

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI

DIRECTORATE OF EDUCATION

(PRIVATE SCHOOL BRANCH)

OLD SECRETARIAT, DELHI-110054

No. F. DE-15/ACT-I/WPC-4109/PART/13/ 949

Dated: 4/10/2017

ORDER

Whereas, the request of DAV Public School, East of Loni Road, Delhi-93, Delhi for increase in fee for the academic session 2016-17 was rejected by Director (Education) vide order No.F.DE.15/Act-1/WPC-4109/PART/13/818 dated 03.07.2017 with the specific direction to rectify the deficiencies as illustrated in the said order and submit compliance report to Dy. Director of Education concerned within thirty days.

And whereas, in response to the said order dated 03.07.17, the school has submitted its representation dated 13.07.17, to this directorate.

And whereas, the submissions made by the school are taken on record and analyzed in accordance with the provisions of Delhi School Education Act and Rules, 1973.

And whereas, after examining the proposals of Fee Hike submitted by DAV Schools, it was observed that all DAV schools are run under the aegis of DAV College Management Committee (DAVCMC) which runs a number of schools and colleges in all over India and are following the same accounting and financial procedure across all schools, and these common accounting and financial procedures has led to issues such as making contribution to a pool account maintained by DAV CMC for payment of Leave Encashment and Gratuity, maintenance of three separate bank accounts, payment of Administrative Charges to DAV CMC, collecting Rs. 10,000 as building fund from students, deposit of extra funds of schools to DAVCMC, etc. The above procedures are not in consonance with the provisions of DSEA&R, 1973.

And whereas, in order to understand the procedure being followed as well as to seek clarification/justification on these issues, apart from hearing to the respective schools, as mentioned above, the Management of DAV CMC and Director (DAV CMC) alongwith their Account functionaries were called twice to discuss these issues and to obtain necessary clarifications. In this regard, point-wise clarification has been provided by DAV CMC which is as under:

Table 1: Common Observations

S. No.	Common Observation	Clarification given by DAV CMC	Remarks
1.	The school has been paying a sum equal to 4% of the total basic pay of staff of the school to DAVCMC. As per Order no. DE. 15/ Act/ Duggal.Com /203 /99 /23033-23980 dated 15.12.1999 the management is restrained from transferring any amount from the Recognized Unaided School Fund to society or trust or any other institution.	DAV CMC is collecting administrative charges from the schools under its management for providing administrative support and varied facilities viz. financial audit of schools through audit and accounts section, academic audit, training of Principals, teachers and other staff of the schools through centre for academic Excellence, construction and property management by estate department, legal and taxation services, providing services relating to provident fund, gratuity, leave encashment and EDLI etc. In addition, DAV CMC is nominating local management committee, selection committee and building subcommittee for smooth functioning of the schools. DAV CMC is also organizing science, maths and ICT Olympiads and having a separate education board for our schools for classes up to VIIIth Standard. The entire administrative control is being dealt at DAV CMC level. All orders relating to postings, transfers, sanctions of purchases, circulars, notifications etc. are issued from DAV CMC, New Delhi. The DAV CMC has full fledged department for assessment and evaluation of schools, their principals and staff and based on feedback, necessary steps are being taken by DAV CMC for their improvement. We are also providing legal assistance to various schools	Though practice followed by DAV Schools is not in consonance with DSEA&R, 1973. Keeping in view submission/ justification given by DAV CMC as well as keeping in view the managerial structure of DAV CMC to have a check and balances as well as economy in expenditure, the submissions of DAV CMC are taken on record.

S. No.	Common Observation	Clarification given by DAV CMC	Remarks
		for any legal disputes. DAV CMC has engaged staff for the above services and salaries and other statutory payments of staff are being met from these charges collected from schools is nominal considering the nature and quantum of services being provided by the DAV CMC. The schools contribute 4% of the Basic Pay of their staff as administrative Charges. The schools are not required to incur any cost for these services which leads to a huge saving as an institution and helps us bring uniformity across the institution.	
2.	Payments in relation to Gratuity and Leave Encashment	The gratuity and leave encashment benefits of all staff of DAV Schools are administrated/ controlled at Head office through common pool fund. All investments of contributions made by the schools are made by Head office in specified government securities and the payment of claims at the time of retirement and leaving the services are settled by head office. Separate school-wise ledger accounts are being maintained at DAV CMC showing liabilities for gratuity and leave encashment. There is no default of delay in settlement of claims.	<p>During the course of hearing, DAV CMC was asked to submit the details of gratuity and leave encashment liabilities of the school as at 31st March, 2016 as per its books of accounts. Accordingly, the DAV CMC has submitted duly certified ledger account of Gratuity and Leave Encashment for each school.</p> <p>It may be noted that:</p> <ul style="list-style-type: none"> - There is no actuary valuation of gratuity and leave encashment liabilities of the school. - Liabilities and corresponding investments against gratuity and leave encashment are not reflected in the books of accounts of the school. Also, benefit of interest earned on these investments is not passed on to individual school by DAV CMC.

S. No.	Common Observation	Clarification given by DAV CMC	Remarks
			<p>Thus, school is hereby directed:</p> <ul style="list-style-type: none"> - To have actuary valuation of its gratuity and leave encashment liabilities; - To disclose its liabilities on account of gratuity and leave encashment along with the corresponding amount of investments against that in its financial statements from the financial year 2017-18. Also, wherever the existing provisions for these liabilities are in excess of the liabilities determined by the actuary, the excess amount so provided shall be transferred to general reserve fund of the school. In case, the amount currently provided is lesser than amount determined by the actuary, school shall provide the balance amount in a reasonable and prudent manner ensuring that burden of same is spread over the years and not charged in a single year. - To add back the amount of interest, as was earned on gratuity and leave encashment fund by DAV CMC over the years, duly certified by the statutory auditor of the school, in the corresponding investment accounts of the school.
3	Reserve Fund/ Loan with DAVCMC	Some of the schools in order to secure their money deposit with DAV CMC as reserve fund. DAV CMC is paying interest on these deposits @ 8% per annum which is higher than bank FD rates. Out of this reserve fund, loans etc. to	As per Order no. DE 15/ Act/ Duggal.Com /203 /99 /23033-23980 dated 15.12.1999 the management is restrained from transferring any amount from the Recognized Unaided School Fund to society or trust or any other institution. Thus,

S. No.	Common Observation	Clarification given by DAV CMC	Remarks
		the needy schools are arranged and they pay interest on these loans and advances.	the school is hereby directed strictly to ensure that exact amount of interest is received from the society. This fund is obviously available to the school and calculations have accordingly been made. Reconciliation statement of interest received /receivable should be attached with next year's fee hike proposal.
4	One time fees collection of Rs. 10,000/-	Some of the schools are charging one time fees of Rs.10,000/- at the time of admission for various student development activities over the period of their stay in the schools which normally is 12 to 14 years. As discussed in the meeting held on 03.07.2017, the collection under this head is being treated as fees to be utilized for meeting establishment and administrative cost.	School is not allowed to charge one time fees at the time of admission for development activity of students. Charging of one-time fees at the time of admission tantamount to capitation fee which is prohibited under section 13 of the Right of Children To Free and Compulsory Education Act, 2009. The school is hereby directed not to charge any such fee from the students in future and to adjust the fee already collected against the monthly fee due. The alleged purposes for which fee is collected seems to be under earmarked levies which ought to be collected on actual basis.
5	Operation of Bank Account in the name of DAVCMC	As per the financial scheme each school maintains three bank accounts viz. School Account and Pupil Fund Account, both being operated by Head of the School and Manager and the third being DAV CMC account which is operated by office bearers of the Managing Committee. The third account has been maintained with a view of exercise financial control over the schools. The schools are required to transfer all fees collections and other revenues	Accepted, in view of 'Scheme of Management' of the school, as approved by the DoE at the time of granting of recognition to the school, school is allowed to maintain a bank account in the name of 'DAV College Management Committee'. The said bank account can be operated by the office bearers of the DAV College Management Committee.

S. No.	Common Observation	Clarification given by DAV CMC	Remarks
		<p>to this account and the expenditure of the school is recouped from this account after they are approved by DAV CMC. All schools have to submit expenditure statements alongwith documentary evidences to Head Office who after examining these allow the expenses to be withdrawn from this account. The schools have to justify the expenditure vis.a.vis. budgets which are submitted by the schools before the start of the financial year. This scheme of management has been approved by Directorate of Education.</p> <p>At times schools are unable to deposit the cheques sent by DAV CMC in time due to postal delay or shortage of funds and as per the accounting practices such cheques have to be shown as cheques in hand at the close of financial year with corresponding credit to DAV CMC. This is only a book entry and these cheques are subsequently cleared from the fee income transferred by the schools to this bank account.</p>	

The above clarifications of DAV CMC are taken on record.

The submissions made by the school are analyzed in light of above discussion with DAV CMC on common observations and in accordance with the provisions of Delhi School Education Act and Rules, 1973 and directions are issued there-under:-

Table -2: Financial discrepancies:-

S. No.	Detail of discrepancy	Submissions of the school	Remarks
1.	The development fund has been used for meeting	The school is in deficit to the tune of Rs 263	As per clause 14 of the order dated 11.02.2009,

	<p>establishment/administrative expenses of the school in FY 2015-16. This is contravention to Clause 14 of Order No. F.DE./15 (56) /Act /2009 / 778 dated 11/02/2009 which states that development fund should be treated as Capital Receipt and restricts the use of development fund for supplementing the resources for purchase, up-gradation and replacement of furniture fixtures and equipment. Moreover, receipt of Development Fee of Rs. 46.76 lakhs & Rs. 52.39 lakhs is not reflected during FY 2013-14 and 2014-15 in the Receipt & Payment Account of the School.</p>	<p>Lacs and does not have funds to keep separate earmarked funds for development fee of Rs 278 Lacs. The tuition fee of the school is not able to meet the establishment cost and there is a short fall of Rs 85 Lacs. The deficit in establishment cost viz a viz tuition fee was made by saving from our earmarked levies like development fee.</p>	<p>school is not allowed to treat development fee as revenue receipt and is required to maintain depreciation reserve fund. School is directed to do proper accounting of the development fee collected and separate fund account should be maintained and the same should be utilised for the stipulated purposes in accordance with clause 14 of the order dated 11.02.2009. School is not to charge development fee unless it comply with directions of this Directorate.</p>
2.	<p>As per clause 14 of order No. F.DE./15 (56) /Act /2009 / 778 dated 11/02/2009, development fee, not exceeding 15 % of the total annual tuition fee may be charged for supplementing the resources for purchase, upgradation and replacement of furniture, fixtures and equipment provided shall be collected only if the school is maintaining a Depreciation Reserve Fund, equivalent to the depreciation charged in the revenue accounts and the collection under this head along with and income generated from the investment made out of this fund will be kept in a separately maintained Development Fund Account. The school has not maintained Depreciation Reserve Fund as stipulated during the FY 2013-14, 2014-15, 2015-16. The assets are disclosed at WDV and no additions to Depreciation Reserve Account are made annually. The balance of depreciation reserve account has remained same at Rs. 9,800 over the period under review. Depreciation charged during this period is Rs. 21.63 lakhs, Rs.21.87 lakhs and Rs. 24.37 lakhs respectively for FY 2013-</p>	<p>The school is in deficit to the tune of Rs 263 Lacs and does not have funds to keep separate earmarked funds for development fee of Rs 278 Lacs. The tuition fee of the school is not able to meet the establishment cost and there is a short fall of Rs 85 Lacs. The deficit in establishment cost viz a viz tuition fee was made by saving from our earmarked levies like development fee.</p>	<p>As per clause 14 of the order dated 11.02.2009, school is not allowed to treat development fee as revenue receipt and is required to maintain depreciation reserve fund. School is directed to do proper accounting of the development fee collected and separate fund account should be maintained and the same should be utilised for the stipulated purposes in accordance with clause 14 of the order dated 11.02.2009. School is not to charge development fee unless it comply with directions of this Directorate.</p>

	14, 2014-15 & 2015-16.		
3.	The school has collected increased fees pending approval from the DOE. The school has not complied with Order No. F.DE-15/ACT-I/WPC-4109/Part/13/7914 7923 dated 15-07-2016 which has instructed the schools not to collect increased fee from the students till the fee increase proposal is approved by DoE. The school has charged the increased fee from the students in FY 2016-17 and no refund/ adjustments of the excess fee collected by the school has been done as required by the above mentioned order. The excess collection for FY 2016-17 upto July 2016 was appx. Rs. 20 lakhs.	No response.	School should follow DoE instructions in this regard and is directed to refund/ adjust the excess amount collected from the students.
4.	As per clause 18 of order No. F.DE./15 (56) /Act /2009 / 778 dated 11/02/2009, caution money collected from students shall be refunded to students at the time of his/ her leaving the school along with bank interest thereon irrespective of whether he/ she requests for a refund. Un-refunded amount of caution money which is due for payment to students is treated as liability and not as an income. It was reported by inspection team that only security deposits, without any interest, is refunded to the students.	The school is not maintaining separate bank account for caution money from students and is not earning any interest as such only principle amount of caution money is refunded. We have noted your suggestion for transferring unclaimed caution money to income which shall be done during current financial year though the amount is not large.	As per clause 18 of the order dated 11.02.2009, school should maintain separate bank account for the caution money collected and interest earned on the same, if any, is to be credited to the caution money account. School should follow DoE instructions in this regard. Compliance shall be verified at the time of next fee increase proposal of the school, if any.
5.	As per clause 22 of Order No. F.DE./15 (56) /Act /2009 / 778 dated 11/02/2009, user charges should be collected on no-profit and no loss basis and should be used only for the purpose for which these are collected. Transport charges collected by the school are collected in excess of the expenses incurred. The school maintains a Transport Fund but accumulation to this fund is not commensurate with surplus generated year on year.	Saving in earmarked levies are used to met administrative costs, as there is large deficit. This is the primary reason for not keeping the earmarked levies in separate fund and these are treated as revenue receipts.	As per clause 22 of the order dated 11.02.2009, school is to charge earmarked levies on 'no profit no loss' basis and the same are to be utilised for the purposes for which these were collected. Further, school to maintain proper books of accounts depicting clearly the amount collected, amount utilised and balance

As per Receipt and Payment Account:			amount. The school should follow DOE instructions in this regard.			
Transport Fund	2013-14			2014-15	2015-16	Total
Income	24,39,615			24,14,675	27,56,450	76,10,740
Expenses on own vehicles	3,16,845			3,95,382	3,10,710	10,22,937
Expenses on Rented Vehicles	15,02,158			17,70,910	18,35,316	51,08,384
Surpluses	6,20,612			2,48,383	6,10,424	14,79,419
As per Balance Sheet:						
Transport Fund	2013-14			2014-15	2015-16	
Opening Balance	12,000			24,000	20,000	
Addition	12,000			-	4,000	
Deduction	-			4,000	6,000	
Closing Balance	24,000			20,000	18,000	
6.	In provisional Receipts & Payments A/c (School fund) an item "Increase in Current Liability & Expenses Payable" is shown on receipt side for each of the following years: FY 2013-14 - Rs. 38,34,497 FY 2014-15 - Rs. 92,49,584 FY 2015-16 - Rs. 92,31,068 It is a non-cash item and hence not to be shown in Receipts & Payments A/c.	No response.	School is directed to maintain books of accounts in proper manner in accordance with GAAP.			
7.	In provisional Receipts & Payments A/c (School fund) for FY 2015-16 an item "Increase in Advance and other Current Assets" for Rs. 22,77,114 is shown on payment side. It is a noncash item and hence not to be shown in Receipts & Payments A/c.	No response.	School is directed to maintain books of accounts in proper manner in accordance with GAAP.			
8.	An advance of Rs. 90,97,367 has been extended to DAV CMC in FY 2015-16. At the same time current liabilities include Rs. 36,23,976 payable to DAV CMC.	School in order to secure their money deposit with DAV CMC as reserve fund. DAV CMC is paying interest on these deposits @ 8% per annum which is higher than bank FD	As per Order no. DE 15/ Act/ Duggal.Com /203 /99 /23033-23980 dated 15.12.1999 the management is restrained from transferring any amount from the Recognized			

		rates. Out of this reserve fund, loans etc. to the needy schools are arranged and they pay interest on these loans and advances.	Unaided School Fund to society or trust or any other institution. Compliance shall be verified at the time of next fee increase proposal of the school, if any.
9.	There are mismatches between the figures in provisional financial statement for FY 2015-16 presented by school and the detailed financial information maintained separately for School Fund Main A/c and School Pupil Fund A/c. e.g. Capital Fund is based on the detailed financials and followed by inspection team is Rs. 1,70,36,438 whereas the amount as per the provisional Balance Sheet as at 31.03.2016 is Rs. 1,83,66,263 and amount as per the schedule related to the Balance Sheet is Rs. 1,91,13,194.	No response	School is directed to maintain books of accounts in proper manner in accordance with GAAP.

Other discrepancies:

S. No.	Detail of discrepancy	Submissions of the school	Remarks
1.	The school provides for Gratuity @ 7% and @ 3% for Leave encashment, calculated on Basic plus DA, which are paid to DAV College Management	The gratuity and leave encashment benefits of all staff of DAV Schools are administrated/controlled at Head office through common pool fund. All investments of contributions made by the schools are made by Head office in specified government securities and the payment of claims at the time of retirement and leaving the services are settled by head office. Separate school-wise ledger accounts are being	<p>During the course of hearing, DAV CMC was asked to submit the details of gratuity and leave encashment liabilities of the school as at 31st March, 2016 as per its books of accounts. Accordingly, the DAV CMC has submitted duly certified ledger account of Gratuity and Leave Encashment for each school.</p> <p>It may be noted that:</p> <ul style="list-style-type: none"> - There is no actuary valuation of gratuity and leave encashment liabilities of the school. - Liabilities and corresponding investments against gratuity and leave encashment are not reflected in the books of accounts of the school. Also, benefit of interest earned on these investments is not passed on to individual school by DAV CMC. <p>Thus, school is hereby directed:</p>

Committee (DAV CMC), which in turn manages and maintains the fund for payment of gratuity and leave encashment to the school employees at the time of retirement.	maintained at DAV CMC showing liabilities for gratuity and leave encashment. There is no default of delay in settlement of claims. As per DAV CMC submission, the Gratuity fund and Leave Encashment fund balance of the school as at 31.03.2016 are Rs. 66,14,119/- and Rs. 34,82,497/- respectively.	<ul style="list-style-type: none"> - To have actuary valuation of its gratuity and leave encashment liabilities; - To disclose its liabilities on account of gratuity and leave encashment along with the corresponding amount of investments against that in its financial statements from the financial year 2017-18. Also, wherever the existing provisions for these liabilities are in excess of the liabilities determined by the actuary, the excess amount so provided shall be transferred to general reserve fund of the school. In case, the amount currently provided is lesser than amount determined by the actuary, school shall provide the balance amount in a reasonable and prudent manner ensuring that burden of same is spread over the years and not charged in a single year. - To add back the amount of interest, as was earned on gratuity and leave encashment fund by DAV CMC over the years, duly certified by the statutory auditor of the school, in the corresponding investment accounts of the school.
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And whereas, after going through the representations dated 17.05.17 and 13.07.2017 as well as financial statements/budget of the school available with this Directorate, it emerges that:-

The school is having a surplus of Rs. **2,40,28,641** /- as per the following details:-

Particulars	Amount (Rs.)
Cash and Bank balances as on 31.03.16 as per audited Financial Statements	27,56,049
Investment as on 31.03.16 as per audited Financial Statements	1,80,20,081
Add: Amount with DAV CMC	91,08,848
Total	2,98,84,978
Less: Development Fund and Depreciation Reserve Fund#	-
Available Funds	2,98,84,978
Fees for 2015-16 as per financial statement (We have assumed that the amount received in 2015-16 will at least accrue in 2016-17)	5,57,78,642
Other income for 2015-16 as per financial statement	20,67,631
Estimated availability of funds for 2016-17	8,77,31,251
Less: Budget expenses for the session 2016-17 as submitted by school management*	6,37,02,610
Net Surplus	2,40,28,641

#School has not maintained depreciation reserve fund in proper manner in accordance with clause 14 of the order dated 11.02.2009 and hence, same is not considered in above calculations. Also, School has not utilized the development fee in accordance with clause 14 of the order dated 11.02.2009 and hence, the same is not considered in above calculations.

*The school has submitted its total expenses for FY 2016-17. The increase in establishment expenses for the year is around 19%. It found to be unreasonable increase and accordingly, the same is not considered in above calculations and only 10% increase in establishment expenditures is considered. Also, school has proposed for Building Construction amounting to Rs. 15,00,000/- and it is not considered in above calculations as it was upheld in Modern School Judgment that capital expenditure cannot form part of financial fee structure and can be only made out of the savings of the school.

And whereas, in view of the above examination, it is evident that the school is having sufficient funds to meet the financial implications for the financial year 2016-17.

And whereas, as per clause 22 of Order No. F.DE./15 (56) /Act /2009 / 778 dated 11/02/2009, user charges should be collected on no profit and no loss basis and should be used only for the purpose for which these are collected. Accordingly, the school is advised to maintain separate fund in respect of each earmarked levies charged from students in accordance with the DSEA & R, 1973 and orders, circulars, etc., issued there under. If there are large surpluses under any earmarked levy collected from the students, the same shall be considered or adjusted for determining the earmarked levy to be charged in the next academic session.

And whereas, as per clause No. 14 of Order No. F.DE./ 15(56)/ACT/2009/778 dated 11.02.2009, 'Development Fee, not exceeding 15% of the total annual tuition fee may be charged for supplementing the resources for purchase, up-gradation and replacement of furniture, fixture and equipment. Development Fee, if required to be charged, shall be treated as capital receipt and shall be collected only if the school is maintaining a depreciation reserved fund, equivalent to the depreciation charged in the revenue accounts and the collection under this head along with and income generated from the investment made out of this fund, will be kept in a separately maintained development fund account.' Accordingly, school is advised to maintain separate development fund and utilized the same strictly in accordance with the DSEA & R, 1973 and orders, circulars, etc., issued there under.

And whereas, it is evident that the school is not maintaining depreciation reserve fund account in proper manner in accordance with clause 14 of Order No. F.DE./15 (56) /Act /2009 / 778 dated 11/02/2009. The school has followed unsustainable financial practices and using development fund for non permissible items. Hence, development fee already charged @15% has in reality been used for other purposes, and in effect already tantamount to a hike on tuition fee. School must not charge development fee unless it comply with instructions of this Directorate in this regard.

And whereas, these recommendations along with relevant materials were put before Director of Education for consideration and who after considering all the material on the record has found that the school is having sufficient funds to meet the financial implications for the financial year 2016-17 and the representation dated 13.07.2017 and subsequent submissions made in this regard find no merit in respect of sanction for increase in fee and hereby rejected on the basis of above mentioned observations.

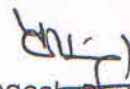
Accordingly, it is hereby conveyed that the representations for fee hike of DAV Public School, East of Loni Road, Delhi-93, Delhi, has been rejected by the Director of Education for the session 2016-17.

Further, the management of said school is hereby directed under section 24(3) of DSEAR 1973 to comply with the following directions:

1. Not to increase fee for the session 2016-17. If, in case, increased fee has already been charged from the parents, the same shall be refunded/ adjusted.
2. To comply with all the directions/ instructions as mentioned in this order.
3. In the light of Judgment of Modern School vs Union of India, the salaries and allowances shall come out from the fees whereas capital expenditure will be a charge on the savings. Therefore it is to be ensured not to include capital expenditure as a component of fee structure to be submitted by the school under section 17(3) of DSEA&R, 1973.
4. The fee should be utilised as per letter and spirit of Rule 177 of the DSEA & R, 1973 and the judgement of the Hon'ble Supreme Court in the case of Modern School Vs Union of India (2004).

Non compliance of the order shall be viewed seriously.

This issues with the prior approval of the Competent Authority.


(Yogesh Pratap)
Deputy Director of Education
Private School Branch
Directorate of Education


To

The Manager/HoS
DAV Public School,
East of Loni Road, Delhi-93, Delhi

Dated: 4/10/2017

Copy to:-

1. P.S. to Secretary (Education), Directorate of Education, GNCT of Delhi.
2. P.S. to Director (Education), Directorate of Education, GNCT of Delhi.
3. P.A. to Addl. Director of Education (Private School Branch), Directorate of Education, GNCT of Delhi.
4. DDE concerned
5. Guard file.


(Yogesh Pratap)
Deputy Director of Education-1
Private School Branch
Directorate of Education