

EDUCATION SECTOR

1. What is the education sector?

In recent years, the landscape of the education sector in India has experienced remarkable growth and transformation. The heightened competition among educational institutions, combined with strategic initiatives to attract a larger student base through incentives like scholarships, discounts, and supplementary services, has resulted in a notable upswing in enrollments. India stands out with one of the world's most extensive networks of higher education systems, comprising 45,000 degree colleges, over 1000 universities, and approximately 1500 top institutes. This expansive framework reflects a promising trajectory for the future of education in the country.

Nevertheless, within this progressive panorama, concerns surrounding consumer rights in the education sector have gained prominence. With a dedicated focus on ensuring the welfare of students and safeguarding their interests, consumer laws assume a pivotal role in addressing potential issues that may arise between educational institutions and students.

2. What are the grounds for complaint available?

- Retention of Original Certificates: Educational institutions retaining original certificates, violating the rights of students.
- Non Issuance of Transfer certificates: Delay on issuance of transfer certificate leading to possible loss of academic year.
- Unreasonable Demand of Full Course Fee: Demanding the entire course fee upfront, hindering financial flexibility for students.
- Non-Delivery of Promised Services: Failure to provide services promised during the course, leading to dissatisfaction and frustration.
- Non-refundable Fee Clause Contradictions: Contradictions in fee receipts, where non-refundable clauses are misused despite the institute's failure to deliver promised services.
- Withdrawal and Refund Issues: Complications in the withdrawal process and delays in refunding the balance amount after withdrawing from the course.

- **Misleading Advertisements:** Educational institutions providing misleading advertisements, enticing students with false promises.
- **Breach of Data Privacy:** Instances of unauthorised access or breach of students' confidential information by the educational institution.

3. When would complaints not be accepted?

There are various situations which might cause the complaint to be rejected. These include situations where the consumer is unable to file an appeal against an order within a period of three months, where the complaint is based on a frivolous cause of action, where the complaint falls outside the jurisdiction of the authority approached, and when the complaint has been filed under wrong sections of the act, and other such situations.

Specifically within the education sector, certain activities are not considered services under the Consumer Protection Act, and these include conducting exams, issuing roll numbers, determining examination centres, evaluating papers, cancelling candidature, allotting subjects, and declaring results (indicative list). These activities are statutory functions and do not fall within the definition of 'services' as laid down under the Consumer Protection Act.

4. What needs to be done to get redressal of complaint/grievance?

Stage 1: College/Institute Level

Lodge the grievance with the College/Institute and await resolution within 15 working days.

Stage 2: University or Competent Authority (UGC/AICTE/DEB)

If the issue remains unresolved or the resolution provided by the College/Institute is unsatisfactory, submit a written complaint to the respective University or Competent Authority (UGC/AICTE/DEB) for Higher Education.

Stage 3: Consumer Dispute Redressal Commission

If the issue persists or the desired solution is not achieved, file a complaint with the Consumer Dispute Redressal Commission, following their prescribed procedure. Additional information can be found at <http://www.ncdrc.nic.in/districtlist.html>.

5. What are the regulatory bodies in this sector?

1. University Grant Commission (UGC)
2. All India Council for Technical Education (AICTE)
3. Distance Education Bureau (DEB)
4. Indian Council for Agriculture Research (ICAR)
5. Bar Council of India (BCI)
6. National Council for Teacher Education (NCTE)
7. Rehabilitation Council of India (RCI)
8. National Medical Council (Previously known as Medical Council of India - MCI)
9. Pharmacy Council of India (PCI)
10. Indian Nursing Council (INC)
11. Dentist Council of India (DCI)
12. Central Council of Homeopathy (CCH)
13. Central Council of Indian Medicine (CCIM)
14. Central Board of Secondary Education (CBSE)
15. National Institute of Open Schooling (NIOS)

6. What are the rules, Acts, and Guidelines that govern this sector?

- The Central Educational Institutions (Reservation in Admission) Act, 2006
- The University Grants Commission Act, 1956
- The National Commission for Minority Educational Institutions Act, 2004
- The Central Universities Act, 2009
- The School of Planning and Architecture Act 2014
- The All India Council for Technical Education Act, 1987
- The Institutes of Technology Act, 1961

- National Institutes of Technology Act, 2007
- The National Institutes of Technology (Amendment) Act, 2012
- The National Institutes of Technology, Science Education and Research (Amendment) Act, 2014
- The Institutes of Technology (Amendment) Act, 2012
- The Architects Act, 1972
- The Apprentices Act, 1961
- Draft Indian Institutes of Information Technology (IIIT) Bill, 2010
- National Institutes of Technology, Science Education and Research (Amendment Act), 2014
- The Indian Institutes of Management Bill, 2017

All Acts and Regulations can be accessed [here](#).

7. What are the landmark judgements in this sector?

The issue of whether consumer courts have jurisdiction over educational institutions remains a complex matter, marked by conflicting judgments from different benches of the Supreme Court.

***Manu Solanki v. Vinayaka Mission University.*¹**

In an attempt to settle this dispute, a three-judge bench in 2020, comprising Dr. D.Y. Chandrachud, Indu Malhotra, and Indira Banerjee, JJ., acknowledged the divergence of views within the Court on whether educational institutions fall under the Consumer Protection Act, 1986. The bench deemed it necessary to admit the case for further consideration, stating that the appeal required admission due to conflicting opinions.

***P. Sreenivasulu v. P.J. Alexander.*²**

Affirming consumer court jurisdiction, the Supreme Court allowed civil appeals filed by students in the case of P. Sreenivasulu v. P.J. Alexander. The court referred to the precedent set by the *Buddhist Mission Dental College & Hospital v. Bhupesh Khurana*, which established that the provision of education for a fee falls within the definition of

¹ Civil Appeal Diary No. 12901 of 2020.

² Civil Appeal Nos. 7003-7004 of 2015.

'service' in the Consumer Protection Act.³ According to this perspective, students paying fees for educational services are considered consumers, and the Act is applicable.

***Bihar School Examination Board v. Suresh Prasad Sinha.*⁴**

Rejecting consumer court jurisdiction, the Supreme Court ruled in the case of Bihar School Examination Board v. Suresh Prasad Sinha that disputes related to faults in conducting examinations and non-declaration of results by examinees do not fall within the ambit of the Consumer Protection Act, 1986. The court argued that the examination process is a statutory function and not a service provided for consideration.

To reconcile this conflict, it is crucial to consider the specific circumstances of cases where the Supreme Court acknowledged consumer court jurisdiction. Notably, instances involved deficiencies in services by educational institutions, such as a Dental College admitting students without proper affiliation or recognition by relevant authorities. Since these institutions were not recognized as educational institutions under the statutory rules, that is perhaps why the court stated it had jurisdiction.

8. What are the other important materials to consider?

1. What is the Right to Education Act?

The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE), is an Act of the Parliament of India enacted on 4 August 2009, which describes the modalities of the importance of free and compulsory education for children between 6 and 14 in India under Article 21a of the Indian Constitution.

2. I am looking for a school place for my child. What should I do?

You can find information about English and other languages medium schools in your area from the local authority website.

3. Am I guaranteed a school of my choice?

³ (2009) 4 SCC 473.

⁴ (2009) 8 SCC 483.

No. You can say which school you would like your child to go to but if there are more applications than there are places available you may not be successful in being offered a place.

4. What forms do I need to complete?

The admission authority for the school will provide you with the right application form. You can have a paper form to fill in or you can complete it on line depending on your local authority.

5. When do I have to apply for a place?

Some local authorities announce in a local newspaper or advertise through other medium when you can make an application for your child to be admitted to school. There are often notices in schools and other print and electronic media. Most admission authorities open their school admission round during September and October and these stay open for at least six weeks.

6. What happens if there are more applications than places available?

Admission authorities must admit children up to the number of school places available (admission number). If there are more applications than the admission number then the admission authority will offer places to children according to the list of rules for admitting children to school. They may include things such as how close you live to the school, or if you have a brother or sister already in the school; the admission authority information for parents should have the full list either in a booklet or on their website. Sometimes a place will become available in early September, because children expected at schools have gone to another school for some reason. Sometimes no places become available.

7. My child has special educational needs. How do I apply for a school place?

If your child has special educational needs (SEN) you will need to apply along with everyone else in main stream schools. Education authorities have to ensure that 3% reservation for persons with disabilities is done in all institutions receiving funds from Government (Under The Persons with Disabilities Act, 1995).

8. Where can I get detailed information about school admissions?

You can check the websites of the respective schools or the state government website for specific rules for admission.

Higher Education FAQs

1. What is Higher Education?

Higher Education is the study done after 10+2 - i.e. 10 years of primary and secondary education followed by two years of senior secondary education.

2. Main Organisations in the higher education system in India are:-

- University Grant Commission (UGC)
- All India Council for Technical Education (AICTE)
- Distance Education Bureau (DEB)
- Indian Council for Agriculture Research (ICAR)
- Bar Council of India (BCI)
- National Council for Teacher Education (NCTE)
- Rehabilitation Council of India (RCI)
- National Medical Council (Previously known as Medical Council of India (MCI))
- Pharmacy Council of India (PCI)
- Indian Nursing Council (INC)
- Dentist Council of India (DCI)
- Central Council of Homeopathy (CCH)
- Central Council of Indian Medicine (CCIM)

3. Which is the main governing body, the University Grants Commission of Higher Education in India?

The main governing body is the University Grants Commission, the mandates are:-

- Promoting and coordinating university education.
- Maintaining standards of teaching, examination and research in universities.
- Framing regulations on minimum standards of education.
- Advising the Central and State governments on the measures necessary for improvement of university education

4. What is Central University?

All Central Universities in India are established by an Act of Parliament and are under the purview of the Department of Higher Education (MHRD) and funded by Government of India.

5. What is a state University?

State Universities are run by the state government and are established by Legislative Assembly Act.

6. What is Deemed University?

Deemed university is autonomous and the status is granted by the Department of Higher education on the advice of UGC, under section 3 of UGC Act, 1956 and are funded by the Central government.

7. What is a Private University?

Private universities are approved by the UGC. They can grant degrees but they are not allowed to have off-campus affiliated colleges, and their funding comes from tuition fees, investments, and private donors.

8. What is the Grievance Redressal Mechanism of UGC?

The Online Students Grievance Redressal System facilitates students / complainants to lodge his or her grievance, send reminders and view status on action taken with regard to their grievance(s). The basic aim of the portal is to ensure transparency in admissions, prevent unfair practices in higher educational institutions and provide a mechanism for redress of their grievances. The system also facilitates the universities to search and browse grievances lodged against their university and post action taken against the complaints on the portal as well as contact the complainant directly through email, phone or by post.

For more information, please login to <https://www.ugc.ac.in/grievance/default.aspx>

9. What is the Grievance Redressal Mechanism of AICTE?

- Every institution must maintain a registry in which a student can record a complaint.
- AICTE has directed all universities and colleges to appoint a grievance redressal committee and an ombudsman, and when a complaint is received, the ombudsman must seek an explanation from the institution concerned within seven days and conduct proceedings and dispose of the case within a month.
- The committee and ombudsman have powers assigned to investigate complaints. Students can also register complaints against their own institute/university.

10. Can the complaints pertaining to Educational Institutes be filed in Consumer Courts?

Providing education is a service as defined under the Consumer Protection Act and complaints pertaining to educational institutions can be filed before the Consumer Commissions.

11. Can the educational Institute retain Original Certificates?

The educational institutes cannot retain the original certificates.

12. Can the institutes demand fees for the entire course from the Students?

The educational institute cannot demand a fee for the entire course from the student at the very onset of the course.

13. Can the Universities and colleges be questioned for non-grant of admission, number of seats or conducting of exams?

A University, while conducting exams or giving admission to students in particular subjects or streams or while deciding fee structures, number of seats available, cannot be questioned before the Consumer commission as these are statutory functions and do not fall within the definition of 'services' as laid down under the Consumer Protection Act.

14. Can a student seek refund of fees which have been paid if the facilities promised are not given?

If a student wants to leave an institute mid-way and is seeking a refund of the fees paid in advance for the full course, he or she is eligible for the same. Processing or administrative charges may be deducted by the institute.

15. Can I seek refund even if the fee receipt says that fee once paid is not refundable?

The fee receipts may say that the fees once paid are non-refundable, but if certain services have been paid for and the institute fails to deliver the same as promised, they can withdraw from the course and demand a refund of the balance amount of the fees that has been paid.

16. When is education not a service under the Consumer Protection Act?

- Conducting Exams.
- Issue of Roll No.
- Deciding Examination Center.
- Evaluating papers.
- Cancelling Candidature.
- Allotting Subjects.
- Declaring Results.

17. Tier wise escalation level for consumer complaints handling.

Tier-1: Register the grievance with the College / Institute and wait for 15 Workings days

Tier-2: In case the issue is not resolved or the resolution given by the College / Institute is not satisfactory, consumers can send a written complaint to the University or Competent Authority (UGC/ AICTE/ DEB) in case of Higher Education.

Tier-3: In case the issue persists or the consumer does not get the desired solution, he/she may file a complaint with the Consumer Dispute Redressal Commission, following the procedure prescribed by them. For more information, you may visit [List of District Commissions](#)