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/ 944

Dated: 4 // d/2017

ORDER

Whereas, the request of DAV Public School, Vasant Kunj, New 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/13/590-594 dated 06.03.2017 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, the Director (Education) had referred to the representation of DAV Public School, Vasant Kunj Colony against the fee hike rejection order of this Directorate and had decided to give an opportunity to the school to be heard in person.

And whereas, a committee was constituted to hear the case of the school in detail with a view to assist the Director of Education to dispose of the representation.

And whereas, in this connection, an opportunity of being heard was provided to the Manager/HoS of DAV Publuic School (Vasant Kunj) on 18.05.2017 at 11.00AM at Conference Hall, Ludlow Castle School Sports Complex, Civil Lines, Delhi-110054.

And whereas, the submissions of the schools were heard by the above said committee on 18.05.2017 at 11.00AM and during the hearing, the issues raised in the representation of the school were discussed at length.

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:

ge 1 of 14

Taple 1: Common Observations

S. No.	Common Observation	Clarification given by DAV CMC	Remarks
1.	The school has	DAV CMC is collecting	Though practice followed by
	been paying a	administrative charges from the	DAV Schools is not in
	sum equal to	schools under its management	consonance with DSEA&R
	4% of the total	for providing administrative	1973. Keeping in view
	The Marian Committee Committee of the Co	support and varied facilities viz.	submission/ justification giver
	basic pay of	financial audit of schools	by DAV CMC as well as
	staff of the	through audit and accounts	keeping in view the manageria
	school to		structure of DAV CMC to have
	DAVCMC. As	section, academic audit, training	a check and balances as we
	per Order no.	of Principals, teachers and other	as economy in expenditure
	DE. 15/ Act/	staff of the schools through	the submissions of DAV CM
	Duggal.Com	centre for academic Excellence,	the submissions of DAV CM
	/203 /99	construction and property	are taken on record.
	/23033-23980	management by estate	
	dated	department, legal and taxation	
	15.12.1999	services, providing services	
	the	relating to provident fund,	
	management	gratuity, leave encashment and	
	is restrained	EDLI etc. In addition, DAV CMC	
	from	is nominating local management	
	transferring	committee, selection committee	
		and building subcommittee for	
	any amount		
	from the		
	Recognized	50.700.0.	
	Unaided	organizing science, maths and	A CLEVE OF THE PARTY OF THE PAR
	School Fund to	ICT Olympiads and having a	
	society or trust	separate education board for our	
	or any other	schools for classes up to VIIIth	
	institution.	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,	
	N	New Delhi. The DAV CMC has full	
		fledged department for	
		assessment and evaluation of	
		schools, their principals and staff	
		necessary steps are being taken	
		by DAV CMC for their	1
		improvement. We are also	
	ζ.,	providing legal assistance to	
		various schools for any lega	
		disputes. DAV CMC has engaged	
		staff for the above services and	
		salaries and other statutory	
		payments of staff are being me	
		from these charges collected	1

No.	Common Observation	Clarification given by DAV	Remarks
		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.	During the course of hearing, DAV CMC was asked to submit the details of gratuity and leave encashment liabilities of the school as at 31 st 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. It may be noted that: 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.
			Thus, school is hereby directed: 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

S. No.	Common	Clarification given by DAV	Remarks
J. 145.5	Observation	СМС	amount of investments
	Observation.		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
3	Reserve Fund Loan wit DAVCMC		certified by the statutory auditor of the school, in the corresponding investment accounts of the school. 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,

	mmon oservation	Clarification given by DAV	Remarks
col	ne time fees llection of . 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.	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
Bai	eration of nk Account the name of VCMC	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 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	to be collected on actual basis. 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	Remarks
	Observation	Education. 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.	

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.	As per clause 14 of Order No. F.DE./15(56)/Act/2009/778 dated 11.02.2009, 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 reserve fund. Further, development fee can be used for supplementing resources for purchase, upgradation and replacement of furniture, fixtures and equipment. i. The school does not maintain a depreciation reserve fund. ii. The school has treated development fees as revenue receipt iii. The school also does not maintain separate Development Fund, which violates rule 152 of the Delhi School Education Act, 1973.	deficit and the development fund has been used for the payment of salaries. Deprecation Reserve Fund was also not created due	order dated 11.02.2009, school is

School has a number of transactions with DAV CMC during the year 2013-14, 201415 & 2015-16 for various purpose resulting balances amounting to Rs 1,11,16,583/-, Rs.1,10,96,896/and Rs.1,11,78,447/- respectively (refer the table below for details).

Particulars	2013-14 (Rs.)	2014-15 (Rs.)	2015-16 (Rs.)
Current Liability - Inter institutional balance with DAV CMC	75,18,080	72,09,008	79,66,181
Loan and Advances - Reserve fund with DAV CMC	28,99,000	29,74,320	32,12,266
Unsecured Loans - Other DAV Institutions	6,99,503	9,13,568	•

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 maintained been view of with financial exercise the control over schools. The schools are required to transfer all fees collections and other this revenues to the account and expenditure of the school is recouped from this account they are after approved by DAV CMC. All schools have to submit expenditure statements alongwith documentary evidences to Head after Office who examining these allow the expenses be withdrawn from this account. The schools have to justify expenditure budgets vis.a.vis. which are submitted the schools before the start of the financial year. scheme of management has

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.

It is observed that the school provides for Gratuity and Leave encashment expenses 5% being and 3% respectively of Basic Pay and D.A. which is paid to DAV College Management 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. It is not clear whether the transfer is followed by actual transfer of fund. However the same is in violation of the provision of DSEAR 1973 as school cannot transfer funds to society.

3.

been approved by Directorate of Education.

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 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 claims.

As per DAV CMC submission, the Gratuity fund and Leave Encashment fund balance of the school as at 31.03.2016 are Rs. 1,15,92,797/and 78,59,800/respectively.

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 Leave Encashment for each school.

It may be noted that:

- 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.

Thus, school is hereby directed:

- To have actuary valuation of its gratuity and leave encashment liabilities;
- To disclose its liabilities on

account of gratuity leave and encashment along with corresponding amount 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 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 that ensuring 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.
4.	The school doesn't have a defined procurement process and did not provide flow chart describing the procurement cycle. During inspection of few contracts, instances have been observed where quotations of different vendors did not have any contact details. In some cases, the comparative analysis sheet was not signed by the building Committee members other than the principal and the manager of the school.	defined procurement process as laid down by DAVCMC and the same is followed rigorously.	School is directed to implement proper internal control system in relation to procurement of goods and services so as to ensuring that all contracts are entered on Arms' length prices only.
5.	There are certain contact/agreements where the payments made to the vendors had the following anomalies: i. Bill certified for additional amount without documented justifications ii. Payment made without proper Bill. iii. No security deposits have been taken from the party. iv. No TDS deducted at the time of advance payment. v. Non-compliance of Contract Labour (Regulation and Abolition) Act 1970, as ESI and EPF contribution of the casual and contractual labours are the responsibility of the principle employer. vi. Work start date and work completion date has not been mentioned in the bill/voucher. vii. The total contract value during 2013-14, 2014-15 and 2015-16 with the above mentioned anomalies were Rs. 55.5 Lac.	payments to vendors. Payments have been made against invoice duly approved and all statutory compliances have been made. Rs. 55.5 Lakh is a small value as compare to the revenue of Rs. 30 crores in 3 years.	School is directed to implement proper internal control system in relation to payments to vendors so as to ensuring that only due amounts are paid and proper TDS are deducted in accordance with Income Tax laws and compliance of other applicable labour laws are adhered. Compliance shall be reviewed at the time of next fee increase proposal of the school, if any.
6.	Receipt and Payment account show both debit and credit balances for a three financial years, (i.e. 2013-14 2014-15 and 2015-16). These arprima facie indication that the Accounts may not have been draw up properly according to the GAAP.	receipt & payment e account. However there is no impact	School should prepare Receipts and Payments in accordance with GAAP.

Tabl - Other discrepancies:

S. No.	Detail of discrepancy	Submissions of the school	Remarks
1,	As per Clause 22 of Order No. F.DE./15 (56) /Act /2009 / 778 dated 11/02/2009, earmarked levy will be calculated and collected on 'no profit no loss' basis and spent only for the purpose for which they are being charged. All transactions relating to the earmarked levies shall be an integral part of the school accounts and any surplus recognised shall be recorded as earmarked levy fund. School is charging transport fees, science fees etc. from the students and is not recognising the surplus as a separate fund. The school has not utilised the fees in accordance with rules 176 and 177 of the Delhi School Education Rules 1973. The school is not following fund based accounting system. Surplus of earmarked levies are not separately maintained by the school and are adjusted with other expenses of the school.	Though the school is not maintaining separate account for various levies, yet it is keeping a track of its utilization. The surplus, if any under thee levies is used to meet shortfall in tuition fees vis-à-vis establishment cost.	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 maintain proper books of accounts depicting clearly the amount collected, amount utilised and balance amount. The school should follow DOE instructions in
2.	The following observations have been reported with regard to compliance of Generally Accepted Accounting Principles, i. The accounting policies were not attached with financial statements. ii. Depreciation was charged as per the rate prescribed in the income tax act instead of depreciation rate prescribed in the guidance note on 'accounting by school'. iii. The schedules for major funds were not disclosed with the financials with opening balance, additions, deductions etc. iv. Related party disclosures as per GN21 were not made by the school in its financial statements.	The school has provided movement with opening balance, deductions, etc. of its capital fund and caution money fund and are part of accounts submitted. Depreciations is provided as per the rates prescribed under income tax act and is in line with the ICAI guidelines. There was no transaction with the related parties.	school is directed to follow GAAP in relation to disclosure of accounting policies, schedules of major funds and related party disclosures. School should follow DoE instructions and the format issued by DoF for preparation of its financial

		statements.
As per clause 18 of Order No. F.DE./15 (56) /Act /2009 / 778 dated 11/02/2009, no Caution Money/ Security Deposit of more than 500/- per student shall be charged. The caution money thus collected shall be kept deposited in a Scheduled Bank in the name of the concerned school and shall be returned to the student at the time of his/her leaving the school along with the bank interest thereon irrespective of whether or not he/she requests for a refund. The unrefunded amount should be transferred as income in the next financial year after the expiry of 30 days. The observations noted on the above matter are as follows: i. Caution money has been received in excess of Rs. 500 from students. ii. Caution money refunded without any interest amount thereon, violation of Clause 3 of Public notice dated 04.05.1997. iii. The school is not treating the un-refunded money as income in the next financial year after the expiry of 30 days.	earning any interest on the caution money and as such only principal amount is refunded. Caution money of Rs. 500 is only taken from the students. The unclaimed caution money shall be transferred to income in the current year.	18 of the ord 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

And whereas, after going through the representations dated 20.03.2017 and submissions made by the school during the hearing held on 18.05.2017 as well as financial statements/budget of the school available with this Directorate, it emerges that:-

The school is having a surplus fund of Rs. 4,00,95,998/- as per the following details:-

Particulars	Amount (Rs.)
Cash and Bank balances as on 31.03.16 as per audited Financial Statements	1,39,30,280
Investment as on 31.03.16 as per audited Financial Statements	3,93,26,320
Add: Amount available with DAV CMC (Reserve Fund)	32,12,266
Total	5,64,68,866
Less: Amount Payable to DAV CMC	79,66,181
Less: Development Fund and Depreciation Reserve Fund#	-
Available Funds	4,85,02,685
Fees and other income for 2015-16 as per financial statement (We have assumed that the amount received in 2015-16 will at least accrue in 2016-17)	10,50,52,971
Other income for 2015-16 as per financial statement	1,12,91,894
Estimated availability of funds for 2016-17	16,48,47,550
Less: Budget expenses for the session 2016-17 as submitted by school management*	12,47,51,552
Net Surplus**	4,00,95,998

#In the balance sheet of the school for FY 2015-16, development fee fund and depreciation reserve fund are mile.

*The school has submitted its total expenses for FY 2016-17. The increase in establishment expenses for the year is around 15%. 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.

**Since sufficient surplus is available with the school, the school is hereby directed to maintain the liquidity in the form of investment for 03 month salary and this investment should be in the joint name of Dy. Director (Education) and Manager of the School as per the condition of recognition letter and clause 10 of form 2 of Right of Children to free and compulsory education Act, 2009.

And whereas, in view of the above examination, it is evident that the school is having sufficient surplus funds even after meeting all the budgeted expenditure 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 deprecation 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 development fund account and depreciation reserve fund 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 alongwith 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 surplus funds to meet the financial



impetations are all year 2016-17 and the representation dated 20.03.2017 and subsequent subsequent

School is hereby conveyed that the representations for fee hike of DAV Public School is hereby directed by the Director of Education. Further, the management of said school is hereby directed under section 24(3) of DSEAR 1973 to with the following directions:

- 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, Vasant Kunj, New Delhi
No. F. DE-15/ACT-I/WPC-4109/PART/13/ 944
Copy to:-

Dated: 4/10/2017

- 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 Pratan)
Deputy Director of Education-1
Private School Branch
Directorate of Education

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