

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

Order No: 67 -FFRC of 2021
Dated: 21 / 10 / 2021

Sub: Complaints against Private Schools regarding harassment and other violations.

The Committee for Fixation and Regulation of Fee of Private Schools (FFRC) is flooded with information and reports that some of the Private School Managements in violation of Hon'ble the Supreme Court judgements and breach of statute are asking the parents to comply with following illegal demands:

- a. Deposit huge/small amounts as refundable deposits.
- b. Payment of Advance Tuition Fee either for 06 months or for whole year.
- c. Parents are being called to schools and are being asked to clear the pending fee and are being threatened that in case pending fee is not cleared, then their wards will be deprived of all the schooling facilities.

Education does not only make one literate, but enables him to become a good human being. A person sharpens his talent in educational institution with the avowed purpose of serving the society at large. Rendering services to society in any capacity has element of charity in it.

Unfortunately, some School Managements despite it having been ruled by Hon'ble the Supreme Court and it being an age old fact that imparting education is not a business/commercial activity but is charitable work, are using this pious work as camouflage to satisfy the beastly instincts of having only this world's fortunes.

Section – 20 E (1) of Jammu and Kashmir School Education Act' 2002 has specifically prescribed that private schools shall not charge any fee from students or guardians, except tuition fee, annual fee, transport fee and voluntary special purpose



fee such as; picnic, tour and excursions, or any other fee as may be approved by the Committee for Fixation and Regulation of Fee of Private Schools. It is further provided that private schools shall not charge in any manner, any other fee including admission fee or any amount by whatever name called than the fee mentioned in the said provision of law. Section – 20 E (1) is taken note of:

“The private schools shall not charge any fee from the students or guardians, except tuition fee, annual fee, transport fee and voluntary special purpose fee such as the picnic, tour and excursions, etc. completely voluntary in nature or any other fee as may be approved by the Committee for Fixation and Regulation of Fee of Private Schools after following the procedure prescribed:

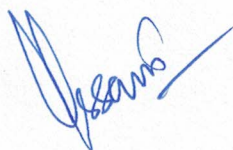
Provided that private schools shall not charge in any manner, any other fee including admission fee or any amount, by whatever name called than the fee mentioned above.”

‘Refundable fee/deposit’ is not legally permissible fee, so can neither be demanded nor collected.

Tuition fee is being charged and collected for meeting the recurring expenses which include salary of staff, electricity charges, water charges and like charges. The tuition fee is a monthly fee out of which, as already stated, recurring expenses are being made. The school managements cannot in law and on any moral justification pressurize the students/ guardians to pay tuition fee in advance for 06 months or for whole year. Such a demand by some of the school managements, being not in consonance with settled norms of charging and collecting tuition fee, cannot be permitted to be practised by the school managements.

The demand of some of the school managements to the parents to clear the pending fee dues failing which academic pursuit of the child will be adversely impacted, besides being violative of the judgements of Hon’ble the Supreme Court, is also unethical and immoral.

Schools are being set-up to impart education to children. Non-payment of fee cannot and shall not come in way of such a pursuit of the student.



Hon'ble the Supreme Court in batch of Civil Appeals with lead of Civil Appeal No.1724 of 2021 in Para – 117 (IV), has provided as under:

“(iv) The school management shall not debar any student from attending either online classes or physical classes on account of non-payment of fees, arrears/ outstanding fees including the installments, referred to above, and shall not withhold the results of the examinations of any student on that account.”

Hon'ble the Supreme Court in its order dated 01.10.2021, while disposing of batch of miscellaneous applications with lead application No.1399/2021 arising in Civil Appeal No.1736/2021 and application No.'s.1400-1402/2021 arising in Civil Appeal No.1733-1735/2021, has made observations, the relevant part of the same are taken note of:

“It is rightly pointed out by the School Management that the last date for paying the installments referred to in the stated judgment has already expired long back and despite that there are some parents/wards who are still in arrears and have committed default. It is open to the School Management to initiate appropriate action for recovery of the outstanding dues/amount, if any, **in accordance with law**. At the same time, if the concerned parent/ward seeks some indulgence for just reasons, it will be open to the School Management to consider such request compassionately. Besides this, nothing more is required to be said.

We reiterate that the recovery process should be strictly in accordance with law; and the pronouncement of this Court vide judgment dated 03.05.2021 in Civil Appeal No.1724 of 2021 and connected cases should be strictly adhered to by all concerned in its letter and spirit. ”

True it is that the affairs of the private schools are being run on the finances which are being generated in the shape of collecting different types of legally permissible fees.

It is duty of the parents/guardians to pay legally permissible fee to the school to enable it to provide quality education to the students.



However, one fact cannot be lost sight of that post 5th August' 2019 and also because of the COVID-19 lockdown, a section of population was financially adversely affected. It became difficult for some people to make both ends meet, which prevented them to pay the fee dues of the schools.

The class of Government employees and big business concerns, however, were not impacted by this lockdown. Such class of people are under moral and legal obligation to clear the legally permissible fee dues of their wards. Instances are known that most of the school managements in case of deserving guardians/parents, have made concessions in fee dues and in some cases have even fixed easy installments for payment of all such dues.

However, in view of the complaints coming in respect of few schools, as is referred to, in the beginning of this order, the FFRC is duty bound to pass orders and to tell the small number of school managements that laws and institutions have potential to straighten the curved tails.

In the aforesaid background, it is accordingly directed as under:

1. No school management shall demand, charge or collect any amount whether small or big in the name of refundable deposit/fee and security deposit/fee or in any other name as mandated by Section – 20 E (1) of the Jammu & Kashmir School Education Act' 2002.
2. No school management shall demand, charge or collect advance tuition fee beyond the period of one month, excepting where the parent/guardian volunteers to pay advance tuition fee.
3. School Managements are directed not to cause impediments in the pursuit of academics/education of children, only for the reason of non-payment of fee dues.



The school managements, however, will be within their rights to seek recovery of the unpaid fees, **but in accordance with law.**

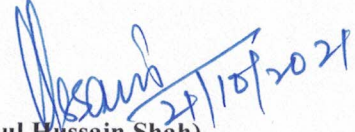
Sd/-
Justice Muzaffar Hussain Attar
(Former Judge)
Chairperson
Committee for Fixation & Regulation
Of Fee of Private Schools J&K (FFRC)

No.FFRC/Adm/30/2021

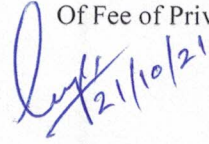
Dated: - 21/10/2021

Copy to:-

1. Director School Education Jammu/Kashmir for information;
2. Secretary J&K Board of School Education for information;
3. Joint Director Information, Jammu/Kashmir 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.
4. Private Secretary to Principal Secretary to Government School Education Department for information of the Principal Secretary;
5. P. A. to Chairperson, FFRC for information of the Hon'ble Chairperson, FFRC;
6. I/C Website for uploading the same on official website;
7. Office file.


(Nazir ul Hussain Shah)
Administrative Officer

Committee for Fixation & Regulation
Of Fee of Private Schools J&K (FFRC)


21/10/21