

**GOVERNMENT OF INDIA
HUMAN RESOURCE DEVELOPMENT
LOK SABHA**

UNSTARRED QUESTION NO:301
ANSWERED ON:03.12.2003
FEE STRUCTURE FOR PRIVATE EDUCATIONAL INSTITUTES
DHANI RAM SHANDIL

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

- (a) whether the Delhi High Court has given verdict regarding fee structure in private educational institutes;
- (b) if so, the details thereof;
- (c) whether as a result of this verdict every institute will be free to decide its own fee structure; and
- (d) if so, the names of the institutes and colleges on which this verdict is likely to be applicable along with the details thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DR. VALLABHBHAI KATHIRIA)

(a) to (d) : As per the information furnished by the All India Council for Technical Education (AICTE), the Hon'ble Supreme Court in its Judgement delivered on 31.10.2002 in T.M.A Pai case held inter-alia that fixing of a rigid fee structure in an education institution would be unacceptable restriction. Subsequently, a Five Judge Bench of Hon'ble Supreme Court, interpreting the majority Judgment, directed that in order to give effect to the Judgment in TMA Pai's case, respective State Governments shall set up, a Committee headed by a retired High Court Judge. Each educational institute is required to place before the Committee its proposed fee structure with all relevant documents. The fee fixed by the Committee shall be binding for a period of three years. The High Court of Delhi in CWP No. 1993/ 2003 and CMs No. 10978-79/ 2003 in the Educate India Society case delivered on October 21, 2003 held that the Society shall be free to collect fee proposed by it till such time as it is modified by the Committee for Determination of Fee Structure, set up in the state as per the Supreme Court direction.