

SAFEGUARD YOUR INTERESTS AS A CONSUMER WHILE SEEKING ADMISSIONS IN EDUCATIONAL INSTITUTIONS

The Demand for professional education has risen steeply in the last few years. This cannot be met fully by state-funded or state-aided institutions alone. This is why a new category of private, self-financing institutions have registered a phenomenal growth. They offer courses in engineering and technology, computer, medicine, dentistry, pharmacy, management, teacher education and law, for which there is great demand. Many of these institutions are deficient in matters like infrastructure, competent faculty and even a congenial campus environment. Hence there arises a need for both students and their parents to be aware of their rights and undertake comprehensive assessment of the infrastructure facilities and validity of the courses before committing their hard-earned money to such institutes.

Crucial Role of Regulatory bodies

Education, including university education is in the State list of the Constitution. However, the Centre is entrusted with the responsibility of coordinated development and maintenance of prescribed standards of education. Accordingly, the University Grants Commission was set up in 1956 followed by the establishment of a number of regulatory bodies called Councils in the field of professional education through parliamentary enactments. While in the pre-independence days there was only one such Council - the Medical Council of India established in 1933 - three are now more than dozen.

Besides the Councils, there are three other statutorily constituted regulatory bodies, viz., the Institute of Chartered Accountants of India (ICAI), the Institute of Company Secretaries of India (ICSI) and the Institute of Cost and Works Accountants of India (ICWAI). They are responsible for regulating the standards of education and profession in their respective areas. Unlike the Councils, they themselves conduct the examinations and admit the qualified students as Associate Members as professionals.

The most widely known regulatory Council is the All India Council for Technical Education (AICTE), because of the large number of professional and technical disciplines it controls.

A medical student must qualify from a medical college recognised by the Medical Council of India and after fulfilling the specified conditions (e.g., internship in hospitals) becomes eligible for registration with the State level Medical Council to undertake practice legally. In professions, where no such registration is necessary, students qualifying from recognised institutions only are eligible for employment or can pursue further education. For example, the National Council for Teacher Education, which regulates education, has issued a sort of 'statutory warning' that "qualification in teacher education obtained pursuant to courses offered by unrecognised institutions will not be treated as a valid qualification for purposes of employment under Central/State government institutions, universities, colleges, schools or other educational bodies aided by Central/State Governments".

It is therefore, essential that students must first ascertain whether the institutions in which they are seeking admission are recognised by the concerned regulatory authority.

The AICTE which has a comparatively larger number of institutions under its umbrella, publish several directories, each dealing with a group of courses. National Council for Teacher Education (NCTE) and the Rehabilitation Council of India (RCI) have established their own websites. Lists of recognised institutions and courses are available from these sites.

Consumer Protection Act – Boon for the students

The issue of recognition of professional educational institutions and course by the concerned regulatory authorities become the subject of dispute under the Consumer Protection Act (1986) had led to far reaching verdict awarded by the National Consumer Dispute Redressal Commission. The apex consumer court has resolved the basic question whether educational institutions come under the ambit of consumer courts and held that they too are liable for deficient services rendered. The verdict was in response to complaint filed by 12 students, who joined the Buddhist Mission Dental College in Bihar. The College in its admission advertisements for the BDS Course gave an impression that it is affiliated to Magadh University and recognized by the Dental Council of India. After joining the College the students to their dismay found that it was neither affiliated to Magadh University nor it is recognized by the Council. As a result, they not only lost two academic years but also the money spent on fees, hostel charges, etc. Holding the service rendered by the College to be deficient, the Commission directed it to refund all admission expenses with interest and pay compensation for the loss of two years and, also the cost of the petition.

Apart from the redressal of the grievances of students, the importance of the award lies in the fact, that it brought educational institution under the ambit of the Consumer Protection Act. The Commission observed, "Imparting of education by an educational institution for consideration falls within the ambit of 'service' as defined in the Consumer Protection Act. Fees are paid for service to be rendered by way of imparting education by the educational institutions. If there is no rendering of service, the question of payment of fee would not arise. The complaints (the student in this case) had hired the service of the respondents (the College) for consideration and so they are consumers as defined in Consumer Protection Act".

Educational institutions that collect fee are thus service providers and Students and their parents who are paying for these services can seek compensation for such deficiencies.

What Constitutes deficiency of services

Some of the instances that can be considered as deficiency of services are listed below:

- 1 Running Un-recognised schools and colleges
- 2 Employing under qualified and untrained teachers.
- 3 Inadequate infrastructure facilities like library, laboratory, accommodations, furniture, playground
- 4 Adopting of syllabi which is not prescribed or standard syllabi
- 5 Issuing of misleading advertisements promising placements/practical training
- 6 Delay in providing provisional certificates, resulting in denying admission to the students during the academic year in to the next higher course.
- 7 In case the management runs an unrecognised educational institute due to which students become ineligible to appear in the examination having studied for the whole year or even a few months the institution can be held responsible.
- 8 Promise of placements in India and abroad that are not fulfilled can also make such institutions liable for compensation. Such a promise of guaranteed placement which is not fulfilled later on is a clear case of unfair trade practice and such managements are liable to sue for the loss sustained by the students.
- 9 Inadequate computer lab
- 10 Lack of adequate space and facilities to undertake projects as required under the course curriculum
- 11 Laboratory facilities being inadequate with requisite books often not available
- 12 Frequent shuffling of classes
- 13 Hostel facility not in close proximity of the campus
- 14 High student-faculty ratio that is detrimental to students' interest.
- 15 Non-supply of hall tickets for examination which may result in loss of one year.
- 16 When promised practical training is not given even though the course is completed.
- 17 A student though present in the examination hall but is shown as being absent.
- 18 Failure of institutions to offer facilities that were promised at the time of collecting fees.
- 19 Failure to provide hygienic food in residential school where boarding facilities are offered
- 20 Suffering of students due negligent driving of the driver of private buses/transport employed by the institute
- 21 In respect of pre-nursery and play schools failure of the institutions to ensure suitable safety measures for children below 5 years especially with regard to fire, water, electricity
- 22 Non following of prescribed or standard syllabi
- 23 Refusal to issue transfer certificate and conduct certificate when demanded by students or parents on account of poor services offered by the institute
- 24 Refusal by the institute to refund the deposit amount when request for transfer certificate has been made by the student on account of genuine and unavoidable circumstances.
- 25 Collection of the entire fees for the whole year in advance and refusal to refund the part fees when a student wants to leave the institute mid-term on account of genuine unavoidable circumstances.

(The list given above is purely suggestive and indicative and the actual interpretation of what constitutes a "Deficiency in Service" shall have to be analysed and interpreted on a case by case basis)

Safeguards required to be adopted by parents:

- 1 Take bills for all the payments made to the school or college.

- 2 Keeping a copy of the prospectus handy during the entire tenure of the course.
- 3 Ask for copies of certification of academic degrees offered by the institute
- 4 Check the infrastructure facilities provided by the institute before finalising admissions
- 5 Examine the "minimum standards" in respect of infrastructural facilities as prescribed by AICTE, UGC, MCI etc.

Checking the validity of academic degrees – The most crucial aspect

Elaborate rules and procedures have been prescribed by Government for establishment of private education institutions. The validity and recognition status of degrees awarded by the institution becomes extremely important since getting a degree which is not recognised by the Government is not only a financial loss but results in a valuable loss of time and almost ruins the career of such students who may have taken admission to such institutions. Consumer Courts have taken very serious note of such institutions in which the brochures/prospectus/advertisements of the institutions claimed that the courses were recognised by AICTE and UGC etc. but when the candidates who passed out from such institutes it was found that the degrees awarded to them were not recognised. Such instances not only de-stabilise the financial position of the parents but very importantly the students are devastated mentally and are at loss to decide about their future.

Parents and students must therefore check the validity of the degrees by logging on to the Website for All India Council for technical Education (AICTE) (www.aicte.ernet.in), University Grants Commission (www.ugc.ac.in), National Council of Teacher Education (www.ncte-in.org) and Medical Council of India (www.mciindia.org). The list is indicative.

Role of Educational Institutions

While the ultimate responsibility lies on the students and their parents, the educational institutions themselves can play a very important role in ensuring that the rights of students and parents as consumer of their services are not violated. It is the responsibility of these institutions to make available all the information in the form of brochures, prospectus and their respective website. If the prospectus gives all the terms and conditions associated with a course and provides all the relevant information about the status of the institute the validity of the course and also gives the relevant information about the source of recognition i.e. whether UGC or AICTE, it should impart confidence in the minds of students. In case a prospectus/brochure contains very lofty promises without adequate background information of facts to support such promises the students and their parents should think twice about admissions to such institutes.

It would be in the fittest of things if education institutions play a positive role in spreading consumer awareness by a combination of activities such as seminars, workshops, literature, discussions, essay competitions, quizzes etc.

Simultaneously, students and parents should behave as Smart Consumers and ensure they get the 'services' for which they have made the payment to the respective Educational Institutions.

(The Author, Rajinder Chaudhry, is Deputy Secretary, Department of Consumer Affairs, Ministry of Consumer Affairs, Food & Public Distribution)