to be proceeded against in accordance with the provisions of the RTE Act, 2009/ State Education Act.

f) The fee determined by the Committee for Pre-Primary Schools, Primary Schools, Secondary Schools and Higher Secondary Schools shall be displayed by every School on its notice board and on its official website in State Official Language and also in English.

g) The School shall publish a sample table for fee structure as provided in *annexure 2* in the prospectus every year to give an estimate of maximum fee that can be levied from a student from the year of admission of a student till completion of Schooling in the particular School.

h) The School shall, in no circumstances, collect fee without providing receipt including the head/purpose under which the fee is charged.

CHAPTER III
PARENT-TEACHERS'ASSOCIATION

7) Composition of Parents-Teachers Association (PTA)

a) A School as defined in section 2 (m) shall constitute a Parents-Teachers Association (PTA) in prescribed manner as;

(i) PTA shall consist of one parent representative from each class (from each section of each class, as the case may be) such that three-fourth of Members of such Committee shall be parents or guardians

(ii) Out of the ¾th Member parents, 25 percent of the total strength of parent Members shall be reserved for parents or guardians of children admitted under section 12 (1) (c) of the RTE Act, 2009 i.e. *the School specified in sub-clauses (iii) and (iv) of Clause (n) of Section 2 shall admit in class I, to the extent of at least twenty-five per cent. of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion*

(iii) One teacher from each Level of Schooling i.e. pre-primary, primary-1, primary- 2; upper primary, secondary/senior secondary;

(iv) Provided further that 50 percent of the teachers shall be nominated by the School Management and 50 percent shall be nominated by the three fourth representative parents of PTA;

(v) One member of local Authority;

(vi) One representative Member of the School Management;

8) **Formation of Parents-Teachers Association (PTA)**

a) There shall be only one PTA in every School which shall also function for issues other than mentioned in this framework

b) The PTA shall be formed within one-month of the beginning of the academic session.

c) The term of the PTA shall be one academic year.

d) The schedule of formation of PTA including last date of filing self-nomination by the parents and date of draw shall be decided by the Competent Authority and informed to the Schools.

e) For the purpose of ensuring participation of the parents of children admitted under section 12 (1) (c) of the RTE Act, 2009, School shall;

i) conduct draw for defining the classes/sections that shall be reserved for self- nomination only by parents of children admitted under section 12 (1) (c) of the RTE Act, 2009;

ii) draw shall be organised under the supervision of Principal/Head Master of a nearby Government School as nominated by the Competent authority

f) For the reserved classes as per sub-section (e) above, only parents of children admitted under section 12 (1) (c) of the RTE Act, 2009 shall submit their self-nomination; however, for all other classes/section the self-nomination is open for all parents including parents of children admitted under section 12 (1) (c) of the RTE Act, 2009 in that particular class/section.

g) The reservation of classes/sections to ensure participation of parents of children admitted under section 12 (1) (c) of the RTE Act, 2009 shall be made on rotation basis, that means, the succeeding class of the class which have been reserved in a given year shall not be considered for draw in the next year.

h) The draw procedure for selection of the parent Members i.e. ¾th of the total strength of PTA shall be undertaken by the School after the Principal receives the self-nominations from all interested parents [i.e. including the parents of children admitted u/s 12 (1) (c)] until the date specified by Competent Authority.

i) After receiving self-nomination from the parents the School shall conduct the draw under the supervision of Principal/Head master of a nearby Government School nominated by the Competent Authority.

j) Fifty per cent of Members of such Committee shall be women.

k) In case, the ward of parent Member leaves the School in between the academic session, another parent/guardian from that class shall be inducted as Member into the PTA within one-month;

l) The School Management shall display the names of PTA Member on their website as well as on the notice board of the School.

9) Functions of PTA

a) The PTA shall appear before the Committee for hearing on fee determination as and when called by the Committee.
b) The PTA shall conduct periodic meeting and minutes/decisions of the meeting shall be properly recorded and made available to the School Principal to be put-up on School's website and notice board.
c) Principal of the School shall be responsible to provide the minutes of the meetings held by the preceding PTA.
d) The Committee, during perusal of proposal of School for fee determination every three year, shall take note of these minutes.
e) Or any other function as notified/prescribed by appropriate Government, Central government, affiliating body, competent authority from time to time.

Chapter- IV
Revision, Appeal, Grievance Redressal and Monitoring

10) Procedure for Fee Revision

a) A School may, under following circumstances or as specified by Appropriate Government, apply for revision of the order for determined fee to the State Appellate Authority;

    i) Change in affiliation Board;
    ii) Any change in norms and standards of affiliating/recognising body.
    iii) Introducing a new co-curricular activity;
    iv) Introducing new facility such as transportation;

b) The State Appellate Authority shall send the proposal, if accepted, to Committee for examination within thirty days of receiving the proposal.

c) The Committee shall examine the proposal within a period of sixty days from the date of receipt of the proposal.

d) The Committee may call for any further information or statements as are necessary for scrutiny of the proposed fee or fee structure from the School within the specified time limit.

e) If required, the Committee may conduct a visit or may seek a spot verification report from the Competent Authority on the basis of proposal submitted by the School.

f) The Committee, before passing the order of fee revision, shall offer separate hearing to the representative of the concerned School and PTA.

g) The Committee, then, shall issue a revised order u/s 6

11) Appeal

a) Any School being aggrieved by the order of the Committee under section 6, may file the application to the State Appellate Authority within a period of twenty-one days from the date of receipt of such order along-with payment of process fees.

b) The State Appellate Authority shall comprise of not more than five Members with Commissioner of Public Instruction as Chairperson; Director or above from the Department of Education, Director or above from the Department of Finance, Member (Education) of State Commission for Protection of Child Rights (SCPCR), one Members as nominated by the Appropriate Government.

c) The appellant shall have to submit a statement stating the grounds for appeal on the order of the Committee.

d) The State Appellate Authority may call for additional information from the appellant, as it considers necessary and after considering the same and giving a reasonable opportunity of being heard to the appellant, may review, confirm, revise, remand to DFRC or cancel the order against which the appeal application is preferred.

e) In case of cancellation, the State Appellate Authority shall determine the fees and send to DFRC for issuing orders u/s 6.

f) The State Appellate Authority shall take decision on the appeal within a period of 30 days from the date of receipt of the said application.

g) Orders passed by the State Appellate Authority shall be final unless challenged in the appropriate Court.

12) Grievance Redressal Mechanism

a) The parents may submit a written complaint to the Competent Authority for non-compliance of orders of the Committee;

Further, the Competent Authority may take *suo-motu* cognizance or on recommendation of NCPCR and/or SCPCR to examine the compliance of the orders of the Committee.

b) If it is observed that a school, which is having actual charge of or control over a child when the child is in school, is wilfully neglecting the child in a manner likely to cause the child unnecessary mental or physical suffering will be treated as violation of section 75 of Juvenile Justice Act, 2016;

In such case, the Competent Authority shall refer the case to the Police for enquiry under section 75 of Juvenile Justice Act, 2016 as school fee is a financial matter between the school authorities and the parents; and is to be dealt with the parents and not with the children.

c) After receiving the complaint under sub-section (i), the Competent Authority shall examine the complaint and the compliance of the order of the Committee as a whole, within a period of sixty days in light of orders of the Committee, as under section 6, after affording a reasonable opportunity to the parties concerned.

d) If found guilty, the Competent Authority shall issue directions to the School to implement the fee-determination orders of the Committee, as under section 6

Provided that the Competent Authority may issue a single direction for one or more complaints received against a single School within a stipulated time of 60 days

e) In case if a School is found charging excess money against the fee-determination order, the Committee shall order the School to refund the excess amount of fee charged on the report of competent authority.

f) On non-compliance of the order by the Competent Authority as in sub-section (c), the Competent Authority shall recommend the Committee to impose fine on School equivalent to 1% of the total revenue generated in the preceding year for the first time of non-compliance; 3% for second time of non-compliance; 5% for third time of non-compliance.

g) After imposing fine, the DFRC shall upload the order on the fee determination portal.

h) If the School continues to violate the order consecutively three times , the School shall be put under non-admission category;

i) If the School fails to comply with the orders, the Committee shall recommend the appropriate Government to take over the management of the School.

Provided that the appropriate government after taking over the School, shall appoint administrator not below the rank of Sub-Divisional Magistrate as administrative head of the School to ensure its smooth functioning.

During this period, no further developmental/procurement/construction activities shall be taken up in the School except activities related to education and safety of children.

j) If the School fails to comply with the orders for number of years as deemed fit by the appropriate government, the appropriate government shall withdraw the recognition of School.

k) If the School fails to refund the amount as ordered by the Committee or fails to pay fine as imposed, the Committee shall proceed to recover the amount as an arrear of land revenue and the amount so recovered shall be paid to such persons as mentioned in the order and the penalty deposited in such manner as may be prescribed.

l) If the complainant is not satisfied with the decision of Competent Authority, an appeal may be filed with the State Appellate Authority.

m) The State Appellate Authority shall examine and redress the grievance within ninety days from the date of receipt of the grievance.

13) Monitoring

a) NCPCR and SCPCRs, as the case may be, shall be responsible for monitoring the implementation of the Framework. For this following shall be powers of NCPCR/SCPCR as defined in section 31 and 32 of the RTE Act, 2009

The NCPCR constituted under section 3, or, as the case may be, the SCPCR constituted under section 17, of the CPCR Act, 2005 (4 of 2006) shall, in addition to the functions assigned to the that Act, also perform the following functions, namely:

(a) Examine and review the safeguards for the rights provided by or under any Law related to children and recommend measures for their effective implementation;

(b) Inquire into complaints relating to child's right to free and compulsory education; and

(c) Take necessary steps as provided under section 15 and 24 of the said CPCR Act, 2005.

(2) The said Commissions shall, while inquiring into any matters relating to child's right under clause c(1) , have the same powers as assigned to them under sections 14 and 24 of the said CPCR Act, 2005.

(3) Where the SCPCR has not been constituted the appropriate Government may, for the purpose of performing the functions specified in clause 1 (a) to 1 (c), constitute such authority, in such manner and subject to such terms and conditions, as may be prescribed.

b) As per Section 32 of RTE Act, 2009

(1) Notwithstanding anything contained in section 31, any person having any grievance relating to the right of a child under this Act may make a written complaint a local authority having jurisdiction.

(2) After receiving the complaint under sub-section (1), the local authority shall decide the matter within a period of three months after affording a reasonable opportunity of being heard to the parties concerned.

(3) Any person aggrieved by the decision of the local authority may prefer an appeal to the SCPCR or the authority prescribed under sub-section 3 of section 31, as case may be.*

(4) The appeal preferred under sub-section 3 shall be decided by SCPCR or the authority prescribed under sub-section 3 of section 31, as case may be, as provided under clause (c) of sub-section (1) of section 31.

* In context of this framework the local authority should be read as Competent Authority as defined in section 2(e)

==================

Annexure 1

PREFORMA FOR FEE FIXATION

(Fee regulation of next block i.e X+1, X+2, X+3 where X is the Academic Year of Proposal Submission)

SUMMARY SHEET

Summary information of …………….................................. (School)

1	Name of the Trust / Society				
2	Name of the School / Institute				
	Address (with Pincode)				
	Telephone No. (with STD code)				
	Fax No. (with STD code)				
	E-Mail ID				
	Website				
3	Level of School				
	Specify the Classes				
	Specify number of sections in each class				
5	Class-wise Total number of students admitted in the years mentioned herein against		Financial Year (X)	Financial Year (X-1)	Financial Year (X-2)
6	Class-wise Total number of students admitted u/s 12 (1) (c) in the years mentioned herein against		Financial Year (X)	Financial Year (X-1)	Financial Year (X-2)
7	Present Fess Structure of the school for Financial Years mentioned herein against		Financial Year (X)	Financial Year (X-1)	Financial Year (X-2)
8	Class-wise Fees proposed by the school for three Financial Years mentioned herein against		Financial Year (X+1)	Financial Year (X+2)	Financial Year (X+3)

FORM A

For DFRC Office use only

DFRC File No.	

FORM - A (In two copies)
Proforma for Information of the Society

2	Name of the Trust/Society			
	Address (with pin code)			
	Telephone No. (with STD code)			
3	Fax No. (with STD code)			
	E-mail ID			
	Website			
4	Registration No. of the Trust/Society	Registration No.		
5	Year of Establishment of the Trust			
6	Name of the Trutees/Office Bearers	Enclose list with address along with mobile numbers		
7	Name of the Chairman along with his mobile number			
8	Name of the Secretary along with his mobile number			
9	Name of all the Schools established/ funded/ operated by the Trust/ Society (enclose separate sheet if required)	S.No.	Name of School	Level of Schooling
		S.No.	Name of School	Level of Schooling
		S.No.	Name of School	Level of Schooling
10	PAN of Trust/Society	PAN No. (Enclose copy of PAN No. of Trust/Society		
11	TAN of Trust/Society	TAN No. (Enclose copy of TAN No. of Trust/Society		
12	Annual financial report of Trust/Society for Academic Year (X-2) and Academic Year (X-1) along with the copy of complete Income Tax Return of Academic Year (X-2) and Academic Year (X-1)	Attach certified audited copy along with auditor's report of final accounts and copy of complete Income Tax Return of Academic Year (X-2) and Academic Year (X-1)		

Verification

I,_____________ (full name in block letters), son/daughter of _____________solemnly declare that to the best of my knowledge, the information given in this Proforma and statements accompanying is correct and complete. I further declare that I am submitting this Proforma in my capacity as ___________and I am competent to submit and verify the same.

Place:
Date:

Signature
(Chairman/Secretary)

Form B-I

Form - B **(In two copies)**
Proforma for information of .... (School)

1	Name of the School								
	Specify the level of school								
2	Name of the Principal of the school with mobile number								
3	Name of the board to which this school is affiliated								
4	Notices issued by the DFRC/Competent Authority/State Appellate Authority for the Financial years mentioned herein-against for complain redressal	Financial Year (X) (Upto the date of proposal submission)		Financial Year (X-1)					Financial Year (X-2)
i	Number of notices issued by authorities								
ii	Number of notices replied by the School								
iii	Number of notices resolved								
iv	Number of notices pending								
5	Total sanctioned strength	Financial Year (X)	Financial Year (X-1)	Financial Year (X-2)					
		(Enclose copy of latest sanction letter also)							
6	Actual number of students admitted, class-wises and section-wise, during the years mentioned herein against	Financial Year (X)	Financial Year (X-1)	Financial Year (X-2)					
7	Furnish the details of actual number of students admitted, class-wises and section-wise, during the years mentioned herein against (as submitted in Item No. 6 above)	Financial Year (X)	Financial Year (X-1)	Financial Year (X-2)					
8	Class-wise Total number of students admitted u/s 12 (1) (c) in the years mentioned herein against								
9	Total (must match with actual number of students admitted mentioned above)								
10	Drop-out Students (who have taken TC from the School as per under mentioned table								

Drop-Out During	Total No. of drop-out Students studying the course during the repective year	Drop-out	
		Total Students Dropped Out	Number of Students Dropped out admitted u/s 12 (1) (C)
Financial Year (X-2)			
Nursery			
LKG			
UKG			
1st			
2nd			
3rd			
4th			
5th			
6th			
7th			
8th			
9th			
10th			
11th			
12th			
Total			
Acadmeic Year (X-1)			
Nursery			
LKG			
UKG			
1st			
2nd			
3rd			
4th			
5th			
6th			
7th			
8th			
9th			
10th			
11th			
12th			
Total			
Financial Year- X			
Nursery			
LKG			
UKG			
1st			
2nd			
3rd			
4th			
5th			
6th			
7th			
8th			
9th			
10th			
11th			
12th			
Total			

11	Date and year of initial recognition of school by Authority	
12	Date of renewal of recognition of school by Authority for current year	(Must enclose a copy of last inspection report of Regulatory Authority).
13	Date and year of initial affilation of school by Affiliating Board	
14	Date of renewal of affiliation of school by Affiliating Board for current year	
15	Whether any year since establishment of the school to the year of proposal submission (i.e X) has been derecognised/no-admission category by Authorities	Yes/No (If Yes, Enclose relevant letter from Regulatory Authority)

Form BI (Cont.)

16	Salary and Staff Details	Enclose details as per **Annexure-I, Annexure-II** and **Annexure-III**.							
17	Teaching Staff	Furnish details of teaching staff in the following format							
18	Requirement as per RTE Act, 2009 and Affilating Body norms	Filled Post			Trained	Untrained	TET/CTET	Total Filled	Vacant Posts
		Regular	Adhoc	Contract					
	For pre-school								
	Primary								
	Upper-primary and secondary								
	Senior Secondary								
	Physical Education Teacher (do not mention staff appointed for co-curricular here)								
	Music Teacher (do not mention co-curricular here)								
	Any other teacher requiring special training/special education								
19	Non Teaching Staff	Furnish details of non- teaching staff in the following format.							
	Requirement as per Regulatory Body norms	Filled Post						Total Filled Posts	Vacant Posts
		Regular		Contract					
	Clerk								
	Lab. Attendant								
	Sweepers								
	Peons								
	School Transport Driver								
	Care taker								
	Bus attendent								
	Garderner								
	Canteen Staff								
	Guard								
20	Student - Teacher Ratio								
	a) With approved staff only								
	b) With (regular+ contract) staff								
21	Furnish details of results in the following format								
	For Financial Year (X-1)								

Year	No. of students appeared in examination (Secondary/Senior Secondary)			% of Result
	Regular			
10th				
12th				

22	Whether Institution/Society is involved in conductng any other activity using the same school infrastucture/staff in which some/all students of the school are particpation such as coaching, summer camps, language classes etc.	Yes/No (If yes, furnish following details of said activities/courses)							
	Activity	Fee per student /participant	No. of students /participants	Total fees received	Total expenditure on such activity/course				Surplus/(Deficit)
	Others (please								
	Activity	Fee per student /participant	No. of students /participants	Total fees received	Total expenditure on such activity/course				Surplus/(Deficit)
	Others (please								

23	Audited Financial Statements of the School	Attach Audit Report along with Audited Final Accounts for the last two years i.e. Financial Year (X-2) and Financial Year (X-1)
24	Furnish comparative data of Audited Financial Statements of the course	Furnish comparative data of Audited Final Accounts in the below mentioned chart for the last two years i.e. Financial Year (X-2) and Financial Year (X-1)

25	**Financial Information for the Financial Year (X-1) and Financial Year (X)**	
i.	Give details of common expenses apportioned between different activities in the following format	

S.No.	Head of expenditure	Total Expenditure
1	Transport	
2	Salary Expenses- Teaching Staff	
3	Salary Expenses- Non- Teaching Staff	
4	Maintainence	
6	Infrstructure	

Note: Also enclose working and basis of apportionment of common expenses

ii.	Interest paid/ provided on loans	Give details as per enclosed Annexure-IVA and Annexure-IVB and also enclose copy of loan sanction letter
iii.	Advertisement Expenses	Furnish details as per following table:

S.No.	Particulars	Amount
1	Faculty Recruitment	
2	Admission u/s 12 (1) (c) of RTE Act, 2009	
3	Conference/ Seminar/Competition	
5	Others (Please specify each head individually)	
	TOTAL (must match with audited Income and Expenditure figure)	

iv.	Rent	Furnish details as per following table:

S.No.	Particulars	Amount
1	Paid for Building Premises	
2	Paid for staff residence and not debited in salary head	
3	Office Rent	
4	Paid for Vehicle	
5	Paid for Equipment	
6	Others (Please specify)	
	TOTAL (must match with audited Income and Expenditure figure)	

v.(a)	Whether Hostel Facility is available	Yes/No
	If yes, mention capacity	Boys
		Girls
		Total Capacity
(b)	Whether Hostel accounts maintained separately? (i.e. not clubbed with Audited Income & Expenditure furnished above)	Yes/No/NA (If Yes,enclose Audited Income & Expenditure Account of the same and also furnish following details. **If No, give details in annexure-V)**

No. of students using	Fees charged per student pa	Total Hostel Fees recceived	Total Expenses on Hostel

vi. (a)	Whether Mess Facility is provided to Hostellers	Yes/No
(b)	Whether Mess accounts maintained separately? (i.e not clubbed with Audited Income & Expenditure furnished above)	Yes/No/NA (If yes, enclose audited Income and Expenditure Account of the same also furnish following details. **If No, give details in Annexure-V)**

No.of students using	Fees charged per student pa	Total Mess Fees recceived	Total Expenses on Mess

vii (a)	Whether Transportation Facility is provided to students	Yes/No
	Whether school own buses or is hired on rent	
	Number of Children availing Transport Facility	
	Number of buses	
(b)	Distance of school from zero mile stone of the City in which school is situated.	
(c)	Whether Students Transportation accounts maintained separately? (i.e not clubbed with Audited Income & Expenditure furnished above)	Yes/No/NA (If yes, enclose audited Income and Expenditure Account of the same also furnish following details. **If No, give details in Annexure-V)**

No.of students using transport facility	Fees charged per student pa	Total Transport Fees recceived	Total Expenses on Transport

S.No.	Nature/Head of Transportation Expenses of Students	Amount
1	Diesel	
2	Bus hire charges	
3	Salary of Transport Staff	
4	Repairs & Maintenance	
5	Licence Permit Fees	
6	Others (please specify)	

viii (a)	Whether there is a tuck shop in the school selling books, stationary etc.?	Yes/No
	Total earning of the tuck shop	
	Expenditure on the tuck shop	
xi (a)	Wheter any scholarship / freeship / concessional fess etc. has been granted to students [excluding students admitted under 12 (1) (c)]	Yes/No (if yes, give details of source of scholarship / freeship / concessional fess, etc.)
xi (b)	If yes, the amount thereof and the head where it has been parked in the Income and Expenditure Account.	
x	Whether any amount has been spent on student welfare	Yes/No (If Yes, furnish the following details)

S.No.	Head where parked in Income and	Nature of Expenditure	Amount
1	Insurance	Insurance of Students	
2		Provision of medical facilities	
3		Others (please specify)	
	Total		

xi	Whether any scholarship / freeship / subsidy in fess etc. has been reimbursed by Central / State Government or any of its depratment in respect of students admitted under 12 (1) (c) and SC/ST students	Yes/No (If Yes, furnish the following details)

S.No.	No.of students	Fees reimbursed per	Total Fees reimbursed	Head where parked in	Name of authority
1					
2					
3					

xii	Whether Growth and Development Fund accounts maintained separately? (i.e. not clubbed with Audited Income & Expenditure furnished above)	Yes/No/NA (If yes, enclose audited Income and Expenditure Account of the same also furnish following details. **If No, give resons for not maintaining separate accounts and also furnish following details.)**

Receipts:

Year	No.of Students	Growth & Development fee per Student	Total Growth & Development Fees Received
Financial Year (X-2)			
Financial Year (X-1)			
Financial Year (X)			
Total (A)			

Expenditure on Growth and Development:

Head of Expenses	**Financial Year (X-2)**	**Financial Year (X-1)**	**Financial Year (X)**	Amount Expended
Consturction Fixed Assets				
Acquition of Fixed Assets				
Others				
Total (B)				

Give reasons for short / excess expenditure [A - B]

xiii	Amount of total donation/amount other than school fee for any purpose in any form, received by the Socity from the date of establishment of Institute till March	
xiv	Submit the details of caution money returned in the undermentioned format	

S.No.	Financial Year	Total Caution Money Returned	No.of students	Average caution money returned per student	Head where parked in Final Account
1	Financial Year (X-2)				
2	Financial Year (X-1)				
3	Financial Year (X)				

xv	Details of Income/Receipts		Furnish details of all Income (segregating the same nature wise in as much detail as possible) received in the following format		
S. No.	Head of Income	Amount	Whether credited in Income and Expenditure Account of Institution. (Yes/No)	Head of Income where reflected in the Income and Expenditure Account	Specify the nature and purpose for which the same has been received
A	Tuition Fees				
B	Development Fee				
C	Sports Fee				
D	Co-cuuricular activities fee				
E	Library/Book Bank Fee				
F	Internet & Email facility fee				
G	Cultural Activity fee				
H	Registration fee				
I	Fine & Penalty				
J	Prospectus Sale				
K	Books & Study Material Sale				
L	Alumni Fees				
M	Admission Fees				
N	University Fees				
O	Hostel Fees				
P	Mess Fees				
Q	Transportation Fees				
R	Caution Money				
S	Rent Receipts				
T	Donation				
U	Annual Charges				
U1	Specify the purpose of annual charges				
V	Donation				
W	Interest				
	- On Caution Money				
	- Other Deposit				
	- Saving Bank				
	- Other (Please specify)				
xvii	Dividend				
Y	Examination and Enrollment Fees				
Z	Any Other Fee(Please Specify)				

26	Fixed Assets and Depreciation	Enclose Fixed Assets schedule for prepared in accordance with the rate of depreciation prescribed as per Annexure-VI as per Gross Block basis along with land details as per Proforma.
27	Details of Tution Fees collected during last three years in under-mentioned Proformas	

			Open Seats			Total Seats	
Studying in the Class			No. of Students (E)	Fees per Student	Total Fees Collected/ Collectible (F)	No. of Students (A+C+E)	Total Fees Collected/ Collectible (B+D+F)
Financial Year (X-2)							
Nursery							
LKG							
UKG							
1st							
2nd							
3rd							
4th							
5th							
6th							
7th							
8th							
9th							
10th							
11th							
12th							
Total							
Financial Year (X-1)							
Nursery							
LKG							
UKG							
1st							
2nd							
3rd							
4th							
5th							
6th							
7th							
8th							
9th							
10th							
11th							
12th							
Total							
Financial Year (X)							
Nursery							
LKG							
UKG							
1st							
2nd							
3rd							
4th							
5th							
6th							
7th							
8th							
9th							
10th							
11th							
12th							
Total							

28	Whether Financial Year (X+1) will be the first Financial Year of School	Yes/No (If Yes, enclose copy of Proposal submitted to Recognition Authority/Affiliating Authority and Audited Balance Sheet of the Society of previous two years)		
29	Fees proposed by the School for Financial Years mentioned herein against	Financial Year (X+1)	Financial Year (X+2)	Financial Year (X+3)
30	Justification for fees proposed as above	Enclose working sheet including justification for the fee proposed as above.		

Verification

(The person signing the Verfication clause must satisfy himself/herself about correctness of the information before affixing his/ her signature)

I, ... (full name in block letters), son/daughter .... solemnly declare that to the best of my knowledge, the information given in this proforma and statements accompanying is correct and complete. I further declare that I am submitting this proforma in my capacity .... and I am competent to submit and verify the same.

(Sign with stamp)
Chairman/Secretary

Date :
Place :

Auditors Certificate

We have audited the above said Proforma and Annexures thereof. In our opinion and to the best of our information and according to explanations given to us the particulars given in the said Proforma and Annexures thereof are true and correct.

For XYZ & Co.
Chartered Accountants

Date :
Place :

(ABC)
Partner/Prop.
M. No.

Note: Above certification should be given by the statutory auditor of Society/Trust/School.

Financial Information - I

Financial Information
Furnish Comparative data of Audited Financial Statement
Proforma for information Society
(Society)

INCOME & EXPENDITURE ACCOUNT

EXPENDITURE (Heads as per Audited Income and Expenditure Account)	Academic Year (X-2)	Academic Year (X-1)	Academic Year (X)	INCOME (Heads as per Audited Income and Expenditure	Academic Year (X-2)	Academic Year (X-1)	Academic Year (X)
Surplus							
TOTAL							

Balance Sheet

LIABILITIES (Heads as per Audited Balance Sheet)	Academic Year (X-2)	Academic Year (X-1)	Academic Year (X)	ASSETS (Heads as per Audited Balance	Academic Year (X-2)	Academic Year (X-1)	Academic Year (X)
TOTAL				TOTAL			

Cash Flow Statement (Indirect Method)

Cash flow Schedule (Particulars)	X-2	X-1	X	Cash Flow(Head as per Audited Particulars)	X-2	X-1	X
TOTAL				TOTAL			

Financial Information – II

Financial Information
Furnish Comparative data of Audited Financial Statement
Proforma for information School
(School)

INCOME & EXPENDITURE ACCOUNT

EXPENDITURE (Heads as per Audited Income and Expenditure Account)	X-2	X-1	X	INCOME (Heads as per Audited Income and Expenditure Account)	X-2	X-1	X
Surplus							
TOTAL							

Balance Sheet

LIABILITIES (Heads as per Audited Balance Sheet)	X-2	X-1	X	ASSETS (Heads as per Audited Balance Sheet)	X-2	X-1	X
TOTAL				TOTAL			

Cash Flow Statement (Indirect Method)

Cash flow Schedule (Particulars)	X-2	X-1	X	Cash Flow(Head as per Audited Particulars)	X-2	X-1	X
TOTAL				TOTAL			

Annexure I (i)

A. SALARY STATEMENT OF …………………..SCHOOL

I Primary Sheet (As per audited final accounts of ……….(Course) for Year (X-1)

S. No.	Heading (as per audited final accounts of Year (X-1) of School)	Amount
1	Salary and Wages	0.00
2	Other Heads (if amount of salary covered in any other head)	0.00
	a) Consultancy	0.00
	b) EPF	0.00
	c) Security Expenses	0.00
	d) Wages and Labour Expenses	0.00
	e) Rent or other perquisite/facilities provided/paid or reimbursed to Employees	0.00
	f) Others	0.00
	Total (A)	0.00

II Secondary Sheet

S. No.	Particulars	Total Salary during 2016-17
B1	For Teaching Staff	0.00
B2	For Administrative Staff	0.00
B3	Non Teaching Staff	0.00
B4	Others, if any	0.00
	Total (B)	0.00

Note: Total (B) must match with Total(A).

Annexure I (ii)

A. SALARY STATEMENT OF …………………..School

Annexure to Item No. B1 of Secondary Sheet (For Teaching Staff)

S. No.	Names	Designation	PAN	Aadhar Number	Common Resource (Yes/No)	Whether included in employees list submitted to Regulatory Authority (Yes/No)	Date of appointment	Date of leaving if left during the year	Pay scale	Gross Salary for March of the Preceeding Year of Year of Propsal Submission	Gross Salary for the period April 01st to March 31st of Year (X-1)
1											0.00
Note: Must match with Item No. B1 of Secondary Sheet										Total	0.00

Annexure to Item No. B2 of Secondary Sheet (For Administrative Staff)

S. No.	Names	Designation	PAN	Aadhar Number	Common Resource (Yes/No)	Whether included in employees list submitted to Regulatory Authority (Yes/No)	Date of appointment	Date of leaving if left during the year	Pay scale	Gross Salary for March of the Preceeding Year of Year of Propsal Submission	Gross Salary for the period April 01st to March 31st of Year (X-1)
1											0.00
Note: Must match with Item No. B2 of Secondary Sheet										Total	0.00

Annexure to Item No. B3 of Secondary Sheet (Non Teaching Staff)

S. No.	Names	Designation	PAN	Aadhar Number	Common Resource (Yes/No)	Whether included in employees list submitted to Regulatory Authority (Yes/No)	Date of appointment	Date of leaving if left during the year	Pay scale	Gross Salary for March of Year of Propsal Submission	Gross Salary for the period April 01st to March 31st of Year (X-1)
1											0.00
Note: Must match with Item No. B4 of Secondary Sheet										Total	0.00

Annexure to Item No. B4 of Secondary Sheet (Other Staff)

S. No.	Names	Designation	PAN	Aadhar Number	Common Resource (Yes/No)	Whether included in employees list submitted to Regulatory Authority (Yes/No)	Date of appointment	Date of leaving if left during the year	Pay scale	Gross Salary for March the Preceeding Year of Year of Propsal Submission	Gross Salary for the period April 01st to March 31st of Year (X-1)
1											0.00
Note: Must match with Item No. B5 of Secondary Sheet										Total	0.00

REPORT:

We have audited the above statement for the period__________________ and we certify the correctness of the above statement. Further, we also certify that salary of an employee is considered only in one school for which the proposal has been submitted out of ________ no. of institutions etc. run by Trust/Society and not in more than one school or any other institution etc. run by the society

ABC

PLACE: For X Y Z & Co. Partner/Prop.

DATE: Chartered Accountants M. No. 123456

Notes:

1. Above certifcation should be given by the statutory auditor of society/trust/school.
2. Further if an employee's salary is included in more then one school/institution etc. then give the name of each school/institution etc. amount of salary debited in each respective college during the period April 01st to March 31st of Year (X-1) and basis of apportionment of such salary.

Annexure III (i)

A. SALARY STATEMENT OF .... (Course) of ....COLLEGE / INSTITUTION

I Primary Sheet [As per audited final accounts of ___________________ (School) for the Year (X)]

S. No.	Heading (as per provisional final accounts of 9 months of the year (X-2) of the school)	Amount
1	Salary and Wages	0.00
2	Other Heads (if amount of salary covered in any other head)	0.00
	a) Consultancy	0.00
	b) EPF	0.00
	c) Security Expenses	0.00
	d) Wages and Labour Expenses	0.00
	e) Rent or other perquisite/facilities provided/paid or reimbursed to Employees	0.00
	f) Others	0.00
	Total (A)	0.00

II Secondary Sheet

S. No.	Particulars	Total Salary during April 01st to March 31st of Year (X-1)
B1	For Teaching Staff	0.00
B2	For Administrative Staff	0.00
B3	For Non Teaching Staff	0.00
B4	Others, if any	0.00
	Total (B)	0.00

Note: Total (B) must match with Total(A).

Annexure III (ii)

A. SALARY STATEMENT OF .... (Course) of ....COLLEGE / INSTITUTION

Annexure to Item No. B1 of Secondary Sheet (For Teaching Staff)

S. No.	Names	Designation	PAN	Aadhar Number	Common Resource (Yes/No)	Date of appointment	Date of leaving if left during the year	Pay scale	Gross Salary for March of Year of Propsal Submission	Gross Salary for the period April 01st to March 31st of Year (X)
1										0.00
Note: Must match with Item No. B1 of Secondary Sheet									**Total**	0.00

Annexure to Item No. B2 of Secondary Sheet (For Administrative Staff)

S. No.	Names	Designation	PAN	Aadhar Number	Common Resource (Yes/No)	Date of appointment	Date of leaving if left during the year	Pay scale	Gross Salary for March of Year of Propsal	Gross Salary for the period April 01st to March 31st of Year (X)
1										0.00
Note: Must match with Item No. B2 of Secondary Sheet									**Total**	0.00

Annexure to Item No. B3 of Secondary Sheet (For Non Teaching Staff)

S. No.	Names	Designation	PAN	Aadhar Number	Common Resource (Yes/No)	Date of appointment	Date of leaving if left during the year	Pay scale	Gross Salary for March of Year of	Gross Salary for the period April 01st to March 31st of Year (X)
1										0.00
Note: Must match with Item No. B4 of Secondary Sheet									**Total**	0.00

Annexure to Item No. B4 of Secondary Sheet (For others)

S. No.	Names	Designation	PAN	Aadhar Number	Common Resource (Yes/No)	Date of appointment	Date of leaving if left during the year	Pay scale	Gross Salary for March of Year of Propsal	Gross Salary for the period April 01st to March 31st of Year (X)
1										0.00
Note: Must match with Item No. B5 of Secondary Sheet									**Total**	0.00

REPORT: We have audited the above statement for the period__________________ and we certify the correctness of the above statement. Further, we also certify that salary of an employee is considered only in one school for which the proposal has been submitted out of _________ no. of institutions etc. run by Trust/Society and not in more than one school or any other institution etc. run by the society.

PLACE:
DATE:

For X Y Z & Co.
Chartered Accountants

ABC
Partner/Prop.
M. No. 123456

Notes:
1. Give the name of employees in the sequence of Regular employees first then adhoc employees and lastly employees on contract.
2. Above certifcation should be given by the statutory auditor of society/trust/school.
3. Further if an employee's salary is included in more then one school/institution etc. then give the name of each school/institution, amonunt of salary debited in each respective college during the period April 01st to March 31st of Year (X) and basis of apportionment of such salary.

Annexure IV

INTEREST STATEMEMT

PART - A

Total Interest as per Audited Final Account of Academic Year (X-1) and Academic Year (X)

S. No.	Particulars (Submit detail of each loan seperately)	Rate of Interest	Date of Sanction **(enclose sanction letter)**	Where Reflected [i.e. in the accounts of Institution/ Society+ Institution)]	Loan Amount	Interest Amount
1	Interest on Term Loan No.1					
2	Interest on Term Loan No.2					
3	Interest on Term Loan No.3					
4	Interest on Unsecured Loan No.1					
5	Interest on Unsecured Loan No.2					
6	Interest on Loan for Working					
7	Interest on Loan for Working					
8	Other Interest (Specify)					

Total (Must match with the figure in Income and Expenditure Account. If not matching explain reasons) (A)

PART - B

Total Interest as per Audited Final Account of the Financial Year (X-1) and (X)

S. No.	Particulars	Purpose of Loan	Loan Amount	Interest & Bank Charges etc.		
				Financial Institution	Others	Total
				(i)	(ii)	(iii) [(i) + (ii)]
1	Interest attributable to amount borrowed for initial infrastructure development. (Give name of lender(s) along with interest paid to each one)					
2	Interest attributable to amount borrowed for Modernisation /Expansion forced due to change in norms of Regulatory Body. (Give name of lender(s) along with interest paid to each one)					
3	Interest attributable to amount borrowed for Modernisation /Expansion by the Institute voluntarily. (Give name of lender(s) along with interest paid to each one)					
4	Interest attributable to amount borrowed for Working Capital. (Give name of lender(s) along with interest paid to each one)					
5	Others (Please specify the nature) (Give name of lender(s) along with interest paid to each one)					
	(B) Total					

Note:-Total(A) should match with Total (B). If not give reasons.

Notes-

1	Interest and charges on amount borrowed for subsequent development / setting up of infra-structure necessitated due to change in curriculum / course requirement / modernization / quality upgradation. This does not include interest and charges on capital expenditure related to establishment required as per Regulatory Body Norms in years subsequent to establishment which will be includible in item No. 1 i.e. Interest and charges attributable to establishment of the School as per recognising/affiliating body norms.
2	Provide above referred details separately in respect of Loan and Interest accounted for in the books of School and in respect of Loan and Interest accounted for in the books of Society / Trust.
3	Further if Society / Trust has taken a consolidated loan and used it for different School/Institution/ Courses then provide the basis and working of apportionment of said loan among different Schools/Institution/Courses

Annexure V

Please submit the details of receipts and expenditure related to mess, transportation, hostel, and such other heads if credited / debited to the Income & Expenditure Account for the Financial Year (X-2) and the accounting heads where these receipts / expenses have been parked / debited in the final accounts for Financial Year (X-2).

As per Audited Final Accounts of the Year (X-1) and (X)

S.	Particulars	Expenditure		Income			
		Amount	Head Where Parked	No. of Students availing facility	Fees per Student	Amount	Head Where Parked
1	Mess	-				-	
2	Hostel	-				-	
3	Transportation	-				-	
a	Exam Fees						
b	Development Fees						
c	Student Welfare Fees						
d	Others (please specify)						
	Total	-				-	

X Y Z & Co.

Chartered Accountants

Address

Contact Deatils/Phone Number

Email

AUDIT REPORT FORMAT

We have audited the attached Balance Sheet ______________ (School) (Run by ____________ Society/Trust) as at ____________ together with the Income & Expenditure Account of the School for the year__________ annexed thereto and we report as under:

(a) We have obtained all the information and explanations, which to the best of our knowledge and belief were necessary for the purposes of the audit.

(b) In our opinion, proper books of account have been kept by the Institution so far as appears from our examination of the books.

(c) The Balance Sheet and Income & Expenditure Account dealt with by this report are in agreement with the books of account.

(d) According to information and explanation given to us and books of accounts produced before us, there is no material concealment and misrepresentation about financial affairs.

(e) No expenses of any other school/institution included in the Income and Expenditure Account. Where-ever the resources are shared with other schools/institutions also common expenses has been apportioned on proper basis and not in the arbitary manner.

(f) In our opinion, and to the best of our information and according to the explanations given to us, the said Balance Sheet and Income & Expenditure Account give a true and correct view in conformity with the accounting principles generally accepted in India:

(i) In so far as it relates to the Balance Sheet, of the state of affairs of _____________ (School) as at _________________

(ii) In so far as it relates to the Income & Expenditure Account, of the Profit of _______________ (School) for the year ended on that

For A B C & Co.
Chartered Accountants

Place:
Date:

XYZ
Partner/Prop.
M. No. 123456

Annexure VI (i)

FIXED ASSETS & DEPRECIATION SCHEDULE

For the year (X-1) say 2016-17

Name of Assets	Rate of Depreciation as decided by Appropriate	GROSS BLOCK				DEPRICIATION				NET BLOCK	
		AS AT March 31st of 2016	ADDITION	SALE	AS AT March 31st of 2017	UPTO March 31st of 2016	ADJUSTMENT	FOR THE YEAR	UPTO March 31st of 2017	AS AT March 31st of 2016	AS AT March 31st of 2017
	X	A	B	C	D	E	F	G	H	I	J
Land & Site Development					(A+B-C)			(D*X/100)	(E-F)+G	A-E	D-H
Building											
Lab / workshop / Laboratory Equipment											
Other Equipment											
DG Set											
Plant & Machinery											
Computers & Peripherals											
- Motor Car											
- Buses											
Furniture & Fittings											
Library Books *											
Others											
Total :Rs.		0	0.00	0.00	0	0.00	0	0.00	0.00	0.00	0.00
Year :Rs.		Input	Input	Input	A	Input	Input	E	Input	Input	I

Annexure VI (i)

FIXED ASSETS & DEPRECIATION SCHEDULE

For the Financial Year (X) say 01.04.17 to 31.03.18

Name of Assets	Rate of Depreciation as per SLM	GROSS BLOCK				DEPRICIATION				NET BLOCK	
		AS AT 31.03.17	ADDITION	SALE	AS AT 31.03.18	UPTO 31.03.17	ADJUSTMENT	FOR THE YEAR	UPTO 31.03.18	AS AT 31.03.17	AS AT 31.03.18
	X	A	B	C	D	E	F	G	H	I	J
Land & Site Development	0.00%				(A+B-C)			(D*X/100)	(E-F)+G	A-E	D-H
Building	1.63%										
Lab / workshop / Laboratory Equipment	7.07%										
Other Equipment	7.07%										
DG Set	7.07%										
Plant & Machinery	4.75%										
Computers & Peripherals	16.21%										
- Motor Car	9.50%										
- Buses	11.31%										
Furniture & Fittings	9.50%										
Library Books *	10.00%										
Others	4.75%										
Total :Rs.		0	0.00	0.00	0	0.00	0	0.00	0.00	0.00	0.00
Year :Rs.		Input	Input	Input	A	Input	Input	E	Input	Input	I

Annexure 2

Table – Estimate of Fee Structure

If the fee fixed for a student at the entry class i.e. Nursery is, say, Rs. 100

1	2	3	4	5	6
Class	**Fixed Fee for 2018**	**Hike (10 percent)**			
		2021	**2024**	**2027**	**2030**
Nursery	100 (X)	110	121	133	146
LKG	100				
UKG	100				
1.	110	121 (X)	133	146	160
2.	110				
3.	121				
4.	121	133	146 (X)	160	176
5.	121				
6.	133	146	160	176 (X)	193
7.	133				
8.	133				
9.	160				
10.	160	176	193	213	234 (X)
11.	192	211	232	255	280
12.	192	211	232	255	280 (X)

The above table is a sample to shows the pattern of increase in fees from entry level class (nursery) to the last class (XII). Column 2 is the fixed fee for the given year i.e. 2018 (for instance). Column 3 to column 5 is the increase in fee every 5 years.

When a student (X) enters class nursery, the fixed fee is, say, Rs. 100. After three years i.e. in 2021, the fee increases maximum 10 percent of the fees in 2018. Hence, the fees of student (X) in 2021 when the student is in class I, will be Rs. 121. Similarly, the fees in the 2024, in class 4 will be Rs. 176. In 2027, the fee for class 7 will be Rs. 234 and in class 12 in the year 2030 will be Rs. 280.

The student entering any class will be charged the fee for that class in the given year.

Annexure 3

State Legislations/Orders/Circulars

Key features of different State interventions on regulating fee in private Schools

Different Models of State Regulation

Some state governments have laws to regulate School fees. Some have only recently initiated a step towards regulation. States however have different fee regulation act; also, they have run into different legal complications, which have come in the way of their proper implementation.

In 2009, Tamil Nadu was the first state to enact a law for regulating fee charged by private Schools. Under this law, a state-appointed committee determines whether the fee charged by each School is in accordance with prescribed factors. This law was challenged before the Madras High Court in 2010, which upheld it on the grounds that it did not prescribe a rigid fee structure but only invited the Schools to submit the same so it may be verified. In 2012, Rajasthan sought to emulate this model, although it has since run into legal complications. The Rajasthan High Court has flagged some issues with the uniform fee-fixation formula being used by the regulatory committee.

Maharashtra enacted a different model, under which no attempt is made to fix the fees. Schools are required to get their fee structure approved by an executive committee comprising parents and teachers, failing which the decision is forwarded to a district-level committee. This law came into force at the end of 2014. It is yet to see proper implementation. It has run up against a fresh round of protests by private Schools who are against the requirement to get their fee approved by parents.

The law on fee regulation started with Tamil Nadu in 2009, and was followed by Maharashtra, Rajasthan, Karnataka and Punjab. Haryana, Gujarat, and Delhi[2] also have brought in similar legislation to monitor fee structures of private Schools. In Uttar Pradesh, the recently elected government has started issuing orders to examine accounts of Schools, and control fee determination. Parents in states like Uttarakhand, Madhya Pradesh, Assam and Telangana have been asking their governments to curb the high fees charged by private Schools.

Overview of State Laws/Notifications/Circulars

The following table (Table 1) provides an overview of efforts/initiatives made by different States. Only those states are mentioned, which have enacted a law, initiated a Bill or issued any circulation/notification or taken some steps towards regulating private School fees.

States and their Initiatives to Regulate Fee in Private Schools		
STATES	**ACT/BILL/ NOTIFICATIONS**	**Key Provisions**
Tamil Nadu	Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009	Under the Act, a district committee will decide the maximum feethat can be charged by a private School affiliated to the state education board in the district. While Schools may object to the initial fixed fee

[2]Delhi proposed amendments to the Delhi School Education Act of 1973 to regulate fees.

		once, the ruling of the committee is final and the fee is fixed for three years. Schools can apply for a revision of fees after this time period. The committee also has the power to verify whether Schools that are already affiliated with the Central Board of Secondary Education (CBSE) charge fees commensurate with the facilities The factors to be taken into account under the Act to fix the fees charged by Schools, other than administrative costs and a "reasonable surplus required for growth" are: 1. Locality of the School, namely, Rural area, Town Panchayat, Municipality, District Headquarters, Corporation 2. Strength of the students 3. Classes of study, and 4. Status of the School, as indicated below:- A. Schools having minimum infrastructure facilities as prescribed by the Government from time to time B. Schools having infrastructure facilities more than prescribed:- i. Schools having more than minimum requirement of lab, more number of library books, classroom facilities and other sanitary and drinking water facilities ii. Schools having more than adequate classroom facilities, lab facilities, library area, number of books, very good sanitation facilities, highly protected drinking water facilities and other sanitary facilities together with high percentage of results iii. Schools fully equipped with modern facilities like Air Conditioner with 100% results
Rajasthan	Rajasthan Schools (Regulation of Fee) Act, 2016	Every private School in the state will have to constitute a Parent-Teachers Association (PTA). Through lottery, willing parents will then be chosen for a School Level Fee Committee (SLFC). The committee will constitute a chairperson, representative of the management, School principal as secretary, three member teachers nominated by the School and five parents from the PTA. While the School management may propose the fee, it will have to present it before the SLFC at least six months before the next academic year. If the fee committee fails to decide the fee, the management will refer it to Divisional Fee Regulatory Committee (DFRC), to be constituted

		under a Divisional Commissioner, among other officials. Primarily, the DFRC will have to "adjudicate the dispute between the management and the Parent-Teachers Association" with regards to deciding the School fee. The orders passed by the DFRC shall be binding on the private School for three academic years. Above the DFRC, there will be a Revision Committee with the secretary of the elementary education department as chairperson.
Maharashtra	Maharashtra Educational Institutions (Regulation of Fee) Act, 2011	The act provides under section 3, a prohibition of collection of excess fees collection. Section 4 mentions a Parent-Teacher Association which shall be formed by the head of the School within 30 days from the beginning of academic year. An executive committee has to be made among the members of the PTA. Under this Act, a 3-layer mechanism has been made for the working and deciding the issues related to increases in the fees: Private Schools shall propose the fees structure to the executive committee who shall approve such proposal and shall communicate to the School management which shall be displayed on the notice board.It shall be binding and applicable for 2 academic years. The government will constitute the Divisional Fees Regulatory Committee (DFRC) who shall decide upon the matter if the Executive committee fails to approve the plan proposed by the management within 30 days and the matter has to be solved within 90 days of the application. The DFRC may pass any appropriate order as it may deem fit. In case the management and the committee fail to agree on such increase and the appeal to DFRC is preferred, the School is at liberty to increase the fees not more than 15% and if such is more than 15% then the approved plan of the DFRC hall be implemented. The government will also constitute a review committee which shall hear the appeals from the orders passed by the DFRC within 30 days.
Gujarat	Gujarat Self-Financed Schools (Regulation of Fees) Act, 2017	The fee structure prescribed in the Act for primary, secondary and higher secondary School is Rs.15, 000, Rs.25, 000 and Rs.27, 000 per year, respectively. All private Schools, which want to charge fees more than what has been prescribed, need to submit their proposal with the fee regulatory committee before imposing any hike. According to the Act, the state would be divided into four zones—Ahmedabad, Surat, Rajkot and Vadodara—and each zone will have a fees regulatory

		committee (FRC). Each committee is to be coordinated by district education officers. On a case by case basis, the Schools that seek to hike their fees do so by approaching the FRC before which it will have to justify the increase. The FRC has been given powers to verify the justifications offered by private Schools for the fees being charged by them. In case of violations of the Act, Schools will face punitive steps, which can even lead to their de-recognition Rejecting all petitions challenging the state Act, the Gujarat High Court has upheld that it was within the state government's powers to regulate fee structure for self-financed Schools. It ordered the implementation of the Act from 2018.
Delhi	The Delhi School Education (Amendment) Bill; and Delhi School (Verification of Accounts and Refund of Excess Fee) Bill	The Delhi School Education (Amendment) Bill prohibits Schools from charging the capitation fee for admission in any class, and screening procedure while admitting the child up to elementary level. The Delhi Schools Verification of Accounts and Refund of Excess Fee Bill has a host of provisions aimed at ensuring that private Schools show greater accountability in fees accepted and money spent.
Uttar Pradesh (UP)	UP Self-financed Independent Schools (Regulation of fees) Bill-2017	The private Schools, irrespective of any Board, charging fees above Rs.20, 000 per annum will be brought under the ambit of the proposed law. The Bill makes it mandatory for all private Schools to submit their fee statement online by December 31 every year. Under the proposed Bill, students will pay admission fee on their first admission to the School, at the time of promotion from class V to VI, at the time of promotion from class VIII to IX and at the time of promotion from class X to XI. The draft Bill proposes Rs.1 lakh penalty on Schools flouting provisions for the first time, Rs.5 lakh for the second and de-recognition in case they do the same for the third time. Once the new law comes into force, a zonal fee regulatory committee, headed by divisional commissioners, will monitor fee charged by Schools.
Karnataka	Karnataka Education (Second amendment) Bill, 2017	The Karnataka government has proposed amendments to the education Act which prescribes a fine of Rs.10 lakh on any School that charges more than the prescribed fee.Also, parents can seek immediate refund of the excess fee.However, the government is yet to finalize any formula for identifying the fee caps for Schools.
Punjab	Punjab Regulation of	Under this, a regulatory body for regulating fee of

	Fee of Un-aided Educational Institutions Bill, 2016 (Punjab Act No. 47 of 2016).	unaided educational institutions will comprise divisional commissioner, circle education officer, district education officer (secondary), district education officer (elementary), two educationists nominated by government, one educationists nominated by divisional commissioner. Any parent or student can file a complaint with a regulatory body with a self-attested affidavit and committee shall scrutinize it within 15 days and would redress it within 60 days. For fixing or increasing fee structure by an unaided educational institution, the following factors shall be kept in view, namely:- • The infrastructure and facilities available or to be made available in the Unaided Educational Institution; • The investment made and salaries paid to the teachers and staff; and • Future plans for expansion and betterment of institution, subject however, to the restrictions of non-profiteering and non-charging of capitation fee. The fee fixed shall be displayed by every Unaided Educational Institution at the conspicuous place in the School premises. The Unaided Educational Institution shall also ensure that the fee or funds charged by it from the parents or guardians, are not diverted from such institution to the society or the trust, as the case may be, which runs such institution or to any other institution, except as permissible (u/s 10 sub-section (4)).
Andhra Pradesh	Andhra Pradesh Educational Institutions (Regulation of Admissions and Prohibition of Capitation Fee) Act, 1983 (A.P. Act No.5 of 1983)	In exercise of the powers conferred by Section 7 of Act, the Government of Andhra Pradesh hereby regulate the fee in private unaided Schools in the State as follows: The District Fee Regulatory Committee (DFRC) comprising of (a) the Dist. Collector or his nominee not below the rank of Joint Collector, (b) the District Educational Officer concerned and (c) the District Audit Officer / Auditor of Pay & Accounts Officer shall be constituted for approving fee structure for all private unaided Schools in the respective District.
Uttarakhand	Fee Regulation Act 2018 (under preparation)	The State Education department has prepared a draft of the proposed Act to regularize fee structure in the private Schools.Under the proposed act, 'Regulation Committees' at District and State level would be constituted. The committees would grade the private Schools on various parameters like infrastructure facilities, faculty and past record. The department would also fix the upper limit of fees under each

		category.The department has brought in strict penalties in the draft. The term of the state level and district committees would be of two years. All Uttarakhand Parents Association (AUPA) – an umbrella body of the parents whose children are studying in the public Schools — that raised voice against the exorbitant fee structure and additional expenses charged by the Schools,had moved the High Court seeking remedy.
Jammu & Kashmir	Draft Bill on fixation of fee structure of private Schools	A draft bill has been prepared. The Government has constituted a School fee fixation committee (SFFC) to supervise the regulation of fee structure of all private educational institutions in the state.A law on fee fixation, if made, would enable the SFFC to "determine and regulate" the fee structure at private Schools in the state.
Assam	(Possible) Legislation	The government plans to regulate the fees of private educational institutions by bringing out an appropriate legislation, which will be aimed at curbing the practise of private players about their charging exorbitant fees and rapid commercialization of the education sector. A regulatory board is also proposed under the initiative.
Telangana	A state government-appointed Committee headed by Prof T Thiurpathi Rao, former vice-chancellor of Osmania University, formed	The Committee recommended that School managements can be permitted to enhance fee by up to 10 per cent every year. If the Schools have to enhance fee beyond 10 per cent, they shall have to approach the district fee regulatory committees (DFRCs) which shall be constituted by the government. The School managements will have to justify as to why they want to enhance the fee beyond the prescribed limit.
Jharkhand	Jharkhand Education Tribunal (First Amendment) Bill of 2017	Under the Jharkhand Education Tribunal (JET) Act, 2005 there was no provision to regulate fees of the private Schools. The Tribunal was in place in the State but confined only to RTE guidelines. Now, it has been and its scope and powers widened. With complaints about high and inordinate fee charged by privately run Schools coming from different parts of the State, the draft Bill states that aggrieved parents can appeal to the district level committee headed by a deputy commissioner, and finally to the JET.
Madhya Pradesh	MP Private School Fees Regularity Bill, 2017	TheBill will regulate fee increments of private Schools and necessitates district committee to examine the documents and accounts presented before it by the private School management. Private Schools will not be able to raise fees by more

		than 10 percent. They will not be able to seek donations. They will be penalised if they do so. The Schools will be required to present three years of account details before district level committee to raise demand for fee hike.
West Bengal	A Self-Regulatory Commission formed	In an attempt to cap School fees, the state government has appointed a 16 member "self-regulatory commission". The commission is likely to classify all private Schools into four or five categories and then come up with separate bands of fee structures.The Schools will be classified on the basis of infrastructure, general facilities, academic facilities, reputation and performance. Any deviation from the standard rates, thereafter, will be adjudicated by the commission. In addition to disclosing their fee structures, the Schools will also have to submit their annual audited reports to the commission.
Haryana	Haryana School Education (Amendment) Rules, 2014	There shall be a committee to be known as Fee and Fund Regulatory Committee at the Divisional Level under the Chairmanship of Divisional Commissioner. The Committee on receipt of any complaint or otherwise is satisfied after due enquiry, that a private School has charged capitation fee or fee in excess of the fee as notified by the School, it would ensure redressal of the complaint so received within a period of 60 days from the receipt of the complaint and it may: (i) direct the concerned institution to refund the capitation fee or fee in excess of the fee as notified by the School, as the case may be.
Source: State Act/Notifications/Internet based Resources[3]		

Summing Up

Efforts are on in different states to regularize the fee structure in the Indian Schools. As evident, not all states have complied with the 2004 Supreme Court order.

Under order from courts – also pressure from protests by parents - several state governments (as mentioned above) have attempted to regulate the fees of private Schools. Prominently first among them is Tamil Nadu, which passed a fee regulation Act in 2009 setting up district-level fee regulation committees that fix the fees for private Schools for a period of three years. Some states are at different stages of enacting and/or implementing fee regulation legislations. However, how much of regulation will actually get implemented is what remains to be seen. For example, there are cases where Government orders is not being followed by the Schools.[4]

[3] The table provides information as of 30 April 2018.
[4] Schools in Telangana for instance have taken a stay order from the Hyderabad High Court on government order that temporarily stopped Schools from hiking fees.

While efforts must continue and each State must come up with at least a fee framework, what continues to irk parents is the fact that there is no framework, which can lead the States to decide a fee structure for private Schools.

भारतसरकार
GOVERNMENT OF INDIA
राष्ट्रीयबालअधिकारसंरक्षणआयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नईदिल्ली- ११०००१
NEW DELHI-110 001

सत्यमेव जयते

NCPCR

F. No. NCPCR/2020-21/SF/EDU
Date: 21.04.2020

To,

The Secretaries, School Education Department, All States/UTs

The Chairperson, All State Commissions for Protection of Child Rights (SCPCR)

Subject: Regarding issues related to fees in private school during the COVID-19 lockdown.

Madam/Sir,

The National Commission for Protection of Child Rights (NCPCR) has been receiving complaints/representations from parents/parents' organizations from across the country regarding the issue directly or indirectly linked to fees charged by the private schools. These complaints/representations include issues such as discontinuation of education (offline/online) to children due to non-payment of fees; schools charging hiked fee without following adequate procedure; striking off name of the children; demand for fee waiver during lockdown etc. Such incidents can add to stress among children especially under the current circumstances.

The Commission reaffirms its earlier recommendation dated 12.02.2018, that no child should be harassed/neglected/discriminated due to any non-agreement or conflict between parents and the school or other educational institution catering to children till the age of 18 years. Such disagreements should be addressed only between the parents and school/educational institution without involving the child in any manner.

Though many States/UTs have already set up fee regulatory system for deciding on the fee charged by the private school/educational institution, this system coupled with effective grievance redressal mechanism shall be helpful in addressing the core of such grievances. Hence, you are requested to disseminate the information regarding State's/UT's grievance redressal mechanism to all stakeholders, especially schools and parents, through social media and other means used by the Department. Further, since the grievance redressal mechanism of the States include cluster/block level, district/divisional level authorities, for speedy redressal, such matters may be

5वा तल, चन्द्रलोकबिल्डिंग, ३६जनपथ, नई दिल्ली-११०००१
5th Floor, Chanderlok Building, 36 Janpath, New Delhi-110001
दूरभाष/Ph:011-23478200,फैक्स /Fax:011-23724026
Web: www.ncpcr.gov.in, Lodge your complaint at:
www.ebaalnidan.nic.in

resolved at local level. Such complaints that are largely due to contradiction in fee charged by the schools/education institutions can be effectively resolved within the grievance redressal mechanism defined under section 32 of the RTE Act, 2009 and are expected to be redressed by the respective SCPCRs along with the local authority or appropriate Government. It has also been observed that in many cases the complaints are separately forwarded to NCPCR as well as concerned SCPCR. Hence, in light of section 13 (2) of the CPCR Act, 2005, the respective State Commission for Protection of Child Rights (SCPCR) may take cognizance in such matters as per the existing grievance redressal mechanism.

In addition, the SCPCRs are also requested to disseminate the information pertaining to the grievance redressal mechanism under section 32 of the RTE Act, 2009 through their respective websites and social media platforms. This shall not only help the complainants in lodging the grievances but shall also create awareness among the schools regarding the existing redressal procedures.

Most importantly, regarding the issues specific to nation-wide lockdown such as charging of quarterly fees by schools and hiking of school fees during this period; the SCPCRs and State Education Departments are requested to deliberate on and devise state-specific solutions, with mutual consultation, to resolve and avoid such issues in the best interest of the children.

This is for information and further necessary action.

Sd/-
(Priyank Kanoongo)
Chairperson

Government of West Bengal
Department of School Education
Bikash Bhavan, 6th floor
Salt Lake City, Kolkata-700091

No.: 137 -SSE/20

Date: 10//04/2020

From: Manish Jain,
Principal Secretary to the Govt of West Bengal

To: The Principal/Headmaster/Headmistress,
ALL pvt. & unaided Schools

Sub: Regarding increase in the school fees and its collection during the Lock down period

Madam/Sir,

You are aware that our State is witnessing unprecedented situation due to COVID-19. The State Government is doing its level best to contain the spread of COVID-19 as well as protect the well-being of the citizens by way of a number of measures like waiving various fees, deferment of paying licence fees/taxes, free distribution of food grains to the poor families etc.

But it is unfortunate to note that many private and unaided schools affiliated to various Boards have not only increased the fees during the current academic year but also pressing the parents/guardians to deposit the same during this lock down period. *The Hon'ble Minister in charge of Education Department, Government of West Bengal has already made an appeal to the authorities of all schools for not to increase the fees considering the current situation and to consider the matter on non-payment of fee by the guardian, if any, sympathetically.* However, it is has been reported that a few schools have not yet given a positive response so far. The matter has been seriously viewed by the State Government.

Under the circumstances, it is therefore advised to all concerned once again, to have a considerate view of the matter and restrain from enhancing school fees during the current academic year. Any case of delayed payment/non-payment of the fee by the guardian in the prevailing situation may be considered sympathetically.

Your kind necessary early action in the matter would be highly appreciated.

Thanking you.

Yours faithfully,

10/04/2020

(Manish Jain)
Principal Secretary to the Govt of West Bengal

No.: 137/1 (6)-SSE/20 Date: 10/04/2020

Copy forwarded for kind information and necessary action to the:

1. President/Secretary, Central Board of Secondary Education, New Delhi
2. Chief Executive Officer, Council for the Indian School Certificate Examinations, New Delhi
3. Commissioner of School Education, West Bengal
4. PS to Hon'ble MIC, School Education Dept
5. OSD to Hon'ble MIC, School Education Dept
6. District Inspector of Schools (PE/SE), (all districts)

10/04/2020

(Manish Jain)
Principal Secretary to the Govt of West Bengal

Government of West Bengal
Department of School Education
Bikash Bhavan, 6th floor
Salt Lake City, Kolkata-700091

No.: 139- SSE/20 Date: 22/04/2020

From: Manish Jain
Principal Secretary to the Govt of West Bengal

To: The Principal/Headmaster/Headmistress,
....Private & un aided........Schools.

Sub: Regarding increase of school fees and its collection during the period of Lock down

Madam/Sir,

Kindly refer to my previous letter issued vide No.: 137 -SSE/20 Dated: 10/04/2020 on the subject. Inspite of the earlier communication as stated above, we are still receiving several complaints from the guardians of the students of many private schools, that, the request made in the aforesaid letter is not being followed by the school authorities.

As the State is going through a very difficult period, the interest of the students should be the topmost priority. You are advised to follow the request made in the letter under reference.

In case there is any issue related to this subject, you may approach us. However, non compliance will be viewed seriously. Commissioner, School Education has been advised to act on the basis of the report received from the concerned institutions.

Thanking you.

Yours faithfully,

22/04/2020
(Manish Jain)
Principal Secretary to the Govt of West Bengal

No.139 /1 (6)-SSE/20 Date: 22/04/2020
Copy forwarded for kind information and necessary action to the:

1. Commissioner of School Education, West Bengal
2. President/Secretary, Central Board of Secondary Education, New Delhi
3. Chief Executive Officer, Council for the Indian School Certificate Examinations, New Delhi
4. PS to Hon'ble MIC, School Education Dept
5. OSD to Hon'ble MIC, School Education Dept
6. District Inspector of Schools (PE/SE), (all districts)
7. Sr PA to the Principal Secretary, School Education Dept

22/04/2020
Principal Secretary to the Govt of West Bengal

A/c No : 025010100218368 AXIS Bank Ltd.

Parents Copy

DELHI PUBLIC SCHOOL NEWTOWN

Rajarhat, Kolkata

Adm No. [redacted]

Reg No.: [redacted] Date: 9/4/14

Name [redacted]

Class: [redacted] Session:2014-2015

For the Month of Apr' 14 to June'14

Annual Misc. Charges	:	Rs.	15000.00
Education Fee	:	Rs.	8700.00
Transport Fees		Rs.	5400.00
To be paid by 12/04/2014		Rs.	29100.00

AXIS BANK LT

SALT LAKE (SEC

Late Fine			
Rs. 100/-	If paid by 22/04/2014	Rs.	29200.00
Rs. 250/-	If paid by 2/05/2014	Rs.	29350.00
Rs. 500/-	If paid by 12/05/2014	Rs.	29600.00
If paid thereafter, Re-admission Fees Rs.5000/-		Rs.	34100.00

APR 2014

CASH RECEIV

Amt Sign

Cash / PO / DD CASH Date : 9/4/14

Drawn on :

For Rs. Twenty Nine Thousand one hundred only

Signature of Depositor Signature of Official

PO / DD favouring "DELHI PUBLIC SCHOOL NEWTOWN"

Payable at Salt Lake, Baguiati, Kankurgachi

Burrabazar, Shyambazar, Shakespeare Sarani

Howrah, Golpark, Dunlop, Lake Town, Rajarhat

A/c No : 025010100218368 **AXIS Bank Ltd.**

Parents Copy

DELHI PUBLIC SCHOOL NEWTOWN
Rajarhat, Kolkata

Adm No.: [redacted]
Reg No.: [redacted] Date: 17/4/15
Name: [redacted]
Class [redacted] Session: 2015-2016

For the Month of Apr' 15 to June'15

Annual Misc. Charges	:	Rs.	17500.00
Education Fee	:	Rs.	10050.00
Transport Fees	:	Rs.	5400.00
To be paid by 23/04/2015		Rs.	32950.00

Late Fine			
Rs. 100/-	If paid by 03/05/2015	Rs.	33050.00
Rs. 250/-	If paid by 13/05/2015	Rs.	33200.00
Rs. 500/-	If paid by 23/05/2015	Rs.	33450.00
If paid thereafter, Re-admission Fees Rs.5000/-		Rs.	37950.00

Cash / PO / DD : Cash Date : 17/4/15

Drawn on :

For Rs. Thirty two thousand Nine Hundred and fifty only

Signature of Depositor Signature of Official

PO / DD favouring **"DELHI PUBLIC SCHOOL NEWTOWN"**
Payable at Salt Lake, Baguiati, Kankurgachi
Burrabazar, Shyambazar, Shakespeare Sarani
Howrah, Golpark, Dunlop, Lake Town, Rajarhat

A/c No : 025010100218368 **AXIS Bank Ltd.**

Parents Copy

DELHI PUBLIC SCHOOL NEWTOWN

Rajarhat, Kolkata

Adm No.:

Reg No.: Date: 13/04/16

Name

Class: Session: **2016-2017**

For the Month of Apr' 16 to June'16

Annual Misc. Charges	:	**Rs.**	**17500.00**
Education Fee	:	**Rs.**	**10050.00**
Transport Fees	:	**Rs.**	**6000.00**

To be paid by 22/04/2016 Rs. 33550.00

Late Fine			
Rs. 250/-	If paid by 02/05/2016	**Rs.**	**33800.00**
Rs. 750/-	If paid by 12/05/2016	**Rs.**	**34300.00**
Rs.1500/-	If paid by 22/05/2016	**Rs.**	**35050.00**

If paid thereafter, Re-admission Fees Rs.10000/- **Rs. 43550.00**

13 APR

Cash / ~~PO / DD~~ : Cash Date : 13/04/16

CASH RE

Drawn on : |

For Rs. Thirty three thousand Eight Hundred

Signature of Depositor Signature of Official

PO / DD favouring **"DELHI PUBLIC SCHOOL NEWTOWN"**

Payable at Salt Lake, Baguiati, Kankurgachi Burrabazar, Shyambazar, Shakespeare Sarani Howrah, Golpark, Dunlop, Lake Town, Rajarhat Madhavamgram, Airport, Dumdum

A/c No : 025010100218368 AXIS Bank Ltd.

Parents Copy

DELHI PUBLIC SCHOOL NEWTOWN
Rajarhat, Kolkata

Adm No.:
Reg No.: Date: 18|4|17
Name:
Class: V Session:2017-2018

For the Month of Apr' 17 to June'17

Annual Misc. Charges	:	Rs.	17500.00
Education Fee		Rs.	11700.00
Transport Fees		Rs.	6600.00
To be paid by 20/04/2017		Rs.	35800.00
Late Fine			
Rs. 250/-	If paid by 30/04/2017	Rs.	36050.00
Rs. 750/-	If paid by 10/05/2017	Rs.	36550.00
Rs.1500/-	If paid by 20/05/2017	Rs.	37300.00
If paid thereafter,Re-admission Fees Rs.10000/-		Rs.	45800.00

Cheque/ PO/DD/Online :______ Date : 18|4|17

Drawn on : Cheque

For Rs. Thirty five thousand eight hundred only

Signature of Depositor Signature of Official

PO / DD favouring "DELHI PUBLIC SCHOOL NEWTOWN"
Payable at Salt Lake, Baguiati, Kankurgachi
Burrabazar, Shyambazar, Shakespeare Sarani
Howrah, Golpark, Dunlop, Lake Town, Rajarhat

A/c No : 025010100218368 AXIS Bank Ltd.

Parents Copy

DELHI PUBLIC SCHOOL NEWTOWN

Rajarhat, Kolkata

Adm No.:

Reg No.:

Date: 23/4/2018

Name:

Class: VI

Session:2018-2019

For the Month of Apr' 18 to June'18

Annual Misc. Charges :	Rs.	21000.00
Education Fee	Rs.	11700.00
Transport Fees :	Rs.	7200.00
To be paid by 23/04/2018	Rs.	39900.00
Late Fine		
Rs. 250/- If paid by 03/05/2018	Rs.	40150.00
Rs. 750/- If paid by 13/05/2018	Rs.	40650.00
Rs.1500/- If paid by 23/05/2018	Rs.	41400.00
If paid thereafter, Re-admission Fees Rs.10000/-	Rs.	49900.00

AXIS BANK LTD. SHYAMBAZAR BRANCH RECEIVED Contents Not Verified

Cheque/ PO/DD/Online ________ Date : 23/4/2018

Drawn on : Cheque.

For Rs. Thirty nine thousand nine hundred only.

Signature of Depositor Signature of Official

PO / DD favouring "DELHI PUBLIC SCHOOL NEWTOWN"
Payable at Salt Lake, Baguiati, Kankurgachi
Burrabazar, Shyambazar, Shakespeare Sarani
Howrah, Golpark, Dunlop, Lake Town, Raja

PAYMENT THROUGH EASY PAY

A/c No : 025010100218368 AXIS Bank Ltd.

Parents Copy

DELHI PUBLIC SCHOOL NEWTOWN

Rajarhat, Kolkata

Adm No.:

Reg No.:

Name: Date: 06.04.2019

Class: IV.

Session:2019-2020

For the Month of Apr' 19 to June'19

Annual Misc. Charges	:	Rs.	21000.00
Education Fee	:	Rs.	13050.00
Transport Fees	:	Rs.	7200.00
To be paid by 10/04/2019		Rs.	41250.00

Late Fine			
Rs. 250/-	If paid by 20/04/2019	Rs.	41500.00
Rs.1000/-	If paid by 30/04/2019	Rs.	42250.00
Rs.2000/-	If paid by 10/05/2019	Rs.	43250.00
Rs.5000/-	If paid by 20/05/2019	Rs.	46250.00
If paid thereafter Rs.10000/-		Rs.	51250.00

Salt Lake City

06/04/19

Cheque/ PO/DD/Online : ______, Date : 06.04.2019

Drawn on : HDFC Bank

For Rs. Forty one thousand two hundred fifty

Signature of Depositor Signature of Official

Chq / DD favouring "DELHI PUBLIC SCHOOL NEWTOWN"

Payable at Salt Lake, Baguiati, Kankurgachi

Burrabazar, Shyambazar, Shakespeare Sarani

Howrah, Golpark, Dunlop, Lake Town, Rajarhat

ant-info/deposit-fees/fees-payment.php

OneDrive for Busin... my Atos Syntel - M... EQuIP | 4.0 - Qu

details are given below:

gistration No.	
ame	
ass	V
or the months	April'20 to June'20
ducation Fee	13050.00
nnual MISC. Fee	23750.00
ransport Fee	7200.00
otal	44000.00
Amount Payble	44000.00

ayment Option: Debit / Credit Card ▾ **Pay Now**

llowed for any Debit or Credit card issued in India.

licking the 'Pay Now' button this page will be redirected to AXIS Bank Payment

ent Transaction

Annexure- P7

Gmail

Raja Satyajit Banerjee Advocate <consultbanerjee@gmail.com>

LEGAL NOTICE

DPSNEWTOWN Parents <dpsnewtownparents@gmail.com> Sun, Apr 26, 2020 at 8:49 PM
To: admin@dpsnewtownkolkata.com
Cc: highereducationwb@gmail.com, cp.ncpcr@nic.in, advocategeneralwestbengal@gmail.com, consultbanerjee@gmail.com, dpsnparentsgroup@googlegroups.com

To
Mrs. Sonali Sen
Principal, DPS NewTown, Kolkata.

Sub: Regarding fee hike and non-compliance of the direction of Government.

Madam,

The National Commission for Protection of Child Rights (NCPCR), a statutory body under the Right to Education Act 2005, has suggested “Model Framework” for “Fee Regulation of Unaided Private Schools”, wherein it is recommended an approved fees structure to be retained for three years. In the same line, the Hon’ble Supreme Court of India in Islamic Academy of Education Vs. State of Karnataka’s case at Para. 213 held that “The fee fixed by the committee shall be binding for a period of three years”. However, violating these directions, we have noticed that you have increased ‘Tuition Fees’ @ 10% (approximately) and ‘Annual Miscellaneous Charges’ @ 13% (approximately) every alternate years, and the ‘Transport Charges’ are hiked every year.

The School Education Department, Government of West Bengal, on 10-04-2020 vide Memo No. 137-SSE/20, has “… advised to all concerns once again, to have a considered view of the matter and restrain from enhancing school fees during the current academic year. Any case of delayed payment/non-payment of the fee by the guardian in the prevailing situation may be considered sympathetically.” The said department, once again on 22-04-2020 vide Memo No. 139-SSE/20, issued reminder to follow the letter dated 10-04-2020. However, without adhering to these advisory, you have raised the fees during the lockdown period, which we came to know through your website, when trying to pay the fees online.

The NCPCR, by a letter dated 21-04-2020 vide F.No. NCPCR/2020-21/SF/EDU, has advised to the SCPCRs and State Governments to consider “..regarding the issues specific to nation-wide lockdown such as charging of quarterly fees by schools and hiking of school fees during this period”.

It may be noted that there is no ‘Parent-Teacher Association’ according to the advisory of NCPCR to redress the grievances of parents at DPS Newtown. Under these circumstances, we are writing to you for a speedy and effective solution, considering pandemic and lockdown situation.

We are facing lockdown from 24-03-2020, and under this prevailing situation, considering the above mentioned directions, guidelines, you are requested :-
(i) To charge monthly fees, instead of quarterly fees, for the 1st and 2nd quarter.
(ii) Not to charge the Transportation and Laboratory Charges.
(iii) Not to increase any fees including miscellaneous or any other charges for the session 2020-21.
(iv) Not to charge any late fees for the 1st quarter.
(v) Allow time to pay the 1st quarter fee till 30 June.
(vi) Not to strike off any name of students for non-payment of 4th quarter fees of the last session during the lockdown period, and allow them to attend the online classes.

Kindly consider the above points, which are absolutely necessary under the prevailing condition, since many of the parents are facing financial problems due to avid lockdown and the nation is running under emergency situation. The ‘school’ is a ‘charitable organization’ and ‘non-profit making’, should be humble and polite to the concerns of the parents, which is to protect the interest of the Children under the Right to Education Act 2005 read with the provision of the Constitution of India.

It is pertinent to mention herein that at several occasions, parents have written letters to you, but you have not focused on the issues raised. Therefore this letter shall be treat as final, which is supported by a group of 412 parents of DPS Newtown.

You are requested to publish this letter and your views and decisions as taken in this regard in your website for notice of all concerns, on or before 29th April 2020, so that we can take appropriate action to safeguard our concerns and redress our grievances before the appropriate forum. Your silence will be treated as non-adherence of this letter, which please note.

Thanking you,
Yours sincerely,

DPS Newtown Parents Group
Date : 26-April-2020

Copy forwarded to (for information and necessary action) :-
1. Shri Manish Jain, Principal Secretary to the Government of West Bengal, Department of School Education. highereducationwb@gmail.com
2. Smt. Priyank Kanoongo, Chairperson, National Commission for Protection of Child Rights. cp.ncpcr@nic.in
3. Shri Kishore Datta, Ld. Advocate General of the State of West Bengal. advocategeneralwestbengal@gmail.com
4. Shri Raja Satyajit Banerjee, Advocate. consultbanerjee@gmail.com

Dear Parents,

As you all are aware the school shall remain closed for students till 10 June 2020 and all of us are getting used to online classes and I appreciate the enthusiasm shown by the students. You may not be aware that we are one of the few schools in the city which has implemented the VII Pay Commission and have been paying our teaching staff in accordance thereto. Apart from the same we have the responsibility of the entire non teaching staff, housekeeping and security personnel, whose families are solely dependent upon their salaries. Thus, we have been making payment of 100% salaries and wages to all our staff in such difficult times.

We had started distribution of fee books from 5th March 2020 onwards wherein there was a nominal increase only in the Annual Maintenance Charges, which are payable once a year. A lot of parents have paid the fees pertaining to this quarter and we have not levied any late fees for this quarter. Even the State Government advised all schools to do the same.

In the meanwhile, we have received a few representations from a handful of parents (the language, tone and tenor of which is not befitting to parents of our children). We will address all the relevant issues once the school office starts functioning and we are able to have face-to-face discussions. However, we already have taken the following decision in the interests of the students and to mitigate the concerns of the parents:

1. There will be no late fine levied in this quarter provided that the fees for the 1st quarter 2020-2021 session are paid within 30 June 2020. However, we are not in a position to accommodate requests from those parents who have not paid the fees of the 4th quarter of last year as the same was payable by 10 January, 2020.

2. All other charges shall be reviewed by the Management and after taking into account the interests of all the stakeholders involved, once the school office can resume its function.

We understand your predicament and hope that you shall also appreciate that this is an unprecedented situation and we are trying to meet all ends only with your co-operation.

We pray that all of you stay safe!

Best Wishes

Sonali Sen