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EXTRAORDINARY

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सरकारी राजपत्र
OFFICIAL GAZETTE



सत्यमेव जयते
भारत सरकार
Government of India

संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन

U.T. ADMINISTRATION OF DADRA & NAGAR HAVELI AND DAMAN & DIU

प्राधिकरण द्वारा प्रकाशित

PUBLISHED BY AUTHORITY

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No.DOE/DNH/Notification-PPP-Schools/2019/3030

Dated : 12/03/2020

NOTIFICATION

1.0 INTRODUCTION

- 1.1. The UT Administration of Dadra & Nagar Haveli and Daman & Diu is deeply committed to improve quality of education in the Union Territory. Since students from poorer sections of society are mostly dependent on Government schools for education; the primary focus of the Administration is on improving the quality of Government schools.
- 1.2. Several major initiatives are being taken by the Administration to improve Government schools which include construction/ renovation of school buildings, smart classrooms, providing best of the sports infrastructure, library facilities, conduct of coaching classes for various entrance examinations to professional colleges, remedial classes to weaker students etc.

- 1.3. In addition to these efforts, to strengthen the Government-school system in Dadra & Nagar Haveli and Daman & Diu, the Administration also aims to leverage the management expertise of private sector to improve operations of the Government schools in a Public Private Partnership (PPP) framework. This policy provides a framework for small-scale experiments with PPP in schools in Dadra & Nagar Haveli and Daman & Diu.

2.0 OBJECTIVE

- 2.1 The core aim of PPP policy framework is to consider and adopt effective and innovative approaches to strengthen school education system in Dadra & Nagar Haveli and Daman & Diu. This PPP model can foster innovation in teaching which will be encouraged by having several high-quality providers of education, from where innovations can be replicated more broadly.
- 2.2 Specifically, the policy aims to allow the creation of PPP schools that combine the better management, accountability, and flexibility for innovation offered by private operators, with public funding and regulation to ensure universal, free and non-discriminatory access to all students besides providing quality education.
- 2.3 The policy aims at providing various models for PPP which will improve the management and operations of the existing Government schools. Further, it aims to establish transparent and streamlined process of selection of private partners for PPP in schools and create framework for smooth execution of PPP projects. The details will be specified at the stage of the bidding.

3.0 TITLE AND ENFORCEMENT

- 3.1. This policy will be known as "Policy for Public Private Partnership in School Education, 2020".
- 3.2 This policy will be applicable to schools under the control of Directorate of Education, District Panchayat and Silvassa Municipal Council.
- 3.3 This policy will come into operation with effect from date of issue of this notification and will remain in force until superseded or modified by another policy.
- 3.4 The PPP program will be conducted on a pilot basis in the first phase in a maximum 5% of the existing Government Schools including the schools in the rural areas. The PPP program will be carefully evaluated by an independent agency. This agency will also evaluate the extent of

demand for these schools, and will serve as a source of objective feedback on the performance of the PPP Schools.

4.0 CORE PRINCIPLES

The Core principles of the PPP Schools are outlined below:

- 4.1 PPP schools will not charge any fee from the students and they will be admitted without any screening process. This will ensure that the PPP schools are focused on their efforts in improving the education quality of the students belonging to all socio-economic backgrounds.
- 4.2 The PPP Partners will have operational autonomy on all aspects of running the school but will have to transparently disclose these to the Administration and the parents. The overall philosophy of regulation of PPP schools will be based on audited transparency and on input mandates.

5.0 MODELS FOR PPP IN SCHOOL EDUCATION.

- 5.1 The policy prescribes the following models of PPP in schools:

5.1.1 ADOPTION MODEL:

A private organization such as a Society or Trust or Non-Profit Company may choose to adopt one or more schools, manage them autonomously, and pay for all operating expenses of the schools without requesting Government funds.

The Trust/Society should have been created in accordance with the Societies Registration Act of 1860 or the Trust should have been organized as per the Indian Trusts Act. 1882. The Trust/ Society should have engaged itself in the field of education and should have at least 10 (ten) years of experience in owning and /or managing at least 03 (three) schools with more than 85% pass percentage at Secondary & Higher Secondary Levels in the past three consecutive years. The accounts of the society should have been audited regularly and the said Society / Trust should not have been subjected to any punitive action under any law for the time being in force. The Teachers will be deployed jointly by the U.T. Administration and the Trust/Society and the Administration will only bear the salary of these teachers. Management of the school will be done by the trust purely on charity basis without any additional operating cost provided by the Administration.

For this model:

- (i) The Trust/Society can propose to adopt any Government school located in the Union Territory.

- (ii) If the proposal is accepted, The UT Administration of Dadra & Nagar Haveli and Daman & Diu will provide free Text-Books, Mid-Day-Meal and benefits of other Government schemes to the students as being provided to the students of other Government schools. Grants being given under the scheme of Samagra Shiksha will also provided to their schools. However, No other additional expenditure over and above the current expenditure incurred will be borne by the UT Administration of Dadra & Nagar Haveli and Daman & Diu for operating the schools.

5.1.2 OPERATIONAL CONTRACT MODEL:

In other cases, a PPP partner may bid to take over an existing Government school on operational contract model which may be taken up under two Modes (i) Hybrid Operational Contract Mode and (ii) Complete Operational Contract Mode. The Administration may choose any one of the two modes at the time of initiating the bidding process for a single school/ a cluster of schools after taking into account the excess/ dearth of teachers and their competencies, feasibility of transfer of the existing teachers as per transfer norms, needs/demands of the students etc.

The first one is the Hybrid Operational Contract mode (Private Management of Public schools), wherein 60% of the teachers are deployed by the UT Administration and 40% of the teachers will be deployed by the Private Partner. This will ensure that the teachers are not transferred in large numbers and also these teachers can get trained under the Private Partner and later on they can be deployed in other non PPP schools. This system will also help us to meet one of the important objectives of the PPP frame work that the PPP schools will function as pace setting schools. Also in case where the Private Partner is terminated un-expectedly, this PPP school will not be in lurches, as the Government Teachers will facilitate the running of the schools in an usual manner.

The management of the school is done by the Private Partner with a specific focus on teacher training, improved management and innovative pedagogical practices thereby improving the learning outcomes/test scores.

School clusters may be formed on the case to case basis comprising of urban and rural schools while bidding in order to forgo the urban bias of the private partners. A private partner while being given an urban school will be given necessary infrastructure for running a school in a rural setting. This infrastructure will be provided on a rental basis at permissible rates of the government and the Private

Partner can run the school on their own terms and conditions, however, subject to fee ceiling conditions prescribed by the Administration. The Administration will also sponsor 40% of students to these schools and the school fees pertaining to these students will be borne by the Administration.

The second mode is a complete operational contract wherein the private partners deploys the teachers and all other Administrative/Supporting Staff which offers greater flexibility in their operations and infuse more accountability in the system.

The award of such a PPP contract for management of existing Government schools will take place through a transparent process of competitive bidding based on the following principles:-

- (i) The Administration will sponsor all enrolled students to the extent of maximum permitted capacity and subject to minimum prescribed numbers as per MHRD norms of Government of India.
- (ii) No other fees shall be levied by the Private Partner upon the students.
- (iii) Selection of schools will be done by the Union Territory Administration based on criteria laid out in the bidding guidelines.
- (iv) The private partner shall meet the following Eligibility criteria:-
 - a. Any Non-Profit Company / Trust / Society, incorporated / registered under the provisions of Companies Act, 1956 / 2013 / The Indian Trusts Act, 1882 / The Society Registration Act, 1860 can be selected as PPP partner.
 - b. The entity should run atleast 03 (three) CBSE Schools following NCERT curriculum with a proper affiliation, from where at least two consecutive batches have passed out from class X & XII with a pass percentage of more than 85%. The entity should have a net worth of Rs.10 Crores in the past three consecutive years.
 - c. This criterion shall be applicable for a maximum of 03 (three) schools and thereafter the financial requirements will be scaled up proportionately.
- (v) The U.T. Administration will **reimburse per student annual cost as per the provisions of the bidding guidelines.**

- a. Per child expenditure will be reimbursed to the private partner subject to a cap fixed by the UT Administration and it includes operational costs and salary of Teachers/Administrative/Supporting Staff. Operational costs for running the school such as Administrative costs and purchase of library books /teaching aids/ laboratory Consumables / stationeries, conduct of training, examinations, annual maintenance expenses and other miscellaneous expenditure including the salary of the teachers deployed by the Private Partner will be reimbursed. Also the salaries of teachers (40% of the teachers in the Hybrid Operational Contract Mode and 100% of the teachers in the Complete Operational Contract Mode) including the Head of the School and the administrative and supporting staff will be reimbursed. Performance linked/based incentives will be provided to the private partner based on agreed Performance indicators.
- b. Any increase in the pass percentage or learning outcome by 5% over and above the agreed performance indicator will be rewarded by 2% increase in the total annual payment. Similarly 2% deduction from the total annual payment will be made for every 5% decrease in the Performance Indicators prescribed.
- c. Per child expenditure reimbursed to PPP operator will be escalated every three years based on increase in CPI (Consumer Price Index).
- d. Different types of scholarships and students benefits schemes provided by Government of India/UT Administration as per norms will continue to be available to students studying in the PPP schools also.
- e. Any grant/benefit under the various Schemes/Programmes of Govt. of India or UT Administration will be provided to PPP schools only as per eligibility and decision by the UT Administration.
- f. No structural alterations will be done by the Private Partner without prior approval of the UT Administration. Only functional repairs/ maintenance works can be done by the Private Partner.
- g. In cases where structural alterations have been allowed, the cost incurred by the Private Partner on investment for

creating additional infrastructure, if any, will be made on completion of work. After receiving the completion report & utilization certificate of claimed amount from the Public Works Department, Union Territory Administration of Dadra & Nagar Haveli and Daman & Diu, this reimbursement will be done over a period of five years in equated annual installments.

- h. On investment of 75 lakhs or more on infrastructure, a fixed amount of Rs. 15.00 lakhs per year will be reimbursed upto 5 years from the year of completion of work. In case the investment is less than 75 lakhs, the reimbursement amount will reduce proportionately. After the exit/ termination of the Private Partner, all such additional assets created will be vested with the UT Administration.
- i. School development and management committee / School management committee (SDMC/SMC) will continue to function in PPP schools as other Government schools. The final decision on utilization of school / development funds will lie with SDMC/SMC only.

6.0 GENERAL CONDITIONS

- 6.1 Students in PPP schools established under this policy will be treated in the same way as students in Government schools.
- 6.2 The period of agreement would be initially for a period of 5 years, which is extendable by 2 years at a time subject to a maximum of 12 years.
- 6.3 Detailed terms and conditions will be as per the provisions of concession agreement and bidding guidelines duly approved based on the recommendations of the SLAC.
- 6.4 In case of the Second model, the Department of Education may transfer the existing staffs and teachers from the PPP schools to other Government Schools strictly as per the existing norms.

7.0 OBLIGATIONS OF THE UT ADMINISTRATION

- 7.1 The UT Administration shall specify the school / schools for implementation of Public Private Partnership and shall specify the medium of instruction and affiliation as well.
- 7.2 The selection / qualification criteria for selection of private partner will be specified in the bid document.

- 7.3 The UT administration shall sponsor all the students for the school.
- 7.4 The Union Territory Administration will provide free Text-Books, Mid-Day-Meal and benefit of other Government schemes to all students of the PPP schools as being provided to students of Government schools.
- 7.5 The UT Administration will provide necessary infrastructure in such schools not only for satisfying teaching needs, but also for sports and co-curricular activities.
- 7.6 In the first mode, the Administration will provide only 60% of the teaching staff and 40% of the teachings staff will be deployed by the Private Partner. Also the non teaching/ administrative staff will be deployed private partner.
- 7.7 In the second mode, the Administration will not provide teaching / non-teaching / administrative staff for the school. The PPP Partner will deploy teaching / non-teaching / administrative staff having prescribed qualifications as per the existing norms of the UT Administration. The UT Administration shall not prescribe the terms and conditions of teacher's management. The PPP partner shall have autonomy in internal operational decisions pertaining to Human Resources Management like selection, retention, salaries and bonus subject to transparent declaration of Teachers/Other staff qualifications and service conditions. However, the deployment of the teachers will be as per all applicable laws.
- 7.8 The Administration will not have any liability towards any teacher/staff deployed by the private partner. Any statutory liabilities under various Labour Laws of employer such as Provident Fund, Gratuity, etc. in respect of the teachers / staff deployed shall be the responsibility of Private Partner. Also legal liabilities including the safety of the lives of the children and staff shall be responsibility of Private Partner.
- 7.9 In case of a sole bidder for any given school, the decision of Administrator will be considered final.

8.0 OBLIGATIONS OF THE PRIVATE PARTNER

- 8.1 The PPP partner will be responsible for reporting the performance of schools to the Directorate of Education on a periodical basis, as decided in the tender document.
- 8.2 The PPP schools will be open to inspection by the Directorate/ Chief Officer, SMC/ Chief Executive Officer, District Panchayat and will provide all the information /reports as desired by them.
- 8.3 The PPP Partner is bound to maintain prescribed standards of performance as agreed to.

8.4 The PPP Partner shall ensure the overall safety and maintenance of the school campuses.

9.0 NODAL AGENCY

9.1 Directorate of Education will be the Nodal Agency for execution of Public Private Partnership (PPP) in school education for following activities:

- (i) Selection of schools for PPP.
- (ii) Appraisal of PPP proposal for approval.
- (iii) Conduct of bidding process for selection of Private Partner.
- (iv) Signing of agreement with Private Partner.
- (v) Execution of PPP project as per provisions of agreement.

9.2 The approval for selection of PPP School and engaging Private Partner will be given by the Hon'ble Administrator, Union Territory Administration of Dadra & Nagar Haveli and Daman & Diu.

10.0 STATE LEVEL COMMITTEES FOR PPP PROJECTS

10.1 State Level Appraisal Committee (SLAC).

The State Level Appraisal Committee consisting of following will be constituted.

(i)	The Advisor to the Hon'ble Administrator	Chairman
(ii)	Secretary (Finance) , DD/DNH	Member
(iii)	Secretary (Education) , DD/DNH	Member
(iv)	District Collector, DD/DNH	Member
(v)	Director of Education, DD/DNH	Member Secretary
(vi)	Chief Executive Officer, District Panchayat, DD/DNH	Member
(vii)	Chief Officer, Daman / Silvassa Municipal Council	Member
(viii)	Joint Secretary (Finance) , DD/DNH	Member
(ix)	Executive Engineer, Public Works Department, DD/DNH	Member
(x)	Two eminent educationists nominated by the Chairman	Member

11.0 APPROVALS

11.1 Approval under clause 5.1.1 & 5.1.2

11.1.1 Directorate of Education will be Nodal Agency for carrying out bid process for selection of PPP partner under clause 5.1.2 proposal for PPP in schools education under clause 5.1.1 will be evaluated / appraised by State Level Appraisal Committee (SLAC) on the basis

of capability of PPP partner to provide quality education. Final approval will be granted by the Administrator of the UT of Dadra & Nagar Haveli and Daman & Diu on the recommendations of the State Level Appraisal Committee (SLAC).

12.0 LAND, BUILDING & INFRASTRUCTURE

- 12.1 Necessary infrastructure will be provided by the UT Administration and the PPP partner will upgrade / create infrastructure, if required with prior approval of the UT Administration.
- 12.2 The PPP partner will have the right to use the Government building / land for school education purpose only. No ownership rights on land, building and infrastructure will accrue to the PPP partner.
- 12.3 Investment by Private Partner should be made only on prior approval of the UT Administration and it is allowed only for creating additional infrastructure for classrooms, labs, toilets etc. No administrative building or shops or halls to rent shall be constructed.
- 12.4 In case of termination of agreement for any default of contractual obligation by the PPP Partner, the building and infrastructure along with all furniture/fixtures will be handed over to UT Administration and no claims for additional reimbursement on additional investment will be entertained.
- 12.5 The PPP partner will ensure the overall safety and maintenance of the school campus. No damage to the Government property/ premises will be acceptable. For any alternation/ improvement in the infrastructure as per the needs of the PPP partner or for the overall development of the school campus, a prior permission from the UT Administration should be sought.

13.0 MINIMUM STANDARDS OF PERFORMANCE

- 13.1 Minimum standards of performance will be prescribed by Directorate of Education and will be mentioned in the contract agreement. Suitable provision for the same will be made in contract agreement. Schools performance will be assessed quarterly by a committee comprising of following:
 - (i) Director of Education
 - (ii) Chief Executive Officer, District Panchayat/Chief Officer (Municipal Council) (as the case may be).
 - (iii) One Principal of any Government school nominated by Director (Education)
 - (iv) One Principal of any Private school nominated by Director (Education)

- 13.2 If required, Annual evaluation of performance of PPP schools may also be done by a third party engaged by Directorate of Education.
- 13.3 The PPP partner will be required to maintain prescribed standards of performance. In case PPP partner fails to maintain prescribed minimum standard of performance, penalty will be imposed as per provisions of contract agreement.
- 13.4 The average overall result of the Secondary and Higher Secondary schools should be more than 80% in the Board Examinations. In addition to the above PI, atleast 80% of the students individually should score more than 60% in the Board Examination.
- For Primary and Upper Primary schools atleast 75% of the students should achieve 100% of the learning outcomes set forth by the NCERT /GCERT. Also atleast 80% of the students of 5th and 8th standard should pass the annual examination individually with more than 60 % marks and the PPP School should achieve an overall 80% pass percentage in the final examinations. The dropout rates shall be less than 1% at the elementary level and shall be less than 10% at the secondary and higher secondary level. Students and Teachers attendance rate should be more than 90%. The repetition rate shall be less than 3% for a class in a year.
- 13.5 The above outcomes pertaining to secondary and higher secondary schools shall be achieved by the second year of operation.
- 13.6 In case of elementary education, the key performance indicators will be setforth in the bidding document, taking in to the account the current academic achievement level of the students. And the learning outcomes will be monitored through periodical monthly and term wise assessment/test scores along with inspection by the team of the Directorate.
- 13.7 The Key performance indicators will also be revised periodically by the UT Administration.
- 13.8 It is envisaged that these PPP schools will function as Model Schools with strict compliance on pupil-teacher ratio, ICT usage, holistic educational environment, appropriate curriculum as per RTE Act and MHRD Norms with an emphasis on output and outcome.
- 13.9 In addition to the formal education provided in the PPP School, emphasis shall also be laid on holistic personality development of the students including physical, emotional and moral development.
- 13.10 The Teacher Pupil Ratio should not exceed 1:30 for Primary section, 1:35 for Upper Primary Section and 1:30 for Secondary/Higher Secondary

Section. However, classroom-students ratio in any case will not exceed 1:40.

- 13.11 The Private Partner should provide Arts and Music Teachers besides subject specific teachers as per the usual norms in these schools. These schools will also create facility for activities emphasizing Indian heritage and art & craft.
- 13.12 Special emphasis may be given on teaching of Science, Maths and English. If required, bridge-courses shall be introduced for weak students.
- 13.13 The school curricula should include the material/items that inculcate leadership qualities, team spirit, participation abilities, development of soft skills and ability to deal with real life situations.

14.0 POWER TO REMOVE DIFFICULTIES

- 14.1 The Administrator is empowered to issue clarifications in case of any dispute relating to of interpretation of the provisions of this policy, as may appear necessary for removing the difficulty either on its own motion or on the written representation from the stakeholders.
- 14.2 The provisions of RTE Act 2009 and School Education Rules 1999 issued from time to time shall prevail for purpose of implementation of this policy.
- 14.3 The Administrator reserves the sole right to relax any of the provisions of the policy including expansion/extension of existing contract to one or more schools subject to strict performance assessment of the private partner.

15.0 EXIT CLAUSE

The Private partner shall not exit the contract during the academic year. If the private entity intends to exit, then it shall do so in the next academic year after giving a notice before six months in the preceding academic year. . In cases of non performance or Poor performance of the private partner in terms of the performance indicators stipulated in the Contract Agreement, the contract is liable to be terminated unilaterally by the Government Partner giving three months notice. In such cases, the UT Administration will not be liable for payment of any compensation/damages with respect to the additional infrastructure created or to the staff/teachers deployed.

By order and in the name of the
Administrator of
UT of Dadra & Nagar Haveli and Daman & Diu

Sd/-
(Nilesh Gurav)
Deputy Secretary (Education)
Dadra & Nagar Haveli
Silvassa

EXTRAORDINARY NO. : 16

DATED : 17 TH MARCH, 2020.

**Administration of
Dadra & Nagar Haveli and Daman & Diu, (U.T.)
Silvassa.**

No. MS/ADC/482/771/2010/114

Date : 16/03/2020

NOTIFICATION

In exercise of the powers conferred under the Section 36AB(1) of the Drugs & Cosmetics (Amendment) Act, 2008, and after the consultation with the Hon'ble Chief Justice of High Court at Bombay vide letter No. A.1623/G/303/2020 dated 05/02/2020, the Administrator of Dadra & Nagar Haveli and Daman & Diu, is pleased to designate the "Principal District & Sessions Judge", Daman and "Principal District & Sessions Judge", Diu as Special Courts and empowers them to try the cases under the Drugs & Cosmetics (Amendment) Act, 2008 and Cr. P.C., 1973 for the Districts of Daman & Diu respectively. The pending cases at Silvassa under the Drugs & Cosmetics (Amendment) Act, 2008 pertaining to Districts of Daman & Diu shall be transferred to respective Districts.

This issues with the approval of Hon'ble Administrator vide diary No. 544226 dated 12-11-2019.

By order and in the name of the
Administrator of U.T. of Dadra & Nagar Haveli and
Daman & Diu.

Sd/-
Deputy Secretary (Personnel)
