

ADMISSION AND FEE REGULATORY COMMITTEE

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

FEE STRUCTURE FOR THE ACADEMIC SESSION 2008-09, 2009-10, 2010-11 and 2011-12 FOR B. PHARMACY COURSE.

FEE STRUCTURE FOR THE ACADEMIC SESSION 2008-09, 2009-10, & 2010-11. FOR D. PHARMACY COURSE

1. Exercising powers conferred under section 4 (1) and (2) of the CG NIIE 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. Earlier in compliance of Hon'ble Supreme Court's judgment dated 14-8-2003 in S.L.P. No. 350/93 Islamic Academy of Education and others vs. State of Karnatak and others, Government of Chhattisgarh vide its order dated 23-3-05 constituted "Fee Fixation Committee for Private Unaided Professional (Technical) Educational Institutions of Chhattisgarh State, commonly known as Justice Jha Committee. In matters relating to fixation of fees for B. Pharmacy (Degree Level) courses , which came before Hon'ble Justice Jha Committee, the committee was pleased to fix tuition fee Rs. 2800/- per student per year. So far as fixation of fees for D.Pharmacy (Diploma) Course is concerned , in matters which came before the committee for fixation of fees , the Committee was pleased to fix tuition fees Rs. 26000/- per student per year. It appears that those fees structure continued upto 2007-2008. So far as academic sessions 2009-10 is concerned considering emergent situation the committee has issued ad-interim fee structure. Final Fees structure foe B.Pharmacy and D.Pharmacy for the session 2008-09 and onwards are to be considered and to be fixed by AFRC

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3. In *Islamic Academy of Education, vs. State of Karnataka*¹, 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 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 KARNATAKA*², 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

¹ (2003) 6 SCC 697
² (2002) 8 SCC 481

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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;
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 Committee called information in format prescribed by it from all institution. Information furnished by institutions have been perused and considered. Committee also visited institutions for proper assessment and also allowed all institutions opportunity of hearings.

7. On 17-6-2010, Committee heard all institutions in person. During the course of hearing, in brief institutions made submissions that they are required to invest heavy expenditure on purchase of sophisticated equipments, apparatus glass ware and software. Heavy quantity of chemicals and raw materials are consumed in practical. Nature of course constrains students to devote their time in practical rather than in theory. Some of the institutions have also maintained Animal House and they urge that for maintaining animal house they are required to incur

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