



GOVERNMENT OF JAMMU & KASHMIR
DIRECTORATE OF SCHOOL EDUCATION KASHMIR
Samanderbagh- S.P College Road Srinagar-190001
Email: dsekjk@gmail.com dsekjk@gov.in

Subject: Ban on charging capitation fee by Schools and doing away with Interviews/Screening at the Time of Admission - Circular Instructions thereof.

CIRCULAR

1. Whereas, it has come to the notice of this directorate that some recognized Private Schools charge capitation fee at the time of admission and subject the students and their parents/guardians to screening Test; and
2. Whereas, Section 13 of Right to Education Act 2009 clarifies that;
 - i) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure.
 - ii) Any school or person, if in contravention of the provisions of sub-section(1),
 - a. receives capitation fee, shall be punishable with fine which may extend to ten times the capitation fee charged;
 - b. subjects a child to screening procedure, shall be punishable with fine which may extend to twenty-five thousand rupees for the first contravention and fifty thousand rupees for each subsequent contravention; and
3. Whereas, it is pertinent to mention here that Capitation fee - means any kind of donation, admission fee or contribution or payment other than the fee notified by the school; and
4. Whereas, The objective of the provisions of section 13(1) read with section 2(o) is to ensure that schools adopt an admission procedure that is non-discriminatory, rational and transparent. Schools should not subject children and their parents to admission tests and interviews to decide whether they will admit a child or not. Therefore, tests and other screening procedures can only reveal differences in nurturing, rather than any intrinsic differences of the potential to learn. In such a situation it is the obligation of the State and society to provide for better nurturing through good schools for children from poor and disadvantaged sections of society. Availability of equal opportunities for children belonging to different social and economic backgrounds will reinforce the idea of equality enshrined in our Constitution and ensure that children are not discriminated on the basis of their social and economic background. The Guidelines also emphasis the importance of moving towards composite classrooms with children from diverse backgrounds, rather than homogenous and exclusivist schools: heterogeneity and diversity in classrooms lead to greater inter-learning, respect for differences, tolerance and creativity; and

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5. Whereas, various complaints from parents and Civil Society are pouring in regarding the demand of admission fee by private schools which is totally against the law of the land and a punishable offence;and
6. Whereas, due to change in the academic session in J&K UT in conformity with the academic calendar of the entire nation as per NEP-2020, the admission time in schools should begin in the month of March and many schools are flouting this norm as well.

Now therefore, in the light of above-mentioned facts, it is impressed upon all the private recognized schools of Kashmir division to desist from charging the capitation fee (admission fee) and other non-notified fee and avoid conducting screening procedures/interviews of children for admission. In case of deviance from any school in this matter, action under rules shall be initiated to the extent of cancellation of registration of the said school.

All Chief Education Officers are appointed as nodal officers in their respective jurisdiction to ensure implementation of these circular instructions in letter and spirit. Also all Joint Directors, Cluster Heads & Zonal Education Officers shall monitor the implementation of these circular instructions in their respective jurisdictions as well.

Keying
23/12/23.
Director

School Education Kashmir

Dated: 23/12/2023

No: DSEK/NEP/1872-99

Copy to the:

1. Principal Secretary to Government School Education Department, Civil Secretariat Srinagar for favour of information.
2. Deputy Commissioner___ (All) for favour of information and necessary action.
3. Director SCERT J&K for information.
4. Project Director Samagra Shiksha J&K for information.
5. Joint Director_____ (All) for enforcement of the above circular.
6. Chief Education Officer ___ (All) for enforcement of the above circular.
7. Complex/Cluster Heads___(All) for enforcement of the above circular.
8. Zonal Education Officer____(All) for enforcement of the above circular.
9. All School heads to strictly follow the above-mentioned instructions.