
An Arbitrary Hike in Private School Fees - Protest By Parents

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ABSTRACT:

India is a developing country, now day's parents put more emphasis on educating their bundle of joy in India .They want to enroll their child in renowned school for this they don't mind whether school is private or unaided. After going through all tedious and unwanted process of admission they feel relaxed when their child admitted in these schools. After some time they realize this is their nightmare because of school fee hike and other school expenses. To fulfill the requirement of these schools, mothers also start working, but all these effort are not just enough to fulfill their dreams. Now Parents Associations are activated to fight against fee hike. Question arises that can parents save themselves from the exploitation of fees hike by private schools?

INTRODUCTION

The mounting cost of education in recent years has eaten into a major part of the household budget. A survey showed that 65% of parents spend more than half their take-home pay on their children's education, extra co-curricular activities placing significant burden on their family budget. According to the survey, parents spending on a single child's education has gone up from Rs 35,000 in 2005 to over Rs 94,000 in 2011 on such items and activities as integral to the school curriculum like fees, transport books, uniform, stationery, building fund, educational trips, extra tuitions and extra-curricular activities. The survey highlights that the rising cost of education, has become a major cause of worry for parents. Majority of parents spend on average more than Rs 18 lakh-20lakh in raising a child by the time their teen graduates from high school.

WHAT THE LAW SAYS FOR THE PRIVATE AND UNAIDED SCHOOLS

Time to time court guides all category of the school .Some Laws and guidelines related to the private/unaided schools are as follows-

1."Private School" means any pre-primary, primary school, secondary or higher secondary school/junior colleges, established, administrated and maintained by any person or body of persons and recognize or approved by competent authority under any law or code of regulation for the time being in force but does not include :-(i) An aided school (ii)A school established and maintained by Central/State a Government or by any local authority. (iii)A school giving or providing or imparting religious instructions along but not any other institutions.

2. Under the "Right of Children to Free and Compulsory Education Act 2009"and the RTE- The school must not run for the profit (Model Rules 11(1)).

3. Private Schools shall decide the fees to be charged from the pupil. However such schools shall to get their fees approved from the Executive Committee of Parent Teacher Association before the end of every third month of August during successive academic years or before every third month of march in the same manner for those educational institution for whom the academic years commence on the first day of January. The Parents Teacher Association shall have authority to object that portion of fee which amount to profiteering.

4. In case if there is consensus between the school management and the Parent Teacher Association both shall intimate their consensus to the Divisional fee Regulatory Committee constituted under S.5 of the act in prescribed manner for information only.

5. No Private School shall collect any fee in excess of the fee approved or agreed by the Parent Teacher Association or determined and approved by the Divisional Fee Regulatory Committee or the Divisional committee under this Act.

6. Every fee, contribution or other charges collected from any student by a recognized school, whether aided or not, shall be collected in its own name and a proper receipt shall be granted by school for every collection made by it.

7. Income derived from collection for specific purpose shall be spent only for such purpose

8. In unaided or Private school for specific purpose, like sports, co-curricular activities, subscription for excursion or subscription for magazines and annual charges by whatever name called, shall be spent solely for exclusive benefit of the student of the concerned school and shall not be included in the savings referred to in sub rule(2).

9. Every recognized unaided school covered by the Act shall maintain the account on the principles of accounting applicable to non-business organization/not-for-profit organization.

10. Every school is required to file a statement of fees every year before the ensuing academic session under section 173) of the said Act with the Director. Such statement will indicate estimated income of the school derived from fees, estimated current operational expenses towards salaries and allowances payable to employees in terms of rule 177(1). Such estimate will also indicate provision for donation, gratuity, reserve fund and other items under rule 177(2) and savings thereafter, if any, in terms of the provision to rule 177(1).

There are so many rules, acts, and laws to define categories of school, guideline for working and fees related issues, it is difficult to explain all of them here. I mention those only which are relevant for the issue.

As previously mentioned different surveys shows that increasing no. of student which are enrolled in private sector. There are lots of rules, acts, laws which are impose on private schools to regulate these schools activities. But time to time parent are complaining about lots of irregularities in school, fees related issues are one of them.

PARENTS PROTEST AGAINST ARBITRARY FEES HIKE BY PRIVATE SCHOOLS

Nothing much has changed in the national capital since the April 1997, when the first PIL against this menace was filed. For the first time in India, the middle class had come out in large numbers on the streets of the national capital protesting against the fee hike by the private schools. The movement began under the umbrella of 'Dilli Abhivavak Maha Sangh'

(Delhi Parents' Association) from Rohini and within three months' it reached its peak - there was massive uproar, road blockades, demonstrations, gheraos, etc. The grievance of thousands of aggrieved parents was taken up by lawyer-activist Advocate Ashok Agarwal, who filed a PIL in the Delhi High Court against the exorbitant hike in school fees and fought their cases free of cost. Two decades on, the issue of fee hike continues to haunt parents. In a freewheeling chat with Firstpost, Advocate Ashok Agarwal, a child rights' lawyer, founder of 'Social Jurist' – a lawyers' collective - and the man who fought for getting reservation for children from economically weaker sections (EWS) in private schools, today strongly feels that without a complete reform in the education system, parents would continue to suffer. You have been consistently raising voice against arbitrary fee hike by private schools for years. How do these schools exploit the parents? It's always a nightmare for the parents before the beginning of a new academic session in April as unaided private schools hike fees exorbitantly. Next, while giving admission to new students, a large number of schools take huge donations, ranging from Rs three lakh to Rs 15 lakh, for a single admission; and parents offer it with folded hands. It's purely illegal income for schools as no receipt is issued against the payment made. Then every year a student has to pay development fee. Imagine the amount a school collects under this head and what development they do? Then there are fees for computer, labs, etc. In 1997, when first PIL filed, it was found a case in which money was taken by a school under 54 heads! It's a big nexus. While parents are looted, schools make easy money in crores. Governments have miserably failed to prevent this menace. What made you file the first PIL against the fee hike by private schools in Delhi? It all began in 1997 when unaided private schools in Delhi hiked fees from 40 percent to 400 percent in anticipation of the 5th Pay Commission recommendations.

For the first time parents' association was formed to counter the exorbitant hike in October 1998, the High Court gave a historic judgment in our favour. That time BJP government in Delhi supported our cause in the court. Justice Santosh Duggal Committee that scrutinized documents and balance-sheets of schools, in its report strongly criticized them. What was the impact? Though nothing much has changed in Delhi, due to our PIL and consistent action, awareness was created. Subsequently, Tamil Nadu came up with fee regulation act in 2009, followed by Maharashtra in 2011 and Rajasthan in 2013 to keep this menace in check. Private unaided schools give an argument that they are compelled to hike fee almost every year as they have to pay an increased salary to teachers and staff. How far is it justified? This is an excuse that schools use to hike fees. Barring a few schools, do others pay the teachers well? They equally exploit the teachers and the staff. The schools already have surplus fund with them in crores of rupees, but instead of using it they are multiplying it. Even if a fee hike is required, say Rs 40 per student, the schools will raise it by Rs 400. They are unabashedly looting everyone from parents to government. This arbitrary hike leads to commercialization.

The Delhi government led by Chief Minister Shri Arvind Kejriwal has placed advertorials in major dailies and has claimed that it's "For the first time, private schools roll back fee, four schools roll back fees in 15 days"-which is unprecedented. How far is it true? It's not true. Through advertisements the Delhi government has been blowing its own trumpet. From 1997 onwards, I've myself got large amount of excess fee (in crores) refunded to parents. The advertorials are misleading people. Whatever refund or rollback has been taking place is due to the recent Delhi High Court order that said the schools built on land allotted by Delhi Development Authority (DDA) cannot hike the fee without prior permission

from government. It also asked the Directorate of Education (DoE) to ensure compliance of the terms in the letter of allotment. This judgment came on a PIL filed by advocate Khagesh Jha for an NGO called Justice for All. In fact, it was way back in 2004. A copy was handed over of this DDA's land allotment letter to Supreme Court, and after so many years it has come into effect. Now, referring to a SC judgment in Modern School vs Union of India, the HC has ordered that the unaided private schools are bound to comply with the stipulations in the letter. It's a relief for the parents who have to face the brunt every year. This is how the rollback has taken place and the Delhi government has been beating its own drum. Instead of acting like a government, the Kejriwal government is acting like an activist. They drafted two bills on education for Kejriwal government. What happened to those? The first draft bill was on nursery school admission. It was accepted and they have introduced it. The Right to Education (RTE) has been extended below six years of age. It's really helpful for the parents. The second one was P (private) Regulation Bill, which the AAP initially accepted but later changed it into P Verification Bill, which is ultimately in favour of schools. What is your opinion about the three amendments made by Delhi government in the Delhi School Education (DSE) Act 1973 in December 2015, to which Kejriwal mentioned it as "landmark amendments"? Has it helped the aggrieved parents?

The Verification of Accounts and Refund of Excess Fee Act has given right to schools to take money (read extort money) from parents. According to it, if a parent lodges complain against it, the government will get it verified through an audit at the yearend. Most laughable aspect of it is that if it's found that the school authorities have taken the money home, only then action would be taken and the parent would get a refund or else no. It means giving a free hand to schools to loot. In the DSE (Amendment) Bill, the government deleted Section 10 (1), which guarantees that the employees of recognized private schools get salaries and other benefits at par with government schools. This is detrimental to private school teachers and in a way legalizing exploitation of teachers. Our experience says once a school charges fee from parents, it becomes impossible to get it refunded. Could the Kejriwal government do anything constructive in preventing hike in school fees? No. Neither the previous government did anything nor has the present AAP government taken any strong step. They lack fundamental understanding of the issue. The picture is grim and only propaganda is taking place. As a result the middle class is trying to find out ways to cut expenditure on food, clothes and living in order fund a child's education, which is quite unfortunate. Do you see any relief for the parents from fee hike? No, not at present under the existing circumstances.

TO WHAT EXTENT PARENTS SUCCEEDED TO STOP FEES HIKE?

Gurgaon: Six private schools in Gurgaon have been directed by a government panel not to hike fee for the coming session after an audit of their accounts revealed they had surplus funds.

The six schools are DPS Sushant Lok, DPS Sector 45, Amity International Sector 43, Pathways World School Aravalis, Pathways School Gurgaon and CCA. In all, nine schools were audited by the committee, which ruled that fee hike was justified in three — Scottish High, Shalom Hills and Amity Sector 46.

The audit was ordered in 2015 by the Gurgaon administration after complaints from parents against stiff fee hikes by the schools. The administration set up the Fee and Fund Regulatory

Committee (FFRC) for the audit. Similar panels were also formed in other divisions of the state.

Gurgaon divisional commissioner D Suresh said, "We had asked the schools to desist from hiking fees as long as the audit was on, and to inform us when they do so. Now, we have put a stay on the fee hike as the six schools defied the order."

Officials said most of these schools have "spillover funds" from the last several years, which the auditors felt should suffice for expenses in the current and coming sessions. The tenure of the stay varies from school to school, on the basis of the amount of excess funds available, and their expenses.

The stay order for DPS Sushant Lok says fee hike was wholly unjustified due to availability of sufficient reserve and excess of income over expenditure, adding the school should carry on with the current fee structure for the next three years.

Parents were ecstatic about the order. Harish Ahuja, a parent-teacher association (PTA) representative of DPS Sushant Lok, said, "The authorities have done a great job till now. We hope the stay order is converted into a permanent one soon, and the school forced to roll back the 15% hike announced for the current session." The spokesperson for DPS Sushant Lok could not be reached for comment.

In September 2015, the Department of Public Instruction had drafted a uniform fee structure proposal for private schools that had pegged the school fees between Rs. 13,700 and Rs. 26,000 for different classes. This is yet to get the government's nod.

SUGGESTIONS

There are number of questions raised by parents from all over India but sadly no authority is there to answer these questions. Here I am not saying that governments are not doing efforts but these are inadequate. Now it is a time for parents to aware about to focus on What should Schools do and what not to do:What school shall do: (Haryana School Education Rules- 2003, Rule- 158,160)

1- The Manager of every recognized school shall submit detail of minimum facilities being provided and maximum fee charges in Form-VI. (Proforma duly filled by 1st January of every year to the appropriate authority / Director School Education) He shall before the commencement of each academic session, file with the department a full statement of the fees and all the types of funds levied by such school during the ensuing academic session justifying it.(What school cannot do: (Haryana School Education Rules- 2003, Rule- 158,160)

1. No such school shall charges any fee in excess of the fee / funds specified by the Manager in the statement of Form- VI AND then approved by the appropriate authority.
2. School cannot hike the fees without submitting Proforma (Form-VI, a detail of income and expense) accompanied with balance sheet AND then approved by the appropriate authority.
3. Schools cannot take Capitation fee, Annual Charges, Building fund, Development fund, Medical fund, Security money, Computer Fee, Book Fees, Magazine fund,

- Donation, Capitation fee, any other fund etc., which is not mentioned in Haryana School Education Act-1995, AND Haryana School Education rules- 2003, Right to education Act-2009.
- 4 Admission fee shall only be charge from a student at the time of admission of fresh entry in the school only.
 - 5 No school shall be allowed to charge Admission fee, Tuition fee and Pupil's fund in advance before the commencement of the academic session.
 - 6 School cannot do any commercial activities by selling Books, Uniform, Shoes etc. in the school premises.
 - 7 School cannot charges swimming pool charges.
 - 8 No child shall be denied for admission in the school. (S-15 of RTE Act-2009)
 - 9 No child shall be expelled from the school. (S-16 of RTE Act-2009)
 - 10 No child shall be subjected to physical punishment or mental harassment. (S-17 of RTE Act-2009)
 11. The Council for the Indian School Certificate Examinations rules for affiliation states that the fees charged by the school should commensurate with the facilities provided. They cannot accept any donations or capitation fee during admission.
 - 12 The Central Board of Secondary Education Affiliation bye-laws state that unaided schools should consult parents before revising the fee structure.

CONCLUSION

Every year when admission season has set in and parents are a distraught lot. Several private and corporate schools in the major cities have increased fees from anywhere between 30 per cent and 50 per cent for the academic year 2014-15. Parents lament official apathy and the lack of an official framework to regulate fee hikes in private schools. Many have also demanded legislation to check the continuous and irrational hike in fees. Most of the Parent Teacher Associations claimed that-There are no guidelines for finalizing school fees. That's why, every year, it has become a ritual for most private schools to hike fees arbitrarily. Managements do not involve parents in decision-making and the latter are settled with huge school fees to pay. Parents said they never opposed an annual increase of fee by 10 per cent due to inflationary reasons. But, all major private and corporate schools have hiked fees by 20 to 50 per cent. Parents find it tough because they can't change schools frequently. They also believe that all official orders are only on paper and no attempt is being made to implement them. Instead of such piecemeal offerings, why can't the government come up with a comprehensive legislation to regulate school fee? There should be some logic behind fee hikes. This is how parents are exploited and compelled to cut down their expenditure on other essentials in order to fund their child's education.

At last I just want to ask one question if the per capita income in the country(India) increased by 6.2 per cent per annum during 2004-05 to 2014-15, How Private Sector school can increase fees more than this percentage. There is a need for an overall reform in the education system. We ought to develop a strong alternative to private schools in the government sector. Consistent fight against arbitrary fee hike should continue. Education comes under the Concurrent list and this is an all-India problem. The Centre should step in, which is not happening.

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