



LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI

COMMITTEE ON PETITIONS

NINETEENTH REPORT OF THE SIXTH ASSEMBLY

IN THE MATTER OF ALLEGED IRREGULARITIES IN THE INDIAN
SCHOOL, SADIQ NAGAR, NEW DELHI

PRESENTED ON 02ND DECEMBER, 2019

ADOPTED ON 3RD DECEMBER, 2019

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DELHI LEGISLATIVE ASSEMBLY
COMMITTEE ON PETITIONS
(2019-2020)

Composition of the Committee

1. Sh. Pankaj Pushkar	ACTING CHAIRMAN
2. Sh. Saurabh Bhardwaj (Recused)	MEMBER
3. Sh. Akhilesh Pati Tripathi	MEMBER
4. Ms. Bhavna Gaur	MEMBER
5. Ms. Bandana Kumari	MEMBER
6. Ch. Fateh Singh	MEMBER
7. Sh. Girish Soni	MEMBER
8. Sh. Raju Dhingan	MEMBER
9. Sh. Shri Dutt Sharma	MEMBER

Assembly Secretariat:

1. Shri C. Velmurugan	Secretary
2. Shri Sadanand Sah	Deputy Secretary
3. Shri Manjeet Singh	Deputy Secretary

PREFACE

1. I, the Acting Chairman, Committee on Petitions, having been authorised by the Committee to present on their behalf, this Report on the petition received from Ms. Suman and Tanu Nair, Kalkaji, New Delhi-110019 on the issue related to illegal fee hike, financial, and other irregularities in "The Indian School" situated at Josip Broz Tito Marg, Sector-1, Sadiq Nagar, New Delhi-110049. The Petition was countersigned and presented to the Hon'ble Speaker, Delhi Legislative Assembly by Sh. Sanjeev Jha, Hon'ble MLA and referred to the Committee on Petitions on 05.10.2018.
2. The Committee considered and adopted the Draft Report at their sitting held on 29.11.2019.
3. The observations/recommendations of the Committee on the above matter have been included in the Report.
4. I would like to thank all the Members of the Committee for their continued guidance.
5. The Committee places on record their profound appreciation for the valuable assistance rendered to it by Sh. Sadanand Sah, Deputy Secretary, Sh. Manjeet Singh, Deputy Secretary, Sh. Subhash Ranjan, Section Officer, Mr Kumar Rajesh, Fellow, Delhi Assembly Research Centre and other staff of Delhi Assembly Secretariat in preparation of this report.



Dated: 30.11.2019
Place: Delhi

PANKAJ PUSHKAR
ACTING CHAIRMAN
COMMITTEE ON PETITIONS

Genesis

Education forms the foundation of any society. The thread of the growth of society depends upon the quality of education that is being imparted. So Schools play an essential role in molding a nation's future by facilitating the all-round development of its future citizens. School is the first fountain of knowledge children are exposed to. It gives them a chance to acquire knowledge and socialize outside their family. Thus ensuring Schools to be accessible, safe, secure, and affordable for all has always been a part of constitutional mandate and a priority for successive Governments in India.

This need has given rise to several regulatory frameworks and progressive legislation related to education in India, including the Delhi School Education Acts and Rules 1973 (DSEAR Act) and the Right to Education Act 2009 (RTE Act). Apart from these umbrella legislations, which are specifically meant for the education sector, the Schools in Delhi are also regulated by the provisions of the several other law of the land, including the Delhi Municipal Corporation Act 1957 (DMC Act) and Delhi Fire Safety Act 2007 (DFS Act). The primary objective of the DSEAR Act is to provide for better organization, development, and regulation of school education in Delhi that includes regulation of school fees and other financial matters and ensuring prescribed safety measures in Schools. The DFS Act 2007 mandates norms for ensuring fire safety in the School premises. The DMC Act 1957 prescribes rules for the preparation of a safe and accessible building plan and thereby ensuring that the Schools does not deviate from the approved Building Plan.

The present Petition is a textbook example of how Private Schools are indulged in the commercialization of education, thereby making education inaccessible for a vast populace who are economically deprived. Similarly, this case shows how the Private Schools are playing with the lives of the children to earn more income by violating the various safety provisions related to fire safety and safe building plans as prescribed by the Government.

Introduction

1. Ms. Suman and Tanu Nair, Kalkaji, New Delhi-110019, filed a petition on 05.10.2018 on the issue related to illegal fee hike, financial, and other irregularities of the "The Indian School" situated at Josip Broz Tito Marg, Sector-1, Sadiq Nagar, New Delhi-110049. The Petition was countersigned and presented to the Hon'ble Speaker, Delhi Legislative Assembly by Sh. Sanjeev Jha, Hon'ble MLA, and referred to the Committee on Petitions on 05.10.2018.

2. It was alleged in the Petition that the "The Indian School" had issued a Circular on 21.02.2018 on its website demanding massive amounts from the students in the name of arrears of the 7th Pay Commission. The arrears fee was demanded for the academic years 2015-2018, along with an increase in the fee structure of the Academic Session of 2018-2019. It was also alleged in the Petition that the tuition fee of the School which was Rs. 2905/-PM in the year 2013-14 raised to Rs. 4375/- PM in the year 2018-19, i.e., an increase of 60 percent in the tuition fee in the last five years. It was also alleged that the School management has filed a defamation case demanding damages of approximately Rs. 3,00,00,000 (Three Crore) against the parents who had filed the online complaint on Public Grievances and Monitoring System (PGMS) Portal against the fee hike and demand of arrears. It was also alleged that the school management is traumatizing the wards (students) of the complainant by humiliating them in public platforms (school website) and through direct interrogation in the classrooms. Allegations were also made regarding irregularities in the admission process at the pre-school level and deliberately failing most of the students of class 11th. It was also highlighted in the Petition that it is ironical that despite all such irregularities the Principal of the "The Indian School" was awarded as best teacher by the Government of Delhi.

PROCEEDINGS

1. In order to ascertain the facts and investigate the allegations levelled in the said Petition, the Committee on Petitions conducted its meetings on 04.12.2018, 17.12.2018, 04.01.2019, 23.01.2019, 03.04.2019, 12.04.2019, 26.04.2019, 10.06.2019, 05.08.2019, 01.11.2019 and on 28.11.2019 and deliberated the matter comprehensively with the officers of Directorate of Education (DoE), Government of National Capital Territory of Delhi (GNCTD); South Delhi Municipal Corporation (SDMC), Delhi Fire Service Department, GNCTD; Department of Revenue, GNCTD; and the Management of "The Indian School". Besides, the Committee also visited the premises of "The Indian School," Josip Broz Tito Marg, Sector-1, Sadiq Nagar, New Delhi-110049 on 10.12.2018.
2. The Committee proceedings were initially aimed at finding the answer to the following issue:
 - i. Whether there has been any illegal fee hike, financial irregularities, etc. by the "The Indian School," Josip Broz Tito Marg, Sadiq Nagar, New Delhi-110049?

However, in due course of proceedings of the Committee, it was found that the "The Indian School" had violated several established rules and regulations related to fire safety measures and building bye laws of the Municipal Corporation of Delhi. Thus, the Committee also took up the following matters to be inspected:

- ii. Whether adequate measures are being taken by the School Management for the Safety and Security of the students as well as staff as prescribed in the Circular concerning Fire Safety by Directorate of Education vide No. F.16/Estate/CC/Fire Safety/2011/3298 to 3398 dated 01.03.2011?
- iii. Whether there has been any violation in the building plan of the School as approved by the Competent Authorities?
- iv. Whether there has been an encroachment on any Government Land by the school management?

3. A copy of the said Petition was forwarded to the Secretary, Directorate of Education, GNCTD to whom the matter pertained to vide letter dated 09.10.2018 with the request to furnish comments within seven days from the issue of the letter. A reminder dated 14.11.2018 in this regard was also sent to the Secretary, DoE, along with a questionnaire seeking more information and documents on the matter. The DDE vide letter dated 01.12.2018 furnished comments on the petition.
4. Further the Secretary, Directorate of Education, GNCTD was directed to attend the Committee meeting scheduled on 04.12.2018 along with the Principal of "The Indian School".
5. A set of questionnaire was sent to the concerned Officials at the South Delhi Municipal Corporation and Delhi Fire Service Department on 18.04.2019 respectively to provide written replies.
6. The Committee on Petitions, Legislative Assembly, Secretariat, NCTD under the Chairmanship of Shri Saurabh Bhardwaj, and the Hon'ble members also undertook a field visit to "The Indian School" Josip Broz Tito Marg, Sadiq Nagar, New Delhi on 10/12/2018 at 09:00 a.m., along with the officers of the Legislative Assembly, DoE & Member of the Delhi Commission for Protection of Child Rights (DCPCR) besides the parents who had made the complaint to the Petition Committee.
7. The Committee during its inspection observed that the School was violating various provisions of the DSEAR 1973 and directions issued to the unaided private schools from time to time by the DoE, GNCTD. It was also observed that the School was violating the Safety & Security of the students as well as staff since it was running its office & activity room/art room in the Basement, while the entry of the same was found sealed by a Wooden Display Board.
8. Therefore, notices were served to the Chief Fire Officer, GNCTD and the Commissioner, SDMC vide letter dated 13.12.2018 to attend the committee meeting scheduled on 17.12.2018 to explain the procedure followed along with the original correspondence in issuing the certificate of building plan and its completion and issuance of Fire Certificate respectively.

9. The Committee also requested the Divisional Commissioner, Department of Revenue, GNCTD to conduct a survey of the land occupied vis-à-vis the land allotted to the Gyan Mandir Society (The Indian School) for construction of School thereon and to furnish a report of the survey to the Assembly Secretariat before 30.04.2019. The Committee also directed the Department of Revenue to ensure that while conducting measurement of the said land no disturbance and inconvenience is caused to the students/staff of the School.
10. The Directorate of Education vide letter dated 27.11.2019 informed the Committee that after examination of the valuations and reply of the School they have submitted proposal to the office of the Hon'ble Lieutenant Governor, Delhi for granting approval for issuance of Show-cause notice for taking over of the Management of the School.
11. The questions raised by the Petitioner and the Committee to the DoE, District (South), GNCTD and the replies thereof received from the Department has been reproduced below in a tabular form:

Table 1		
S. No.	Point/Question raised by the Petitioners	Reply of Dy. Directorate of Education, District (South) vide letter dated 07.12.2018
1.	School is more interested in the revenue generation than to provide quality education. Management loaded with the impulse of money-making and created unaccounted wealth by looting parents with unreasonable demand and an unexplained fee structure.	As regards the complaints of Revenue Generation and the continuous fee increase by the School, the reports of AAO (South) confirm an increase of Tuition fee during the years 2016-17, 2017-18 and also other fees from the year 2013-14, 2014-15, 2015-16 & 2016-17. The same shows that the School has considerably increased its fee.
2.	The School continuously increased the tuition fee at the rate of approximately 10 percent every year. The tuition fee is raised from Rs 2905/- per month in the academic session 2013-14 to Rs 4375/- per month in the academic session 2018-19 i.e. an increase of 60	

	per cent in the tuition fee apart from the fee under other head in the last five years and 105 per cent in the previous 10 years.	
3.	The management filed the defamation case demanding the damages of approximately Rs 3,00,00,000 (Three crores) from the parents who filed the complaint online at the Public Grievances and Monitoring System (PGMS) against the fee hike and demand of the arrears. The case is pending before the Court of the Hon'ble Justice J.R. Midha in the High Court of Delhi under Civil Suit no. 334/2018	That as regards the defamation case bearing number, Civil Suit No. 334 of 2018 pending before the Hon'ble High Court of Delhi, it is clarified that DoE is not a party to the said case.
4.	There is the apprehension of having the significant nexus between the officials and the school management as a copy of the complaint filed at the Department of Education secretly used against the parents who raised their voice against the injustice.	That as regards the allegations of there being a nexus between the officials of the DoE and the school authorities, it is respectfully submitted that the same is false and vehemently denied.
5.	The management, especially the Principal, has now started to traumatize the student by humiliating their respective parents in public platforms (school website) and directly interrogating in classes and passing on other threats.	That as regards the humiliation and trauma faced by the parents in the public platform or on the school premises, it is submitted that the concerned District office has never received any oral or written complaint from any of the parents.
6.	The school management, in the intention to traumatize the parents, displayed the Court summons on their school website, and publicly showed the name of the parents against whom they filed the defamation case. Along with that during the Parent-teacher meeting, the	That similarly the concerned office has never received any complaint from any of the parents regarding the public display of summons issued by the Court on the school website or regarding the signatures having forcibly being taken by the school authorities from the parents.

	class teacher forcibly took the signature of the parents on the paper in which it was written that the action taken by the management against the parents who filed the complaint is right and the ward of these parents may not get admission in college or other institutions.	
7.	When one of the parents filed the RTI online dated 03.09.2018 for want of the certified copy of the complaint, no reply has been furnished till the filing of this Petition by the concerned Department.	That as regards the online RTI application dated 03.09.2018, the same was received by the Distt. South office on 08.10.2018 and the documents demanded by the applicant have been personally handed over to him on 29.10.2018.
8.	The School is generating illegal funds in the name of website maintenance and unexplained earmark levies by demanding Rs 2500/- every year from each student in cash without giving any cash receipt. That amounts to approximately Rs 75,00,000 (Seventy-Five Lakh Indian rupees) per year accounted for wealth.	That as regards the demand of Rs 2500/- every year from each student for website maintenance etc. the complaints have been received, and comments of the School have been sought. Action, as per rule, will be taken once the remarks of the School are received.
9.	Based on the complaint, the Department of Education conducted the audit of the School. As per the report of DoE, it is clear that the School is looting parents as they have a net surplus of Rs 23,42,81,991 (Twenty Three Crores Forty Two Lakhs Eighty One Thousand Nine Hundred and Ninety-One Indian rupees).	That as regards the situation of the School has a net surplus of Rs. 23,42,81,991/-, the Audit report of the Directorate of Education dated 09.10.2018 is self-explanatory.
10.	The School has also challenged the order of the DOE audit report in High Court in its writ petition of W.P (c) 8077/2018.	As regards, the writ petition bearing Number WP (c) 8077/2018, the same is pending before the Hon'ble High Court of Delhi, and thus, no comments upon the same can be

		furnished. The next date of hearing in the said matter is 26.11.2018
Other Irregularities		
11.	School is a habitual offender of generating revenue by whatever means. The School intentionally and deliberately failed most of the students of class 11 th ; thus the parents were forced to fight for justice in the high Court as can be seen in the recent case of Kashish Jain v/s The Indian School. W.P (c) 3849/2018 & CM NO. 15233/2018	The allegation made by the complainant that the Indian School is a habitual offender of generating revenue is borne out by the contents of the order dated 12.07.2018 issued by DDE South.
12.	The School is not following any rules, regulations, and guidelines issued for the admission at the pre-school level. There have been numerous instances where the sibling point was not considered for admission at the Pre-School level. Most of the parents have complained to DoE, but there has not been any response from the Department.	Regarding no following of rules, regulations, and guidelines for admission at the pre-school level, no oral or written complaints have been received in the DDA south office.
13.	The school management compels the students to buy souvenir items like coffee mugs from the School, and when the student refused to buy, they were punished by making them stand outside the class for the whole period.	Regarding compelling students to buy coffee mugs, no oral or written complaints have been received in the concerned district office.
14.	On 07.09.2018 at the time of dispersal of students at Gate No. 2, there was no teacher or school staff, and due to their negligence, most of the children were injured due felling on each other. However, the School owe no responsibility and showed reluctance in replying to the parents who sent an email	Regarding the incident of 07.09.2018, no oral or written complaints have been received in the concerned district office.

	regarding this incident. This depicts the lack of the administration of the school management towards the safety of the children.	
15.	The PTA has been the same for many years, which only talks about the interest of the School. There has been no change in the rules and provisions in place for the appointment of PTA of schools.	Regarding same PTA for last many years, no oral or written complaints have been received in the office.
16.	Despite all such irregularities, ironically, the Principal of the said School was awarded as the best teacher by the Government of Delhi.	As for the matter of conferring the State Award on the Principal is concerned, it is informed that all guidelines/procedures as enshrined in the Department's Circular dated 04.06.2018 have been followed.
17.	If this malpractice is not regulated, it would be a threat to the ethos and value of the Indian education system.	All necessary measures for the regulation of the school education system are being taken by the Directorate of Education.

Table 2		
S. No	Comments Sought by the Committee from the Secretary, Directorate of Education, Govt. of NCT of Delhi vide letter dated 14.11.2018	Reply of Dy. Director of Education, District (South) vide letter dated 07.12.2018
1.	Please provide the details of the follow-up action taken by the Department Pursuant to the order dated 12.07.2018 issued under the signature of Ms. Sarita Dalal, Dy. Director (South) was in financial irregularities surfaced and established against the said School.	That with regard to the complaint received by the Distt. South Office against the illegal and arbitrary demands of fee hike and arrear, after receiving the complaints from the parents against the fee hike by the School in the name of 7 th CPC recommendation, necessary direction were given to the school management vide order dated

		<p>12.07.2018 under section 24(3) of DSEAR, 1973 to comply with the following directions:</p> <ol style="list-style-type: none"> i. Not to increase any fee in pursuance to the proposal submitted by School on any account including the implementation of 7th CPC for the academic session 2017-18 and if the fee is already increased and charged for the academic session 2017-18, the same shall be refunded to the parents or adjusted in the fee of subsequent months ii. To communicate the parents through its website, notice board and Circular about the rejection of fee increase proposal of the School by the Directorate of Education. iii. To ensure that the salaries and allowances shall come out from the fees whereas capital expenditure will be a charge on the savings in accordance with the principles laid down by Hon'ble Supreme Court of India in its judgment of Modern School vs. Union of India. Therefore, School not to include capital expenditure as a component of fee structure to be submitted by the School under section 17(3) of DSEA, 1973. iv. To utilize the fee collected from students in accordance with the Provision of Rule 177 of the DSER, 1973 and orders and directions issued
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		<p>by this Directorate from time to time.</p> <p>v. To remove all the financial and other irregularities/violations as listed above and submit the compliance report within 30 days to the Delhi Directorate of Education-Private School Branch.</p> <p>vi. In case of submission of any proposal for an increase in the fee for the next academic session, the compliance of the above listed financial and other regularities/violations will also be attached.</p>
2.	Please submit the entire record/file noting/communication concerning the nomination of Ms. Joshi the Principal "The Indian School" for Delhi State Teacher's Award-2018.	That the entire prescribed process/procedure for grant of Teacher/Principal Award (a copy of Directorate of Education Circular dated 04.06.2018 is enclosed for ready reference) has been followed and all guidelines observed while recommending the name of Ms. Tania Joshi by the competent authority.
3.	Please provide the entire prescribed process/procedure for nomination of Teachers/Principals for such awards and also clarify whether the norms prescribed have been followed while recommending the name of Ms. Joshi.	
4.	Please submit reasons for ignoring the continuous financial irregularities happening in the School while nominating Ms. Tania Joshi by the school authorities for the State Award-2018	That as regards ignoring the continuous financial irregularities in the School and nomination of Ms. Tania Joshi for the state award 2018, it is submitted that the state award was conferred upon the Principal of the School strictly in accordance with the prescribed procedure and guidelines. Accordingly, based on said procedure/guidelines, the name of Ms. Joshi was recommended for the state award 2018. Thus, this office

<p>encroached any land belonging to SDMC or any other agency/authority/ Department.</p> <p>f) Completion certificate.</p>				partitions, which are being used for partition purposes.
	Ground	18	18	There is also one office cabin within the covered area of the Completion plan.
	First	22	23	Laboratory room converted into parts by providing partitions within the covered area of the completion plan.
	Second	24	27	One class room converted into two classrooms by providing partition & two classrooms converted into four rooms by providing partitions. However, additional classrooms are within the covered area of the Completion Plan.
	Third	25	28	One classroom converted into two rooms by partitions with in the covered area of completion plan. Further boys and girls toilets have been converted into classrooms leading to 02 extra rooms. The same is not permissible.
	Terrace		08 porta cabins & 02	The same is extra coverage

				temp orary halls	
					<p>c) The total area of land occupied by the School is 9473.08 SQM.</p> <p>d) Copy of ownership documents available with the Department is enclosed herewith.</p> <p>e) During the inspection, no such encroachment has been found.</p> <p>f) Copy of completion certificate issued by the Department is enclosed herewith.</p>
2.	Please explain the grounds/reasons, the SDMC has not moved to the Appellant Court against the order of Tribunal which is preventing sealing of illegal portion of the School Building; Basement and porta cabins on the terrace.				The school authorities have filed an application before the Hon'ble Appellate Tribunal of Municipal Corporation of Delhi, (ATMCD) vide Appeal No. 510/2019 against the actions taken by the Department against the violation noticed in the school building. The ATMCD vide its order dated 22.01.2019 has restrained the Department from taking any coercive action till the finalization of Appeal and the next date of hearing in the matter was fixed for 26.07.2019. Further, as desired by the Committee of petitions, an application for vacation of stay and early hearing in the case has been filed before the Hon'ble ATMCD on 23.04.2019, and the next hearing of the case is on 26.07.2019.
3.	Please provide details of action taken by the SDMC against the officials for allowing the illegal construction of the basement and top floor porta cabins.				An inquiry is being conducted by the Department to take action against the officers, who allowed the illegal construction of Basement and top floor porta cabins.
4.	Please provide a report on the Action Taken by the SDMC against the officials for ignoring the existence of illegal				An Enquiry is being conducted by the Department to take action against the officer, who ignored the existence of illegal construction of Basement and Top Floor Porta Cabins.

	basement and illegal top floor porta cabins.	
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Issues Raised in the Petition

Issue 1

Whether there has been any illegal fee hike, financial irregularities, etc. by the "The Indian School," Josip Broz Tito Marg, Sadiq Nagar, New Delhi-110049?

1. Upon receiving the Petition, the Committee, in the first instance, sent it to the Secretary, Directorate of Education (DoE) to look into the matter of any illegal fee hike/financial irregularities by "The Indian School" and furnish their comments for the perusal of the Committee. The reply of Ms. Savita Drall, Dy. Director of Education, District (South) confirms the hike in school fees which is also reflected in the reports of AAO (South) during the years 2016-17, 2017-18 and even other fees from the year 2013-14, 2014-15, 2015-16 and 2016-17 (See Table 1 & 2). The same shows that the School has considerably increased its fee.
2. The DoE confirmed to the Committee that it had received complaints regarding the demand of Rs 2500 every year from each student for website maintenance etc. without providing any bills for the same.
3. The DoE also confirmed that the Audit Report of the DoE dated 09.10.2018 reflects that the Indian School is having a net surplus of Rs. 23,42,81,991.
4. The Indian School Management did not took prior sanction from the DoE to increase the tuition and other fees. **It is pertinent to note here that the Hon'ble High court of Delhi vide its judgement in WPC 4109/2013 emphasized upon the point that the schools cannot indulge in profiteering and commercialization of school education.** The judgement further noted that quantum of fees to be charged by unaided schools is subject to regulation by DoE in terms of the power conferred under Section 17(3) of DSE Act, 1973.

5. The DoE further informed to the Committee that the School Management was directed vide order dated 12.07.2018 under section 24(3) of DSEAR, 1973 to comply with the following directions:-
- a) Not to increase any fee in pursuance to the proposal submitted by School on any account including the implementation of 7th CPC for the academic session 2017-18 and if the fee is already increased and charged for the academic session 2017-18, the same shall be refunded to the parents or adjusted in the fee of subsequent months
 - b) To communicate the parents through its website, notice board and Circular about the rejection of fee increase proposal of the School by the Directorate of Education.
 - c) To ensure that the salaries and allowances shall come out from the fees whereas capital expenditure will be a charge on the savings in accordance with the principles laid down by Hon'ble Supreme Court of India in its judgment of Modern School vs Union of India. Therefore, School shall not include capital expenditure as a component of fee structure to be submitted by the School under section 17(3) of DSEA, 1973.
 - d) To utilize the fee collected from students in accordance with the Provision of Rule 177 of the DSER, 1973 and orders and directions issued by this Directorate from time to time.
 - e) To remove all the financial and other irregularities/violations as listed above and submit the compliance report within 30 days to the DDE (PSB).
 - f) In case of submission of any proposal for an increase in the fee for the next academic session, the compliance of the above listed financial and other regularities/violations will also be attached.
6. The Directorate of Education vide letter dated 27.11.2019 informed the Committee that the school filed a Writ Petition W.P.(C) 9654/2019 before the Hon'ble High Court of Delhi to get a stay on the above mentioned DoE orders, but did not get any relief except on refund issue.

Issue 2

Whether there has been any violation of the building plan of the School as approved by the MCD?

1. **The Committee, during its inspection of the Indian School on 10.12.2018, observed that the School is in violation of the various**

provisions of Safety & Security of the students and staff as prescribed in the DSEAR Act 1973.

The School Management is running its office & activity room/art room in the illegal Basement, while the entry of the same was found to be covered by a Wooden Display Board to keep it as a secret from Committee during inspection.

2. Individual rooms on the first and second floors were found to be created through wooden partitions, and such rooms are not part of the sanctioned building plan of MCD. Similarly, Porta Cabins were found built on the roof of the building in which classrooms and other activities were being run. It was also found that in some of the classrooms, the sizes of the classrooms were not as per the seating norms prescribed in the RTE Act. Also, the inspection report dated 04.01.2019 conducted by the South Delhi Municipal Corporation, Building department, Central Zone, noted that there are deviations beyond Completion Plan that exists at the Indian School site. **There exist a basement floor that was neither declared nor approved by any agency, including SDMC, Fire Department, and Delhi Jal Board.** Though no classroom has been sanctioned or permitted in the plan for the Basement, there exist 23 classrooms in the Basement. On the ground floor apart from permitted 18 classrooms there exist an office cabin. On the first floor there exist 23 classrooms as against the sanctioned 22 class rooms. Laboratory room on the first floor has been partitioned contrary to the completion plan. On the second floor there exist 27 classroom against permitted 24. On the third floor there exist 28 classrooms against the permitted 25 classrooms.

Further boys and girls toilets have been converted into classrooms, which is not permissible under any law. On the terrace floor, there is an illegal and unauthorized construction of 8 porta cabins and two temporary halls which are being used as classrooms. Lift (Ground Floor to Terrace Floor) has been installed in the area open to the sky. The comparative picture of the approved building plan of the School by the MCD and the respective violation/deviation has been highlighted in detail in Table 3 of this report.

3. The deviations and structures, which do not form part of the Completion Plan were booked by the SDMC and demolition proceedings u/s 343 of the DMC Act, 1957 was initiated vide File No. 1/B/UC/EE(B)-I/CNZ/2019 dated 01.01.2019. The sealing proceedings u/s 345-A were also initiated. Also, the Completion Certificate issued to the School has been revoked by the SDMC on 08.05.2019. The School authorities filed an application to the SDMC for regularization of the existing structure of the School, but the SDMC rejected it on 06.05.2019. **The application for regularization is, in fact, admission to the effect that there exists unauthorized construction/deviation, which the School wanted to self-rectify/self-demolish.**
4. Further, instead of getting the property regularized, the school authorities filed an appeal before the Hon'ble Appellate Tribunal of Municipal Corporation of Delhi (ATMCD) challenging the demolition orders and projecting it to the tribunal that they are ready to carry out rectification of the deviations and their application for regularization is also pending.
5. The ATMCD vide its order dated 22.01.2019 restrained the department from taking any coercive action till finalization of Appeal and next date of hearing in the matter was fixed for 26.07.2019. During the further proceedings in the matter, the ATMCD continued the interim stay and directed the SDMC to file the status report on removal of non-compoundable deviations. It is unfortunate to note that that the ATMCD grants long stays to violations in many cases
6. Based on the Committee on Petitions request, SDMC filed an appeal before the Hon'ble High Court of Delhi against the stay granted by the ATMCD on the demolition/sealing proceedings. The SDMC also moved an application before the Hon'ble High Court for vacation of the stay granted by the ATMCD vide CM(M) No.1340/2019 and CM(Appl) No.40438/2019.
7. The appeal filed by SDMC was heard on 11.09.2019. The Hon'ble High Court of Delhi disposed off the application with the directions that the

Ld. Tribunal is directed to look in to the question as to whether the school has carried out necessary rectification of alleged deviations and that the interim order already passed by the tribunal shall continue for period of one month. Within which the Ld. Tribunal will decide and dispose off the appeal to the school authorities to carry out the rectification work within one month time.

8. In order to verify the status of rectification work, the officer of SDMC inspected the school site. During inspection, rectification work was found in progress. However, no rectification work was noticed in the basement.
9. It is pertinent to note here that the application for regularization of existing structure of the subject property has already been rejected by SDMC on 28.10.2019.
10. The next date of hearing in this case was listed for 18.11.2019 on which the ATMCD adjourned the matter for 27.11.2019.
11. On 27.11.2019, the ATMCD has directed the School Authorities to bring the premises within the ambit of MDP-2021 and to comply with the shortcomings communicated by the SDMC, within a period of 10 days.
12. It is unfortunate that Court of ATMCD is not serious about safety of students and despite of orders of the Hon'ble High Court of Delhi, case has not reached any conclusion.

Issue 3

Whether adequate measures are being taken by the School Management for the Safety and Security of the students as well as staff as prescribed in the circular concerning Fire Safety of Directorate of Education and the Delhi Fire Service Act 2007?

1. The Delhi Fire Service (DFS), GNCT of Delhi issues Fire Safety Certificate (FSC) to schools in accordance with the provisions prescribed under Section 34 & 35 of the Delhi Fire Service Rules, 2010 under Delhi Fire Service Act 2007 and in accordance with the circular issued by the Directorate of Education. The documents submitted by

the DFS before the Committee highlights that the conduct of the Officers of DFS in issuing Fire Safety Certificate to the Indian School was very irresponsible.

2. The Indian School Management initially applied for Fire Safety Certificate and No Objection Certificate (NOC) from DFS on 12.03.2008. The DFS found shortcomings related to Fire Prevention and Fire Safety measures in the School Building Plan and communicated the same to the School management by the DFS.
3. However, even after the passing of one year of the application, the Indian School Management did not rectify the shortcomings highlighted by the DFS.
4. After that, the DFS received a representation from the Indian School Management in this regard on 06.04.2009 & 21.04.2009. On 22.06.2010, the Indian School was issued Fire Safety Certificate and NOC by the DFS on the condition that the issuance of the Fire Safety Certificate and NOC doesn't confer any right to the School Management for regularization of unauthorized construction.
5. Further, on 21.06.2011, the School Management applied for the renewal of the Fire Safety Certificate. Again, the DFS found shortcomings related to Fire Prevention and Fire Safety measures in the School Building Plan, and the same was communicated to the School management.
6. After that, representation was received from the School Management on 07.10.2011 & 04.01,2012. On 12.03.2012, FSC was issued to the Indian School under Rule 35(6) of the DFS Rules-2010.
7. However, the Rule 35(6) of the DFS Rules-2010 clearly states that "*The buildings or premises that have already been issued No Objection Certificate for the occupancy of the building or premises shall be deemed to have been issued Fire Safety Certificate under rule 35 **subject to verification of compliance of fire prevention and fire safety measures on which the No Objection Certificate was issued on the last occasion.***" This clearly highlights that either the DFS didn't verify the compliance of fire prevention and fire safety measures, or if the DFS

did verify it, then it purposefully ignored the violation of fire prevention and safety measure by the school management and renewed the Fire Safety Certificate of the Indian School. In both circumstances, the DFS and the Indian School Management violated the rules prescribed under the Delhi Fire Service Rules, 2010.

8. The DFS went on with renewing the Fire Safety Certificate of the Indian School on 12.06.2016 & 20.09.2018 until the Hon'ble Chairman, Committee on petitions brought to the notice of the DFS that the Indian School has an illegal/unauthorized basement with classrooms as well as porta cabins on the terrace of the 3rd floor. However, the Fire Safety Certificate dated 20.09.2018 mentioned a building comprised of Ground and three upper floors only.
9. Upon the enquiry of the Committee, the Chief Fire Officer, DSF, inspected the school and found that the school building comprised of Basement, Ground plus four upper floors. The same has been communicated to the SDMC also.
10. The Committee further directed the Officers of the DFS to ensure that the school does not use the basement and porta cabins. **It was only after the intervention of the Committee, DFS suspended the Fire Safety Certificate of the Indian School.**
11. After the suspension of the Fire Safety Certificate by the DFS, SDMC withdrew the Occupancy Certificate of the school. However, the School Management filed a plea before the ATMCD requesting a stay on the cancellation of the Occupancy Certificate by SDMC.
12. It is also pertinent to note here that in none of the Committee meetings, the DFS brought to the notice of the Committee that irregularities were found in the School Building Plan of the Indian School when the School management applied for Fire Safety Certificate in the year 2008, 2011, and in subsequent years. Also, the DFS did not answer to the Committee on what kind of irregularities were found in the School Building Plan of Indian School.

Issue 4

Whether there has been an encroachment on any government land by the school management?

The SDM, Defence Colony, GNCT of Delhi, through its letter dated 31.10.2019 submitted before the Committee that as per perpetual lease deed duly registered on 16.12.1996 provided by the school authority, the land measuring 2.340 acres (Amended and signed) was allotted by the L&DO, Govt. of India to the Gyan Mandir Society, "The Indian School".

On the direction of the Committee, the entire land occupied by the Indian School, including playground, etc. was measured by the Department of Revenue through TSM, which comes to 2.331 acres. This shows that the Indian School Management has not encroached upon public land.

Observations and Conclusions

From the scrutiny of the responses filed by the concerned Government departments, The Indian School, and on the basis of the inspection visit made by the Committee of the School site, the following observations are brought on record:

1. The school management has hiked the tuition fee (for the year 2016-17, 2017-18) and other fees (for the year 2013-14 to 2016-17) considerably, which is clearly in violation of the provisions of DSEAR, 1973. Even after clear direction from the DoE not to increase the tuition fee and return the increased amount if already charged, the “The Indian School” Management issued a Circular on 10.04.2019, notifying a further increase in tuition fee for the Academic year 2019-20.
2. By illegally increasing the fees, **the Indian School Management has dishonored the directions of the Hon’ble Supreme Court of India in the matter of Modern School vs. Union of India and directions of the Hon’ble High Court of Delhi in the judgement of the WP (C) 4109/2013 in the matter of Justice for All vs. GNCTD and others respectively.**
3. Further, the Directorate of Education (DoE), in its final submission in this Petition, noted that the management of ‘The Indian School’ is in continuous violation of the directions of DoE and also there are lapses in its functioning. Thus, the DoE submitted a proposal to the office of the Hon’ble Lieutenant Governor of Delhi for approving the issuance of Show-Cause notice for taking over of the Management of ‘The Indian School’ u/s 20 (1) read with Section 24(4) of the DSEAR Act, 1973.
4. The Committee observed that the current building structure of the “The Indian School” is in a significant deviation from the Sanctioned Building Plan and Completion Certificate issued by the SDMC. Significant additions/alterations of the area against the Completion Plan along with unauthorized construction of Basement have been found, which is being used as Class Rooms and Office Spaces.

5. Demolition proceeding was initiated by the SDMC u/s 343 of the DMC Act, 1957, against the deviations and structures, which do not form part of the Completion Plan. Consequently, the School authorities filed an application to the SDMC for the regularization of the existing structure of the School.
6. **The application for regularization by the school management is, in fact, an admission to the fact that there exists unauthorized construction/deviation, which the school wanted to self-rectify/self-demolish.**
7. It was noted by Committee, that there is no practical way of demolition of basement of building in which school classes are running on upper floors. The order of Demolition was ill conceived and shows connivance of SDMC officials with the school management.
8. “The Indian School” has violated the prescribed Fire and Life Safety provisions to be maintained in the school buildings as prescribed under the **circular concerning Fire Safety by Directorate of Education and the Delhi Fire Service Act 2007.**
9. The School management concealed the fact related to the presence of a basement and porta cabins on the terrace of the 3rd floor in its application for Fire Certificate to the Delhi fire Services.
10. Based on the documents submitted before the Hon’ble Committee, it appears that the DFS did not do due diligence before issuing FSC to the Indian School. The Delhi Fire Service Department acted irresponsibly and to the best understanding of the Hon’ble Committee purposefully ignored the shortcomings related to Fire Prevention and Fire Safety measures in the School Building Plan.
11. During physical inspection of the School premises by the Committee, the principal of the school did not cooperate with the Committee and misled the Committee on various occasions. The principal also did not disclose the fact that the School has full-fledged basement which was hidden by a Notice Board.

12. In spite of Hon'ble HC orders, the School authorities continue to harass and arm twist students and parents for collecting the increased fee.
13. Even though, parents as per the order of Hon'ble High Court of Delhi, tried to submit original fee, the school has refused to accept original fee. This is clearly a contempt of the Hon'ble Court.

Recommendations

1. The Directorate of Education, GNCTD, should take over the management of the Indian School with immediate effect.
2. The South Delhi Municipal Corporation should seal the illegal portions in the premises of the “The Indian School,” and appropriate action must be taken as per the DMC Act, 1957.
3. The Delhi Fire Services (DFS), GNCTD, should ensure restriction of occupancy in illegal structures of the School Building with the help of concerned authorities.
4. The DFS should initiate Departmental Proceedings against the concerned officers who issued Fire Safety Certificate to the Indian School without performing due diligence.
5. The Committee recommends issuing a Circular by all the respective Municipal Corporations to conduct a thorough audit of all the schools in Delhi and to check whether there is any deviation from the Sanctioned Building plan in School Premises. If any deviation is found from the Sanctioned Building, appropriate action should be taken as prescribed in the DMC Act, 1957 and Action Taken Report should be submitted to the Delhi Legislative Assembly within 180 days.
6. The Committee also recommends the Fire Services Department to issue an order to all the Schools under the Jurisdiction of the GNCTD to conduct a fire safety audit as per the Circular No.F.16/Estate/CC/Fire Safety/2011/3298 to 3398 dated 01.03.2011 of the Directorate of Education, GNCTD. If any irregularity or gap is found in maintaining all the prescribed provisions of fire safety, strictest actions should be taken against the said school and Action Taken Report should be submitted to the Delhi Legislative Assembly within 180 days.
7. Departmental proceedings should be initiated against concerned officers of the South Delhi Municipal Corporation for collusion with the school

authorities in their illegal activities and thus putting the safety of school children at stake.

8. The appropriate Court or Authority should review the functioning of the Appellate Tribunal of Municipal Corporation of Delhi so that mischievous parties do not use this platform to delay the action against gross violations which can endanger the lives of thousands of school children.
9. The Committee requests worthy Chief Secretary of GNCT of Delhi to should submit Action Taken Report on the recommendation of the Committee, to Delhi Legislative Assembly within 60 days of adoption of this report.



Dated: 30.11.2019
Place: Delhi

PANKAJ PUSHKAR
ACTING CHAIRMAN
COMMITTEE ON PETITIONS