

**Office of the Chairperson  
Committee for Fixation and Regulation of Fee of  
Private Schools J&K (FFRC), Jammu.**

Order No: 44 FFRC of 2021  
Dated: 18.02.2021

A meeting was held today on 18.02.2021, in the office chambers of Mr. Justice Muzaffar Hussain Attar, Former Judge, Hon'ble Chairperson, Committee for Fixation and Regulation of Fee of Private Schools J&K (FFRC). The meeting was attended by the following officers:

1. Sh. B. K. Singh , Administrative Secretary to Government, School Education Department. .... (Member Secretary, FFRC)
2. Smt. Anuradha Gupta, Director School Education, Jammu. ... (Member, FFRC)
3. Smt. Manisha Sarin, Secretary J&K Board of School Education. ... (Member, FFRC)

In the meeting besides taking other decisions it was resolved and decided to revoke and rescind the order No.01 FFC of 2019 dated 28.01.2019. The Chairperson was authorized to issue the order. The Chairperson accordingly issued the order as under:

"The Committee for Fixation and Regulation of Fee of Private Schools J&K (FFRC) passed the order No.01 FFC of 2019 dated 28.01.2019, wherein besides highlighting the issues relevant to the subject, issued many directions which include directions appearing at para 5, 9 & 11 thereof. These paragraphs "5, 9 & 11" of the said order are taken note of:

*"5. The Private schools may raise their fee structure annually by not more than 6% on the fee structure existing as on 1<sup>st</sup> August*



2018. The private school who intends to revise fee structure more than the prescribed ceiling of 6% shall apply to the Fee Fixation Committee for approval.

*Provided that the above restrictions of 6% annual fee shall not apply to the schools charging tuition fee less than Rs.1000/- p.m. and the annual fee of less than Rs.6000/- per annum.*

*Provided that the enhancement in the fee structure should not be exorbitant and abrupt but reasonable and gradual commensurate with the expenditure and the school does not indulge in profiteering.*

*Provided further in case after the intended increase, the tuition fee/annual fee crosses Rs.1000/- per month or/and Rs.6000/- per annum respectively and the increase is more than 6% per annum, the school has to approach the Fee Fixation Committee for approval with proper justification and required documentary proof.*

9. Henceforth, no private school having a proposed fee structure of more than rupees 1000/- p.m. as tuition fee and rupees 6000/- per annum shall be started unless its fee structure is approved by the Fee Fixation Committee.

11. Any school which has got a fee structure more than Rs.1000/- as tuition fee per month or/and Rs.6000/- as Annual charges per annum and has violated the provisions of any of the orders of this Committee and the guidelines of the Supreme Court in fixing and enhancement of fee structure but has not so far submitted its case to the Committee for regulation of its fee structure, shall within one month of this Order submit their case in the prescribed manner for examination."

These directions gave liberty to all the private schools to raise their fee structure annually by not more than 6% on the fee structure existing as on 1<sup>st</sup> of Aug' 2018. The private schools who intended to hike the fee structure above 6% were directed to seek approval of the

Committee for Fixation and Regulation of Fee of Private Schools J&K (FFRC). And those schools who had violated court directions and FFRC orders were given time to approach Committee for regularization of their fee structure. An act not countenanced either on facts or by law, was sought to be regularized.

It was further provided that restriction of 6% annual fee hike shall not apply to schools charging tuition fee less than one thousand (Rs.1000/-) per month and annual fee of less than six thousand (Rs.6000/-) per annum. It was also provided that any enhancement in the fee structure should not be exorbitant and abrupt but should be reasonable and gradual, and shall commensurate with the expenditure. It was also provided that such fee hike shall not result in profiteering.

Imparting education and providing avenues for imparting education is highly sacred function. Education is fountainhead of all kinds of reasoning in all types of learning process.

Education catapults one to the position of differentiating between virtue and vice, good and evil.

The private schools do not constitute one class, in as much as, a private school may be imparting education up to class 5<sup>th</sup>, another may be imparting education up to class 8<sup>th</sup>, other school may be imparting education up to class 10<sup>th</sup> and some other up to 10+2 level. All these private schools would require different and distinct teaching faculty, infrastructure facility, laboratory, technological facility, library facility, future expansions. Accordingly expenditures of these schools will vary and will not be same and similar. Even expenditures will vary from class to class and grade to grade. The salary of teachers and other staff, in such circumstances, may not be same and similar.

In a 10+2 level school highly skilled and trained teachers are required to impart education. Libraries with sufficient number of books as also laboratories have to be set up in such institutions. The technological support will also not be same for schools, as also



different classes. The requirements of the schools would thus vary from grade to grade and level to level. Equally science and non-science specific schools/classes in their requirements are poles apart.

Even in one school the fee structure in respect of different classes cannot be same, in as much as, every higher class/grade would require different and distinct educational and technical support. Pre-nursery and nursery classes operate within a different framework with different requirements.

Provisions for co-curricular activities will not be same and similar for all schools. Even depreciation component will differ from school to school, as every school is not built on one single model and have not come up in one single year. The areas occupied by school managements may not be similar. The structures may not also be same. The school managements who have taken buildings on rent constitute yet another class. In some cases, depreciation may be given to owners, and in some cases, it may not be given.

Since the schools do not constitute a single class on facts, ordering universal hike in fee by 6% annually, in some cases, may result in profiteering by schools and commercialization of education.

The directions 5, 9 & 11 supra also suffer from evil of vagueness and abdication of responsibility.

Furthermore, grant of liberty to some schools having tuition fee less than one thousand (Rs.1000/-) and annual fee less than six thousand (Rs.6000/-), to hike fee, would result in defeating the purpose underlying the constitution of Committee for Fixation and Regulation of Fee of Private Schools J&K (FFRC), in as much as, the school managements without any justification and scrutiny may hike the fee, resulting in profiteering and commercialization of education. Regulating, screening and scrutiny thus becomes imperative.

The fixing of cut-off date as 1<sup>st</sup> Aug' 2018 for enhancing the fee by 6% is also not justified as no exercise was undertaken to find out



as to how many schools' fee structure on that date was approved by FFC or was justified fee structure on the well-settled parameters and guideline of Hon'ble courts. It is also not known whether the fee structure of all or any of the schools on that date was such which would result in profiteering and commercialization of education. Fixing of 1<sup>st</sup> Aug' 2018 is also not in consonance with court direction dated 01.06.2015 passed in PIL NO. 13/2014, OWP No. 1182/13, PIL No. 12/2014.

Some schools' tuition fee even touches Rs.6000/- per month. Complaint against such schools have already been received by FFRC.

A group of schools had challenged the notices issued to them by the FFRC, in the High Court on the ground that those schools do not come within the jurisdiction of FFRC. After dismissal of the writ petition they have filed SLP before Hon'ble Supreme Court. The same school owners have now filed representation before the Chairperson requesting therein for hike in fee structure from 6% to 8%, which shows that despite challenging the jurisdiction of FFRC, they have availed benefit of 6% annual hike in their fee structure. The notices were issued to these schools for providing material to enable the FFRC to determine the fee structure of these schools, which they challenged in court of law. Such an approach by some of the school managements is detrimental to public interest. On the one hand, jurisdiction of FFRC is challenged, and on the other hand, fee is hiked by 6% without getting fee structure determined and regulated by FFRC and without it being ascertained whether these schools are indulging in profiteering or not. For this reason also order No. 01 FFC of 2019 dated 28.01.2019 cannot stand even for a moment.

In this backdrop it would neither be fair, nor reasonable, nor just to allow a universal hike of fee in all the schools, without ascertaining the actual factual position and requirement of each individual school. Otherwise, also it tantamounts to abdication of responsibility by FFRC.



Amongst others to be fair, reasonable and just in actions are great human virtues.

The permission to have an automatic annual hike in fee structure by 6% having universal application, in the aforesaid backdrop falls foul of the equality clause enshrined in Article 14 of the Constitution of India, besides being not in consonance with the provisions made in Right to Free & Compulsory Education' 2009 and J&K School Education Act 2002 as amended from time to time and the observations of courts.

Besides, above referred circumstances Para 9 (c) of judgement passed by Division Bench of the High Court of J&K on 1<sup>st</sup> June 2015 in PIL No. 13/2014, OWP No. 1182/2013, PIL No. 12/2014 is taken note of:

*"9. In the light of consensus expressed by Learned Counsel appearing for respective parties, these petitions along with connected applications are disposed-off on the following lines:*

*(c) The managements of the un-aided private schools are granted liberty to approach the Committee for fixation of fee structure of each standard and till fee structure is fixed by the Committee, the managements shall collect all types of fee as in Aug' 2014."*

The judgement also requires fixation of the fee of each standard, same being in consonance with the principles of reasonableness and equality.

In some cases, fee fixed by some school managements may not be justified and may be resulting in profiteering and commercialization of education. Thus, allowing them to hike fee annually by 6% will be totally unjust and tantamount to profiteering.

Providing hike without further scrutiny of fee structure may be a possibility only when fee structure of every individual school is determined and regulated by Committee for Fixation and Regulation of Fee of Private Schools J&K (FFRC). Even in such circumstances there cannot be universal application of fee hike by adopting



percentage method. Such approach will vary from one group of schools to other group of schools.

The J&K School Education Act 2002 is a regulatory measure in respect of fee fixation of private schools and Chairperson of the Committee for Fixation and Regulation of Fee of Private Schools J&K (FFRC) has been enjoined with duty to carry out the purpose and intendment of the statutes. Chairperson is otherwise, also duty bound to give effect to the judgements of courts of law and statutes.

Earlier the fee hike was raised by 8% for a period of 3 years vide order No.106 FFC of 2017 dated 20.10.2017 and by another order No.493 FFC of 2017 dated 05.10.2018, the period was restricted to 2 years. All these general fee hike orders appear to have been issued without laying any factual foundation thereof.

The order No. 01 FFC of 2019 dated 28.01.2019 ex-facie is not in consonance with and does not fit in the scheme of J&K School Education Act 2002 as amended till date.

In the afore-stated circumstances, the order No.01 FFC of 2019 dated 28.01.2019 is hereby rescinded and revoked forthwith. Consequently, the order No.106 FFC of 2017 dated 20.10.2017 and order No.493 FFC of 2017 dated 05.10.2018 are also rescinded.

It is accordingly ordered that schools shall not hike the fee by 6% as provided in order No.01 FFC of 2019 dated 28.01.2019 and stop this practice forthwith.

The school managements who are desirous of seeking hike in the fee structure shall approach the Committee for Fixation and Regulation of Fee of Private Schools J&K (FFRC) strictly in accordance with the statutes and court order, and the orders passed in this behalf from time to time and provide necessary material/documentary evidence as provided in prescribed proforma to justify such enhancement in the fee structure, which is spirit of statutes and mandate of judgement dated 1<sup>st</sup> June' 2015.

It is also ordered that managements of all schools who have not submitted documents to Committee for Fixation and Regulation of Fee of Private Schools J&K (FFRC), for ascertaining whether they



are indulging in profiteering or not, shall submit all relevant documents within already prescribed period to FFRC on the prescribed proforma available on [www.jkffc.in](http://www.jkffc.in) and wherever there is deficiency in documents already submitted, same shall be made good within the time extended by Chairperson."

Sd/-

**Justice Muzaffar Hussain Attar**

(Former Judge)

Chairperson Committee for Fixation &  
Regulation of Fee of Private Schools J&K

No:Edu/FFRC/Adm(37-(I)/2021 Dated: 18/02/2021

Copy to the:

1. Administrative Secretary to Government, School Education Department, Civil Secretariat, Jammu, for information.
2. Director School Education Jammu/ Srinagar for implementation of this order.
3. Secretary, J&K Board of School Education, for information.
4. Joint Director Information, Jammu with the request to publish the same in leading dailies of Jammu and Kashmir preferably Greater Kashmir, Mountain Valley Kashmir, Rising Kashmir, Kashmir Horizon, Daily Excelsior, Daily Nigraan, Daily Rangyul, State Times, Amar Ujala, Tameel e Irshad, Daily Aftab for wider publicity.
5. Private Secretary to Hon'ble Chairperson for information of the Hon'ble Chairperson.
6. I/C Website for uploading the same on official website.
7. Office copy/file.

(Nazir ul Hussain Shah)

Administrative Officer

Committee for Fixation & Regulation of  
Fee of Private Schools J&K