

Licenses to Open a School: It's All About Money

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Abridged Version

How to open a school?

To open a new school one has to comply with School Education Act & rules made thereunder of the concerned state in which school is to be opened (say for Delhi the relevant act is "The Delhi School, Education Act, 1973" and the relevant rules are "The Delhi School Education Rules, 1973")

School includes a Pre-Primary, Primary (1 to 5th), Middle (9 to 8th), secondary (upto 10th) and senior secondary (upto 12th) and also includes any other institution which imparts education or training below the degree level, but does not include an institution which imparts technical education. Normally degree level education is dealt with by the University Grants Commission Act and Technical education is dealt with by the All India Council For Technical education (AICTE)

To elucidate, to open a school in Delhi one has to follow the following detailed procedure:

First, in order to open a school, an association or a group of individuals has to be registered as a society under the Societies Registration Act, 1860 or as a trust constituted under any law for the time being in force. This is to prove the "non profit" motive of the society.

Second, the society then needs to obtain an "Essentiality Certificate" (EC) from the Department of Education. An EC is an essential document certifying the requirement of a school in the particular zone, on the basis of which land is allotted to the society for the purpose of building a new school. An EC is stipulated to avoid proliferation of schools, which could make existing schools redundant. The DoE decides the need for a school in a particular zone. By restricting the supply of schools in an area, it restricts the role of the market in assessing the demand for school education. Within 3 years of obtaining the certificate, the construction of the school has to commence, failing which the society has to apply for renewal. Along with the application for EC a fee of Rs. 500/- and a set of 11 documents are to be submitted. An EC is granted after certifying the non-proprietary nature of the society, the financial status of the

society, the association of members et al. The above is issued as per rule 44 of Delhi School Education Rules, 1973.

Third, land is allotted to the society for purpose of the new school in the desired zone. For land to be allotted, the society needs to obtain a "letter of sponsorship" from the DoE. This is forwarded to one of the land owning agencies like the Delhi Development Authority (DDA) or Municipal Corporation of Delhi (MCD) and the land is sold at subsidized rates by the land owning agency. Thus only on the approval of the DoE, land can be allotted to the society in question.

Fourth, once the school has been established, the school authority needs to apply for recognition with the concerned authority. Recognition up to V standard is granted by MCD and up to VIII standard by the DoE. For further recognition up to X and XII standard, application for upgradation has to be submitted with a minimum gap of 2 years. To obtain recognition from DoE, a set of 17 documents is to be submitted along with the application. These also include a wide array of secondary licenses, for instance, a duly approved Scheme of Management, Completion Certificate, Sanctioned Building Plan, Water Testing Report, Health Certificate. All this is governed as per the rules mentioned in Delhi Education Act, 1973.

Lastly, a school needs to apply for affiliation with CBSE. Only on affiliation with CBSE can the students of the particular school can appear for public examinations. ("Public Examination " means an examination conducted by the Central Board of Secondary Education(CBSE),Council for Indian School Certificate Examinations).In order to get affiliated, the school needs to follow the prescribed syllabi and books (NCERT).

Prima-facie, the laws do not appear worthy of any harm, but personal experiences of school authorities speak otherwise. Given below is a list of licenses and documents required to open and operate/run a school:

	Name of license	Governing Act	Regulating authority
1	Registration Certificate of Society	Societies Recognition Act, 1860	
2	Essentiality Certificate	Delhi Education Act, 1973	DoE
3	Certificate of Recognition	Delhi Education Act, 1973	MCD/ DoE

4	Certificate of Upgradation	Delhi Education Act, 1973	DoE
5	Certificate of Affiliation	Affiliation Bye-Laws	CBSE
6	Certificate of MCD		MCD
7	Affidavit regarding proper purchase of land and no violation of master plan in the land used		MCD/DDA

	Name of license	Governing Act	Regulating authority
8	Site Plan of the Building/Sanctioned Building Plan		MCD/DDA approved
9	Building Fitness Certificate		MCD
10	Health Certificate		MCD
11	Water Testing Report		Delhi Jal Board
12	Completion Certificate		DDA
13	Duly approved Scheme of Management		DoE
14	No Loan Certificate against FD issued by the bank		Bank
15	Land Use Permitted Certificate (in case of rented land)		Landlord
Documents to be submitted along with application for EC/ Recognition/ Up gradation:			

1	Memorandum of Association	
2	Affidavit regarding relationship of society members	
3	Copy of Reserve Fund for Rs. 2 lakhs from the bank	
4	Affidavit from management regarding proper operation of school, as per Delhi School Education Rules, 1973	
5	Undertaking regarding fees and other charges	
6	List of members of society with full particulars.	
7	Details of land and building	
8	Project report of proposed school	
9	Experience of society/members in the field of education	
10	Scheme of Management	
11	Documents regarding ownership of land allotted to school	
12	Auditor's statement of account(s)	
13	Staff statement as per Performa	
14	Rates of fee and other fund charges	
15	Enrolment of students	

This long list of documents produces enough paperwork for schools to employ an additional person just to please the government authorities. To fan the flames, the laws are ill defined and manipulative. From the above-mentioned list there are at least 8 documents that have to be obtained from the MCD or the DDA or the local departments of the government.