

Ordinance Summary

The Uttar Pradesh Self-Financed Independent Schools (Fee Regulation) (Amendment) Ordinance, 2020

- The Uttar Pradesh Self-Financed Independent Schools (Fee Regulation) (Amendment) Ordinance, 2020 was promulgated on June 17, 2020. It amends the Uttar Pradesh Self-Financed Independent Schools (Fee Regulation) Act, 2018. The Act provides for the regulation of fees in self-financed independent schools in the state of Uttar Pradesh. The Ordinance allows the state government to regulate school fees in extraordinary conditions, emergent circumstances, or in public interest. It also replaces the existing appellate authority with a new Divisional Self-Financed Independent School Appellate Authority.
- **Fixation of Fee:** The 2018 Act permits recognised schools to revise their annual fees for existing students on a compounded basis. A recognised school is one that is recognised by a Board for operation in the state. The list of Boards under the Act include: (i) the Uttar Pradesh Basic Shiksha Parishad, (ii) the Board of High School and Intermediate Education, Uttar Pradesh, (iii) the Central Board of Secondary Education, and (iv) the Indian Council of Secondary Education.
- Under the Act, the increase in fee should not be more than the sum of: (i) the latest annual increase in the Consumer Price Index (CPI), and (ii) five percent of the existing fee collected from the student. For new students, schools are free to determine their initial fee. However, the increase in fee for subsequent years for these students must be based on the same method as for the existing students. The CPI measures the average change in prices over time that consumers pay for a select basket of goods and services. It is used to measure inflation and gives an idea of the cost of living.
- The Ordinance permits the state government to regulate the fees for existing and new students during extraordinary conditions or emergent circumstances such as: (i) epidemics, (ii) natural calamities, and (iii) wars or revolutions. Such regulation will be in force till the extraordinary conditions exist, or till such time as appropriate in public interest.
- **District Fee Regulatory Committee:** The Act provides for a District Fee Regulatory Committee in every district of the state. The Committee has the power to: (a) take decisions on proposals for increasing fee beyond permitted levels, and (b) hear complaints from students/ guardians/ parent-teacher associations regarding excess fees, capitation fees, compulsory purchases of books or uniforms, among others. Any school or person aggrieved by the Committee's decision can make an appeal to the State Self Finance Independent School Appellate Authority (SSFISA) within 30 days. The Ordinance replaces the SSFISA with a new Divisional Self-Financed Independent School Appellate Authority (DSFISA).
- **State and Divisional Self-Financed Independent School Appellate Authorities:** The Act provides for the state government to appoint an appellate authority, headed by a former High Court judge, to hear appeals from any institution or person. The authority functions as an SSFISA, unless a separate authority is notified by the state government. The Ordinance removes the SSFISA and provides for a DSFISA in all divisions of the state. A division is an administrative unit comprising of a few districts. The Divisional Authority will include: (i) the Divisional Chairman, as Commissioner, (ii) the Additional Director, Treasury, as Member, and (iii) Divisional Joint Director, Education, as Member Secretary. The DSFISA will have the powers of a civil court and an appellate court (when hearing an appeal) as provided under the Code of Civil Procedure, 1908. Its decision shall be final.

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