

FEE REGULATORY COMMITTEE FOR MEDICAL EDUCATION IN KERALA

HEAD OFFICE:
T.C. 15/1553-4, PRASANTHI BUILDINGS,
M.P. APPAN ROAD,
VAZHUTHACAUD,
THIRUVANANTHAPURAM - 695 014.
PHONE: 0471-2335133
FAX:0471-2335134

CHAIRMAN
JUSTICE R. RAJENDRABABU

MOBILE (OFFICE): +91 8547255133

ERNAKULAM OFFICE:
RAM MOHAN PALACE
OLD HIGH COURT BUILDING
ERNAKULAM - 682 031
PHONE/FAX : 0484 2394311.

E-MAIL:justicerajendrababucommittee@gmail.com

FRC 50/21/MBBS/BCMCH

MBBS Admission 2021-22- Regulation of tuition fee, Special fee and other fees in respect of Believers Church Medical College Hospital, Thiruvalla- Order issued on 04.02.2022

PRESENT

1. Hon'ble Justice Mr R Rajendra Babu (Retd) ➤ Chairman
2. Dr. Asha Thomas I A S ➤ Member Secretary
[Additional Chief Secretary, H&FWD]
3. Sri. S Suresh Babu ➤ Member
[Chartered Accountant]
4. Sri. P P Gopi ➤ Member
[Subject Expert]

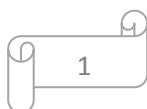
READ

1. Lr. No. FRC 50/21/PG/UG/Medical/Dental/SFMDCK dated 16.09.2021 issued by the FRC
2. Lr.No. BCMCH/PRL/AFRC-FEE/01 dated 22.09.2021 received from the Principal, Believers Church Medical College Hospital, Thriuvalla
3. Lr. No. FRC 50/21/MBBS/BCMCH dated 02.12.2021 issued by the FRC
4. Hearing of the representatives of Believers Church Medical College Hospital, Thiruvalla, held by the FRC dated 08.12.2021
5. Email dated 14.12.2021 from the Registrar, Believers Church Medical College Hospital, Thiruvalla.

ORDER

1. The Believers Church Medical College Hospital, Thiruvalla, in short the Medical College, run by the Believers Church of India, a registered Trust, is having an intake strength of 100 candidates for the academic year 2021-22.

RR



2. The Hon'ble Supreme Court as well as the High Court in various judgments have pronounced that the Fee Regulatory Committee, herein after referred as the Committee, was empowered to regulate the tuition fee in respect of Self Financing Colleges before the commencement of each academic year for professional courses. The Hon'ble Courts have also directed the Self Financing Colleges to submit their fee proposal along with the supporting documents within the prescribed time, as mentioned by the Hon'ble Court, before the Committee for the regulation of the tuition fee. The Committee shall examine the said fee proposals and to regulate a reasonable fee structure in the Colleges after eliminating the profiteering and exploitative elements in the proposal.
3. In view of the above directions of the Hon'ble Courts, all the Medical Colleges had submitted the fee proposals and the Committee regulated the tuition fee from the academic years 2017-18 to 2019-20 in respect of all the Self Financing Medical Colleges, including Believers Church Medical College also. The tuition fees fixed by this Committee in respect of the Medical College from the academic years 2017-18 to 2019-20 have been challenged before the Hon'ble High Court on various writ petitions and through common judgement dated 19.05.2020, the Hon'ble Court set aside the orders passed by the Committee and directed the Committee to regulate the tuition fee specifying certain fresh guidelines.
4. The above Court order was challenged by the State of Kerala before the Hon'ble Supreme Court in SLP (C) No. 9847- 9857/2020 & connected cases. In the petition seeking stay of the implementation of the above order passed by the Hon'ble High Court, the Hon'ble Supreme Court passed the following interim order

“In the meantime, if the Fee Regulatory Committee submits

any report after remand, the same shall not be implemented.”

5. At the same time, Lock-down was declared due to the COVID spread all over the country and the process of admission for the academic year 2020-21 was extended to January 2021 due to the pandemic situation and the priority was given to regulate the tuition fee for the academic year 2020-21, as the MBBS admission procedure was started at the end of the year. Hence, the committee primarily considered the regulation of tuition fee for the academic year 2020-21. Accordingly, the Committee through a common order dated 04.11.2021 has regulated the tuition fee in respect of all Self-financing medical colleges for the academic year 2020-21.
6. Thereafter, the Hon'ble Supreme Court by judgment dated 25.02.2021 in Civil Appeal No. 617 of 2021 has directed the Committee to expeditiously reconsider the fee proposals of the Private self-financing Medical colleges for fee fixation from 2017-18 onwards. The Hon'ble Court has also directed the managements to furnish any information that is required for the purpose of arriving at a decision that the fee proposed by the managements is neither excessive nor exploitative nature. The Hon'ble Court further directed the committee that a reasonable opportunity should be given to the managements of private self-financing colleges to substantiate their proposal for fee fixation and the entire exercise shall be completed within a period of three months from the date of the order.
7. In pursuance to the above direction, the Committee has reconsidered the fee proposal submitted by all the Medical Colleges in Kerala and the entire process was completed by the Committee on 22.11.2021, within the extended time allowed by the Hon'ble Apex Court.
8. The Committee held a meeting on 08.09.2021 and decided to commence the

process of fee regulation for the academic year 2021-22, after completing the entire process of work relating to the reconsideration of fee proposal from the academic years 2017-18 to 2020-21,. The Committee has also observed that Medical College has failed to submit the fee proposal along with the supporting documents before the Committee, as per the Hon'ble High Court direction in **2017 (4) KLT 809**. Therefore, the Committee decided to call for the relevant documents along with the fee proposal from the Self Financing Medical Colleges to regulate the tuition fee for the academic year 2021-22.

9. Accordingly, the Committee through communication dated 16.09.2021 has directed the Medical College to submit two copies of the relevant documents, as mentioned in the communication, to submit before the Committee along with the fee proposal on or before 22.09.2021 for regulating the tuition fee for the academic year 2021-22.
10. In compliance of the above direction, the Principal of the Medical College through communication dated 22.09.2021, has submitted the documents as called for by the Committee for regulation of the tuition fee in respect of MBBS Course for the academic year 2021-22. The Medical College has proposed an amount of Rs. 11,50,000/- for 85% Seats and Rs. 20,00,000/- for 15% seats for the academic year 2021-22.
11. The Committee has gone through the documents submitted by the Medical College and found that the documents submitted were not sufficient to regulate and fix the tuition fee. The committee has to regulate the fee proposal and fix the tuition fee on the basis of the audited financial statements and related documents of 2020-21 financial year, but the same was not produced by the management. Instead they produced only a provisional financial statement, based on which a final fee regulation is not possible. Therefore, the committee has decided to give an opportunity of

hearing to the Medical College in connection with the regulation of tuition fee for the academic year 2021-22. Accordingly, through communication dated 02.12.2021, the Principal of the Medical College was requested to attend a hearing on 08.12.2021 through Google Meet.

12. The following representatives of the Medical College were present for hearing on 08.12.2021, as per the direction of ASC.

SL NO	NAME OF THE REPRESENTATIVE	DESIGNATION
1.	SRI. AJI JACOB	FINANCE OFFICER
2.	DR. BOBAN BABU	REGISTRAR

13. During the hearing, the representatives of the Medical College have submitted that they have proposed Rs. 11,50,000/- for 85% seats and 20,00,000/- for 15% NRI seats for the academic year 2021-22. The Committee observed that the Medical College has demanded 100% increase from the previous year's fee structure fixed by the Committee.
14. The representatives of the Medical College further submitted that the audited statement for the financial year 2020-21 is under process and the same could not be produced. The Committee informed that audited statement for the financial year 2020-21 is relied for fixing the tuition fee for the academic year 2021-22 and directed the representatives to submit the same as expeditiously as possible, since 10 months have elapsed from the end of the financial year. But the management has not submitted the same so far.
15. The Committee also directed the representatives to submit a detailed statement to substantiate the fee proposal submitted by the Medical College for consideration of the Committee while regulating the tuition fee and other fee for the academic year 2021-22.

16. Accordingly, the Registrar of the Medical College through communication dated 16.12.2021 has submitted the written statement before the Committee for regulating the tuition fee.
17. The committee has gone through the above said communication and found that the medical college has submitted a fee proposal basing on a resource gap of Rs,59.40 Cr. But the statement of fee worked out lacks clarity on the financial document they have relied up on. It is mentioned by the college that total expenditure of Rs.213.76 Cr to arrive at the above resource gap is as per audited statement/ income tax return/ estimated statements. It is not made clear by the management that which is the financial document they have followed for arriving at the resource gap, due to which committee is in difficulty to verify the authenticity of the tuition fee worked out and proposed. Moreover, evidentiary documents of income& expenditure like ledgers and invoices relevant are also not produced and verified at this stage.
18. Now the endeavour of the committee is to regulate the fee proposal of the academic year 2021-22 on the basis of the previous audited financial statements of 2020-21, but the same was not produced.
19. As per various judgments, Hon'ble courts have repeatedly observed that the fee fixed should be final and any delay in the fee regulation is neither beneficial to the management nor to the students. So, a fee regulation, if done on the basis of a provisional financial statement / in adequacy of documents will also be provisional only. Therefore, the management is duty bound to prepare and submit the relevant documents well in advance after the ending of the financial year.
20. However, as the MBBS admission procedures for the academic year 2021-22 has already been commenced, the committee cannot wait for more

time, other than to regulate the tuition fee on the basis of the material and information available before it.

21. Accordingly, after considering all the representations and hearing, committee decided to proceed and complete the fee regulation in all the medical colleges basing on the tuition fee for the preceding academic year 2020-21 which was fixed by FRC, after considering all the relevant financial, accounting, other economic indicators and explanation given by the management on various occasions.
22. The Committee has already reconsidered and regulated the tuition fee in respect of all the Medical Colleges from the academic year 2017-18 onwards, as per the direction of Hon'ble Apex Court judgment dated 25.02.2021. Accordingly, the Believers Church Medical College, Thiruvalla was reconsidered and regulated as follows

ACADEMIC YEAR	TUITION FEE (IN RS)
2017-18	4,40,100
2018-19	4,84,200
2019-20	5,32,700
2020-21	5,66,900

23. The medical college has challenged the tuition fee fixed in the above mentioned academic years before the Hon'ble High Court by filing W.P (C) No. 26981 of 2021 and the fee fixed is not in operation as per interim order of the Hon'ble Court dated 21.12.2021.
24. In view of it, the Committee is not in a position to follow the tuition fee of academic year 2020-21 and adopt it as the base fee for the regulation of tuition fee of academic year 2021-22 as adopted in the case of other medical colleges other than PK DAS Institute of Medical Sciences. Since

the Hon'ble apex court was already set aside the tuition fee structure of all the medical colleges from 2017-18 onwards as per judgment dated 25.02.2021, the committee cannot adopt the tuition fee prevailed prior to the reconsideration of tuition fee as per judgment dated 25-02-2021.

25. The Fee Regulatory Committee has filed a Special Leave Petition (Diary No:1071/2022) before the order of the Hon'ble Supreme Court Of India against the order of the Hon'ble High Court dated 21st December 2021 and it is now pending before the Hon'ble Apex Court. Since the admission procedures of MBBS course 2021-22 is in progress, the statute (Act of 2017) demands the regulation and fixation of tuition fee for the academic year 2021-22 in the Believers Church Medical College Hospital, Thiruvalla also along with other medical colleges as expeditiously as possible enabling the on- going UG counselling procedure.
26. As aforesaid, the WP(C) filed against the tuition fee fixed by the committee for the academic years 2019-20& 2020-21 by the medical college and the order of Hon'ble HC dated 21st December 2021 was challenged by FRC before Hon'ble SC of India, both are pending before the respective courts, the committee, with due respect to Hon'ble Courts order has decided to adopt the tuition fee of 2020-21 fixed by the committee as base fees for the very limited purpose of regulating the tuition fee for the academic year 2021-22 Provisionally .
27. The committee had reconsidered and fixed the tuition fee for the academic year 2020-21 at Rs.5,66,900/- - and special fee for the first year at Rs96,489/-. Hostel fee is also fixed at Rs.1,19,000/- in respect of Believers church Medical College for the first year.
28. While fixing the above fee, the committee had already given emphasis to all the financial and accounting factors, economic indicators and all such

other relevant arguments of the medical college on the basis of records , the various factors to be considered as per the Sec 11 of Act 15 of 2017 and the directions and guidelines issued by Hon'ble Apex Court through various judgments, and also on the basis of the documents related to the period submitted by the medical college before the Committee.

29. Now, what is before the committee is to examine and consider how much increase that can be given from the existing level of tuition fee, after considering the various financial, accounting and other aspects submitted by the medical college.
30. Accordingly, committee has decided to proceed and complete the fee regulation basing on the tuition fee for the preceding academic year 2020-21 which comes to Rs.5,66,900/- per student per annum.
31. The consideration before the committee was how much increase in tuition fee can be allowed to the medical college for the academic year -2021-22. The committee has considered the following factors for allowing a reasonable increase, in the absence of actual audited figures, specific plans & evidences on additional actual expenditure incurred, so far, to the medical college, due to the new regulations of NMC.
 - (a) The economic crisis being faced by the medical college management in the circumstances of adverse impact of COVID 19 pandemic.
 - (b) The uncertainty and anticipated price variations prevailing in the current economy, generally.
 - (c) The argument of the medical college that it has been incurring additional expenditure on capital and revenue due to the amended provisions by NMC.
 - (d) Even if the medical college have not submitted any actual figures of investment in capital expenditure and operating expenditure, due to

NMC amendments, the committee reached to a conclusion that the management of the medical college might have incurred certain amount of operating expenditure for the academic year 2021-22, as the amendments have come in to existence from the academic year 2021-22.

- (e) Adverse impact of Covid19 in the economy prevailing in the society, at large which has been affecting the students & parents.
- (f) The fact that the college has been allowed to collect the special fee and hostel fee, separately which is also taken into consideration as part of fee.
- (g) The latest available specific combined inflation rate as applicable to the state of Kerala which is 3.86% .
- (h) The medical college has already attained saturation over a period of 13 years of establishment.
- (i) The cases pending before the Hon'ble HC filed by the medical college and before Hon'ble SC filed by FRC

32. After considering all the above factors, the Committee have unanimously decided to give an overall enhancement of the tuition fee @ 6% on the tuition fee fixed for the academic year 2020-21. The 6 % increase, thus, allowed by FRC is provisionally and is subject to the final decision by the Hon'ble High Court in W.P (C) No. 26981 of 2021.

SL NO	PARTICULARS	AMOUNT (RS)
01	TUITION FEE FOR THE ACADEMIC YEAR 2020-21	5,66,900
02	ADD 6% INCREASE AS DISCUSSED ABOVE	34,014
03	TUITION FEE FOR THE ACADEMIC YEAR 2021-22 (SUBJECT TO FINAL ORDERS OF HON BLE COURT)	6,00,914

31. In view of the above, the Committee here by fix the tuition fee provisionally at an amount of Rs. 6,00,914/- in respect of Believers Church Medical College, Thiruvalla, for the 85% seats during the academic year 2021-22, subject to

the final disposal of Writ Petition pending before the Hon'ble Court. The Committee also decide that no increase of special fee, hostel fee and NRI fee need be allowed during this academic year 2021-22. The details of tuition fee and other fees are given hereunder.

BELIEVERS CHURCH MEDICAL COLLEGE AND HOSPITAL		
THIRUVALLA		
TUITION FEE & OTHER FEES DETAILS FOR THE ACADEMIC YEAR 2021-22		
SL NO	PARTICULARS	AMOUNT (Rs)
1.	TUITION FEE	6,00,914
2.	TUITION FEE FOR 15% SEATS	20,00,000
3.	SPECIAL FEE FOR THE 1 ST YEAR	96,489
4.	SPECIAL FEE FOR THE REMAINING YEARS [2 ND , 3 RD , 4 TH & 5 TH]	39,566
5.	HOSTEL FEE FOR 1 ST YEAR	1,19,000
6.	HOSTEL FEE FOR THE REMAINING YEARS [2 ND , 3 RD , 4 TH & 5 TH]	1,14,000

32. The Principal of the Believers Church Medical College, Thiruvalla, is hereby permitted to collect the aforesaid amount only from the MBBS candidates for the academic year 2021-22.
33. Email this copy of the order to the Government of Kerala and the Principal of the Believers Church Medical College, Thiruvalla. The Government of Kerala shall notify the fee structure in respect of Believers Church Medical College, Thiruvalla for the academic year 2021-22, as per the section 9 (2) of Act 15 of 2017.

Dated on this the 4th day of February 2021

Sd/-
CHAIRMAN