

DIRECTORATE OF EDUCATION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
(ACT - I BRANCH)
OLD SECTT: DELHI-54

NO. NO.F.DE15/Act-I/Inf.EWS/2013/ 10276-282 Dated:- 05/08/13

ORDER

Whereas the Hon'ble Central Information Commission vide its Order dated 14-12-2010 in CIC/SG/C/2009/001627/6018 Adjunct-I under section 19(8) (a) of RTI Act, 2005 has disposed off the complaint no.CIC/SG/C/2009/001627. The operative part of the order is as under:-

"In view of the aforesaid, the Commission hereby directs the Director, Directorate of Education under its powers under section 19(8) (a) of the RTI Act to ensure that the following is implemented in compliance with section 4 of the RTI Act:

1. All schools will display the following information on a board, which is easily visible from outside the school:

- The total no. of seats in all classes in a school.
- The total vacancies in all classes.
- The total no. of seats under EWS quota.
- Seats still available under EWS quota.
- Total applications received under EWS quota.
- Information about when the EWS quota applications will be received and date by which the admissions will be given.

The schools will update the information on the boards once every week. The information shall be put up in both Hindi & English. The Director, Directorate of Education shall ensure that the schools comply with the aforesaid direction before December 31, 2010. Further, the Director, Directorate of Education shall ensure that the aforementioned shall also be uploaded on the website of the Directorate of Education before December 31, 2010.

2. The Director, Directorate of Education shall ensure that all the information collected by the MIS system is accessible by the general public on the website of the Directorate of Education before December 31, 2010. If the Director feels that any of this information is exempt under section 8(1) of the RTI Act, the Director shall state the same giving reasons how it is exempted under section 8(1) of the RTI Act to the Commission before December 31, 2010.

3. The Director, Directorate of Education shall upload on its website all the information contained in Annexure-II of the Annual Returns filed till date by private, unaided schools along with the list of schools which have defaulted in filling the said returns before December 31, 2010. Further, The Director, Directorate of Education shall ensure that from 2011 onwards, information contained in Annexure-II of the Annual Returns filed by private, unaided schools before July 30 shall be uploaded on its website before August 31 every year along with the list of Schools, which have defaulted in filing the Annual Returns.

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4. The Director, Directorate of Education shall upload on its website details of budgetary allocation and management of private aided schools received till date before December 31, 2010. Where no such details have been received, the same shall also be stated. This information shall also be updated every month."

And whereas the Delhi State Public School Management Association approached the Delhi High Court in W.P. (C) 21 of 2011 against the said order of CIC wherein the Hon'ble High Court has granted conditional stay on CIC order, vide order dated 06-01-2011 that "till the next date of hearing, there shall be a stay of the impugned order of the CIC only to the extent that if requires the details relating to the Appendix – II to the DSEAR to be uploaded on the website of the DOE. It is made clear that the Petitioner will continue to display information concerning the total number of seats in all classes in the member schools, the total vacancies in all classes, the total number of seats under economically weaker section (EWS) quota, the seats still available under EWS quota, the total applications received under the EWS quota and information on when the EWS quota applications are to be received and date by which the admissions will be displayed on the website of the DOE.

Now, therefore, all the unaided recognized private schools management are directed to display the following information on the board, which is easily visible from outside the school, as ordered by Hon'ble CIC vide order dated 14-12-2010:-

- The total no. of seats in all classes in a school.
- The total vacancies in all classes.
- The total no. of seats under EWS quota.
- Seats still available under EWS quota.
- Total applications received under EWS quota.
- Information about when the EWS quota applications will be received and date by which the admissions will be given.

The schools will update the information on the boards once every week. The information shall be put up in both Hindi & English.

Copies of Order dated 14-12-2010 of Hon'ble CIC and Order dated 06-01-2011 of Hon'ble High Court, Delhi are enclosed herewith.

This issues with the approval of competent authority.

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05.08.13

DR. MADHU RANI TEOTIA, IAS
ADDL. DIRECTOR OF EDN. (ACT – I)

To

Management/Heads of all Recognized Un-Aided Private Schools.

NO.F.DE15/Act-I/Inf.EWS/2013/ 10276-282

Dated:- 05/08/13

Copy to:-

1. P.S. to Secretary (Education), GNCT of Delhi, Old Sectt., Delhi.
2. P.S. to Director (Education), Govt. of NCT of Delhi, Old Sectt., Delhi.
3. P.A. to Addl. DE (ACT-I), Dte. of Edn., GNCT of Delhi.

4. All Deputy Director of Education, GNCT of Delhi for compliance in their respective jurisdictions.
5. Education Officers/Dy. Education Officers of respective zones.
- ~~6.~~ O.S. (IT) with the request to up-load the order in the department web-site in public domain.
7. Guard file.

(P. Lata Tara)
05/08/13

(P. LATA TARA)
ASSTT. DIRECTOR OF EDN. (ACT-I)

14/12

Central Information Commission
Central Information Commission
Ms.Ritu Mehra vs Directorate Of Education, Gncet, ... on 14 December, 2010
CENTRAL INFORMATION COMMISSION

Club Building, Opposite Ber Sarai Market,

Old JNU Campus, New Delhi - 110067.

Tel: +91-11-26161796

Decision No. CIC/SG/C/2009/001627/6018Adjunct-I

Complaint No. CIC/SG/C/2009/001627

Complainant : Ms Ritu Mehra, F-185, 186, New Seemapuri,

Delhi- 110095.

Respondent : Director of Education, Directorate of Education, GNCTD

Old Secretariat,

Delhi- 110054.

Facts arising from the Complaint:

In a previous order of the Commission, Dinesh Kaushik v PIO & DDE (West A), GNCTD, Decision No CIC/SG/A/2009/001209/3974, the Commission had passed an order on 02/07/2009 directing Mr. K.S. Yadav, DDE to display on the Department's website the names and father's names of students belonging to economically weaker sections (EWS) for the past 3 years for all schools before 15 August 2009. The Commission received a letter dated 25/08/2009 from Mr. K.S. Yadav in which he stated that the Commission's order had been complied with and the required information had been uploaded on the website of the Department. He attached a letter dated 12/08/2009 sent by the Ms. Abha Joshi, ADE (ACT) in which she had stated that the Commission's decision had been complied with.

The Commission received a letter dated 01/12/2009 from Ms. Ritu Mehra in which she alleged that the information as directed by the Commission was not available on the website. The Commission registered this Complaint as Complaint No. CIC/SG/C/2009/001627. The Commission perused the website of the Department and found that the information relating to the EWS admissions was not available in totality and the information available on the website was not easily accessible.

The Complainant pointed out that information about quota in schools for students from the economically weaker sections (EWS) was not widely disseminated. EWS quota was created in private schools which had been granted aid by the government and were under an obligation under Notification No. F/DE/15/ACT/2006/424 dated 25/01/2007 to provide seats to EWS students. Information relating to EWS quota was therefore very crucial to ensure that students from EWS got the opportunity to apply to private schools for good quality education.

The Commission therefore directed the Director to ensure that the following was implemented in compliance of Section 4 requirements. All schools were to display prominently on a board the following information:

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1. The total no of seats in all classes in a school.
2. The total vacancies in all classes.
3. The total no of seats under EWS quota.
4. Seats still available under EWS quota.
5. Total applications received under EWS quota.
6. Information about when the EWS quota applications will be received and date by which the admissions will be given.

The schools were also required to update the information on the boards once every week. The information was to be put up in both Hindi and English.

The Department was directed to show the Commission a copy of the proposed board before 30 December 2009. Details of students admitted on EWS quota along with their names, their parents' names were to be provided on the website within one month of the admission.

Decision dated 21/12/2009:

"The Complaint is allowed.

The Director will ensure that all information mentioned above will be displayed in the schools in Hindi and English and also on the website of the Department before 25 January 2010. The Director will send a compliance report to the Commission before 30 January 2010."

Facts leading to show cause on 26/04/2010

"In compliance of the Commission's order, the Assistant Director of Education (Act) in response to the afore-mentioned decision of the Commission passed an order No DE/15/ACT/2009/6777 on 31/12/2009 directing the Deputy Director of Education of each district to ensure that private unaided recognized schools in their district display the information mentioned in the Commission's order before 25 January 2010.

The Commission had received a compliance report from the DDE (SW-A) through the letter No. F.54/DE/DDE/SWA/Per.Br./117 dated 09/04/2010 stating that information relating to the EWS quota had been put up at all schools in South West A district. She made reference to reports sent by Education Officers of Zone 19 and 20.

During an inspection conducted by the Commissioner himself on 10/04/2010, it was found that none of the 6 schools surveyed had displayed the information in the desired format. This amounted to willful disobedience of the Commission's order as well as non-compliance of the Assistant Director of Education's (Act) Circular. Thus, it means that the compliance report given to the Commission is incorrect.

The DDE (SWA) was directed to ensure vide notice dated 13/04/2010 that boards with information as directed by the Commission are displayed outside all the schools in her jurisdiction by 20/04/2010. An action taken report was to be delivered to the undersigned by 25/04/2010. She was further directed to appear before the Commission on 26/04/2010 at 5.30 p.m. along with her written submissions to show cause why penalty should not be imposed on her under Section 20 (1) of the RTI Act."

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Relevant Facts emerging during Hearing held on April 26, 2010: The following were present

Respondent: Mrs. P D Yadav (DDE, SW-A), Mr. S K Nirmal (Zone 19, SW-A) & Mr. N C Kushik (Zone 20, SW-A).

Adjunct Decision dated April 26, 2010:

"It has been agreed that the boards in all schools must be available in Hindi with the relevant data. Everyone has agreed that an example of proper display of information is of DPS R K Puram School. It has also been agreed that all private schools that have received land from the government will have similar information provided in Hindi before 20 May 2010."

Facts leading to hearing held on December 13, 2010:

It was brought to the Commission's notice by a complaint made by the Complainant that its orders regarding Section 4 disclosure of EWS Scheme in schools have not been complied with in letter and spirit. The Commission therefore decided to take cognizance of this matter. The DDEs of all districts were directed to appear before the Commission on 13/12/2010 for a hearing vide notice dated 02/12/2010.

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Relevant facts emerging at the hearing held on December 13, 2010: The following were present:

Complainant: Mr. Ritu Mehra and Mr. Rajiv Kumar;

Respondents: Mr. Khan Chand, DDE (Central- North), Ms. Neena Kumari, DDE (NW- A), Ms. Vinita Shankar, DDE (North), Ms. Shukla Malhotra, DDE (West- B), Mr. Devi Singh, DDE (NW- B), Mr. K. K. Chauhan, Education Officer Zone 16- West- A, Ms. Kamlesh, DEO Zone XI, Ms. Usha Kumari, DDE (East), Ms. Indira Rani Singh, DDE (SW- A), Mr. R. N. Sharma, DDE (NE) and Mr. Ram Sharma, Education Officer Zone 25- South.

The EWS Scheme is a social welfare scheme aimed at providing access to better quality education to the economically weaker sections of the society. As per the EWS Scheme, private schools, which have been given land at nominal rates, are under an obligation to provide seats to students belonging to the economically weaker sections. Development of human resource by means of education is imperative for the growth of any nation. Therefore, it is the duty of the state to provide education to all children. The state, therefore, has decided to provide land at a nominal charge to private schools who in lieu of the advance payment made by the state in terms of land are obliged to set aside a certain percentage of seats for poor children. Therefore, information relating to EWS quota in private schools is extremely crucial to ensure that students belonging to economically weaker sections get the opportunity to apply to private schools for good quality education.

Section 4 of the RTI Act refers to the suo moto disclosure of information by a public authority. Section 4 of the RTI Act requires that the public authority discloses the maximum information on its own to ensure transparency in its functioning. Suo moto disclosure of information shall ensure that the general public is aware of the benefits and facilities available to it under several welfare schemes and will be able to avail of the same. Therefore, information received from schools pertaining to implementation of EWS Scheme therein must be widely disseminated by the Directorate of Education. This should be done in two ways:

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1) Publishing the information on the website of Directorate of Education; and 2) The Directorate of Education shall ensure that the schools put up boards displaying relevant information on EWS Scheme in both English and Hindi which are easily visible from outside the school (as directed by the Commission in its orders dated 21/12/2009 and 26/04/2010).

At the hearing held on 13/12/2010, the Commission noted that despite its directions dated 21/12/2009 and 26/04/2010, the schools had either failed to put up boards displaying the information or where boards were put up, had failed to display the requisite information as mandated by the Commission. Moreover, the Directorate of Education had also failed to upload the complete information regarding implementation of EWS Scheme in schools on its website and the information that was available was not easily accessible. The EWS quota in private schools is meant for the welfare of the economically weaker sections of the society. Therefore, the failure to disclose such information renders the public unaware of the facilities available to it and makes the implementation of the EWS Scheme a farce. In fact, it was brought to the Commission's notice that this lack of awareness among persons belonging to the EWS category enables private schools to admit students who do not even belong to the EWS category in order to fill up the EWS quota.

It is pertinent to mention that the EWS Scheme is based on an exchange and not charity. Land belonging to citizens is allotted at nominal rates to private schools in return for keeping aside certain seats for persons belonging to the EWS category. The discounted amount on the market price of the land allotted is actually a loss to the exchequer/ tax payer on the tenet that the development of that land by educational institutions will benefit the weaker sections of the society. However, in reality most persons for whom such scheme is intended do not enjoy its benefits due to lack of proper implementation and dissemination of information. Denial of the facility to the poor in exchange for their land being given to private institutions is institutionalized corruption since it takes away their land and does not deliver the value promised. Therefore, to ensure that the general public is aware of the facilities available to it and that the same is delivered to them, it is essential that information pertaining to EWS Scheme is uploaded on the website by the Directorate of Education as well as displayed on boards by private schools, which are easily visible from outside the school.

Further, it was brought to the Commission's attention that a considerable amount of information and data collected as Management Information Systems (MIS) was accessible only by the Director, Directorate of Education. It appears that some of this information is neither accessible by the DDEs nor by the general public. All information available with public authorities should be available to all citizens unless it is exempted as per Section 8(1) of the RTI Act. It is also in the interest of public authorities to share information suo moto so that citizens may not have to take resort to filing RTI applications. Therefore, the Director, Directorate of Education is required to publish all the information collected by the MIS system on the website of the Directorate of Education. If the Director feels that any of this information is exempt under Section 8(1) of the RTI Act, the Director shall state the same giving reasons how it is exempted under Section 8(1) of the RTI Act to the Commission.

Furthermore, the Commission noted that Annexure- II of the Annual Returns is required to be filed by private, unaided schools with the Directorate of Education every year before July

30. It was observed that the information contained in Annexure- II of the Annual Returns received from private, unaided schools till date has not been uploaded on the website of

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Directorate of Education. Therefore, the Director, Directorate of Education is required to upload on its website all the information contained in the Annexure- II of the Annual Returns filed till date by private, unaided schools along with the list of schools which have defaulted in filing the said returns. Moreover, from 2011 onwards, information contained in Annexure- II of the Annual Returns filed by private, unaided schools before July 30 shall be uploaded on the website before August 31 every year along with the list of schools,

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which have defaulted in filing the Annual Returns.

The DDEs further stated that at present, no Annual Returns are being filed by private, aided schools with the Directorate of Education and that there is no systematic manner of collecting the same. The Commission considers this practice as inappropriate and directs the Director, Directorate of Education to at least upload on its website details of budgetary allocation and management of private, aided schools.

Adjunct Decision announced on December 14, 2010:

In view of the aforesaid, the Commission hereby directs the Director, Directorate of Education under its powers under Section 19(8)(a) of the RTI Act to ensure that the following is implemented in compliance with Section 4 of the RTI Act:

1). All schools will display the following information on a board, which is easily visible from outside the school:

â € The total no of seats in all classes in a school. â € The total vacancies in all classes.

â € The total no of seats under EWS quota.

â € Seats still available under EWS quota.

â € Total applications received under EWS quota.

â € Information about when the EWS quota applications will be received and date by which the admissions will be given.

The schools will update the information on the boards once every week. The information shall be put up in both Hindi and English. The Director, Directorate of Education shall ensure that the schools comply with the aforesaid direction before December 31, 2010. Further, the Director, Directorate of Education shall ensure that the aforementioned information shall also be uploaded on the website of the Directorate of Education before December 31, 2010.

2). The Director, Directorate of Education shall ensure that all the information collected by the MIS system is accessible by the general public on the website of the Directorate of Education before December 31, 2010. If the Director feels that any of this information is exempt under Section 8(1) of the RTI Act, the Director shall state the same giving reasons how it is exempted under Section 8(1) of the RTI Act to the Commission before December 31, 2010.

3). The Director, Directorate of Education shall upload on its website all the information contained in Annexure- II of the Annual Returns filed till date by private, unaided schools along with the list of schools which have defaulted in filing the said returns before December 31, 2010. Further, the Director, Directorate of Education shall ensure that from 2011 onwards, information contained in Annexure- II of the Page 5 of 6

Annual Returns filed by private, unaided schools before July 30 shall be uploaded on its website before August 31 every year along with the list of schools, which have defaulted in filing the Annual Returns.

4). The Director, Directorate of Education shall upload on its website details of budgetary allocation and management of private, aided schools received till date before December 31, 2010. Where no such details have been received, the same shall also be stated. This information shall also be updated every month.

The Director, Directorate of Education shall send a compliance report with respect to all the aforementioned directions to the Commission at rtimonitoring@gmail.com before January 5, 2011.

The Director, Directorate of Education shall forward a copy of this order to the DDEs of all districts.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties. Any information in compliance with this order will be provided free of cost as per section 7(6) of the RTI Act.

Shailesh Gandhi

Information Commissioner

December 14, 2010

(For any further correspondence in this matter, please quote the file no. mentioned above) RR

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 21/2011

DELHI STATE PUBLIC SCHOOL MANAGEMENT ASSOCIATION

..... Petitioner

Through Mr. Neeraj Kishan Kaul, Senior Advocate with Mr. Kamal Gupta, Advocate

versus

DIRECTORATE OF EDUCATION AND ANR Respondents

Through Ms. Neha Kapoor, Advocate for Mr. N. Waziri, Advocate

CORAM: JUSTICE S. MURALIDHAR

ORDER

06.01.2011

WP (Civil) 21/2011 and CM APPL No. 31/2011 (for stay)

1. Mr. Neeraj Kishan Kaul, learned Senior counsel appearing for the Petitioner submits that the impugned order dated 14th December 2010 passed by the Central Information Commission (?CIC?) travels far beyond the relief originally sought by the complainant. Para (3) of the operative portion of the impugned order of the CIC now requires the Director, Directorate of Education (?DOE?) to issue directions under Section 19 (8) (a) of the Right to Information Act, 2005 (?RTI Act?) not only to display the information originally sought but to ?upload on its website all the information contained

WP (Civil) No. 21/2011

page no 1/3

in Annexure-II of the annual returns filed till date by private, unaided schools along with the list of schools which have defaulted in filing the said returns before 31st December 2010.? It is pointed out that Annexure-II referred to in the impugned order of the CIC is in fact Appendix-II of the Delhi School Education Act and Rules 1973 (?DSEAR?) referable to the Rule 180 (1), which included budget estimates of receipts, payments of the ensuing year, final accounts and the statement showing disbursement of salaries. Mr. Kaul further submits that the directions contained in para 2 of the operative portion of the impugned order of the CIC requires all the information collected by the Management Information Systems (?MIS?) to be made accessible to the general public on the website of the DOE.

2. Notice limited to the disclosure of the information collected by the MIS as well as the directions given in para 3 concerning disclosure of all the information contained in Appendix-II to the DSEAR.

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.. Ms. Neha Kapoor, learned counsel accepts notice on behalf of Respondent No. 1
Reply be filed within four weeks. Rejoinder thereto, if any, be filed within two
weeks thereafter.

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4. Issue notice to the Respondent No. 2, returnable on 7th April 2011.

5. Till the next date of hearing, there shall be a stay of the impugned order of
the CIC only to the extent that it requires the details relating to the
Appendix-II to the DSEAR to be uploaded on the website of the DOE. It is made
clear that the Petitioner will continue to display information concerning the
total number of seats in all classes in the member schools, the total vacancies
in all classes, the total number of seats under economically weaker sections
(?EWS?) quota, the seats still available under EWS quota, the total applications
received under the EWS quota and information on when the EWS quota applications
are to be received and date by which the admissions will be displayed on the
website of the DOE.

6. Order be given given dasti to learned counsel for the parties.

S.MURALIDHAR, J

JANUARY 06, 2011

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