

**Government of National Capital Territory of Delhi**  
**Directorate of Education, (Act-I Branch),**  
**Old Sectt. Delhi-54**

No. DE/15(281)/Act-I/2013/15/1446

Dated 11-06-2015

**PUBLIC CIRCULAR**

**SUB: - Proposal for Amendment in Sections 17, 24 & 27 of Delhi School Education Act 1973 and amendment in Rule 145 of Delhi School Education Rules, 1973**

In response to the growing needs of the people of Delhi, the number of private schools increased, simultaneously swelling the aspirations and expectations of the people from such schools. With the increase in number of private schools, there has been an upsurge in the complaints received alleging exorbitant fee structures, irrational fee hikes and non-transparent admission procedures of the private unaided recognized schools of Delhi.

Private Unaided Recognized Schools of Delhi are governed under the provisions of Delhi School Education Act & Rules, 1973. This Act was enacted by Parliament of India. As the law stands today, the provisions of Act & Rules do not explicitly prescribe any cap for fixation of fee and other charges to be levied by the private unaided recognized schools of Delhi nor limit the fee hike done by the schools. The government is committed to fee rationalization for bringing it within the reach of the common man and making admission process transparent.

Therefore, in order to ensure effective redressal of complaints regarding exorbitant fee/unjustified fee hike of private unaided recognized schools, Govt. of NCT of Delhi intends to amend the sections 17, 24 and 27 of Delhi School Education Act, 1973.

Further, in order to make the admission process transparent, the Government also intends to amend Rule 145 of the Delhi School Education Rules, 1973.



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All concerned are, hereby requested to go through the contents of the draft amendments and offer their comments/suggestion/objections in writing to Additional Director Education (Act-I), Directorate of Education, Old Secretariat, Delhi-54. These can also be e-mailed to [add.dir.edu@gmail.com](mailto:add.dir.edu@gmail.com) for perusal. The last date of submission of comments/suggestion/objections is 15.06.2015.

This issues with the approval of the Competent Authority.

  
(Padmini Singla, IAS)  
Director (Edn.)

Encl:- Draft amendment bill and draft rule.

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Dated 11-06-2015

Copy to -

1. O.S.D. to Hon'ble Dy. Chief Minister and Education Minister, Govt of NCT of Delhi.
2. PS to Pr. Secretary (Education)
3. OS (IT) to upload the circular along with draft amendment bill & draft rules on the web portal of the department.

  
(Padmini Singla, IAS)  
Director (Edn.)

The Delhi School Education (Amendment) Bill, 2015

A

Bill

to amend the Delhi School Education Act, 1973 (18 of 1973).

Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Sixty- sixth year of the Republic of India as follows:-

1. Short title, extent and commencement. - (1) This Act may be called the Delhi School Education (Amendment) Act, 2015.

(2) It extends to the whole of the National Capital Territory of Delhi.

(3) It shall come into force on such date as the Government may, by notification, in official Gazette, appoint.

2. Amendment in section 17.- In the principal Act, in section 17, after sub-section (3), the following sub-sections shall be added, namely:-

“(4). Any person aggrieved by the decision of a recognized school to collect the fee/s as specified by the manager of such recognized school under sub-section (3), or increase in fee by such school, if in the opinion of such person, is unjustified, it may file a complaint to the Director.

(5) The Director shall constitute a Committee to examine the complaints received under sub-section 4, consisting of following persons, namely:-

- (a) Additional Director of Education - Chairman;
- (b) Regional Director of Education - Member;
- (c) Deputy Controller of Accounts - Member;
- (d) Deputy Director of Education - Member Secretary;
- (e) One Chartered Accountant- Member; and
- (f) Any other member to be nominated by Director.

(6) The Committee shall take into consideration, the following factors while examining the complaints made under sub-section (4), namely:—

- (a) the location of the private school;
- (b) the available infrastructure;
- (c) the expenditure on administration and maintenance;
- (d) the reasonable surplus required for the growth and development of the school;
- (e) the strength of the students studying in the school; and
- (f) any other factors as may be prescribed.

(7) The Committee shall, after examining the complaints, communicate its decision to the school concerned in the manner as may be prescribed.

(8) The Committee shall have the power to regulate its own procedure in all matters arising out of the discharge of its functions, and shall, for the purpose of making any inquiry under this Act, have all the powers of a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

- (i) Summoning and enforcing the attendance of any witness and

- examining him on oath;
- (ii) the discovery and production of any document;
- (iii) the receipt of evidence on affidavits;
- (iv) the issuing of any commission for the examination of witness;

(9) The Committee shall have the power to direct any officer of Directorate of Education on its behalf at any time during the normal working hours of any recognized school, enter such school or any premises thereof, any premises belonging to the management of such school, if it has reason to believe that there is a need to obtain information or record for the purpose, to search, inspect any records, accounts, register or other documents belonging to such school or of the management, and seize any of these documents for the purpose to ascertain the true facts of the case.

(10) The provisions of Code of Criminal Procedure 1973 (2 of 1974) relating to search and seizure, shall, so far as may be, apply to search and seizure under sub-section(9).

(11) Any party, aggrieved by the decision of the Committee under sub-section (7), within thirty days of receipt of such decision, may prefer any appeal to the Director:

Provided that the Director may entertain the appeal after the expiry of said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(12) The decision of the Director on such appeal shall be final and binding on the parties.

(13) The Director shall regulate the fee/s charged by recognized schools, and, for this purpose, shall issue directions containing guidelines regulating various aspects related to fee/s charged by recognized schools."

**3. Amendment of section 24.-** In the principal Act, in section 24, for sub-section (4), the following sub-section shall be substituted, namely:-

"(4) If the manager of the recognized school fails to comply with any of the directions issued by Director or any other authority or Committee under this Act, the Director may, after considering the explanation or report, if any, given or made by the manager, take such action as he may think fit, including -

- a) written warning to the school, with directions to take remedial or corrective measures as directed;
- b) Stoppage of aid, if any;
- c) imposition of fine;
- d) In case of embezzlement of school fund or concealment of income generated from the fee, recovery of said amount and depositing thereof in the govt. account or any other account directed to;
- e) suspension of admission at entry level class or classes for a particular year or with a cumulative effect;
- f) taking over the management of the school;
- g) de-recognition of the school;

**4. Insertion of new section 27A.-** In the principal Act, after section 27, the following section shall be inserted, namely:-

"27A. Save as provided under this Act, whoever contravenes the provisions of this Act or the rules made there under shall, on conviction, be punished with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine which may be minimum of rupees one lakh and further extendable to rupees five lakhs.

Provided that the court may, for any adequate and special reason to be recorded in writing, impose a sentence of imprisonment for a term, which may be less than three years."

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**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
DIRECTORATE OF EDUCATION, (ACT-I BRANCH)  
OLD SECTT., DELHI-110054**

**DRAFT RULES**

1. Short title and commencement.- (1) These rules may be called the Delhi School Education (Amendment) Rules, 2015.  
(2) They shall come into force on the date of their final publication in Delhi Gazette.
2. Amendment in rule 145.- In the Delhi School Education Rules, 1973, in rule 145 for sub-rule (1), the following sub-rule shall be substituted, namely:-  
"145. Admission to recognised unaided schools:- (1) The Director shall regulate admission to recognised unaided schools or to a class/es, including entry level classes, thereof, and for this purpose may issue necessary instructions to ensure admission in such schools in fair and transparent manner."

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