

ANATOMY OF **K-12 GOVERNANCE** IN INDIA

Evidence from States on Regulation of Private Schools



ANATOMY OF K-12 GOVERNANCE IN INDIA

Evidence from States on Regulation of Private Schools



**FRIEDRICH NAUMANN
FOUNDATION** For Freedom.

South Asia

Copyright ©2019

First published in 2019
by Centre for Civil Society

Cover design and layout by
Usha Sondhi Kundu,
Centre for Civil Society

Support by
Friedrich Naumann Foundation for Freedom

For more information and other requests, write to:
Centre for Civil Society
A-69, Hauz Khas, New Delhi – 110016
Phone: +91 11 26537456
Email: ccs@ccs.in Website: www.ccs.in

ISBN: 978-81-87984-46-7

Contents

Acknowledgements	iii
Abbreviations	iv
Introduction to this compendium	1
1 Who does what in K-12 Governance? / Arushi Dixit, Gayatri Korgaonkar, Bharat Sharma and Vidusshi Singh	3
Executive Summary	4
Introduction	5
Who does what in Delhi	6
<i>De jure</i> and <i>de facto</i> structure of Directorate of Education	6
Responsibilities of education functionaries	9
Who does what in Haryana	11
<i>De jure</i> and <i>de facto</i> structure of Department of School Education	11
Responsibilities of education functionaries	13
Critical Aspects to be Addressed	14
Difference in functionaries' roles vis-a-vis government and private schools	14
Absence of functional delegation of powers	15
No job descriptions or vacancy notices and insufficient training	15
Executing conflicting functions	15
2 What does it take to open a private school? / Pavitra K and Sanjana Sood	17
Executive Summary	18
Introduction	19
What does it take to set up an unaided non-minority private school in Delhi?	21
Three key regulatory requirements for setting up a school	21
Key submissions to meet those requirements	22
Role of different functionaries in processing applications and approvals	22
Prescribed versus actual time taken to meet these requirements	25
Critical Aspects to be Addressed	26
Much of the paperwork is redundant	26
Ripple effect of delays by the Directorate of Education	26
No real redressal for delays	26
3 How are private school fees regulated? / Ritika Agarwal, Atreyi Bhaumik, Adit Shankar and Anindya Tomar	29
Executive Summary	30
Introduction	31
Fee regulatory framework for private schools in Uttar Pradesh	31
One regulation that governs all	32
<i>De facto</i> functioning of District Fee Regulatory Committees	32
Where <i>de facto</i> departs from <i>de jure</i>	35
Fee regulatory framework for private schools in Delhi	38
1 law, many orders, 7 judgements and 1 ghost committee	39
<i>De facto</i> resolution of fee disputes between parents and schools	41
Dissatisfied school managements and parents	42
Critical Aspects to be Addressed	44
Selective or arbitrary government decisions	44
Cumbersome opaque mechanism for complaint resolution	44

Multiple inspections and greater burden on low-fee schools	44
4 How are private schools inspected? / Muskan Jain and Mahim Singla	47
Executive Summary	48
Introduction	49
How are private schools in Delhi inspected?	50
Multiple bodies, government and private, inspect private unaided schools	51
“Annual inspections” are not conducted annually	52
An inspection has 7 steps can take 919 days	53
Tool for compliance or tool for harassment?	59
Critical Aspects to be Addressed	60
High degree of subjectivity	60
Limited State capacity	61
Reports in Delhi are not publicly available	61
5 Challenges of executive discretion in the regulation of private schools / Bhuvana Anand, Jayana Bedi, Prashant Narang, Ritika Shah and Tarini Sudhakar	63
Introduction	64
How does executive discretion manifest in the regulation of private schools?	64
Licensure: Thresholds undefined or unjustifiably restrictive	65
Fee regulation: Procedural lapses coupled with administrative opacity	66
Inspections: Subjective, incomplete, unreliable	69
What lessons do these findings hold for the future?	72

Bibliography

Appendices

A Detailed explanation on how applications move in the Directorate of Education	
A.1 Essentiality Certificate and Certificate of Recognition	
A.2 Scheme of Management	
B Checklist for grant of the Essentiality Certificate	
C Checklist for grant of the Scheme of Management	
D Checklist for grant of the Certificate of Recognition	
E List of Documents checked during an inspection	
F Inspection Proforma	
G Duties of the Private School Branch, Directorate of Education	
H Order on inspection of private schools for 2018-19	
I Order on action against defaulters	
J Order on action taken against a complaint	
K Order related to fee hike	
L Order on guidelines for EWS/DG admissions	
M Functions performed by education officers in Delhi and Haryana	
N Questionnaire for education functionaries on their responsibilities	
O Questionnaire for parents in Uttar Pradesh regarding fee regulation	
P Questionnaire for school owners regarding fee regulation	
Q Questionnaire for inspectors of private schools	

About Researching Reality

About Centre for Civil Society and Friedrich Naumann Foundation

Acknowledgements

Anatomy of K-12 Governance in India: Evidence from States on Regulation of Private Schools is the result of the dedication and enthusiasm of the 2019 cohort of the Researching Reality Summer Programme of Centre for Civil Society (CCS). Over 16 weeks, 14 research interns worked tirelessly to find information from district education offices, dusty record rooms, posh and low-fee schools and sometimes, watchmen at these schools and connect the dots.

We congratulate Ritika Agarwal, Pravish Agnihotri, Atreyi Bhaumik, Arushi Dixit, Muskan Jain, Pavitra K, Gayatri Korgaonkar, Kavya Phophalia, Adit Shankar, Bharat Sharma, Vidusshi Singh, Mahim Singla, Sanjana Sood, and Anindya Tomar for all the hard work and the research papers!

Thanks to Sampurna Khasnabis, Rohan Jolly and Yazad Jal for managing the internship programme, and to Jayana Bedi, Prashant Narang, Vidushi Sabharwal, Ritika Shah and Tarini Sudhakar for guiding and supervising the research. Credits are due to Usha Sondhi Kundu for designing the layout and Bushra Rashid for proofreading the volume.

Special thanks to Shantanu Gupta, Rahul Nainwal, Shubho Roy and Ajay N Shah for their time in teaching the values, skills and tools required for policy-making. We are also grateful to Lakshya Chhabaria, Kulbhushan Sharma, Premchand Deswal and Thomas Antony for taking the time to help us understand the regulatory system for private schools. As always, deepest thanks to Parth J Shah for ideas, critical feedback and good counsel over the last four months.

We would also like to acknowledge and thank the Friedrich Naumann Foundation for their financial support in producing this volume.

Finally, we are grateful to all parents, schools, government officers Delhi, Haryana and Uttar Pradesh, activists and individual survey respondents for patiently providing all the information. The study would not have been possible without their cooperation.

Bhuvana Anand
Director, Research
Centre for Civil Society

Abbreviations

AAO	Assistant Accounts Officer
ADE	Additional Director of Education
AO	Accounts Officer
ASO	Assistant Section Officer
BEO	Block Education Officer
CBSE	Central Board for Secondary Education
CPI	Consumer Price Index
DA	Dealing Assistant
DCPCR	Delhi Commission for Protection of Child Rights
DDE	Deputy Director of Education
DDEO	Deputy District Education Officer
DEO	District Education Officer
DFRC	District Fee Regulatory Committee
DIoS	District Inspector of Schools
DISE	District Information System on Education
DM	District Magistrate
DPC	District Project Coordinator
DSEA/R	Delhi School Education Act/Rules
EO	Education Officer
ESWS	Economically and Socially Weaker Sections
FAC	Fee Anomaly Committee
FDR	Fixed Deposit Receipt
FICCI	Federation of Indian Chambers of Commerce and Industry
HSEA/R	Haryana School Education Act/Rules
MCD	Municipal Corporation of Delhi
NCT	National Capital Territory
NEP	National Education Policy
OSD	Officer of Special Duty
PGT	Post-Graduate Teacher
PSB	Private School Branch
RTE	Right of Children to Free and Compulsory Education
RTI	Right to Information
SABER-EPS	Systems Approach for Better Education Results—Engaging the Private Sector
SMC	School Management Committee
SO	Section Officer
SSFIAA	State Self-Financed Independent School Appellate Authority

Introduction to this compendium

The Draft National Education Policy (NEP) 2019 has created a renewed focus on reforming the governance of the school education in India. To build an effective governance architecture, particularly executing the separation of functions within a state education department, we need to collect evidence on how different actors in the system operate. Given the limited information on this subject, we undertook a 6-week project to map the anatomy of K-12 governance in three neighbouring states: Delhi, Haryana and Uttar Pradesh.

At the start of this project, we asked four questions:

1. **Who does what in K-12 administration:** We studied the responsibilities of government officials in the education administration of Delhi and Haryana. There is no detailed description of all the activities different state Department of School Education functionaries are supposed to carry out. Moreover, there is a limited understanding of how these functions are carried out in practice.
2. **What does it take to open a unaided non-minority private school:** We drew the process map of opening private unaided schools in Delhi. Given the concerns around information asymmetries facing parents, it is critical to understand why more high-quality affordable schools do not rise.
3. **What happens during a private school inspection:** We codified information on how Delhi inspects private schools to ensure compliance with the rules. A quick review of the literature shows that school inspection is an under-researched area in India. It is rarely debated in academic or policy circles.
4. **How are private school fees regulate:** We studied fee regulation by examining the mandate and processes of the Fee Anomaly Committee (Delhi) and District Fee Regulation Committee (Uttar Pradesh). These Committees, set up recently, have not been a topic of serious research until now.

To answer these questions, we analysed the following documents: Delhi School Education Act and Rules 1973, Right to Free and Compulsory Education Act 2009, and state rules, Uttar Pradesh Self-Financed Independent Schools (Fee Regulation) Act 2018, Haryana School Education Act 1995, Haryana School Education Rules 2003, Central Civil Services (Classification, Control and Appeal) Rules 1965 and government orders. We also reviewed 2 pending applications for opening a school and 8 private school inspection reports. To understand the *de facto* process, we conducted semi-structured interviews with 50+ officials, 13 school owners, and 21 parents.

Drawing from these findings, in the final chapter of this compendium, we tease out the excesses in the use of executive discretion by the government in regulating private schools.



WHO DOES WHAT IN K-12 GOVERNANCE

A STUDY OF EDUCATION ADMINISTRATION
IN DELHI AND HARYANA

*Arushi Dixit, Gayatri Korgaonkar, Bharat Sharma
and Vidusshi Singh*

Executive Summary

The Draft National Education Policy (NEP) 2019 suggests a revamp of the K-12 education governance in India. It highlights the “deep concentration of power and conflicts of interest” arising from multiple functions performed by the Department of Education alone. A state Department of Education formulates policies, operates schools and regulates private schools. However, limited or no research has been done on the powers and responsibilities of individual functionaries.

Any attempt at functional reorganisation should be based on a clear understanding of the current governance structure. This paper is a step forward in filling this information gap in 2 states—Delhi and Haryana. Through a *de jure* and *de facto* analysis, we established the structure of the education administration and studied the functions of individual functionaries.

In Delhi, we studied the Delhi School Education Act and Rules (DSEAR) 1973 and the organogram of Directorate of Education—both painted an incomplete picture. DSEAR 1973 allocates most functions to the “Administrator,” “Director” and “Appropriate Authorities” and gives them the power to delegate further. Subordinate legislation does not clearly indicate who these functions are delegated to. The organogram of Directorate of Education identifies more than 78 functionaries and committees, but largely shows geographical responsibilities and does not represent reporting lines. From interviews with 20 officials, we identified additional functionaries not mentioned in the rules or the organogram. We also found that ex-principals of government schools are appointed as DDEs (District and Zone) where they address complaints against principals of other government schools, risking violation of natural justice.

In Haryana, the Haryana School Education Act (HSEA)1995 and Rules (HSER) 2003 distribute powers to functionaries in greater detail than DSEAR 1973. This rule-set authorises the state government to delegate powers and functions further without specifying which officers receive what responsibilities. Moreover, the organogram of the Department of School Education in Haryana is outdated as it still assigns responsibilities for implementing Sarva Shiksha Abhiyan or Rashtriya Madhyamik Shiksha Abhiyan instead of Samagra Shiksha Abhiyan. Furthermore, neither the legislation nor the organogram includes the Deputy District Education Officer (DDEO) who reports to the District Education Officer (DEO) in reality. The DDEOs that we interviewed executed different responsibilities, and, sometimes, held conflicting functions of implementing Samagra Shiksha Abhiyan and enforcing regulations on private schools.

To execute thoughtful separation of powers in K-12 governance as recommended by the Draft NEP, we must understand how the current administrative machinery performs all its functions to reengineer business processes with minimal disruption. This study is a start in that direction.

Introduction

The Draft National Education Policy (NEP) 2019 formulated by the Kasturirangan Committee suggests a “revision and revamping of all aspects of the education structure, its regulation and governance”. It notes that the 3 main functions of the government education system—provision of public education, regulation of educational institutions and policy-making—are all handled by each state’s Department of School Education, leading to “deep concentration of power and conflicts of interest”. It notes that the present management is ineffective because holding multiple responsibilities dilutes the efforts of the Departments of School Education toward providing quality education.

A few researchers have written about these problems. Pritchett (2009) argues that, in India, the “head” (national- and state-level administrative institutions) is no longer reliably connected to its limbs (field-level agents of the state). Real accountability hinges on well-defined standards and adequate information about performance in education provision to enable policymakers and programme administrators to improve service delivery (Lewis and Pettersson Gelandar 2009). This accountability is absent in the education administration.

According to Aiyar and Bhattacharya (2016), the administrative architecture of the Department of Education in Bihar was such that tasks delegated to line agents at the district level were delegated to the block level without any transfer of authority or space to take decisions. Officers were cast in the role of “post officers” and were only responsible for circulating directives from the state government and ensuring their compliance in recognised and unaided private schools, recognised and aided private schools and government schools, within their district/zone.

Studies also found that education functionaries in India are overburdened with “thin” logistical tasks, such as building classrooms, which can be easily monitored through “thin” information, such as the number of classrooms constructed (Pritchett 2018; Aiyar 2018). The situation worsens when “thick” tasks, such as teaching, also get reduced to being monitored by “thin” information such as pass percentages. Instead of focusing on learning, education governance in India gets caged by easily measurable metrics. Moreover, patronage and rent-seeking result in a “wooden” bureaucracy that is unable to execute its responsibilities efficiently (Aiyar, Dongre, and Davis 2015).

Education administration in India acts as a regulator, service provider, financier and assessor all at once. The Draft NEP accurately diagnoses the problems associated with such a concentration of power. Combining incompatible and conflicting functions has led to biased and adverse orders; for instance, in the case of *A. V. Public School and Ors. v. State of Haryana* (2015), the Department of Education of Haryana issued mass closure notices to several private schools in the state. The High Court of Punjab and Haryana then overturned these orders on the grounds of not following due process.

However, any attempt at implementing the recommendation of the Draft NEP of functional reorganisation must be based on data and ground truths. Currently, information required to understand that the complete composition of the education administration is scattered across multiple sources, outdated or unavailable. Responsibilities of functionaries are spread across numerous notifications and executive orders. Powers and functions assigned in the legislation are vague; executive orders, notifications and circulars delegating these powers are again scattered or not well elucidated.

Before making structural changes to the education administration, we need to study legislation thoroughly to understand the delegation of responsibilities as outlined in the law. This must be followed by an assessment of how the current administrative machinery *actually* performs its functions and how this performance impacts the provision of quality education to all.

This paper adds to the body of research on governance in education by assembling an in-depth picture of the K-12 education administration in Delhi and Haryana. First, we built a chain of command of the education administration in Delhi and Haryana through a *de jure* and *de facto* analysis. Second, we studied the powers and responsibilities of key functionaries in the Department of Education.

Who does what in Delhi

De jure and de facto structure of Directorate of Education

The geographical divisions identified by the Department of Education in Delhi, called the Directorate of Education, are districts comprising subdivisions called zones. The Directorate of Education has 1 office (also known as the head office) and 12 district offices. In our study, we covered 8 out of 12 districts in Delhi-NCT.¹ In the following sections, we built the chain of command for the Directorate of Education and studied the responsibilities of education functionaries as perceived by them.

We examined the chain of command for the Directorate of Education in Delhi based on a careful study of the DSEAR 1973, the organogram on the website of the Directorate of Education and through our interviews with government officials.

As per the Delhi School Education Act and Rules 1973

We constructed the chain of command for the Directorate of Education in Delhi by studying the reporting lines specified in the clauses of the DSEAR 1973 (Figure 1.1). We found that the DSEAR 1973 is vague in its delegation of powers. It vests most functions with the Administrator who has the power to delegate these functions to other officials. Moreover, it does not mention the specific authorities that are to be appointed or the method of appointment for these authorities.

Administrator: The Administrator (unidentified in the DSEAR 1973) is at the top of the hierarchy. They may delegate all or any of their powers, duties and functions under the DSEAR 1973 to the Director of Education or any other officer.²

Appropriate Authority: The Appropriate Authority is defined as the authority that provides recognition to a private school.³ Under the DSEAR 1973, the Central Government, the Administrator, authorities designated by the Central Government or the Administrator, and the Municipal Corporation of Delhi are all Appropriate Authorities. The DSEAR 1973 vests several

functions, such as recognition of private schools, approval of the Scheme of Management and relaxation of minimum qualifications for teachers

of recognised private schools, to “Appropriate Authorities,” who are then either defined in other Acts and Rules or through notifications and circulars issued by the Directorate of Education in Delhi. However, these sources remain scattered. For instance, as per the DSEAR 1973, the Appropriate Authority is responsible for the recognition and inspection of schools.⁴ From our interviews we learnt that it is the DDE (District or Zone) who usually leads pre-recognition inspection teams.

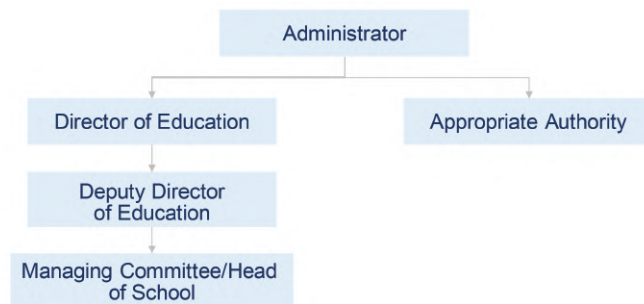


Figure 1.1: Chain of command as per the DSEAR 1973.

1. To comprehensively cover all 12 districts, we required the prior permission of the Director of Education; however, despite several inquiries, we were unable to secure permission.

2. See Section 23 of the Delhi School Education Act 1973.

3. See Section 2(e) of the Delhi School Education Act 1973.

4. See Rule 50 of the Delhi School Education Rules 1973.

Managing Committee: The Managing Committee refers to the body of individuals who are entrusted with the management of any recognised private schools.⁵ It has to report to the Director of Education and the officials authorised by the Director. Whenever the Administrator believes that the Managing Committee of a school has neglected its duties given under the DSEAR 1973 and if it is in the interest of school education, they may take over the management of the school for a limited duration.⁶

Head of School may refer to the principal of a government or a private school. The head of a government school also leads the School Management Committee (SMC) of his/her school.

As per the official organogram of the Directorate of Education in Delhi

ORGANOGRAM
DIRECTOR EDUCATION

Addl. DE (Admn.)	Addl. DE (School)/RD (East)	Addl. DE (Coord. & Trg.)	Addl. DE (Sports&Vocational) /RD (South)	RD (Central)	RD (West)	RD (North)
<ol style="list-style-type: none"> 1. JS (Edn.) 2. GOC Branch 3. Vigilance Branch 4. Litigation Branch 5. JDE (Admn.) 	<ol style="list-style-type: none"> 1. DDE(East) 2. DDE(North East) 3. DDE (School) 4. DDE (Scholarship) 5. DDE (Inspection) 6. Adult Education 7. Population Education 8. DDE (Science) 9. ADE (Welfare) 	<ol style="list-style-type: none"> 1. DDE(Coordn.) 2. Legislative 3. VKS Branch 	<ol style="list-style-type: none"> 1. DDE (South) 2. DDE (South West-A) 3. DDE (South West-B) 4. Scouts & Guides 5. Vocational Branch 6. NSS & Yoga 	<ol style="list-style-type: none"> 1. DDE (North) 2. DDE (Central/ New Delhi) 3. Patrachar Branch 4. Coordinator - National Award, Teachers State Award, Indira Award 	<ol style="list-style-type: none"> 1. DDE (West-A) 2. DDE (North West- B) 	<ol style="list-style-type: none"> 1. DDE (North West-A) 2. DDE (North West- B)
JDE (Estate/Finance)	JDE (Act)	J.D.E. (Admn.)	Chief Sports Coordinator	DCA	Branches which are under direct control of DE	
<ol style="list-style-type: none"> 1. Estate Branch 2. Finance Branch 3. Caretaking Branch 4. Mid-day Meal 	<ol style="list-style-type: none"> 1. DDE (HQ) 2. Act Branch 3. Exam Branch 4. MD, DBTB 	<ol style="list-style-type: none"> 1. IT Branch & CEP Cell 2. E-I Branch 3. E-II Branch 4. E-III Branch 5. E-IV Branch 6. ADE (PFC) 	<ol style="list-style-type: none"> 1. Sports Branch 2. Physical Education 3. National Integration Branch 4. Project Director (Ghevra) 	<ol style="list-style-type: none"> 1. Cash Branch 2. Pension & Pay Fixation Branch 3. Budget Branch 4. HBA Branch 5. Grant in-aid Branch 6. Audit Branch 	<ol style="list-style-type: none"> 1. Chief Sports Coordinator 2. JDE (Act/Exam/) 3. OSD (Commonwealth Games) 4. DDE (RPVV) 5. JDE (Estate) 6. DDE (Pig.) 7. DBTB 	

Figure 1.2: Chain of command snapshot sourced from the official website of the Directorate of Education in Delhi.

Figure 1.2 is the official organogram of the Directorate of Education. While it does present a more detailed picture of the Directorate (listing more than 78 functionaries and committees), *it fails to show a clear reporting hierarchy*. Furthermore, most officers such as the Additional and Regional Directors of Education in Delhi are allocated geographical responsibilities, but their functional responsibilities, as also the functional responsibilities of their reportees, are unclear, making it difficult to discern their exact responsibilities at the Directorate of Education.

As reported by officials in the Directorate of Education in Delhi

On the basis of 20 structured and semi-structured interviews with officials, we consolidated the reporting line for the Directorate of Education in Delhi (Figure 1.3).

The **Administrator** mentioned in the DSEAR 1973 is the Lieutenant Governor of Delhi. The **Director** is accountable for the functioning of the entire Directorate and can delegate duties assigned to him/her to their subordinates. The delegated duties and authorities can be found through executive

5. See Section 2(n) of the Delhi School Education Act 1973.
6. See Section 20, Delhi School Education Act 1973.

orders, notifications and circulars. **Special Directors** are allotted different charges, such as those related to private schools or special government schemes (for example, Samagra Shiksha Abhiyan and Mid-Day Meal Programme). **Additional Directors** are responsible for overlooking the functioning of Deputy Directors of Education (DDEs) with special charges on behalf of the Director.⁷

Deputy Directors of Education (DDEs) can be granted one of the 2 types of charges:

1. Zone/District charge: Each of the 12 districts and 29 zones is assigned to a DDE [for example, 1 DDE (District) of the south-east district, Directorate of Education].
2. Special charge: Several specialised branches at the level of headquarters are assigned to separate DDEs [for example, DDE (Private School Branch)].

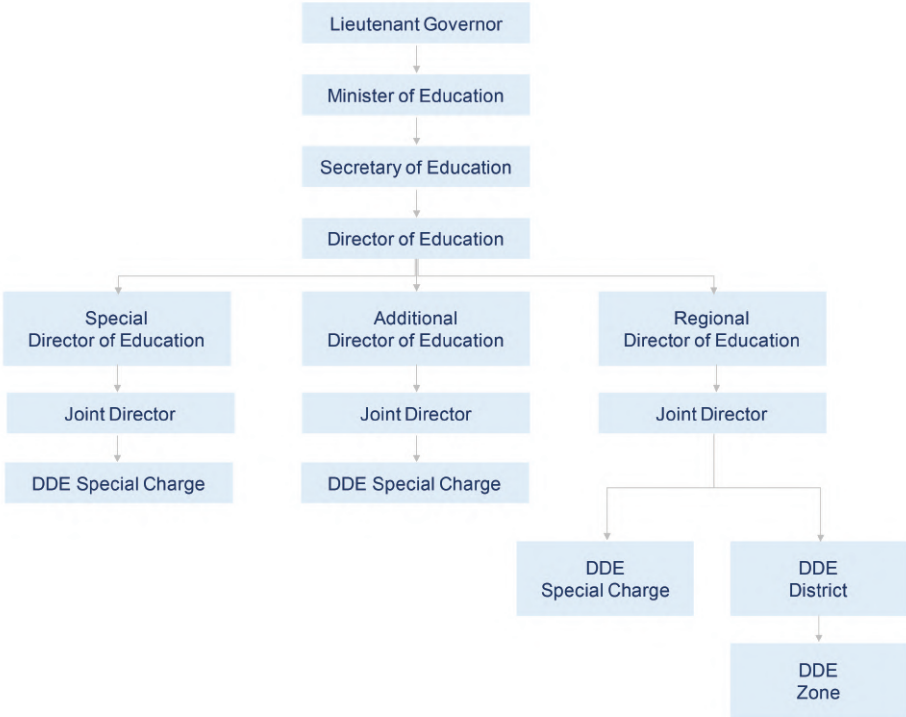


Figure 1.3: Chain of command as per *de facto* analysis.

The **DDE (District)** is the enforcement arm responsible for the day-to-day administration and implementation of policies at the district level. On the other hand, the **DDE (Private School Branch)** handles the allotted “type” of charge. According to our interviews, they are responsible for issuing circulars pertaining to their charge, such as academic calendars or list of declared holidays. The **DDE (Zone)** has similar functions as the DDE (District), but they handle the day-to-day administration and implementation of policies at the zonal level. Assistant DDEs are appointed to assist the DDE (District) and DDE (Zone) with special charges/functions.⁸ All DDEs are allotted office staff consisting of 2 to 17 people who belong to the unofficial class/clusters, including Section Officers.^{9 10}

7. Whenever a Special/Additional/DDE requests additional manpower to the Directorate for the desired objective, an educationist is appointed as an Officer on Special Duty.

8. As stated by our interviewees, officers who spent many years serving as DDEs were promoted to Joint Directors. This position is granted as an upgrade, solely in nomenclature, as the responsibilities remain the same or similar to that of the DDE.

9. Section Officers are appointed to assist the Directors, Special Directors, and DDEs as part of their personal staff and are directly supervised by the official they are assigned to; their responsibilities are order-based and exclusively relate to administrative work.

10. Officer on Current Duty Charge (CDC) are appointed to temporarily fill a position to meet urgent responsibilities. The principals of government schools are also appointed as CDCs. A DDE (District) claimed that 10 of the present

Responsibilities of education functionaries

We then dove deeper into selected posts, namely that of the DDE (District and Zone), through structured interviews with the officers at these levels.¹¹ We also interviewed Section Officers and principals/vice principals of government schools.

We classified the responsibilities of officers as understood by them under 6 functions (Table 1): rule-making, compliance, investigation, adjudication, financing and service delivery. We eliminated the categories of assessment (measuring learning outcomes of students) and prosecution (representing the plaintiff during legal proceedings against the accused) as the DSEAR 1973 did not allocate these to the functionaries of the Directorate of Education. Our interviews confirmed that officers in the Directorate of Education did not perform these functions.

Table 1.1: Functions of education functionaries as understood by them

Function	Definition of Function	Example of Tasks Under Function
Rule-making	Power to frame directions and rules to implement education policy mandates	Making rules or policies that apply universally to the area under the jurisdiction
Compliance	Enforcement of policy; monitor compliance with rules	Providing approvals; ensuring standards are met; conducting annual and surprise inspections along with inspection for recognition
Investigation	Investigating complaints made by stakeholders (teachers, parents, students heads of school and management of schools)	Conducting complaint-based inspection against government/private schools
Adjudication	Declaring conviction and imposing judicial action against the convicted	Deciding action to be taken to redress a complaint; hearing appeals against such decisions
Financing	Expenditure of public funds or the budget of the department to execute service delivery	Spending on the infrastructure of schools
Service Delivery	Organisation and management of government schools	Establishing school; hiring teachers; providing free books, meals, scholarships and transport

To consolidate the responsibilities of DDEs (District and Zone), we tried to acquire job descriptions and vacancy notices. However, we were unable to find any at the Union Public Service Commission and Directorate of Education websites. We found 1 Directorate of Education order¹² that listed the work allocation for all officers in the Directorate, but it was outdated and vague. To get fresh insights into how functions were delegated in the Directorate of Education, we decided to conduct interviews with DDEs (District and Zone).

DDEs (District) have been CDCs for the last 10 to 15 years and that the Delhi High Court has ordered to have these positions filled by permanent officials in a recent case. However, despite parsing through various judgements, we could not manage to track down the details of such a case so far.

11. The selection of these 2 posts was inadvertent. Officials holding higher posts refused to talk to us without prior permission from the Director. Lower posts, such as that of Section Officers, were either vacant or the officials holding them answered our questions vaguely. These responses were not clear enough for us to understand any aspect of the chain of command.

12. Refer to Order No. F.4(282)/GOC/Edn/2013/

What are the functions performed by the Deputy Directors of Education (District and Zone)?

Compliance and Investigation

All DDEs (District) stated that they handle compliance and investigation functions. In addition, 3 DDEs (District) mentioned that they undertook financing, and 1 DDE (District) stated of being responsible for both service delivery and adjudication.

All DDEs (Zone) stated they perform compliance and investigation functions. 1 DDE (Zone) stated of also handling rule-making and adjudication.

“Fieldwork”: Monitoring schools

All DDEs (District and Zone) mentioned they conduct “fieldwork”. When asked to elaborate on what comprises fieldwork, they said they conduct 2 to 8 inspections—planned inspections, surprise inspections, complaint-based inspections and mostly regular visits to schools—over the course of a week, depending on the priority of the case and their daily schedules. Regular school visits seemed to be a daily task for them since most officials we tried to interview were out-of-office to inspect schools. They check the functioning of schools with a focus on administration, academics, infrastructure, financial, cleanliness/hygiene and the safety of students.

According to our interviews, when officials look into the **administration of the school**, they probe into documents pertaining to the overall functioning of the school authorities: school notices, attendance records of teaching and non-teaching staff, daily diaries which are required to be maintained by the Head of School as well as the teachers, enrolment and attendance rates of students.

They also monitor how students are taught in government schools. The official may sit in an on-going lecture or ask questions to a few randomly chosen students. A majority of the DDEs said they regularly inspect **academic activities** in schools, which is more of regular checking of government schools rather than a planned inspection based on compliance. Furthermore, they verify whether the school is maintaining its premises, including the building structures, washrooms, libraries and sports fields. They check whether the sanitary arrangements made by the school are adequate and regularly maintained, and ensure the safety of students by inspecting the security of the school premises and suggest the removal of potential dangers that might cause physical injury.

Officers said they also carry out an **appraisal of financial activities** such as the receipt of funds through appropriate channels, use of school funds as per predetermined allocations and disbursement of funds received from school welfare schemes.

What training do Deputy Directors of Education (District and Zone) receive to execute their functions?

Of 11 officers, 7 said they were briefed/trained about their responsibilities on joining the post. However, on asking who provided this briefing/training, DDEs (District) said they receive a briefing from the Directorate of Education and training from State Council for Educational Research and Training, and DDEs (Zone) said they receive a briefing from orientations and training from Union Public Service Commission and Union Territory Civil Services.^a

We found no evidence of an official briefing/training instituted by the Directorate of Education for new post holders. Respondents stated that on implementation of a new scheme, senior officers trained them by holding meetings or conferences. With scattered evidence on job descriptions, the officials largely worked through their own understanding of the job.

^a. This shows that respondents understood this to be the training received on clearing the Civil Services Examinations, and not the one received on joining the post of an officer in the Directorate of Education.

Who does what in Haryana

De jure and de facto structure of Department of School Education

The Department of School Education, Haryana is the body under the Government of India identified to be responsible for the supervision of education in the state. The geographical divisions made by the Department of School Education comprise districts, which are further demarcated into subdivisions called blocks. Haryana includes 22 districts and 140 blocks. We conducted semi-structured and structured interviews with functionaries in 3 district offices across Haryana. In the following sections, we illustrate the chain of command and responsibilities of education functionaries as explained by them in the Department of School Education.

We studied and constructed the chain of command for the Department of School Education in Haryana using the Haryana School Education Act (HSEA) 1995 and Haryana School Education Rules (HSER) 2003, the website of the Department of School Education in Haryana and 6 structured interviews with government officials.

As per the Haryana School Education Act 1995 and Rules 2003



Figure 1.4: Chain of command as per the HSEA 1995 and HSER 2003.

We constructed the chain of command (Figure 1.4) for the Department of School Education in Haryana by studying the reporting lines specified in the clauses of the HSEA 1995 and HSER 2003.

Director: As per the HSEA 1995, 2 Directors are appointed: Director of Primary Education and Director of Secondary Education. The Director may conduct a “special inspection” of any school and give directions to the Managing Committee to rectify deficiencies. If the Managing Committee fails to comply, the Director can stop aid to private aided schools, withdraw recognition or take over the management. He/She also regulates employment in these schools.

Administrator: The Administrator mentioned in the HSEA 1995 and HSER 2003 is a government officer of “suitable rank” authorised by the Director to take over the Managing Committee of an aided school.¹³

Appropriate Authority: As per the HSEA 1995, Appropriate Authority can be (i) the authority designated or sponsored by the government to recognise a school; or (ii) the authority designated by

13. See Rule 2(d) of the Haryana School Education Rules 2003.

the Director for the disbursement of grants in aided recognised private schools.¹⁴ As per the HSER 2003, the Appropriate Authority is the authority declared by the central/state government under any law for the time being in force to register or issue a certificate for a particular purpose.¹⁵

Inspecting Officer: Inspecting officer is the officer authorised by the Director/District Education Officer (DEO)/District Primary Education Officer to inspect schools.¹⁶

Managing Committee: The body of individuals entrusted with the management of any recognised private school is referred to as a Managing Committee.¹⁷

In Figure 1.4, the following questions still remain unclear:

1. What are the functions that the state government delegates to the Director?
2. What are the functions that the Director further delegates to “appropriate authorities”?
3. Which functions of the state government are delegated down to “other officials”?
4. From (3), who are these officials?

As per the official organogram of the Department of School Education in Haryana

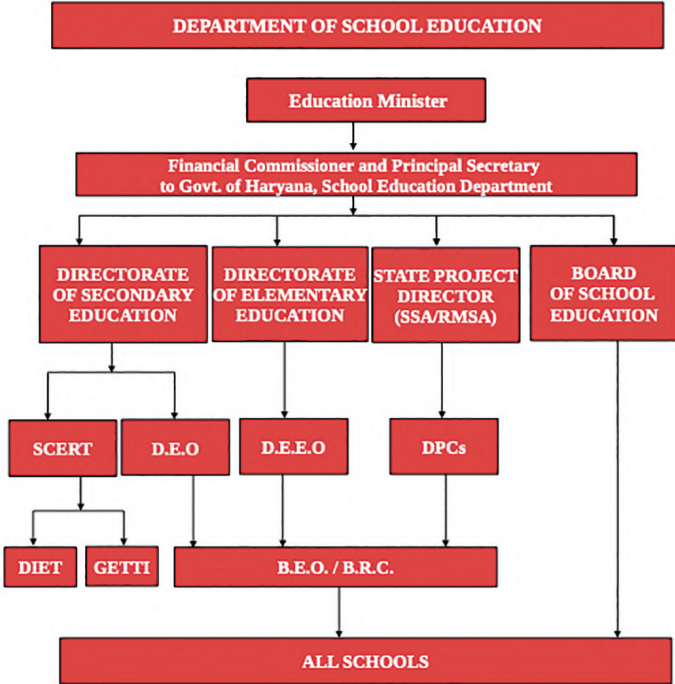


Figure 1.5: Chain of command snapshot sourced from the official website of the Department of School Education, Haryana.

Figure 1.5 is the organogram on the website of the Department of School Education of Haryana. It provides clarity by specifying the bodies/authorities that have been delegated powers by the state department. The **Directorate of Elementary Education** governs grades 5 to 8, whereas the **Directorate of Secondary Education** deals with grades 8 to 12. The organogram designates

14. See Section 2(d) of the Haryana School Education Act 1995.
 15. See Rule 2(ee) of the Haryana School Education Rules 2003.
 16. See Rule 2(h) of the Haryana School Education Rules 2003.
 17. See Section 2(l) of the Haryana School Education Act 1995.

functionaries under each of these branches. They are the DEO, District Elementary Education Officer (DEEO), District Project Coordinator (DPC), Block Education Officer (BEO) and Block Resource Coordinator. However, it is outdated as it also identifies the **State Project Director** as the appointee responsible for executing the Sarva Shiksha Abhiyan or Rashtriya Madhyamik Shiksha Abhiyan.

Interviews with government officials revealed a different story. We found that the post of the DDEO existed in these particular district offices on the ground, but had not been represented on the official organogram or the education legislation of Haryana.

One of the DDEOs we interviewed stated that the posts of DDEO and DPC were the same. No officer was posted as DDEO at the second district office we visited, but the DPC covered the responsibilities of DDEO while executing his responsibilities under the Samagra Shiksha Abhiyan. No DPC was posted at the third district office, but the DDEO did not work under the State Project Director.

Responsibilities of education functionaries

After understanding the charges and responsibilities that various posts entail from the legislation of Haryana, we wanted to take a deeper look at them through structured interviews. We interviewed 3 DDEOs and a Director.

Functions performed by the Director

We learnt that the Director had some power to make rules or policies, but 25 government branches in Haryana were delegated various rule-making responsibilities. Moreover, the Additional Director exercised this function too, but we were not able to outline this in detail.

Similar to this rule-making function, the Director only had partial responsibility for ensuring compliance. The Director we interviewed made a distinction between charges related to licensure and charges related to ensuring compliance.¹⁸ He said that while the former charge was partially delegated, the latter charge was fully delegated.¹⁹ The Director did not have any charges related to investigation as these were largely delegated to subordinate functionaries within the Directorate and bodies such as the Fee and Fund Regulatory Committee.

The service delivery charges of the Director were delegated to various bodies. For instance, the Haryana Board of School Education was responsible for establishing schools, the Central Public Works Department was responsible for infrastructure-related charges, the Haryana Selection Commission was responsible for the hiring of teachers and the Suraksha Vahini for transport.

Functions performed by the Deputy District Education Officers

We interviewed 3 DDEOs in 3 different districts.²⁰

We found that all 3 officers held compliance and investigative functions. However, one out of the 3 officers denied having the function of budgeting and fund allocation, and instead had to rely on the DEO for approvals related to financing. When asked about their top responsibilities, the officers, who although had held the same post, had entirely different answers. The difference lay in carrying out charges such as data collection of schools (records of marks, attendance and other types

18. Charges relating to compliance include inspections for recognition, annual inspections and surprise inspections.

19. In addition to officers such as DEOs and DEEOs being delegated this charge, platforms such as the Mentoring-Monitoring Mechanism also ensure compliance.

20. The post of the DDEO was chosen because of missing evidence of the functions and workings of the post in legislation, notifications and circulars.

of performances) that were to be sent to the Directorate or implementing projects under the Sarva Shiksha Abhiyan. One of the officers was, along with being the DDEO, the State Public Information Officer and dealt with receiving and managing of Right to Information applications.

Similar to education functionaries in Delhi, all officers stated that they conducted “fieldwork,” which comprised of regular field visits to schools and occasional meetings with school principals or other functionaries such as the DEO or the BEO. They decided on a visit to a school based on priority or agenda. We also asked our respondents the number of field visits they conducted per week. The respondents answered that while they did not have a specific count (since visits depend on priority or agenda), they did have a *minimum* number of field visits they had to abide by. Of the 3 officers, 2 answered that they conducted field visits at least once a week, while the third answered *twice* a week.

All 3 officers that we interviewed had different supervision aims during field visits. They supervised schools with attention toward academic activities, infrastructure and monitoring of cultural events and whether government schemes, such as the mid-day meal scheme, were carried out in the right manner. Monitoring “academic activities” meant monitoring whether students were learning and whether the teachers were effective²¹ in their teaching. The officers monitoring “infrastructure” examined the functionality or status of the basic facilities in schools, such as toilets and drinking-water tanks.

What training do District Deputy Education Officers receive to execute their functions? Like in Delhi, we asked our respondents whether they were briefed and trained prior to starting work at their new post. They all answered in the affirmative. However, they had different definitions of what briefing or training meant. For instance, 1 official thought briefing meant an “in-person briefing” by a higher official in the department that could last for a few days. To the other officer, briefing meant a form of observation and adjustment in the office that lasted a few days. Regarding training, 2 of the respondents said that they were trained by SCERT through regular workshops and seminars. Another officer said that since they already had “relevant experience,” only a few days were given to them for adjusting to their new post.

Critical Aspects to be Addressed

Reforming and revamping the education sector has been the main concern of Government of India to improve the quality of and access to education. The Draft NEP 2019 proposed restructuring K-12 governance. In our study, we found 4 aspects of K-12 governance that needed to be addressed.

Difference in functionaries’ roles vis-a-vis government and private schools

The vocabulary employed by government officials to describe their functions did not distinguish their roles regarding government and private schools. For instance, all DDEs (District and Zone) in Delhi said they check compliance of schools with rules through inspections. What is the implication of this lack of differentiation between government and private schools while conducting inspections of schools? Could bias arise in favour of government schools?

21. Although the school inspection proforma covers aspects of a school that must be inspected, we did not receive any responses on inquiring about the parameters established for judging the “effectiveness” of teaching-learning in a classroom.

Absence of functional delegation of powers

Much of the delegation of powers in Delhi is based on geographical divisions and not specific functions. This can cause 1 officer to hold conflicting functions such as managing government schools and inspecting private schools. Can this manifest in perverse incentives and inefficient outcomes? Furthermore, the Directorate of Education consists of intra-departmental units, such as the Private School Branch and Litigation, which focus only on their specific charges. As DDEs (District and Zone) already perform most of these functions, does this create overlaps, leading to unproductive use of already scarce manpower in the Directorate?

No job descriptions or vacancy notices and insufficient training

We found no job descriptions or vacancy notices for education functionaries in the public domain in Delhi and Haryana. Most officers were also not trained or briefed about their duties. Many newly appointed DDEs were already familiar with the functions of their post as they had earlier been posted as principals of government schools. We observed that principals of government schools and DDEs conducted inspections together, were amicable with each other and remained in proximity. 1 district office even made the principal of a government school handle the work of a Section Officer.

Executing conflicting functions

The inspection team formulated to investigate a complaint against the principal of a government school generally includes the DDEs and principal(s) of other government schools. In Haryana, 1 DDEO held the same post as the DPC and told us that both posts were one and the same. We came across another district that had a DPC, but no DDEO. In this case, the DPC conducted his work under the DEO and the State Project Director. As the DPC is responsible for providing public education under the Samagra Shiksha Abhiyan, would fusing these 2 posts cause a conflict of interest as the DDEO is responsible for regulating all schools?

Studying these issues in greater detail will aid thoughtful separation of powers within education governance. We must understand how the current administrative machinery performs all its functions and how this performance impacts the provision of quality education to all children in India before embarking on critical reforms.



WHAT DOES IT TAKE TO OPEN A PRIVATE SCHOOL?

A STUDY IN DELHI

Pavitra K and Sanjana Sood

Executive Summary

Given the concerns around information asymmetries facing parents, it is critical to understand why more high-quality affordable schools do not rise in India. In our study we document the entire set of regulatory requirements of the Directorate of Education that must be met to open a school in Delhi. We also attempt to apply the Ease of Doing Business approach of the World Bank to study the process of opening private schools.

To open an unaided non-minority private school in Delhi, educational societies need to fulfil 3 regulatory requirements pertaining to the Directorate of Education.

These are: obtaining an Essentiality Certificate, securing approval for the Scheme of Management and obtaining a Certificate of Recognition.

- Schools need to submit a total of 125 documents to obtain these certifications.
 - 29 documents are needed for obtaining the Essentiality Certificate, 14 documents for the approval of Scheme of Management, and 82 documents for the Certificate of Recognition.
 - 10 documents overlap between the required list of documents for the Essentiality Certificate and the Certificate of Recognition.
 - Out of 14 documents required for the Scheme of Management, 9 documents are already verified before granting the Essentiality Certificate.
- The files for these 3 regulatory requirements move through at least 155 steps within the Directorate of Education and passes through the hands of over 40 officers.
 - An application for securing the Essentiality Certificate and the Certificate of Recognition moves at least 68 steps, under the best-case scenario where the school has submitted all necessary documents.
 - Both applications are scrutinised and authorised by at least 16 government officials across 3 different offices of the Directorate of Education.
 - The application for securing approval of the Scheme of Management moves at least 19 steps and is scrutinised and authorised by at least 8 officials from the Directorate of Education.

Circulars and notifications issued by the Directorate of Education suggest that it should take up to 4 months to secure the Essentiality Certificate and the Certificate of Recognition. In a case file we reviewed, the application for the Essentiality Certificate was still awaiting final approval after 14 months. In another case, the application for the Certificate of Recognition was under review for 5 years and was awaiting the approval of the Deputy Director of Education (Zone). In these cases, authorities carried out the necessary inspections again because the validity of the initial inspections was only 1 year. The second inspection took 9 months to complete. Other documents, such as the Water Test Report and the Fire Safety Certificate, expired during this prolonged approval process.

Introduction

Schools across India can be classified under 2 categories: government and private (Figure 2.1). Private schools include schools not run by Central Government, State Government, a local authority or any other authority designated or sponsored by the government.¹

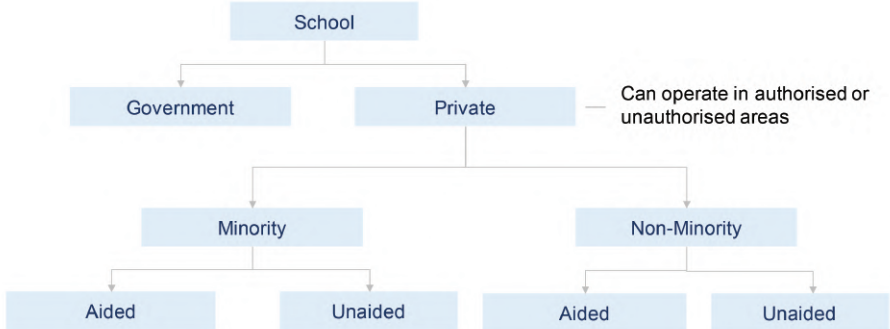


Figure 2.1: Types of schools in India.

Of all schools across India, 73% are government schools. Private schools, however, account for approximately 40% of the total student enrolment (National Institute of Education and Planning 2018). Student enrolment in private schools has been rising over the years and is likely to continue rising (ASER Centre 2009). Between 2011 and 2015, while the enrolment in government schools fell by 1.11 crore students, enrolment in private schools rose by 1.6 crore (Kingdon 2017).

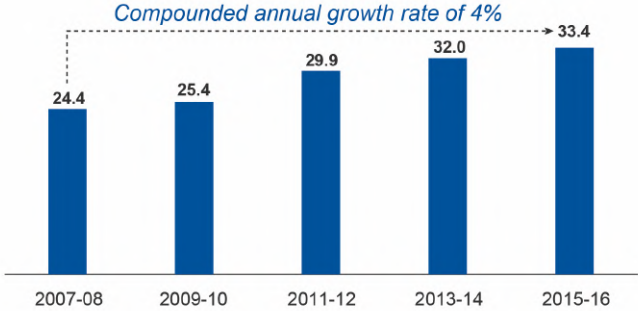


Figure 2.2: Growth in supply of private schools in India.

However, the supply of private schools does not seem to be growing commensurately (Figure 2.2). Annual increase in private schools in India was hovering around 3% between 2012 and 2015 and dropped to 1.71% in 2016 (National Institute of Education and Planning 2018).² Studies estimate that to meet the 95% target in the gross enrolment of children, nearly 1,30,000 new private schools will be needed by 2022 (FICCI and EY 2014).³

Research isolates the 2-fold challenge of regulatory compliance and financial sustainability as the key factors limiting the growth of unaided private schools in India (FICCI and EY 2014). We encountered

1. Private schools are further classified as minority and non-minority educational institutions. Some private schools partly depend on grants and aid from the government or local authority to meet their expenses and are termed “aided schools”. Unaided schools are those that do not depend on any grant or aid from the government.
 2. Based on our own calculations from the DISE data.
 3. Share of private school enrolment to be 55%–60% in 2022 with around 500–550 students per new school.

4 studies that examined the regulatory requirements to open a school in different states in India (Yakkundimath 2003; Wadhwa 2000; Joshi 2004; Antony 2014). The sample size of 3 of these studies (Yakkundimath 2003; Wadhwa 2000; Joshi 2004) ranged from 1 to 2 participants who were mainly principals of private schools.

All studies cover the legislative and administrative requirements before and after the Right of Children to Free and Compulsory Education (RTE) Act 2009. In Delhi, regulatory norms mandate obtaining 28 certificates or approvals from 6 different departments for establishing a private school. Gujarat sets out 20 regulatory requirements from 5 different regulating authorities (Antony 2014).

Studies find that educational societies⁴ have opened schools without obtaining any approvals; such schools are termed as unrecognised schools. In 2008, there were 1,593 unrecognised schools in Delhi with 1,64,000 students (Government of NCT 2012). However, there is no single comprehensive database on unrecognised schools in India that would help us understand the gravity of the situation (Kingdon 2017).

The Draft National Education Policy (NEP) 2019 recommends simplifying infrastructure-centric regulatory requirements and focus on the safety of children, access and inclusion. Any business process reengineering of the regulatory framework for private schools requires knowledge of the factual working of these requirements. However, information on what it takes to open and run an unaided private school is still fragmented.

In our study, we analysed the documents a private school requires for obtaining an Essentiality Certificate, securing approval for the Scheme of Management and obtaining a Certificate of Recognition. Our model school was an unaided non-minority private school⁵ that imparts elementary education (grade I to VIII) in English medium and operates in an authorised area. Drawing inspiration from Hernando De Soto's *The Mystery of Capital* (2000), we mapped the different government authorities involved in granting approvals. We adopted the World Bank's Doing Business Report strategy and examined the time taken by these authorities to process the application at each stage. We aimed to answer the following 5 questions:

1. How many regulatory requirements need to be fulfilled to open a school?
2. How many documents need to be submitted to fulfil each regulatory requirement?
3. What is the regulatory/listed fees for each regulatory requirement?
4. How many different authorities and offices are involved in this process?
5. How much time do authorities take for scrutinising and approving the documents?

4. Per Section 20 of the Societies Act, 1960, a society of minimum five people can be formed for the promotion of literature, science or fine arts or the diffusion of useful knowledge or political education or for charitable purposes.

5. The reason why we chose to study an unaided non-minority private school operating in an authorised area is that unlike other schools, it is not entitled to any privileges.

What does it take to set up an unaided non-minority private school in Delhi?

Three key regulatory requirements for setting up a school

According to the Delhi School Education Act and Rules (DSEAR) 1973, opening an unaided non-minority private middle school in Delhi involves 3 certifications (Figure 2.3).⁶

First, one has to prove to the Appropriate Authorities that the proposed school is essential in the neighbourhood where it has been constructed or is about to be constructed. Appropriate Authorities grant the **Essentiality Certificate**, if they are convinced that the establishment of this school would not cause a drop in enrolment of students in other schools already existing in that neighbourhood.

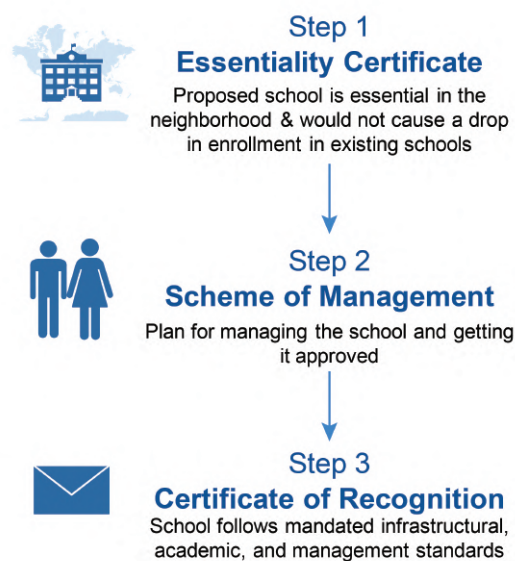


Figure 2.3: Three regulatory requirements needed for opening a school in Delhi.

Second, one has to get the plan for managing the school approved by the Appropriate Authorities. The Appropriate Authorities approve this **Scheme of Management** if convinced that the school adheres to the necessary requirements.

Third, one has to obtain a **Certificate of Recognition**. Appropriate Authorities grant the certificate of recognition if they are convinced that the school follows certain standards of input norms, such as academics, infrastructure, safety and management.

However, the DSEAR 1973 does not make it mandatory for private schools to seek recognition. A number of schools in Delhi (mostly the ones in unauthorised areas) opened without following any of these legal procedures until the RTE Act 2009 mandated recognition for private schools.

Post-RTE, unrecognised schools needed to get a provisional recognition as a first step, which the Directorate of Education granted for 1 year. They did not have to acquire the Essentiality Certificate, as getting an Essentiality Certificate for a school that is already operational was redundant. Instead, schools had to obtain approval of the Scheme of Management and then obtain the Certificate of Recognition.

6. Rules 44 and 49 to 59 of DSEAR 1973.

Key submissions to meet those requirements

The Directorate of Education uses specific criteria to scrutinise the applications submitted for each regulatory requirement. Granting the Essentiality Certificate is tied to a 30-point checklist, approval for Scheme of Management is tied to a 16-point checklist and obtaining the Certificate of Recognition is tied to a 90-point checklist (See Appendix B, C and D).

These checklists require applicant schools to submit 29 documents for the Essentiality Certificate, 14 for the Scheme of Management and 82 for the Certificate of Recognition (Figure 2.4).

Out of the 14 documents required for the Scheme of Management, 9 are already verified before granting the Essentiality Certificate. Out of the 82 documents needed for the Certificate of Recognition, 10 are scrutinised before granting the Essentiality Certificate. These include Memorandum of Association, Certificate of Society Registration, Copy of audited balance sheets and financial documents for the last 3 years, Sanctioned building plan, Structural Stability Certificate, Fire Safety Certificate, Water Test Report, School Health Certificate, Undertaking that the school will abide by the provisions under the RTE Act 2009 and the DSEAR 1973, and Undertaking that the school has provision for adequate drinking water and separate toilets for boys and girls.



Figure 2.4: Documents and forms for the Essentiality Certificate, Scheme of Management and Certificate of Recognition.

Role of different functionaries in processing applications and approvals

In Delhi, functionaries at 3 levels in the Directorate of Education are involved in the process of granting the Essentiality Certificate and the Certificate of Recognition.

Functionaries in the Head Office of the Directorate of Education carry out the substantive scrutiny of the applications and grant both certificates in 2 separate processes. Functionaries involved in these processes are: the Director of Education, Additional Director of Education, and Deputy Director of Education (DDE) (Private School Branch). Under the DDE (Private School Branch), applications have to move amongst a Personal Assistant, a Section Officer and a Dealing Assistant. The Dealing Assistants are at the lowest level of the hierarchy and are allotted specific districts for which they process school applications.

Functionaries in the Head Office of the Directorate of Education are also separately responsible for processing and approving the application for the Scheme of Management.

Functionaries in the District office and the Zonal office carry out the physical scrutiny of the school before the Head Office of the Directorate of Education grants the certificates.

How does a “file” for each requirement actually move across the different offices and functionaries?

We traced how applications for the 3 regulatory requirements move across the different offices and functionaries (Figure 2.5).⁷

Essentiality Certificate

As a first step, educational societies wanting to start a school or run an existing school need to apply for the Essentiality Certificate using an online application. The application submitted for the grant of the Essentiality Certificate moves **68 steps** amongst three levels of the Directorate of Education (Head Office and District and Zonal Offices) under the best-case scenario that the school furnishes all the necessary documents. If the school partly submits or delays the submissions, the application or the file would move more than 68 steps.

At least **16 officers**, including the Special Education Officer and the Accounts Officer of the Inspection Committee, are involved in processing the application for the Essentiality Certificate. In case the Inspection Committee has more members, the number of functionaries involved will change accordingly.

Scheme of Management

Application for approval of the Scheme of Management is submitted manually at the Private School Branch, Directorate of Education. We find that the application submitted for approval of the Scheme of Management moves **19 steps** within the Head Office, under the case that the school has furnished all the necessary documents. If not, the file will move more steps. In total, **8 officers** from the Head Office of the Directorate of Education are involved in processing the application for approval of the Scheme of Management.

Certificate of Recognition

Schools that started functioning before 1 January 2010 need to apply for recognition up to elementary level through the RTE Act 2009 by filling an online form and submitting accompanying documents at the Private School Branch, Directorate of Education within 7 days of filling the online application. In case the school was established after 1 January 2010, the applicant is required to fill Form I-A⁸ and submit the documents at the Private School Branch, Directorate of Education.

As in the case of the Essentiality Certificate, the application for the Certificate of Recognition moves **68 steps** within three levels of the Directorate of Education (Head Office and District and Zonal Offices) through the hands of **at least 16 officers** under the best-case scenario that the school furnishes all necessary documents.

7. See Appendix A for a detailed explanation of each step.

8. Given in the appendix of Delhi RTE Rules, 2011.

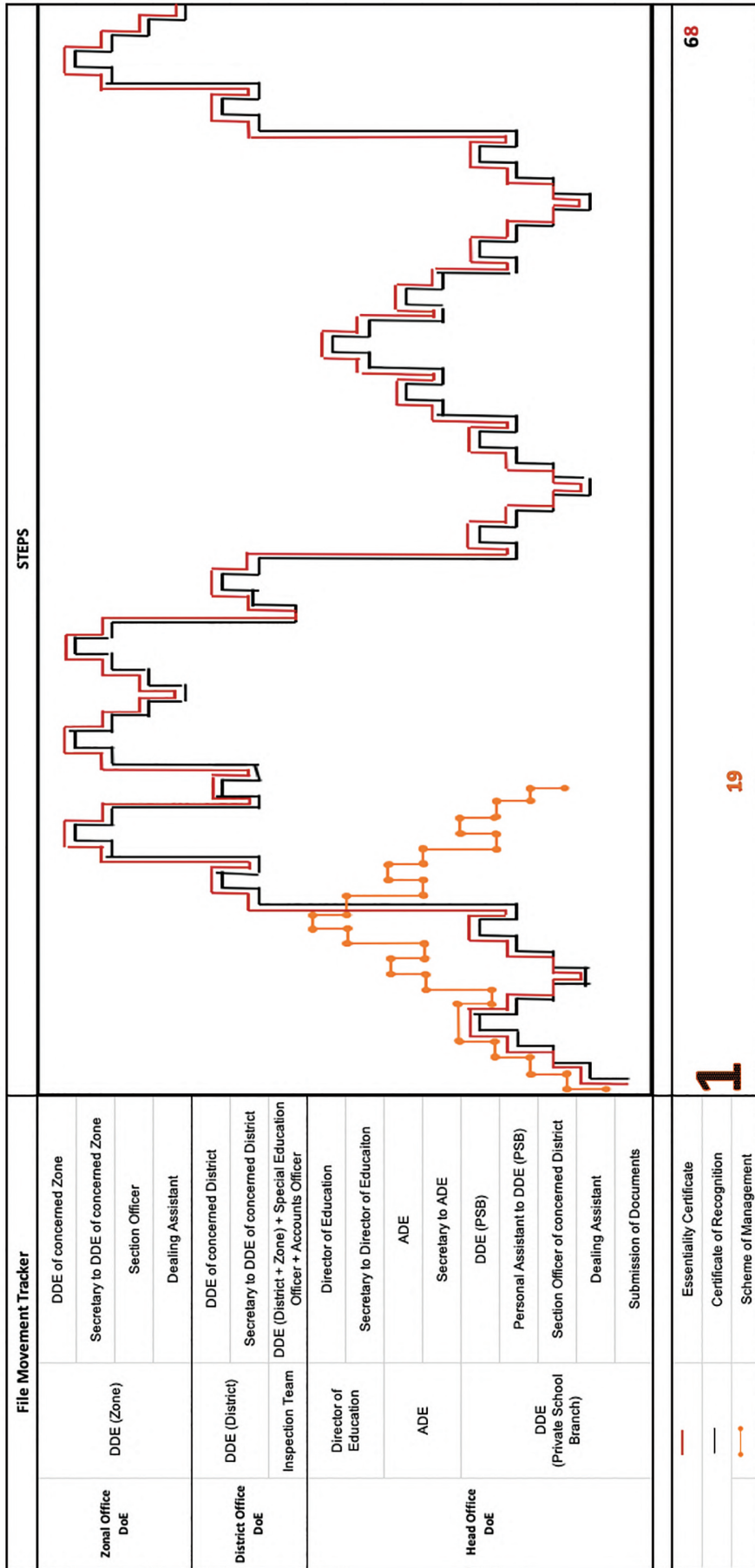


Figure 2.5: How applications for the three approvals move through the DOE.

Prescribed versus actual time taken to meet these requirements

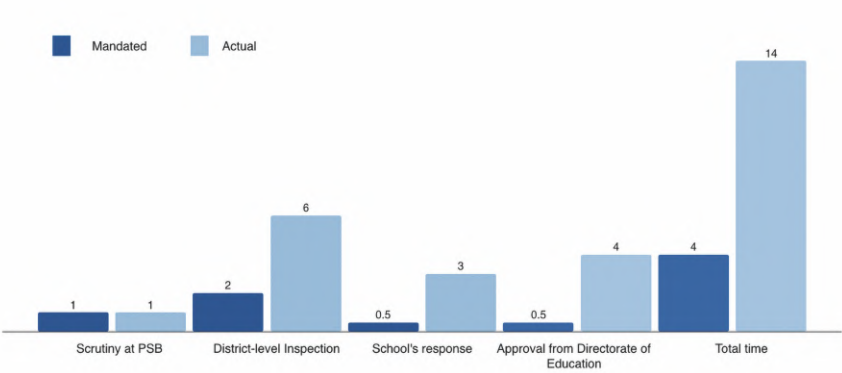


Figure 2.6: Prescribed versus actual time taken for processing the application for Essentiality Certificate.

Once an officer completes scrutinising the application, he/she notes his/her observations, and signs and dates the file. The officer also mentions who the file should be transferred to the next for scrutiny. We used this data in the files currently awaiting approvals to calculate the number of days it has taken at every stage of the process.

Circulars and notifications issued by the Directorate of Education suggest that it should take up to 4 months to secure the Essentiality Certificate. In a case, the application for the Essentiality Certificate was under review for 14 months and still awaited the Director’s approval. For this file, functionaries in the District and Zonal Offices prolonged the inspection process for 6 months. The Directorate of Education took 5 months for scrutiny and the school itself took 3 months to submit the documents (Figure 2.6).

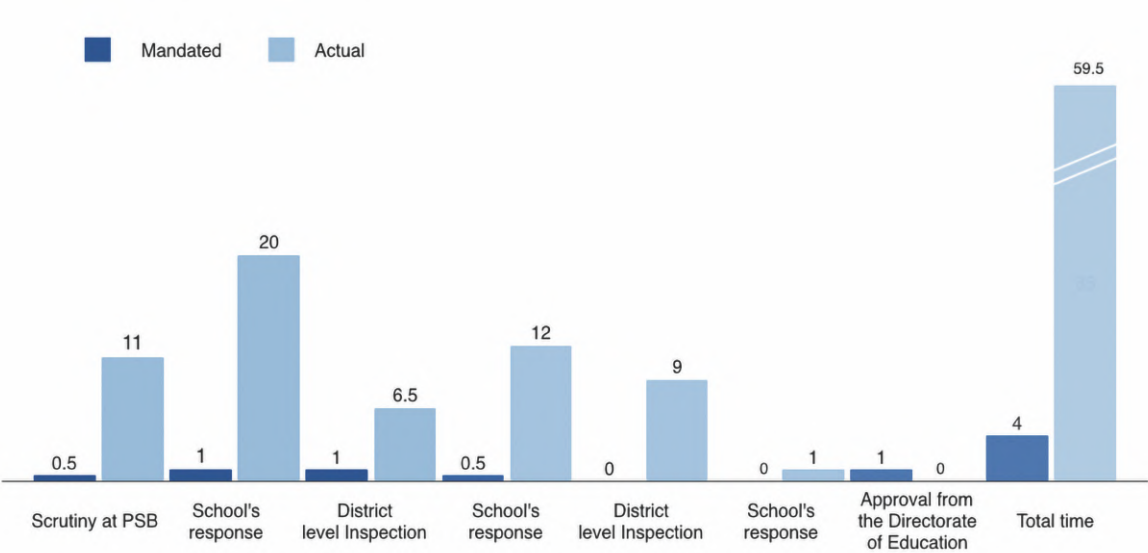


Figure 2.7: Prescribed versus actual time taken for processing the application for Certificate of Recognition.

Circulars and notifications issued by the Directorate of Education suggest that it should take up to 4 months to secure the Certificate of Recognition. The application for the Certificate of Recognition was under review for 5 years, and still awaited the approval of the DDE (Zone). The initial scrutiny at the

9. In Figure 2.5, the files for obtaining Essentiality Certificate and Certificate of Recognition move in a similar manner. A single black line is drawn to illustrate the movement of the file for Certificate of Recognition. A red line illustrates the movement of the file for Essentiality Certificates.

Directorate of Education took 11 months. The file circulated back and forth between the Head Office and the Zonal Office 5 times for a duration of 20 months. The first district-level inspection took 6.5 months and the school took 12 months to submit the required documents (Figure 2.7).

The functionaries carried out the necessary inspection again because the validity of the initial inspection was only a year. This second inspection ran for 9 months. In the interim, the documents such as the Water Test Report and the Fire Safety Certificate had expired. Post this, the school took another month to submit documents as it applied for fresh certificates from other departments.

Critical Aspects to be Addressed

Opening an unaided non-minority private school in Delhi involves 3 steps and prescribed processing time of more than a year. Lags in the current system may discourage school owners from obtaining recognition and adversely impact the supply and quality of education. Below are a few crucial issues identified in our research.

Much of the paperwork is redundant

10 documents furnished for the Essentiality Certificate have to be submitted again for the Certificate of Recognition. Similarly, 9 documents are required for the Scheme of Management which are already verified in the process of acquiring the Essentiality Certificate. Repetitive requirements like these only serve to make the paperwork bulkier and increase the probability of errors.

Ripple effect of delays by the Directorate of Education

Apart from the Directorate of Education, other departments are also involved in the process of opening a school. These departments grant specific certificates necessary to obtain the Essentiality Certificate and the Certificate of Recognition. These documents or approvals are only valid for a specific time.

For example, Delhi Jal Board issues the Water Test Report which is only valid for 6 months and Delhi Fire Services issues the Fire Safety Certificate which is valid for either 1 or 3 years. Delay in the processing of the application by the Directorate of Education or by the school to respond to the Directorate of Education's requests leads to expiry of these certificates. The school is then required to furnish a fresh set of certificates.

No real redressal for delays

As per Rule 9(X) of the Delhi Right of Citizen to Time Bound Delivery of Services Act, 2011, a citizen can demand compensation of Rs 200 for delays in service delivery. It is unclear if the Act also covers private schools in case of delays in the provision of the Essentiality Certificate and the Certificate of Recognition.



HOW ARE PRIVATE SCHOOL FEES REGULATED?

A STUDY IN DELHI AND UTTAR PRADESH

*Ritika Agarwal, Atreyi Bhaumik, Adit Shankar
and Anindya Tomar*

Executive Summary

India has witnessed a boom in private schools in the last few years (Kingdon 2017). Even as parents are migrating to private schools, they are at odds with school administrations over the question of fee hikes. This failure of negotiation between parents and schools has resulted in government intervention to balance opposing interests. What has been the outcome?

This study aimed to document the *de jure* and *de facto* functioning of the fee regulatory system in 2 states: Uttar Pradesh (the largest state of India) and Delhi (the capital territory of India). The former has a clear law to regulate fees, and the latter has developed a regulatory framework based on court judgements and executive orders.

In Uttar Pradesh, the fee regulatory framework for private schools is outlined in the UP Self-Financed Independent Schools (Fee Regulation) Act 2018. The Act constitutes District Fee Regulatory Committees (DFRCs) for resolving fee-related disputes. Although the Act prescribes the role, duties and powers of a DFRC, it does not specify how it is to function. We found that procedures varied across districts and were based on norms set by the district administration. Our analysis of meeting minutes of the DFRC in 1 district and interviews with officials, parents and schools, uncovered instances where the mechanism diverged from provisions of the Act. Finally, we examined the way schools and parents interact with the system and recorded their grievances, concerns and suggestions for corrective measures.

In Delhi, we began by studying the district-level Fee Anomaly Committees instituted in 2018 for redressing complaints of parents against fee hikes. Our research revealed that in all districts these committees are either defunct or have not been formed. In the absence of an overarching Act to regulate fees, private schools depend on a host of court judgements (that contradict one another), legal provisions and several executive orders and circulars on fee hikes. Our interviews with government functionaries on how fee-related complaints are resolved unveiled a state of confusion—new circulars override previous practices without adequate justification, and government officials have different accounts of the complaint trail. Finally, we surveyed parents who filed fee-related complaints as well as schools embroiled in such disputes.

We found that parents and schools in both states are grossly dissatisfied with the response of the government. While parents complain of apathy on the part of government officials and a lack of procedure and accountability, schools report that ad-hoc restrictions and the same lack of procedure and accountability hamper management and delivery of quality education.

Introduction

Recent trends in enrollment show a sizeable shift from government schools to private schools by parents from across the socio-economic spectrum. Between 2010 and 2015, the number of private schools increased by a staggering 71,360 (Kingdon 2017). The rising demand for private schools also generates unique regulatory challenges. Fee hikes, in particular, have come under fire by the government and parent organisations, who allege that schools are engaging in profit-making. Schools, on the other hand, justify these hikes as a part of their struggle to meet demands put in place by the Right of Children to Free and Compulsory Education (RTE) Act 2009 and Pay Commissions.

Several state governments have seen a political opportunity to cap private school fees to balance the opposing interests of parents and school administrations (Tambi 2018). The first Fee Regulation Act was passed in 2009 by the Government of Tamil Nadu. Subsequently, Rajasthan, Gujarat, Maharashtra and Uttar Pradesh also enacted fee regulation laws. These nascent regulatory structures considerably impact the autonomy of private schools in determining fees.

Fee regulation in India and around the world takes one of the following forms: a cap on the absolute amount that can be charged by a school, a cap on the absolute increase in fees, and a cap on the percentage increase in fees (linked with inflation). Regardless, any government intervention that creates artificial prices tends to put constraints on either the demand for or the supply of private schools. As revenues fail to keep up with costs, the incentive to invest in the sector reduces (Ross 1983) and may result in a loss of quality and innovation.

Government policy is often informed by its perception of large private schools and fails to distinguish between schools on the basis of fees charged (Tambi 2018). This adversely affects budget private schools. Most reportage on the regulation of private school fees shows that a very small section of private schools—those that cater to higher-income groups—are embroiled in fee disputes. According to the NSSO, 80% of all private schools are budget private schools, 18% charge a fee higher than Rs. 1,000 per month and only 3.6% charge more than Rs. 2,500 per month (National Sample Survey Office 2014). Moreover, a degree of self-regulation is already evident in budget private schools through parental accountability (Tooley and Dixon 2005), wherein fee disputes are resolved at the school level itself.

However, documentation of how fee regulation actually works is scarce. Any impact evaluation of government initiatives is methodologically constrained in the absence of baseline data. We tried to fill the gaps in research by studying the *de jure* and *de facto* working of fee regulation in 2 states: Uttar Pradesh and Delhi. In both states, we attempted to chalk out the structure of the system, summarised legal provisions governing it and assessed stakeholder perception.

Fee regulatory framework for private schools in Uttar Pradesh

A 2017 survey of 9,200 parents across India presents 3 interesting findings: First, more than 50% of 3,830 parents in Uttar Pradesh claimed that the schools had increased their fees by more than 10%. Second, 79% of parents in Uttar Pradesh wanted fee increases to be regulated. Third, at an all India level, 64% of the parents were not in favour of putting a cap on absolute fees fearing that high-quality schools would close or scale down (Local Circles 2017). Given that almost 50% of the students in Uttar Pradesh are enrolled in private schools (Kingdon 2017), regulation of private school fees has become an important issue.

One regulation that governs all

The UP Self-Financed Independent Schools (Fee Regulation) Act 2018 lays out the fee regulatory framework for private schools in the state.¹ It regulates the annual percentage increase in the fee charged by schools based on the increase in the salary of the teaching staff and the inflation rate. Apart from placing caps on fee hike and prescribing the fee components under which schools may charge fees, it mandates the formation of DFRCs as the Appropriate Authority for matters covered under the Act.

De facto functioning of District Fee Regulatory Committees

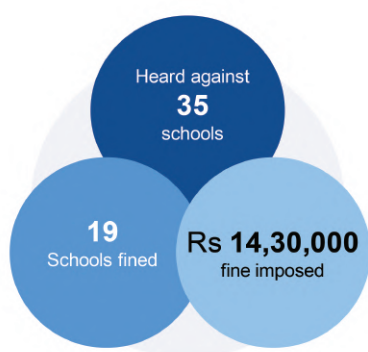


Figure 3.1: Complaints admitted and fines imposed by the committee since its formation.

In Gautam Buddh Nagar District, in Uttar Pradesh, the DFRC was constituted by an order of the District Magistrate (DM), dated 5 October 2018. A typical DFRC meeting, as observed on 15 June 2019, is attended by the complainants (parents/guardians/students), the management of the institution against which the complaint was filed (principal/vice principal/manager) and a quorum of the DFRC.

We analysed the minutes of all meetings held until July 2019 and attended the DFRC meeting on 15 June 2019. We also conducted semi-structured interviews with members of the DFRC, parents and schools who attended the DFRC meetings and officials in the office of the District Inspector of Schools (DIoS).²

Constituting the District Fee Regulatory Committee: Mixed feelings on representativeness and frequency of meetings

The DFRC is a 7-member committee with the DM as its chairperson and the DIoS as the Member Secretary. The other 5 members of the committee are nominated by the DM. These include a Chartered Accountant (private professional), an engineer (not below the rank of Executive Engineer in Public Works Department), a senior officer of State Finance and Accounts Service, a parent from the Parent Teacher Association (PTA) of a school in the district and the principal, manager or administrator of a self-financed school.

Representativeness: No objective criterion exists as such on the basis of which the members are nominated to the committee. Out of 7 schools we interviewed, 3 schools argued that the nominated school representative often agrees with the position of other members of the DFRC. Low-fee private schools complained that the representative is often from an “elite” school of the district, who does not aptly represent their concern. Similarly, parents were of the view that their representative in the DFRC should be elected to enable parents to choose an individual who would represent their concerns.

1. The Act is only applicable to affiliated/recognised schools (including minority institutions) where the annual payable fee for any student is more than Rs. 20,000.

2. The office of DIoS acts as the secretariat for receiving complaints addressed to the DFRC, and the DIoS is the Member Secretary of the DFRC of the respective district.

Other insights

During the course of our interviews, parents argued that members of the DFRC (such as the district administration and private professionals) do not have any direct stake in the fee-related issues of a particular school. To tackle this, they suggested that schools should have a school-level committee consisting of members of school administration and parents/guardians. This school-level committee can resolve complaints internally and submit a detailed enquiry report to the DFRC for matters that cannot be resolved internally.

Frequency of DFRC meetings: The frequency of DFRC meetings varies from district to district, and is laid out in the due procedure prepared by the DM. The minutes of meeting (dated 10 October 2018) state that the DFRC of Gautam Buddh Nagar "shall meet once every month and more than once, if required". The Act was passed in September 2018, and since then only **four meetings**³ of the committee have taken place, while **Ghaziabad (a neighbouring district in Uttar Pradesh) has held more than 15 meetings.**

Process of filing and resolving complaints with the District Fee Regulatory Committee: Simple, but not structured

Apart from taking decisions on the proposal from a school for fee raise beyond the permissible limit, the DFRC is also a forum to resolve fee-related disputes (including complaints on contraventions of the Act). The usefulness of a redressal mechanism can be judged by its accessibility and reach. We found that the process of filing a complaint with the DFRC is straightforward and can be done either through email, through post or in person with the DIOs. Out of the 12 parents interviewed, **9 found the procedure easy, 1 found the process difficult and 2 found it very difficult.** Parents also mentioned that the assistance of parent associations makes the process easier.

Nature of complaints filed with the DFRC: Interviews with parents and study of meeting minutes revealed that a majority of the complaints filed against the schools in the DFRC pertained to:

- Increase in private school fees beyond the permitted limit;
- Failure to disclose information as per section 7(1) of the Act⁴; and
- Schools compelling parents to purchase books and uniforms from a particular shop, despite being prohibited by the Act.

Other insights

An officer at the DIOs stated, "more than 50% of complaints filed in the DFRC are not under the mandate of the Act". For instance, the DM is not obliged to give a verdict on contentions regarding the compulsory status of a fee component.

Time taken to begin proceedings and resolve complaints: An analysis of meeting minutes revealed that 4 complaints had their first hearing within 1 month of filing of the complaint, 21 complaints had their first hearing within 2 months and 7 complaints had their first hearing within 3 months. For almost all cases, it took the committee 2 hearings to reach a decision. Currently, a DFRC

3. In clarifying the low frequency of meetings, the DIOs mentioned that administrative decisions, such as those taken by the DFRC, could not be made between March 2019 and May 2019, as the Model Code of conduct preceding elections had been brought into force.

4. According to this section, every school has to publish information about the fee structure, admission policy, accreditation, affiliation, facilities offered, student-space ratio, student-teacher ratio and details of the salaries of teachers in the academic year 2015 to 2016, 2016 to 2017, and 2017 to 2018, 60 days prior to the commencement of admissions every year on its notice board/website.

meeting is conducted once in 81 days.⁵ The time taken to resolve disputes may further reduce if the DFRC complies with its own decision of meeting once a month. Our interaction with parent pressure groups and school administrations revealed that DFRC is preferred because it takes inordinately long to resolve fee-related disputes in courts.

Decisions of the District Fee Regulatory Committee: Insufficiently participative, opaquely recorded and difficult to implement

The DFRC has the powers of a civil court and an appellate court while reviewing a dispute and can impose penalties on private schools.⁶ A DFRC member stated that all decisions in the committee are made on the basis of administrative reports and data collected by the office of DIOs and analysed by the Treasury Officer and the Accountant. According to the member, consensus through any voting process was not needed as it is a fact-finding process.

During our observation of the meeting on 15 June 2019, we found that the DM and DIOs led the discussion, and frequently consulted the Treasury Officer and Chartered Accountant in the course of arriving at a decision. Although the PTA representative was mostly silent, the representative of schools took an active part in the decision-making process. According to the DIOs, disagreements over the decisions taken in the committee are rare.

Other insights

Out of the 12 parents interviewed, 2 complained that the PTA representative had no say in the meeting. Parents also complained about the lack of adequate representation. They were of the view that the DFRC must have 2 members each to represent schools and parents.

Schools had differing opinions on their representation in the DFRC and inclusion in the decision-making process. Although low-fee private schools were of the opinion that the representative of the school fails to present their interests, high-fee schools were satisfied and even appreciative of the work of their representative.

When and how does the DFRC impose fines? On receipt of a complaint and after conducting due inquiry, the DFRC either asks the school to refund excess fee levied on the students, impose a financial penalty of up to Rs. 5 lakh or recommend the withdrawal of the recognition/affiliation of the school depending on the number of times the school has contravened the Act (Figure 3.2).⁷

In most cases where the school increased its fees beyond the permitted limit, the DFRC ordered the school to either refund or adjust the excess fee charged. Penalties are generally imposed when the school increases the fees during the year or when it does not comply with the orders of the DFRC. Regardless of the complaint, in most cases, schools were ordered to make full disclosure of the information mentioned under the Act for the committee to scrutinise.

Opacity in documenting the decision-making process: We observed that meeting minutes are merely drafted as a summary of the decision of the committee. Discussions surrounding the decision, including the claims of the complainants, explanations of the schools and the opinions and views of committee members go entirely unrecorded. This makes the functioning of the DFRC less transparent.

Slow and weak implementation by schools: Our interviews with school administrations revealed the difficulties of complying with the decision laid out by the DFRC. Out of 7 schools, 3 found it difficult to implement the decisions of the DFRC. Most schools were instructed to implement the

5. Average time taken as calculated between September 2018 and July 2019.

6. Under the Code of Civil Procedure 1908.

7. The DFRC, after making due inquiry, may impose penalties as prescribed in the Act. While the upper limit of the fine to be imposed is stated in the Act, the amount imposed (within the given range) varies in each case and falls under the discretion of the DFRC.

decision within 1 week. Not surprisingly, only 2 out of 12 decisions were implemented within the stipulated time frame.

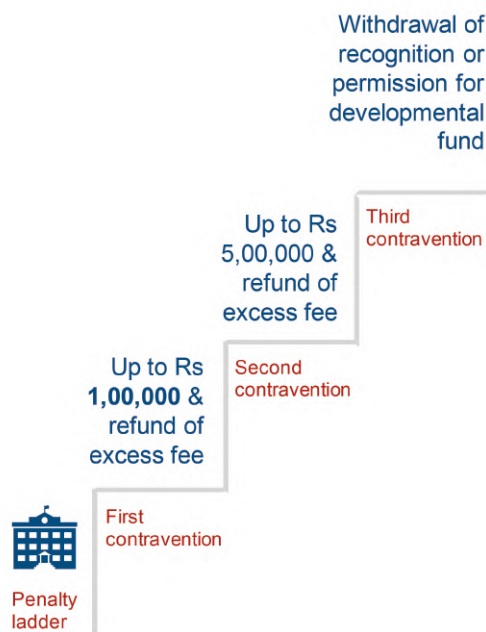


Figure 3.2: Penalty ladder for Contravening the Act.

Other insights

We also attempted to assess the satisfaction of parents with the decisions of the DFRC. Out of 12 parents, 7 were dissatisfied as schools failed to take any action on the decisions issued; 3 parents were partially satisfied because of the progress in implementation. **Only 2 parents were completely satisfied with the implementation of the decision.**

Process for appeal: If any school or person is aggrieved with the decision of the DFRC, they may file an appeal with the State Self-Financed Independent School Appellate Authority (SSFISAA) within 30 days. Of the 12 parents interviewed, only 3 consider the SSFISAA as an alternative mechanism if they are unsatisfied with the DFRC. Five parents argued that they prefer approaching government officials, including the Chief Minister, DM, and Education Minister for assistance. Interestingly, 5 parents considered protests as a way to gain standing and attention from the government. Given the time taken by courts to resolve disputes, parents do not consider it to be a feasible alternative. Majority of the schools preferred to file an appeal against the decision of the DFRC with the SSFISAA, and are wary of approaching government officials.

Where *de facto* departs from *de jure*

Section 8(5) of the Act states that the procedure of the DFRC “shall be such as may be prescribed”. Although the Act allows for executive discretion, it does not provide any guidance on exercising this discretion. Our analysis of the meeting minutes and interviews with the district administrative officials, parents and schools revealed that the DFRC in Gautam Buddh Nagar has, in more than 1 instance, taken decisions that violate certain provisions of the Act.

Acting against the prescribed procedure in permitting fee hikes

De jure: The Act prescribes the formula for permitted fee increase for **each grade of the school**.⁸

De facto: In the minutes of the meeting dated 15 June 2019, we observed that while enquiring into fee hike complaints, the DFRC took into consideration the **average annual fees** of all the students (across different grades) in the school.⁹ In a scenario where the permitted fee increase¹⁰ for a particular year is 10% and a school increases the fee for 1 grade by 15%, then the school has violated the Act, even if the average annual fee of all grades taken together is less than 10%. In such cases, by not holding the school as a defaulter, the DFRC overlooks the provisions of the Act.

Other insights In the DFRC meeting we attended, a similar problem was faced by a parent who complained against excessive fee increase in a particular grade. Despite the resistance put forward by the parent, the DFRC only took into consideration the average fee of the school.

Taking decisions in the absence of essential information

De jure: The percentage increase in the annual fees of existing students of each grade/class/level should be less than or equal to the average percentage per capita increase in the monthly salary of the teaching staff of previous year or percentage increase in consumer price index (CPI) + 5% fee realised from student, whichever is less.

De facto: We observed that the DFRC took decisions in the absence of information required to determine the “permitted fee increase” in certain cases. For instance, for the academic year 2019 to 2020, the CPI + 5% limit was 9.37%, whereas the increase in fees by a school was 9.46%. The information on the percentage increase in the salary of teaching staff was “Not Available”. The DFRC ruled against the school, directing it to refund or adjust the excess fee charged, and argued that the fee increase was more than permissible amount by 0.09%. This modus operandi was followed in every case where data on teaching staff salary was “Not Available”. However, information on the increase in the salary of teaching staff can have a significant impact on the fines imposed.

Acting suo moto without having the mandate

De jure: Section 8(10) of the Act says, “On receipt of a complaint, if any, from a student or guardian or Parent Teacher Association, the District Fee Regulatory Committee, after making due inquiry and after being satisfied, may impose penalties in the manner as follows. . . .”

De facto: In the DFRC meeting dated 19 April 2019, the committee issued orders to be followed by all the schools in the district.¹¹ Subsequently, in the next meeting, the committee imposed a fine of Rs. 75,000 on 8 schools who failed to comply with the orders. This was against the provision of the Act in 2 ways. First, the Act does not give DFRC the mandate to pass such orders. Second, the DFRC can only impose a penalty in cases where it has received complaints from a student, parent or guardian. Ironically, the penalty was imposed under Section 8(10) of the Act, which states that a penalty can only be imposed when a complaint has been received by the DFRC.

8. The percentage increase in the annual fee of existing students of each grade/class/level should be less than or equal to the average percentage per capita increase in the monthly salary of teaching staff of the previous year or percentage increase in consumer price index + 5% fee realized from student, whichever is less.

9. Accompanied with an explanation that “school has not provided the class-wise fee and increment thereon”.

10. Refer to the formula prescribed in Section 4(1) of the Act.

11. Two orders were passed: The first order directed schools to give in writing to the guardians that they are free to buy books, uniforms, shoes and socks from any shop. The second order mandated schools to upload the fee structure on the website and submit an affidavit for the same to the committee.

Admitting complaints that have been resolved at the school level

De jure: The Act and the due procedure laid down by the DFRC both state that a complainant has to first reach out to the concerned school administration with their grievances and then approach the DFRC in case their complaint remains unheard for 15 days.¹²

De Facto: Some of the complaints heard in the DFRC meeting had already been resolved by the school administration to the satisfaction of the complainant. The school administration, in such situations, felt harassed because they had to wait for hours to attend the hearing of a matter that had already been settled. In certain instances, the meeting minutes did not mention whether the complainant had reached out to the school administration with their grievances.

Concerns with the Act: Grievances of parents and schools

The current Fee Regulation Act in Uttar Pradesh is fairly new. Although it is too early to make any conclusive statements about how meritorious the framework is, we attempted to understand the concerns and grievances of 2 important stakeholders: parents and schools.

Grievances of parents: Clarity over the Composite Annual Fee and whistle-blower vulnerability

Through our interviews, we found that while all parents were aware of the UP Fee Regulation Act 2018, only 8 out of 12 parents had read the Act. Parent associations, such as All Noida School Parents Association, often help parents improve their understanding of the Act. Certain sections of the Act, including Section 3 (a(iv)) on the Composite Annual Fees, Section 4 (1) on the Fixation of Fees and other technical terms of the Act were confusing to parents. In particular, parents had 2 major concerns with the Act: the provision on the Composite Annual Fee and the lack of a protection clause.

Dissatisfaction with the provision on the Composite Annual Fee: All recurring fees payable throughout the year have to be clubbed under a single head called Composite Annual Fee.¹³ Out of 12 parents, 4 found the provision of Composite Annual Fee arbitrary. Parents were dissatisfied with the lack of clarity on the components of Composite Fee and the fact that discussing these does not fall under the mandate of the DFRC. According to them, this provides schools with the freedom to add different heads under composite fee and increase recurring fees. Out of 12 parents, 11 argued that a head-wise distribution of the recurring Composite Annual Fee must be provided. This will enable them to understand how their money is being spent and ensure that they only pay for facilities they use. While emphasising transparency, parents stated that certain facilities should either be optional or charged for based on the number of days the school is open.

Lack of protection clause: 4 parents expressed that they had been victimised by the school for filing a complaint. This manifested in either children being discriminated against, or parents being humiliated and prevented from entering the school. 2 parents emphasised that the lack of protection given to parents and their children became a disincentive in filing a complaint. They insisted on the need for a protection clause in the Act.

12. The procedure of filing a complaint was laid down by the DFRC on the meeting dated 10 October 2018 as mentioned in the meeting minutes.

13. The heads excluded from Composite Fees in the Act are registration fee, admission fee, examination fee and optional fee components (which only include transport, boarding, mess, excursions, etc.). The fee components prescribed under the Act include certain one-time charges (such as admission fee) and event-specific charges such as examination fee.

Grievances of schools: Constraints on autonomy as well as costs of compliance

The Act governs several aspects of the fee structure of private schools, including caps on fee hike, headers under which fee may be demanded, information disclosure norms and penalty amount in case of contravention. In the course of our study, we also attempted to assess the interface between schools and the Act to record the grievances of the school administration.

Impinging on school autonomy: As the Act also regulates the fees of private schools that have not received any aid from the government, some schools consider this government intervention as one that impinges on their autonomy. 1 school mentioned that they have little to no say on how they are governed.

Compliance burden on schools: Out of 7 schools, 4 felt that the Act was biased against schools. The penalty for contravention of the Act for the 3rd time is disruptive as it directly affects the functioning of schools. Given that more than 50% of all students enrolled in private schools in India study in Uttar Pradesh, the penalty has a direct bearing on the school, parents and child (National University of Educational Planning and Administration 2016).

Other insights

In 2017, a report by the Vidhi Centre for Legal Policy recommended a reconsideration of the provision on withdrawal of recognition or affiliation in the proposed bill due to its dire consequences on all stakeholders. The report suggested that lawmakers review the Rajasthan Fee Regulation Act, which imposed heavy financial penalties for similar offences, but did not venture into the aspects of recognition and affiliation (Sharma, Srikumar, and Shambhavi 2017).

Some private schools with fees ranging from Rs. 20,000 to Rs. 25,000 per annum have an informal practice of exempting certain students from paying the entire fees, given their inability to pay. The costs of compliance with the Right of Children to Free and Compulsory Education Act 2009 and the Fee Regulation Act 2018 have forced them to collect the full fees from every admitted child.

Greater burden imposed on low-fee private schools: As compliance with the Act requires increased manpower, time and resources, 2 schools argued that the Act puts a greater burden on low-fee private schools. By treating all private schools in a standardised manner, the Act falls heavily on schools at the margins in comparison to “elite” schools. According to them, before implementing any law, government agencies must be mindful of the different kinds of private schools, particularly the diversity in fee structures.

Fee regulatory framework for private schools in Delhi

In 2018, a survey of 4,326 parents in Delhi found that 72% of parents reported a fee hike of more than 10% within the year. The dissatisfaction with government action was particularly high, with 87% of respondents saying that the government had not been effective in regulating fees, and 61% saying that lack of regulation in the state is the root cause for fee hikes (Local Circles 2018).

The constitutional status of Delhi implies that the State government cannot legislate on all matters that other state governments can. Apart from certain provisions in the Delhi School Education Act and Rules (DSEAR) 1973, which govern the fee structure, Delhi does not have any separate law to regulate private school fees. In the last 2 decades, different court judgements and executive orders have defined and transformed the fee regulatory framework in the state.

1 law, many orders, 7 judgements and 1 ghost committee

We outline the framework laid down by DSEAR 1973 and executive orders and deconstruct court judgements that have either upheld or curtailed the autonomy of private schools in determining fees.

Rule-set regulating private school fees in Delhi

DSEAR 1973 and a circular issued in April 2010 outline the basic rules that govern the fee structure of all unaided recognised private schools in Delhi (Table 3.1). Apart from this, notifications, mostly revised ad-hoc, also provide directions on interim fee hikes (either permitting interim fee hikes or rolling back on previous orders). These orders and notifications are not based on any precedent set by previous court cases or provisions stated in DSEAR 1973. Circulars and notifications issued from time to time, as a knee-jerk reaction to challenges that arise, result in inconsistent, unsystematic and unpredictable rules.

Table 3.1: Framework Laid Down by DSEAR 1973 and Executive Circulars

Category	Rules
Annual Fee Statement	DSEAR: Schools to submit detailed annual fee statement to the Directorate of Education in April each year. DSEAR: School not allowed to charge any fees in excess of the statement.
Prescribed Overheads and Their Utilisation	2010 Circular: Schools allowed to charge fees under specified heads: tuition fee, development fee, exam fee, transport fee and uniform fee. ¹⁴ 2010 Circular: Cannot spend excess money collected for any other purpose, except the same head/capital/contingent expenditures/other educational purposes. ¹⁵¹⁶
Process for Hiking Fees	DSEAR: School to instate a managing committee, with management representatives, 1 PTA member and a member nominated by the Directorate of Education to approve the fee structure and fee hikes. DSEAR: Subsequent proposal to be filed with the Director of Education. 2010 Circular: Schools to present a detailed financial proposal to the PTA before the managing committee approves it (provision set aside by the Delhi High Court in 2010). ¹⁷ 2010 Circular: Schools required to exhaust all sources of revenue before raising fees. ¹⁸
Maintaining Records	DSEAR: Schools required to maintain proper records of expenses and receipts to submit to the Director of Education by 31 July each year. DSEAR: Financial and other records of schools to be subject to examination by authorised auditors and inspecting officers.
Permitted Fee Hike	2010 Circular: Allows management to hike fees by 10% of annual tuition fee. 2010 Circular: Development fee can be hiked by 15% of the tuition fee hike.

14. The transport charge or uniform fee cannot be deemed compulsory by any school. Building funds can only be raised through philanthropic means and not fee hikes.

15. For instance, tuition fees can only be used to cover salaries, dearness allowances, gratuity and leave encashment.

16. These include awarding scholarships, establishment of any other recognised school and assisting another school under the same society. These provisions check against profiteering.

17. WPC 7777/2010 titled Delhi Abhibhavak Mahasangh v. Directorate of Education.

18. These include utilising the existing reserves or school funds, enrolling a greater percentage of students and making use of the interest on the deposits pledged in the name of the government.

Important court judgements passed between 1998 and 2019

A string of court judgements passed by the Supreme Court and the High Court of Delhi in the last 2 decades have also governed the fee regulation system in Delhi. Figure 3.3 traces judgements that played a defining role in how governments interface with schools to regulate fees.

Beginning in the late 1990s, courts admitted cases ranging from pleas of parent associations alleging profiteering by schools to petitions by schools struggling to cope with the costs imposed by pay commissions. Different benches have pronounced judgements that contradict each other. Their interpretation of the rules on fee structure present in DSEAR also differs. As a result, the role of the Directorate of Education in determining fee structures of private schools remains unclear.

In the most recent judgement, passed in March 2019, the Court ruled that as per DSEAR, no private school—whether on Delhi Development Authority land or otherwise—required prior approval from the government before hiking fees. The government could intervene only if the fee hike amounted to “profiteering”. The Directorate of Education was ordered to audit schools, determine which schools could hike their fees and set limits on that amount.

This was a significant development, overriding the explicit resolve of Government of National Capital Territory of Delhi to not allow any fee hikes (Hindustan Times 2019).¹⁹ Nonetheless, the government challenged this court order, and the matter is still sub judice.

Ghost Fee Anomaly Committees

Under the recommendations provided by the Justice Duggal Committee 1999, the Directorate of Education passed an order on 16 January 2018 instructing each district to constitute a FAC for resolving fee-related disputes between parents and school managements. The order to constitute the FAC was considered to be a significant development as it streamlined the process of resolving fee-related disputes (Chettri 2017), without depending on courts.

The members of this committee must include the District Deputy Director of Education (DDE), Education Officer (Zone)²⁰, and a Chartered Accountant nominated by the Director. Any parent of an unaided recognised private school, individually or jointly, is allowed to approach the FAC in matters relating to the school fees. The FAC is required to collect all the financial information of the school and pass a judgement within 90 days.

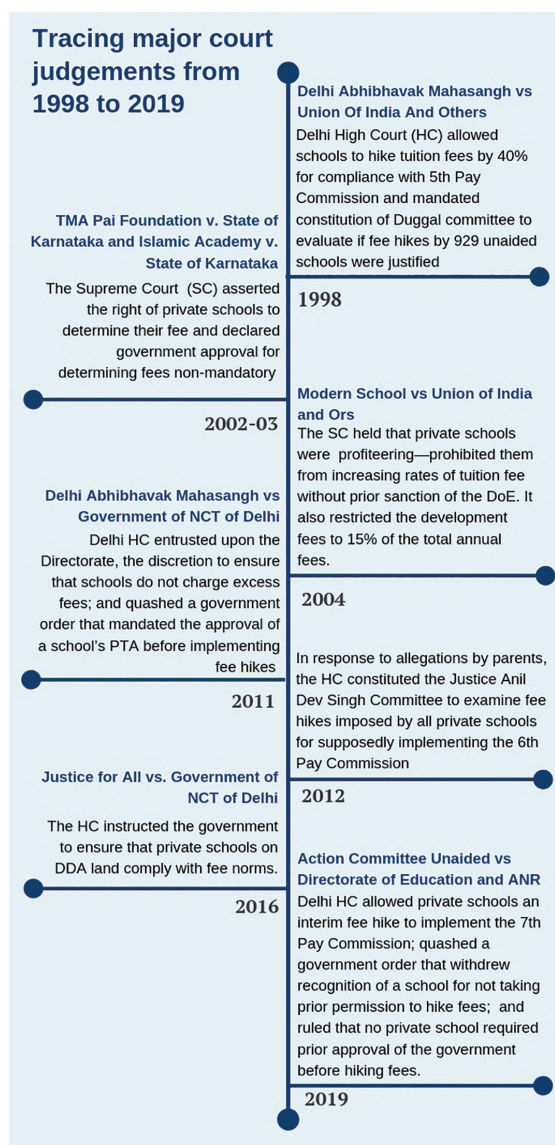


Figure 3.3: Major court judgements passed between 1998 and 2019.

19. After conducting its audit, the Directorate of Education permitted 59 out of the 267 schools that proposed fee hikes to hike the fees by 5%–10% (link).

20. In the absence of the Education Officer, the Deputy Education Officer (Zone) must be included.

Most of the parents and schools we interviewed had not heard about the FAC. The ones aware of the committee argued that it only existed on paper and was never actually constituted. The Deputy Directors of several districts were also not aware of such a committee, and said that fee complaints were generally solved at the headquarters under the Private School Branch. Finally, **most districts responded to our Right to Information requests stating that the FAC has not been constituted.**

De facto resolution of fee disputes between parents and schools

In practice, how are fee-related disputes resolved? We interviewed 5 officials in the Directorate of Education, parents and school administrations to get first-hand information on the processes of filing and resolving complaints as well as obtaining fee hike approvals. But in the absence of a single government order, officials report different routes for processing complaints.

Multiple routes and unclear complaint trail

Any parent whose child is enrolled in an unaided recognised private school and considers the proposed fee hike of the school to be unjustified is allowed to approach the Directorate of Education to file a complaint against the school management.

According to an official in the Private School Branch, a complaint is filed with the Director in the Directorate of Education. Proceedings on a complaint begin when the Director of Education authorises the Private School Branch to look into the matter. The Project Management Unit (under the Private School Branch) headed by the Section Officer scrutinises the file and passes it to the accountants for auditing the financial statement. Later, the Section Officer and Director take a decision on the proposal of the accountants.

During this process, the books of accounts of the school are audited.²¹ These audits must be conducted each time a complaint is filed or a proposal is made by the school to hike the fees.

However, this clear chain of command was complicated when we spoke to other officials within the Directorate of Education. An official in one of the District offices mentioned that fee-related complaints filed in any office of the Directorate of Education are eventually redirected to the concerned DDE (District) (Figure 3.4).

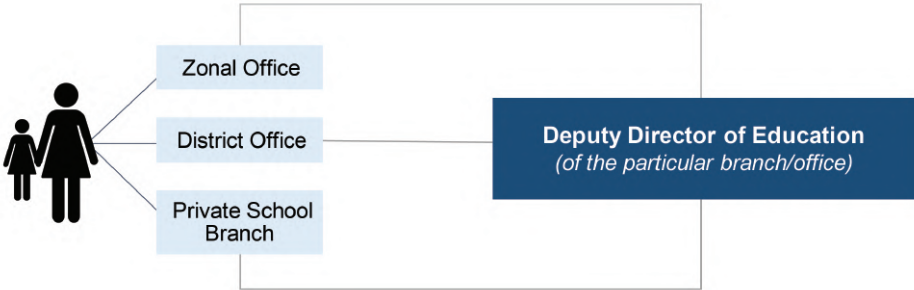


Figure 3.4: Complaint trail reported by an official in the Directorate of Education.

21. The managing committee of the school is required to abide by the rules of maintaining the proper books of accounts, records of expenses and other receipts.

Here, individual committees are constituted for investigating each complaint. Yet, another official, working at the Zonal level, reported that a fee-related complaint filed with the DDE (Zone) is redirected to a Section Officer, who further assigns the complaint to the Accounts Officer.

To add to this confusion, parents reported using multiple routes for filing complaints (Figure 3.5). Only 3 out of 9 parents interviewed received a response from the Directorate of Education on their complaints and could not provide the paper trail.

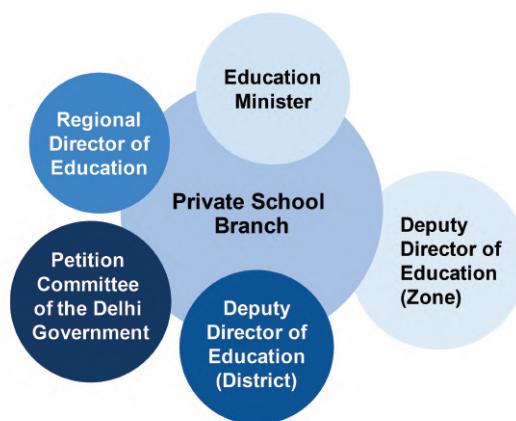


Figure 3.5: Parents report filing complaints with different offices.

Dissatisfied school managements and parents

We interviewed 9 parents and 2 schools who have either filed complaints with the Directorate of Education or proposed fee hikes to understand their experience with the Directorate of Education, triangulate the information provided by the officials and highlight the gaps in the processes. This section describes how complaint resolution works at the school level, when it is escalated to a government authority, the process of filing complaints with the Directorate of Education, evaluation of the response of Directorate of Education, judicial recourse and grievances related to the fee structure.

Grievances of schools: Administrative hassles, delays and compliance costs

We interviewed 2 private school managements in Delhi. These 2 schools were a part of the Action Committee, a pressure group that keeps the interests of the schools before the Directorate of Education, and in the case of adverse orders, approaches the courts. Both schools had applied for a fee hike and were regularly inspected by the Directorate of Education since 2017.

Administrative hassles during inspections: The schools mentioned that the inspection process entails multiple auditing of the books of accounts by different Chartered Accountants or auditing firms. This process continued for over 3 months in certain schools and was a huge administrative hassle. It was also reported that the Chartered Accountants or auditing companies were changed when the report generated by them was not in alignment with the goals of the government. The schools believe that rather than regulating the fee hike, their objective was to put an absolute restriction against fee hikes.

Irregular and inconsistent decisions: Schools were of the opinion that the process followed in Delhi, with respect to the fee hike, was arbitrary and inconsistent. They complained that the government comes up with new circulars that are unpredictable and give schools a very small window in which to comply. Certain circulars are withdrawn randomly, without forewarning. This proved to be a hindrance in the smooth flow of information and had severe ramifications for school administrations.

The managers of the schools also believed that the decisions of the Directorate of Education were intended to put private schools in a tough spot.

Delays in decision-making: Both schools complained that the approvals for fee hike were almost always delayed and created financial problems for them. Fee hike proposals submitted for the academic year 2016 were approved in the academic year of 2018. Even after this long wait, most schools in Delhi were not allowed a fee hike or were allowed a fee hike that was less than what was proposed by the school administration. The schools reported that this gap in the decision-making process had hit schools the hardest during inflation. Schools attempted to overcome this by laying off staff. When the Directorate of Education issued any decision that was unfavourable to the schools, they approached the Court, which meant a drain of wealth for the school and greater delays in decision-making.

Inability to pay the staff as per the 7th Pay Commission: The schools interviewed have not been able to pay the teachers under the 7th Central Pay Commission. According to them, unless the fees of the schools are allowed to be increased in the near future, paying the teachers the needful will be impossible. In fact, a school principal reported that many schools already have an accumulated sum of arrears from previous expenditures, which they have not been able to redeem since 2016. Thus, the turnover rate, that is, the number of teachers leaving a school has increased as employees are shifting to work in areas such as Gurugram or Gautam Buddha Nagar, wherein the laws against fee hike are not as stringent.

Permitted fee hike: Schools in Delhi were of the opinion that an annual fee hike within the bracket of 10% should be allowed. In addition, they argued that they should be allowed to charge a development fee every year to maintain the infrastructure. This provision was in place before 2016 and made the process hassle-free.

Grievances of parents: Resistance from officials, no fixed prescriptions and no actual resolution

We gathered interviews from 9 parents whose children attend private schools in Delhi. We contacted these parents through the Delhi Parents Association (DPA), a pressure group in Delhi that voices the grievances of parents (although none of these parents were members of the DPA). Out of a list of 14 parents, only 9 parents were directly involved in filing fee-related complaints against schools.

Despite the government declaring otherwise, all parents interviewed reported that fee hikes occurred in the last 4 years. They also complained that 2 fee hikes were implemented, despite being rejected by the government.

Unwillingness to register complaints: Out of 8 parents, 3 who filed complaints with the Directorate of Education reported that the officers they approached resisted accepting their complaints. They insisted that the parents should try to resolve the matter within the school, and not escalate the issue to the Directorate of Education. Only on repeated visits did the concerned Directorate of Education official register the complaint.

Distance between schools and parents: Out of 9 parents, 8 submitted written complaints to the school. However, no action was taken on any of them. Parents also reported on the adverse measures taken by schools to prevent dialogue with parents, including refusing entry into school premises and reporting protests to the police.

Lack of a clear trail for processing complaints: None of the parents interviewed were told to whom or where their complaint was being forwarded. Only 2 out of 8 received an official response on their complaint. None of the parents interviewed said that the Directorate of Education had taken punitive action on any school that failed to comply with its order.

No fixed prescriptions by the Directorate of Education: Parents have submitted different documents through different channels as the Directorate of Education has not prescribed any procedure officially, apart from the proforma attached on the circular regarding FAC.

Other insights In the absence of clear instructions, parents submit different documents when filing a complaint. Among other things, these include:

- Fee slips
- Metric of fee structure
- Circulars issued by the school
- Orders sent by the Directorate of Education to the school for reducing fees (if any)
- Previous petitions filed by parents (if any)
- Court orders issued to the school (if any)
- PTA meeting minutes

Critical Aspects to be Addressed

Our analysis of the fee regulatory framework in the 2 states revealed a few common trends.

Selective, erratic or arbitrary government decisions

Fee regulation in both states is mired in unguided discretionary executive action. In Uttar Pradesh, this is exhibited in the gaps that existed within the UP Self-Financed Independent Schools (Fee Regulation) Act 2018. The law does not codify necessary procedures, leaving room for the DM heading the DFRC to steer the process almost entirely. While discretion may be required in the absence of guidance or certain checks and balances, this may result in a lack of accountability. In Delhi, various court judgements themselves provide discretionary power to the government. The few codified procedures, such as constituting the FAC, are not followed, leading to selective and erratic government action. Procedures vary greatly from district to district, and officials themselves are not clear on the exact process of fee regulation.

Cumbersome opaque mechanism for complaint resolution

Parents in both states are largely dissatisfied with the cumbersome procedures for complaint resolution. Complaints commonly include lack of transparency and dissatisfaction with the constitution and functioning of the committees in charge. In Delhi, particularly, the responses are extreme—parents fail to receive any responses on their complaints even after months and well-beyond the government-mandated deadlines. The unanimous cry is for greater parent representation in determining fees and adjudicating fee disputes.

Multiple inspections and greater burden on low-fee schools

Schools, on the other hand, grapple with different kinds of challenges. In Uttar Pradesh, low-fee private schools complain that the government has instituted the Act with only higher-end private schools in mind. Their specific needs were not factored in, adding another layer of red-tape to an already chaotic

regulatory environment. In Delhi, schools struggle as the government conducts multiple and irregular inspections, repeats audits within the same year, and dictates how schools must utilise their own funds. In both states, government action disallows private schools from operating independently, infringing upon their financial and managerial autonomy.

Despite being dissatisfied with the existing framework, neither of the stakeholders demand to do away with government action altogether. Given that fee disputes represent a failure of market negotiation, can government intervention close the differences between the 2 sides? Will self-regulation result in more beneficial outcomes by leaving both sides better off? Is there a need to also explore avenues for correcting the regulatory framework that already exists? These questions require further enquiry. Regardless, this paper points to the pressing need to move to more informed legislation for regulating private school fees—one that allows schools to operate autonomously, while sufficiently alleviating the concerns of parents.



HOW ARE PRIVATE SCHOOLS INSPECTED?

A STUDY IN DELHI

Muskan Jain and Mahim Singla
(*Kavya Phophalia and Pravish Agnihotri* assisted
with research methodology and field work.)

Executive Summary

The increase in the footprint of private schools necessitates effective regulation of these institutions. Government inspection of private schools is one tool for effective regulation. Inspection is a double-edged sword—if done correctly, it incentivises schools to be transparent, accountable and answerable. However, if misused, it can increase the cost of running these schools without aiding any improvement. This paper studies the *de jure* framework under which inspections are conducted and the *de facto* interaction of private schools in Delhi with administration functionaries at the site of inspection.

Over a period of 6 weeks, we studied school inspections as outlined in legislations, including the Delhi School Education Act and Rules (DSEAR) 1973 and the Right of Children to Free and Compulsory Education (RTE) Act 2009. We then compared our learnings against actual inspections. During field visits, we interviewed over 20 government officials and 6 school owners in Delhi, which helped identify the gaps between *de jure* and *de facto*.

While DSEAR 1973 recommends annual inspections of all private schools, the Directorate of Education inspects only 60 schools every year—5 schools from each district. The Private School Branch of the Directorate of Education releases the list of schools to be inspected, handles all inspection reports and is responsible for ensuring that schools act on the deficiencies found during the inspection. The inspection panel is led by a Deputy Director of Education (District) and comprises 4-8 officers, including an Assistant Accounts Officer/Accounts Officer, at least one Government School Principal and an Education Officer (EO) or a District Education Officer (DEO) from the school's zone.

At the pace of 60 schools a year, the Directorate of Education would take around 29 years to inspect all 1,761 private schools under its jurisdiction in Delhi. In practice, the time between two inspections varied from 2 to 8 years. The entire process, beginning from the advance notice to the school and ending with the school's response to the report, takes much longer than that stated in the orders/notifications and the claims of EOs. It may take longer than a year.

We also attempted a similar exercise in Haryana and found that Haryana does not conduct regular inspections, despite the Haryana School Education Act 1995 requiring that each recognised school must be inspected every financial year. Private schools in Haryana are inspected based only on complaints. EOs in Haryana cited a lack of State capacity to inspect each school every year as they also have to inspect school's recognition and upgradation of recognition.

In Delhi, given the nature of inspection proforma, officials exercise a high degree of subjectivity and discretion in evaluating a school. This is despite significant revisions to the inspection proforma twice since 1973. Studying the impact of inspections on school improvement was outside the scope of this paper. Yet, a close look at the process coupled with stakeholder interviews points out that the current quality of inspections is far from what it ought to be to meaningfully improve a school.

Introduction

In Delhi, an increasing number of students are going to private schools; between 2013 and 2018, children studying in private schools increased from 13.8 lakhs to 16.2 lakhs.¹ As of 2018, 40.1% of all students in Delhi and 33.2% of students nationally were enrolled in private schools.² The increase in demand for private schools has also led to a greater demand for regulation.

This paper analyses government monitoring of private schools. Inspections work as an interface between the government and private players, and form the basis on which any decision to grant or withdraw recognition is made. This paper aims to describe how the regulatory framework under which private schools in Delhi operate is enforced.

In Delhi, private schools are required to fulfil input requirements codified in the Delhi School Education Act and Rules (DSEAR) 1973 and the national Right of Children to Free and Compulsory Education (RTE) Act 2009.³ To ensure that schools, once recognised, continue to comply with recognition norms, the Directorate of Education in Delhi has the power to conduct inspections in these schools. Section 24(1) of DSEAR 1973 states that “every recognised school shall be inspected at least once in each financial year in such manner as may be prescribed”. The Act requires the inspections to be objective and aim at bringing about improvements in the standards of teaching in the school. The parameters of inspection include academic quality, co-curricular activities, sports, school administration, finances and management.⁴

Several papers have been written on the effectiveness of education regulation and inspections in India, but none give an insight into how private schools are inspected. Unless we know how the government inspects private schools, it is difficult to say what does it mean for a school to be recognised. Research on inspections includes studies by Tooley and Dixon (2005), Bhatti and Saraf (2016) and Ambast et al (2017). Tooley and Dixon (2005) interviewed schools and government officials to find that a culture of bribery, corruption and less than minimal compliance prevails among schools that serve low-income families. This is attributed to limited State capacity for enforcement, and Tooley recommends a system of self-regulation to tackle these problems. Bhatti and Saraf (2016) also echoed these concerns regarding inadequate State capacity as they analysed the government monitoring of its own schools by interviewing frontline officials.

Poor bureaucratic accountability, social distance between frontline officials and clients, and systemic infirmities also contribute to ineffective monitoring of schools. Ambast et al (2017) reviewed regulations pertaining to private unaided schools in 5 states that have the highest proportion of students studying in private schools. They used the respective states’ education act and rules, executive orders and court judgements as their basis for producing a *de jure* picture of school regulation and compared it with an adapted form of the World Bank’s Systems Approach for Better Education Results—Engaging the Private Sector (SABER-EPS) framework. The findings revealed that the regulatory framework fails or proves inadequate in the key policy goals outlined in the SABER framework, such as ease of opening schools, operational autonomy, empowering parents and communities, and accountability.

In 2012, a government review of DSEAR 1973 by a committee under the former state Chief Secretary, Shailaja Chandra, highlighted issues in the inspection procedure. As per the report, the number of private schools has increased rapidly, which precludes the inspection of each school each year. It also mentions that the utility of such inspections in Delhi declines due to delays in the process of

1. Economic Survey of Delhi 2018–2019, Chapter 15.

2. Unified District Information on School Education

3. Sections 18 and 19 of the RTE Act 2009 specify that a private school must not operate unless it receives recognition or is in the process of receiving recognition by the State’s Directorate of Education. The requirements for recognition include the size of the land upon which the school has been built, infrastructure and teacher–pupil ratio among other factors

4. The Director of Education also has the power to call for special inspections focused on more specific issues such as compliance with a reservation for Economically and Socially Weaker Sections (ESWS) or to catch any illicit commercial activities on school campuses.

communicating the deficiencies to the school. The Shailaja Chandra Committee also designed a shorter inspection proforma (See Appendix F) that replaced the proforma that was being used at the time, which had, in turn, replaced Form V prescribed by DSEAR 1973. Other than the revised form being adopted, none of the other suggestions about inspections given by the Shailaja Chandra Committee have been put into practice.

Despite the key role played by inspections in ensuring compliance, they remain an under-researched area. Given the gap in knowledge and as a precursor to further research on the impact on inspections, this paper presents the mechanisms and assumptions that govern school inspections. The research focuses on private schools in Delhi. Within private schools, we focus only on private *unaided schools*—i.e. schools run by private organisations or a trusts that do not receive aid in any form from the government.

The paper aims to answer the following three questions:

1. What is the mandate of the law with regards to inspection of private schools?
2. How is the mandate implemented by government officials in practice?
3. How aligned is the practice on ground with the mandate of the law?

In each section, we highlight the gaps between the mandate and the practice through insights gathered from interviews with officials and analysis of inspection reports.

How are private schools in Delhi inspected?

We collected relevant data over a period of 6 weeks from July to August 2019. We analysed the following documents for the case study on Delhi: DSEAR 1973, RTE Act 2009, Delhi RTE Rules 2011 and government orders on private school inspections. In addition, we reviewed 8 private school inspection reports obtained from the Private School Branch of the Directorate of Education, Delhi.

To understand the *de facto* process and the perspective of government officials involved in inspection duties, we visited 18 government offices and 4 government schools. We conducted interviews with the DDE (District), DDE (Zone), Section Officer (SO), Assistant Section Officer (ASO), Assistant Accounts Officer/Accounts Officer (AAO/AO) and Supervisor for Physical Education (SPE). In sum, we met 50 government officials in Delhi, of which 20 agreed to speak on the subject of inspections (Figure 4.1).



Figure 4.1: Interviews with 20 government officials.

To corroborate information and understand the views of schools, we reached out to 30 private schools that were to be inspected by the Directorate of Education in 2018–2019 (See Appendix H). Of the 30, 6 schools responded. We interviewed either the school owner or the principal.

In addition, we filed Right to Information (RTI) queries with the Directorate of Education in Delhi to understand the number of officials involved in private school inspections and the total number of private school inspections between April 2018 and March 2019. At the time of writing, we received 22 responses. These included responses from 20 out of 29 zones in Delhi, a government school and the inspection cell.

DSEAR 1973 grants or delegates multiple powers to the Directorate of Education including regulation of education in all schools, establishment and maintenance of schools in Delhi, granting of permission to any party (local government body/private body) to establish schools, withdrawal of recognition of private schools, distribution or stoppage of aid to private schools and approval of fee charged by private schools.⁵ Sections 4(1) and 4(6) of the Act authorise the Director to grant recognition to private schools and withdraw recognition if it fails to meet the specified norms. Section 24(1) and rule 190(1) vest the power to inspect with the Director of Education.

Multiple bodies, government and private, inspect private unaided schools

Rule 190(1) mandates that every recognised school must be inspected once every financial year. Within the Directorate of Education, the DDE (Private School Branch)⁶ looks at matters related to the establishment of recognised schools. It is responsible for granting recognition to unaided schools under DSEAR 1973 and RTE Act 2009, upgrading recognised schools, extending provisional recognition, monitoring inspections, handling complaints against private schools and formulating policy on admission, fee and freship to students under Economically Weaker Section/Disability Category among other functions (Unpublished Document, Government of India).

Our study corroborated these functions—no private recognised unaided schools can be inspected on behalf of the Directorate of Education without an order from the Private School Branch. Further, Private School Branch communicates all follow-up actions to schools. The office of Private School Branch is also the storehouse of all inspection reports (from where we sourced 8 inspection reports for analysis). The official list of functions states that Private School Branch does “monitoring of inspections of private unaided recognised schools”.

While section 24(1) of the Act mandates annual inspection of every school once every financial year, 24(2) also allows the Director to conduct “special inspections” if necessary. Through interviews, we found that the Private School Branch, on behalf of the Directorate of Education, may conduct one of 6 types of inspections (Table 4.1).

Table 4.1: Types of private school inspections by Directorate of Education

Type of Inspection	What it entails
For recognition	Sections 18 and 19 of the RTE Act 2009 mandate recognition, while DSEAR 1973 (Chapter IV) provides for the procedure to be followed and conditions to be fulfilled to get recognised.
For extension of recognition	Directorate of Education inspects provisionally recognised schools every 5 years to extend their provisional recognition.
For upgradation	Schools that have applied for upgradation (more classrooms or grades) are inspected for infrastructural requirements.
Routine annual	Selected recognised private unaided schools are inspected annually.
Complaint based	Surprise inspections of a school triggered when a complaint against it is received
Special	Inspections ordered by higher authorities to check for specific aspects such as a school’s compliance with ESWS reservations.

5. See Circular No. F.DE/Act/27/PB/Delegation/2001/

6. Previously known as the Act 1-Branch.

Private School Branch appoints a Directorate of Education nominee, what they call as a DE nominee, for each unaided recognised private schools in the National Capital Territory (NCT) of Delhi. These DE nominees are essentially principals/vice principals of government schools and have the power equivalent to that of the Director (for inspecting private schools). These DE nominees can inspect the schools under them for any particular criterion as ordered by the authorities (Private School Branch/Director/Secretary of Delhi) any time of the academic year.

Besides these inspections, schools are also inspected by government agencies, such as the Delhi Commission for Protection of Child Rights (DCPCR), and private bodies, such as the Central Board for Secondary Education (CBSE). However, this study focuses only on inspections by the Directorate of Education, especially annual inspections, as prescribed by the Act. The following section elaborates on the frequency, process and stakeholder perceptions of the annual inspections.

“Annual inspections” are not conducted annually

As of 2016–2017, 49% of all schools in Delhi (numbering 2,682)⁷ are unaided recognised private schools.

While the DSEAR 1973 mandates annual inspections, interviews with officials and a review of government orders revealed that the Directorate of Education chooses only 60 schools annually for a routine inspection under rule 190 of DSEAR 1973. At the pace of 60 schools a year, the Directorate of Education would take around 29 years to inspect all 1,761 private schools under its jurisdiction. The annual schedule of the Directorate of Education selects 60 schools out of all recognised private schools for inspection. The 12 DDEs (District) that conduct the annual inspections are also required to conduct inspections of schools granted provisional recognition up to the elementary level under the RTE Act 2009 (as stated in the order of inspection).

When we asked why all schools are not inspected annually, four officials cited a challenge of understaffing. Rule 193 requires every inspecting officer to “inspect not less than 50 schools in a year”. In response to the RTI filed, the Private School Branch answered that “the number of officials involved for inspection of schools varies from time to time”. In a question regarding the total number of inspections conducted by each inspecting officer between April 2018 and March 2019, the Private School Branch responded “02 schools”.

The interviewed officials mentioned that they rely on government school teachers to assist them with their daily workload. Further, they mentioned that government school inspections are prioritised over private school inspections.⁸ One of the officials remarked that it is not possible to inspect each school every year considering the population, the increasing number of private and government schools, and the increasingly different types of inspections that have started to take place in the city. They further explained that the requirement of maintaining paperwork is a major burden for the officials, thereby making it difficult for them to conduct more inspections.

Insights from inspection reports

An inspection form requires officials to fill 4 dates—the year the school was established, the date it was last inspected for recognition/re-recognition/upgradation, the date it had the last annual inspection and the date of current inspection.

- 5 out of 8 reports had the date of the current and last inspections. Based on this, the time between 2 inspections ranged from 2 to 8 years (Figure 4.2).
- 2 out of 8 reports did not have the date of the last inspection or the date of inspection for recognition. This implies that either the schools had not been inspected since their

7. Unified District Information on School Education (UDISE). Accessed: 1 September 2019.

8. In response to an RTI query, the inspection cell responded that 4,773 inspections were carried out by the Directorate of Education in government schools in the year 2018 to 2019.

establishment or that the officials did not fill in the details—both are a cause of concern. Where one reflects a poor monitoring mechanism, the other highlights casual record-keeping.

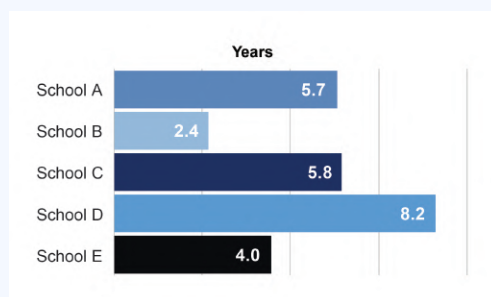


Figure 4.2: Years between routine inspections.

Throughout our interviews, officials emphasised that the Directorate of Education did not have sufficient manpower to carry annual inspections for all recognised private schools under its jurisdiction. An officer at the Private School Branch told us that the department was operating at 40% capacity at the time of the interview.

An inspection has 7 steps which can take 919 days

Step 1 → Private School Branch selects 60 schools randomly

Every year, the DDE (Private School Branch) releases a list of schools to be inspected in the year. According to an EO, the Private School Branch “randomly” chooses the 60 schools. The selection is such that at least 5 schools from each of the 12 districts of Delhi are chosen. The officers ensure that recently inspected schools (3 to 5 years) are not inspected again. Besides, any school that has undergone a special inspection (that is, a complaint based or according to an order by any competent authority) is also avoided during the selection. The schedule/order includes details, such as the time period, within which inspections are to be conducted and instructions on how to form the panel and choose inspection dates. The schedule also includes the proforma to be used in the inspection.

Step 2 → Private School Branch lists the members of an inspecting panel

Section 190 of DSEAR 1973 grants the Director the responsibility for the supervision and inspection of all schools. The Director has the power to form an inspection panel or authorise his/her subordinates to conduct inspections.

As per the order issued by the Private School Branch, the inspection panel, led by a DDE (District), includes an AAO/AO and at least one government school Principal from the Team Leader’s district, and an EO or DEO from the school’s zone (See Appendix H). Team leaders are always assigned schools that are not within their own districts, i.e. a DDE (District) never inspects schools in their own district. All other team members except for the DDE (Zone) are also from the Team Leader’s district. The Team Leader may choose any number of members as she wishes. The team, however, must include the members prescribed by the Directorate of Education.

Insights from inspection reports

The number of members in an inspection panel varied from four to eight as the Team Leader has the discretion to have additional officials. The additional officers include Officer on Special Duty (OSD), SO, Additional Director of Education (ADE), an officer with a specialisation in sports [SPE/Post-Graduate Teacher (PGT) of Physical Education] and a government school Principal/Vice Principal (Figure 4.3).

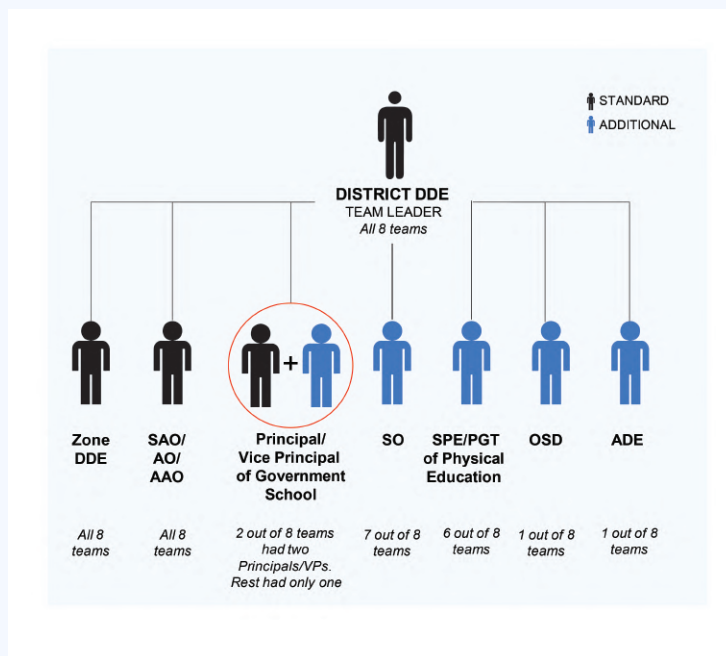


Figure 4.3: What does a typical IDE inspection team look like?

Step 3 → Advance notice is sent 3 to 45 days before an inspection

The date of inspection is fixed by the Team Leader in consultation with the team members and school management, and finalised the date and time of inspection is intimated to the school in advance.⁹ Neither the Act nor the order specifies the advance notice period. According to officials interviewed, the schools are usually given 10 to 15 days before the inspection to prepare. In the case of a genuine reason, schools can request a change in the date of inspection. 1 school in our sample had requested a change in the inspection date on the ground of absence of the Manager.

Insights from inspection reports

Government officials reported sending advance notice of inspection a fortnight prior to the inspection date. Inspection reports reveal that while one school received the notice 3 days prior to the inspection, another school received it 45 days in advance.

The Team Leader also sends a self-assessment Proforma/Annexure to the schools. Only 1 out of 8 inspection files surveyed contained notes on self-assessment sent by the school. It is not clear if it is because the other schools did not receive a proforma, did not fill it or the filled form was not included in the file.

9. The Team Leader is also required to upload certain information about the school to be inspected on the department's website at least 5 days in advance. This is not made public and is for the internal record of the department. It includes details such as the date of inspection, reporting time in the school, the name of the school and its ID, location of the school, names of the Principal and Manager of the school, personal contact numbers of the Principal and Manager of the school and the name of the Team Leader with designation.

Step 4 → Inspecting panel collects 46+ documents and fills a 68-point checklist in 2 to 3 hours

Who inspects what?

The Team Leader assigns roles to all other members of the panel. Typically, government school principals inspect academic performance, infrastructure of the school and monitor compliance with ESWS quotas. An AO checks the finances of the school for non-profiteering, teacher’s salaries and financial irregularities. An SPE (if in the panel) inspects the sporting facilities of the school. The DDE (Zone) or another administrative officer looks into the administration and management structure of the school. The Team Leader oversees the entire process even though he/she may not be present throughout the inspection, as reported by 2 school owners.

What does the inspection proforma entail?

Documents produced by schools are the key sources of verification for inspecting officials. A minimum of 46 different documents are checked during inspections (Figure 4.4).

The inspection proforma, a revised version of Form V prescribed under DSEAR 1973, has 7 sections (Table 4.2).

Table 4.2: Inspection Proforma Sections

Section	Issues covered
Administrative (4 questions)	On the constitution of the Managing Committee and the frequency of its meetings; appointment, payments and attendance of teachers; and freeships to EWS.
Office Procedure (6 questions)	On the maintenance of service books, promotion and suspension of teachers
School Management	About the functioning of the managing committee, complaints against the school, commercial activities within the school compound and if lady teachers have faced sexual harassment or overwork
Academics (20 questions)	To assess the quality of teaching. The officers look at the use of audio-visual aids, lesson plans, quality of teacher student interaction, class and homework, examinations, effort on gifted students, PTA elections and if number of sections exceed approved sections.
Facilities (7 questions)	On whether the school has requisite infrastructure per DSEAR 1973, if the school has received certificates regarding fire safety and “building completion, drinking water, facilities, and so on (sic),” and if the classrooms and playgrounds of the school are “spacious enough” for its students.
Financial (11 questions)	To assess loans and transfers made by schools, expenditure vouchers, fees charged, maintenance of financial accounts, payment of teachers’ salaries, utilisation of funds, financial viability and provision of 25% freeship to EWS students.
Miscellaneous (3 questions)	To assess loans and transfers made by schools, expenditure vouchers, fees charged, maintenance of financial accounts, payment of teachers’ salaries, utilisation of funds, financial viability and provision of 25% freeship to EWS students.

High degree of subjectivity in evaluation

Clause 192(1) of DSEAR 1973 demands every inspection be as objective as possible. However, in the absence of guidelines for officers, how panel members go about their tasks is subjective. For example, on the issue of admission of economically weaker students as mandated by section 12(1)(c) of the RTE Act 2009, one inspector calls the parents of every single EWS student to verify if their child is attending classes whereas another inspector tried to find a “statistical anomaly” in the enrolment numbers of these students before conducting a physical check.

This subjectivity is exacerbated by the nature of constructs measured by the questionnaire and the method to measure it. Most questions on the proforma (See Appendix F) are open ended, and responses range from one word (yes/no) to elaborate descriptive answers, depending upon the inspecting officer. For example, the first question in the Academic section is “how has the teacher planned his lesson,” to which one officer responded “Objectives of lesson plan not mentioned,” and the other noted “yes (very well)”. Further, in another question, one officer remarked, “Yes,” and the other responded, “Average”.

The questions are loaded with vague constructs that are difficult to measure, for example, “How thought-provoking were the teachers’ questions” or “How does a teacher inculcate love for the subject and love for reading”. It is unclear how inspectors interpret thought-provoking or make a judgement about the teacher’s ability for inculcating love for the subject. Open-ended questions with loose constructs allow for subjective evaluations and a high degree of discretionary power.

While the Academic section suffers the most from the open-ended subjective questions (in the absence of standardised tests to measure school performance), other sections rely on verification of documents such as Managing Committee minutes, payslips, sexual harassment committee meeting minutes, safety certificates, health certificates, teacher qualifications and more (See Appendix E).

Insights from inspection reports

Time taken and depth of inspection: DSEAR 1973 states that it may take 2 to 3 days to complete a “full-fledged inspection”^a. However, the advance notice sent to one of the schools stated that the inspection would take 2 hours.

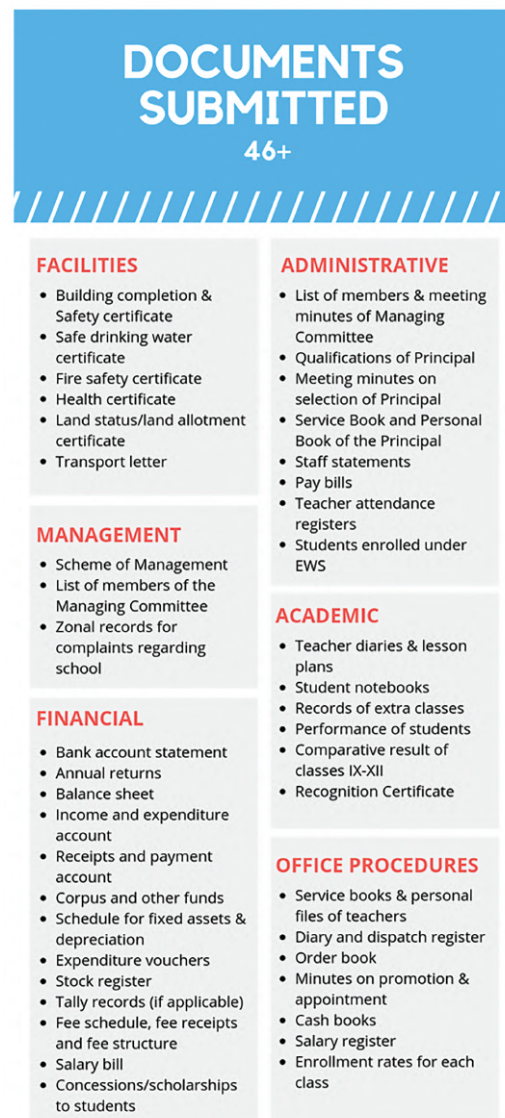


Figure 4.4: What does the inspection team assess?

- This difference in response may be due to the difference in the intention of the Act versus State capacity to implement. For example, clause 192(3) of DSEAR 1973 requires an inspecting officer to “go to each class and watch the teaching by each teacher in at least two classes”. This means a government school principal is required to inspect at least 2 classes of every single teacher in the school. However, in practice, the inspectors are free to choose the number of classes and which classes to inspect.
- In 1 school, inspection report class observations were conducted in 6 classes (2 each of primary, middle and secondary classes). Reports from 6 other schools had observations from only 1 class. In another school no class was observed at all as the scheduled observation time was the activity period.

Inconsistencies in the record and the final report: We observed several inconsistencies between the notes of the inspecting officer and the final compiled report prepared by the Team Leader.

- For instance, the inspecting official note “Remedial classes are planned” became “There was no record of remedial classes whatsoever” in the final report. It is not clear why the interpretation was different from the original notes in the inspection report—it could be a mistake or perhaps the Team Leader had additional information not covered in notes.
- In 1 report, the comments in the Academic section indicated that more than 1 classes were observed, whereas in notes submitted by the team member only 1 class was assessed. “Not useful” in the handwritten notes became “Not useful in some of the classes” in the final report despite the fact that notes submitted were only for 1 class.

Suggestions that did not appear in the final report: The team member assessing the academics in a school usually writes down special remarks/suggestions during class observations. These observations were found in inspection files, but did not appear in the copy of the reports shared with the schools. These suggestions included points such as using more teaching aids, submitting records of PTA elections, correction of notebooks before mid-term exams, maintenance of proper timetables for all labs, maintenance of record of assessment, conducting regular remedial classes for weak students and issuance of library books to all students.

a. Section on How inspection is to be made, Form V (DSEAR 1973)

Step 5 → Team Leader compiles all notes to draft the final report

Following the physical verification/inspection, all panel members are supposed to send the notes taken during inspections to the Team Leader, who compiles them and prepares the final report which is attested by all members of the team. This report is forwarded to the Private School Branch. The report is supposed to reach the headquarters within 3 days as per the order of inspection or within 15 days per DSEAR 1973, but in practice this takes much longer.

We heard contradictory answers when we questioned the concerned authorities about the time taken to compile the inspection reports; a few answered 15 days, while other officials stated longer intervals. These officials explained this discrepancy by stating they were overworked, hence the delays in the process of report preparation.

Step 6 → Private School Branch Shares the Report with the School within 69 to 573 days

The Private School Branch on behalf of the Director of Education shares a copy of the inspection report with the concerned school. The copy of the report is an important document for the school management. First, it notifies the school authorities about the various deficiencies that need to be

rectified. Second, it specifies the time period within which the school is needed to send the comments across to the Director on the steps taken to rectify the deficiencies.

Insights from inspection reports

Sharing of the report with the school: The Director must share a copy of the inspection report with the school within 15 days of the completion of inspection^a, but none of the schools in the sample received the same within the stipulated time.

- The time period ranged from 69 days to 573 days (Figure 4.5).
- The copy of the inspection report sent to the school includes an attached form in which the school management is expected to send comments. The comments are supposed to be sent in a tabular form along with a softcopy in a CD.
- Officials mentioned that the time given to the schools to respond to the Director or to rectify the deficiencies differs across schools. The inspectors interviewed mentioned that certain deficiencies, such as updating office documents, could be done immediately, whereas others, such as building toilets or medical room, may take longer. The nature of shortcomings is thus taken into consideration while deciding the time to be given to the schools.

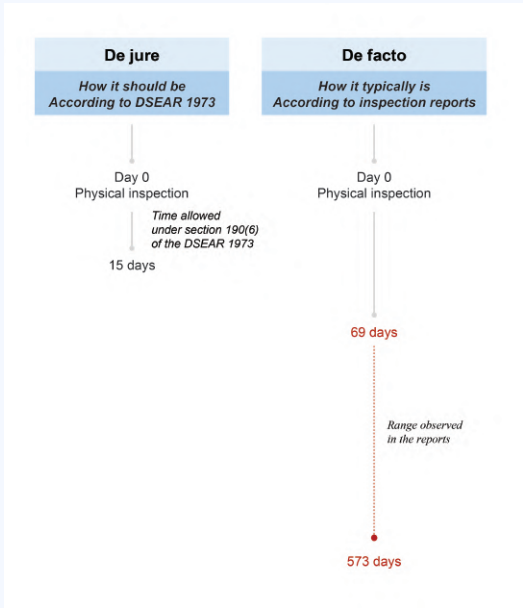


Figure 4.5: Time taken by Private School Branch to share the inspection report with the school.

a. See Rule 190(6) of DSEAR 1973.

Schools are typically given 15 or 20 days to send comments on the deficiencies noted in the report. However, the actual time taken by the schools to send this may exceed the given time. In all the reports analysed, none of the schools had sent the response on time. One of the schools had not sent their response even though 300 days had passed since they received the inspection report. (Figure 4.6).

Step 7 → Private School Branch sends reminders, warnings or eventually show cause notices to force compliance

The Private School Branch is authorised to take punitive action against the school if timely or adequate corrective measures are not taken. The schools receive a Reminder notice in case they do

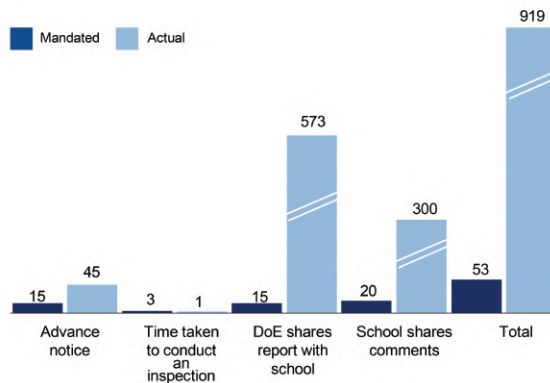


Figure 4.6: Maximum time that should be taken as per the rules versus maximum time taken in practice drawn from 5 inspection reports.

not heed to the first notice stating the deficiencies. In case the school ignores the reminder, the school receives the final warning following which it receives a show cause notice for withdrawal of recognition. (Figure 4.7.)

However, the follow-up action taken by the Private School Branch is also arbitrary as only 1 school in the sample received a Reminder and a Final Warning. 1 senior official mentioned that the schools are usually given ample opportunity to send their comments to the reports. The EOs seemed averse to the idea of taking strict measures against the schools in consideration of the constrained supply of schools in Delhi in relation to their demand. The Directorate of Education seems reluctant to take strict measures mentioned in the act against defaulting schools. No school has been closed as a result of deficiencies noted in annual inspections in the last 5 years.

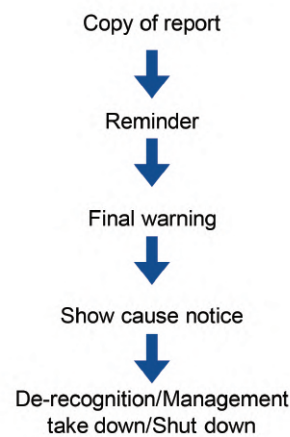


Figure 4.7: Process for taking punitive action.

2 officials also revealed that the schools operating on the Delhi Development Authority's land are more strictly regulated compared with the schools operating on private land. They justified this by stating the responsibility of the school operating on the government land to comply with all the norms as mentioned in the different laws regulating the school education in the city. In contrast, they reaffirmed the idea of difficulties faced by budget private schools operating on private land to break even or fulfil the infrastructural and accounting norms mentioned in the acts.

Tool for compliance or tool for harassment?

What is the significance of inspections for Education Officers?

According to 2 officials, private schools are expected to comply with the norms to ensure that the students are able to study in a student-friendly and safe environment. An officer at the Private School Branch of the Directorate of Education mentioned that private schools are given recognition on a condition that they will adhere to the rules, and annual routine inspections are a way to ensure that

the rules are being complied with. Another official stated that schools might alter behaviour once recognised, and annual inspections allow continued compliance. For instance, a school gave a part of the land for commercial activity after getting recognition under DSEAR 1973.

Moreover, it is possible that the number of students enrolled in a school increased substantially after recognition, but the school facilities were not upgraded at par. Annual inspections are a means to ensure that schools comply with all the infrastructural requirements in such cases.

Notwithstanding the good intentions of the EOs and the law, 2 officials opined that the private school inspections are a medium of earning money for officials. Schools, especially budget private schools, find it difficult to fulfil all the conditions mentioned in the law. Such schools find it easier to get the required documents through informal ways and under the table transactions.

What do schools think about inspections?

School owners would like inspections to aid the improvement of schools. All school owners we spoke to were of the opinion that inspections, as they are being carried out right now, are not able to do this function. From the school owners' point of view, inspections are conducted as fault-finding exercises, where an atmosphere of stress and panic is created in a school. The focus of an inspection is to check for any form of non-compliance in a school, where parameters such as EWS quotas, teacher salaries, non-profiteering and infrastructure are given priority; however, such inspections do not help in improving learning outcomes in schools.

As per 5 school owners, inspectors are able to leverage on deficiencies they find to extort bribes from schools. These same school owners were candid in admitting that they make these “facilitation payments” to avoid further problems.

Critical Aspects to be Addressed

We conducted the primary field work for this paper in Delhi over a period of 6 weeks.

We also attempted a similar exercise in Haryana. Interviews with two senior officials and five clerks revealed that Haryana does not conduct annual inspections as mandated by the HSEA 1995. The state conducts only a complaint-based inspection. While these complaint-based inspections must also be studied, this paper focuses only on annual inspections conducted by the Directorate of Education in Delhi due to limited time and resources.

Annual inspections in Delhi are lacking in several ways, as highlighted below:

High degree of subjectivity

The vision of the Directorate of Education in Delhi is to improve the quality of education for all schools. The inspection proforma for annual inspections covers different aspects of running a school that may have an impact on the quality of education. These parameters, while seemingly sensible, are sometimes difficult to measure or objectify, leaving a lot of discretion to inspecting officials. Moreover, the reliance on documents furnished by a school for preparing the inspection report can open up opportunities for the school to manipulate its documents, especially pay bills and financial accounts.

Limited State capacity

Inspection of private schools can be justified as a tool to ensure adherence to laws; however, the case studies point that the way inspections are done today renders the process redundant. The Directorate of Education does not have sufficient manpower to inspect all schools each year. Where one state randomly selects 60 schools to inspect, the other does not inspect at all.

Reports in Delhi are not publicly available

If the inspection reports were made public, schools would have a greater incentive to rectify any deficiencies noted to avoid any negative public exposure. However, currently the inspection reports remain confidential. Further, inspections do not take into consideration the views of the primary stakeholder—parents or students—making it a matter just between the officials and schools. This fails to solve the problem of asymmetric information, which inspections could possibly help with. In Haryana, for example, recognition inspection reports are published on the Department of School Education website. These reports do not include any information on the academic performance of the school and, thus, may be of limited use.

This study had several limitations. It was conducted over a period of 6 weeks and we were restricted in our ability to cover a large sample. Given that after a point of time, we were getting repetitive answers, we believed that we produced a fairly clear picture of the inspection process. Despite repeated visits to the Private School Branch, we could access only 8 inspection reports and 6 of them were from the same district and had the same inspection panel. This meant that the panel's reports and methodology are overrepresented in our sample and could introduce process biases that are unique to these set of panellists. Inspections involve a great deal of subjectivity and discretionary power with the inspecting officials and therefore our inability to interview more inspectors and review more reports is a crucial limitation of this study.

Further, private schools were particularly difficult to survey, especially given that the study was conducted in the summer months of June and July when a lot of principals and managers were unavailable. While we were able to interview 5 private schools, these were primarily “low-fee” schools serving poor households. Richer schools simply did not entertain research queries, and we were unable to pursue these schools because of time constraints. Therefore, we cannot eliminate the possibility that inspections in premium private schools could be significantly different in execution. The limitations in the scope and methodology open opportunities for further research. The questions that the next study on government inspections of private schools may focus on:

1. How does a difference in the private school inspection system in Delhi and Haryana (regular inspection versus complaint-based inspection) impact the efficiency and effectiveness of the exercise?
2. How does the penalty ladder function in the case of non-compliance? How many schools have been penalised or subjected to withdrawal of recognition? While we attempted to answer these questions through RTIs, we got only sketchy answers.
3. While the RTE Act 2009 requires the government to withdraw recognition or charge a hefty fine, we find that, in practice, punitive measures are rarely employed. If the government is not withdrawing recognition, be it due to corruption or a genuine concern for the students of the schools, what are the other mechanisms that could be used to ensure school improvement?
4. What is the training that inspectors receive currently to execute their duties? Given the understaffed department, could there be a different body that would look solely at inspections?



DECONSTRUCTING K-12 GOVERNANCE IN INDIA

CHALLENGES OF EXECUTIVE DISCRETION IN THE REGULATION
OF PRIVATE SCHOOLS

*Bhuvana Anand, Jayana Bedi, Prashant Narang,
Ritika Shah and Tarini Sudhakar*

Introduction

The parliament or the state legislature delegates a range of powers to the Union or the state government (i.e. the executive). This delegation of quasi-legislative, quasi-judicial and administrative functions confers discretionary powers on the government functionaries. Executive discretion or the freedom and power to decide, unavoidable and to an extent desirable, when not handled with care can lead to misuse and abuse of power. This paper teases out the discretionary powers conferred upon the state governments for regulation and management of education. In particular, we study the use of discretionary powers at 3 touchpoints—the government as a licensor, fee regulator and inspector of private schools. The paper draws evidence from the preceding chapters, collected during a 6-week research project on education governance in three neighbouring states—Delhi, Haryana and Uttar Pradesh.

The Union and state governments have the power to write rules, apply standards on a case by case basis, recognise schools, conduct surprise or scheduled inspections, withdraw recognition, impose penalties and resolve disputes. For example, Section 4 of the Delhi School Education Act (DSEA) 1973 lays out the conditions for school recognition such as adequate funds, approved Scheme of Management, suitable or adequate accommodation, approved courses of study, efficient instruction, teachers with prescribed qualifications, and prescribed facilities. It is left up to the judgement of the executive body to define *adequate, suitable, Scheme of Management, efficient and prescribed*.

This grants a large area of choice and freedom to the government officials to define and apply the law.

The delegation of power makes the introduction of checks and balances necessary to ensure that rules are general, public, prospective, coherent, clear, stable, and practicable (Lon 1964). There should be measures to ensure that individuals are not subjected to the arbitrary use of powers or injustice at the hands of the officials. Relying solely on the goodwill of administrators may not be sufficient to ensure the rule of law and rule by law.

Some questions this paper answers include: Are officials acting within defined bounds? Is the decision-making process fair and transparent? Are there mechanisms to ensure individuals are protected against the arbitrary use of power? While the research was conducted in 3 states, there are governance lessons for other states as many state and central laws confer powers in a similar manner.

In this chapter, we analyse the findings of the previous chapters to highlight the areas of discretion in the executive's powers to issue a license, regulate fees and inspect schools.

How does executive discretion manifest in the regulation of private schools?

Executive or administrative discretion appears at 3 touchpoints in the operational life cycle of a private school: licensure, inspections and fee regulation. Besides these, there are other such touchpoints including restrictions on open admissions and Section 12(1)(c) of RTE 2009. In all of these areas, the Department of School Education at the state level has the powers and authority to impose penalties for non-compliance with the rules.

Below we analyse the first 3 touchpoints with reference to Delhi and in Uttar Pradesh in the case of fee regulation.

Licensure: Thresholds undefined or unjustifiably restrictive

The Directorate of Education in Delhi issues 3 certificates for opening a private unaided non-minority recognised school: the Essentiality Certificate, approval of the Scheme of Management and the Certificate of Recognition. If all goes well, it takes 125 documents and clearances from over 40 officers to secure these three certificates.

An “essential” school: Who decides, on what basis, and how

Rule 44 of the Delhi School Education Rules (DSER) 1973 mandates that every individual, association of individuals, society or trust, desiring to establish a new non-minority school would need to give intimation in writing to the Administrator of his or their intention to establish the school. Further, Rule 44(3) authorises the state Administrator to decide if the new school is necessary for the area and is in public interest. Rule 44 argues that these measures are “to aid the planned development of the city”, and this objective has taken the form of the Essentiality Certificate. The Administrator’s powers to grant this certificate are delegated to functionaries within the Directorate of Education.

What does the Directorate of Education require to decide if the applicant meets the threshold for the certificate to be granted?

Rule 44(2) requires the applicant’s Notice of Intention to append: the zone in which the school is proposed, an estimation of the number of students to be enrolled, measurement of the building, financial resources for meeting expenses, the composition of the managing committee, proposed pay scales, and fees. It also requires the applicant to provide “the number of schools of the intended stage in existence in the Zone where the new school is proposed to be established and the population of such a Zone”. To simplify the application, the Directorate of Education has made a 27-point checklist available to applicants. It is unclear if this checklist (See Appendix B) is intended as being exhaustive or merely specifies minimums. The checklist makes no reference to proving that the school is essential.

Twenty years ago a CCS paper asked what an unessential school was (Wadhwa 2000). None of the documents sought from the applicant detail what would qualify them as an “essential school”. Presumably, this judgement is made by functionaries scrutinising applications. There is no transparency to an applicant nor formal guidance to functionaries about the basis functionaries will use to determine essentiality. This lack of guidance in applying executive discretion also extends to Rules 45 and 46 where the school administration is asked to give “full justification” for wanting to add more classes or shut down the school. No guidance is provided on what would count as full justification.

The Essentiality Certificate is, at the heart of it, anti-competition. The Shailaja Chandra Committee recommended deleting this requirement, but the Government of Delhi is yet to implement these recommendations.¹

Rules written by the executive need to be circumscribed within the provisions of a parent statute and meet the standard of reasonableness. The Essentiality Certificate, however, does not have a statutory basis in DSEA 1973 or in the Right of Children to Free and Compulsory Education (RTE) Act 2009. Section 4 of DSEA 1973 prescribes 6 criteria for recognition including financial stability, duly approved Scheme of Management, adequate accommodation and sanitary facilities, provision of approved courses of instruction, and qualified teachers. Similarly, Sections 18 and 19 of the RTE Act 2009 prescribes norms and standards for recognition. Proving that a school is essential in an area does not feature in any of these. It only finds a mention in DSER 1973, a glaring instance of quasi-legislative discretionary excess.

1. Report of the Review Committee on the Delhi School Education Act and Rules, 1973, Vol I, p. 76.

Only one way to run a school: Free-hand to the executive to define the management structure

Section 4 and 5 of DSEA 1973 necessitate “a duly approved Scheme of Management” to recognise a school. Section 28(2)(i) allows the administrator to make rules on the contents of the scheme of management and manner of making the scheme of management. Chapter V of DSEAR 1973, entitled Scheme of Management, defines what the scheme entails and lays out the responsibilities and powers of the management committee and the head of a school.

Rule 59(1) mandates stakeholder representation in the managing committee and prescribes its composition. It sets an upper limit on the number of committee members in aided and unaided private schools. Members must include head of the school, a parent, 2 teachers elected by the teachers of the schools, 2 teachers of other schools/college elected by the advisory board, and 2 members nominated by the Directors to include an educationist and an official of the Directorate of Education.

The thresholds of maximum composition are different for aided and unaided schools. The justification for either the upper limits and the variation between the two types of schools is not provided. Besides formation of a managing committee with parental and teacher representation, compliance with Rule 59(1) is a requirement before the school is operational. How do you constitute a managing committee with parental and teacher representation prior to securing recognition and beginning operations?

Rule 59(2)(h) identifies a long list of duties, powers and responsibilities of the head of a school but in the same breath allocates over 30% of her time to teaching duties.

Rule 59(3) of DSER 1973 requires the managing committee of an existing school to make the draft of scheme of management within 90 days from the commencement of the rules to get approval. However, there is no such upper limit on the appropriate authority to approve.

DSEA 1973 lays down an approved Scheme of Management as a minimum condition for awarding Certificate of Recognition. But it awards these quasi-legislative powers with no prescription on what the rules may extend to. In the case of the scheme of management, the statute gives no guidance on its purpose nor sets out any principles for laying down any further rules. The rules framed discuss the exact design of a well-managed school, with no discussion on the attributes of such a school. Further, the rules do not state the purpose of such an iron-clad management structure. Some questions remain unanswered: what kind of rules should the administrator be allowed to make and what should be the factors to consider in making the rules.

In sum, the rules to open a school are intrusive, rigid, bear scarce consideration for State capacity to monitor, and ignore impact on private initiative to start a school or on quality of education.

Fee regulation: Procedural lapses coupled with administrative opacity

Higher courts in India have in many judgments pronounced an aversion to commercialisation of education, but allowed schools to retain a “reasonable surplus”. By default, the determination of what would count as reasonable surplus is left to the administrative machinery. Having an objective and publicly stated criteria “for determining where reasonable surplus ends and profiteering begins” is as critical as it is difficult (Mitta 2009).

Nevertheless, over the last decade at least 7 states across India have adopted fee regulation (Centre for Civil Society 2018). Regulation of fee involves caps on either the total fee charged or the change in fee level. In addition, state governments have built quasi-judicial bodies to resolve fee-related disputes and approve fee hikes.

In Delhi, a 2010 circular, drawing its power from Sections 17 and 18 of DSEA 1973, lays out the prescribed heads under which schools can charge fees, places restrictions on how the collected fees

must be spent and on how the school’s reserves may be utilised. Moreover, it mandates schools to exhaust all other sources of revenue before raising fees.² In fact, many would argue that the circular goes beyond the mandate of the statute in its current form. In Uttar Pradesh, the UP Self-Financed Independent Schools (Fee Regulation) Act 2018 regulates fee for schools that charge an annual fee of over Rs 20,000. The annual fee hike is based on the increase in the salary of the teaching staff and the inflation rate.

Schools in Delhi and Uttar Pradesh report that control over the fee structure has a bearing on service provision, meeting Seventh Pay Commission demands and ability to admit students on scholarship. On the other hand, parents in both states continue to face trouble in getting the school management to act on their complaints, face discrimination at school for actively resisting fee hikes and are victim to fee hikes beyond the permitted limit. While the older tensions continue to prevail between both parties, new problems have also emerged.

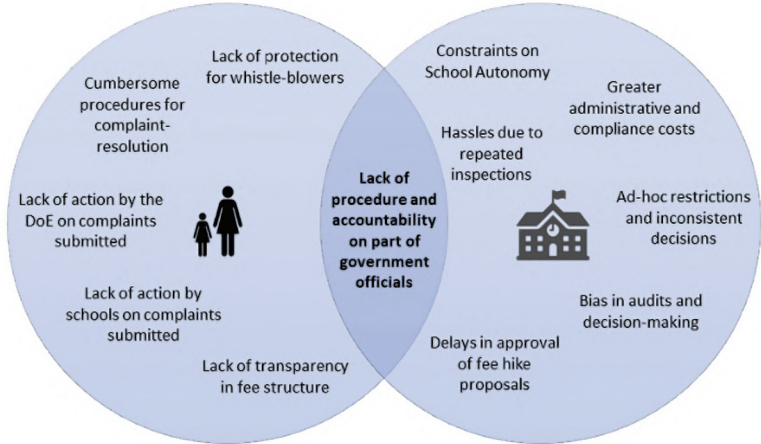


Figure 5.1: Dissatisfaction of parents and school administrations with the current fee regulatory framework in Delhi and Uttar Pradesh.

Information asymmetries: No accounting for the cost of regulatory unpredictability

Investing in education is a multi-year commitment for parents. Given that school selection is an active choice by parents, the disputes over fees typically arise from unanticipated changes post admission. The change in fee may be a problem for two reasons: either the delta is higher than expectations or it is unpredictable. Both Delhi and Uttar Pradesh have dealt with the former problem by imposing caps on annual fee hikes and the latter problem by mandating annual advance disclosure of fee structure.

Neither state has adequately dealt with the root of the problem—information asymmetry for the entire lifecycle of a student’s school education. Resolving this challenge will likely reduce the need to venture into defining the permissible delta.

A school, however, cannot lay out its fee structure for the lifecycle of a child’s tenure in school in an environment where rules and demands on teacher salaries and infrastructure norms change annually. In Delhi, for instance, the Directorate of Education often issues new circulars and withdraws, revises or overrides existing circulars without forewarning. These often go back and forth on the fiscal responsibilities of the school and give directions on interim fee hikes. This regulatory environment, demands for immediate compliance, and the inability to secure and recoup investments, push schools to mask balance sheets and find ways to get around controls.

2. These include, utilising the existing reserves or school funds, enrolling a greater percentage of students, and making use of the interest on the deposits pledged in the name of the government.

Committing excesses to contain excesses: Absent procedures and accountability

Parents and schools in both states complain about the lack of procedure and accountability on the part of government officials in processing complaints. Neither the safeguards in the Act in Uttar Pradesh, nor the checks by the judiciary in Delhi have been able to sufficiently alleviate this concern of both parties.

The current framework fails to establish any mechanism to ensure that officials can be held accountable by parents in case of lack of responsiveness.

In some cases, government action on fee control tends to be selective, erratic or unexplained. In Delhi for instance, parents reported that officials often fail to register complaints, follow up on registered complaints, or take punitive action against schools who do not comply with official orders. Given the lack of any codified procedure for processing complaints and limited transparency, it is often difficult for parents to establish a clear complaint trail and follow up. In Uttar Pradesh, only decision summaries from meetings of fee regulation committees are made available rather than the full minutes.

In other cases, the administration's commitments remain unfulfilled. In 2018, for example, the Directorate of Education in Delhi passed an order instructing all districts to form a Fee Anomaly Committee (FAC), as a forum to attend to the complaints of parents. Yet, FACs have either not been formed or are defunct. In the absence of this committee, parents lack access to a clear route to file complaints.

The current framework also fails to establish checks on the rule-making and procedural discretion exercised by officials with regard to schools.

In Delhi, officials often exercise procedural discretion on private school fee control without providing a clear justification. Schools have been subjected to multiple audits in a year conducted without adequate notices. Sometimes these audits last more than three months. Schools also reported that the government often changed the auditing branch, when the results of the audit were contrary to what officials wanted/deemed right.

There is incremental official interference in administrative/financial matters of the school. Over the past few years, control over the fee structure of private schools in both states has increased. For instance, schools in Delhi have to get their fee hike approved from the Directorate of Education. Before this requirement was introduced in 2016, schools were only required to send their annual proposal for fee hike to the Directorate of Education, but did not have to seek approval. Similarly, the UP Self-Financed Independent Schools (Fee Regulation) Act 2018 prescribes the fee components under which schools may charge fees and requires them to submit their statement of fees, at the beginning of every academic year.

Further, there are instances of violation of codified procedures by officials. The District Fee Regulatory Committee (DFRC) in Uttar Pradesh, for example, has imposed fines on private schools for unlawful fee hikes without scrutinising necessary information (such as actual salary increases). In this, it has acted against the prescribed procedure in permitting fee hikes. Similarly, even though the DFRC can only act on complaints and not issue orders or act suo moto, it has done so in some cases. For example, it has issued instructions to schools and imposed fines on those that fail to comply. In other cases, it has taken up complaints that have already been resolved at the school level to the complainant's satisfaction, intervening where it does not have the powers to.

Finally, schools reported that delays in decision making harms them financially. For instance, in Delhi, schools that submitted their fee hike proposals in 2016, were given a verdict in 2018.

In sum, fee regulation frameworks are plagued by ad-hoc or arbitrary decision making, absence of any guidance on executive action, and do not get to the root of the problem.

Inspections: Subjective, incomplete, unreliable

Private schools are inspected by multiple government and private bodies on a variety of parameters. These include inspections by the Directorate of Education, Commission for the Protection of Child Rights, and boards such as Central Board for Secondary Education. One such inspection is what is known as an annual inspection conducted by the Directorate of Education.

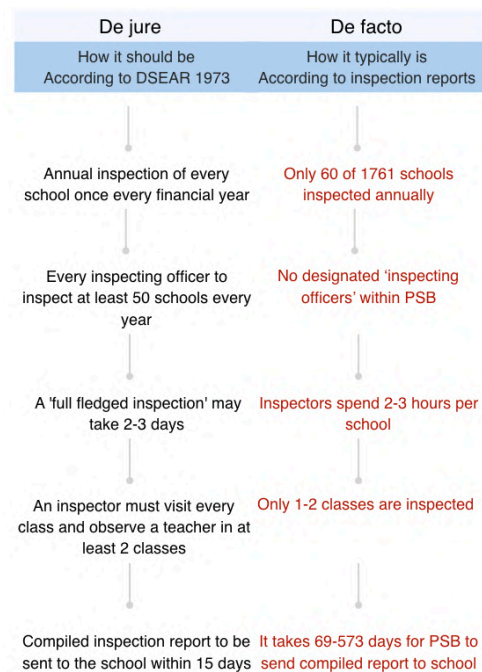


Figure 5.2: The rules and realities of annual inspections in Delhi.

Section 24(1) of DSEA 1973 mandates annual inspection of every school once every financial year, 24(2) also allows the Director to conduct special inspections if necessary. The Private School Branch of the Directorate of Education deals with all matters relating to the establishment and monitoring of private schools, and is responsible for organising the annual inspections.

In practice, less than 10% of schools are inspected annually, there are no designated inspectors, and the time spent inspecting a school is far less than the guidelines suggest. Besides, it takes between 69 and 573 days for the Private School Branch to send the compiled inspection report to the school begging the question of relevance. It seems that there is an implicit acknowledgement of limited State capacity, however, the law is not amended to reflect the change in approach.

Forms matter: Intentionally objective, practically subjective

Rule 192 of DSER 1973 deals with the question of how to inspect. It states that every inspection should “be as objective as possible” and “be aimed at bringing about improvements in the standards of teaching in the school”. The inspection proforma in use currently is a shorter version of the Form V attached in DSER 1973. Where Form V has over 120 questions, the current form has over 65 questions. Within the academic section, there are a total of 30 questions and sub-questions. Any inspector relies on 5 ways to assess: class observations, documents, interactions with teachers, comparative results, and self-assessment by school.

A close reading of the proforma coupled with filled inspection reports shows that objectivity is a far fetched dream, especially when it comes to academic supervision. Figure 3 highlights some of the constructs used to evaluate the academic quality of the school.

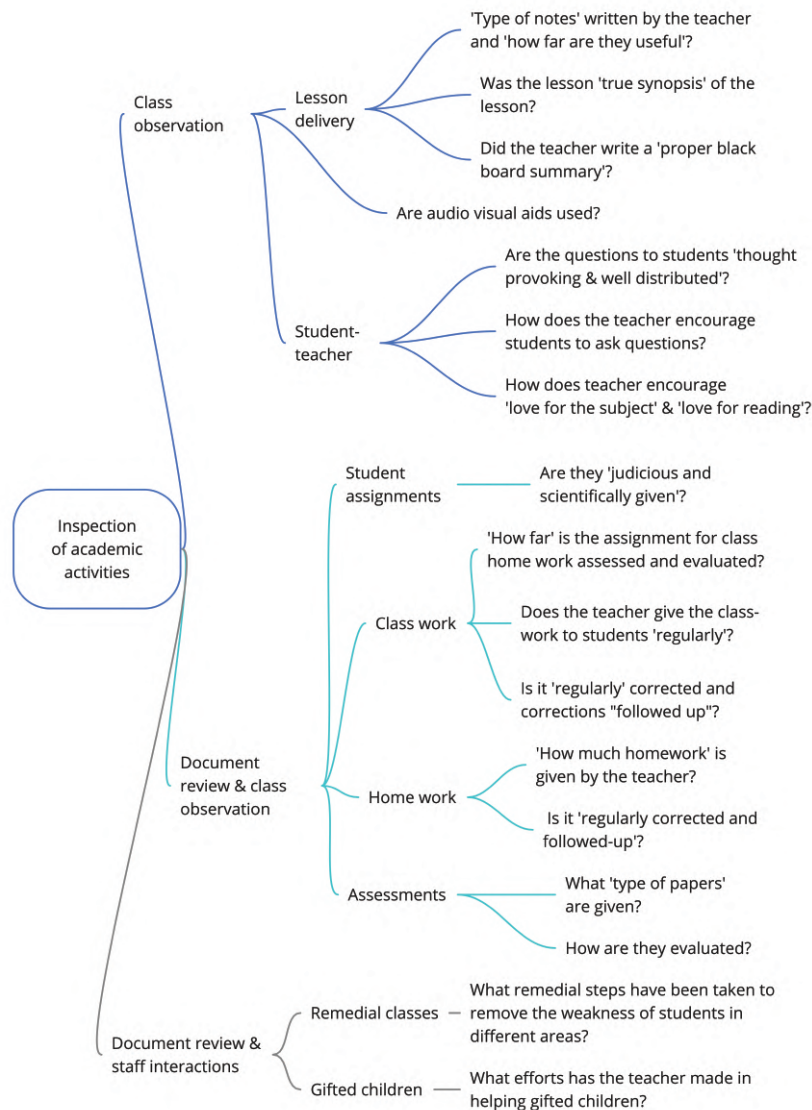


Figure 5.3: Inspection proforma: Constructs evaluated and ways of measurement.

Predominance of subjective measures: Except comparative results from standard 9 to 12, most constructs are difficult to measure in the absence of clear definitions. Within standard 9 to 12, results of standard 10 and 12 can be evaluated objectively as students are marked by teachers from other schools, as part of board examinations. However, this measure can only be used for schools that run secondary or higher secondary classes and excludes elementary schools. How are elementary schools evaluated?

Questions may be interpreted differently for each school and by each inspector: The first principle of a good questionnaire is to avoid ambiguous/abstract and loaded terms. The question “Were the questions put to the students thought-provoking and well-distributed?” is an example of the former and “Is it (home work) regularly corrected and followed-up?” is an example of the latter. Other such indicators used in the form to evaluate academic quality include: proper black board summary, love for the subject, love for reading, gifted children, true synopsis of the lesson, and judicious and scientifically given assignments.

Constructs are not valid or reliable: How well do these indicators map academic quality? For example, what is the relation of a proper black board summary to academic quality? Even if a black board summary is a valid indicator of academic quality, is it reliable or do we expect responses on the proper-

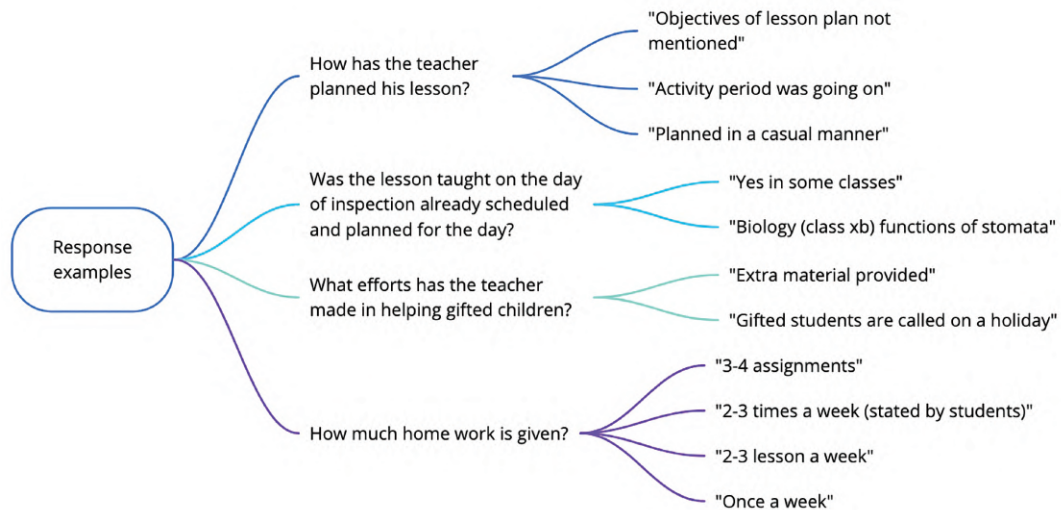


Figure 5.4: Inspection proforma: Response examples from filled inspection reports.

ness of a black board summary to vary depending on who is inspecting? Assuming the best case scenario where it is clear to each inspector exactly how to interpret and rate teaching activity on these indicators, administrators need to control for the Hawthorne effect, where the teacher may behave differently when observed because she knows she is being watched.

The absence of objective measures, clear questions, and defined standards for compliance raises many questions: Is evaluation solely dependent on the reading and interpretation of the inspecting officer? How does the decision to award recognition come? How does the team leader compile responses? If a school gets positive notes on some aspects and negative on others, where does that leave a school? Are reports of different schools comparable? Even if school improvement was the objective, what is the teacher or school leader to take away from these reports?

The tool of school assessment is outdated and broken. There is high reliance on the judgement of the inspectors without sufficient guidance, placing inordinate power in the hands of inspectors. Subjective assessment makes for poor accountability.

Penalty ladder: Punitive on paper, flexible on demand

Section 24(3) of DSEA 1973 authorises the Director to issue instructions to the school manager “to rectify any defect or deficiency found at the time of inspection or otherwise in the working of the school”. If the “manager fails to comply with any direction given”, then the Director may “take such action as he may think fit, including— (a) stoppage of aid, (b) withdrawal of recognition, or (c) except in the case of a minority school, taking over of the school under Section 20”.

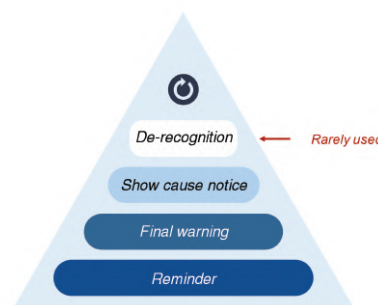


Figure 5.5: Penalty ladder, DSEAR 1973.

From this, three challenges emerge.

First, the Director has a free hand in taking any action as deems fit to him/her if a school fails to comply with any direction. Second, there is no escalation—one mistake and your recognition may be at risk. Third, implementation is skewed—although the DSEA gives the power to the Director to act as he/she wishes, measures higher up on the penalty ladder are rarely used.

Multiple department functionaries confirmed that in the last five years, no school in Delhi has had its recognition withdrawn. What explains that gap in official mandate and implementation? This may be due to the high legitimacy schools enjoy within the community, fear of student displacement, or corruption. While officials emphasised the fear of student displacement, schools highlighted that they often bribe officials.

Establishing the reasons for the gap in *de jure* and *de facto* practices was outside the scope of this research project. Nevertheless, the lack of restraint on government action within the DSEA is a cause for concern. It creates an uncertain regulatory environment and increases the cost of running a school.

Misplaced confidentiality: Inspection reports not available publicly

One of the primary challenges throughout the research was accessing inspection reports. The inspections reports in Delhi, unlike in Haryana, are not publically available. Although the Private School Branch allowed the team to access select reports after multiple visits, taking them outside the Private School Branch office was not allowed. While it is understandable that some aspects of the inspection report such as finances may need to be confidential, what is the rationale for preventing public access to information on academic and infrastructural supervision?

Typically, the purpose of government inspections is to solve problems of information asymmetry between the school, parents, and policy makers. School effort or performance cannot be easily judged and this increases the probability for schools to under-provide. Government inspections is one way to solve this, parental monitoring is another. Measures that bring down the cost of parental monitoring, in this case dissemination of school information, is likely to reduce moral hazard.

In sum, the limited capacity of the State to inspect, the subjective nature of school evaluation, discretionary exercise of punitive measures and the absence of public access to inspection reports raises questions about the purpose and benefits of inspections to quality of school education.

What lessons do these findings hold for the future?

Most of the K-12 regulations in India at the central and state level set up penalty ladders for rule violations that apply almost solely to non-minority private schools. Recognition granting and renewal processes, complaint-based inspections, suo moto inspections, fines, show cause notices, and school closure are then deployed to enforce the rules. This regulatory focus on private schools is noteworthy as private schools in India operate on an uneven-playing field. The government holds market power in education and acts as a regulator simultaneously.

We analysed the language and implementation of K-12 private school regulation using three questions: Are officials acting within defined bounds? Is the decision-making process fair and transparent? Are there mechanisms to ensure individuals are protected against the arbitrary use of power? Each of these questions relate to the exercise of unavoidable and sometimes, desirable executive discretion.

Administrative agencies are endowed with discretionary powers to perform their quasi-legislative, quasi-judicial and administrative functions. Discretion refers to the “power to make a choice between alternative courses of action”. An administrative function involves a case to case consideration of matters and taking decisions in each matter (such as granting licenses and ensuring registration). While it is hard to establish a watertight boundary within which the executive ought to exercise discretion, it cannot be unqualified or uncontrolled (Jain and Jain 1979).

We presented evidence of excesses in the exercise of discretionary powers by the executive, in this case the state Departments of School Education. These excesses take the following forms:

1. rigid and intrusive rules that some would argue are ultra vires,
2. ad-hoc and arbitrary rule-making,
3. poor procedural fidelity,
4. absent transparency on procedures followed or decisions taken, and
5. inconsistent and subjective exercise of punitive measures.

Part of these excesses are borne of the lack of written guidance on how the department and its functionaries should exercise quasi-legislative, administrative or quasi-judicial functions. One of the most important conditions to establish rule of law is to have public norms that constrain the actions of those in positions of authority and limit pure discretion (Waldron 2016). In exercising discretionary functions, the executive ought to operate within a constraining framework that provides legal authorisation to and procedural checks on executive action.

In other cases, there are violations of the letter of the law and of written guidance, sometimes for the understandable reason of limited State capacity. Actualising accountability for these violations, however, involves determining who should be accountable to whom and for what, and developing institutional mechanisms and incentive-sanction structures (Posani and Aiyar 2009). Roles and responsibilities should be delegated in such a manner that there is no overlap of administrative boundaries, in the absence of which specific functionaries cannot be held accountable for their specific functions (Aiyar, Chaudhuri, and Wallack 2010). Moreover, an officer holding conflicting functions can explain away failure to perform one by over-emphasising the other conflicting aim (Patnaik and Shah 2014).

For example, in cases where the Director of Education addresses complaints by employees of private schools, it becomes difficult to avoid a conflict of interest as the Director is also responsible for operating government schools. Does natural justice remain intact in these scenarios? Are private parties able to receive an unbiased hearing? Holding fused functions can lead to perverse incentives and inefficient outcomes (D'Souza and Diptasri 2018). Rule-making and ensuring compliance with the rules have different objectives, processes and consequences depending on which party they apply to. Investigating government schools in case of non-compliance would be a part of managing government schools or service delivery while the same for private schools would come under enforcement of regulations. The administrative architecture needs to distinguish and separate the government's role as regulator, service provider, financier, and assessor, and uncouple these.

Even if full functional separation is a long-term endeavour, an independent grievance redressal mechanism is an immediate need to balance executive discretion (Centre for Civil Society 2019). Grievance redressal in education is one such institutional mechanism through which the four main stakeholders—parents and children, teachers, private schools, and the Government—can sound their discontent.

A government that fails to submit itself to the demands of law and is not fair and respectful to its citizens can be likened to a tyranny (Finnis 2011). The coercive power of government on private action ought to be deployed methodically, within the constraints of law, procedure and due process.

Bibliography

- Aiyar, Yamini. 2018. "Reforming education systems." *India Seminar*. #http://www.india-seminar.com/2018/706/706_yamini_aiyar.htm#.
- Aiyar, Yamini, and Shrayana Bhattacharya. 2016. "The post office paradox." *Economic & Political Weekly* 51 (11): 61.
- Aiyar, Yamini, Jay Chaudhuri, and Jessica Seddon Wallack. 2010. "Accountability for Outcomes." *India Review* 9 (2): 87–106.
- Aiyar, Yamini, Ambrish A Dongre, and Vincy Davis. 2015. "Education Reforms, Bureaucracy and the Puzzles of Implementation: A Case Study from Bihar." *Bureaucracy and the Puzzles of Implementation: A Case Study from Bihar (September 1, 2015)*.
- Ambast, Shruti, Akriti Gaur, and Ajey Sangai. 2017. "Regulation of private schools in India." *New Delhi: Vidhi Centre for Legal Policy*.
- Antony, Meril. 2014. "Challenges to School Edupreneurs in the Existing Policy Environment: A Case Study of Delhi and Gujarat." *Centre for Civil Society*.
- ASER Centre. 2009. *ANNUAL STATUS OF EDUCATION REPORT*. Technical report. Pratham.
- Bhatty, Kiran, and Radhika Saraf. 2016. "Does Government's Monitoring of Schools Work?" In *Technical Report*. Centre for Policy Research.
- Centre for Civil Society. 2018. "Faces of Budget Private Schools in India Report 2018." *Centre for Civil Society*.
- . 2019. "Reforming Education Governance in India: Policy Blueprint for Separation of Powers." *Centre for Civil Society*.
- Chettri, Shradha. 2017. "Delhi govt notifies 'fee anomaly committees': For Rs 100, parents can complain against private school fee." *The Indian Express* (December). <https://indianexpress.com/article/cities/delhi/delhi-govt-notifies-fee-anomaly-committees-for-rs-100-parents-can-complain-against-private-school-fee-4981618/>.
- D'Souza, Alston L, and Basu Diptasri. 2018. "Separation of Roles in Education: A Policy Blueprint." *Centre for Civil Society* (March).
- FICCI and EY. 2014. *Private sector's contribution to K-12 education in India*. Technical report. FICCI and EY.
- Finnis, John. 2011. *Natural law and natural rights*. Oxford University Press.
- Government of NCT, Delhi. 2012. "Report of the review committee on the delhi school education act and rules, 1973." Chap. Preamble, 36. Directorate of Education, Government of NCT, Delhi.
- Hindustan Times, ed. 2019. "Will not allow private schools in Delhi to hike fee arbitrarily: Manish Sisodia." <https://www.hindustantimes.com/education/delhi-school-fee-hike-will-not-allow-private-schools-to-hike-fee-arbitrarily-manish-sisodia/story-bV0L6qWm0BbsR5D0dan0u0.html>.
- Jain, Mahabir Prashad, and Srimandir Nath Jain. 1979. *Principles of Administrative Law*. NM Tripathi.
- Joshi, Radhika. 2004. "Regulatory requirements for starting a school in Poona." *Centre for Civil Society*.

- Kingdon, Geeta Gandhi. 2017. "The emptying of public schools and growth of private schools in India." Chap. 1, 12–31. Centre for Civil Society.
- Lewis, Maureen, and Gunilla Pettersson Gelande. 2009. "Governance in education: raising performance." *World Bank Human Development Network Working Paper*.
- Local Circles, ed. 2017. "Majority parents want school fee hike linked to inflation versus cap on absolute fee amount." <https://www.localcircles.com/a/press/page/regulating-school-fee#.XYqFPC2B2u6>.
- , ed. 2018. "72% say their child's school fee has increased over 10% this year." June. <https://www.localcircles.com/a/press/page/school-fee-increase-in-delhi-ncr-other-states#.XZL53EYzbIV>.
- Lon, Fuller. 1964. "The Morality of Law." *Harvard Law Review* 71:630.
- Mitta, Manoj. 2009. "Does capitation fee really mean profiteering?" *The Times of India* (June). <https://timesofindia.indiatimes.com/blogs/Legalairs/profitteering-vs-reasonable-surplus/>.
- National Institute of Education and Planning. 2018. *U-DISE Flash Statistics 2016-17*. Technical report. National Institute of Education and Planning.
- National Sample Survey Office. 2014. "Key Indicators of Social consumption in India - Education." http://microdata.gov.in/nada43/index.php/catalog/136/related_materials.
- National University of Educational Planning and Administration. 2016. "Elementary Education in India: State Report Cards 2015-16." http://udise.in/Downloads/Elementary-STRC-2015-16/Elementary-State_Report_Cards_2015-16.pdf.
- Patnaik, Ila, and Ajay Shah. 2014. *Reforming India's Financial System*. Carnegie Endowment for International Peace.
- Posani, Bala, and Yamini Aiyar. 2009. "State of Accountability: Evolution, Practice and Emerging Questions in." In *AI Working Paper*, 2.
- Pritchett, Lant. 2009. "Is India a flailing state?: detours on the four lane highway to modernization."
- . 2018. "System Approaches in Education." In *Systems of Public Service Delivery in Developing Countries*. https://www.bsg.ox.ac.uk/sites/default/files/2018-06/Pritchett_systems%5C%20approaches%5C%20in%5C%20Education.pdf.
- Ross, Ernest. 1983. "The Price of Education." <https://fee.org/articles/the-price-of-education/>.
- Sharma, Geetanjali, Sanjana Srikumar, and Ravishankar Shambhavi. 2017. "Comments on the Uttar Pradesh Self-Financed Independent Schools (Regulation of Fees) Bill, 2017." *Vidhi Centre for Legal Policy* (December). <https://vidhilegalpolicy.in/wp-content/uploads/2019/05/CommentsonUPFeeBill12.pdf>.
- Soto, Hernando de. 2000. *The Mystery of Capital*.
- Tambi, Nidhi. 2018. "Private School Fees Are Not The Problem." <https://www.thinkpragati.com/opinion/4959/private-school-fees-are-not-the-problem/>.
- Tooley, James, and Pauline Dixon. 2005. "An inspector calls: the regulation of 'budget' private schools in Hyderabad, Andhra Pradesh, India." *International Journal of Educational Development* 25, no. 3 (May): 269–285. doi:10.1016/j.ijedudev.2004.09.001.
- Wadhwa, Mayank. 2000. "Licenses to Open a School: It's All About Money." *Centre for Civil Society*.
- Waldron, J. 2016. "The Rule of Law." *Stanford Encyclopedia of Philosophy*. <https://plato.stanford.edu/entries/rule-of-law/>.
- Yakkundimath, Tejeswini. 2003. "Primary Schools in Dharwad: Amidst Paisa, Power & Politics." *Centre for Civil Society*.

Appendices

A Detailed explanation on how applications move in the Directorate of Education

A.1 Essentiality Certificate and Certificate of Recognition

The following table will provide an understanding of the entire movement of the file for the Essentiality Certificate and the Certificate of Recognition within the three levels of the Directorate of Education.

Officers handling the files	Movement
DA → SO → DDE (PSB)	<ul style="list-style-type: none"> • School submits hardcopies of the application at DDE(PSB) • DA scrutinises the documents and lists the discrepancies in the file • DA drafts a letter to the school requesting filing of missing documents within 15 days • DA sends file to SO • After scrutinising, SO sends the file to DDE(PSB) • Upon the approval of DDE (PSB), PA to DDE sends the letter to the school
DDE (PSB) → SO → DA	<ul style="list-style-type: none"> • PA to DDE passes the file down to SO and then DA • File rests with DA until the school replies
DA → SO → DDE (PSB) → DDE (District)	<ul style="list-style-type: none"> • Once the school replies, DA drafts an intimation letter to DDE (District) to form an inspection committee for physical verification of the school • DA sends the letter and the file to the SO • SO verifies and passes the file to the DDE (PSB) • On his/her approval, PA to the DDE sends the file and the intimation letter for inspection to concerned DDE (District)
Inspection Committee	<ul style="list-style-type: none"> • DDE (District) chairs the District Level Inspection Committee and consists of at least three members • Committee includes the concerned DDE(Zone) as a member • Rest could be either the Field Education Officer (EO of the zone) or Supervisor Physical Education (SPE) and an account functionary: either Assistant Accounts Officer (AAO)/Senior Accounts Officer (SAO)
DDE (District) → DDE (Zone) → DDE (District)	<ul style="list-style-type: none"> • The concerned DDE (District) forms an inspection committee. DDE (District) passes the file to the DDE (Zone), who discusses with the members of the Inspection Committee and fixes a date. • File then goes above to the DDE (District) who approves the date of inspection and gives directions to notify the school.
DDE (District) → DDE (Zone) → SO (Zone) → DA (Zone) → SO (Zone) → DDE (Zone) → DDE (District)	<ul style="list-style-type: none"> • DDE (District) passes the file to DDE (Zone). He passes the file to Section Officer (Zone), who then passes to DA (Zone) • DA drafts a letter to the school about the inspection, and he/she passes the file to Section Officer (Zone) • Upon his approval, the file moves up to DDE (Zone), then to District DDE • Post approval, the Secretary to DDE (District) sends the letter to the school. He/She sends a copy of this letter to DDE (PSB)
DDE (District) → Inspection Team → DDE (District) → DDE (Zone)	<ul style="list-style-type: none"> • Committee inspects by conducting a field visit to the concerned school and drafts an inspection report on whether to grant recognition or not, based on 90 point checklist • After inspection, DDE (District) fixes a specific deadline to the inspection team for submitting the inspection report and the file passes to DDE (Zone) and the Inspection Committee

Officers handling the files	Movement
DDE (Zone) → Inspection Team → DDE(District) → DDE (PSB)	<ul style="list-style-type: none"> • Upon submission of report, file moves upwards to DDE(District). He approves and sends the file to DDE (PSB)
DDE (PSB) → SO → DA	<p>The DDE (PSB) accepts the file and sends it down the hierarchy to the Section Officer and then to the DA</p> <ul style="list-style-type: none"> • DA examines every document in detail and frames a letter pointing out the deficiencies. He drafts a letter for the grant of provisional recognition subject to the fulfilment of the deficiencies
DA → SO → DDE (PSB)	<ul style="list-style-type: none"> • The file, along with the letter, is sent to the SO. He makes the changes as he deems fit and sends the file to the DDE (PSB) • DDE (PSB) decides the duration of the grant of recognition
DDE (PSB) → Additional Director of Education → Director of Education	<ul style="list-style-type: none"> • DDE (PSB) sends file for approval to Additional Director of Education • DDE (PSB) sends the file to Director of Education for final approval on the grant of provisional recognition to the school
Director of Education → Additional Director of Education → DDE (PSB)	<ul style="list-style-type: none"> • Post Director's approval, the file is sent to the Additional Director of Education and then to the DDE (PSB) • PA to DDE (PSB) sends a letter to the school. The letter directs the school to fulfil the terms and conditions within the next turn for the renewal of recognition
DDE (PSB) → SO → DA → SO → DDE (PSB)	<ul style="list-style-type: none"> • The file passes down to the SO, and then to DA. DA drafts a letter for sending the file to DDE (Zone) • DDE (Zone) Office maintains the files of all the recognised schools. He/She sends the letter, and the file to SO, then to DDE (PSB)
DDE (PSB) → DDE (District) → DDE(Zone) → SO (Zone) → DA (Zone)	<ul style="list-style-type: none"> • DDE (PSB) approves the file and sends it to DDE (District). He/She then sends it to the DDE(Zone) • Upon his approval, the file passes to SO (Zone) and rests with DA (Zone)

A.2 Scheme of Management

The following table will provide an understanding of the entire movement of the file for acquiring approval for Scheme of Management within the three levels of the Directorate of Education.

Officers handling the files	Movement
DA → SO → DDE (PSB)	<ul style="list-style-type: none"> • The DA scrutinises the documents submitted by the applicant and lists the discrepancies in the file. In case of discrepancies, he/she then drafts a letter to the school requesting them to submit the missing documents • DA sends the file along with the letter to SO for further scrutiny, who sends it to DDE (PSB) for approval
DDE (PSB) → SO → DA	<ul style="list-style-type: none"> • The PA to the DDE passes the file down to the SO and then DA. The file rests with DA until the school replies
DA → SO → DDE (PSB)	<ul style="list-style-type: none"> • After receiving a reply from the school, the DA scrutinises the documents again. DA then sends the file to SO • After scrutinising, SO sends it to DDE (PSB) for approval
DDE (PSB) → Additional Director of Education → Director of Education	<ul style="list-style-type: none"> • The DDE (PSB) sends the file for approval to the Additional Director of Education • DDE (PSB) sends the file to the Director of Education for the final approval of the Scheme of Management of the school
Director of Education → Additional Director of Education → DDE (PSB)	<ul style="list-style-type: none"> • Post Director's approval, the file is sent to the Additional Director of Education and then to the DDE (PSB) • The PA to the DDE (PSB) sends a letter to the school about the approval of the Scheme of Management
DDE (PSB) → SO → DA	<ul style="list-style-type: none"> • The file passes down to the SO, and then to DA • The PSB maintains the files of all these schools

B Checklist for grant of the Essentiality Certificate

Table 3: Checklist for grant of the Essentiality Certificate

S. No.	Category	Document (main)	Other Documents	Authority	Cost (in rupees, if any)	Additional Information
1	General	Online Application		Directorate of Education	500.00	Processing fee
2	Society	Copy of Memorandum of Association & Rules and Regulations of Society		Stamped by the Registrar of Societies	0.00	Rule 44(1) of the DSEAR 1973
3	Society	Copy of Society Registration Certificate		Registrar of Societies	1.00	Section 12 of Societies Registration Act 1860. Name/Purpose amendment fee
4	Society	List of Governing Body Members of society		Stamped by the Registrar of Societies	0.00	
5	Society	Undertaking regarding no blood relationship among the members of the society/trust		Society	0.00	
6	Society	Undertaking that members of governing body are not in govt. service. If yes, NOC from their employer		Society	0.00	
7	Society	Certificate that there has been no change in Governing Body Members of Society		Registrar of Societies	0.00	
8	Society	Complete list of Society members along with Bio-data, educational qualifications, occupation, residential address etc. with signatures		Society	0.00	
9	Society	Audited Balance sheets of Society for the past 3 years	Form No. 10BB from Income Tax Dept., Indian ITR Acknowledgement, Audit Report by CA	Audited by Registered CA		Additional documents from Income Tax Dept. Audit report (part A,B,C)
10	Society	Experience of Society in running a school	List of other schools run		0.00	
11		Project Report		Society	0.00	
12		Copy of FDR in the joint name of School manager and DDE (District)		Any Bank	200,000.00	FD required is either 2 lakhs, or 1 lakh + Rs. 80 per student, whichever is more. Minimum is 2 lakhs.
13		Undertaking that FDR will not used for applying for other EC		Society	0.00	
14		List of the composition of proposed Managing Committee of the school		Society	0.00	President, Vice President, Manager, Members, General Secretary, Principal, Teachers etc.
15		Undertaking to constitute the new Managing Committee in accordance with the SOM made under the Act		Society	0.00	
16		Details regarding fee and other charges to be collected from the students (Financial resources from which expenses of establishment & running are to be met)		Society	0.00	Registration charges, admission fee, tuition fee etc.
17		Proposed pay scale for all categories of staff		Society	0.00	

S. No.	Category	Document (main)	Other Documents	Authority	Cost (in rupees, if any)	Additional Information
18	Land	Document proof of possession of land	Land Allotment Letter from Deputy Land and Development officer & Map of Site (separating area allotted to school building and playground)	Land and Development Office under the Ministry of Urban Development	?	Middle Level School: 800 sq. metres
19	Land	Undertaking that the Society will not utilise the land allotted by DDA/other land-owning agencies for purposes other than the one specified in the Land Allotment Letter			0.00	
20		If the society has a valid EC, indication whether they have established a school against the said EC		Society	0.00	
21		Undertaking that if EC is granted, Society will not apply for extension of EC beyond 5 years		Society	0.00	
22		Undertaking that the society will run the school under the provisions of the DSEAR 1973		Society	0.00	
23		Structural Stability Certificate	Area statement (Sanctioned Building Plan), Certificate of agency being empanelled under MCD	Structural Stability Engineers/Agencies empanelled under MCD		Building Stability Certificate
24		Fire Safety Certificate		Chief Fire Officer, Delhi Fire Services, Govt. of NCT of Delhi		
25		Water Test Report		Delhi Jal Board		
26		School Health Certificate		MCD Health Department		
27		Undertaking that the school has provision for adequate drinking water and separate toilets for boys and girls		Society	0.00	
Total					2,00,501.00	

C Checklist for grant of the Scheme of Management

Table 4: Checklist for grant of the Scheme of Management

S. No.	Category	Document (main)	Other Documents	Authority	Additional Information
1	Managerial	Draft of the Scheme of Management		Society/Managing Committee	Rule 59(2) of the DSEAR 1973; Proforma in the DSEAR 1973
2	Society	Society Registration Certificate	MoA and Rules and Regulations	Society	
3	Society	List of Governing Body Members	Details of all members- Bio data, educational qualifications, occupation, residential address etc.	Society	
4	Society	Certificate that there has been no change in Governing Body Members of Society		Registrar of Societies	
5	Society	Experience of Society in running a school	List of other schools run	Society	
6	Society	Undertaking regarding no blood relationship among the members of the society/trust		Society	
7	Society	Undertaking that members of governing body are not in govt. service. If yes, NOC from their employer		Society	
8	Managerial	Rule of MoA under which the governing body is empowered for constitution of Managing Committee	Amended copy of MoA	Registrar of Societies	
9	Managerial	Provision indicating manner of nomination/election of representative of society in the MC of the school			
10	Managerial	List of Managing Committee members			
11	Managerial	Academic Qualification of Manager	Copy of certificate of educational qualification & experience of manager signed by EO/DDE (Zone)		At least 10 years of total experience, out of which at least 3 years as in-charge MCD/NDMC/Recognised school
12	Regulatory	Copy of Essentiality Certificate		DDE (PSB)	
13	Society	Whether society manages any other schools	List of schools with details (If yes)		

D Checklist for grant of the Certificate of Recognition

Table 5: Checklist for grant of the Certificate of Recognition

S. No.	Category	Checkpoints	Relevant Provisions of Act/Rules/Guidelines	Documents Required
1	Society	Whether the school is run by a society registered under the Societies Registration Act, 1860 or a public trust	Under Rule 44, 50 (i) of the DSEAR, 1973	MOA, Certificate of Registration, Doc if there is any change of address, Meeting of the annual general body
2		Up to which class, in which streams, and from which academic session the school has applied for recognition?	Under Rule 44(2(b)) of DSEAR, 1973	Mention relevant details
3		Whether information regarding class wise enrolment of the students is given by the school	Under Rule 44(2(a)) of DSEAR, 1973	Strength of students in each class for the past 6 months
4	EC	Whether the school is in possession of valid essentiality certificate	Under Rule 44 of DSEAR 1973	1 Certificate
5	SOM	Whether SOM of the school is approved	Under Section 4 (1) (b), Section 5 read rule 50 (i) and 59 of DSEAR, 1973	1 Certificate
6	SOM	The list of the Managing Committee of the school as constituted in terms of approved SOM duly signed by the Chairman of the Managing Committee	As per the condition of approved SOM of the school	Bio-data of all members of MC along with the degree certificates
7	SOM	Whether the manager of the school has requisite qualification and experience	As per the condition of approved SOM of the school	ID Cards proof, Orders of work allocation
8	SOM	Whether the election of the member of the managing committee including the PTA and teacher representatives were held as per SOM	As per the condition of approved SOM of the school under rule 59 of DSEAR, 1973	
9	SOM	The date on which the last election to the managing committee was held	As per the condition of approved SOM of the school under rule 59 of DSEAR, 1973	Mention - Minutes of the meeting
10	SOM	Whether the representatives of Managing Committee have been elected or nominated	As per the condition of approved SOM of the school under rule 59 of DSEAR, 1973	Mention relevant details
11	INFRA	Whether the school has prescribed facilities for physical education, library service, laboratory work, workshop practices or co-curricular activities a) Analysis of details regarding physical education including playgrounds b) Analysis of details regarding library services c) Analysis of laboratory work related aspects d) Analysis of workshop practices/work experience activities e) Analysis of aspects related to co-curricular activities	Under Section 4 (1) (c), read with rule 50(x) and (xii) of DSEAR, 1973	
12	INFRA	Whether the school has suitable or adequate accommodation and sanitary facilities having regard among other factors, to the number, age and sex of the pupils attending it	Under Section 4 (1) (c), read with rule 50(x) and (xii) of DSEAR, 1973	Undertaking

S. No.	Category	Checkpoints	Relevant Provisions of Act/Rules/Guidelines	Documents Required
13	INFRA	Details of accommodation provided in the school building (Dimensions to be indicated in all classes) i) Number of classrooms indicating dimensions and seating capacity of all classes ii) Details of furniture, fans, ventilation provided in each classroom iii) Whether the school provides the following: a) School Library and reading room b) Biology lab c) Physics lab d) Chemistry lab e) Computer Lab f) Science Activity lab for middle and secondary level g) Maths Activity lab h) Social Science Activity lab i) Auditorium/Hall j) Refreshment room for students k) Drinking Water Facilities l) Staff Room m) Room for head of school n) office room o) Store Room p) Whether all facilities are barrier free or not q) Details of toilets in school	Under Section 4 (1)(c), read with rule 50(x) and (xii) of DSEAR, 1973	Mention relevant details
14		Details of apparatus and equipment for: a) Physics b) Chemistry c) Physiology and Hygiene d) Home Science e) Drawing Painting f) Music g) Biology h) Agriculture i) History j) Geography k) Cookery l) Craft m) Commerce n) Technical Subjects	As per rule 51 of DEAR, 1973	Mention relevant details
15	INFRA	Whether the educational and vocational guidance facilities available in the school	As per rule 51 of DEAR, 1973	
16	Whether arrangements are made for the supply of good drinking water to the students and suitable facilities are provided to enable them to take refreshments, lunch or the like Water Test Report from Delhi Jal Board is required	Under Rule 50 (xiii) of DSEAR, 1973	School Health Certificate from NDMC	Water Test Report Jal Board
17		Whether the school provides for approved course of study and efficient instructions	Under Section 4 (1) (d), and rule 50 (iii) of DSEAR, 1973	
18		Whether the teachers appointed in the school meet the prescribed qualifications of Rules and Regulations as applicable to them.	Under Section 4 (1) (e), of DSEAR, 1973	Analysis of Staff Statement and any pertinent observations/remarks
19		Analysis of the present availability/strength vis-a-vis the requirement across various categories of the staff	Under Section 4 (1) (e), of DSEAR, 1973	
20		Whether appointment letters have been issued to each of the members of the staff consisting of terms and conditions as per the provisions of the DSEAR, 1973	As per Rule 98 of DSEAR, 1973	TOC of appointment + Undertaking
21		Whether any service agreement made, if so, whether the copy of the same is enclosed or not	For Minority School only as per rule 15 of DSEAR, 1973	
22		Whether Provident Fund facilities or any other similar schemes are being provided to the staff	As per Section 10 of DSEAR, 1973	Undertaking
23		Whether the benefits/facilities of Bonus, LTC, Medical, Pension, Gratuity and EL encashment are being provided to the staff	As per Section 10 of DSEAR, 1973 and Rule 125	Undertaking
24		Whether the school is paying salary to its staff as per rule and through cross cheque/ECS	All the private schools should pay salaries and allowances to its employees as per provisions of section 10 (1) of DSEAR, 1973 and through cross cheque/ECS. As per DoE's circular dated 15-10-2008, private unaided recognised schools are under obligation to pay salary and allowances to its employees as per recommendation of VIth pay Commission (Annexure - III)	Mention relevant details

S. No.	Category	Checkpoints	Relevant Provisions of Act/Rules/Guidelines	Documents Required
25		Whether casual leave, earned leave, maternity and paternity leave are given to the staff as per rules	As per rule 111 of DSEAR, 1973	Undertaking
26		Whether service books and personal files in respect of all the staff members of staff are being maintained	As per section 10 of DSEAR, 1973	Undertaking
27		Whether a separate staff room with proper seating arrangements and chest of drawers/almirahs is available in the school	Under Section 4 (1) (c), read with rule 50(x) and (xii) of DSEAR, 1973	Undertaking
28		Whether the school has adequate funds to ensure its financial stability and regular payment of salary and allowances to its employees	Under Section 4 (1) (a) of DSEA, 1973	Undertaking
29		Whether the school is being run for profit or not	Under Rule 50 (iv) of DSEAR, 1973	Undertaking
30		Rates of fees and other funds charged	Analysis as per Section 17, 18 Rule 172 to 180 of DSEAR, 1973 and Section 2 (b) & Section 13 of RTE Act, 2009 and pronouncement and orders dated 01-05-1997, 15-12-1999, 10-02-2005, 11-02-2009 and 16-4-2010 and other relevant orders of DoE	
31		What are the details of income-expenditure accounts of the schools? Whether the school has an excess of income over expenditure or vice-versa and Analysis of financial health of the school in monthly terms also	Analysis as per Section 17, 18 Rule 172 to 180 of DSEAR, 1973 and Section 2 (b) & Section 13 of RTE Act, 2009 and pronouncement and orders dated 01-05-1997, 15-12-1999, 10-02-2005, 11-02-2009 and 16-4-2010 and other relevant orders of DoE	Tax Return, Audit Report
32		Whether the school has raised secured/unsecured loan? If yes, give details	Analysis as per Section 17, 18 Rule 172 to 180 of DSEAR, 1973 and Section 2 (b) & Section 13 of RTE Act, 2009 and pronouncement and orders dated 01-05-1997, 15-12-1999, 10-02-2005, 11-02-2009 and 16-4-2010 and other relevant orders of DoE	Loan details
33		Whether the school is transferring any funds to the society or its sister concern? If yes give details	Analysis as per Section 17, 18 Rule 172 to 180 of DSEAR, 1973 and Section 2 (b) & Section 13 of RTE Act, 2009 and pronouncement and orders dated 01-05-1997, 15-12-1999, 10-02-2005, 11-02-2009 and 16-4-2010 and other relevant orders of DoE	Y/N
34		Whether the school is claiming depreciation? If yes then whether the school is maintaining the Depreciation Reserve Fund? If not, give details	Analysis as per Section 17, 18 Rule 172 to 180 of DSEAR, 1973 and Section 2 (b) & Section 13 of RTE Act, 2009 and pronouncement and orders dated 01-05-1997, 15-12-1999, 10-02-2005, 11-02-2009 and 16-4-2010 and other relevant orders of DoE	
35		Whether the management of the school created a reserve fund in the form of Fixed Deposit in the joint account in the name of the Manager of the school and DDE(District Concerned) equivalent to 3 months salary of staff or rupees One Lac + Rs. 80 per student	Analysis as per Section 17, 18 Rule 172 to 180 of DSEAR, 1973 and Section 2 (b) & Section 13 of RTE Act, 2009 and pronouncement and orders dated 01-05-1997, 15-12-1999, 10-02-2005, 11-02-2009 and 16-4-2010 and other relevant orders of DoE	Y/N
36		Overall observations of the financial aspects, any financial irregularities noticed	Analysis as per Section 17, 18 Rule 172 to 180 of DSEAR, 1973 and Section 2 (b) & Section 13 of RTE Act, 2009 and pronouncement and orders dated 01-05-1997, 15-12-1999, 10-02-2005, 11-02-2009 and 16-4-2010 and other relevant orders of DoE	
37		Overall observations on the compliance of the DoE orders/instructions and provisions regarding the collection of fee and utilisation of funds	Analysis as per Section 17, 18 Rule 172 to 180 of DSEAR, 1973 and Section 2 (b) & Section 13 of RTE Act, 2009 and pronouncement and orders dated 01-05-1997, 15-12-1999, 10-02-2005, 11-02-2009 and 16-4-2010 and other relevant orders of DoE	
38		Whether the school (on Government Land) has increased the fee with the prior sanction of Director from academic session 2016-17 onwards as per this Directorate's order dated 19-02-2016	As per order dated 19-02-2016	Y/N

S. No.	Category	Checkpoints	Relevant Provisions of Act/Rules/Guidelines	Documents Required
39		Whether the admission to the school is open to all without any discrimination based on religion, caste, race, place of birth or any of them	Under Rule 50 (v) of DSEAR, 1973	Undertaking
40		Whether the Managing Committee observes the provisions of the Act and rules made there under	Under Rule 50 (vi) of DSEAR, 1973	Undertaking
41		Whether the building or other structure in which the school is carried on, its surroundings, furniture and equipment are adequate and suitable for an educational institution and, where there is any business premises in any part of the building in which the school is run, the portion in which the school is run adequately separated from such Business Premises.	Under Rule 50 (vii) of DSEAR, 1973	Undertaking
42		Whether the arrangements in the building or other structure and in the furnishings thereof meet adequately the requirements of health and hygiene	Under Rule 50 (viii) of DSEAR, 1973	Health Certificate, Building Fitness Certificate?
43		Whether the school buildings or other structures or the grounds are not used during the day or night for commercial or residential purposes (except for the residence of any employee of the school) or for communal, political or non-educational activity of any kind whatsoever	Under Rule 50 (ix) of DSEAR, 1973	Undertaking
44		Whether there is any thoroughfare or public passage through any part of the school premises	Under Rule 50 (xi) of DSEAR, 1973	Undertaking
45		Whether the school is so conducted as to promote discipline and orderly behaviour and to maintain a high moral tone	Under Rule 50 (xiv) of DSEAR, 1973	Undertaking
46		Whether any teacher or student of the school is compelled to attend a class in which religious instruction is given or take part in any religious activity, no teacher or student absents himself from religious instruction or religious activity is made to suffer any disability on that account and student is refused admission to the school because exemption from attendance at religious exercises or religious instruction has been claimed by him or his parent or guardian	Under Rule 50 (xv) of DSEAR, 1973	Undertaking
47		Whether the facilities are provided for teaching of languages in accordance with the three language formula adopted by the Central Government	Under Rule 50 (xvi) of DSEAR, 1973	Undertaking
48		Undertaking from the school to the effect that the school shall be open to inspection by any of the following officers, namely: a) any officer authorised by the appropriate authority or the Director b) Director of Medical Services or Health Officer of the local authority concerned c) Civil Surgeon, Assistant Civil Surgeon or Head Officer authorised by the appropriate authority or the Director to examine the health of students or the sanitary conditions of the school and surroundings	Under Rule 50 (xvii) of DSEAR, 1973	Undertaking
49		Undertaking from the school to the effect that the school furnishes such reports and information as may be required by the Director from time to time and complies with such instructions of the appropriate authority or the Director as may be issued to secure the continued fulfilment of the condition of recognition or the removal of deficiencies in the working of the school	Under Rule 50 (xviii) of DSEAR, 1973	Undertaking

S. No.	Category	Checkpoints	Relevant Provisions of Act/Rules/Guidelines	Documents Required
50		Undertaking from the school to the effect that all records of the school shall be open to inspection by any officer authorised by the Director or the appropriate authority at any time, and the school shall furnish such information as may be necessary to enable the Central Government or the Administrator to discharge its or his obligations to Parliament or to the Legislative Assembly of Delhi, as the case may be	Under Rule 50 (xix) of DSEAR, 1973	Undertaking
51		Whether the school submit an undertaking to follow the orders/circulars/guidelines issued by the department vide order dated 04-05-1997, 15-12-1999, 10-02-2005, 11-02-2009, and 16-04-2010.	These orders are related to collection of fees and other charges by the school	Undertaking
52		Whether an undertaking submitted by the school that the school will abide by the provisions of the DSEAR 1973, RTE Act 2009 and directions/instructions issued by Directorate from time to time	Rule 50 (vi) and 183 of DSEAR, 1973	Undertaking
53		Whether an undertaking submitted by the school that no text book or any other book disapproved by the Education Department will be used in the institution	As per section 4(d)	Undertaking
54		Whether an undertaking submitted by the school that the school shall not run any unauthorised classes or any other activities within the school premises and all the recognised classes shall run at one place in the premises of the school	Under the provisions of rule 45 of DSEAR 1973	Undertaking
55		Whether an undertaking submitted by the school that the school shall provide at least 25% free and compulsory education to the children as per Notification No. 15(172)/DE/Act/2010/69 dated 07-01-2011	Under the provisions of Section 12 (1) (c) of RTE Act, 2009 and in accordance to this Directorate's Notification dated 07-01-2011	Undertaking
56		Whether an undertaking submitted by the school that the school shall submit the annual return under Rule 180 of DSEAR, 1973 to the concerned zonal officer	Under the provisions of Rule 180 of DSEAR, 1973	Undertaking
57		Whether the school is providing quality education		Y/N
58		Whether the head of the school is maintaining a diary of supervision of class-room teaching		Undertaking
59		Whether the head of the school is maintaining a diary of supervision of correction of student written works		Undertaking
60		Whether the teachers are maintaining team-wise/month wise syllabus		Undertaking
61		Whether the teachers are writing daily/weekly diaries containing lesson notes		Undertaking
62	Only for upgradation	Whether acknowledged copy of the mandatory returns submitted by the school with the department is available in the file?	Rule 180 of DSEAR, 1973 In accordance to directions issued vide the Directorate's order No. 7905-7913 dated 16-04-2016	Y/N
63		Appointment of the medical officer/staff in the school and details of medical facility provided for the students	As per provisions of Rule 38 of DSEAR, 1973 and point 33 of form I	Y/N - Medical Qualifications with degree certificates
64		In Case of Govt Land i) Whether land allotment papers are available in the record? ii) What is the area of the land allotted and for which purpose the same has been allotted in case of schools running on land allotted by the Government agencies?	As per section 4(c) and rule 50(vii) Land norms were revised vide circular dated 28.05.2014 as under i) Middle Level - 800 Sq.Mtrs ii) Secondary Level- 1600 Sq.Mtrs iii) Sr.Sec Level(2 streams)- 2400 Sq.Mtrs iv) Sr.Sec Level(All streams) - 3200 Sq.Mtrs	

S. No.	Category	Checkpoints	Relevant Provisions of Act/Rules/Guidelines	Documents Required
65		For Conforming area, whether valid BCC/SSC/Occupancy Certificate from competent authority has been obtained by the school. In case BCC/Occupancy Certificate not available, then the following documents are required to ensure the safety of students: a) Sanctioned Building Plan by the Competent Authority b) Structural Stability Certificate from MCD empanelled structural safety engineers/agencies c) Fire Safety Certificate If BCC/Occupancy Certificate is available, schools need to furnish the School Health Certificate, Fire Safety Certificate, Structural Stability Certificate, Water Test Report from local Competent Authority	As per rule 5(vii) of DSEAR, 1973 and as per copy of the minutes dated 24-07-2012	Same as Point 42: Health Certificate, Building Fitness Certificate
66		In case of schools running on private land, the school management should submit copy of registered lease deed/ rent deed in favour of society/school for 30 years, with land ownership proof	Section 4(c) and rule 50(vii)	Y/N
67		In case of schools situated in non-conforming areas, information as detailed in adjacent columns is also required as per circular dated No. 1899-1913 dated 20.03.2009 and 13.11.2014	Between the period of 2006-09, the schools running in non-conforming areas were not being granted Essentiality Certificate/Recognition/ Up Gradation due to pendency of finalisation of policy decision to allow recognition in these areas. An appeal was filed before the Lt.Governor by five private unaided schools. Lt.Governor vide order dated 26.02.2009 held that 'this issue has been settled in the meeting of the DDA on 15.12.2008 wherein it has been decided to regularise institutions rendering "Health Care" and "Educational Services" at their existing locations, if these had been in operation prior to 01.01.2006 and are not situated on Government land, Gram Sabha Land or Protected Ridge. On the part of DDA, a public notice had been issued, asking for applications from Educational Institutions and Religious/Spiritual Organisations seeking regularisation with regard to their location in non-conforming areas.	Y/N
68		Whether valid NOC from competent authority of the fire department has been obtained by the school	According to order no.262-362 dated 17.01.2005	Same as Point 42: Health Certificate, Building Fitness Certificate
69		Whether in conforming or in non-conforming areas, assurance that building structure has adequate facilities for drinking water and separate toilets for girls and boys	Undertaking	Vide circular dated 13-11-2014
70		Whether Pupil Teacher ratio of the school is maximum 40:1 up to the primary level	As per schedule of RTE Act, 2009 Section 19 & 25 of RTE Act, 2009	Y/N
71		Whether Qualified and eligible staff recruited by School as per section 23 (1) of the RTE Act and includes the following: 1. At least one teacher per class so that there shall be at least one teacher each for: a) Science and Mathematics b) Social Studies c) Languages 2. At Least one teacher for every thirty-five children 3. Where admission of children is above one hundred- i) a full time head-teacher ii) part time instructors for - a) Art Education b) Health and Physical Education c) Work Education (for sixth to eighth class)	As per schedule of RTE Act, 2009 Section 19 & 25 of RTE Act, 2009	Same as Point 18: Analysis of Staff Statement and any pertinent observations/remarks

S. No.	Category	Checkpoints	Relevant Provisions of Act/Rules/Guidelines	Documents Required
72		Whether the school building consisting of: 1) At least one class-room for every teacher and an office-cum-store-cum-Head teacher's room: a) Number of classrooms having minimum area of 30 sq.mtrs, and b) Number of classrooms having minimum area of 35 sq.mtrs; 2) Barrier-free access; 3) Separate toilets for boys and girls(Total number of toilets for boys and girls may be mentioned); 4) Safe and adequate drinking water facility to all children; 5) Playground; 6) Arrangements for securing the school building by boundary wall or fencing.	As per schedule of RTE Act, 2009 Section 19 & 25 of RTE Act, 2009	Same as 69, 13
73		Whether the school is maintaining minimum number of working days/instructional hours in an academic year: i) two hundred working days for first class to fifth class; ii) 220 working days for classes 6-8; iii) 800 instructional hours per academic year for classes 1-5; iv) 1000 instructional hours per academic year for classes 6-8;	As per schedule of RTE Act, 2009 Section 19 & 25 of RTE Act, 2009	Timetable, School Calendar
74		Whether the school maintain minimum number of working hours per week for the teacher as 45 hours of teaching including preparation hours	As per schedule of RTE Act, 2009 Section 19 & 25 of RTE Act, 2009	Same as above
75		Whether the school is providing Teacher Learning equipment to each class	As per schedule of RTE Act, 2009 Section 19 & 25 of RTE Act, 2009	Undertaking
76		Whether a library is maintained by the school providing newspapers, magazines and books on all subjects, including story books	As per schedule of RTE Act, 2009 Section 19 & 25 of RTE Act, 2009	Undertaking
77		Whether school is providing play material, games and sports equipment to each class	As per schedule of RTE Act, 2009 Section 19 & 25 of RTE Act, 2009	Undertaking
78		Whether the ramp and toilets for disabled children are available or not?	As per schedule of RTE Act, 2009 Section 19 & 25 of RTE Act, 2009	Undertaking
79		Whether the school management compiles with the directions of the Hon'ble Supreme Court of India regarding the arrangements made for transporting school students	Copy of order dated 18-11-2005 and 18-05-2011	Undertaking + Details on students with parents details
80		Whether the school building is used only for the purpose of education and skill development of children	Condition of RTE recognition and as per rule 50(ix)	Undertaking

S. No.	Category	Checkpoints	Relevant Provisions of Act/Rules/Guidelines	Documents Required
81		Whether undertaking given by the school management for: i) Appointment of staff in accordance with the recruitment rules applicable to the post and after verification of character and antecedents by the police authorities. ii) The terms and conditions of services shall be mentioned in the offer of appointment/the appointment letter issued to the employees and the service agreement if any, entered into with the employee. These terms and conditions will be subject to the provisions of DSEAR, 1973. iii) No text books or any other books disapproved by the Education Department will be used in the institution. iv) The school shall faithfully comply with all the relevant provisions of DSEAR,1973 as amended from time to time. v) The school shall abide the provisions of RTE Act, 2009 and Delhi RTE Rules, 2011. vi) The school shall admit in class (or in entry class as the case may be) to the extent of 25% of the strength of that class children belonging to the weaker section and disadvantaged group in the neighbourhood and provide free and compulsory education till its completion.	Section 23 of RTE Act, 2009 Section 23 of RTE Act, 2009 Rule 21 of RTE Rules, 2011 Rule 26 of RTE Rules, 2011 Rule 26 of RTE Rules, 2011 Section 12(1) (c) of RTE Act, 2009 Section 13 of RTE Act, 2009 Section 29 of RTE Act, 2009	Undertaking for each
82		Whether undertaking given by the school management for: i) No child admitted shall be held back in any class or expelled from school till the completion of elementary education in the school. ii) No child shall be subjected to physical punishment or mental harassment. iii) No child is required to pass any board examination till the completion of elementary education. iv) Every child completing elementary education shall be awarded a Certificate as laid down under rule 22 of Delhi Right to Free and Compulsory Education Rules, 2011. v) The students with disabilities are given inclusive education as per provisions of the RTE Act, 2009. vi) The teachers perform their duties as specified under section 24(1) of the RTE Act, 2009 and the teachers shall not engage himself/herself for private coaching. vii) The society/school shall not collect Capitation fee and subject the child of his or her parent or guardian to any screening procedure. viii) The school shall follow the syllabus on the basis or curriculum laid down by academics authority/NCERT as the case may be and the school shall follow the three language formula for teaching from class VI to VIII.	Section 16, 17,30(1), 30(2), 3(3), 24(1) of RTE Act, 2009	Undertaking
83		Whether undertaking given by the school with regards that only those drivers/other staff have been appointed on school transport to ferry children whom character and antecedents have been verified by the police authorities	Under Rule 26 of RTE Rules, 2011	Undertaking + Police Clearance Certificates
84		Whether undertaking given by the school that the school shall maintain the standard and norms of the school as specified in section 19 of the RTE Act, 2009 and the instructions/orders issued from time to time	Under section 19 of RTE Act, 2009	Undertaking
85		Whether undertaking given by the school that the school is not run for profit to any individual, group or association or individuals or any other persons	Under rule 14 (b) of RTE Rules, 2011	Same as 29 (Undertaking)

S. No.	Category	Checkpoints	Relevant Provisions of Act/Rules/Guidelines	Documents Required
86		Whether undertaking given by the school that the school shall not deny admission to any child for lack of age proof and shall adhere to the provisions of Section 15 of the RTE Act, 2009	Under Section 14 (2) of RTE Act, 2009	Undertaking
87		Whether undertaking given by the school that the school shall abide by the directions/instructions issued by the government from time to time	Under rule 26 of RTE Rules, 2011	Undertaking
88		Whether the school has appointed special educator in the school	As per the obligation of RTE Act 2009 (Section 3) and directions of Hon'ble High Court and the Directorate's order dated 19.02.2013	TOC of Appointment of Special Education Officer along with degree certificates and proofs of previous jobs
89		Information under RTE Act, 2009	As per schedule of RTE Act, 2009	
90		Clear recommendations of the inspection Team		
91		Any other relevant information		

E List of Documents checked during an inspection

Table 6: Documents checked during a school inspection

Inspection Criteria	Rationale	Documents Checked
School Management Committee	<ul style="list-style-type: none"> • Whether or not the School Management Committee exists and meets regularly • Whether or not the Committee includes the members stipulated by the DSEAR • Whether or not the school principal was appointed following due process • Whether or not the school principal is qualified for the position • What is the tenure of SMC and frequency of change in SMC 	<ul style="list-style-type: none"> • Composition and Meeting Minutes of the School Management Committee • Qualification documents of the school principal (Degree Certificates)
Staff Selection Committee		Composition and Meeting minutes of the SSC
Hiring and Remuneration of Qualified Teachers	<ul style="list-style-type: none"> • Whether or not the teachers being hired in the school are appropriately qualified • Whether or not the teachers are being paid according to the latest Pay Commission • Whether or not the staff is overaged 	<ul style="list-style-type: none"> • Teacher Service Books • Financial Accounts listing the salaries paid to these teachers • Staff statement containing names, designations, DOB, qualifications • The teacher service books are also cross checked by physically verifying whether or not the same teacher listed in the service books is teaching their assigned class and subject • Dates of disbursement of salary of every month
Academics	<ul style="list-style-type: none"> • Whether or not the teacher is planning the lessons • Whether or not the teacher is covering the syllabus • Whether or not the teacher is assigning work to the students and properly checking said work • Whether or not the teacher is using audio/visual aids • The level of engagement with the students • Whether or not regular evaluations are being conducted and checked properly 	<ul style="list-style-type: none"> • Teacher's lesson plans/Teacher's diary • Students' work • Physical observation of teachers' classes • Evaluation schedule and preserved copies/assignments/question papers • Students' comparative result with students appeared, passes and pass percentage
Infrastructure	<ul style="list-style-type: none"> • Minimum land requirements 	<ul style="list-style-type: none"> • Physical verification of school campus

Inspection Criteria	Rationale	Documents Checked
	<ul style="list-style-type: none"> • Playground • Library with adequate books • Science lab • Computer lab • Spacious classrooms • Hygienic and separate washrooms for boys and girls • Clean drinking water • Fire Safety 	<ul style="list-style-type: none"> • Land ownership/lease documents • Library catalog • Fire Safety Certificate • Water Certificate • Health Certificate • Building Safety Certificate • Rain Water Harvesting Certificate
Finances	<ul style="list-style-type: none"> • Whether or not the school is profiteering • Whether or not the school funds are being utilised properly • Matters related to hike in fees 	<ul style="list-style-type: none"> • Audited reports of the school finances (checked by the AAO from the accounts department of the district education offices) • Budget estimates of receipts and payments • Pattern of freeship/fee concession/scholarship • School fee and other charges • Balance sheet • Expenses: Annual charges and Development fund • Recognised unaided fund is maintained from balance sheet
EWS	<ul style="list-style-type: none"> • Whether or not the school is admitting the students assigned to them under EWS 	<ul style="list-style-type: none"> • Cross-checking of admissions with the online portal • Identification documents of students admitted under EWS
Number of students		<ul style="list-style-type: none"> • Enrolment of students as on last date for each class gender wise • Attendance record

F Inspection Proforma

Delhi School Education Act and Rules, 1973, Report of the Review Committee Volume - III

Annexure -15, Vol -I, Part-II, p. 122

FORM OF INSPECTION REPORT

1. School ID :
2. Name of the school :
3. Date of establishment :
4. Date of last recognition as: Primary / Middle
(Secondary / Senior Secondary School). :
5. Subjects/Streams at Senior Secondary Level :
6. Names of feeder schools :
7. Date of last inspection :
8. Date of present inspection :

Delhi School Education Act and Rules, 1973, Report of the Review Committee Volume - III

1. ADMINISTRATIVE

- a) Whether its Management Committee is duly elected? List of latest MC and the minutes of last election held along with qualification of Manager be procured. Whether the school Managing Committee meetings are held regularly by adopting the proper procedure?
- b) Whether the school is appointing over-aged staff / teachers, ad-hoc teachers / staff, contract teachers / staff with salaries not consistent with the provisions of DSEAR'73 and whether maintaining separate attendance register of teachers appointed on regular basis and on contract / ad-hoc basis? (Staff statement alongwith their Name, Qualification, Date of Birth, Designation, Date of appointment & period of service be also furnished alongwith inspection report).
- c) Whether the school is providing free-ship to the students of weaker Section of society in accordance with instructions issued so far by the department and whether those admitted during previous years are still on rolls? If not, reasons thereof. This is to be physically checked.
- d) Whether appointment of Principal has been done as per rules? Obtain the copy of the SSC minutes and the certificates of the Principal.

2. OFFICE PROCEDURE

- a) Whether the school has recruited staff as per the post fixation norms(for aided schools)?
- b) Whether the service books and personal files of teachers and staff are being maintained as per rule?
- c) Whether the school has maintained its records in proper order as per the office procedure?
- d) Whether the school is following promotion rules of the Department?
- e) Whether the services of any teacher have been terminated / suspended without observing the proper procedure as per provision of DSEAR'73?
- f) Whether the school staff is being granted annual increment or not?

3. MANAGEMENT OF SCHOOL

- a) Whether the Managing Committee of the school has managed its affairs as per provision of rule 181, 182, & 185 of DSEAR'73?
- b) Whether the management of the school has part with the possession of part of the building for commercial purpose?
- c) Whether any commercial activity or any other institution is being run within the school complex?

- d) Whether there is any complaint against the management / functioning of the school? If yes, the same may be looked into.
- e) Any Complaint received from parents & staffs against the school.
- f) Whether lady teachers have to suffer any kind of exploitation, sexual harassment, overstay, overwork etc.?

4. ACADEMICS

- a) I) How has the teacher planned his lesson?
II) The type of lesson / notes written by the teacher and how far are they useful.
- b) Whether the teacher has covered the specified course and syllabus for the term and has adhered to it in the programme of teaching?
- c) Was the lesson taught on the day of inspection already scheduled and planned for the day?
- d) I) Were the questions put to the students thought-provoking and well-distributed?
II) How far the teacher encouraged the students to put questions to him on the subject?
- e) What types of audio-visual aids were used by the teacher in the class and how far were they effectively used?
- f) I) Did the teacher write a proper black-board summary?
II) How far was it a true synopsis of the lesson taught?
- g) Are the assignments given by the teacher and if so, are they judicious and scientifically given?
- h) I) Does the teacher give the class-work to students regularly?
II) If so, is it regularly corrected and corrections followed up?
- i) I) How much home work is given by the teacher?
II) Is it regularly corrected and followed up?
- j) I) How far is the assignment for class work and home work assessed and evaluated?
II) Has any record of such assessment been kept by the teacher and if so, how?
- k) I) Are periodical tests held? If so, at what intervals?
II) What type of papers are given to the students?
III) How are they evaluated?
- l) How are the tests and examinations in schools organized?

Delhi School Education Act and Rules, 1973, Report of the Review Committee Volume - III

- m) i) What remedial steps have been taken by the teacher to remove the weakness of students in different areas?
ii) Does he keep any record of such students and of the progress achieved by them?
- n) i) What efforts has the teacher made in helping the gifted children?
ii) Is there any record of their progress and achievement kept?
- o) How does the teacher encourage love for the subject and love for reading amongst the students?
- p) Comparative result of Class IX, X, XI, & XII alongwith enrolment in these classes be examined.
- q) Whether students have been admitted and classes are being carried out without getting the statutory recognition / permission?
- r) Whether additional illegal Sections are being run in school class without proper sanction?
- s) The details of number of court cases / cases pending against the school management in various courts / authorities / commission be examined and documentary evidence be provided along with their latest status.
- t) Whether election of PTA has been held or not?

5. FACILITIES IN SCHOOL

- a) Whether the school has requisite infrastructural facilities as per provisions of Section 4 read with rule 50 & 51 of DSEAR'73?
- b) Whether the school has received certificates from the local authorities in r/o building completion, drinking water facilities and so on?
- c) Whether the school has Fire Safety Certificate from competent authority?
- d) Latest Health Certificate from the competent authority may also be procured.
- e) Whether the school / class rooms are spacious enough for housing the school students?
- f) Whether playground is spacious enough for students and whether it is in good condition or not?
- g) Whether school toilets and environment is hygienic or not?

6. FINANCIAL

- a) Whether the school has transferred any fund to any Society or Trust, and if so, the details along with the name of Society / Trust, amount, date etc.?
- b) Whether school is maintaining all vouchers of each item of expenditure? All vouchers of major expenditure may be physically checked to find whether expenditure items were justified and genuineness of vouchers be looked into.
- c) Whether school has given any loans / advances to society / any other institution?
- d) Whether the school has raised / charged fee and other dues from students which are not consistent with the department instructions and the provisions contained in the DSEAR'73?
- e) Whether the school management has maintained its accounts as per provision of Rules 173 & 175 of DSEAR'73?
- f) Whether the school is regularly filing the statement of the fees to be levied by such school during the ensuing academic session as per the provision of Section 17 of DSEAR'73 since the date of its recognition?
- g) Whether the school is regularly filing the annual return under Section 180(1) of DSEAR'73 since the date of its recognition? (Financial returns for the last three years be also furnished along with the inspection report.
- h) Whether the school management is paying salary to the teachers and staff as per the recommendations of 6th Pay Commission or whether it is violating provision of Section 10(1) of DSEAR'73?
- i) Whether money collected by the school is utilized for the development activities and / or for augmenting the existing facilities, providing safety measures etc. of the school.
- j) Whether the Managing Committee of the school is financially viable to manage affairs of the school?
- k) Whether donations in any form are demanded by the school management at the time of admissions to the school or when results are declared by the school?

7. MISCELLANEOUS

- a) Whether there has been regular auditing of the school account and if yes, copies of the same for the last three years be obtained.
- b) Whether there is an extension counter of any bank operational in the school and whether that is meant only for the payment of fees by the students and salary to the teachers. And whether the school has taken permission from the DOE to run such a counter or not?
- c) Any other point which the inspection team deems appropriate in the interest of the students / education.

G Duties of the Private School Branch, Directorate of Education

PRIVATE SCHOOL BRANCH (HQ)

1. Deals with the matter of Granting Essentiality Certificate to the Societies for establishing a Private Un-Aided School.
2. Deals with the matter of approval of scheme of management of Private Un-Aided Schools.
3. Deals with the matter of Granting Recognition to Private Un-Aided Schools under DSEAR, 1973 and RTE Act, 2009.
4. Deals with the matter of Up-Gradation of Private Un-Aided Recognized Schools.
5. Deals with the cases of Extension of provisional Recognition/Up-Gradation of Private Un-Aided Schools.
6. Deals with the matters of Justice Anil Dev Singh Committee constituted for examination for fee hike issues of Private Un-Aided Recognized Schools.
7. Deals with the complaints received from General Public, VIP, DCPCR/NCPCR/NHRC/MHRD with regard to Private Un-Aided Recognized Schools.
8. Formulate Policy/Circulars/Orders regarding different aspects relating to Admission procedure/fee structure/free-ship to students under EWS/DG Category.
9. Monitoring of Inspection of Private Un-Aided Recognized Schools.
10. Deals with the prior approval of increase in fees of private unaided recognized school allotted land by DDA/other land owing agency with an such allotment condition.
11. Deals with the monitoring of General Admission at entry level in the Private Un-Aided Recognized Schools.

H Order on inspection of private schools for 2018-19

MOST IMMEDIATE

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION (ACT-I BRANCH) PSB
OLD SECRETARIAT, DELHI-110054.

NO.F. DE15/ACT/I-6/2013/1574-80

Dated: 12/02/19

ORDER

Subject:- Inspection for the year 2018-2019 of private unaided recognized schools Under rule 190, 191 & 192 of DSEAR, 1973.

In accordance with the provisions contained in Rule 190, 191 & 192 of DSEAR, 1973, It has been decided to conduct inspection of the following schools in academic year 2018-19, through the following officers of Directorate of Education:-

S.N	School ID	Name of School	Address
Schools in District : East			
Inspection Team Leader : DDE South			
1	1001152	Green Land Public School	2126, Gali No. 4, Rajgarh colony, Delhi-110031
2	1003208	Spring Bales Public Sr. Sec. School	Bhagat Singh Road, New Gobindpura, Delhi
3	1002313	Cosmos Public School	Vasundhara Enclave, Delhi.
4	1001162	Arunodaya Public School	1-A, Karkardooma Institutional Area, Vikas Marg, Delhi.
5	1003262	Bal Mandir Sr. Sec. School	Defence Enclave, Vikas Marg, Delhi-110092.
Schools in District : North East			
Inspection Team Leader: DDE North			
1.	1104298	Jeewan Jyoti Bal Vidhyalaya	Ch. Hukam Singh Marg, Sadatpur Ext. Delhi-110094.
2	1106255	Hindon Public School	B-3/411, 33 Foota Road, Harsh Vihar, Delhi-110093.
3	1105193	Brahmpuri Public School	Brahmpuri, Delhi-110053
4	1106182	Kala Niketan senior Secondary Bal Vidyalaya.	St-5,Durgapuri Extn. Delhi-110093.
5	1106198	Shashi Public Sec.School	A-25 DDA Flats Road Near M.S.Park Near Modem Shahdra, Delhi-110032.
Schools in District :North			
Inspection Team Leader: DDE Souht West B			
1	1208146	Nav Bharti Sr. Sec. School	Shree Nagar Colony, Delhi.
2	1207182	Jainmati Jain Public School	Pahari DheeraJ, Delhi.

3	1207176	Nalanda Modern Public School	Sant Nagar, Burari, Delhi
4	1207179	Mount Olivet Sr. Sec. School	B Block Street No.100, Sant Nagar, Burari, Delhi
5	1208147	Presentation Convent Senior Secondary School	S.P. Mukharjee Marg, Delhi
Schools in District : North West A			
Inspection Team Leader: DDE East.			
1	1309187	New Shalimar Public School	Block BM Paschimi Shalimar Bagh, Delhi-110088.
2	1309193	Mahavir Senior Model School	Sangam Park Extn. G.T. Karnal Road, Delhi-1110033.
3	1310288	Mata Sukhdevi Public School	A-Mian G.T. Road, Nangli Poona, Delhi.
4	1310282	Pandit Nandram Modern School	Village- Khera Khurd, Delhi-110082
5	1310422	Rishikul Vidyapeeth	Alipur, Delhi-110036
Schools in District: North West B			
Inspection Team Leader: DDE North East			
1	1413251	Deeen Bandhu Public School	Ghevra, New Delhi-110081.
2	1412139	P.D. Model School	6/88 P.F.E.Sultanpuri New Delhi-110041
3	1413232	Aristotle Public School	Near Bus Stand Qutab Garh, Delhi
4	1413289	Venkateshwar Global School	Sector -13, Rohini, Delhi-89
5	1413274	Glorious Public School	Sector-9, Rohini, Delhi-110085.
Schools in District: West A			
Inspection Team Leader: DDE North West A			
1	1514076	Vandna Model School	WZ-31B,P NO-26 Navyug Block Vinshu Garden New Delhi-110018
2	1516145	Adarsh Public School	F-Block, Bali Nagar, New Delhi-110015.
3	1514111	Shri Geeta Bhawan Model School	Tilak Nagar, Delhi-110018
4	1516106	Blooming Buds Public School	B-Block New Moti Nagar, New Delhi-110015.
5	1514084	Mukand Lal Katyal S.D. Sec. School	Ashok Nagar, New Delhi-110018
Schools in District : West B			
Inspection Team Leader: DDE North West B			
1	1617143	Rajendra Public School	Nihal Vihar Nangloi, New Delhi-110041
2	1617173	St. Sophias Sr. Sec. School	A-2, Paschim Vihar, Nw Delhi-110063.
3	1617180	Little Angles Sr. Sec. Public School	B-5 Block Paschim Vihar, New Delhi-110063
4	1617195	Shri Vishkarma Model School	Adhyapak Nagar, Nangloi, Delhi.

5	1617193	D.S. Memorial Public SS School	Extn-2-C, Nangloi, Delhi
Schools in District : South West A			
Inspection Team Leader: DDE Central & New Delhi			
1	1720123	Dashmesh Public School	WZ-5721 Club Road, Naraina, New Delhi-110028
2	1720122	Aravali Public School	WZ-555, Naraina Village New Delhi-110028
3	1719131	Maa Ganga Vidyalaya	Kh. No. 520, Near Panchayat Ghar, Rajokari, New Delhi-38
4	1720154	Modern School	Poorvi Marg, Vasant Vihar, New Delhi-110057
5	1720157	Radiant Model School	WZ-269 Nangal Raj Jail Road New Delhi-110046.
Schools in District : South West B			
Inspection Team Leader: DDE West B			
1	1821138	Kennedy Public School	RZH-2/826 Raj Nagar Part-II-45
2	1821143	Jindal Public School	Dashrath Puri, Palam Road, Dabri, New Delhi
3	1822248	St. Thomas School	Goyla Vihar, Near Sector-19, Dwarka, Delhi-71.
4	1822232	Holy Cross Public School	Najafgarh, Delhi-110043
5	1821186	St. Gregorios School	Plot No. 12, Sector-11, Dwarka, New Delhi-110045.
Schools in District : South			
Inspection Team Leader: DDE South West A			
1	1719116	Delhi Police Public School	B-4 Safdarjang Enclave, New Delhi
2	1924147	The Waulden School	A- Block, Niti Bagh, New Delhi-49
3	1923339	Sai Nath Public School	C-9, Tirgri Extn. New Delhi-62.
4	1923254	Prince Public School	2/108, Mehruali, New Delhi-30
5	1923278	New Jai Bharti Public School	B-867, Sangam Vihar, New Delhi-110062.
Schools in District: Central/New Delhi.			
Inspection Team Leader: DDE West A			
1	2127138	Heera School	Nursery Masjid Behind L.M.J.P Hospital, New Delhi
2	2026124	Meter Dei School	Tilak Lane, New Delhi-110001.
3	2127139	Saraswati Vidyalaya Se. Sec. for Girls	610, Darya Ganj, New Delhi
4	22127134	Happy School	Padam Chand Marg Darya Ganj, New Delhi-110002.

5	2128124	Ramjas School	Pusa Road, New Delhi-110005.
Schools in District: South East.			
Inspection Team Leader: DDE North			
1	1925291	Glory Public School	Pocket-B, Sarita Vihar, New Delhi-110048
2	1924205	Janta Adarsh Andh Vidyalaya	Sec-3, Sadiq Nagar, New Delhi
3	1925262	DAV Public School	Kailash Hills, Near, C-Block, East of Kailash, New Delhi-110065.
4	1925278	Khadijatul Bupra Girls Public School	B/1, Joga Bai, Jamia Nagar, New Delhi-110025.
5	1925272	Pushpa Bharti Public School	B-19, Om Nagar, Nadarpur, New Delhi-110044.

General Instructions for the Team Leader:


- ❖ Total five schools have been chosen from each district and assigned to Every Team Leader considering the fact that all the DDEs are also required to conduct the inspection of those schools which are granted provisional recognition up to elementary level under RTE Act, 2009.
- ❖ A period upto 31st March 2019 is given to Inspecting Team for a set of schools. Inspection of these schools will have to be carried out during the specified period only.
- ❖ Inspection will be conducted by a team headed by the DDE as team leader and conduct the inspection for schools mentioned below his/her name in above table. Team will include AAO/AO from the District of the Team Leader, a Principal from any Govt. school under the jurisdiction of the Team Leader and EO/DEO of the Zone concerned in which the school falls.
- ❖ Inspection Team Leader has been chosen by designation and not by name.
- ❖ Date of Inspection is to be fixed by the Team Leader in consultation with the Members of the Team as well as the School Management, and the finalized date of inspection shall be intimated to school well in advance.
- ❖ Team Leader will be required to upload the following information about the school to be inspected on department's website in the LINK "Inspection of Un-aided Schools" at least 05 (FIVE) days in advance.

1. Date of Inspection:
2. Reporting time in the school:
3. Name of the School:
4. School ID:
5. Location of the School: (Some landmarks may be mentioned)
6. Name of School Principal:
7. Personal Contact No. of the School Principal:
8. Name of the School Manager:
9. Personal Contact No. of School Manager:

10. Name of Team Leader with designation:

- ❖ 'Inspection Report Performa' as prescribed by Rule 194 of DSEAR, 1973 is available on the above mentioned link. The same has to be carefully filled giving all relevant information. Annexure, if required, may also be added along with this Performa which is to be signed by all the members of the Inspecting Team and is to be submitted to ACT-I Branch in a sealed envelope within three working days of conducting the inspection.
- ❖ In addition, Inspection Team shall also report on the following aspects of the working of the schools inspected by them:-
 - a) Admission of Students under Economy Weaker Section (EWS) & Disadvantage Group as per RTE Act, 2009 and Land Norms (with Documentary proof).
 - b) School Transport for the safety of children.
- ❖ The Team In charge will ensure that a copy of the inspection report is sent to the school concerned within 15 days from the date of inspection positively as required under Rule 190(6) of DSEAR,1973.

This issues with the prior approval of the Competent Authority


(YOGESH PRATAP)

DEPUTY DIRECTOR OF EDUCATION (PSB)

NO.F. DE15/ACT/I-6/2013/ 1574-80

Dated: 12/02/19

Copy to:-

1. The Manager/HOS Concerned schools through DDE concerned with the request to make available all relevant records to the Inspection Team on the date and time given by the Inspection Team.
2. All Team Leader for compliance.
3. P.S. to Pr. Secretary (Education)
4. P.S. to Director (Education)
5. P.S. to Adgl. Director (Act-I)
6. DCA, Dte. Of Education, with request to ensure that the accounts functionaries are made available for the inspection duty. If an individual officer is on leave alternate arrangement may please be made.
7. Guard file.


(YOGESH PRATAP)

DEPUTY DIRECTOR OF EDUCATION (PSB)

I Order on action against defaulters

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION
PRIVATE SCHOOL BRANCH)
OLD SECRETARIAT, DELHI-110054

NO.F. DE15(321)/PSB/2019/7816-7820
ORDER

Dated 9/5/19

WHEREAS, every school which is granted recognition by the Directorate of Education, Delhi, is bound to abide by all the provisions of the Delhi School Education Act & Rules-1973, RTE Act 2009 and other orders/circulars directions issued from time to time by DoE or by the Hon'ble Courts.

AND WHEREAS, In O.A No. 217/2016, titled "Mahesh Chandra Saxena V/s Govt of NCT of Delhi, Hon'ble National Green Tribunal, Principal Bench, New Delhi, passed an order regarding installation of Rain water Harvesting system by Educational Institutions.

AND WHEREAS, it has been noticed by the Hon'ble NGT that some Educational Institutions haven't complied with the directions/Order passed by them regarding installation of Rain water Harvesting system.

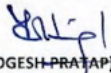
AND WHEREAS, taking cognizance of the non compliance of the earlier directions, Hon'ble National Green Tribunal, Principal Bench, New Delhi, have passed orders in r/o 605 Private Schools either which are not having Rain water Harvesting system installed or yet to be made functional (list enclosed).

AND WHEREAS, in above said referred O.A No. 217/2016 dated 22.02.2019 titled as "Mahesh Chandra Saxena V/s Govt. of NCT of Delhi Hon'ble National Green Tribunal, Principal Bench, NCT of Delhi has directed Directorate of Education to ask all such mentioned schools to deposit environmental compensation of Rs. 5 lakh each within two weeks from the date of the order i.e., 22.02.2019.

AND WHEREAS, accordingly directions were issued under section 24(3) of DSEAR, 1973 by the district DDEs in this respect, but the compliance of order of Hon'ble NGT and subsequent directions of this Directorate are yet to be complied with by most of these schools.

Now, Therefore, In pursuance to the orders of the Hon'ble NGT as well as subsequent directions of this Directorate, all the HOS/Manager of defaulter schools (list enclosed) are hereby once again directed to deposit Rs. 5 Lakh within 3 days. This shall be treated as final opportunity failing which further necessary action u/s 24(4) of DSEA, 1973 for withdrawal of recognition of concerned schools shall be taken without any further opportunity.

This issues with the prior approval of Director (Education).


(YOGESH PRATAP)
DY. DIRECTOR OF EDUCATION (PSB)

All Hos/Manager of Private Unaided Recognized School
(As per list enclosed)

Copy for information to:

1. PS to the Director of Education, Govt. of NCT of Delhi, Old Sectt. Delhi
2. All District DDEs—for information & further necessary action.
3. DDE (Land & Estate), DoE
3. OS(IT)—with the request to upload the order on the official website.


(YOGESH PRATAP)
DY. DIRECTOR OF EDUCATION (PSB)

J Order on action taken against a complaint

**DIRECTORATE OF EDUCATION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
OLD SECTT., DELHI-110054
(PRIVATE SCHOOL BRANCH)**

NO. DE.15 (GHPS)/PSB/2018/ 24344 -97

Dated: 04/05/2018

ORDER

The complaint dated 16.11.2017 of Mrs. Rajni Naik, PGT (Commerce), GHPS, Punjabi Bagh was received in the department alleging the inordinate delay in salary disbursement since March, 2017 by Guru Harkishan Public School, Punjabi Bagh, Delhi.

The issue of delayed payment to the teachers/employee by the said school was also published in the newspaper and an enquiry was conducted by the team constituted by DDE (W-A) to enquire into the allegation and as per the report submitted by the enquiry team, some delay might have occurred due to the introduction of the Centralized accounting system or due to transfer of funds from the cash-rich branches to non-cash rich branches of the GHP schools.

The school management in its reply dated 13.12.2017 refuted the allegation of Mrs. Rajni Nayak intimating that the salary to staff is disbursed through centralized A/c with effect from 1st April, 2016 and there is no delay in disbursement of salary to staff after the operation of Centralized Fund A/c.

In this context, it is pointed out that all the private unaided recognized schools are under obligation to make payment of salaries to their staff by 7th day of each month as provided in Part-H of the Form No. V prescribed in sub-rule (3) of Rule 192 of DSEAR, 1973.

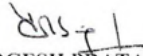


In light of the provisions mentioned in preceding para, the reply dt. 13/12/2017 of the school was examined and found not satisfactory on the ground that the school has disbursed salary to the teachers/employee in their saving bank accounts with a delay of 05 days to 45 days (approx.) in violation of the aforesaid rule during the month of April, 2017 to January 2018 as per the details of disbursement of salary enclosed with the reply dated 20/02/2018.

Now therefore, the managing Committee of the Guru Harkrishan Public School, Punjabi Bagh, New Delhi is hereby directed under sub-section 3 of Section 24 of Delhi School Education Act and Rules, 1973 to disburse the salary in the accounts of teachers/employees on 7th day of every month and submit compliance report of every month with the copies of bank statement to the Deputy Director of Education (West-A).

Non-compliance of the order shall be liable to action under relevant sections of DSEAR,1973.

This issue with the approval of Director (Education).


(YOGESH PRATAP)
DEPUTY DIRECTOR OF EDUCATION (PSB)

Managing Committee/Manager,
Guru Harkrishan Public School.,
Punjabi Bagh, New Delhi
Through DDE (Concerned)

NO. DE.15 (GHPS)/PSB/2018/
Copy for information to :-

Dated:

1. P.A. to Director (Education), Dte. of Education, Old Sectt., Delhi.
2. DDE concerned District shall ensure the compliance of the directions given in this order.
3. DDE (Zone concerned),
4. Guard File.


(YOGESH PRATAP)
DEPUTY DIRECTOR OF EDUCATION (PSB)

K Order related to fee hike

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION (PRIVATE SCHOOL BRANCH)
OLD SECRETARIAT : DELHI-110054.

NO.F. DE15 (318)/PSB/2016/21392-401

Dated 02/01/2018

ORDER

During the hearing of the petition number WP(C) 11265/2017 in the Hon'ble High Court, Government of NCT of Delhi has decided to defer the order of Directorate of Education, vide DE.15(318)/PSB/2016/19786 dated 17/10/2017. Accordingly, the Hon'ble Delhi High Court has ordered the Directorate of Education, to stay the above stated order until the next hearing.

Now, therefore, all the Private Unaided Recognized Schools of Delhi shall not collect increased fee, if any, from the parents/guardians/students on account of implementation of 7th Central Pay Commission till the further orders passed by the Hon'ble High Court in the aforesaid Writ Petition.

Yogesh Pratap
(YOGESH PRATAP)

DEPUTY DIRECTOR OF EDUCATION (PSB)

**Management of all Private Unaided Recognized
Schools of Delhi.**

NO.F. DE15 (318)/PSB/2016/21392-401

Dated 02/01/2018

Copy to :-

01. Secretary to Hon'ble Dy. Chief Minister/MoE, GNCT of Delhi.
02. OSD to Chief Secretary, GNCT of Delhi.
03. PS to Secretary (Education), Dte. of Education, GNCT of Delhi.
04. P.A. to Director (Education), Dte. of Education, GNCT of Delhi.
05. Director (Education), North/East/South Municipal Corporation of Delhi.
06. Director (Education), New Delhi Municipal council.
07. Chief Executive Officer, Delhi Cantonment Board.
08. All Addl. Directors/RDEs/JDEs/DDEs/ADEs, Dte. of Education, GNCT of Delhi.
09. All Branch In-charges, Directorate of Education, GNCT of Delhi.
10. OS (IT) with the request to upload it on the Departmental Website.
11. Guard File.

Yogesh Pratap
(YOGESH PRATAP)

DEPUTY DIRECTOR OF EDUCATION (PSB)

L Order on guidelines for EWS/DG admissions

GOVERNMENT OF NCT OF DELHI
DIRECTORATE OF EDUCATION
(PRIVATE SCHOOL BRANCH)
OLD SECRETARIAT, DELHI-110054

No.DE 15 (298)/PSB/2019/1673-99

Dated: 14/02/19

CIRCULAR

Subject: Guidelines for Admissions under EWS/Freeship category from class 2nd onwards against available seats in Private Unaided Recognized Schools of Delhi for session 2019-20.

1. As per clause 3A of Notification no. F.19/DDE(IEDSS)/Admn.cell/PSB/2018/26923 dated 23/07/2018, Private Recognized Unaided Schools situated at land allotted by the Government shall also admit children from Economically Weaker Section in neighborhood to the extent of 20% in all fresh admissions made in other classes above the entry level(Pre-school/Nursery, Pre-Primary/KG and Class-I) in the same manner as provided in this Directorate's Notification No. 15/(172)/DE/ACT/2010/69 dated 07/01/2011.
2. In WPC NO. 4607 titled as "Justice for all Vs Directorate of Education, GNCTD" Hon'ble High Court of Delhi has observed that seats available under EWS category in the classes from 2nd onwards in Private Recognized Unaided Schools running on the land allotted by Government will be filled and department has also given its consent to develop a mechanism to fill these vacant seats of EWS category in the classes 2nd onwards.
3. Earlier, the Private Unaided Recognized Schools (Except minority school) running on the land allotted by DDA/ other Government agencies had been following the manual procedure for admission of Economically weaker section in neighborhood to the extent of 20% in the fresh admission in classes 2nd onwards in accordance with the notification dated 30.12.2013 and order dated 28.04.2016.
4. Further, vide order of DoE dated 27.07.2018, it was decided to fill all such vacancies/ seats available under free-ship quota through computerized draw of lots after inviting online applications, in the similar manner as is being done in case of admissions at the entry level classes under EWS/DG category in Private Unaided Recognized Schools (except minority schools).
5. In compliance of the Directorate order dated 27.07.2018, DoE is facilitating admissions under EWS/free ship category by submission of application through

online module and selection by computerized draw of lots for Class 2nd onward against available seats in the Private Unaided Recognized Schools running on Government allotted land, for the academic session 2019-20. The applicant may access the Directorate's website www.edudel.nic.in and click "EWS/Free-ship" admission link on home page for applying.

6. The schedule for the said online admission process is as follows:-

Admission Schedule:-

Opening of Online Module for filling online application by the EWS/Free-ship category applicants.	19/02/2019 (Tuesday)
Last date of submission of online application by the EWS/Free-ship category applicants.	04/03/2019 (Monday)
The date of first computerized draw of lots for EWS/Free-ship category.	15/03/2019 (Friday)

7. Any person residing in Delhi, having the residence proof of Delhi and requisite Income Certificate (less than one lakh rupees annually) issued by the Revenue Department of GNCT of Delhi, BPL/AAY (Ration Card/Food Security Card holder) are eligible for applying in these Private Unaided Recognized Schools for admission of their ward under Economically Weaker Section Category.

8. **Regarding Age Limit.**

The age criteria for class II to IX will be as mentioned below:

Class	Appropriate Age as on 31 st March of the Year 2019
IIInd	The age of child should be 5+ but less than 6 years
IIIrd	The age of child should be 6+ but less than 7 years
IV	The age of child should be 7+ but less than 8 years
V	The age of child should be 8+ but less than 9 years
VI	The age of child should be 9+ but less than 10 years
VII	The age of child should be 10+ but less than 11 years
VIII	The age of child should be 11+ but less than 12 years
IX	The age of child should be 12+ but less than 13 years

9. For the admission in Class IX, the applicant will be selected in the ratio 1:2 i.e. against each available seat two candidates will be selected through computerized draw. Further admission against vacant seat among these selected candidates will be done finally by the Principal /HCS of the allotted school in accordance to Rule 145 of DSEAR, 1973.

10. **Regarding prohibition of demand of Capitation fee/Donation at the time of admission.**

"Capitation fee means any kind of donation or contribution or payment other than the fee notified by the school" As per the order of Hon'ble High Court in LPA 196/2004 in the matter of Rakesh Goyal vs. Mont Fort School, no school or person shall, while admitting

42.

a child, collect any Capitation fee, Donation from the parents. Any school or person who contravenes this provision and receive Capitation fee, shall be punishable fine which may extent to 10 times the Capitation charged".

11. Monitoring Cell

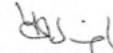
A Monitoring Cell shall be constituted in each district under the Chairmanship of the Deputy Director (District), to redress the queries and grievances pertaining to online application of EWS/Free-ship Category admission and to ensure admission of successful candidates selected through computerized draw of lots in accordance with instructions and guidelines issued by DoE by each and every concerned Private Unaided School recognized by DoE.

12. In addition to the above, for any grievance relating to admission process in class 2nd onwards in EWS/Free-ship category in the Private Unaided School Recognized by DoE, complaints or queries may be registered at the link <http://doepvt.delhi.gov.in> or at helpline numbers 8800355192 & 9818154069 (between 10.00 AM to 5.00 PM on all working days (Monday to Friday)).

13. Circular regarding online application for class XIth under EWS/Freeship category will be issued separately.

14. All the above directions are issued for strict compliance by all concerned and non compliance of the order shall be viewed seriously.

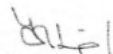
This issues with approval of the Competent Authority.


(YOGESH PRATAP)
DEPUTY DIRECTOR OF EDUCATION (PSB)

No.DE 15 (298)/PSB/2019/ 1613-79
Copy to: -

Dated: 14/02/19

1. P.P.S to Secretary (Education), GNCTD.
2. PS to Director (Education), GNCTD.
3. PA to Spl.DE (PSB), GNCTD.
4. PA to JD(IT) with request to make necessary provision.
5. All DDE Districts with the direction to ensure strict compliance of the above said directions for admission of successful candidates.
6. SO (IT) to upload the Circular on departmental website.
7. Guard File.


(YOGESH PRATAP)
DEPUTY DIRECTOR OF EDUCATION (PSB)

M Functions performed by education officers in Delhi and Haryana

Table 7: Functions performed by DDEs (District) in Delhi

Type of Functions	Number of Responses
Rule-making	0
Compliance	4
Investigation	4
Adjudication	1
Financing	3
Service Delivery	1

Table 8: Functions performed by DDEs (Zone) in Delhi

Type of Functions	Number of Responses
Rule-making	1
Compliance	7
Investigation	7
Adjudication	1
Financing	0
Service Delivery	0

Table 9: Functions performed by DDEs (Zone) in Delhi

Type of Functions	Number of Responses
Rule-making	0
Compliance	3
Investigation	3
Adjudication	0
Financing	2
Service Delivery	0

N Questionnaire for education functionaries on their responsibilities

Section 1: Reporting Lines

1. How many people do you directly supervise?
 - (a) What are their designations?
2. How many people directly supervise you?
 - (a) What are their designations?

Section 2: Charges and Responsibilities

1. What are your top 3 charges/responsibilities?
2. Do you perform the following functions? (Y/N)

Table 10: Functions performed by government officials

Function	Description	Y/N	Comments
Rule-making	Making rules or policies that apply universally to the area under the jurisdiction		
Compliance	Providing approvals; ensuring standards are met; conducting annual and surprise inspections along with inspection for recognition		
Investigation	Conducting complaint-based inspection against government/private schools		
Adjudication	Deciding action to be taken to redress a complaint; hearing appeals against such decisions		
Financing	Spending on infrastructure of schools		
Service delivery	Establishing school; hiring teachers; providing free books, meals, scholarships and transport		

3. Fieldwork
 - (a) Do you do any fieldwork? (Y/N)
 - (b) On average, how many days do you visit the field in a week?
 - (c) Which activities do you supervise in the field?
4. How do you coordinate with the principals of schools?

Section 3: Official Briefing and Training

1. Were you briefed/trained about your responsibilities on joining the post? (Y/N)
 - (a) (Y) Who briefed/trained you?
 - (b) (Y) What were the top 3 responsibilities the briefing/training covered?
2. Are there any official documents/statements highlighting your responsibilities, apart from the HSE/DSE Act and RTE Rules for Delhi/Haryana? (Y/N)
 - (a) (Y) Please name them.

Section 4: Details of the Post

1. How long have you held your current post for? (in months)
2. Which posts have you previously held?
3. How did you apply for this post? (Vacancy/Promotion/Examination/Others, please specify)
4. If the answer to Q. 11 is Vacancy,
 - (a) (Y) What did the vacancy notice say?
 - (b) (Y) Where can we find a vacancy notice for the post?

O Questionnaire for parents in Uttar Pradesh regarding fee regulation

1. Have you read the U P Self-Financed Independent Schools (Fee Regulation) Act, 2018?
 - (a) Yes
 - (b) No
2. According to you, which section(s) of The Uttar Pradesh Self-Financed Independent Schools (Fee Regulation) Act, 2018 is not being implemented?
3. The Act mandates the clubbing of all recurring fee charged, under the head- Composite Annual Fee. Do you think that schools should be asked to give a head wise distribution of Composite Annual Fees?
 - (a) Yes
 - (b) No
4. Is there any section(s) in the Act that is confusing or difficult to understand? Please specify.
5. Have you filed any complaint against a school administration with the DFRC?
 - (a) Yes
 - (b) No
6. How many complaints have you filed with the DRFC since the Act has been introduced?
7. How would you rate the procedure of filing a complaint with the DFRC?
 - (a) Very Easy
 - (b) Easy
 - (c) Difficult
 - (d) Very Difficult
8. Why did you file a complaint with the DRFC?
9. When did you file your complaint(s) with the DFRC? (Month and year)
10. Has your complaint(s) been heard in any of the DRFC meetings till date?
 - (a) Yes
 - (b) No
11. If the answer to Q10 is Yes, when was the complaint heard? (Date of the meeting)
12. If the answer to Q10 is No, what step(s) did you take pertaining to your complaint (multiple options can be chosen)?
 - (a) Approached the Civil Court
 - (b) Approached the District Inspector of Schools
 - (c) Filed another complaint(s) with the DFRC
 - (d) Approached a parent pressure group (eg. ANPSA, PUPAS etc.) for guidance and help
 - (e) Approached the school administration
 - (f) Did not follow up
 - (g) Please specify, if any other:
13. If the answer to Q10 is Yes, what was the decision(s) of the DFRC?
14. Have the decision(s) made by the DRFC pertaining to your complaint(s) been implemented to your satisfaction?
 - (a) Yes
 - (b) No
 - (c) Partially
15. Have the decision(s) made by the DFRC pertaining to your complaint(s) been implemented within the stipulated time frame?
 - (a) Yes
 - (b) No
 - (c) Partially
16. In case you are not satisfied with the decision of the DFRC where do you go?
 - (a) Civil Courts
 - (b) State Self-Financed Independent Schools Authority (Appellate Authority)
 - (c) Please specify if any other
17. On a scale of 1-5 (1 being least satisfied and 5 being most satisfied) how will you rate your satisfaction with DFRC?

P Questionnaire for school owners regarding fee regulation

Section A: Respondent Information

Name:

Post:

School:

Section B: School Background Information

1. How many teachers work in your school?
2. How many students study at your school?
3. Which grades are taught in the school?
4. What is the size of the land on which your school has been built?

Section C: Frequency of and Bodies involved in the inspection

1. How many times the school has been inspected since April 2018?
2. Do you perform the following functions? (Y/N)
 - (a) 1
 - (b) 2
 - (c) 3
 - (d) No inspection
3. If the answer to C1 is not D, which bodies conducted the inspection since April 2018? (*You can check multiple options*)
 - (a) Directorate of Education
 - (b) DCPCR
 - (c) Affiliating Board
 - (d) Others ----
4. When was the last time the school was inspected by the Directorate of Education under annual/regular inspection?
 - (a) April 2019-now
 - (b) April 2018-March 2019
 - (c) April 2017-March 2018
 - (d) Prior to that in academic year ----
5. How often does the Directorate of Education inspect the school under regular inspection?
 - (a) Annually
 - (b) Once in two years
 - (c) Once in three years
 - (d) Infrequent
6. **Documentation**
List the documents the school is required to submit during inspections. (*Please provide a copy of the documents*)

Section D: Pre-inspection

1. Do you get advance notice before an upcoming inspection?
2. If the answer to D1 is yes, how many days in advance do you get the notice?
 - (a) A week before the inspection
 - (b) A month before the inspection
 - (c) Two months before the inspection
 - (d) More ----
3. Do you get a self-assessment form prior to the inspections?
4. How many days prior to the inspections do you get this form?

Section E: During Inspection

Duration, activities, and composition of the team

1. What was the duration of the last routine inspection?
 - (a) Less than an hour
 - (b) 1 to 2 hours
 - (c) 3 to 4 hours
 - (d) 5 to 6 hours
 - (e) More than 6 hours

- (f) More than a day
- 2. Can you list down the activities of the inspectors during the last routine inspection and the time invested for each activity? / What are the three most time consuming parts of the inspection?
- 3. What was the composition of the inspection team?
- 4. The inspector is required to visit the classrooms during the inspection. Does this hold true in practice?
- 5. If the answer to E4 is yes, how many classes were inspected in the last inspection?
- 6. If the answer to E4 is yes, how are classes selected?
 - (a) The inspector chooses the class without considering the school's recommendations
 - (b) The inspector chooses the class based on recommendations of the school
- 7. At the time of inspection, do you have to pay any amount apart from those that are officially required? ('Unofficial Charges' refers to any off-the-books payments made to inspectors or facilitators.)
 - (a) Always
 - (b) Sometimes
 - (c) Rarely
 - (d) Never

Based on inspection form

Managing Committee

- 8. Does the inspecting team verify if the Managing committee meets regularly?
 - 9. If the answer to E8 is yes, how does the team verify that?
- ##### *EWS Criteria*
- 10. Do you have students registered under EWS norms?
 - 11. If answer to E10 is yes, what are the documents submitted to the inspecting body as proof?
- ##### *Academics*
- 12. What are the different ways in which inspectors evaluate teaching quality? List and elaborate on each
 - 13. Do schools preserve copies of these tests/exams for the purpose of evaluation?
 - (a) Yes, all
 - (b) Yes, a few
 - (c) No, we do not keep copies of tests/exams
 - 14. How are these preserved copies selected during inspections?
 - 15. What are the activities the school undertakes for weaker students?
 - 16. What are the activities the school undertakes for gifted students?
 - 17. Are the inspectors concerned with E17 and E18? If yes, how do they verify if such activities are undertaken?
 - 18. Do you present comparative results of Class IX, X, XI and XII during the inspection?
 - 19. In what form are these results presented?
 - 20. We have picked a few indicators from the report to understand how are schools judged. Can you tell us about the following requirements and how do the inspectors judge the school on each:
 - (a) Teacher encourages love for the subject
 - (b) Teachers are asking thought provoking, well distributed questions
 - (c) Student assignments are judicious and scientific
 - (d) Teachers write a "proper" blackboard summary
 - (e) Teachers write a summary after every class

Stakeholder Interaction

- 21. Do inspectors interact with students during inspections? If yes, what kind of questions are asked of students?
 - 22. Do the inspectors interact with teachers?
 - 23. If yes, what kind of questions are asked of teachers?
 - 24. What documents belonging to the teacher are checked to evaluate their performance?
 - 25. Do the inspectors interact with students?
 - 26. If yes, what kind of questions are asked of the students?
 - 27. What documents belonging to the students are checked to evaluate their performance?
- ##### *Finances*
- 28. What all documents are checked during the financial inspection of your school?
 - 29. Who performs these inspections? Are these inspectors specially appointed/qualified for these inspections?

Section F: Post-Inspection

- 1. Are post-inspection reports shared with you?
 - (a) Yes
 - (b) No
- 2. How long after the inspection do you get these post inspection reports?
 - (a) Immediately
 - (b) A week later
 - (c) Two weeks later
 - (d) A month later
 - (e) More than a month later

3. Are there any ways in which you may challenge the findings and conclusions of the report?
4. Are all inspections conducted formally with paperwork filed?
 - (a) Yes
 - (b) No
5. How does the inspector communicate the corrective measures to be taken after the inspection?
 - (a) Verbally
 - (b) Through a notice
 - (c) Others ----
6. When does the inspector communicate the corrective measures to be taken after the inspection?
 - (a) Immediately
 - (b) In a week
 - (c) In a month
 - (d) More than a month; specify ----
7. How much time is given to schools to remedy any deficiencies found during an inspection?
8. Have you received any show cause notice? And for what reason? *(Please share a copy)*
9. Are there any penalties for non-compliance? If yes, please list.
10. Has a follow up inspection been recommended for your school?
11. Does the same inspection team return for the follow up inspection?

Section G: Perceptions and sentiments

1. What is your opinion about the inspectors? *(You can select more than one option)*
 - (a) Inspectors are facilitators
 - (b) Inspectors treat you respectfully
 - (c) Inspectors are professional
 - (d) Inspectors are biased and want to purposely find faults
 - (e) Inspectors are experts who are well versed with the syllabus and can properly judge the level of students, quality of teaching, and course completion
2. What do you think is the intent of the inspections? *(You can select more than one option)*
 - (a) To facilitate the ease of running school
 - (b) To check for violations in the school and ensure compliances
 - (c) To ensure the welfare of students
 - (d) To deliberately look for faults
 - (e) To further their personal benefits
3. What are the challenges faced by your school during routine inspections?

Q Questionnaire for inspectors of private schools

Background Information

1. How many private unaided schools do you have in your zone?
2. How many government schools do you have in your zone?
3. How many private aided schools do you have in your zone?
4. Do the same officials conduct inspections for both private and government schools?
5. If the answer is yes, how many officials within your department conduct inspections?
6. If answer is no, how many officials within your department conduct inspections for private schools?
7. How much time does it take to complete the inspection of one private school?
8. What other duties are you required to do as a part of your job besides inspections?
9. Number of annual inspections of conducted last year by you:
 - (a) Government schools
 - (b) Private Schools
10. Do you follow any annual schedule for inspections of private schools?
11. If yes, who prepares this annual schedule?
12. What time of the year do you receive this annual schedule?
13. Are all private schools inspected once a year in your zone?
14. If no, what is the interval between annual inspections of one school?
15. How many schools have been de-recognised/shut down in the last financial year?

Pre-Inspection

1. Who decides the panel for inspection?
2. Who are the members for this panel?
3. One inspection panel has to inspect how many schools in a year?
4. Are there any specialists in the inspections panel team? (Yes/No)
5. If yes, who are these specialists?
6. Do you notify the schools before inspecting them? (Yes/No)
7. How long before the inspection are the schools informed?
 - (a) Less than 1 week before inspection
 - (b) Less than 2 weeks before inspection
 - (c) Less than 1 month before inspection
 - (d) More than 1 month before inspection
8. Do you send a self-evaluation form to the school?
9. How long before the inspection do you send this self-evaluation form?
 - (a) Less than 1 week before inspection
 - (b) Less than 2 weeks before inspection
 - (c) Less than 1 month before inspection
 - (d) More than 1 month before inspection
10. What documents are required from a school before an inspection?

During Inspections

1. Is there any particular area you focus the most in annual regular inspection?
2. Which particular section of the proforma takes most of time?
3. Which aspects of the form do you inspect?
4. Which among those aspects/parameters are the most time consuming?
5. Whom all do you speak to while conducting the inspection from the school?
 - (a) Teachers
 - (b) Students
 - (c) Parents
6. *Administrative*
How do you check whether or not the schools are admitting EWS students?
7. How do you check whether or not the School Management Committee exists and is meeting regularly?
8. How do you check if the SSC exists and is meeting regularly?
9. How do you check whether or not the teachers are being hired and paid according to norms?
10. How do you check whether or not the school has hiked their fees?
11. Is there any physical verification for these EWS students?
Academics
12. How is teaching quality evaluated?
13. How are teachers selected during an inspection?
14. How many teachers do you evaluate during one inspection?
15. How much time do you spend on evaluating each teacher?
16. How many classes per teacher do you attend?
17. What all teacher records do you evaluate? Do teachers keep detailed notes and lesson plans?
18. Do you refer to the students' work during the inspection?

19. Are subject specialists appointed for the academic evaluation of teachers at the senior secondary level?
20. Do you observe answer copies preserved by school?

Post Inspection

1. Who prepares the final inspection report?
2. Do you send a copy of the entire report to school?
3. If yes, after how many days does the school receive this report?
4. If any deficiency is found how do you communicate to school?
 - (a) On-Spot
 - (b) In Report
5. How much time is given to remedy the deficiencies pointed out in the report?
6. Do you recommend follow-up inspections for schools who underperform?
7. Did the same inspection team inspect a school for which a follow up was deemed necessary?
8. If no action is taken by the school, what actions can be taken against schools which fail to act on these deficiencies?



THE INTERNS

RESEARCHING REALITY INTERNSHIP 2019

RESEARCHING REALITY 2019 INTERNS



ADIT SHANKAR

Adit Shankar is a third-year undergraduate currently pursuing BA (Hons.) in Economics from Ashoka University. He heads the languages society of his college, and has worked on several student government projects. His academic interests include comparative politics, development economics, and gender.



ANINDYA TOMAR

Anindya Tomar is a third-year student pursuing a Bachelor of Arts (Honours) in Economics from Ramjas College, University of Delhi. He was the Editor-in-Chief of the foundational edition of Ramjas Economic Review and a Core Team Member of a student run NGO, Asmat. As of now, he wants to pursue higher studies in economics and become an academic thereafter.



ARUSHI DIXIT

Arushi is pursuing Economics Honours at Miranda House, University of Delhi.



ATREYI BHAUMICK

Atreyi Bhaumik is a third-year undergraduate student at Kamala Nehru College pursuing a major in Economics. She is currently the Financial Head of Enactus KNC, and has worked extensively with the cobbler community and domestic helpers community, in and around Delhi.



BHARAT SHARMA

Bharat is a final-year student of philosophy, politics and economics at Ashoka University, Sonapat.



GAYATRI KORGAONKAR

Gayatri is a law graduate from Amity Law School, Delhi, (affiliated to GGS Indraprastha University).



KAVYA PHOPHALIA

Currently pursuing BCom. Honours from Shri Ram College of Commerce, Kavya loves to read, write, be open to diverse experiences and think deeply on myriad issues.



MUSKAN JAIN

Muskan is an aspiring economics scholar at the London School of Economics and a graduate from St. Stephen's College.



MAHIM SINGLA

Mahim is a budding Economist from the Delhi Technological University.



PAVITRA K

Pavitra is pursuing a postgraduate degree in Economics from Jawaharlal Nehru University. Her research interests include Political Economy, International and Development Economics, among others. She has previously interned with the Hindu Business Line as a News Reporter and with the Institute of Economic Growth as a Research Assistant.



PRAVISH AGNIHOTRI

Pravish studies Political Science at Ashoka University.



RITIKA AGARWAL

Ritika is pursuing Economics at Miranda House, Delhi University. She is currently the President of the Economics Society of Miranda House. She is interested in pursuing Masters and work in the field of development and policy as a career.



SANJANA SOOD

Sanjana is an undergraduate student majoring in Economics with a minor in English Literature. Her interests include economic and financial research, writing, poetry and music. She wishes to run her own magazine someday.



VIDUSSHI SINGH

Vidusshi is a second year student of B.A. Economics (H) at The Jindal School of Government and Public Policy, O.P. Jindal Global University.



Centre for Civil Society

Centre for Civil Society (CCS) is a Delhi-based public policy think tank that advances social change through public policy. Our work in education, livelihood, governance and policy training furthers choice and accountability across public and private sectors. To translate policy into practice, we engage with policy and opinion leaders through research, pilot projects and advocacy. We have been ranked in the top 100, in the Global Go To Think Tank Index Report 2018 by Think Tanks and Civil Societies Program at the University of Pennsylvania

CCS envisions a world where each individual leads a life of choice in personal, economic and political spheres and every institution is accountable.



**FRIEDRICH NAUMANN
FOUNDATION** For Freedom.

South Asia

Friedrich Naumann Foundation for Freedom

The Friedrich Naumann Foundation for Freedom (FNF) is an international non-profit organization promoting the ideas of liberal democracy, respect for human rights, rule of law and economic freedom.

FNF works on some of the most important issues related to liberalism such as the opening of the Indian economy, working with the police to transform into a democratically accountable service, making cities more liberal for their citizens, harnessing the power of the revolutionary Right to Information Act, ensuring property rights as well as dealing with the challenges thrown up by climate change. More recently, the Foundation has supported programs dealing with the challenges and chances of digital transformation.

FNF pursues these goals, which are part and parcel of the great Indian democratic tradition embodied in the Constitution, in partnership with policymakers, business leaders, national and international NGOs, universities as well as journalists and think tanks.



**FRIEDRICH NAUMANN
FOUNDATION** For Freedom.
South Asia



CENTRE FOR CIVIL SOCIETY

A-69 Hauz Khas
New Delhi – 110016
Phone: +91 11 2653 7456
Website: www.ccs.in