

AICTE POLICY ON FEE FIXATION IN PRIVATE UNAIDED EDUCATIONAL INSTITUTIONS

3-1t.*LTtul E VT PAORDI.N.ARV —utctlor, PUBLISHED BY AL'THORITY 26H 19is NEW DELHI, TCESD.AY. MARCH 18 18, 199 1997 q.,q.-l -G. F. 20-43/96-6 s) (q. Zi car. -a ; Ffiqz 52) 3956 7.1K 'q r, e-iG1 F) 5.2 SS 1 5.43 k --<Täi i •a I e; -1 i: Q, iFä—fiFä Q I i•-Fi-1Zh-a 6.7 é.S , 11 I ¯ZT5 I 26B MINISTRY OF HUMAN RESOURCE DEVELOPMENT (Department of Education) New Delhi. the 18th, Yfarch. 1997 RESOLUTION Po!icv on F e: Fixation in Private Unaided Educational Insztitutions impar,ing Higher and Technical Educatton includ- inz .k,fanaaement Education. No. F. Supreme Court of India in Unnikrishnan JP versus State of Andhra Pradesh had. on 8th February. 1993 laid down a scheme regulating admission and levy of fee in private unaided educational institutions paniculariy those impar,inc professional Education. Tnis scheme will be referred hereinafter as the 'Scheme in (Jnnikrishnan As an interim measure the Scheme provided for an adhoc fee determination procedure and certain allied matters. ,As a lon2 tern measure, however para 6(6) of the scheme required that the A ll India Council of Technical Education (AiCTE), Univers;c,' Grants Commission (IJGC) and lhe Medical Council of India, and the Dental Council will frame suitable regulations in the which would replace the adhoc provisions of that Scheme

2. Pursuant to the above decision, fee was fixed in various States in Private Engineering Colleges at rates that were found to be Suitable by the Courts. Regulations were framed soon thereafter by the All India Couhcil of Technicnl Educaaoon brca!ly incorporating thé features of the Scheme laid dom by TLE Court. Sirlilariy, the Univeßity Grants Commission has also prepared draft regulations on the subject- In case of Medical and Dental Colleges, however, rages of fee have been laid down by 3. The Court had occasion to-consider the status-of imilementâtidn ofthe• Scheme in Unnikrishnan, as modified by its various orders. in IA No. 66 in CWP No-317 of 1993.' The orders passed on 9th August 1996 require the Central Governmer.t, inciudinz the Min.fstry of Education tp uke steps to convene a meting of all the concerned authorities for evolving a proper fee structure for Medical. Cogeges-throughoucqe 'StandS¯Æ.VT-: tended till 28th F?bruary, 1997.¯ 4. Meetings of all concerned. viz. the Ministries of Health & Family Welfare and LAW and ohe Medical Council cfi India the Dental Council o? India, the A ICTE and the CGC, and Representatives of Technical, Higher and Medical Education. ' •oarumenrs accordino!v, held on 30th August, 1996 and 8th October; 1996 where all the relevant issues were considered o 'hase — '2linzs. Minisä-y of Eea!th & took a view that the proposed fee structure for fee for ail uent2! Coile2ts couta oe evoived 2nd ühat it ••,-as not naccable co ha Unaidea zenera!ly. • 5. To mt.•e a the macer a meetinz of Stat: Hiéher ?-nd Technica! Education iMinis,crs ',vas Resource on 10'&• December 1996 w:s decided th2,• the of the M AICTE : C: ururor;-a Th'E (,eneral Principles: d below •S a tn tne peiicv zun-e- -The {0 to ali concern?d .1 (c) bed-rock of.- such 2 pol'icy has to b: - wa,lü'ion and prot:t-mzkina while o; sae:' aras and u.nx•eep o: and assets. inese considera: ons. the followtna o»nerai pnnciDies u n;cn the nrese.nt poi;cv P.-eR,ntion of profit making and ensu.qn•z, as far as ooss;ble. the which underlines Lnnlkrishnan Knout the fur.camenta! 0! avoidinz curnrnercializztion. to make allowance in [l'e so as to Drovtnue (or replacement and uneracx:t!'.', 01' jcedL : c Providing-r for a transparent ana ali private unaided :thin the ieq.v of the sceme—not mereiy con.ininz :t tc 'Col- and qcate Goserarnents concerned in the process of fee These p.o;icv 22ideiines wilt apply the tiölic,xvino • Seir-financing inäj:xutions impar,intz technical education as defined under Che All India Council of _ technical Educaaoon Act. 1 987 (Act 52 of J. institutions imoertinz Post-Graduate Education in IMan2('e- ment whe(her bv au•ardino degrees or ö[nenvtse, Colleges. arni2!ed to the universities. oterar.;nt2 on 'no grant-in-aid' basis: and institutions "deemed to be universities" under the University Grants Commission Act, 1956 (Act No. 3 oi 1 956), if such institutions operate on self-financing basis without receivino maintenance grants from the Central or Stace Governments or statutory grant disbursin2 bodies under (he:r control. Even though 'deemed universit;es' rot 2,xpressIv included in the Scheme in Unnikrishnan, their inclusion cne our-view ot- (his policy is considered necess.arc on the 2rounds treatino such institution at par with private colleges e just and appropriate. ..dmissions : In lhe scheme in Unnikrikhnan, the man.qer and of admissions form paFtand parcel of the ee deterrni- procedures. The admission procedure incorporated in that sceme will, therefore, apply to the institutions c ered undec. .. reseat policy. As the UGC Act does not ernpowec the

Commission to issue regulations relating to Admissions, the Government in Unnikrishnan and the present Resolution will be construed as enabling the Commission to suitable provisions relating to admissions in accordance with the scheme in Unnikrishnan. Determination of Fee : (a) Fee chargeable by various categories of institutions shall be determined by the Committees prescribed below:- (b) Fee in institutions imparting technical education will be of one of the universities in the State to be nominated by the State Government concerned—Chairpersons in-charge of Technical Education and Finance Departments of the State Government concerned in consultation. Cost accounting, 2nd Institutional Finance, to be nominated by the State Government / the All India Technical Institutions Members-Secretary; (1) Fee on basis shall be of: ...V...-...-...-...; nominated by the State Government, to be nominated by the University Grants Commission and the State Government. (i) A Member of the Commission—Chairperson; (ii) One Vice-Chancellor to be nominated; Three experts, one each in Cost and Commission—Members: B'nere a deemed university conducts COL, -St; in Technical Education of Technical Council; of India Council of v) State Secretary education on the field of socialization of the State or his nominee be co-opted as the Member for the purposes only of determining 'deemed in the State concerned'. (VI) An officer of the CGC of the Rank of Additional Secretary. 6.5 Procedure 10 be Adopted by the Committee: (1) (c) (e) Secretarial Assistance to the Committees referred in 5.2 and 5.3 be rendered Directorates of Technical and Higher education respectively of the State Government concerned. The Committee be assisted by the Secretariat of the CCC members of the Committee Other than ex-officio Members. will hold office for a period of: The recommendations of the Committee also be valid for three years. Each Committee, will be free to devise its own procedure. The procedure will not involve compulsorily giving opportunity to the institutions concerned to furnish such material as they consider relevant. The Committee will also have to call for such information and details as it considers relevant. To ensure its smooth functioning, the bodies should lay down timebound 'action-calendars' and 'dead-lines' for compliance of the institutions concerned and for completing the Committees' tasks.. Fee once determined shall be in force for three years. The Committees may determine different rates of fee for Institutions falling in different classes. if a classification is justified on intelligible and objective criteria. in particular the Committees will be free to fix different rates for institutions located in rural areas. The UGC and the AICTE. as the case may be, have power to call for information and clarifications from the Committees under their purview. determining the fee chargeable. it will be the duty of the Committee to ensure that Fee does not become a source of profit or commercialisation for the institutions concerned. This approach would be in conformity with pronouncements of the Court in cases dealing with fee determination. 6.6 Fee Determination : Fee will have two broad categories—Tuition Fee and Development. Fee. (a) Besides, the management of the institutions may realise the actual cost of boarding & messing from the above students subject to the relevant Committee being satisfied about the reasonableness of such costs. (b) (ii) Tuition Fee will seek to recover the actual cost of instruction. While assessing a fair tuition fee the Committee will take into account the following Salary & allowances including bonus, if admissible. to teaching and non-teaching employees; Expenditure on administrative services: Cost of maintenance of laboratories including consumables; Contingent expenditure including statutory requirements like audit fee etc. Cost of acquisition of books and journals for libraries; and Maintenance of buildings and other assets including repairs and repairs. Replacing the above parameters in view, suitable rates will be fixed for holders of 'free'. and The UGC and AICTE will monitor the working and see that a never such have not so been worked out. to the extent feasible. In cases it is not possible, the Government of the State concerned. Care to be taken that the State Government / the University Grants Commission constituted by the Government of India. (i) A Member of the Commission—Chairperson; One Vice-Chancellor to be nominated by the Government of India Three experts, one each in Cost —Member; and Finance —One deemed university conducts courses in Technical, Medical Education, (v) (vi) of Technical Education, Medical Council India Dental Council of India —Member State Secretary education (depending on the field of the State concerned) An officer of the CGC of the Rank of Additional Secretary—Member Secretary. 6.5 Procedure 10 be Adopted by the Committee: (2) (c) (e) Secretarial Assistance to the Committees referred in 5.2 and 5.3 will be rendered by the Directorates of Technical and Higher education respectively of the State Government concerned. The Committee be assisted by the Secretariat of the UGC Members of the Committee, other than ex-officio Members. will hold office for a period of three years. The recommendations of the Committee will also be valid for three years. Each Committee will be free to devise its own

procedure The procedure h0"ever. compulsorily include 2ivin2 opponunity to the institutions concerned to furnish such material as they consider relevant: The Comrn.il,- will atsohve power to call for such information and details as it considers relevant. To ,--arrv out its funct:ons smoothly, the bodies would lay down timebound 'action-ca!endars• and 'dead-tines' for compliance Of the tions concerned and for completinz the Committees' tasks. Fee once detemined shall be in force for three years. The Committees may determine diiiecent rates of fee Institutions falling in different classes. if a classification is jus.tified on intelliuib!e and objecave criteria. in par-ecu- lar the Committees will be free 10 fix different rates for insututions located in rural areas. The CIGC and the AICTE. as the case may be. sviil have pou•er to call for information and clarifications from the Committees under their purview. While determining the fee chargeable. it will be the duty of the Commit-ree to ensure that Fee does not become a source of profit or commercialisation for the institutions concerned. This approach would be tn conformity pronouncements of the Court in cases dealing with fee detémination•- 6.6 Fee Deterbination : F" will have two broad categories—Tuition Fee and Development Fee. Besides, the manaeement of the institutions may realise the actual cost of boarding & messing from the above students subject to the relevant Committee being satisfied about the reasonableness of such costs. (b) (v) Tuition Fee _will seek to recover tne actual cost of irr.parling education. While assessing a fair tuition fee the Committee Will take into account the followino . Salary and allowances including bonus. if admissible, to teaching and non-teaching empiovees• Exoenditure on administrative services: Cost of maintenance of laboratories includinz consumabies: Contingent expenditure statutori requirements iike audit fee etc. Cost of acquisition of books and journals for libraries: and Staintenance of buildings and other assests including reats and tariffs. Keepinz the above oaraaT.:ters in view. suitable rates will be fixed for holders of 'free', 'pavrnea(, and •SRJ,Forcion catezories. The UGC and AICTE v.•ii} forthwith aorns to 2nd sca.:zs of for •vnerever r:c.rms have r.ot been worked out. to t.-:e e.x:en: feasible. In cues aortas the re,event themse ves anet that the x ot tr,e Involved Care 's.iil be e, pro:!, tae soonors. uta.-...iw. wouiü net. and Dcvciopment F (E be Li , I e, rat 2 ceulä , IS or. In the tea.sears. It • e onen {D tnc r: - • or tne actual v, - q. ear; anu d In (lie i Iff c.haæeahie • As the rate o. 10 sut,zolv Incorporate suc,•. It of the nrtva•e the State •ms s. of Fee Accounts : 6.7 t' DO hav.• A iCTz it • accoun: rre:æers (a) institutions '*ill maintain A ccounts and Development Accounts. The oroc.ßds o!- i Uit:on ree and •cost ot ooa,rarlv-' and mess;no etc. o: created to the ee in t\vo Pay and aflmvancts and (h) o,'Re.- e.xpene Accounts. This account recurring expenditure lil be {net from tnts .2•ccount and account under pars At feast half the xvil) be credited to the Desetopn:er.t Account in the after which this Accoun(•.Vili receive [he proceecs ot-this fee Miscellaneous receipts ot' 'ohe . aiSD be credited the same account. The c,roceeds o? this flee would be utilised for procuremen:. of books and jourttuis and 2cau:sion of assets. it •,vill be also be open to the management to debit. exren- • improvement of faculty aiso {0 ihis accour,L The regulations o? UC•C ar.d •ahe A ICTE Wi!} provide for Audi,• of accountS ot-th ant Institutions. the financial manac•ements confenns to tne broad framework of 'Lhese 2uide-liaes and the 6.8 Orher procedural matters c nr,ectet.i ',yith levy of fee: Fee oace flexed will be vaiid for a period three years. Fee be pavabie in advance • -or a per set-nesær in the monc of Decefi)ber e, erv Committee will noti3.' for genera! infocraatic.•n the total f" e veay, for the next year. in two News papers having wide -circulation in the State concerned.' This exercise shall be carried out annually notwithstanding {he fact that the rates once fixed will be iti forcé for three veays. While fixingfee. cace every three years. the Coinmitrees will take ' into a?coun: the unspent balance, if any in the maintenance and deve!cornent accounc while fee foit.he ne.x! three years. Ins:itutäons which levv fee 21 raes hizhe,- than those Eked- er .aii to maintain accounts in the manner laid down cr are oa,erwise found to contravene 'he -,rovisions of the approoriare Regulations are liable to have euhe:r a."fi'.iation cancel!ed. The aoprc,prate will incorporate these guidelines. the above ce reczulator,s ct- the University Grants Commission and . -nc:: _ecn:ucal 'a—her that for above : . iSSiQ:—.. Grants be deemed to be instn:caons issued by c •n • - • (l) of Section —l) CGC Act and under P. R. C.,ASC.e.