शैक्षणिक वर्ष सन २००९-२०१० पासून शैक्षणिक व अन्य शुल्क निश्चित करुन, अभ्यास करुन शिफारस करण्यासाठी केलेल्या समितीने सादर केलेल्या अहवालाबाबत

महाराष्ट्र शासन
शालेय शिक्षण व क्रीडा विभाग
शासन निर्णय क्रमांक : संकीर्ण २००९/(१०८/०९)/माशि ३
मंत्रालय विस्तार भवन, मुंबई ४०० ०३२
दिनांक : २७ नोव्हेंबर, २००९

वाचा : (१) शासन निर्णय क्र. संकीर्ण २००९/(१०८/०९)/माशि ३, दि. १६ ऑक्टोबर,२००९
(२) शासन निर्णय क्र. संकीर्ण २००९/(१०८/०९)/माशि ३, दि. १८ नोव्हेंबर,२००९
(३) शासन निर्णय क्र. संकीर्ण २००९/(१०८/०९)/माशि ३, दि. २० नोव्हेंबर,२००९

शासन निर्णय : शासन निर्णय, शालेय शिक्षण व क्रीडा विभाग क्र.संकीर्ण २००९/(१०८/०९)/माशि-३, दिनांक ११ जून,२००९ अन्वये शैक्षणिक वर्ष २००९-१० पासून शैक्षणिक शुल्क व अन्य शुल्क निश्चित करण्याकरता अभ्यास करुन शिफारशी करण्याकरता डॉ.श्रीमती कुमुद बन्सल, सेवानिवृत्त (भा.प्र.से.) यांच्या अध्यक्षतेखाली समिती स्थापन करण्यात आली होती. सदर समितीने सादर केलेला संपूर्ण इंग्रजी अहवाल व सदर इंग्रजी अहवालातील प्रकरण क्र. ४ मधील शिफारशीचा मराठी अनुवाद उपरोक्त दि. २० नोव्हेंबर,२००९ च्या शासन निर्णयान्वये शासनाच्या वेबसाईटवर प्रसिध्द करण्यात आलेला आहे. सदर अहवालातील शिफारसींवर लोकांकडून सूचना/हरकती मागविण्यात आल्या आहेत व त्या शिक्षण संचालक (माध्यमिक व उच्च माध्यमिक), महाराष्ट्र राज्य, पुणे यांच्याकडे दिनांक १० डिसेंबर, २००९ पर्यन्त पाठवाव्यात असेही सदर शासन निर्णयान्वये वेबसाईटवर प्रसिध्द करण्यात आलेले आहे. सदर मुदत आता वाढविण्यात आली असून लोकांनी त्यांच्या सूचना व हरकती दिनांक २५ डिसेंबर,२००९ पर्यन्त शिक्षण संचालक (माध्यमिक व उच्च माध्यमिक), महाराष्ट्र राज्य, पुणे यांच्याकडें पाठवाव्यात.

शिक्षण संचालक (माध्यमिक व उच्च माध्यमिक),महाराष्ट्र राज्य, पुणे यांना विनंती करण्यांत येते की, त्यांच्याकडे प्राप्त झालेल्या लोकांच्या सूचना/हरकती यांचे एकत्रिकरण करुन त्याची माहिती शासनास ४ दिवसांत सादर करावी. जेणेकरुन शासनास याबाबत निर्णय घेणे सुलभ होईल.

सदर शासन निर्णय महाराष्ट्र शासनाच्या वेबसाईट www.maharashtra.gov.in वर उपलब्ध असून, त्याचा सांकेतांक क्रमांक २००९११२७१८१२१७००१ असा आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(अ. मा. भट्टलवार)
शासनाचे सह सचिव

प्रति,
शिक्षण संचालक (माध्यमिक व उच्च माध्यमिक), महाराष्ट्र राज्य, पुणे
शिक्षण संचालक (प्राथमिक), महाराष्ट्र राज्य, पुणे
सर्व विभागीय शिक्षण उपसंचालक
सर्व शिक्षणाधिकारी (प्राथमिक/माध्यमिक), जिल्हा परिषद,

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शिक्षण निरिक्षिक (पश्चिम/उत्तर/दक्षिण), मुंबई
सर्व मुख्य कार्यकारी अधिकारी, जिल्हा परिषद
आयसीएसई/सीबीएसई/आयजीसीएसई/आयबी
महासंचालक, माहिती व जनसंपर्क संचालनालय, मंत्रालय, मुंबई

यांना विनंती करण्यात येते की, सदर शासन निर्णयास सर्व वृत्तपत्रांमधून व इतर माध्यमातून व्यापक प्रमाणात प्रसिध्दी देण्यात यावी.

मा. मंत्री, शालेय शिक्षण यांचे खाजगी सचिव
मा. राज्यमंत्री, शालेय शिक्षण यांचे खाजगी सचिव
सचिव, शालेय शिक्षण व क्रीडा विभाग यांचे स्वीय सहाय्यक
निवड नस्ती माशि ३

शैक्षणिक वर्ष सन २००९-२०१० पासून शैक्षणिक व अन्य शुल्क निश्चित करुन, अभ्यास करुन शिफारस करण्यासाठी केलेल्या समितीने सादर केलेल्या अहवालाबाबत

महाराष्ट्र शासन
शालेय शिक्षण व क्रीडा विभाग
शासन निर्णय क्रमांक : संकीर्ण २००९/(१०८/०९)/माशि ३
मंत्रालय विस्तार भवन, मुंबई ४०० ०३२
दिनांक : १८ नोव्हेंबर, २००९

वाचा : शासनाचा समक्रमांकाचा शासन निर्णय दिनांक १६ ऑक्टोबर,२००९

शासन निर्णय : शासन निर्णय, शालेय शिक्षण व क्रीडा विभाग क्र.संकीर्ण २००९/(१०८/०९)/ माशि-३, दिनांक ८ मे,२००९ अन्वये शैक्षणिक वर्ष २००९-१० पासून शैक्षणिक शुल्क व अन्य शुल्क निश्चित करण्याकरता शासनातर्फे शुल्क नियंत्रण समिती स्थापना करण्यात येणार असल्याचे आदेश निर्गमित करण्यात आले आहे. शासन निर्णय, शालेय शिक्षण व क्रीडा विभाग क्र.संकीर्ण २००९/(१०८/०९)/ माशि-३, दिनांक ११ जून,२००९ अन्वये शैक्षणिक वर्ष २००९-१० पासून शैक्षणिक शुल्क व अन्य शुल्क निश्चित करण्याकरता अभ्यास करुन शिफारशी करण्याकरता डॉ.श्रीमती कुमुद बन्सल, सेवानिवृत्त (भा.प्र.से.) यांच्या अध्यक्षतेखाली समिती स्थापन करण्याचे आदेश निर्गमित करण्यात आले होते. सदर समितीने त्यांचा अहवाल दिनांक १५/१०/२००९ रोजी शासनास सादर केला असून सदर समितीच्या अहवालातील शिफारशी दिनांक १६ ऑक्टोबर,२००९ च्या शासन निर्णयान्वये शासनाच्या वेब साईटवर प्रसिध्द करण्यात आले आहे. सदर इंग्रजी शिफारशींचा मराठी अनुवाद वेबसाईट वर प्रसिध्द करावे अशी अनेक संघटनांनी शासनास विनंती केलेली आहे. या इंग्रजी शिफारशींमधील प्रकरण क्रमांक ४ शिफारशीचा मराठी अनुवाद शासनाच्या वेब साईटवर प्रसिध्द करण्यात येत आहे व इतर भागांचे मराठी भाषांतर नंतर वेबसाईटवर प्रसिध्द करण्यात येईल.

सदर परिपत्रक महाराष्ट्र शासनाच्या वेबसाईट www.maharashtra.gov.in वर उपलब्ध असून, त्याचा सांकेतांक क्रमांक २००९१११८१५०२०३००१ असा आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(अ. मा. भट्टलवार)
शासनाचे सह सचिव

प्रति,

शिक्षण संचालक (माध्यमिक व उच्च माध्यमिक), महाराष्ट्र राज्य, पुणे
शिक्षण संचालक (प्राथमिक), महाराष्ट्र राज्य, पुणे
माहिती संचालक, माहिती व जनसंपर्क संचालनालय, मंत्रालय, मुंबई
सर्व विभागीय शिक्षण उपसंचालक

सर्व शिक्षणाधिकारी (प्राथमिक/माध्यमिक), जिल्हा परिषद,
शिक्षण निरिक्षिक (पश्चिम/उत्तर/दक्षिण), मुंबई
सर्व मुख्य कार्यकारी अधिकारी, जिल्हा परिषद
आयसीएसई/सीबीएसई/आयजीसीएसई/आयबी
मा. मंत्री, शालेय शिक्षण यांचे खाजगी सचिव
मा. राज्यमंत्री, शालेय शिक्षण यांचे खाजगी सचिव
सचिव, शालेय शिक्षण व क्रीडा विभाग यांचे स्वीय सहाय्यक
निवड नस्ती माशि ३

शैक्षणिक वर्ष सन २००९-२०१० पासून शैक्षणिक व अन्य शुल्क निश्चित करुन, अभ्यास करुन शिफारस करण्यासाठी समितीची स्थापना करणेबाबत

महाराष्ट्र शासन
शालेय शिक्षण व क्रीडा विभाग
शासन निर्णय क्रमांक : संकीर्ण २००९/(१०८/०९)/माशि ३
मंत्रालय विस्तार भवन, मुंबई ४०० ०३२
दिनांक : १६ ऑक्टोबर, २००९

शासन निर्णय : शासन निर्णय, शालेय शिक्षण व क्रीडा विभाग क्र.संकीर्ण २००९/(१०८/०९)/ माशि-३, दिनांक ८ मे,२००९ अन्वये शैक्षणिक वर्ष २००९-१० पासून शैक्षणिक शुल्क व अन्य शुल्क निश्चित करण्याकरता शासनातर्फे शुल्क नियंत्रण समिती स्थापना करण्यात येणार असल्याचे आदेश निर्गमित करण्यात आले आहे. शासन निर्णय, शालेय शिक्षण व क्रीडा विभाग क्र.संकीर्ण २००९/(१०८/०९)/ माशि-३, दिनांक ११ जून,२००९ अन्वये शैक्षणिक वर्ष २००९-१० पासून शैक्षणिक शुल्क व अन्य शुल्क निश्चित करण्याकरता अभ्यास करुन शिफारशी करण्याकरता डॉ.श्रीमती कुमुद बन्सल, सेवानिवृत्त (भा.प्र.से.) यांच्या अध्यक्षतेखाली समिती स्थापन करण्याचे आदेश निर्गमित करण्यात आले होते. सदर समितीने त्यांचा अहवाल दिनांक १५/१०/२००९ रोजी शासनास सादर केला. सदर समितीच्या अहवालातील शिफारशी या परिपत्रकाव्दारे शासनाच्या वेब साईटवर प्रसिध्द करण्यात येत आहे. या शिफारशींवर लोकांकडून येणा-या सूचना/तक्रारी मागविण्यांत येत आहेत. या परिपत्रकाव्दारे सर्व संबंधितांना सूचित करण्यात येते की, या शिफारशींच्या अनुषंगाने त्यांची त्यांचे म्हणणे शिक्षण संचालक (माध्यमिक व उच्च माध्यमिक), महाराष्ट्र राज्य, पुणे यांचेकडे दिनांक २१ नोव्हेंबर, २००९ पर्यन्त सादर करावे. शिक्षण संचालक यांना विनंती करण्यांत येते की, त्यांच्याकडे प्राप्त झालेल्या सूचना/तक्रारी यांचे एकत्रिकरण करुन त्यांची माहिती दिनांक २४ नोव्हेंबर,२००९ रोजी शासनाला सादर करावी. जेणेकरुन शासनास याबाबत निर्णय घेणे सुलभ होईल.

शिक्षण संचालक, महाराष्ट्र राज्य, पुणे यांना विनंती करण्यांत येते की,वरील आदेश सर्व संबंधितांना तातडीने कळविण्यात यावेत. जेणेकरुन, या शिफारशींवर लोकांच्या सूचना त्यांच्याकडे वेळीच प्राप्त होऊ शकतील. शिक्षण संचालकांना असेही सूचित करण्यात येते की, संपूर्ण अहवाल त्यांच्या वेब साईटवर लोकांना पहाण्यासाठी विना विलंब प्रसिध्द करावा.

सदर परिपत्रक महाराष्ट्र शासनाच्या वेबसाईट www.maharashtra.gov.in वर उपलब्ध असून, त्याचा सांकेतांक क्रमांक २००९१०१६१६२२५३००१ असा आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(अ. मा. भट्टलवार)
शासनाचे सह सचिव

प्रति,
शिक्षण संचालक (माध्यमिक व उच्च माध्यमिक), महाराष्ट्र राज्य, पुणे
शिक्षण संचालक (प्राथमिक), महाराष्ट्र राज्य, पुणे

माहिती संचालक, माहिती व जनसंपर्क संचालनालय, मंत्रालय, मुंबई
सर्व विभागीय शिक्षण उपसंचालक
सर्व शिक्षणाधिकारी (प्राथमिक/माध्यमिक), जिल्हा परिषद,
शिक्षण निरिक्षिक (पश्चिम/उत्तर/दक्षिण), मुंबई
सर्व मुख्य कार्यकारी अधिकारी, जिल्हा परिषद
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निवड नस्ती माशि ३

Part -I

Draft Report of the Committee
On Fee Structure
For Un-aided Schools

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Foreword

Taking cognizance of complaints of commercialization of education and profiteering by schools unaided by Maharashtra State Government grants, the Education Department has set up this Committee to suggest norms for fixing fees.

Nearly 90% schools in the State are either aided or are run by the Local Bodies. Most of the remaining schools are either affiliated to National Boards like CBSE, ICSE or international Boards like IB, IGCSE. Excellence in learning is the key objective for the un-aided private schools. Therefore, each management as per its vision develops its curricular and co-curricular activities for the holistic development of the student. In a majority of the schools, the fee structure is geared to this objective. However, there are a few black sheep which resort to profiteering and bring a bad name to all.

In this background, members of the Committee have recommended a broad framework of norms for determining the fees of the unaided schools. These norms recognize and allow for the differences in requirements of institutions based on the curriculum of the Board that they are affiliated to ie State, National and International and their own ideas of activities necessary for quality fulfillment of the requirement of such curricula. They recognize the institution's right to select curricular and extra-curricular activities. The deliberations of the Committee were guided by legislation and Supreme Court judgments governing fees of unaided schools. The suggested norms intend to support unaided educational institutions to continue to achieve excellence in providing education.

The Committee was unanimous that schools cannot be allowed to profiteer. However, a Reasonable Surplus of up to 15% of total revenues could be generated by schools for the achieving their educational goals. Surplus was defined as the difference between the total revenues of an institution and the total admissible expenses. Total revenues included fees and other income, if any. Admissible expenses were defined as those that contribute to imparting quality education to the students. Anything beyond such Reasonable Surplus would, in the opinion of the Committee amount to profiteering.

To ensure that such schools do not resort to profiteering or commercialization of education, the Committee has emphasized transparency in fixing the fees by the un-aided schools and recommended a mechanism for achieving this along with a time schedule.

The Committee recommends that institutions project expenses and other income for the ensuing academic year. This should form the basis of arriving at the proposed fees for the following year. The computation should be shared in advance with the Executive Council of the Parent Teachers Association (PTA). In case, a majority in the Executive Council of the PTA find that the proposed fee amounts to profiteering, it could approach the State Statutory Committee with facts for redress.

It needs to be emphasized that 90% of the schools in the State fall in the 'aided' category. The condition of these schools is worsening day by day since the State Govt. has been irregular in the timely disbursement of their non-salary grants and scholarships to the SC/ST children. The bulk of students in the State are, therefore being deprived of quality education. There is an imperative need for the State Govt. to ensure timely release of the grants for non-salary expenditure to enable such schools to give quality education.

Numerous instances of non-receipt of grants/scholarships since 2004 were cited by the anguished members.

There was enthusiastic participation by members, who have wide experience in the field of education. The members recognized the desire of parents from all walks of life to provide quality education to their wards.

In such a broad-based Committee it is not possible for unanimity to emerge on all issues. However, the general sense of the house was gauged to arrive and record the Committee views on different subjects. The Report is presented in 3 parts: the First containing the recommendations of the Committee, the Second containing the Minutes of the meetings of the Committee and Reports of the two Sub-groups set up by the Committee and the Third comprising miscellaneous representations received by the Committee.

Dr J Jain and Dr A Kulkarni have dissented. Their views have been incorporated in Chapters 5 and 6, along with the comments of the Committee on the points raised.

The Committee takes this opportunity to thank all the participants for their valuable contributions, Shri Bhalchander Desle, the Member Secretary of the Committee, Shri Narendra Kawde, State Project Director MPSP, Dr. RP Joshi and Dr Vidya Yerwadekar, the conveners of the Subgroups, Ms Farzana Dohadwalla, Shri Mohan Awate and Shri Rajan Phansalkar for their help in drafting , Shri Phadke CA and the Secretarial staff for their whole hearted cooperation.

Mumbai, October 2009

Chairperson, Dr Kumud Bansal,

List of Members of Fee Structure Committee

1.	Dr. Smt. Kumud Bansal,(Retd.I.A.S.)	Chairperson
2.	Shri Mohan Awate (Retd. Directot Of Education)	Member
3.	Shri Rajan Phansalkar (Retd. Directot Of Education)	Member
4.	Shri.Aniruddha Jadhav Latur.	Member
5.	Shri. Baburaoji Zade Nagpur.	Member
6.	Shri Ramesh Panse Pune.	Member
7.	Dr. R.P. Joshi Pune.	Member
8.	Dr. Vidya Yerwadekar.Pune.	Member
9.	Shri K.V. Tare. Amravati.	Member
10.	Shri P.M. Raut Mumbai.	Member
11.	Shri Gregari Lobo Mumbai.	Member
12.	Shri Jayant Jain Mumbai	Member
13.	Smt. Sinha Shabnam Mumbai	Member
14.	Smt. Arundhati Chavan Mumbai.	Member
15.	Smt. Farzana Dohadwala Mumbai.	Member
16.	Shri. Pawan Podar Mumbai	Member
17.	Dr. K.B. Kushal Mumbai	Member
18.	Smt. Aradhana Somani Mumbai	Member
19.	Dr. Avisha Kulkarni Mumbai.	Invitee Member
20.	Smt.Korde Meera Thane.	Invitee Member
21.	Shri Bhalchandra Desle Director (Sec and Hr Sec Edu)	Member Secretary.

Chapter 1: Introduction

1. The education system of modern Maharashtra is built on a strong progressive legacy of the past. This is reflected in patterns of participation of girls and women in education, as well as rising educational attainments among the traditionally disadvantaged groups. Education was the focus of activity for social reformers and political leaders in the state in pre-independent India. To start with, as early as 1917, the princely state of Kolhapur institutionalized many changes motivated by reform thought and strategy; education not only became free, but measures were designed to encourage parents in rural areas to send their children to school. However, with the increasing dependence on State support since 1960, and the commencement of Zilla Parishads, private initiative declined considerably at the elementary level. Again, from the late seventies, buttressed by political leadership's local initiative, the State witnessed a growing involvement of private and commercial interests at all levels of education. This has led to an impressive growth of educational institutions in Maharashtra, at different levels. The number of Primary schools doubled in 30 years and the number of secondary schools grew 5 times. At the elementary education level in the State, out of 67,885 schools (DISE-2005), the Zilla Parishads and Municipal Councils / Corporations run more than 90 percent schools where no fees are charged. In this sector participation of private managements is less than 10 percent.

2. In the Secondary Education sector, the State runs 424 Zilla Parishad Schools mostly in Vidarbha and Marathwada regions. Of the total 16,264 private Secondary Schools, 13,055 are aided and 3,209 are un-aided schools (Statistics of Education Department, DISE 2008-09). The contribution made by private sector (social organizations) in secondary education has been outstanding with regards to expansion, growth and quality education.

3. While the majority of schools are affiliated to the Maharashtra State Board, there are others especially in the Metropolitan areas which are affiliated to CBSE, ICSE, IB and IGCSE. These Boards have different curricula. The unaided private schools affiliated to these Boards provide a wide range of curricular and extra - curricular activities, physical facilities and professional up-gradation of their teachers and staff. There is a wide disparity in the fees among such schools, which has some times drawn sharp reactions from parents and public. There is, nevertheless a general perception among parents and students that the quality of teaching in these schools is better, hence the demand for admission in these schools keeps growing. At the same time, not all the private un-aided schools, have excellence of standards though their fees are high.

4. Through the G.R dated 11th June, 2009 the State Govt. has asked this Committee to evolve norms so that fees could be determined by the schools in accordance with such norms. Taking cognizance of complaints of commercialization of education and profiteering, Government has undertaken this exercise. There are numerous judgments of the High Court and the Supreme Court on establishment and management of private un-aided schools that have had an important bearing on the

Committee's deliberations.

5. Setting up of Committee and terms of references

    a. Taking into account the decision of Hon'ble Supreme Court of India in TMA Pai Foundation vs state of Karnataka, the Maharashtra Government had issued instructions to all unaided / permanently unaided primary / secondary and Higher Secondary schools vide G. R. dt. 27th May, 2003, regarding admission, fee structure, and concessions to unaided institutions in Maharashtra. In 2009, the Hon'ble High Court Mumbai in Writ Petition No. 4503/2009 in case of Students Welfare Association Vs Maharashtra Government issued an Interim Order to the State Government to form a Committee to decide norms for tuition fees and other fees, and directed the State to issue instruction to all concerned that during the pendency of this petition no school should be permitted to increase fees.

    b. Following the Interim order of The Hon'ble High Court Government appointed a Committee under Dr. Kumud Bansal, (IAS) Retd Secretary, Government of India, vide GR dated Misc.2009/(108/09)Mashi 3 dated 11th June 2009. The Committee has been asked to study and consider the decision in TMA Pai Foundation case and other decisions of Hon'ble Supreme Court and recommend to the State Government the procedure to be followed by the unaided institutions to decide the fee structure

    c. The Government Resolution states that this Committee shall consider Primary / Secondary / Higher secondary unaided schools implementing state board syllabus, CBSE, ICSE, IGCSE (CIE) and IB curriculum. The Committee was further asked to recommend norms for deciding fee structure in unaided institutions based on various judgments of Hon. Supreme Court and principles laid down in the judgments.

Chapter 2: Relevant Extracts of Judgments

6. We begin by citing some excerpts of Judgments of Hon. Supreme Court of India below

    a. T. M. A. Pai Foundation V/s. State of Karnataka (2002) 8 SCC : This is the single most important judgment since it comprised of the largest Bench of 11 Supreme Court judges.

        i. “A combination of unprecedented demand for access to higher education and the inability or unwillingness of the Government to provide the necessary support has brought private higher education to the forefront. Also governmental domination of the educational process must be resisted”.

        ii. “In case of unaided private schools, maximum autonomy has to be with the management with regard to administration, including the right of appointment, disciplinary powers, admission of students and the fees to be charged. It is in the interest of the general public that more good quality schools are established, autonomy and non-regulation of the school administration in the right of appointment, admission of the students and the fee to be charged will ensure that.”

        iii. “There can be no doubt that in seeking affiliation or recognition, the Board or the university or the affiliating or recognizing authority can lay down conditions consistent with the requirement to ensure the excellence of education. But the essence of a private educational institution is the autonomy that the institution must have in its management and administration. There necessarily has to be a difference in the administration of private unaided institutions and the government-aided institutions. Whereas in the latter case, the Government will have greater say in the administration, including admissions and fixing of fees, in the case of private unaided institutions, maximum autonomy in the day-to-day administration has to be with the private unaided institutions.” (Para 55)

        iv. “Bureaucratic or governmental interference in the administration of such an institution will undermine its independence. While an educational institution is not a business, in order to examine the degree of independence that can be given to a recognized educational institution, like any private entity that does not seek aid or assistance from the Government and that exists by virtue of the funds generated by it, including its loans or borrowings, it is important to note that the essential ingredients of the management of the private institution include the recruiting students and staff and the quantum of fee that is to be charged.”

v. “The right to establish and administer broadly comprises the following rights:

    1. to admit students;

    2. to set up a reasonable fee structure;”

vi. “One cannot lose sight of the fact that providing good amenities to the students in the form competent teaching faculty and other infrastructure costs money. It has, therefore, to be left to the institution, if it chooses not to seek any aid from the Government, to determine the scale of fee that it can charge from the students”(para56)

vii. “the Government can provide regulations that will ensure excellence in education, while forbidding the charging of capitation fee and profiteering by the institution……there can, however, be a reasonable revenue surplus, which may be generated by the educational institution for the purpose of development of education and expansion of the institution” (para 57)

viii. Distinguishing the Professional Colleges from the ones under the ambit of this Committee, it was observed that

    1. “For admission into any professional institution, merit must play an important role. While it may not be normally possible to judge the merit of an applicant who seeks admission into a school…” (para 58)

    2. “Education is taught at different levels, from primary to professional. It is therefore, obvious that government regulations for all levels or types of educational institutions cannot be identical; (para 60)

    3. “In case of unaided private schools maximum autonomy has to be with the management with regards to administration, including the right of appointment, disciplinary powers, admission of students and the fees to charged.”(para 61)

ix. “It is no secret that the examination results at all levels of unaided private schools, notwithstanding the stringent regulations of the governmental authorities are far superior to the results of the government maintained schools. There is no compulsion on students to attend private schools. The rush for admission is occasioned by the standards maintained in such schools and recognition of the fact that State run schools do not provide the same standards of education. The State says it has no funds to establish institutions at the same level of excellence as private schools. But by curtailing the income of such private schools, it disables those schools from affording the best facilities because of lack of funds.”

b. Hon Supreme Court in Islamic Academy of Education V/s. State of Karnataka (2003) 6 SCC

   i. "So far as the first question is concerned, in our view the majority judgment is very clear. There can be no fixing of a rigid fee structure by the Government. Each institute must have the freedom to fix its own fee structure taking into consideration the need to generate funds to run the institution and to provide facilities necessary for the benefit of the students. They must also be able to generate surplus which must be used for the betterment and growth of that educational institution……..." (emphasis supplied)

   ii. "It is beyond any doubt that in the matter of determination of the fee structure the unaided institutions exercise a greater autonomy. They, like any other citizen carrying on an occupation, must be held to be entitled to a Reasonable Surplus for development of education and expansion of the institution."

c. Modern School V/s. Union of India (2004) 6 SCC

   i. Regulation of quantum of fees: "In the matter of determination of the fee structure unaided educational institutions exercise a great autonomy as they, like any other citizen carrying on an occupation, are entitled to a Reasonable Surplus for development of education and expansion of the institution. Such institutions, it has been held, have to plan their investment and expenditure so as to generate profit. What is, however, prohibited is commercialization of education. Hence, a balance has to be struck between autonomy of such institutions and measures to be taken to prevent commercialization of education. However, in none of the earlier cases has the Supreme Court defined the concept of Reasonable Surplus, profit, income and yield, which are the terms used in the various provisions of the Act. Therefore, what constitutes Reasonable Surplus in the context of the provisions of the Act is the issue to be determined."(para 14 and 15)

   ii. "It is trite that economic forces have a role to play in the matter of fee fixation. The institutions should be permitted to make reasonable profits after providing for investment and expenditure. However, capitation fee and profiteering were held to be forbidden. Subject to the above two prohibitory parameters fees to be charged by the unaided educational institutions cannot be regulated. There could be no rigid fee structure, after taking into account the need to generate funds to run the institution and to provide facilities necessary for the benefit of the students. They must be able to generate surplus which must be used for betterment and growth of that educational institution."

   iii. "The fee structure must be fixed keeping in mind the infrastructure and facilities available, investment made, salaries paid to teachers

and staff, future plans for expansion and/or betterment of institution subject to two restrictions, namely, non-profiteering and non-charging of capitation fees. Surplus/profit can be generated but they shall be used for the benefit of that educational institution and cannot be used for personal gain or for other business or enterprise."(para 15 and 16)

iv. There can be no fixing of a rigid fee structure by the Government. Each institute must have the freedom to fix its own fee structure taking into consideration the need to generate funds to run the institution and to provide facilities necessary for the benefit of the students. They must also be able to generate surplus which must be used for the betterment and growth of that educational institution." (para 44)

v. "In our view, on account of increased cost due to inflation, the management is entitled to create a Development Fund Account. For creating such development fund, the management is required to collect development fees. In the present case, pursuant to the recommendation of the Duggal Committee, development fees could be levied at at a rate not exceeding 10% to 15% of total annual tuition fee…." (para25)

d. The Seven Judge bench of the Hon. Supreme Court in P. A. Inamdar v/s. State of Maharashtra (2005) 6 CC had observed as follows:

i. "…..Even if we are inclined to disagree with any of the findings amounting to declaration of the law by the majority in Pai Foundation, we cannot; that being a pronouncement by an 11 judge bench, we are bound by it." (Para 20)

ii. "Pai Foundation explained in Islamic Academy:

1. whether the educational institutions are entitled to fix their own fee structure

2. whether minority and non-minority educational institutions stand on the same footing and have the same rights

3. whether private unaided professional colleges are entitled to fill in their seats, to the extent of 100%, and if not, to what extent; and

4. whether private unaided professional colleges are entitled to admit students by evolving their own method of admission.

iii. "S.B.Sinha, J., defined what is "capitation" and "profiteering" and also said that Reasonable Surplus should ordinarily vary from 6 percent to 15 percent for utilization in expansion of the system and development of education.

iv. “In Pai Foundation it has been very clearly held at several places that unaided professional institutions should be given greater autonomy in determination of admission procedure and fee structure. State regulation should be minimal and only with a view to maintain fairness and transparency in admission procedure and to check exploitation of the students by charging exorbitant money or capitation fees.” (Para 129)

e. In the Action Committee, Unaided Private Schools and Others V/s. Director of Education, Delhi & Others (7th August 2009) the majority held:

i. “The 1973 Act and Rules framed there under cannot come in the way of the management to establish more schools. So long as there is a reasonable fee structure in existence and so long as there is transfer of funds from one institution to the other under the same management there cannot be any objection.”

Chapter 3: Deliberations of the Committee:

7. The Committee held 7 meetings between the 26th June and 10th October 09. The record of detailed discussions is annexed in Part 2 of the Report. There was enthusiastic and meaningful participation by members, who had wide experience in the field of education. The members recognized the desire of parents from all walks of life to provide quality education to their wards. It is widely accepted that progress in this century will be driven by knowledge. India has seen a consistently high rate of economic growth in the recent years. An educated and skilled manpower can not only enhance our country's progress but can enable the youth to meaningfully participate in the opportunities due to globalization. The emergence of global economy on account of improved communication and mobility of people has forced nations to review their systems of education and adjust to the changed global realities. Rather than continuing with conservative inward looking policies, several countries are reshaping their systems of education to make them globally competitive. There is a growing demand for quality education from students and parents. It is no longer simply a case of attending a school but passing out from a reputed institution that assures a better placement for higher studies either in India or abroad. Parents are willing to use their resources to invest in children's education. It was also recognized that an increasing role of private sector in education in the State has also been spurred by the absence of sufficient State run secondary schools. The condition of the aided schools inspired little confidence among parents for quality education to their wards. There is, therefore, a consistent demand from the parents to get admission in the private unaided schools as it is generally perceived that they provide better quality education. The Supreme Court judgement in TMA Pai case has aptly described the situation as "It is no secret that the examination results at all levels of unaided private schools, notwithstanding the stringent regulations of the governmental authorities are far superior to the results of the government maintained schools. There is no compulsion on students to attend private schools. The rush for admission is occasioned by the standards maintained in such schools, and recognition of the fact that State run schools do not provide the same standards of education. The State says it has no funds to establish institutions at the same level of excellence as private schools. But by curtailing the income of such private schools, it disables those schools from affording the best facilities because of lack of funds."

8. The views of the members of the Committee regarding controlling the fees in these unaided schools ranged from a very stringent prescription for fees to total laissez faire.

9. On the one hand it was argued that the only way to stop profiteering by unaided private institutions was to have stringent and detailed norms for admissible expenditure and uniformity with the SS Code. There should be uniformity of compulsory curricular and extra curricular activities across all Boards. This would lend a degree of uniformity in fees too. Excessive variety in activities, facilities becomes a convenient cover for commercialization. Each item of expenditure should be open to PTA scrutiny and the Management should explain and be answerable for each item of the Balance sheet or Profit and Loss Account. An Apex Committee at the State level should fix fees for each school. Change in fee should be once in three years and parents should be taken into confidence. Students

should not be burdened with any capital expense. No separate funds for renovation should be allowed. The fees should be fixed as per the Anti-Capitation Fee legislation.

10. On the other hand it was argued that not only different Boards should be allowed to have their own characteristic variations to provide richness of curricular and non-curricular activity but do all that they deem fit to add to the quality of education. Schools should be left to decide their fees and there should be minimal Government interference. After all, there was no compulsion for the parents to send their children to a given school. Supreme Court's judgment in Technical University's case was also cited to state that the managements do not have to share their accounts with the PTA as they have to share with the Charted Accountant.

11. In such a broad-based Committee it is not possible for complete unanimity to emerge on all issues. However, the general sense of the house was gauged to arrive and record the Committee views on different subjects. For example:

    a. A point had been made that a common limit of Rs 15,000 should be recommended for fees across the board for all unaided schools. The Committee had discussed this and found it unacceptable in view of the TMA Pai judgment that private unaided schools had the right to fix their fees. It has ruled that maximum autonomy has to be with the management of the unaided schools with regard to administration, admission of students and the fees to be charged. It has also ruled that providing good amenities to the students in the form of competent teaching faculty and other infrastructure costs money. If the school chooses not to take any aid from the government, it is left to the school to determine the scale of fee it can charge from the students.

    b. There was a suggestion that since the Capitation Fee Act already listed items for which private unaided schools could charge fees, that list should be adopted for admissible revenues without any change. However, the TMA Pai judgment requires that "by virtue of this judgment the fee structure fixed under any regulation or enactments will have to be reworked ...." The Committee therefore, recommends that the Capitation Fee Act of the State Government be amended to bring it in line with the Supreme Court judgment. The same correction would also be needed for the SSC Code and other GRs.

    c. A suggestion was made that all Boards should have an identical minimum basic syllabus and compulsory activities and the rest should not be a part of the school hours. This had been discussed and found unacceptable because each Board had its own unique character and such rigid uniformity of curriculum or activities was not desirable

    d. Some institutions profiteer by charging excessive fee or inflating expenses. For example, some schools may manipulate building funds, donations, security deposits, sale of admission forms, unduly high admission/term / processing fees etc. The Committee noted that such aberrations and malpractices can be addressed adequately by its recommendations

12. After detailed discussions, keeping the interest of the students in mind the Committee came to the following conclusions:

    a. Excellence in learning is the key objective for the un-aided private schools. Therefore, each management as per its vision develops its curricular and co-curricular activities for the holistic development of the student. In a majority of the schools, the fee structure is geared to this objective. However, there are some unscrupulous institutions which resorted to profiteering and brought a bad name to all.

    b. Since there are multiple Boards and their course contents, teaching-learning methodologies, infrastructural needs and staff facilities differ significantly, there is no reason to force a rigid uniformity of curriculum or activities across the board. Similarly within a Board, curriculum and activities will differ from the primary to high school level.

    c. In this background, members of the Committee decided to develop an illustrative list of activities both curricular and co-curricular as well as heads of admissible expenses which could be necessary for all unaided schools. These are at the end of this Report. In addition, other activities and items of expenditure could also be incorporated in the fees by individual institution depending on its own idea of quality education and specific requirements of its National and International Board.

    d. It was recognized that the approach of the Committee needs to be consistent with the Supreme Court pronouncements. The TMA Pai Foundation judgment specifically states that capitation fee and profiteering is not allowed. On capitation fee there is already a State legislation. However, that Act must be amended to bring it in line with the Hon Supreme Courts' judgment. The Government Resolution of May 2003 is not sufficient to enforce the TMA Pai judgment.

    e. What is profiteering is still to be clearly defined. It was the endeavor of this Committee, to define this. The Committee decided that as a broad principle, the norm or legitimacy of an item of admissible expenditure will be whether it promotes quality education to students. All norms/ items of admissible expenditure must relate to promoting

        i. Teaching -learning process

        ii. Student welfare and

        iii. Good administration of the institution.

    f. With the help of these over-riding norms, it was considered desirable to first list the heads of admissible costs. Revenue and capital items had to be separated. Provisions for current and future need of the institution were also incorporated. 'Reasonable Surplus' had to be defined and agreed upon. Any surplus, over and above a 'Reasonable Surplus', would then amount to 'profiteering'. A Sub-group was set up to develop these norms.

g. At the same time when parents admitted their children in unaided schools and agreed to pay for quality education, there must be reasonable assurance that they were not being fleeced through commercial manipulation. There was a need to put some mechanism in place to ensure that there was no profiteering through fees. Another Sub-group was, therefore, constituted to suggest measures for the same.

h. The Sub-group I on norms comprised of the following:

i.	Dr. Vidya Yerwadekar	-	Convener
ii.	Smt. Aradhana Somani	-	Member
iii.	Smt. Farzana Dohadwalla	-	Member
iv.	Shri Ramesh Panse	-	Member

i. Sub-group – II on transparency comprised

i.	Dr. R.P. Joshi	-	Convener
ii.	Dr. K.B. Kushal	-	Member
iii.	Shri Jayat Jain	-	Member
iv.	Shri K.V. Tare	-	Member
v.	Shri P.M. Raut	-	Member
vi.	Shri Gregory Lobo	-	Member
vii.	Shri Pavan Poddar	-	Member
viii.	Smt. Arundhati Chavan	-	Member
ix.	Dr. Avisha Kulkarni	-	Member

j. The Sub-groups were free to invite experts to help them in this exercise. Each Sub-group is requested to associate their Cost and Finance experts, to develop such definition of 'profiteering' based on cost norms they consider legitimate. Reports of the two Sub-groups are in Part II of the Report.

k. It was noted that 90% of the schools fall in the aided category. The condition of these schools was far from satisfactory since the State Govt. was most irregular in the timely disbursement of their non-salary grants and scholarships to the Scheduled Castes and Scheduled Tribe children. The bulk of students in the State are, therefore deprived of quality education. There is an imperative need for the State Govt. to ensure timely release of the grants for non-salary expenditure to enable such schools to give quality education. Numerous instances of non-receipt of grants/scholarships since

2004 were cited by the anguished members. This was borne out also by the representative of the State Government.

l. The University Grants Commission and the Ministry of HRD, Govt. of India has been keen that Higher Educational Institutes, colleges or universities get accreditation from NAAC. On the same lines, schools in which the basic foundation for child development is laid should also be accredited. This will bring transparency and help parents in benchmarking schools. It will generate a healthy competition among schools for better ratings from accreditation agencies. Once the desired level of quality is achieved through accreditation, the parents will also not mind paying higher fees for the sake of quality. In other words, if a measure of autonomy is given to schools in fixing their fees, it should also be accompanied with accountability of maintaining certain norms and standards for imparting Quality education in schools. To ensure that prescribed norms and standards are followed to maintain quality, the Committee recommends accreditation and rating of all schools through an independent accrediting organisation eg the Quality Council of India.

m. In the Third meeting of the Committee, Mr B.D. Desle, member Secretary mentioned that the Hon. Education Minister, has desired that this Committee should also examine the fee fixation for Pre-primary Schools. He recommended inclusion of the following members on the Committee for the purpose :-

    i. Smt. Patankar, Balmohan Vidya Mandir, Dadar.

    ii. Shri Kamlakar Deshpande, Director.

    iii. Shri Marathe, Treasurer, Social Work.

    iv. Shri Hussain, Subject Expert.

n. These experts were invited to the meetings from 18th July. All of them said that Pre-Primary education is essential for ensuring universalisation of primary education. They stressed the need of quality Education in the sector. The Committee noted that over 90% of the Pre - primary education in the State is through Anganwadis of ICDS and Balwadis of the Education Department. It is also the policy of the State to close Balwadis wherever Anganwadis open. There is a small percentage of unaided Pre-Primary centres, mostly in urban areas. Some of them are opened by unaided Private schools as a part of their schools and some are run independently. The Education Policy at the National level has recognized that ECCE is crucial for the success of primary education.

o. In the discussion that followed, the following points were made to defer the consideration of Pre-Primary category:

    i. This Committee should not take additional responsibility of Pre-Primary education as it is not compulsory.

    ii. The fee structure, student- teacher ratio, teaching methodology is different for Pre-Primary section. Therefore, 1st and 2nd Standards of Primary should not be attached to the Pre- Primary section.

iii. The Committee's attention was drawn to the fact that at present, grievances of parents are not duly redressed by the Government functionaries. If the Govt. is unable to fulfill even its present obligation there was no reason to add more to its responsibility.

iv. The non-salary grant which is in arrears from 2005 to the aided schools should first be given. Further, timely future disbursement should be ensured.

v. Experts deciding the curriculum and text books for the SSC are all from Universities. They decide an unrealistically heavy curriculum. There is little involvement of pre Primary school teachers who have to shoulder the burden.

p. For the reasons explained by the members in the discussions, it was felt that the issues pertaining to Pre-Primary education can be taken up separately only after the conclusion of the current exercise.

Chapter 4: Recommendations

13. The Committee came to the conclusion that education is an important input both for the growth and development of the individual and the society. It accelerates the progress of the country in every sphere of life. The terms “knowledge society” has now become a familiar expression in education policy - discussions communicating the emerging global trends with far reaching implications for growth and development of our country. The shift of power from physical power to mind power indicates the changing foundation of the economy. One is reminded of Francis Bacon who said “knowledge is power” and Winston Churchill who said “the empires of the future shall be empires of mind”. It, therefore, becomes the duty of the State to ensure that quality education is provided to all its youth for the equitable development of society. The National Policy on Education (NPE) 1986 states that the Government and the community will find funds for such programmes as: the universalisation of elementary education, liquidating illiteracy, equality of access to educational opportunities to all sections throughout the country, quality and functional effectiveness of educational programmes…”. However, even after two decades of the National Policy through State’s resources and the Sarv Siksha Abhiyan, we have still not achieved universalisation of elementary education and universalisation of secondary education is a distant dream. Even the performance of the State in giving regular grants to the aided schools in Maharashtra is extremely unsatisfactory thereby severely compromising quality of school education. The State Board is the major Board providing education through 90% schools in Maharashtra. Out of 19,190 Secondary schools in Maharashtra, less than 500 are affiliated to National / international Boards. These offer choices to the parents and students who would like to study further at the National Institutes or international Universities abroad. Surely, we would do enormous injustice to such students by either controlling or restricting the autonomy of such unaided schools or controlling their syllabus. We would do well to remember the advice of Nobel Laureate Amartya Sen in his Lal Bhadur Shastri Memorial lecture on 10-11 March 1970 on “the Crisis in Indian Education”, where he emphasized that “due to the government’s tendency to formulate educational policies based on public pressure, often wrong policies are pursued.” Government should be wary of imposing disabling restrictions on the unaided schools, but allow them to follow their respective Boards’ curriculum, fixing of fees at their discretion without profiteering, to ensure quality education to the students choosing to study in such schools. It would be unrealistic and detrimental to the development of students to discourage private sector initiative in providing quality education and diversity of curriculum in National and International Boards.

14. In respect of fees the TMA Pai judgment unequivocally states that the private school managements of unaided institutions have the right to decide their fees. It has ruled that maximum autonomy has to be with the management of the unaided schools with regard to administration, admission of students and the fees to be charged. It states:

    a. “The right to establish and administer broadly comprises the following rights:
       (a) to admit students;
       (b) to set up a reasonable fee structure;……..

b. One cannot lose sight of the fact that providing good amenities to the students in the form competent teaching faculty and other infrastructure costs money. It has, therefore, to be left to the institution, if it chooses not to seek any aid from the Government, to determine the scale of fee that it can charge from the students"

The Committee, therefore, recommends that private unaided schools should have the autonomy to fix the school fees.

15. The TMA Pai judgment permits institutions to make a reasonable surplus however, it disallows charging of capitation fee or profiteering:

    a. "the Government can provide regulations that will ensure excellence in education, while forbidding the charging of capitation fee and profiteering by the institution……there can ,however, be a reasonable revenue surplus, which may be generated by the educational institution for the purpose of development of education and expansion of the institution"

16. Further, the Hon Supreme Court in Islamic Academy of Education V/s. State of Karnataka (2003) 6 SCC observes

    a. "They (unaided institutions), like any other citizen carrying on an occupation, must be held to be entitled to a Reasonable Surplus for development of education and expansion of the institution."

17. In addition, Para 16 of the Inamdar case judgment notes that fees may cover

    a. 'future plans for expansion and betterment of the Institution.'

    b. It further says that the Reasonable Surplus should cater to 'expansion of the system and development of Education' and provides a range of 6 to 15 %.'

18. The Committee accordingly recommends that 'Reasonable Surplus' should be allowed up to 15% of the total revenue. Surplus will be as the difference between the total revenues of an institution and the total admissible expenses.

    Total revenues will include all fees and other income such as interest of fixed deposits, dividends on investments etc, if any.

    Admissible expenses are those that contribute to imparting quality education to the students. An illustrative list of admissible expenses has been drawn by the committee. A surplus, over and above, such 'Reasonable Surplus' would, in the opinion of the Committee, amount to profiteering.

    Requirement of funds for the future expansion of the institution and development of education will be sourced from 'Reasonable Surplus'.

19. With regard to revenue, the Committee recommends the unaided private schools continue to have the autonomy to determine the fees to be charged taking in to consideration the need to generate funds to run the institution and to provide

facilities necessary for the students. However, schools are proscribed from charging capitation fee and should not be allowed to profiteer.

20. Management of the institution and parents of the students may also require additional facilities which may not be common for all the students and therefore may be recovered from a select group of students only. All such fees will also form part of total revenue.

21. With regard to admissible expense, the test of legitimacy of an item of admissible expenditure will be whether it promotes imparting quality education to students in terms of:

    a. Teaching –learning processes,

    b. Student welfare and

    c. Good administration of the institution.

22. There cannot be uniform and rigid norms for deciding admissible expenditure as institutions are affiliated to different Boards and the norms prescribed by every Board are different. Also each institution may have a different vision of what constitutes quality education for its students. Cost of infrastructure and facilities vary from place to place (urban and rural). The expenses incurred also vary according to the stage of schooling (Primary, Secondary & Higher Secondary), staff required for implementation of curriculum and salary of such staff.

23. A list of heads of admissible expenditure has been drawn by the Committee and included in this report. This is at best illustrative. This includes items like repairs and maintenance of assets, depreciation, the annual increments in salaries, increase in expenses due to inflation, expenses on account of statutory requirements etc.

    The funds for capital expenditure are invested by the Trust/Management of the School. When these assets are used for the purpose of education of students, it is necessary to recover the depreciation of various assets and incur revenue expenditure for maintaining such assets in good condition. The Committee's recommendation is that the General Accepted Accounting Principles will apply to all such items. Their illustrative listing in Appendix does not vitiate such application of accounting principles.

24. The Tuition fees of students of backward class in unaided schools should be reimbursed to management in the same year. Here the fees decided by management shall be considered to be the Tuition fees.

25. The Management should clearly articulate in advance its refund policy of the tuition fee, if a student is withdrawn at the beginning or in the middle of the session.
26. TMA Pai judgment also disallows capitation fee. The State Capitation Fee Act addresses capitation fee. Relating to this, Para 393 of the TMA Pai Judgment states "now by virtue of this judgment the fee structure fixed under any regulation or enactments will have to be reworked ...." The Committee therefore, recommends that the Capitation Fee Act of the State Government be amended to bring it in line with the Supreme Court judgment.

27. It is in the interest of the general public that more good quality schools are established. The management of unaided private schools should have also the maximum autonomy in administration, including the right of appointment, disciplinary powers and admission of students.

28. The University Grants Commission and the Ministry of HRD, Govt. of India has been keen that Higher Educational Institutes, colleges or universities get accreditation from NAAC. On the same lines, schools in which the basic foundation for child development is laid should also be accredited. This will bring transparency and help parents in benchmarking schools. It will generate a healthy competition among schools for better ratings from accreditation agencies. Once the desired level of quality is achieved through accreditation, the parents will also not mind paying higher fees for the sake of quality. In other words, if a measure of autonomy is given to schools in fixing their fees, it should also be accompanied with accountability of maintaining certain norms and standards for imparting Quality education in schools. To ensure that prescribed norms and standards are followed to maintain quality, the Committee recommends accreditation and rating of all schools through an independent accrediting organisation eg the Quality Council of India.

29. There should be a Grievance Cell to verify that the representatives of Parent Teacher Association are elected in a democratic manner as per the G.R. dated 18th October 1997, 22nd July 1999, 22nd May 2000, 27th May 2003, etc. and or the High Court Order to make it more transparent. The constitution of this Grievance Cell should be with 2 members from parents and 2 members from management.

30. No school / management should accept / demand capitation fees as per the Maharashtra Educational Institutions (Prohibition of Capitation Fee) Act, 1987.

31. As per the judgement of the Hon'ble Supreme Court (T. M. A. Pai Foundation V/s. State of Karnataka and other recent judgements), it is the right of the management to decide the fee structure. However, the proposed fee should be discussed in the Parent Teacher Association meeting.

32. To develop a better understanding between the parents and the management, following measures are recommended.

    a) Regular meetings of Parent Teacher Association

    b) Agenda of the meeting of Parent Teacher Association should be circulated well in advance to all the members of Parent Teacher Association.

    c) Talent and resourcefulness of parents could be taken into consideration in improving the learning capabilities of the students.

    d) If feasible, suggestions from the parents can be invited without asking them to disclose their identity to enable the management to know the views of the parents.

e) Parent Teacher Association should consider organizing a minimum of 3 programmes in a year.

f) It is essential to have some programmes of orientation for representatives of the parents for better understanding.

g) These programmes should be conducted soon after the school session starts.

33. To ensure fee charged by an unaided private institution does not result in profiteering, a mechanism and time schedule to ensure transparency is recommended below:

a. In terms of a mechanism, each unaided institution will create a projected income and expense statement for the forth-coming academic year. This will include all fees and other income, admissible expenses and the resultant surplus.

   The Management will furnish these projections in advance to the Executive Council of the PTA along with the audited financial statements available of the latest academic year.

   The Council would be expected to identify any element of profiteering in the data furnished and communicate its suggestions for changes to the Management. After considering the suggestions, the Management may revise the fee. It will then communicate its decision on the fee to the parents and start charging the same.

   If the majority in the Executive Council of PTA finds that the fee so notified results in profiteering, it could approach the State Statutory Committee with facts for redress. The Statutory Committee, may not stay the levy of the proposed fee, but after hearing both parties, determine the element of profiteering and order suitable reduction prospectively.

b. With regards to a time schedule, the Management will provide both the financial statements referred to above, to the Executive Council of the PTA three to nine months prior to the end of the current academic year.

   Within one month of receiving the statements, the Executive Council would be expected to identify any element of profiteering in the data furnished and communicate its suggestions for a change in fee to the Management.

   After receiving the Executive Council's suggestions, if any, the Management will notify parents of the revised fee, within a month.

c. It is recommended that the State Statutory Committee may be headed by a retired Judge of Hon'ble High Court, one representative of unaided institutions, one representative of parents, one representative form the National Boards, one Chartered Accountant and the Secretary of the School Education Department or his representative.

34. One issue that was repeatedly raised in the Committee was the delay in disbursement of non-salary grants and reimbursement of SC-ST scholarships by the Government to the aided school. It was forcefully contended that this was most pertinent to the issue at hand. It is to be noted that 90% of all schools in the State are aided schools. Their standards are continuously deteriorating because of Government apathy and neglect in timely disbursement of grants. The non-salary grants have not been disbursed to the aided schools since 2004. It was even insinuated that because Government cannot discharge its obligation to impart quality in 90% aided schools, it is trying to bring down the quality in the remaining 10% unaided schools. The Committee feels that since it is not the intention of Government to bring down the quality of education in un-aided schools through the present exercise, it should be ensured that the measures proposed are only to eliminate profiteering by a few black sheep among the unaided schools and not to penalize or to place unwarranted restrictions on others.

35. In the TMA Pai judgment this issue has been highlighted by the Hon'ble Court's following observations:

    a. "It is no secret that the examination results at all levels of unaided private schools, notwithstanding the stringent regulations of the governmental authorities are far superior to the results of the government maintained schools. There is no compulsion on students to attend private schools. The rush for admission is occasioned by the standards maintained in such schools, and recognition of the fact that State run schools do not provide the same standards of education. The State says it has no funds to establish institutions at the same level of excellence as private schools. But by curtailing the income of such private schools, it disables those schools from affording the best facilities because of lack of funds. If this lowering of standards from excellence to a level of mediocrity has to be avoided, the State has to provide the difference"

36. The Committee recommends that the Government should address this issue by clearing the backlog at the earliest and by making adequate budgetary provisions to ensure timely release of grant in future, so that the bulk of the students studying in the aided school receive quality education.

37. The Committee also recommends that Government may take a conscious policy decision and allow private aided schools to raise additional resources as per norms through the combined efforts of PTA and school management.

Appendix 1: Suggested Norms based on recommendations of Subgroup I

TEACHING – LEARNING PROCESS

I. Curricular Activities

- Child-centred methodology
- Teaching aids
- Teachers to be facilitators
- Resources
- Software
- Online databases

II. Co-Curricular Activities

- A variety of activities for the Holistic Development of the student
  - Value Education
  - Civic Sense
  - Environmental Awareness
  - Life Skills
  - Adolescent Education (includes Aids awareness)
- Activities for fun ,skill development and enhanced learning eg
  - Sports
  - Dance
  - Drama
  - Music
  - Research

III. Faculty

- Qualifications

The school should appoint HSC with D Ed teachers for Standard I to Standard IV and graduate with B Ed for Standard V to Standard X

- Incentives
- Salaries
- Perks
- Service Conditions
- Guest Speakers
- Personal Up gradation

Research

Training

Study Tours

IV. Environment

- Space 8 sq ft per child
- Cleanliness of the facilities
- Facilities (as per the requirements of the affiliating Board)
  - Library----resources for leisure reading, research and for professional development
  - Labs
  - Computer centre
  - Classrooms
  - Office Spaces
  - Activity Rooms
  - Playground for outdoor games
  - Space for Indoor games
  - Infirmary
  - Counselor's room
  - Store rooms
  - RestroomsHands-on learning experiences

- Internet
- Inquiry cycle
- Field trips
- Community interactions
- Experts
- Resources
- Experiments
- Software

V. Remedial Teaching

VI. Student's continuous evaluation and feedback

VII. Teacher-student ratio

A) STUDENT'S WELFARE

I. Safety

Safety Measures within the building – Balconies to be grilled.
Open spaces to be covered and sharp edges to be avoided.
Wiring to be covered,
Fire Extinguishers to be graded ABC- ABC for normal fires, - D for
Chemical Evacuation Drill Report, Class room fire plan,
Contingency evacuation plan file with drill timings. Disaster management should be looked into.

II. Healthcare and emergency medical help

Suitable health arrangement for primary check up and maintenance of records. basic first aid facilities, oxygen, doctor on call , visits by health conscious organizations on a regular basis. Taking help of professionals if required to provide good healthcare.

III. Nutrition

Nutritive snacks and meals to be served in the cafeteria and school should promote healthy habits and avoid sale of junk food in the cafeteria

IV. Safe Drinking Water

Purified water in clean pots or coolers

V. Sanitation

The health and hygiene in the school is of prime importance as children are more prone to all kinds of illness.
To ensure this cleanliness of the school should be monitored.

VI. Career Counseling

To help students make decisions for their future careers, schools should appoint on a part time or as required basis a career counselor

VII. Stress Management

There should be workshops organized to help students acquire stress management techniques and not be depressed.

VIII. Guidance and Counseling

A school should appoint as a visiting faculty a clinical Psychologist or similar person to help the students who are in need of such expert help and guidance

B) Administrative

- School management software
- Furniture and fixtures
- Playground maintenance and rent if payable
- Buses for field trips
- SMS service
- Smart cards/ I cards
- Consumables
- Equipment s for labs
- Equipments for games
- Equipments and materials for art, music, drama
- Affiliation fees
- Newspapers and periodicals
- CCTVs
- Office Equipment
- Telephones
- Fax
- Stationery
- Computers

- Printers
- Xerox machine
- Printing
- Banners and posters
- Events
- Special days
- Investiture
- Teacher's day gifts
- Children day gifts
- Prizes
- Gifts for guests
- Legal fees
- Uniform for ayahs and peons
- Staff picnics and outings
- First aid materials
- Examination
- Courier and postage
- School publications
- AMC's of various services and instruments
- Equipment hire for events
- Auditorium hire
- Taxes---property, municipal, water
- Electricity charges

Appendix 2: Illustrative list of Heads for expenses for admissible expenditure as per the suggested norms

A) **Expenses for Teaching –Learning Process**

Library resources
Newspapers and periodicals
Membership charges of other libraries in the city/town
Teacher training workshops –cost ,lodging ,boarding and travel plus incidentals
Seminars
Inter school and Inter house progs/competitions
Hosting MUN or other progs
Outsourced agencies--- dance academy, trinity school, etc
Consultants
Academic Management experts
Guest speaker honorarium
Salaries of teaching and non teaching staff
PF and extra duty allowances
Specialised coaches for various games
Lab equipments
Audio-Visual equipments
Cds
LCDS
Hardware and softwares
Online databases
Sports equipment Teaching Aids
Cultural events
National festivals
Sports field charges
Swimming Pool maintenance and charges if any
Auditorium hire
Bus hire for field trips
Lights and Sound hire
Depreciation, renovation, modification and refurbishment of premises
Internet charges
Toys
Outdoor play equipments
Indoor play equpments
Allied Teaching resources

B) **Expenses for Student's Welfare**

Fire extinguishers
Fire drills
Disaster mgmt

The school should be sensitive to arrange for special needs and thus provide adequate counseling facilities, which includes hiring qualified people

Aqua Guard
Water coolers
Lab safety equipments
Salary of a school Counsellor
House Keeping costs
Soaps detergents materials for cleaning
Machine for cleaning
Charges paid to Career Counselor
Workshop charges for student workshops like stress ,teen toofane etc
First Aid equipment/outsourced healthcare for students and staff
Cafeteria personnel
Cafeteria equipment and maintenance
School Security
To provide setting of canteen facilities such as tables, chairs

C) **Expenses for Administration**

Recruitment of staff
Accreditation costs
Board fees
Annual Municipal Taxes
Rent
Interest on loans (for capital, etc)taken
Annual Property tax
Electricity charges
AMC's (lifts, equipment, Air conditioners, water coolers website upkeep etc)
Water charges
Water tankers got for water shortage (whenever)
Pest control charges
Infrastructure costs--maintenance
Equipments
Non teaching Resources
Gardening tools and costs
Annual memberships charges for library/Associations
Legal expenses
CA expenses
Programs
Costumes and stage backdrops
Uniforms for class 4 employees
Staff welfare activities
Gifts and prizes
Printing
Stationery
Smart Cards/I cards
Machines (xerox ,lamination, spiral , fax,)
Telephone
Consumables
Digital cameras
DVD players
Blank CDS
Blank DVDS
Pen drives

Portable hard discs
Software
PA systems
Video conferencing equipment
CCTV cameras
Security alarms
conveyance,
sumptuary allowances
meeting expenses
food and tea expenses for guests
Tea-Coffee vending machine and consumables
Photography and video shooting of events
Furniture & Fixture requirement on an ongoing basis

D) Depreciation on Fixed Assets (As per Income Tax Act)

Building
Furniture & Fixture
Electric Installation & Fittings
Water Cooler
Air Conditioners
Instrument & Equipment
Laboratory Instrument
Computers, Laptops & Printers
Audio Visual Equipments
Toys
Gymnasium Goods
Sewing Machine
Lift
Biometric Machine
Copier Machine
Library Books
Motor Vehicle
Franchise charges
Brand Royalty

Appendix 3: Measures for transparency based on Subgroup II recommendations

I) Setting up of a Grievance Cell :

There should be a Grievance Cell to verify that the representatives of Parent Teacher Association are elected in a democratic manner as per the G.R. dated 18th October 1997, 22nd July 1999, 22nd May 2000, 27th May 2003, etc. and or the High Court Order to make it more transparent. The constitution of this Grievance Cell should be with 2 members from parents and 2 members from management.

II) Fixation of School Fees :

a) No school / management should accept / demand capitation fees as per the Maharashtra Educational Institutions (prohibition of capitation fee) Act, 1987.

b) As per the judgement of the Hon'ble Supreme Court (T. M. A. Pai Foundation V/s. State of Karnataka and other recent judgements), it is the right of the management to decide the fee structure. However, the proposed fee should be discussed in the Parent Teacher Association meeting.

c) Fees can be revised after every 3 years. They can also be revised every year if required (e.g. to implement Pay Commission recommendations, annual increment, etc.). The decision of revision of fees should be intimated to the parents well in advance.

III) Better interaction between Parents and Management :

To develop a better understanding between the parents and the management, following measures can be taken.

a) Regular meetings of Parent Teacher Association should be conducted every month.

b) Agenda of the meeting of Parent Teacher Association should be circulated well in advance to all the members of Parent Teacher Association.

c) Talent and resourcefulness of parents could be taken into consideration in improving the learning capabilities of the students.

d) If feasible, suggestions from the parents can be invited without asking them to disclose their identity to enable the management to know the views of the parents.

e) Parent Teacher Association should consider organizing a minimum of 3 programmes in a year.

IV) Orientation of Parent Teacher Association :

a) It is essential to have some programmes of orientation for representatives of the parents for better understanding.

b) These programmes should be conducted soon after the school session starts.

V) Mechanism and time schedule to ensure transparency :

To ensure fee charged by an unaided private institution does not result in profiteering, a mechanism and time schedule to ensure transparency is recommended below:

a) Mechanism :

- In terms of a mechanism, each unaided institution will create a projected income and expense statement for the forth-coming academic year. This will include all fees and other income, admissible expenses and the resultant surplus.

- The Management will present these projections in advance to the Executive Council of the PTA along with the audited financial statements available of the latest academic year.

- The Council would be expected to identify any element of profiteering in the data furnished and communicate its suggestions for changes to the Management. After considering the suggestions, the Management may revise the fee. It will then communicate its decision on the fee to the parents and start charging the same.

- If the majority in the Executive Council of PTA finds that the fee so notified results in profiteering, it could approach the State Statutory Committee with facts for redress. The Statutory Committee, may not stay the levy of the proposed fee, but after hearing both parties, determine the element of profiteering and order suitable reduction prospectively.

b) Time schedule :

- With regards to a time schedule, the Management will provide both the financial statements referred to above, to the Executive Council of the PTA three to six months prior to the end of the current academic year.

- Within one month of receiving the statements, the Executive Council would be expected to identify any element of profiteering in the data furnished and communicate its suggestions for a change in fee to the Management.

- After receiving the Executive Council's suggestions, if any, the Management will notify parents of the revised fee, within a month.

Chapter 5: Dissent Note of Dr J Jain & Committee's comments

S. No	Gist of point made by Dr Jain	Views of the Committee
1	My (Dr Jain's) notes to the successive committee meetings should be published as dissenting notes along with all my suggestions / recommendations in the final report.	Part 2 of the Report contains the final minutes of all meetings. All written submissions received from members have been included therein including Dr Jain's dissenting notes.
2	I regret to state that draft report is nothing but a license to the school management to increase / collect fees under various heads. The proposed report will legalize everything and the parents/ students will be at the mercy of the management, who will exploit them legally, if this report is implemented. Therefore I honestly request you to please reconsider facts and recommendations / suggestions made by the parents (myself) and redraft the final report.	On the contrary, the Report restricts the Management from charging arbitrary fee, by : • Specifying a ceiling for 'reasonable surplus' • Relating admissible expenditure to norms related to quality • Prescribing a statutory mechanism for redress of grievances of PTA relating to profiteering. • Prescribing a time schedule for the purpose
3	Please note that the TMA Pai judgment was basically for Minority Institutions and it should not be generalized. I also request you to consider the latest Supreme Court Judgment in the matter of Modern School, Delhi, which I have been quoting in all our committee meetings.	Both the judgments have been discussed and considered at length in the Committee meetings.
4	From the report it appears that the committee has been appointed to resolve issues pertaining to school management and recommend the ways and means to legalize fees under various heads. The report clearly indicates that the schools will be authorized to increase / collect / charge any amount of fees by resorting to various means as recommended under the head of Suggestive Norms. The poor parents / students will be subjected to exploitation by the management in the name of quality education.	The allegation that Committee is recommending "that the schools will be authorized to increase / collect / charge any amount of fees" is baseless and biased. As pointed out above, only 'Reasonable profit' restricted to 15% of revenue is being recommended. Further, this surplus is to be used for development of education.

5	The committee was formed to look in to the issues pertaining to parents grievances, exorbitant fee hike and to suggest norms for fixing school fees but instead the main subjects of committee's discussion were Quality Education, Reasonable Surplus, Autonomy to Schools etc. and ultimately the same has been achieved due to their majority and various other reasons. The Government's main aim / purpose to benefit parents by fixing a reasonable fee structure will be defeated. If no transparency can be maintained in the said committee, how we expect the schools to maintain transparency, profiteering is their sole objective / motto.	The grievance is that in the Committee report quality has got the centre stage instead of Parent's grievances regarding unreasonable fees and prescribing norms for fees. No norms can be devised without reference to their impact on quality of education. For provided quality education unaided schools will need resources (which the Government cannot be expected to provide.)There is also no compulsion for students to opt for unaided schools. The Governments GR constituting this Committee is to be read harmoniously with the law of the land as decided by the 11 judges Constitutional Bench in TMA Pai case. The allegation is baseless. Dr Jain's submissions have been reproduced in toto in the Committee Report.
6	I reject the said draft report in totality and do not agree / Consent with most of the components / suggestion made in the said report and therefore I disown my self from the said report due to the facts mentioned below. a) The said draft report is incomplete, distorted and false. b) Many of the components / suggestions / recommendations have never been discussed in our committee meetings. c) The statements /	The hon'ble member's dissent is noted. Serially, the Committee's view are as follows: a) to c) not accepted

	recommendations / suggestions of parents are distorted and incomplete as only parts of our suggestions (favorable to management) have been mentioned in the report.	
	d) 90% of the suggestion / recommendations made by parents are missing in the Draft Report.	d) The Report of Sub group II in which parents representatives suggestions/ recommendations were compiled, is included in Part II of the Committee's report. It was not incumbent on the Committee to accept all recommendation of the Subgroups. In discussions a variety of views emerge. The greatest area of agreement is carved out to represent the Committee's view.
	e) The report has been prepared with a view to grant autonomy to school management to hike their fees and it also give them the loopholes / authority to collect / demand / charge fee under various heads.	e) Not true
	f) The report mainly deals with the TMA Pai Judgment of Supreme Court. All favorable paragraphs have been quoted repeatedly. There is duplication of the most of the paragraphs of Supreme Court Judgment which are favorable to management. Whereas those favoring parents have been excluded completely.	f) This is incorrect. The judgment has been quoted for granting autonomy to unaided schools in fixing their fees as well as for curbing profiteering and commercialization of education.
	g) The report gives a clear indication that the TMA Pai Judgment is Supreme and therefore the State laws, Acts, SS code etc. have no value, hence should be thrown in the dustbin. If this is the case then the Committee should have prepared one line report stating that as per the	g) This is an unfair representation of the Committee's view. The Committee has taken unbiased view that is consistent with the decision of the 11 judge bench of the Supreme Court to curb commercialization and profiteering from education

	Supreme Court Judgment of TMA Pai the Schools have autonomy to fix their own fees and admit the students.	on the one hand and to leave unaided schools free to fix their fees.
	h) The Recommendations made by sub-group II are almost missing in the report and even if included, they are in incomplete and distorted form. Whereas the suggestion of sub-group I (where there was no parents representative) were taken in totality (100%).	h) The Report of Sub group II in which parents representatives suggestions/ recommendations were compiled, is included in Part II of the Committee's report. It was not incumbent on the Committee to accept all recommendation of the Subgroups. In discussions a variety of views emerge. The greatest area of agreement is carved out to represent the Committee's view.
	i) I have raised many objections in various meetings but all my objections were either unheard or not recorded at all, each time I have to protest and get my recommendations / suggestions included / recorded in the minutes but none of those recommendations / suggestions / submissions have been reproduced in the draft report.	i) All members were requested at the end of each meeting to furnish their submissions in writing. Accordingly Dr Jain's suggestions were incorporated in full in the final minutes which form a part of the Report. If the Committee found many of his suggestions unacceptable, the position must be accepted.
	j) Regarding Suggestive Norms submitted by Sub-Group I, I raised objections against most of the components / suggestion of subgroup I but even after justifying the same, those suggestive norms have been reproduced in totality in the draft report.	j) The objection raised were discussed and a view taken.
	k) Most of the items of Suggestive Norms are either parts of term fees or of capital expenditure many items of the suggestive norms are the basic requirement of School education and hence should	k) There are two views in the matter. The Committee went by the majority view. The funds are invested by the Trust/Management of the School. When these assets are used for the purpose of

	not be charged separately. I have always objected, in our committee Meetings, that all items of capital investments like library resources, Lab equipments, Computers & Accessories, Xerox machine, Audio visual equipments, hardware & Software, LCD's CD's, sport equipments Lights & sounds equipments, indoor & outdoor play equipments, water coolers, Lab safety equipments, Furniture & fixture, Cafeteria equipment, Canteen Equipments, Infrastructure costs, maintenance costs, DVD's, CD's, DVD players cameras, pen drives, portable Hand over, PA systems video conference equipments, security alarms, CCTV Cameras, Tea/Coffee vending machines etc. are of infrastructure cost and hence should not be collected from the parents / students. There are clear guidelines about the same as the infrastructure cost of equipments / facilities should not be collected from students / parents. It is the responsibility of the management to provide all required infrastructure. Therefore the above items and all other items of suggestive list of sub-group I should not be considered while fixing fees but the same have been conveniently reproduced.	education of students, it is necessary to recover the depreciation of various assets and incur revenue expenditure for maintaining such assets in good condition. The Committee's view is that the General Accepted Accounting Principles should apply to all such items. Their illustrative listing in Appendix does not vitiate such application of accounting principles.
	I) As stated above & during our Committee meetings that most of the items of suggestive norms proposed by subgroup I are part of term fees and also part of school education, for which the tuition fees / term fees are	I)No item can be charged twice for the purposes of fees.

	collected. Therefore how the schools can charge separately for the same activities?	
	m) The suggestive norms are nothing but a legal way to exploit the parents / children.	m) Not true
	n) Many items in the list of Fixed Assets have not been mentioned but they are part of depreciation. How can you provide depreciation on assets which are not shown in the list of assets? These items are Air Conditioners, Toys, Gymnasium Goods, Sewing Machines, Lift, Biometric machines, Motor Vehicles etc.	n) Accounting principles cannot be altered by this Committee. Depreciation will have to be charged on all assets acquired by the school. Since these are standard accounting practices, no mention need be made of these by the Committee.
	o) Most of the School buildings belong to a particular Trust & the Schools pay rent to the trust therefore how the schools can avail of the depreciation on building?	o) When the school building is owned by an entity other than the school, the Depreciation cannot be claimed by the school. However, when the title of the building is with the school, it will be entitled to its depreciation.
	p) Further, when the building is the properly of trust, the repairs & maintenance is the responsibility of the trust / owner, therefore how the school can demand repair & maintenance charges?	p) This will depend on the nature of agreement between the school and the landlord. Repairs of routine nature, generally termed as 'current repairs' shall have to be carried out by the tenant school.
	q) Most of the schools get land, water and electricity at subsidized rates from the Govt. then how they can be categorized as unaided schools. They are getting indirect aid from the Govt.	q) Indirect subsidies of general nature cannot convert an unaided school to aided school. If the same tariff (for electricity or water) applies to all 'educational' institutions as a category, it is deemed to be reasonable classification and not subsidy to any individual institution. Similarly MIDC offers plots at less than commercial rate, to all school which take up such plots in their area to assist

		industry. This cannot convert them into aided school. Besides, determination of criteria for unaided category is not within the purview of this Committee.
	r) The amount of depreciation and other expenses incurred towards optional activities / subjects should only be collected from the students who opt for optional subjects and a separate account should be kept for the same but there is no mention about the same.	r) While there is some merit in this contention, it will not be possible to cover such variations by any general formula without making accounting unduly complicated. The Committee considers that activity related directly to curriculum should be for all students. Extra- curricular activities where unduly heavy expenditure is involved would be optional and charged only to the beneficiaries.
	s) Further it has been clearly discussed & decided in the meeting that there will be a basic syllabus for which the tuition fees will be same for all students, At the same times the schools can offer optional subjects, the students will have the choice to select / opt for particular subject/s and accordingly they can pay the additional amount of fees for the optional subject/s. However the optional subjects should not be mandatory for all and should be taught after school hours only. But there is no mention about the same in the Draft Report. Therefore considering the above facts, I have no option but to disagree totally with the said Draft report which is one sided, incomplete & distorted.	s) This concept of basic syllabus was not found acceptable because of the prevailing diversity of Boards.
7	I strongly protest against the said Draft Report and also making it very clear that under no circumstances this report be submitted to the government. The suggestions /	7 The Committee has noted the views and found the greatest area of agreement in the Report presented.

	recommendations made by parents in various Committee Meetings and Sub-Committee II meetings should be incorporated. Therefore I request your good self to kindly prepare a fresh report after making required modifications / changes / alterations etc. by incorporating / including all recommendations and suggestions of parents and particularly those suggested by me, not later than the next meeting i.e. before 10th October, 2009 so that the same can be finalized in the next meeting scheduled on 10th October, 2009. I propose that the report may be prepared in 5 parts i.e. 1. General Introduction with comments on why the committee was appointed, its purpose etc. 2. Terms of References 3. Issues where there were consensus between parents & the management 4. Suggestions from School Management 5. Suggestions from Parents representatives.	

Chapter 6: Dissent Note of Dr A Kulkarni & Committee's comments

S. No	Gist of point made by Dr Avisha Kulkarni	Views of the Committee
1	Since the committee was dominated by representatives of managements I am not surprised that the draft report also heavily leans in their favour.	This is an unfair representation of the Committee's view. The Committee has taken unbiased view that is consistent with the decision of the 11 judge bench of the Supreme Court to curb commercialization and profiteering from education on the one hand and to leave unaided schools free to fix their fees.
	The judgment of the Supreme Court in the TMA Pai case is being selectively used to back the managements' stance. The draft overlooks the fact that the SC in this very case and several other cases has made it clear that education cannot be a business and in any case profiteering should not be permitted under any circumstance.	This is incorrect. The judgment has been quoted for recognizing the right of unaided schools to fix their fees, as well as for curbing profiteering and commercialization of education.
	It was precisely keeping in mind the spirit of these judgments and its aim of providing affordable education that the state government issued a GR on May 27, 2003. Hence any move to dilute the provisions of the Maharashtra anti-capitation fee act and other relevant laws and GRs should not be supported by our committee.	The Supreme Court judgment requires Governments to rework any regulation/enactment that lays down the fee structure. The Committee cannot ignore this.
2	I also strongly object to the observation that aided schools, which form 90 per cent of the schools in Maharashtra, cannot be blamed for the poor quality of education provided by them. We should recognize the fact that high levels of corruption in the education department and the lack of a comprehensive and sustained policy to upgrade the infrastructure in these schools and upscale the skills of the teachers have resulted in the present situation. Initiatives taken by	The hon'ble member makes serious allegations against the Government. The Committee dissociates with the view.

	committed persons in the field of education have indeed resulted in dramatic improvement in the teaching quality of certain schools. Also, it will be wrong to presume non-aided schools provide vastly superior quality of education. Some of them employ poorly qualified staff and get away with it because of lack of supervision by their respective boards which are based in New Delhi. And if there is rampant commercialization of education by these non-aided schools it is because of failure of the government machinery to take firm and timely action.	In general, the perception is that the unaided schools have better quality that attracts students to them. The Committee recommends measures to curb commercialization and profiteering
3	I had articulated these views during the various meetings of our committee but were turned down mostly on the ground that the majority does not agree with them. But given the very composition of the committee I am not surprised that the majority, comprising of representatives of managements, rejected by suggestions. I feel that the committee's commitment should have been to ensure that education is not converted into a business. Unfortunately, that has not happened. I also wish to reiterate my objection to the manner in which my comments at the meetings were leaked to outsiders and that too in a distorted form. The minutes of the committee were also sent to high authorities even before they were confirmed by the members and even before the report is ready.	The comments are unjustified It had been clarified to the hon'ble member that it was the State Government which had furnished the Committee minutes to the Court along with its Affidavit.
4	As per the GR of 2003 if the PTA is convinced that an institution is indulging in profiteering then it can complain to the Dy. Director of education who in turn conduct an audit and frame a new fee structure which roots out profiteering. This crucial provision, which is in complete consonance with SC judgments in	The Committee considered various options before making its recommendations on redress mechanism.

	TMA Pai and other cases, should not be done away with under any circumstances.	
5	As per the GR within 30 days school should have democratically elected PTA, if school fails to do that, without any valid reason, heavy penalty (10 or 15 % of revenue, which managements are asking as surplus amount) should be imposed . PTA body is must as this is the body authorized to monitor that there is no commercialization of education. A 15- day extension can be granted and if the PTA is still not formed then a notice for withdrawal of NOC granted by the government to start the school should be served on the management.	The Committee's recommendations in Para 27 cover this adequately.
6	If the school has got land or any other facilities from the govt or municipal corporation then it can not be called unaided and govt has right to control as supported by the Supreme Court judgment Union of India / Jain Sabha. I had recommended a reasonable surplus of ten per cent but the majority said it should be 15%. If the majority recommendation is accepted then my suggestion in the above paragraph regarding government land etc should be taken into consideration.	Indirect subsidies of general nature cannot convert an unaided school to aided school. If Government /MIDC offers plots at less than commercial rate, to all schools in a given area as a policy, this cannot convert them into aided school. Besides, determination of criteria for unaided category is not within the purview of this Committee.
7.	Also, the accounts of the school should be given to the PTA regularly whether there is a proposal for a fee hike or not. Ideally they should be uploaded on the school's website. This will ensure transparency. Any proposal for increase should be intimated to the parents latest by September as the admissions for the next academic year close by October. This will give fair chance to parents to either accept the hike or move out to affordable schools. This without	The Committee considered various alternatives and have made recommendations on similar lines in Para 31.

	prejudice of the PTA's right to consider the fee hike proposal and complain to the education dept. if it suspects profiteering.	
8	To eliminate or reduce the discrimination in the education system it was my suggestion to have a uniform board and all managements of different boards should come together to achieve this goal in the best interest of the children who are the future of our nation. Though the idea was in no time rejected in this report now it is stated that each school management under same board should have freedom to decide their curriculum and fees will be charged according to their curriculum. This is a dangerous recommendation and will give the managements the freedom what they want. My suggestion was that till we achieve one nation one board system at least each board should have fix the curriculum for which their should be fix fees and only as per additional facilities (e.g air condition, etc) the school can charge extra. More importantly NO Legal fee expenses should be permitted if the case is being fought against parents/ students. **I reserve the right to add points, which may have been left out, before the final meeting takes place.**	Enforcement of a rigid uniformity in curriculum was not considered desirable. This can cut both ways. It can encourage parents to resort to litigation. A final view on this will have to be taken by the Government. Yes, of course.

प्रकरण ४ : शिफारसी

(१३) समिती या निष्कर्षाप्रत आलेली आहे की, शिक्षण हे व्यक्ती व समाज या दोहांची वाढ आणि विकास यासाठी महत्वपूर्ण निविष्टी (साधन) आहे. ती जीवनाच्या प्रत्येक क्षेत्रांत राष्ट्राचा विकास वृध्दिंगत करते. आता "समाजज्ञान" ही संज्ञा शैक्षणिक धोरणामध्ये अतिपरिचित झाली असून ती आपल्या देशाची अभिवृध्दी आणि विकास याप्रत पोचण्यासाठी चर्चा, संवाद याव्दारे जागतिक प्रवाहासह उदयास येत आहे. शारीरिक शक्तींकडून बौध्दिक शक्तीकडे बदल होणे हे आर्थिक आधार बदलत असल्याचे द्योतक आहे. या संदर्भात प्रान्सीस बेकन यांची आठवण येते. त्यांनी म्हटले आहे की, "ज्ञान हीच शक्ती" आणि विन्सटन चर्चील यांनी म्हटलेच आहे की, "भावी साम्राज्य हे मतांचे साम्राज्य असेल" म्हणून समाजाच्या समन्याय विकासासाठी युवकांना दर्जेदार शिक्षण मिळेल याची हमी देणे, ही राज्य शासनाची जबाबदारी आहे. राष्ट्रीय शैक्षणिक धोरण १९८६ स्पष्ट करते की, प्राथमिक शिक्षणाचे सार्वत्रिकीकरण, निरक्षरता निर्मूलन, शैक्षणिक कार्यक्रमाची दर्जेदार गुणात्मकता देशातील समाजाच्या सर्व स्तरावर पोचविण्यासाठी शासन आणि समाज यांनी निधी उभा करण्याची आवश्यकता आहे. तथापि, दोन दशके होऊन गेली तरी आपण राज्याचे शैक्षणिक राष्ट्रीय धोरण आणि सर्व शिक्षा अभियान या माध्यमातून प्राथमिक शिक्षणाचे सार्वत्रिकीकरण करु शकलेलो नाही आणि माध्यमिक शिक्षणाचे सार्वत्रिकीकरण हे तर दूरचे स्वप्न आहे. किंबहूना महाराष्ट्रातील अनुदानित शाळांना नियमित अनुदान देवूनही गुणवत्तापूर्ण शालेय शिक्षण देण्याचे उद्दिष्ट राज्य शासनास समाधानकारकपणे साध्य करता आलेले नाही. राज्य शिक्षण मंडळ हे महाराष्ट्र राज्यातील ९० टक्के शाळांमार्फत शिक्षण देणारे प्रमुख मंडळ आहे. महाराष्ट्र राज्यातील १९१९० शाळांपैकी ५०० हून कमी शाळा राष्ट्रीय/आंतरराष्ट्रीय मंडळांशी संलग्न आहेत. यामुळे पालकांना आणि विद्यार्थ्यांना आपले पुढील शिक्षण राष्ट्रीय किंवा आंतरराष्ट्रीय विद्यापीठातून घेण्यास संधी उपलब्ध आहेत. निश्चितपणे अशा विनाअनुदानित शाळांवर किंवा त्यांच्या अभ्यासक्रमाबाबतच्या स्वायत्ततेवर बंधने किंवा नियंत्रण आणून आपण अशा विद्यार्थ्यांवर मोठया प्रमाणात अन्याय करीत आहेत. नोबल पुरस्कृत डॉ.अमर्त्य सेन यांच्या १०-११ मार्च, १९७० रोजीच्या लाल बहादूर शास्त्री स्मरणार्थ व्याख्यानात "भारतीय शिक्षणावरील गंडांतर" या विषयावरील व्याख्यानमालेतील उपदेशाची आठवण योग्य होईल. यामध्ये त्यांनी जोर देवून सांगितले की, "जनतेच्या दबावाखाली येऊन शासन चूकीचे शैक्षणिक धोरण राबविते. याऐवजी अशा विनाअनुदानित शाळांवर बंधने लावावीत, परंतु त्यांना त्यांच्या संबंधित शिक्षण

मंडळाचा अभ्यास राबविणे, त्यांच्या स्वेच्छानिर्णयाने नफेखोरीशिवाय फी निश्चित करणे यासंदर्भात त्यांना स्वायत्त अशा शाळांमध्ये दर्जेदार शिक्षण घेण्याची निवड करणा-या विद्यार्थ्यांना शिक्षणाची खात्री देणे याकडे शासनाने लक्ष द्यावे. खाजगी क्षेत्राला राष्ट्रीय आणि आंतरराष्ट्रीय मंडळाकडून उपलब्ध होणारे विविधतापूर्ण अभ्यासक्रम आणि दर्जेदार शिक्षण यात पुढाकार घेण्यापासून परावृत्त करणे विद्यार्थ्यांच्या विकासासाठी अवास्तव व घातक ठरेल.

(१४) टीएमए पै फाऊंडेशनच्या न्याय निर्णयामध्ये फी च्या संदर्भात निश्चितार्थाने असे नमूद केले आहे की, खाजगी शाळा व्यवस्थापनांना त्यांच्या विना अनुदानित संस्थांमधील विद्यार्थ्यांची फी निश्चित करण्याचे अधिकार आहेत. प्रशासन, विद्यार्थ्यांचे प्रवेश व आकारावयाची फी याबाबत विना अनुदानित शाळांच्या व्यवस्थापनाला जास्तीत जास्त स्वायत्तता असावी असा अभिनिर्णय दिलेला आहे. त्यामध्ये असे नमूद केले :--

(अ) शाळा स्थापन करणे व त्या शाळेचे प्रशासन चालविणे यात ढोबळ मानाने खालील हक्क अंतर्भूत आहेत--.

(अ) विद्यार्थ्यांना प्रवेश देणे

(ब) वाजवी फी संरचना निश्चित करणे

(ब) चांगल्या सोयी, सुविधा,चांगले शिक्षक उपलब्ध करुन देणे या स्वरुपात विद्यार्थ्यांना मुलभूत सुविधा उपलब्ध करुन देण्याकरीता निधीची आवश्यकता आहे याबाबतच्या वस्तुस्थितीकडे दुर्लक्ष करुन चालणार नाही. म्हणून जर एखादी संस्था शासनाकडून कोणतेही सहाय्य न घेणे पसंत करीत असेल तर विद्यार्थ्यांकडून आकारावयाच्या फीचे प्रमाण निर्धारित करण्याचे अधिकार त्या संस्थेकडे असावेत. म्हणून समिती अशी शिफारस करते की, खाजगी/विना अनुदानित शाळांना त्यांची फी निश्चित करण्याबाबत संपूर्ण स्वायत्तता असावी.

(१५) टीएमए पै फाऊंडेशनच्या न्याय निर्णयामध्ये संस्थांना वाजवी शिल्लक ठेवण्यास अनुमती आहे. तथापि विद्यार्थ्यांकडून कॅपिटेशन फी आकारण्यास किंवा नफेखोरी करण्यास परवानगी नाही.

(अ) शासनाने संस्थांनी नफेखोरी करु नये वा विद्यार्थ्याकडून कॅपिटेशन फी घेण्यावर बंधन घालावे व शिक्षणाचा दर्जा हा उत्कृष्ट राहील याकरिता विनियम

तयार करता येतील. तथापि, या शैक्षणिक संस्थेचा शैक्षणिक विकास व संस्थेचा विस्तार करण्याकरिता निर्माण केलेली वाजवी महसुली शिल्लक जमा करता येऊ शकेल.

(१६) तसेच मा.सर्वोच्च न्यायालयाने इस्लामीक ॲकॅडमी ऑफ एज्युकेशन विरुध्द कर्नाटक राज्य (२००३) सर्वोच्च न्यायालय प्रकरण ६ मध्ये असे विचार व्यक्त केले आहेत की,

(अ) "विना अनुदानित संस्थांना इतर व्यावसायीक नागरिकांप्रमाणे संस्थेचा शैक्षणिक विकास व विस्तार करण्याकरिता अतिरिक्त निधी निर्माण करण्यास हक्कदार समजण्यात यावे."

(१७) याशिवाय इनामदार प्रकरणातील न्यायनिर्णयात परि.१६ मधील फी मध्ये खालील बाबींचा समावेश करता येईल.

(अ) संस्थेच्या विस्ताराकरिता व सुधाराकरिता भविष्यकालीन योजना तयार करणे

(ब) त्यात असेही म्हटले आहे की, वाजवी शिल्लक संस्थेची वाढ व शैक्षणिक विकासाकरिता घेता येईल व ती साधारणपणे ६ ते १५ टक्के या कक्षेत राहील.

(१८) त्यानुसार समिती अशी शिफारस करते की, एकूण महसूली रकमेच्या १५ टक्के वाजवी शिलकीतून घेण्यास संस्थेला अनुमती असावी. ही शिल्लक संस्थेकडे जमा होणारी एकूण महसूली जमा व एकूण अनुज्ञेय खर्च यातील फरक इतकी राहील.

एकूण महसुलामध्ये सर्व फी आणि नियत ठेवीवरील मिळणारे व्याज व गुंतवणुकीवर मिळणारे लाभांश इत्यादी इतर उत्पन्न कोणतेही असल्यास त्याचा समावेश राहील.

अनुज्ञेय खर्च म्हणजे विद्यार्थ्यांना दर्जेदार शिक्षण देण्याकरिता लागणारा एकूण खर्च असे अपेक्षित आहे. अनुज्ञेय खर्चाच्या संदर्भात समितीने उदाहरणा दाखल एक यादी तयार केली आहे. वाजवी शिलकीहून अधिक जमा होणारा एखादी शिल्लक समितीच्या मते नफेखोरी

ठरेल. संस्थेच्या भविष्यकालीन विस्ताराकरिता आवश्यक असणारा निधी आणि शिक्षणाच्या विकासाकरिता लागणारा निधी वाजवी शिल्लक रकमेतून उपलब्ध होईल.

(१९) महसूलाच्या संबंधात, समिती अशी शिफारस करते की, विना अनुदानित खाजगी शाळांना फी निश्चिती करुन आकारण्याचे पूर्ण स्वायत्तता राहील. हे करताना त्यांनी संस्था चालविण्याकरिता लागणारा निधी निर्माण करण्याचा आणि विद्यार्थ्यांना आवश्यक त्या सुविधा पुरविण्याचा विचार करणे आवश्यक राहील. तथापि, शाळांना विद्यार्थ्यांकडून कॅपिटेशन फी घेता येणार नाही तसेच त्यांना नफेखोरी करता येणार नाही.

(२०) संस्थेचे व्यवस्थापक व विद्यार्थ्यांचें पालक यांना सर्व विद्यार्थ्यांसाठी सामाईक नसतील अशा अतिरिक्त सुविधांची आवश्यकताही असू शकेल. म्हणून केवळ अशा निवडक विद्यार्थ्याकडूनच ही अतिरिक्त फी गोळा करावी. ती अशाप्रकारे जमा होणारी सर्व फी एकूण महसुली जमेचा भाग राहील.

(२१) अनुज्ञेय खर्चाच्या संदर्भात त्या अनुज्ञेय खर्चाच्या बाबीची वैधिकता ही विद्यार्थ्यांना पुढील बाबतीत दर्जेदार शिक्षण देण्याकरिता चालना देणारी राहील--

(अ) अध्यापन- अध्ययन पध्दती

(ब) विद्यार्थ्याचे कल्याण आणि

(क) संस्थेचे उत्तम प्रशासन

(२२) संस्था या वेगवेगळया मंडळांशी संलग्न असल्याकारणाने आणि प्रत्येक मंडळाने विहित केलेले निकष हे वेगवेगळे असल्याकारणाने अनुज्ञेय खर्च ठरविण्यासाठी एकसारखी व साचेबंद प्रमाणपध्दती नाही. त्याचप्रमाणे प्रत्येक संस्थेच्या विद्यार्थ्यांना दर्जेदार शिक्षण देण्याच्या बाबतीत असणारा दृष्टीकोन हा वेगवेगळा असू शकतो. पायाभूत सुविधा व इतर सुविधा देण्याकरिता होणारा खर्च हा, क्षेत्रनिहाय बदलत असतो (शहरी व ग्रामीण). त्याचप्रमाणे शाळेचा स्तर लक्षात घेता (प्राथमिक, माध्यमिक व उच्च माध्यमिक) पाठयक्रम राबविण्याकरिता लागणारा कर्मचारीवर्ग आणि अशा कर्मचारी वर्गाना द्यावे लागणारे वेतन यावर होणारा खर्च हा त्याप्रमाणे वेगवेगळा असू शकतो.

(२३) समितीने खर्चाच्या मान्य शीर्षाची सूची तयार केली असून ती या अहवाला सोबत दिली आहे. ही एक उत्तम निदर्शी सूची आहे. त्यामध्ये इमारतीची दुरुस्ती, मालमत्तेचें परिरक्षण, त्यांचा मूल्य-हास वार्षिक वेतनवाढी, भाववाढीमुळे होणारा खर्च, वैधानिक गरजेनुसार करावा लागणा-या बाबींवरील खर्च, इत्यादींचा समावेश आहे.

संबंधित शाळेचे विश्वस्त मंडळ किंवा व्यवस्थापनामार्फत भांडवली खर्चाच्या निधीची गुंतवणूक केली जाते. जेव्हा ही मत्ता विद्यार्थ्यांच्या शैक्षणिक कार्याकरिता उपयोगात आणली जाते, विविध मत्तांचे मुल्य-हास परत मिळविणे आणि ही मत्ता चांगल्या स्थितीत रहाण्याकरिता त्यांच्यावर तो महसूली खर्च करणे आवश्यक आहे. समितीची अशी शिफारस आहे की या सर्व बाबींकरता सर्वसामान्य स्वीकृत केलेले लेख्यांचे तत्व लागू होईल. परिशिष्टात त्यांच्या तपशीलवार दिलेल्या यादीमुळे अशाप्रकारचे लेखा तत्व लागू करण्यास कोणतीही बाधा येणार नाही.

(२४) विना अनुदानित शाळांतील मागासवर्गीय विद्यार्थ्यांच्या शिक्षण फी ची त्याच वर्षात (चालू वर्षात) व्यवस्थापनाकडे प्रतिपूर्ती करण्यात यावी. याबाबतीत व्यवस्थापनाने ठरविलेली फी ही शिक्षण फी असल्याचे समजण्यात येईल.

(२५) एखाद्या विद्यार्थ्याने शाळा सुरु होताना किंवा शैक्षणिक सत्र चालू असताना मध्येच आपले नाव काढून घेतले तर त्याबाबतीत व्यवस्थापनाने शिक्षण फी परत करण्याबाबतचे धोरण स्पष्टपणे आगाऊ निश्चित करावे.

(२६) टीएमए पै फाऊंडेशनच्या निकालामध्ये कॅपिटेशन फी अमान्य करण्यात आली आहे. राज्याच्या कॅपिटेशन फी चा स्पष्टपणे उल्लेख आहे. याच्याशी संबंधित टीएमए पै फाऊंडेशनच्या निकालातील परिच्छेद ३९३ मध्ये असे नमूद केले आहे की, आता कोणत्याही विनियमाव्दारे किंवा अधिनियमाव्दारे असे फी बाबतचे धोरण निश्चित केले गेले असले तरी या न्याय निर्णयामुळे ते पुन: निश्चित करावे लागेल. म्हणून समिती अशी शिफारस करते की,

सर्वोच्च न्यायालयात झालेल्या निर्णयानुसार राज्य शासनाच्या कॅपिटेशन फी अधिनियमात सुधारणा करण्यात याव्यात.

(२७) सर्वसामान्य लोकांच्या हिताच्या दृष्टीने जास्तीतजास्त चांगल्या दर्जाच्या शाळा स्थापन केल्या जाव्यात अनुदानित खाजगी शाळांच्या व्यवस्थापनांना देखील नियुक्तीचे अधिकार, आणि शिस्तभंगविषयक कारवाईचे अधिकार आणि विद्यार्थ्यांचे प्रवेश यासह प्रशासनामध्ये जास्तीत जास्त स्वायत्तता असली पाहिजे.

(२८) विद्यापीठ अनुदान आयोग आणि भारत सरकारचे मानव संसाधन मंत्रालय हे उच्च शिक्षण संस्था, महाविद्यालये किंवा विद्यापीठे यांनी थेट एनएएसी कडून अधिस्वीकृती घ्यावी, याबाबत जास्त उत्सुक आहेत. त्याच धर्तीवर, शाळांमध्ये विद्यार्थ्यांच्या मुलभूत विकासाचा पाया रचला जातो, त्यांना देखील अधिस्वीकृती मिळणे आवश्यक आहे. यामुळे त्यात पारदर्शकता येईल व पालकांना आपल्या पाल्यांना कोणत्या शाळेत पाठवावयाचे आहे हे देखील निश्चितपणे ठरविता येईल. अधिस्वीकृती अभिकरणांकडून शाळा जास्तीत जास्त चांगल्यारितीने चालविण्याकरता निकोप स्पर्धा निर्माण होईल. एकदा अधिस्वीकृतीच्या माध्यमातून हव्या असलेल्या शिक्षणाचा दर्जा प्राप्त झाला की, विद्यार्थ्यांच्या पालकांनाही अशा शाळांतून विद्यार्थ्यांना शिक्षणाकरिता पाठविताना जादा फी देण्यास आक्षेप असणार नाही. दुस-या भाषेत सांगावयाचे झाल्यास, शाळांना जर त्यांची फी ठरविण्याची संपूर्ण स्वायत्तता देण्यात आली तर त्या शाळांमध्ये शिक्षणाचा दर्जा चांगल्यारितीने राखला जावा आणि विविक्षित निकष ठेवावेत याकरता त्यांची जबाबदारी देखील निश्चित करण्यात यावी. शिक्षणाचा दर्जा राखण्यासाठी विहित प्रमाण पध्दती व दर्जा यांचे पालन करण्यात येत आहे. याची सुनिश्चिती करण्याकरिता समिती अशी शिफारस करते की, स्वतंत्र अधिस्वीकृती संस्थेमार्फत उदा :- कॉलीटी काऊंसील ऑफ इंडिया मार्फत त्यांची अधिस्वीकृती व निर्धारणा करण्यात यावी.

(२९) प्रत्येक शाळांमध्ये तक्रार निवारण कक्ष स्थापन करण्यात यावा. या कक्षाचे कामकाज अधिक पारदर्शक रहावे म्हणून पालक शिक्षक संघटनेचे प्रतिनिधी हे दिनांक १८ ऑक्टोबर,१९९७, २२ जुलै,१९९९, २२ मे,२००० , २७ मे,२००३ इत्यादी शासन निर्णयानुसार

आणि सर्वोच्च न्यायालयाच्या आदेशानुसार लोकशाळी माध्यमातून निवडून आलेले आहेत याची पडताळणी करण्यात यावी. या तक्रार निवारण कक्षाची रचना पालकांचे दोन प्रतिनिधी आणि व्यवस्थापनाचे २ प्रतिनिधी अशी राहील.

(३०) महाराष्ट्र शैक्षणिक संस्था (कॅपिटेशन फी प्रतिबंध) अधिनियम,१९८७ अन्वये कोणत्याही शाळेला वा व्यवस्थापनाला कॅपिटेशन फी ची मागणी करता येणार नाही वा स्वीकारता येणार नाही.

(३१) सर्वोच्च न्यायालयाच्या निकालानुसार (टीएमए पै फाऊंडेशन विरुध्द कर्नाटक राज्य आणि इतर अलिकडचे न्यायनिर्णय) फी ठरविण्याचा अधिकार हा व्यवस्थापनाचा आहे. तथापि प्रस्तावित केलेल्या फी बाबत पालक शिक्षक संघटनेच्या बैठकीत चर्चा करण्यात यावी.

(३२) पालक आणि व्यवस्थापन यांच्यामध्ये चांगला सलोखा निर्माण करण्याच्या दृष्टीने खालील उपाय योजनांची शिफारस करण्यात येत आहे--

(अ) पालक शिक्षक संघटनेची नियमित बैठक घेण्यात यावी.

(ब) सदर बैठकीची कार्यसूची पालक शिक्षक संघटनेच्या सदस्यांना पुरेसा अवधी वितरित करण्यात यावा.

(क) विद्यार्थ्यांच्या अध्ययन क्षमतेत वाढ करण्याच्या दृष्टीने पालकांमधील असलेली हुशारी व कृतिचातुर्य यांचा विचार करता येवू शकेल.

(ड) व्यवस्थापकाला पालकांची मते समजून घेता यावी यासाठी, पालकांची नांवे उघड न करता, शक्य असल्यास, पालकांच्या सूचना मागवता येऊ शकतील.

(इ) पालक शिक्षक संघटनेने वर्षभरात किमान ३ कार्यक्रम आयोजित करावेत.

(फ) पालक प्रतिनिधींमध्ये चांगला सलोखा राखण्याच्या दृष्टीने काही दिशानिदेशन करणारे कार्यक्रम घेणे आवश्यक आहे.

(ग) हे कार्यक्रम शाळांचे सत्र सुरु होताच घ्यावेत.

(३३) खाजगी विना अनुदानित शाळांनी फी ठरविताना त्याचा परिणाम नफेखोरीत होणार नाही याची खात्री करुन घेतली पाहिजे. या कामात पारदर्शकता आणण्यासाठी कार्यतंत्र व कालबध्द कार्यक्रम राबविण्यासाठी खालील प्रमाणे शिफारस करण्यात येत आहे--

कार्यतंत्रानुसार प्रत्येक विना अनुदानित संस्थेने आगामी शैक्षणिक वर्षात संस्थेला मिळणारे उत्पन्न व खर्च यांचे विवरणपत्र तयार करील. यामध्ये सर्वप्रकारचे फी व इतर उत्पन्न, अनुज्ञेय खर्च आणि त्या परिणामस्वरुप होणारी शिल्लक यांचा समावेश असेल.

व्यवस्थापन ही परिकल्पने पालक-शिक्षक संघटनेच्या कार्यकारी समितीने सादर केलेल्या तपशीलात नफेखोरीची कोणतीही बाब आहे काय हे ठरवून त्याबाबत व्यवस्थापनाला बदलासाठी सूचना कळविणे अपेक्षित असेल. सदर कार्यकारी समितीच्या सूचनांचा विचार करुन व्यवस्थापन फी मध्ये सुधारणा करील. त्यानंतर फी बाबतचा व्यवस्थापन त्याचा निर्णय पालकांना कळवील व त्यानंतर ती फी घेण्यास सुरुवात करील.

पालक शिक्षक संघटनेच्या कार्यकारी समितीकडून यामध्ये या विवरणपत्रात नफेखोरीच्या बाबतीत कोणती बाब आहे हे ठरवून द्यावयाची माहिती आणि याबाबत असणा-या त्यांच्या फी वाढीच्या सूचना व्यवस्थापनाकडे सादर करतील. सदर कार्यकारी समितीच्या शिफारशीवर विचार करुन व्यवस्थापनाने फी वाढीचा निर्णय घ्यावा. त्यानंतर फी वाढी बद्दलचा व्यवस्थापनाचा निर्णय त्यांनी सदर संघटनेला कळवावा व त्यानंतर वाढीव फी घेण्यास सुरुवात करावी.

पालक शिक्षक संघटनेच्या कार्यकारी समितीस बहुमताने जर असे आढळले की, अशाप्रकारे अधिसूचित केलेली फी ही नफेखोरीमध्ये परिणती होईल तर ती समिती राज्य सांविधानिक समितीपुढे गा-हाणी दूर करण्यासाठी वस्तुस्थिती मांडू शकेल . सांविधानिक समिती त्यांना दोन्हीही बाजूंचे म्हणणे ऐकून घेतल्यावर नफेखोरीचा घटक ठरविल व प्रस्तावित फी वसूल करण्याचे थांबणार नाही, परंतु भावी उचित फी कपातीचे आदेश देईल.

(ब) वेळेच्या अनुपालनासंबंधी व्यवस्थापन वर नमूद केलेली दोन्ही वित्तीय विवरणपत्रे पालक-शिक्षक संघटनेच्या कार्यकारी समितीला सध्याचे शैक्षणिक वर्ष संपण्याच्या आधी ३ ते ९ महिन्याच्या आत सादर करील.

कार्यकारी समिती सदर विवरणपत्रे मिळाल्यानंतर एक महिन्याच्या आत, नफेखोरीचे घटक तपासून फी मधील बदलाविषयी व्यवस्थापनाला सूचना कळवील.

कार्यकारी समितीच्या शिफारशी काही असल्यास त्या प्राप्त झाल्यावर व्यवस्थपन एक महिन्याच्या आत सुधारित फीबाबतच्या सूचना पालक वर्गास देईल.

(क) अशी शिफारस करण्यात येते की, सांविधानिक समितीचे अध्यक्ष हे सन्माननीय उच्च न्यायालयाचे सेवानिवृत्त न्यायाधीश असतील. याशिवाय उक्त समितीमध्ये विना अनुदानित संस्थेचा एक प्रतिनिधी, पालकांचा एक प्रतिनिधी, नॅशनल बोर्डाचा एक प्रतिनिधी, एक सनदी लेखापाल आणि शालेय शिक्षण विभागाचे सचिव किंवा त्यांचा प्रतिनिधी असेल.

(३४) समितीच्या बैठकीत एक बाब सातत्याने चर्चेला आली ती म्हणजे, शाळांना मिळणा-या वेतनेतर अनुदानाच्या संवितरणास होणारा विलंब तसेच अनुदानित शाळांतील अनुसूचित जाती जमातीच्या विद्यार्थ्यांना मिळणा-या शिष्यवृत्तीच्या वाटपामध्ये होणारा विलंब. समितीच्या हाती असलेल्या प्रश्नाबाबत असे जोरदार समर्थन करण्यात आले. ही बाब अत्यंत सुसंबंध्द होती. राज्यामध्ये जवळपास ९० टक्के शाळा या अनुदानित आहेत. त्यांच्या शिक्षणाचा दर्जा दिवसेंदिवस सातत्याने घसरत चाललेला आहे. शासनाकडून अनुदानाचे वेळेवर वाटप न होणे व याबाबत शासनाची असलेली उदासिनता या कारणाने सन २००४ सालापासून अनुदानित शाळांना वेतनेतर अनुदान दिलेले नाही. वक्रोक्तीने असेही सांगण्यात येते की, शासनाच्या ९० टक्के अनुदानित शाळांतील दर्जा सुधारण्याचे उत्तरदायित्व शासनाने पाळलेले नाही, त्यामुळे उर्वरित १० टक्के विना अनुदानीत शाळांतील दर्जा घसरण्यात त्याचा परिणाम होत आहे. समितीला असे वाटते की, शासनाचा खाजगी शाळांमधील शिक्षणाचा दर्जा घसरवण्याचा शासनाचा कोणताही हेतू नसल्यामुळे अशी खात्री करुन घेण्यात यावी की, काही ठराविताना विना अनुदानित शाळांकडून होणारी नफेखोरी नष्ट करण्यापुरत्याच उपाययोजना प्रस्तावित करण्यात याव्यात. त्यामुळे इतर शाळांच्या बाबतीत दंडात्मक कारवाई किंवा अकारण निर्बंध घालण्याची कारवाई करणे उचित नाही.

(३५) सर्वोच्च न्यायालयाने ही बाब टीएमए पै फाऊंडेशन न्यायनिर्णयात (जजमेंट) खालील निरिक्षणाव्दारे नोंदविली आहे.

(अ) ही गोष्ट उघड आहे की, खाजगी शाळांमधील सर्वच परीक्षांचे निकाल हे नियमांमध्ये कितीही कडकपणा असला तरीही, शासनाकडून चालविल्या जाणा-या निकालापेक्षा

किती तरी पटीने चांगले आहेत. विद्यार्थ्यांना खाजगी शाळेत प्रवेश घेण्याबाबत कोणतीही सक्ती करु नये. अशा खाजगी शाळांतून राखलेल्या प्रवेशाकरता गर्दी दिसून येते आणि ही वस्तुस्थिती आहे की, राज्य शासनामार्फत चालविल्या जाणा-या शाळा तो शैक्षणिक दर्जा देत नाहीत. परंतु अशा खाजगी शाळांच्या उत्पन्नात कपात केली गेल्यामुळे निधीच्या उत्पन्नात कमतरता असल्याने त्या शाळांना सुविधा देवू शकत नाहीत. जर अशाप्रकारे शिक्षणाचा चांगला दर्जा घसरुन ते सामान्य प्रतीच्या दर्जात आणणे टाळावयाचे असेल तर राज्य शासनाला ही तफावत भरुन काढावी लागेल.

(३६) समिती अशी शिफारस करते की, शासनाने लवकरात लवकर हा अनुशेष पूर्ण काढण्याबाबतचे प्रयत्न करावेत व भविष्यात पर्याप्त अर्थसंकल्पीय तरतुदी करुन वेळेवर अनुदान देण्यात येईल याची खात्री करावी की जेणेकरुन मोठया प्रमाणात अनुदानित शाळा शिकणा-या मुलांना दर्जात्मक शिक्षणाचा लाभ मिळेल.

(३७) समिती अशीही शिफारस करते की, शासनाने जाणीवपूर्वक धोरणात्मक निर्णय घेवून खाजगी अनुदानित शाळांना सुध्दा अतिरिक्त निधी उपलब्ध करुन घेण्याकरिता पालक शिक्षक संघटना व शाळा व्यवस्थापन यांच्या एकत्रित प्रयत्नाने तो अतिरिक्त निधी उपलब्ध करुन घेण्याची कार्यवाही करावी.

जोडपत्र-१

उपगट "एक" च्या शिफारशीवर आधारित प्रस्तावित निकष

अध्यापन - अध्ययन

(१) अभ्यासानुसार उपक्रम

: विद्याथी केंद्रीभूत पध्दतिमिमांसा

: अध्यापन मदत

: अध्यापक हे सुविधा देणारे असणे

: साधने

: सॉफ्टवेअर

: ऑन लाईन डाटाबेस

(२) <u>सह अभ्यासानुसार उपक्रम</u>

*** विद्यार्थ्यांच्या सर्वांगीण विकासाकरिता घेतले जाणारे उपक्रम**

: मूल्य शिक्षण

: नागरी जाणीव

: पर्यावरण जागृती

: जीवन कौशल्ये

: पौगंडावस्था शिक्षण (एड्स जागृती कार्यक्रमासहित)

*** मनोरंजन व कौशल्य विकास आणि वाढीव शिक्षण विषयक कार्यक्रम**

: क्रीडा

: नृत्य

: नाटक

: संगीत

: संशोधन

(३) विद्या शाखा

: शैक्षणिक अर्हता

शाळेने इयत्ता १ ते ४ थी करिता उच्च माध्यमिक प्रमाणपत्र परीक्षा शिक्षणशास्त्र उत्तीर्ण यासह पदविका असलेल्या (D.Ed) आणि इयत्ता ५ वी ते १० वी करिता प्रशिक्षित शिक्षणशास्त्र स्नातक (B.Ed) पदवी धारण केलेल्या पदवित्तर शिक्षकांची नियुक्ती करावी.

: प्रोत्साहनात्मक सवलती

: वेतन

: वेतनेतर आर्थिक लाभ

: सेवाशर्ती

: पाहुणे वक्ते

: वैयक्तिक उन्नतीकरण

: संशोधन

: प्रशिक्षण

: शैक्षणिक दौरे

(४) पर्यावरण

: प्रत्येक विद्यार्थ्यांकरिता ८ चौरस फूट जागा

: स्वच्छतेच्या सुविधा

: सुविधा (संलग्न मंडळाच्या गरजांनुसार)

: ग्रंथालय (मुक्त वाचन संशोधन आणि व्यावसायिक विकास यांच्याकरिता साधने)

: प्रयोगशाळा

: संगणक केंद्रे

: वर्गखोल्या

: कार्यालयीन जागा

: उपक्रमाकरिता खोल्या

: मैदानी खेळाकरिता क्रीडांगण

: अंतर्गेही खेळाकरिता जागा

: अपंगालय

: समुपदेशकासाठी खोली

: भांडारघर

: विश्राम कक्ष अध्यापन अनुभवाविषयी देवाणघेवाण

: महाजाल (इंटरनेट)

: चौकशी चक्र

: क्षेत्रसहली

: सामाजिक आदानप्रदान

: तज्ञ

: साधनसामुग्री

: प्रयोग

: सॉफ्टवेअर

पाच : सुधारात्मक ध्यसापन

सहा : विद्यार्थ्यांचे सातत्याने मूल्यमापन व प्रतिपुष्टी

सात : शिक्षक-विद्यार्थी गुणोत्तर

(अ) विद्यार्थ्यांचे कल्याण

(१) सुरक्षितता

इमारतीमध्ये सुरक्षिततेच्या दृष्टीने करावयाची उपाययोजना- शालेय इमारतीमध्ये सुरक्षिततेच्या दृष्टीने सज्जा लोखंडी जाळीने बंद करण्यात यावी व लोखंडी जाळी टोकदार नसावी. त्याला योग्य पध्दतीने झाकण्यात यावे. शाळेमध्ये अ,ब व क वर्गीकृत अग्निशामक यंत्रणा बसविण्यात यावी जेणेकरुन आगी पासून संरक्षण होईल. रासायनिक धूरापासून संरक्षण करण्याकरिता (डी) व्यवस्था करण्यात यावी. वर्गखोलीचे आगीपासून संरक्षण,आकस्मिकरित्या उद्‌भवणा-या धूराकरिता प्रतिबंधात्मक उपाययोजना या सर्व कामांकरिता आपतत्कालिन व्यवस्थापनांतर्गत सुरक्षा व्यवस्था करावी.

(२) मुलांची आरोगय विषयक तपासणी व तातडीची वैद्यकीय मदत व्यवस्था

(१) विद्यार्थ्यांचे आरोग्य सुयोग्य राहण्याच्या दृष्टीने त्यांची प्राथमिक वैद्यकीय तपासणी नियमित करणे व त्याचा अहवाल परिरक्षण करणे, प्रथमोपचार व्यवस्था, प्राणवायू व्यवस्था व डॉक्टरांना बोलाविल्यास त्यांना तातडीने हजर राहण्याची व्यवस्था करावी. विविध आरोग्य संघटनांकडून भेटीची व्यवस्था करुन विद्यार्थ्यांचे आरोग्य सुरक्षित ठेवावे. विद्यार्थ्यांच्या प्रकृतीची काळजी चांगली घेण्याकरिता व्यावसायिक वैद्यकीय अधिका-यांचीही मदत घ्यावी.

(३) पोषण

शाळेत चालविल्या जाणा-या उपहारगृहात पोषक असे अन्न पदार्थ तसेच फराळ ठेवण्यात यावा. मुलांना आरोग्याच्या चांगल्या सोयी लागण्याच्या दृष्टीने जंक फूडची विक्री करणे टाळावे.

(४) सुरक्षित पिण्याचे पाणी

विद्यार्थ्यांना शुध्द पाणी चांगल्या भांडयामध्ये किंवा कुलरमध्ये उपलब्ध करुन देण्यात यावे.

(५) स्वच्छता

मुलांचे आरोग्य चांगले राहण्याच्या दृष्टीने व त्यांना सर्व रोगांपासून दूर ठेवण्याच्या दृष्टीने काळजी घेणे आवश्यक आहे. त्याकरिता प्राथम्य द्यावे. त्याची खात्री करुन घेण्याकरिता शाळेमध्ये स्वच्छता राखली जाईल याची खात्री करध्फन घ्यावी.

(६) कर्तृत्व समुपदेशन

विद्यार्थ्यांना त्यांच्या भविष्यात कर्तृत्ववान होण्याकरिता निर्णय घेण्यासाठी प्रत्येक शाळेने मार्गदर्शन करण्याकरिता त्यांच्या गरजेनुसार किंवा अंशकालीन समुपदेशकाची नियुक्ती करावी.

(७) ताण तणाव व्यवस्थापन

विद्यार्थ्यांवर निर्माण होणा-या ताणतणावापासून मुक्ती मिळणे व त्यांना खिन्न होण्यापासून टाळण्याकरिता मार्गदर्शन करण्यासाठी कार्यशाळेचे आयोजन करण्यात यावे.

(८) मार्गदर्शन व समुपदेशन

प्रत्येक शाळांमध्ये विद्यार्थ्यांना मार्गदर्शन व समुपदेशन करण्याकरिता एका मानद वैद्यकीय मानसशास्त्रज्ञाची मानधनावर नियुक्ती करावी.

(ब) प्रशासनीक बाबी

शाळेचे सॉफ्टवेअर व्यवस्थापन

फर्निचर व साधनसामुग्री

क्रिडांगणाची देखभाल व त्याकरिता भाडे देणे आवश्यक असल्यास

क्षेत्रीय स्तरावरील सहलींकरिता बसेस पुरविणे

एसएमएस सेवा

उपभोग्य वस्तू

प्रयोगशाळेचे साहित्य

क्रीडा साहित्य

कला, संगीत नाटक इत्यादीकरिता साहित्य पुरविणे

संलग्नीकरण शुल्क (ॲफिलिएशन फी)

वृत्तपत्र व नियतकालिके

क्लोज सर्कीट दूरदर्शन संच,

कार्यालयीन साहित्य

दूरध्वनी

फॅक्स

लेखनसाहित्य

संगणक

छपाईयंत्र (प्रिंटर्स)

झेरॉक्स यंत्र,

छपाई

निशाण फलक आणि भित्तीपत्रक

विशेष प्रसंगाचे आयोजन

विशेष दिन

पदवीदान समारंभ

शिक्षक दिन भेटवस्तू

बालदिन भेटी,

बक्षिस

मान्यवरांसाठी भेटवस्तू

कायदेविषयक कामकाजाचे शुल्क

शिपाई व आयांसाठी गणवेश

कर्मचारी वर्गाच्या सहली

प्रथमोपचार साहित्य

परीक्षा

टपाल खर्च

शालेय प्रकाशने

विविध सेवा व यंत्रसामुग्रीचे वार्षिक देखभाल करार

महोत्सवांसाठी यंत्रसामुग्रीची भाडयाने खरेदी

सभागृहाचे भाडे

नगरपालिका पाणी व मालमत्ता कर

विद्युतीकरण खर्च