

**GOVERNMENT OF INDIA
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
DEPARTMENT OF HIGHER EDUCATION**

**LOK SABHA
UNSTARRED QUESTION NO. 3103
TO BE ANSWERED ON 31.12.2018**

Fee Structure in Universities

3103. SHRI N.K. PREMACHANDRAN:

Will the Minister of **HUMAN RESOURCE DEVELOPMENT** be pleased to state:

- (a) whether the Government is aware that private deemed universities are charging exorbitant fee;
- (b) if so, the action taken by the Government to regulate the fee;
- (c) whether the Madras High Court directed the University Grants Commission (UGC) and Human Resource Development (HRD) Ministry to set up a regulatory body to fix the fee for MBBS, MD and MS and other courses offered by private deemed universities;
- (d) if so, the details of the action taken thereon;
- (e) whether the Supreme Court ruled that the State can regulate admission, fix fee and stipulate any other mechanism to enforce merit and curb commercialisation and if so, the action taken thereon; and
- (f) whether the Government proposes to impose a regulatory authority to regulate the fees structure of private deemed universities and if so, the details thereof?

**ANSWER
MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(DR. SATYA PAL SINGH)**

(a) & (b): No specific complaints are received by this Ministry regarding charging exorbitant fee by the Deemed to be Universities. As per the University Grants Commission (Institutions Deemed to be Universities) Regulations, 2016, Deemed to be Universities are not allowed to accept payment towards the following on the pretext of admission fee & other fees:

- i. which is a capitation fee or donation in whatever nomenclature or form;
- ii. other than such fee or charges for such admission, which has been declared by it in the prospectus for admission against any such seat, and on the website of the

institution, Provided if there are any fees prescribed in accordance with the Fee Regulations framed by the Government or by the Commission from time to time, then the fees or other charges for admission shall not exceed the same;

- iii. without a proper receipt in writing issued for such payment to the concerned student admitted in such institution.

(c) & (d): Hon'ble High Court of Madras vide its Order dated 16.06.2017 in Writ Petition No. 14232 of 2017 held that the University Grants Commission (UGC) and Ministry of Human resource Development (MHRD) shall constitute a Committee to regulate the fee chargeable by the self-financed deemed universities. Accordingly, UGC constituted a Committee to regulate the fee chargeable by Self-financed Institutions Deemed to be Universities in Medical and Dental courses. In the meantime, some of the Institutions approached to Hon'ble Supreme Court by way of Writ Petition (Civil) No. 949/2018 in the matter. Hon'ble Apex Court, vide its order dated 07.09.2018, directed the parties to maintain status quo. Therefore, no further action has been taken in the matter.

(e): The Hon'ble Supreme Court vide its judgment dated 31.10.2002 in the matter of T.M.A. Pai Foundation & Ors Versus State of Karnataka held that the Government can make regulations that will ensure excellence in education, while forbidding the charging of capitation fee and profiteering by the institution. Since the object of setting up an educational institution is by definition "charitable", it is clear that an educational institution cannot charge such a fee as is not required for the purpose of fulfilling that object.

Further, the Hon'ble Supreme Court, vide its Judgment dated 14.08.2003 in the matter of Islamic Academy & Ors Versus the State of Karnataka & Ors, held that "the respective State Governments concerned shall set up a Committee headed by a retired High Court judge who shall be nominated by the Chief Justice of that State. The Committee will be at liberty to approve the fee structure or to propose some other fee which can be charged by the institute. The fee fixed by the Committee shall be binding for a period of three years, at the end of which period the institute would be at liberty to apply for revision. Once the fees are fixed by the Committee, the institute cannot charge either directly or indirectly any other amount over and above the amount fixed as fees".

(f): UGC is authorized to take action in the matter.
