REGULATION FOR FEE FIXATION

15 2008 7i. 348 (3) 2008 3iåGå Bhopal, the 15th April 2008 - In exercise of the powers conferred by the Section 13 of the Madhya Pradesh No. F. 14-17-2007-XLII 1 Niji Vyavsayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Adhiniyam, 2007 (No. 21 of 2007),. the State Government hereby makes the following regulations relating to the fixation of fee in a private unaided Professional Institutions, namely:— REGULATION l. Short title and Commencement.—(l) These regulations may be called as Regulations for Fixation of fee in a Private unaided Professional Institution Regulation, 2008. (2) It shall come into force from the date of its publication in the "Madhya Pradesh Gazette.". —In these regulations unless the context otherwise requires,— 2. Definitions. (a) (b) (d) (e) "Act" means the Madhya Pradesh Niji Vyavsayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Adhiniyam, 2007 (No. 21 of 2007): "Admissions and Fee regulatory Committee" means the Committee constituted by the State Government under the provisions of the Act for the supervision and guidance of admission process and for the fixation of fee to be charged fronl candidates seeking admission ifå¯pofessional Educational institution; "AICTF" means All India Council for Technical Education a statutory body established by All India Council for Technical Education Act, 1987. "Competent Authority' • means any authority as authi irized bv the S:ate Government in this behalf; ' 'PH)fessionaI Educational Institution" means a Coliege or a School or an institute by whatever name called, imparting professional Educaticn, affiliated to a Siate University, including a private 404 (6) (O 15 2008 University established or incorporated by an Act of the State Legislature or constituent unit of a deemed to be University unden Section 3 of the University-Grants Commission Act, 1956 (3 of 1956) and approved or recognized by the competent statutory body regulating professional education; The words and expressions used but not defined in these regulations shall have the same meaning as assigned to them in the Act: 3. Applicability.—These regulations shall be applicable to professional institutions covered under the Act

4. Criteria for fixation of fee.—The Committee shall prescribe the fee in the manner after considering the following factors:— (a) (b) (c) (d) (e) (O (g) the location of the private unaided professional educational institutions; the nature of the professional course; the cost of land and building; the available infrastructure, teaching, non teaching staff and equipments; the expenditure on administration and maintenance; a reasonable surplus required for growth and development of the professional institution; any other relevant factor: Provided that the Committee may also decide for providing incentive to the accredited course or Quality Certification like ISO:9002 etc. or weightage for backward/less area development for promoting professional educational institutions in these areas

5. Procedure for fixation of At the beginning of each calendar year, that is in the month of January of each year the Committee shall issue an advertisement inviting applications in regard to determination of fees for admission in professional education institution for forthcoming academic session.(2) The Committee may evolve its own procedures for giving inter se weightage to the different parameter for fixation of fee. (3) Each institution shall be heard by the Committee for finalization of its fec structure. (4) The Committee shall require a private unaided professional educational institution or, a deemed University to make submissions by the date prescribed in the advertisement. Any new professional institution that gets permission from appropriate authority after aforesaid prescribed dates should approach the committee for fixing their interim fee and thereafter for final fee structure as per calendar and procedure fixed by the Committee. (5) The submission shall be made in the form prescribed by the Committee and shall be accompanied with the following documents,— (ii) (iii) The authorization/permission letter issued by the All India body controlling and regulating the professional studies e. g. the A. I. C. T. E-, N. C. T. E,. Bar Council of India. Medical Council of India and the like ones; Documents and information relating to society and its by-laws; A copy of Project Report for stalling the •professional educational institution; 30 15 2008 404 (7) (v) (vi) (vii) (viii) (ix) (x) (1) (2) (3) (4) (5) (6) (xi) (xii) The physical infrastructure facilities avaifable by the area earmarked for the institution, its title, owenership, the buildings stating the numbers of classrooms the block rooms available for library, reading room, indoor games (if any) playgrounds, laboratories, general utilities etc. together with the site plan. Library facilities-number of books subjectwise, facultywise and for general reading; Reading room facilities-number of dailies, weeklies, monthly magazines. periodical professional magazines and literature

subscribed in the institution; Laboratory facilities-Information regarding Equipments and instruments available and in the laboratory; Teaching Faculty-Nümber of Professors, Readers, Lecturers in junior, senior and selection scale (to be indicated separately), their names, educational qualifications and their bio-data, pay scale, pay and allowances and total emoluments; Tie up, if any, with a State enterprise public/corporate body engaged in production of items similar to the education proposed to be imparted by the institution; Financial standing,— Proposed budget of the institution for a year; Amount required for annual maintenance of infrastructure; Amount required for growth, development and up gradation of laboratories; Deposits-both fixed and current deposits in the name of the institution along with the names of institutions and names of Banks; Sources of funding; and Loans, if any, from the banks, other financial institutions, indicating the term and the interest payable thereupon. Balance sheet and Income and Expenditure Account of the institution from the date ot inception duly authenticated by a Chartered Accountant. An attidavlt the prescribed form in support of the information furnished in the submission. (6) A processing fee, as laid down by the Committee from time to time, shall be deposited along with the submissions. Any submission without processing fee shall not be entertained. (7) After the receipt of the information, the Committee may, either at its own motion inspect the institution, or constitute an Inspection Team to make an on the spot assessment and verification of the facts mentioned in the submission. (8) The inspection team, as constituted by the Committee shall consist of,— (a) (b) (c) an eminent educationist of the rank of Principal of a college or professor concerned with the relevant course for which •fee fixation is sought shall be nominated by the Chairman. Admission and Fee Regulatory Committee from a panel approved by the Committee. a chartered accountant of repute, who is versed with auditing of the accounts of educational institutions—member an Officer from the Secretariate of Committee Secretariat to be nominated by the Chairman of the Committee as Member Secretary of inspection team. 31 404 (8) 15 2008 (9) The Inspection Team may call tor aity record, which it considers necessary and a requisition calling for the record shall be made in writing and shall be treated as if it is called bj the Committee. (IO) The inspection. team may seek oral evidence from any of the persons concerned with the affairs of the Institution and a written record of such oral evidence shall form part of the report by the Inspection Team. (11) Any association of teachers, students etc. may through a petition make counter submissions to the Inspection Team. The Inspection Team may hear them and forward the petition to the Committee along with their views. (12) After completion of the Inspection the Inspection Team shall submit its report to the Secretary/OSD in the Committee Secretariat. The Secretary shall scrutinize the«poll and submit it to the chairman of Committee. (13) If the Chairman feels that the submissions need further analysis he may order the Report and the documents to be scrutinized and verified by a chartered accountant hired by the Committee for this purpose. (14) The Committee shall consider documents accompanying the submissions, the Inspection Report submitted by the Inspection Team, the verification report of the Chartered Accountant and the assessment made by the Committee Secretariat. (15) Committee shall then decide whether the fees proposed by that institute are justified and are not profiteering or charging capitation fee. The Committee shall be at liberty to approve the fee structure or to decide some other fee which can be charged by the institute. (16) Committee shall be at liberty to fix the fee of those institutions which do not submit their proposals to the Committee. (17) For checking various data/information and documents furnished by the Institutions a chartered accountant firm may be appointed and may be asked to perform the work as mentioned. (18) Fee proposed by institution on prescribed proforma with desired information shall be checked for arithmetical accuracy, completencess and furnishing of required documents. (19) The information furnished shall also be checked with reference to the Audit Reports submitted therewith as well as the final accounts of the trust]society. (20) Qualifications and adverse observations in the Audit Reports or Notes to Accounts shall. also be considered and necessary adjustment be made in the proposals submitted by the Institutions in accordance therewith. (21) Special emphasis be given on the apportionment of common cost incurred by the. society/trust runnmg more than one institutions. (22) The information data documents submitted by the Institutions shall further be checked with reference to the norms established hereunder and necessary adjustments shall be make to the data furnished by the Institutions for arriving at the fee to be fixed. (23) Irregularities found on the basis of the above said scrutiny shall be verified för their glavity and wherever necessary the society/trust/institution may be asked to submit its. representation in respect of the said irregularity. In case where the committee finds that the irregularity is of such magnitude as will vitiate the

process of fee fixation, it may reject the application and may also proceed to take penal action against such society/trust]institution •including prosecution. (24) Committee shall give an opportunity of hearing to the Institutions and further wherever found necessary the Institutions may be visited for ascertaining the correctness of the information and data submitted by the Institutions. 32 15 2008 (25) The Committee shall fix the fee including all the fees payable to the institution for a year. 404 (9) (26) Where information received from institution is incomplete or insufficient, the committee shall ask the institutions to rectify the same failing which Committee shall have the right to fix their fees after making suitable assumptions/provisions. (27) The Committee secretariat shall evolve proper system (f finalization of fees and shall maintain all record related with it for a period for 5 years

6. Components of fee structure.—(l) The fee fixed by the Committee shall have the following components :— (a) (b) (c) (d) (e) (t) (h) (j) (k) (n) (o) Tuition fee; Growth and development fee; Registration fee; Contribution from book bank; Bus fee/charges; Training and entrepreneurship development career guidance and placement cell; Medical insurance fee; Sports fee; Fee for cultural activities; Identity and Library card fee; Hostel Room rent (only for hostellers); Mess charges (only for hostellers); Caution money for the entire course; University fee shall be applicable as decided by the concerning University _from time to time; Any other fee considered reasonable by the Committee. (2) Every Educational Institution shall issue an official receipt for the fees or deposits or any other amounts collected for any purpose, which shall be specified in such receipt. (3) No College shall collect a fee amounting to more than one year's fee from a candidate. However the students shall have the liberty to deposit the annual fee in maximum two instalments. Collection of more than one year's fee in an academic year shall be construed as collection of capitation fee and such institutions shall be liable to be proceeded against

7. Validity of the fees fixed by the Committee.—(i) The fee payable per student per annum for each institution shall be prescribed by the Committee and shall be binding for a period of 3 years. Any revision is permissible only after 3 years. The fee so determine shall be applicable to a candidate who is admitted to an institution in that academic year and shall not be revised till the completion of his/her course in the said institution. (ii) When ever appellant authority is not in existence for the reason what so ever the State Government may hear the complaint regarding fee proposed by the committee and may call all the relevant records to pass appropriate order, if necessary, for any revision of fee structure. S. Charging of capitation fees.—Notwithstanding anything contained in any law for the time being in force, no capitation fee shall be demanded or collected by or on behalf of nay educational institution or by any persons who is in-charge of, or is responsible for, the management for such institution, from or in relation to any students in consderation of his/her admission to, and prosecution of any course of study, or his/her promotion to a higher standal(l or class in such institution. 33 404 (10) 15 2008 9. Redressal of complaints and penal/disciplinary action.—(l) The Committee may hear complaints with regards to admission in contravention of the provisional contained herein collecting of capitation fee or fee in excess of fcc detcrlAined any violation of the provisions for admission on the part of the unaided professional colleges or institution, it shalt make appropriate recommendations for returning any excess amount collected to the person concerned, and also recommend to the Government for imposing a fine upto rupees ten lakhs, and the Government !nay on receipt of such recommendation, fix the fine and collect the same in the case of each such violation or decide any other course of action, as it deem fit, and the amount so fixed together with interest thereon shall be recovered as if it is an arrear of land revenue, and the committee may also declare admission made in respect of any or all seats in a particular college or institution to be dehors merit and therefore invalid and communicate the same to thc concerned University and on the receipt of such communication, the University shall debar such candidates from appearing in the examination and cancel the results of examination already appeared for. (2) The Committee may if satisfied that any unaided professional college or institution has violated any of the provision of this Act. In that case, after obtaining previous approval from the State Government, the recognition of such college or institution may be annuled and may impose any other penalty, as it may deem fit. IO. Power to regulate the procedure of the Committee.— The Committee shall have the power to regulate its own procedure in all matters arising out of the discharge of its functions and shall for the purpose of making any enquiry under this Act have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit in respect of the following matters, namely:— (iii) Summoning and enforcing the attendance of any witness and

examining him on oath; requiring the discovery and production of any document; receiving evidence on affidavits; issuing commissions for the examination of witness

11. Interpretation.—lf any question arises relating to the interpretation of these regulations it shall be refened to Government whose decision there on shall be final

12. Jurisdiction.—ln case of any dispute the jurisdiction shall be limited to the courts constituted and situated in Madhya Pradesh only. By order and in the name of the Governor of Madhya Pradesh, SHAMIM UDDIN, Addl. secy.