

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

**Subject: - Fixation, Determination and Regulation of Fee of Private Schools in
UT of J&K.**

Order No: 03 FFRC of 2023

Dated: 10.08.2023

Whereas, the Committee for Fixation and Regulation of Fee of private Schools vide Order No.35 FFRC of 2021 dated 19-01-2021 directed all Private Schools of UT of J&K to Submit information as per the proforma available on Committees website www.jkffc.in for approval of fee structure, within 30 days.

Whereas, the On the request of Private school Associations and individual schools the time period for submission of files was extended from time to time.

Whereas, various Private schools have submitted files for Fixation and regulation of fee. A good number of Private schools have not submitted files in response to earlier orders and are charging and making enhancement in fee structure on their own in violation of rules and regulations.

The Hon'ble the Supreme Court in case titled Islamic Academy of Education And... Vs state of Karnataka And others on 14 August ,2003 in its Judgment at para 213 has held that” *each educational institute must place before this committee, well in advance of the academic year its proposed fee structure. Along with the proposed fee structure all relevant documents and books of accounts must also be produced before the committee for their scrutiny. The Committee shall then decide whether the fees proposed by that institute are justified and are not profiteering or charging capitation fee. The Committee will be at liberty to approve the fee structure or to propose some other fee which can be charged by the institute. The fee fixed by the committee shall be binding for a period of three years, at the end of which period the institute would be at liberty to apply for revision. Once fee is fixed by the Committee, the institute cannot charge either directly or indirectly any other amount over and above the amount fixed as fees. if any other amount is charged, under any other head or guise e,g Donations the same would amount to charging of capitation fee.*”

This issue has already been dealt by the Hon'ble the Supreme Court in the case Modern School Vs Union of India reported 2004 SCC5 page 583, the relevant portion of the judgment is reproduced below ; -

”The principles for fixing fee structure of particular institutions have, thus, been illustrated in T.M.A. Pai Foundation (supra) and Islamic Academy of Foundation (supra) but it must be borne in mind that those principles were laid down in absence of any statute operating in the field. Where, however, a statute operates in



the field, regulation of education would be governed thereby. In this case, as the regulation of education is governed by a Legislative Act, the court cannot impose any other or further restrictions by travelling beyond the scope, object and purport thereof."

The Supreme Court in its judgment in case titled Indian School Jodhpur and another vs. State of Rajasthan and others decided on May 3rd 2021 (civil appeal No.1724 of 2021) para 19 observed that " *After the Jurisprudential exposition, it is not open to argue that the Government cannot provide for external regulatory mechanism for determination of school fees or so to say fixation of 'just' and 'Permissible 'School fees at the initial stage itself."*

Whereas the Government of Jammu & Kashmir notified the Jammu and Kashmir Private Schools (Fixation, Determination and Regulation of Fee) Rules, 2022 on 10th May 2022 vide S.O No 233.

Whereas, Rule 5(1) (c) of Jammu and Kashmir Private Schools (Fixation, Determination and Regulation of Fee) Rules 2022, provides that "*Require each Private school to place before the Committee the proposed fee structure of such school with all relevant documents and books of accounts for scrutiny within such date as may be specified by the Committee."*

Whereas, the rule 8 (a) of the Jammu and Kashmir Private Schools (Fixation, Determination and Regulation of Fee) Rules 2022, provides that "*the private School shall submit a proposal to the Committee on the proforma as may be prescribed by the Committee. The proposal for fixation, determination and regulation of fee for next year shall be submitted three months before the next academic year starts"*.

Now therefore, All those schools who failed to submit files for fixation and regulation of fee in response to earlier orders and whose fee structure has never been regulated by the Committee are provided final opportunity to submit their files along with documents as prescribed in the proforma including audited accounts of last three years by or before 30th September 2023.

The failure to submit requisite information in terms of Rule 8 (a) and 5(1) c will attract action in terms of Rule 8 d (i), (ii), which is taken note of;

8 d (i). "*The committee shall recommend to the appropriate authority to bar the private school from taking any new admission for next academic year or to impose a fine equivalent to 10 percent of total revenue generated by the Private school/society in the preceding year, as applicable";*

8 d (ii). "*In addition, the Committee may recommend to the appropriate authority for taking the following actions; (a) to take over the management of the private school until it submits a proposal and once the management of the Private school has been taken over, the Government shall appoint an Administrator not below the rank of Sub-Divisional magistrate as Administrative head of school to ensure its smooth functioning at the cost of schools fund. During this period, no further*



development / procurement / construction activities related to education and safety of children; (b) the appropriate authority may withdraw permission and the recognition of the Private school as per the procedure laid down”.

All other schools who are regularly approaching the Committee for Fixation and Regulation of their Fee structure and whose fee structure stands regulated for Session(s) 2023-24, 2024-25 and 2025-26 shall adhere to the schedule provided under rule 8 (a) of the Jammu and Kashmir Private Schools (Fixation, Determination and Regulation of Fee) Rules 2022 for file submission.

Sd/

Justice Sunil Hali

(Former Judge)

Chairperson

Committee for Fixation and Regulation of
Fee of Private Schools

Dated: - 10 /08/2023

NO. FFRC/Adm/14/2023

Copy to:-

1. Director School Education Kashmir/Jammu (Member FFRC) for information;
2. Secretary J&K Board of School Education (Member FFRC) for information;
3. Private Secretary to Principal Secretary to Government School Education Department (Member Secretary FFRC) for information of the Principal Secretary;
4. Jt. Director Information Jammu/Kashmir with the request to publish the same in leading dailies of Kashmir and Jammu preferably Greater Kashmir, Rising Kashmir, Daily Excelsior, state times, Amar Ujala, Tameel e Irshad Daily Aftab, Mountain Valley Kashmir, Kashmir Horizon, Nigran and Rangyul for wider publicity.
5. P.A 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.


Administrative Officer
(FFRC)