

The Principal Secretary
Education Department (Primary & Secondary)
Government of Karnataka
MS Building,
Bangalore.

Sir,

OBJECTION TO EDUCATION SECRETARIAT NOTIFICATION - 01
No ED317PGC 2012 Bangalore Date: 05-10-2016

The following is submitted as the objections to this notification by Management NamedWho is running the school by nameSince fromyear.

We are the member of KAMS bearing membership number_____ here by bring to your kind attention that we have challenged Karnataka Education Act 1983, the relevant paragraphs of the judgment (**paragraph 48 to 66**) pertaining to private unaided non minority educational institute will make many sections of KEA redundant. Though the judgment of the Hon'ble Supreme Court is beneficial to several unaided educational institute, the same does not automatically render the provisions of KEA unconstitutional. The KEA is still pending before the division bench of Hon'ble High Court, Karnataka, which is referred by the Hon'ble Supreme Court giving time bound to consider revision of various section par with the benefit of TMA Pai case judgment, Government has not considered the same till date.

We also state, as per the TMA Pai case v/s Government of Karnataka Judgment pronounced by Honorable Supreme Court of India in parah 50, its given liberty to fix Reasonable fees by the management.

This notification not only curtails the right of freedom to the management and also deviating the above Court Judgment.

Apart from our rights, we are disputeing with the way you are regulating the fee without practical understanding with the present situation.

1. As per para 2 of your draft, we dispute and request you to state, how have you arrived 50% & 60% for Town / Taluk Panchayat, & City Municipal Corporation any samples were considered as it's a mere 50 % or 60% after 18 years which is not par with the growth of economic.

2. The fee fixation is with the expenditure of recurring, non-recurring with capital expenditure, which is shared by the respective institution with in their number of enrolled children for the ensuing year, minus RTE reimbursement/due is **illogical**, as the cost of expenditure will be additional burden on rest 75% which is not **justified** as most of the students in our school are also from economically weaker section.
3. The earlier **salary + 30%** which was framed **18 years ago**, to then economic condition, does not hold good to the present economy, and with various add on such as PF, ESI, Gratuity and various administrative expenses along with competitive reforms pertaining to the present needs of parents and their children is still not understood and considered in the draft, **hence specially 3 (a) is must, to be removed.**
4. Apart from Salary + % of expenditure considering for calculation is not possible, if institutions are under loan from Nationalise /Private Banks which is been obtained for various development such as Land, Building, Constructions or Transportation, in such case loan (Principle amount + Interest) will be high which is to be considered separately and divided by total students.
5. My institute is running on **rent partially/fully**, the cost of rent is very high in Urban, and the running cost of expenditure mostly cover by only rent and remaining **financial resource** is not sufficient for rest components of expenditure within your given percentage, hence consider separate expenditure for rented buildings divided by all students apart from percentage.
6. I object the draft, that it has no say about the institution who have been provided/beneficiary of **free CA sites/ Financial assistance / other material benefit**, if they have to calculate with the same percentage, then it's not justified as they get dual beneficiary from revision of fee as their cost of giving education will be less to that of others who are not beneficiary, The draft should specify separate calculation of percentage and can be lesser than whatever is fixed for non beneficiary.

7. Minimum surplus maintenance of around at least 10-15 percent should be allowed for the need of our institute further planning and development.
8. The draft never say about any requirement of financial needs due to various issues, events are timely notification by department of education or any other departments for various activities apart from regular ones between the ensuing academic year, in such case it is to be added mentioning if any financial requirement the same should be kept informed to the parents and collect from them by consent and spent the same for such activities.
9. Amendment of rule 10 is not satisfactory and I demand to increase it from 600 to 5000 instead of 2500 which is par with present economy.
10. Amendment of rule 6 is not sufficient and I demand it to be considered 100 rupees where ever its 50 which earlier was 25.
11. Every individual schools have individual expenses as per their quality, quantity and to the demands of one's parents choice, the expenditure heads may vary school to school and department should not define same in fixing fee / for reimbursement under RTE.
12. Above shown percentage of 50, 60, 75, 100 % as Expenditure fixed respectively in the draft is not at all sufficient to run the institutions. No such difference from Town Municipal to Bruhat Mahanagara Palike, as most expenditure remains same across state except, few components which vary according to geographical locations.
13. In view of this I wish to suggest that fee collecting or fixation should be left to the discretion of Management subject to condition that abnormal Excess of Fees should not be collected which may be verified with the Audit Report of the particular Academic year.

Note: The member of KAMS should type the same above in their respective Society / Trust lettered, duly signed and can also add ones views and submit the same to...

Copy to:

1. DDPI of your Division.
2. Secretary, KAMS, Bangalore.

