

**DIRECTORATE OF EDUCATION
GOVT. OF NCT OF DELHI
OFFICE OF THE DIRECTOR OF EDUCATION
OLD SECRETARIAT, NEW DELHI-110054**

F.No. PS/DE/2020/54

Dated:- 17/04/2020

ORDER

Whereas, the Disaster Management Act, 2005 and the Delhi Epidemic Diseases, COVID-19 Regulations, 2020 under the Epidemic Diseases Act, 1897 for Prevention and Containment of COVID-19 are in force in NCT of Delhi at present. Hence all are required to comply with the provisions of the same.

Whereas, everyone is aware that the outbreak of Novel Corona Virus (COVID-19) has been declared as Pandemic by WHO and at present, it is a major threat to life and, therefore, a grave matter of concern in the country, being social emergency life situation including Delhi. India is under a 21-day Lockdown with effect from March, 24 2020 and people are under strict directions to restrain from going out of their homes.

Whereas, it is also a fact that in view of the spread of COVID-19, all business/professional/other activities (other than essential ones) have ceased to function as a precautionary measure to contain COVID-19 due to which, some parents, are not in a position to pay the school fee of their wards at increased rates or even at existing rates if demanded on quarterly basis in one go.



Whereas, in such an unfavorable situation, supply out of compassion for fellow citizens, most of the Charitable Trusts, Charitable Societies, NGOs / Social Organizations and even Individuals are extending their support voluntarily to deal with the war- like situation arisen due to the spread of COVID-19 in their respective fields.

Whereas, in such a situation, when all sections of society are contributing their best to help out those in need, it has been brought to the notice of the undersigned that some private unaided schools are not only violating the provisions of Delhi School Education Act and Rules 1973 and other guidelines issued by the Department in respect of regulation of fee but also the provisions of above referred Disaster Management Act, 2005 and the Delhi Epidemic Diseases, COVID-19 Regulations, 2020 under the Epidemic Diseases Act, 1897 for prevention and containment of COVID-19 presently in force.

Whereas, some schools have increased the fee in the academic session 2020-2021 without taking cognizance of the prevailing situations in view of the announcement of lockdown by the Central Government and despite the enforcement of Disaster Management Act, 2005 and the Delhi Epidemic Diseases, COVID-19 Regulations, 2020 under the Epidemic Diseases Act, 1897 for prevention and containment of COVID-19 and also without compliance of the mandatory provisions of section 17(3) of Delhi School Education Act

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1973 and several other guidelines issued by the Department from time to time in this regard. Some schools have increased the fee without seeking approval of Director (Education) even though they are running on the land allotted by the DDA/Other Land Owning Agencies with such condition.

Whereas, it has further come to the notice that some private schools have started charging the fees from the students under various new heads in violation of the directions of Hon'ble Supreme Court as well as the directions of the Directorate of Education.

Whereas, it has also been learnt that some private schools have started providing online learning material / classes to the students of their respective schools for the academic session 2020-21 so as to cover the learning / curricular activities of this academic session. This is a welcome step in the interest of students. However, it is matter of grave concern that some schools are found indulging in the following malpractices which are inhuman, especially in view of the outbreak of Corona Virus (COVID-19):-

- i. Heads of the Schools are not providing the ID & Password to access Online learning / educational material/classes to those students whose parents who have not paid or not agreed to pay the illegal increased fee of the school.
- ii. Heads of the schools are demanding and collecting the fee from the parents / students on quarterly basis.



- iii. Heads of the schools are not providing ID & Password to the students/parents so as to access the online learning activities/classes who are unable to pay the school fee due to financial crisis on closure of business activities in the ongoing lockdown condition.
- iv. Some private schools are not paying salary to the teaching and non-teaching staffs in this ongoing lockdown or paying less salary to the extent of 40% to 50% of their total emolument which is against the spirit of direction of Govt of Delhi issued in this regard as well as relevant provisions of DSEA Act, 1973. This has resulted in acute financial difficulties being faced by the teaching and non-teaching staffs working in the private schools.

Whereas, attention of all HOSs and managers of the Private Unaided Schools of Delhi is invited to the provisions of DSEAR 1973 in accordance to which they are under the direct control of Charitable Society/Trust. Being Charitable Societies/Trusts, they are supposed to indulge in charity, especially when they are engaged in the noble field of providing education to the society— without indulging in profiteering. Accordingly, they are also supposed to extend their maximum support (to those parents who are in financial distress at this time and unable to pay to school fee) by providing learning material online to all students without any discrimination and hindrance and also by not charging any increased tuition fee or any other fee by creating any new head.



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And whereas, attention is also invited towards Rule 165 of DSEAR, 1973 which provides "*All fees and contributions payable to a school by a student shall be payable by the 10th day of the month in which they are due:*

Provided that where the school remains closed on the 10th day of the month, such fees or contributions shall be payable on the date following the 10th day on which the school reopens:

Provided further that where the school remains closed for the long vacation, fees and contributions shall be payable within 10 days from the day on which the school re-opens after the long vacation".

And whereas, it is also a fact that due to early closure of schools in the wake of COVID-19 and thereafter due to announcement of lockdown, the expenditure on co-curricular activities, sports activities, transportation, other development related activities etc is almost nil.

And whereas, as per the provisions, the tuition fee charged from the students, covers all the expenditure to be incurred on salary, establishments and curricular activities.

Now, therefore, under section 39 (i) of The Disaster Management Act, 2005, wherein responsibilities have been conferred upon Directorate of Education, being one of the Departments of State Government and in exercise of the powers conferred under Section 17(3) of DSEA, 1973 and read with Rule 43 DSEAR, 1973 and under other enabling provisions of the above Acts and Rules or any other,



all Heads / Managers of the private unaided recognized schools of Delhi are hereby directed as under:-

- i. No fee, except Tuition fee, shall be charged from the parents, till further orders.
- ii. Heads of the schools shall not demand and collect the Tuition fee from the parents/students on quarterly basis. The fee shall be collected on monthly basis only.
- iii. Not to increase any fee in the academic session 2020-21 till further directions irrespective of the fact whether or not the school is running on the private land or the land allotted by DDA/Other Govt. Land Owning Agencies.
- iv. The schools running on the land allotted by the DDA/Other Land Owning Agencies with the condition to seek approval of Director (Education) before any fee increase, shall collect the Tuition fee on the basis of last fee structure approved by Director (Education) or as per fee statement filed by them under 17 (3) of DSEAR, 1973 during academic session 2015-16.
- v. Shall ensure to provide the access of Online Education/material/classes to all students, without any discrimination, by providing them ID and Password immediately to get them online education facility.




- vi. Heads of the schools shall, in no case, deny ID & Password to those students/parents for getting online access of educational facilities/classes/materials etc to those students who are unable to pay the school fee due to financial crisis arising out of closure of business activities in the ongoing lockdown condition.
- vii. Managing Committee of the schools/Heads of the schools shall not put extra financial burden by creating any new head of fee.
- viii. Shall neither stop payment of monthly salary nor reduce the existing total emolument to the teaching and non-teaching staff of their schools in the name of non-availability of funds and arrange the funds in case of any shortfalls from the Society / Trust running the school.

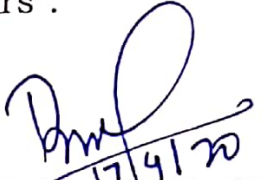
Failure to comply with above instructions shall invite action not only under the relevant provisions of DSEAR, 1973 and IPC but also punishment under Section 51 (b) of The Disaster Management Act, 2005 which provides that whoever, without reasonable cause:-

“ Refuse to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

Shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such


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obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years”.


(BINAY BHUSHAN)
DIRECTOR OF EDUCATION

To,

All HOS / Managers,
Private Unaided Recognized Schools, Delhi

Copy to:-

1. PS to Hon'ble Dy. C.M. / MoE, GNCT of Delhi.
2. PS to Chief Secretary / Chairperson, State Executive Committee, GNCT, Delhi.
3. PS to Secretary Education, Delhi.
4. PS to Director of Education, Delhi.
5. All Regional Directors of Education, Delhi, with the directions to take immediate action as per above directions against the defaulter schools.
6. All District Dy. Directors of Education, Delhi, with the directions to take immediate action as per above directions against the defaulter schools.
7. All Dy. Directors of Education Zones, Delhi, with the directions to take immediate action as per above directions against the defaulter schools.


(YOGESH PRATAP)
DY. DIRECTOR (PSB)