

**ADMISSION AND FEE REGULATORY
COMMITTEE**

(A Statutory body established under an Act of the State of Chhattisgarh)

**FEE STRUCTURE OF KIRODIMAL INSTITUTE OF TECHNOLOGY,
RAIGARH, FOR THE ACADEMIC SESSION 2008-09, 2009-10, & 2010-11**

Relating to Discipline :- B.E.

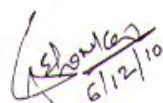
1. Exercising powers conferred under section 4 (1) and (2) of the CG NIJI VYAVASYIK SHIKSHAN SANSTHA (PRAVESH KA VINIYAMAN EVAM SHULK KA NIRDHARAN) ACT, 2008 (here in after referred to as "Act") The State Government has constituted Admission and Fee Regulatory Committee (hence forth "AFRC") for the supervision and guidance of the admission process and for the fixation of fee to be charged from candidate seeking admission in a private professional educational institution.
2. Although Kirodimal Institute of Technology Raigarh, (herein after referred to as Institute) has been established in the year 2000 but it appears that institute instead of taking steps to have its fees structure approved or fixed by Justice Jha Committee , continued charging fees Rs.25,000/ + Rs.4740/- since beginning as approved by its Governing body. Now the institute has completed necessary formalities for fixation of its fees structure by the AFRC therefore we have taken the matter for fixation of Fees structure for academic session 2008-09, 2009-10 and 2010-11.
3. In Islamic Academy of Education vs. State of Karnataka⁵, Hon'ble the Apex Court in para 154 and para 198 has observed as below:

154. The fee structure, thus, in relation to each and every college must be determined separately keeping in view several factors, including facilities available, infrastructure made available, the age of the institution, investment made, future plan for expansion and betterment of the educational standard etc. The case of each institution in this behalf is required to be considered by an appropriate committee. For the said purpose, even the books of accounts maintained by the institution may have to be looked into. Whatever is determined by the Committee by way of fee structure having regard to relevant factors, some of which are

⁵ (2003) 6 SCC 697


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enumerated herein before, the management of the institution would not be entitled to charge anything more.

198. Thirdly, to ensure high standard of education and for that purpose to ensure admission to the most eligible candidates, requiring merit in a poor country like ours, the tuition and other fees should be within the reach of common people.

4. Following observations made by Hon'ble the Apex Court while rendering judgment in T.M.A. PAI FOUNDATION v. STATE OF KARNATAKA⁶, are also guiding factors for fixation of fee structure:

56. Different courses of study are usually taught by teachers who have to be recruited as per qualifications that may be prescribed. It is no secret that better working conditions will attract better teachers. More amenities will ensure that better students seek admission to that institution. One cannot lose sight of the fact that providing good amenities to the students in the form of competent teaching faculty and other infrastructure costs money.....

57. We, however, wish to emphasize one point, and that is that in as much as the occupation of education is, in a sense, regarded as charitable, the Government can provide 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. To put it differently, in the establishment of an educational institution, the object should not be to make profit, in as much as education is essentially charitable in nature. There can however be a reasonable revenue surplus, which may be generated by the educational institution for the purpose of development of education and expansion of the institution.

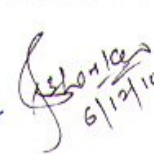
5. Section 9 of the Act prescribes factors required to be considered for fixation of fee and those factors are as below:

1. the location of the private unaided professional educational institution;
2. the nature of the professional course;

⁶ (2002) 8 SCC 481

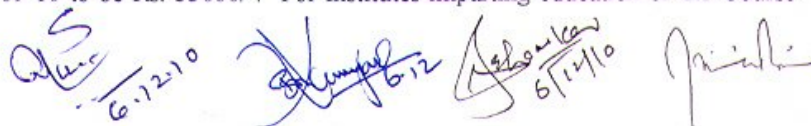

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3. the cost of land and building;
 4. the available infrastructure, teaching , non-teaching staff and equipments;
 5. the expenditure on administration and maintenance;
 6. a reasonable surplus required for growth and development of the professional institution;
 7. any other relevant factor.
6. Thus it is clear that for final fixation of fee structure not only factors prescribed under Sec. 9 of the "Act" are required to be considered but also we are required to make effective the observations of Hon'ble the Apex Court. Having considered so the "AFRC" obtained information in format prescribed by it and also visited the institution.
7. On 24-11-2010 the institution has been heard personally. Shri RS Tomar , Director of the institute appeared,who submits that since 2000 they are charging tuition fee Rs. 25,000/- per annum as per decision of the Governing body of the institute, which is very low and insufficient for providing necessary amenities & facility to student therefore thy submit that considering price hike, inflation, salary to faculty members as per guidelines of AICTE and for providing better amenities and atmosphere to students at least Rs. 22,000/- tuition including misc. fees plus growth and development charges Rs. 15,00/- per semester per students may kindly be fixed.
8. It has come to our notice that excepting a few there are number of institutions where more than 10% of students are not in a position to deposit fee in one time therefore they are allowed to pay the fees in installments and also some of the students who are unable to pay fees, institutions are either waiving their fees or providing those students scholarship.
9. Hostels being amenities to be provided to students are part and parcel of the institution therefore cannot be let on rent to students on any conditions. Students who have availed the hostel facilities are only required to bear the maintenance charges and to some extent reasonable depreciation.
10. It is also not out of place to mention that Govt. Engineering colleges are charging Tution Fees @ Rs.18000/- per annum for last so many years and National Institute of Technology Raipur has announced its fees for sessions 2009-10 to be Rs. 35000/-. For Institutes imparting education of BE Course

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(expecting a few) we have also announced final fees structure and according to that for average institute we have allowed total fees of Rs. 21,150/- per semester inclusive of growth and development charges, weight age and all other misc. fees.

11. AICTE vide regulation 2010 has not only revised academic qualifications but also revised pay scales by increasing the same substantially. Implementation of revised pay and allowance has been made effective from 1-3-2006. Certainly after coming into force this will increase financial burden on the institution..
12. During visit of the institution, the institute presently was found to be an average institute.
13. Having considered the information submitted by the institute We are of the view that reasonable expenditure incurred by the institute against following heads should be borne by the student in the shape of fees..

Prominent Heads.

1. Teaching staff expenditure.
 2. Non-teaching staff expenditure.
 3. Electricity expenditure.
 4. Printing & Stationary expenditure.
 5. Officer expenditure.
 6. Operating & Administrative expenditure.
 7. Work shop consumable.
 8. Repairing & Maintenance.
 9. Travel & Conveyance.
 10. Sports.
 11. NSS.
 12. Telephone.
 13. Library & Lab Consumable
 14. Processing fees.
 15. Insurance.
 16. Educational Tour Expenditure.
14. So far as depreciations are concerned the same are allowed under certain laws for calculating actual income for considering those income under various

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provisions of those laws. To meet the requirements of syllabus and norms prescribed by AICTE, institutions are required to incur expenditure. Equipments, books, computer etc purchased by the institutions does not lose its utility, even computers are updated. There is a distinction in between educational institutions and individual. So far as fixation of fee is concerned depreciations allowed under various laws for computing income has no role to play even then we are of the considered view that for the sake of calculations if up to 10% of the reasonable expenditure incurred by institution under above heads are allowed towards depreciations that will meet the ends of justice.

15. Institute did not furnish audited account for the year 2008-09 however un-audited expenditure upto 31-3-2009 has been furnished by the institute but expenditure shown therein has no substantial value. Institute did not claim any amount towards depreciation. Member (Finance) after taking into account figures appearing in the aforesaid un-audited statement has calculated approximate expenditure per student as shown below. Tuition fee realized by the institution in the academic session 2008-09 and proposed during personal hearing are also unveiled below.

Kirodimal Institute of Technology, Raigarh.

| | |
|---|------------------------|
| As pe un-audited expenditure per intake student | 46,000/-per year |
| Tuition fee charged by Institute | 25,000/-per year |
| | |
| Tuition fee proposed | 22,000/- per Semester. |

16. It is well known feature that for attracting good faculty, higher salary and better amenities are the basic elements these days. Prices, not only of daily needs but also of other amenities have been increased beyond our expectations. For quality education various factors plays their role, some of them are good faculty, better amenities, better infrastructure, educational atmosphere etc. Therefore considering all these factors, contentions of institution, all facts and legal aspects as mentioned above, ground reality, various petty expenses which requires to be incurred by institution and without ignoring the pocket capacity of students to pay the fee for quality professional education we are required to fix per semester payable consolidated fee comprising tuition fee, other fees and growth and

development charge(excluding charges for users facilities, prescribed fees payable to University and prescribed fees payable to Counseling Authority). For fair and transparent fixation of fee we are of the considered opinion that the fee should be fixed applying following methodology.

Methodology applied for fixation of fees:-

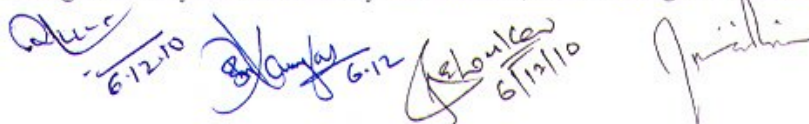
(a) Whether a candidate studies in an institute situated at capital or situated in a village, he after completion of course will be awarded with a degree of BE from Vivekanand Technical University, only difference may be of his aptitude therefore so far as educational part is concerned fees for teaching, all the institutions deserves to be placed at par and are entitled for same fees but so far as development of aptitude is concerned it is the concerned institute which by providing educational atmosphere and other suitable facilities/ amenities gradually develop ability and smartness in students therefore they are entitled for additional amount which in our considered opinion as per grouping we should allow them reasonable incentive amount, so as to enable them to maintain the educational atmosphere and further to develop the same. Justice Jha committee in 2005 allowed a minimum fees by taking 25% over and above Rs 18000/- which is fees taken by Govt. Engineering colleges of CG fixed minimum Rs. 22,500/- as tuition fees. Inflation, Financial crisis and price rise are factors well known to every body. According to AICTE norms increase in salary which has to be implemented from 1-3-2006 will be a heavy financial burden on institution. Having considered all these facts and also taking into consideration all the facts and submission as stated in earlier paragraphs we allow a total increase of 40% .which comes to Rs. 9,000/- Adding Rs. 9,000/- to Rs. 22500/- the amount comes to Rs.31,500/-- which in our opinion should be minimum Tution fees for institutions running BE courses. For Institutions which falls within group AVERAGE , we have after due consideration allowed incentive of Rs. 5000/. therefore here in the present matter also we allow the same amount. So far as Adm/other fees is concerned NIT Raipur has fixed Rs.2800/- per annum and in our considered opinion the amount so fixed can be accepted for private professional institutions who are running BE courses and accordingly we allow the same.

Fees for the institution :-

Rs. 31,500/- + 5000/- + 2800/- = 39,300/-

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- (b). Age of the institution is also a governing factor, for consideration of fixation of fee, therefore devotion of institutions imparting professional education should be given weight and institutes older than 5 years in our opinion should be allowed towards weight-age, additional sum of Rs. 1000/- per annum to be added in the fee.
17. The fee calculated as above , in our considered opinion is just and rational and therefore we are pleased to accept the same, accordingly we announce the fee structure for the institution as indicated in the schedule, for the academic session 2008-2009, 2009-10 and 2010-11.
18. After due consideration we have allowed Rs. 3000/-towards Growth and development charges and Rs. 1500/-is fixed towards Caution Money (one time payable at the time of admission).to other institutions and accordingly we allow the same to the institution.
19. Some of the institutions have obtained accreditation in respect of certain BE course. Some of the institutions have earlier obtained accreditation in respect of certain BE courses for some period but after expiry of the period they could not get it renewed. We are allowing growth and development charges to each of the institutions we have allowed incentive to institutions as per assessment made by the committee and also we have allowed Weight-age therefore if for accredited courses for their validity period only a sum of Rs. 1000/- in addition to above is allowed that will be just and proper encouraging amount for those institutions. Institutions who failed to get their accreditation renewed are not entitled for the aforesaid amount.
20. Charges for facilities like Mess, transport and hostel can be collected from users on no profit, no loss basis. Fees prescribed by the University payable by the student shall be collected from student and shall be remitted to the University as per their directions. Fees prescribed by the counseling authority payable by the candidate shall also be charged. Institute may also charge for training and placement subject to willingness of the participant in the campus placement organized by the institute and studying in third year or onwards. Except above referred charges and fee, no other charges and fee are allowed to be charged for any other reason by the institute, and if charged or collected

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shall be presumed as charging capitation fee and institute shall be subjected to penal action in accordance with law As discussed earlier we are fixing upper cap for the following activities :-

1. Hostel Rs. 4000/- per semester.
2. Transportation. Rs. 4000/- per semester.
3. Training & Placement. Rs. 500/- per semester (in the year of placement)
4. Dress. Rs.1500/-including Blazer.

21. The fees structure as determined above shall be applicable to students admitted for the academic sessions 2008-2009 , 2009-2010 and 2010-11 and will remain the same to be chargeable from the student during their respective course tenure.

22. Refund of fees on cancellation of admissions:- AICTE in clause 56.8 of its regulation has prescribed following provisions for refund of fee:-

“Institutions not following guidelines issued by the Council regarding refund of fees on cancellations of admissions or delaying refund shall be liable to following punitive action from any one or more of the following by the council.

* Surcharge amounting two times the total fees collected per student shall be levied against each case regarding refund.

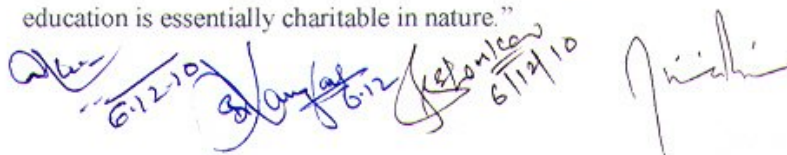
* seats equal to double the number of such cases shall be reduced from intake in the subsequent academic year.

* Suspension of approval for supernumerary seats, if any.

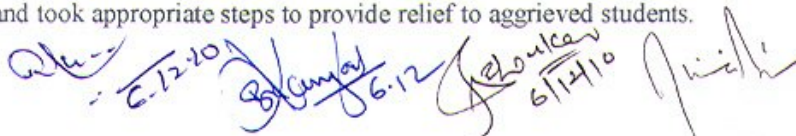
Amount in respect of surcharge shall be remitted to “Member Secretary, AICTE” as per instructions issued by the council.

23. Following observations made by Hon’ble the Apex Court in TMA PAI FOUNDATION (Supra) is also a guiding factor for considering refund of Fees.

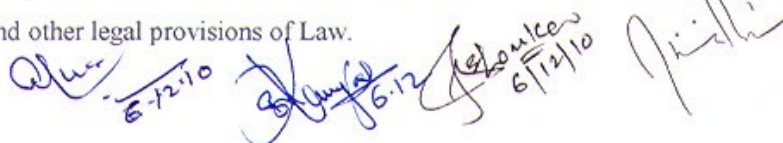
“Since the object of setting up an educational institution is by definition “Charitable”, it is clear that an educational institution cannot charge such a fee as is not required for the purpose of fulfilling that object. To put it differently, in the establishment of an educational institution, the object should not be to make profit, in as much as education is essentially charitable in nature.”

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24. "The Act 2008" empowers the Admission and Fee Regulatory Committee, the work of supervision and guidance of admission process and for the fixation of fee to be charged from candidates seeking admissions in a Private Professional Institution. The "Act" further empowers the Committee to enquire matters relating to collecting of capitation fee or fee in excess of fee determined or profiteering by an institution and to pass appropriate recommendations and declarations. From provisions as contained in the "Act" it is manifest that collecting of capitation fee or profiteering has been prohibited by the legislation.
25. In charity, there is no role of profit, loss, forfeiture, confiscation or penalty. The occupation of education is, in a sense regarded as charitable, as observed by Hon'ble the Apex court in TMA PAI (Supra) therefore so far as receipts from fees is concerned, cancellation of admissions or non-fulfillment of seats, have no bearing. There is no legislation empowering Private Professional Institutions to impose penalty or to forfeit any amount deposited by the student or to confiscate the advance fees or fees paid by the student. Fees fixed by the committee for semester means the fees has been fixed for six months. The fees as ascertained and fixed by the Committee has been fixed for students who are admitted and who pursue their studies further, and the fees is applicable only for that period for which a student actually continues his studies. If any student does not want to continue his studies any more and got his admission cancelled, institution is bound to return the fee for the period which falls after cancellation of the admission.
26. We have been apprised of the fact that a considerable number of students are facing financial crisis. It has come to our notice that in Chhattisgarh a number of students who are unable to cope with the course or unable to arrange payment of fees and other charges of the institutions get their admission cancelled. It is a matter of deep concern that Institutions on the one hand says that they are imparting education on charity and on the other hand refuses to return the amount collected by them from concerned student towards fees or hostel charges etc., even they retain original testimonials for creating pressure on the student so that he may not leave the institution or should pay fee for remaining part of the course. Committee received a number of Complaints and took appropriate steps to provide relief to aggrieved students.

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27. "Act" directs that the Committee shall ensure that the admission in an institute is done in a fair and transparent manner. The responsibility to enquire the complaints regarding collecting of capitation fee or profiteering has also been put on the shoulders of the committee.
28. In the above discussed scenario it is rational to issue following directions and orders to prevent commercialization and profiteering of technical professional education and also to remove the hardship faced by students who quit the institution in the mid stream or after completion of the course:-
- (1).In the event of a student withdrawing the course whether before the starting of the course or after the start of the course the fees collected from him after making following deductions should be refunded and returned to the student.
- (c) Before starting of the course if candidate withdraws the course only processing fee of not more than Rs. 1000/- shall be deducted and remaining amount should be refunded and returned to the candidate within a fortnight else candidate shall be entitle for refund along with interest @ 10% p.a.
- (d) After starting of the course if candidate withdraws the course, proportionate deduction of monthly fees and proportionate deduction of other charges/fees like hostel fees, transportation charges etc shall be made and remaining amount should be refunded and returned to the student within a fortnight else student shall be entitle for refund along with interest @ 10% p.a.
29. In no circumstances Institutions except School/ Institution leaving Certificate, Migration Certificate (in cases where it is necessary) and other certificates require under law to be filed at the time of admission, should obtain original testimonials and other certificates from a candidate seeking admission however if they desire they may take verified copy of those documents at the time of admissions or thereafter. As and when a student withdraws the course, the Institution should issue Institution Leaving Certificate and shall immediately deliver the same to the student.
30. Any violation of the above directions shall be viewed seriously and shall call for punitive action in accordance with the provisions contained in the "Act" and other legal provisions of Law.

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31. Fine/ penalty imposed by institutions :- Unless under any law power to impose fine or penalty has been authorised, institutions are not empowered to impose the same. University has already prescribe percentage of attendance for appearing in the examination, therefore if any student remains absent and does not fulfill the required attendance he will be disqualified from appearing in the examination therefore for absence neither fine nor penalty can be imposed by the institutions.
32. Collecting of capitation fee or fee in excess of fees fixed by the Committee or fees and charges not herein above mentioned or profiteering by any institution are prohibited therefore violation thereof shall be subject to legal action against the concerned institution.
33. Growth and development charges and surplus (if any) shall be utilized only towards growth and development of the same institution and would not be diverted or used for any other institution or work.
34. As we have taken into consideration Regulation 2010 for fixation of the fees therefore we expect that Salary shall be paid to teachers and other academic staff in accordance with the All India Council for Technical Education (Pay scales, Service conditions and qualifications for the Teachers and other Academic staff in Technical Institutions (Degree) Regulation 2010, and arrears (if any) shall also be paid to the person entitled for the same as and when the said Regulation is published in the Official Gazette.
35. **The consolidated fee fixed by the committee is the maximum fee chargeable by the institution for a particular course. The institution if it thinks desirable or necessary would be at liberty to charge any lesser fee.**
36. In case of delay in payment of fee in second semester and onwards, late fee shall not exceed Rs. 25.00 (Rs. Twenty five) per day, subject to action as per University Rules.
37. Difference of fees shall be payable as the case may be by students/institution. It means that if the fees collected by Institution is on higher side than fixed by the Committee, the difference shall be refunded to the student by Institutions otherwise by student to the Institution, however institute is at liberty to exercise its discretion waiving realization of difference payable to the institute form students.

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SCHEDULE

**Fees structure for the academic session 2008-09,2009-10& 2010-11 relating to
discipline BE**

| Sl. No. | Name of Institution | Group | Total Fee (Per Semester) (Inclusive of Growth & Development charges, weight-age and All other Miscellaneous Fee Rs.) |
|---------|---|---------|--|
| 1. | Kirodimal Institute of Technology, Raigarh. | Average | 21,650/- |


Chairperson Member Member Member/Secretary