



LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI

COMMITTEE ON PETITIONS

SEVENTEENTH REPORT OF THE SIXTH ASSEMBLY

SUBJECT: IN THE MATTER OF ALLEGED IRREGULARITIES IN
SUMMER FIELDS SCHOOL, KAILASH COLONY

PRESENTED ON 02nd DECEMBER 2019

ADOPTED ON 3RD DECEMBER, 2019

Legislative Assembly, Old Secretariat, Delhi – 110054

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COMMITTEE ON PETITIONS

(2019-20)

COMPOSITION OF THE COMMITTEE

1. Sh. Saurabh Bhardwaj	CHAIRMAN
2. Sh. Pankaj Pushkar	MEMBER
3. Sh. Akhilesh Pati Tripathi	MEMBER
4. Ms. Bhavna Gaur	MEMBER
5. Ms. Bandana Kumari	MEMBER
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8. Sh. Raju Dhingan	MEMBER
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Assembly Secretariat:

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

PREFACE

1. I, the Chairman, Committee on Petitions, having been authorised by the Committee to present on their behalf, this Report on the petition received from Parents Hub, Summer Fields School, Kailash Colony on 30.04.2019. The Petition was countersigned and presented to the Hon'ble Speaker, Delhi Legislative Assembly by Shri. Prakash Jarwal Hon'ble MLA, Deoli and referred to the Committee on Petitions on 14.05.2019.
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 by Sh. Sadanand Sah, Deputy Secretary, Sh. Manjeet Singh, Deputy Secretary, Sh. Subhash Ranjan, Section Officer, Ms. Ilma Mirza, Associate Fellow, Delhi Assembly Research Centre (DARC) and other staff of the Assembly Secretariat in preparation of the report.



Dated: 30.11.2019

Place: Delhi

SAURABH BHARDWAJ
CHAIRMAN
COMMITTEE ON PETITIONS

GENESIS

The Education System in the country has gone through the transitions due to the significant changes in terms of; economy and society. The institutional framework of the school system can promote stagnation or growth, equal opportunity or discrimination, excellence or mediocrity, depending on how it is structured itself. A well-defined academic focus, decentralisation of power, a high level of professionalism, responsibility on part of the school administration and respect for discipline among students are characteristics of a successful schooling system. There has been a rapid expansion in the size of Delhi and its population. There is an increasing inclination towards education in English medium public schools and there has been a rise in the number of private schools in Delhi.

With the rapid expansion, the instances of alleged exploitation by some schools in the garb of imparting 'quality' education are often read or heard. The Hon'ble Delhi High Court observed in *Delhi Abibhavak Mahasangh vs Union of India 2009*, that there has to be an element of public benefit or philanthropy in the running of the schools. The schools are to be run for public good and not for private gain. The object has to be service to the Society and not to earn profit. Keeping these aims and objects in view the schools are required to also follow and comply the provisions of the **Delhi School Education Act and the Rules, 1973** framed thereunder as also the affiliation Bye laws framed by Central Board of Secondary Education. The schools are also required to comply with the conditions upon which the land may be allotted to it by a public authority on concessional rates for setting up of a school building and its playground etc. But in a large number of cases, discrepancies have been observed in school accounts.

Apart from these, to ensure the fire safety in the School premises the Delhi Fire Services Act 2007 mandates norms which all the respective schools should abide by. The Delhi Municipal 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 Plans.

On the basis of these judgments and the provisions of DSEAR 1973, Delhi Fire Services Act, 2007 and Delhi Municipal Act, 1957, the Committee on Petitions carried out its proceedings on the received Petition.

INTRODUCTION

1. The Hon'ble MLA, Shri. Prakash Jarwal, filed a petition to the Committee on Petitions on 30th April 2019. The petition was further referred to the Committee on Petitions by the Hon'ble Speaker on 14.05.2019. In the petition, the representatives of the parents under the name Parents Hub of Summer Fields School, Kailash Colony had alleged illegalities by Summer Fields School, Kailash Colony.
2. The Parents Hub of Summer Fields School, Kailash Colony listed down the illegalities executed by the Summer Fields School, Kailash Colony under the petition which are as follows:

1) Illegal Fee Hike

The bill/fee slips issued by the school do not consist bifurcation of the fee and how it is going to be utilised, which is in violation of the orders of Directorate of Education regarding the private and unaided school's fee hike. The reasons of increasing the fee had not been communicated to the parents.

2) Illegal Construction

The parents mentioned their apprehensions about the building sanction plan and also alleged that the school management might have violated the building sanction plan by creating more classrooms to increase the strength of the school for their invested interest.

3) Poor Administrative Practices

The said school did not provide any cooperation and did not even respond to any emails or letters sent pertaining to functioning of school.

The petition also alleged that the parents/petitioners have not been given any relief by the Directorate of Education for the same.

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 10.06.2019, 05.08.2019 and 06.09.2019 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 and Department of Revenue, GNCTD
2. The Committee proceedings were initially aimed at finding the answers to the following issues:
 - i) Whether there has been any illegal fee hike, financial irregularities, etc. by Summer Field School, Kailash Colony?
 - ii) Whether there has been any violation in the building plan of the School as approved by the Competent Authorities?

However, in due course of proceedings of the Committee, it was found that the Summer Fields School, Kailash Colony had violated rules and regulations related to fire safety measures as well. Thus, the Committee also took up the following matter to be inspected:

3. Whether adequate measures are being taken by the School Management for the Safety and Security of the students?

A copy of the said Petition was forwarded to the Secretary, Directorate of Education, GNCTD letter No.24(25)/Petition(15)/2019-20/LAS-VI/Leg./4733-36 dated 22.05.2019 seeking comments on the petition. The letter also asked for files of Recognition and Up-gradation of the school to be submitted to the Committee by 31.05.2019.

Issue 1: Whether there has been any illegal fee hike, financial irregularities, etc. by Summer Fields School, Kailash Colony

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 Summer Fields School and furnish their comments for the perusal of the Committee.
2. Shri. Yogesh Pratap, Deputy Director of Education further issued a letter to Deputy Director of Education, District South-East and directing the department to examine the matter and requesting to prepare Action Taken Report. To take this forward, the department in the letter dated 07.05.2019 probed the school to provide preliminary documents for the year 2016-17 to 2018-19 for examination of the financial irregularities. But on 31.05.2019, the Principal responded citing the Hon'ble High Court case titled K.R.Mangalam World School Vs DoE WPC No 5869/2019 and the school requested to wait for the outcome of the proceedings.
3. The Committee was also informed that in this regard, a Show Cause Notice dated 13.06.2019 had been issued by the DoE after observing that the case cited by the Manager/School management had no connection with the Summer Fields School, Kailash Colony. Also, directing the school to provide preliminary documents of the financial years of 2016-17 to 2018-19 for the examination of the financial information included in the statement of fee u/s 13(3) of DSEAR,1973.
4. The Committee was versed that the Manager of the school, vide letter dated 20.06.2019 replied "That the Notice under reference and the initiation of scrutiny of the statements filed u/s 17(3) and nor it has been so delegated to him by the Competent Authority. Further, a reference to section 24/R 190 in the notice is unwarranted and lacking basic ingredients explained by the Hon'ble High Court in the matter of Mount Carmel School Society Vs DoE WP(C)13546/2018."

5. The reply received from the school was scrutinized and it was found unsatisfactory, hence final Show Cause Notice u/s 24(4) vide dated 05.09.2019 had been issued for withdrawal of recognition by the Department, asking for the response from the school within 7 days.
6. As per the communication dated 27.11.2019 by Directorate of Education, the school did not comply even after Show Cause Notice and did not provide its financial records and information to DoE. Being last step of due process before final action of withdrawal of recognition, the school was provided an opportunity of being heard. During this Personal hearing, the school first shown their reluctance in providing the documents to DoE, however, finally undertaken to comply the directions of DoE and to provide the required documents by Monday i.e. 02.12.2019. The scrutiny of full statements will be initiated further.

Issue 2: Whether there has been any violation in the building plan of the School as approved by the Competent Authorities?

1. Regarding the building plan, SDMC submitted a report on 23.07.2019 wherein it was mentioned that approval of building plan issued on 13.05.2015 in favour of President, Delhi Vocational School Society (Regd.) Summer Fields School and the same is valid up to 12.05.2020.
2. To ascertain any illegal construction and deviation from the sanctioned plan, the Committee directed the SDMC and Delhi Fire Services on 09.09.2019 to produce an Inspection Reports respectively by 12.09.2019.
3. Delhi Fire Services brought the following deviations before the Committee in the Inspection Report submitted on 12.09.2019:
 - i) Basement and Upper floors are not matching with the plan submitted through Executive Engineer (Bldg) HQ, MCD Town Hall.
 - ii) One dry canteen on ground floor near Gate no.4.
 - iii) Two portable containers (being used as stationery and uniform shop respectively) on ground floor near Gate no 3.

- iv) One security guard room with toilet at Gate no 3.
4. Further, the Delhi Fire Services informed to the Committee that the SDMC and DoE were communicated on 21.06.2019 and 18.06.2019 respectively about the violation of Building Bye laws at Summer Fields School, Kailash Colony.
 5. The Committee was of the view that the land demarcation should be conducted in respect to the Summer Fields School, Kailash Colony to ascertain any land encroachment. To address this, a letter dated on 09.08.2019 was issued to the Divisional Commissioner, Department of Revenue, GNCT of Delhi.
 6. In the meeting held on 1.11.2019, in the presence of the representatives from DoE and Department of Revenue, after due deliberation it was agreed upon that the DoE would submit a request for demarcation of land through Total Station Machine(TSM) to ascertain encroachment if any.
 7. On 27.11.2019, SDMC submitted before the Committee regarding the deviations from the Building Plan sanctioned on 13.05.2015, in favour of President, Delhi Vocational School Safety(Regd.), Summer Field School, valid up to 12.05.2020.
 8. SDMC apprised the Committee, presently the new school building is being constructed consisting basement, ground floor, first, second floor, third floor and part of fourth floor. The construction activity was recently going on pursuant to sanction accorded to the School Authorities.
 9. In respect of the Old Existing Building, it was informed that the deviations/excess coverage, against the sanctioned plan vide earlier sanctioned building plan dated 05.07.2007, were found.
 10. Following deviations were discovered by SDMC during its inspection:

- i) Rooms have been constructed in basement by raising of partition walls.
 - ii) Excess coverage at ground floor approximately measuring 440m²
 - iii) Excess coverage at 1st floor approximately measuring 510m²
 - iv) Excess coverage at 2nd floor approximately measuring 510m²
 - v) Excess coverage at 3rd floor approximately measuring 590m²
 - vi) Total excess coverage is approximately 2050 m² over and above the sanctioned area 16993.24 m².
 - vii) Construction of two rooms and a temporary shed at terrace of third floor.
11. SDMC also informed that, accordingly the above stated mentioned deviations were booked by SDMC under Section 343 and 344 of DMC Act and Show Cause Notice was issued and served upon the owner. The Owner has submitted his reply contending that he will get the existing construction regularised. He further requested for withdrawal of notice and extending opportunity for personal hearing. Further, the opportunity of personal hearing was accorded to the School authorities. In the meantime, necessary sealing proceedings under Section 345-A of DMC Act were also initiated by SDMC.
12. Regarding the land encroachment, as per the Report submitted by the Revenue Department to the Committee, land encroachment was found in the school.

Issue 3: Whether adequate measures are being taken by the School Management for the Safety and Security of the students?

1. In the meeting held on 10.06.2019, the Committee expressed serious concerns about the safety of children studying in the school who do not have a valid clearance certificate. Therefore, it was directed to the Delhi

Fire Services to provide status of fire prevention and fire safety measures at Summer Fields School, Kailash Colony.

2. In response, the Fire Department also brought the Committee's attention towards the violation of building bye-laws pertaining to fire prevention and fire safety measures at Summer Fields School, Kailash Colony and informed that such violations lead to the suspension of Fire Safety Certificate and the same was issued on 20.09.2018 to the school.
3. The letters from Fire Department regarding the above mentioned subject were also issued addressing to the Directorate of Education and to the Commissioner, South Delhi Municipal Corporation, requesting them to restrict the occupancy/activity of a building/premises.

Apart from the above mentioned issues, the Petitioners also put forward the need of Directorate of Education's directions to the School Management to constitute a Parents Teachers Association (PTA) after conducting fair and just elections. This will provide the Parents voice in the functioning of the School.

OBSERVATIONS

From the scrutiny of the responses filed by the concerned Government departments, Government records and the Summer Fields School, Kailash Colony the following observations were brought on record:

1. The Committee observed that the management of the Summer Field School, Kailash Colony have tried to mislead the Department by giving false reference of Hon'ble High Court of Delhi case; WP(C) 5869/2019 titled K.R.Mangalam World School Vs DoE which has no connection with the said school.
2. In spite of not cooperating with DoE, by not sharing the documents and not justifying the increased fee, DoE should have acted against the Summer Fields School, swiftly. The Parents are arm-twisted by the School Management to pay the increased fee.
3. The School in its reply of the first show cause notice of DoE has mentioned that "*the Statue does not confer upon the 'notice issuing authority' the powers of scrutiny of the statement*" and did not provide all the preliminary documents for the purpose of financial audits to the Department. The response by the school was in violation of Section 17(3) of DSEAR, 1973 which is reproduced "*The manager of every recognised school shall, before the commencement of each academic session, file with the Director a full statement of the fees to be levied by such school during the ensuing academic session, and except with the prior approval of the Director, no such school shall charge, during that academic session, any fee in excess of the fee specified by its manager in the said statement.*"
4. Summer Fields School, Kailash Colony did not comply with the directions by the DoE which was in violation of **Rule 50 of DSEAR, 1973 "Conditions for Recognition"** which lays down the conditions that a school is bound to comply with, for the recognition. Rule 50 is reproduced "*No Private school shall be recognized, or continue to be*

recognized, by the appropriate authority unless the school fulfils the following conditions, namely...(xviii) the school furnishes such reports and information as may be required by the Director from time to time and complies with such instructions of the appropriate authority or the Director as may be issued to secure the continued fulfilment of the condition of recognition or the removal of deficiencies in the working of the school”.

5. The Committee observed that matters should be dealt swiftly. DoE had asked for the financial statements on 07.05.2019 which was followed by a reminder on 15.05.2019, but after much deliberations and delays, the DoE issued the first Show-Cause Notice on 13.06.2019. Then receiving the “unsatisfactory response” as quoted by the DoE on 20.06.2019, still DoE took 84 days to issue the final notice on 05.09.2019.
6. The School violated the sanctioned building plan as per the inspection reports submitted by the Delhi Fire Services and SDMC which raises the serious concern of safety of the students as well as of staff and also reflected the sensitivity of school stating the innocent lives.
7. SDMC had been informed about the violation of Building Bye Laws pertaining to fire prevention and fire safety measures in the Summer Fields Schools repeatedly by the Delhi Fire Services on 21.06.2019, 16.09.2019 and 28.10.2019, but SDMC has delayed in taking action in this matter.
8. The Committee observed and puts on record that the School Management of Summer Fields School, Kailash Colony was given an opportunity to produce their comments before the Committee, but they did not attend the meeting.

RECOMMENDATIONS

1. The Directorate of Education, should take over the management of the Summer Fields School, Kailash Colony with an immediate effect if the School Management fails to provide requisite Financial Statements for audit to DoE by 02.12.2019.
2. The Directorate of Education should communicate the directions to the School, to constitute Parents Teacher Association conducting fair elections that would be intended to facilitate parental participation in the school.
3. The DoE should device a workable/practicable mechanism to facilitate the parents and to ensure their grievances are being heard and resolved in a time bound manner at different levels.
4. The South Delhi Municipal Corporation should take appropriate action as per the DMC Act, 1957 against the violators not adhering to the provisions and to seal the illegal structures in the building of the school.
5. The Committee recommends that a Circular should be issued by all the respective MCDs to conduct a thorough audit of all the school buildings in Delhi and to check whether there is any deviation from the Sanctioned Building Plan in School Premises. The report should be submitted to DoE for further actions. All the MCDs and DoE will submit ATR within a period of 180 days.
6. The Committee also recommends that the Fire Services Department should issue an order to all the Schools under its Jurisdiction of 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 issued by the Directorate of Education, GNCTD. If any irregularity or gap is found in complying the provisions of fire safety, strictest actions should be taken. The Delhi Fire Services should not wait for any unfortunate incidents like Karol Bagh, Mumbai and Surat where lives

of a large number of innocent persons were claimed. The Delhi Fire Services will submit ATR to Delhi Assembly within 180 days from the date of adoption of this report.

7. The Delhi Fire Services Department should take actions against the officers who failed to notice the violations in the school building and renewed the NOC from time to time. The DFS shall submit ATR within 180 days from the date of adoption of this report.
8. The Committee recommends that SDMC should conduct Inquiry against the officials who failed to notice the violations in the school building and renewed the NOC/ approved/sanctioned the school building plan from time to time. SDMC should submit Action Taken Report within 60 working days from the date of the adoption of this report
9. The Worthy Chief Secretary, GNCT of Delhi should initiate proceedings to recover the land encroached by the school and its related organisations. The Committee also requests for initiation of proceedings to recover rent for using the land till it is vacated. The Committee requests for ATR to be submitted within 180 days from the date of adoption of this report.
10. The Committee requests Worthy Chief Secretary, GNCT of Delhi to submit Action Taken Report on the recommendation of the Committee report to Delhi Legislative Assembly with in the stipulated time period mentioned in the recommendations from the adoption of this report.



Date: 30.11.2019
Place: Delhi

SAURABH BHARDWAJ
CHAIRMAN
COMMITTEE ON PETITIONS