

CASE COMMENT: MOHINI JAIN VS STATE OF KARNATAKA

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INTRODUCTION

Judgement date: 30 July 1992

Petitioner: Miss Mohini Jain

Respondent: State of Karnataka and Ors.

Bench: Hon'ble Justice Kuldeep Singh and Hon'ble Justice R.M. Sahai

The case of Mohini Jain vs the State of Karnataka and Ors¹ resulted in a significant ruling on the constitutional validity of capitation fees in educational institutions. The case addressed several legal issues regarding the right to education, one of which was the practice of charging capitation fees in educational institutions. Capitation fee, in this context, refers to the extra fees charged by the institution from students who are not admitted under the "Government seats". The term "Government seats" refers to a specific amount of seats available in an educational institution that are filled based on merit or reserved for certain categories such as scheduled castes, scheduled tribes, or backward classes. These seats do not require payment of a capitation fee for admission.

This case is pertinent because it throws light on the class bias persisting in the dissemination of education in India. Article 21(A) of the Indian Constitution which contains the Right to Education² states that education must be imparted to all, irrespective of their background. Capitation fees highlight a clear class bias, as they allow wealthy students to gain admission while poorer students must withdraw due to financial inability. Even if the poorer student has better academic merit, they cannot gain admission because they lack the necessary funds, while richer students can essentially purchase their admission. Such treatment is unreasonably, unfairly, and unjustly discriminatory.

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¹ *Mohini Jain v State of Karnataka & Ors*, 1992, AIR 1858, SCR (3) 658

² Right to Education Act, 2009, art 21(A)

In this case, the meritocracy of the students is not taken into account, and admission is given solely based on who could afford it.

It raises the question of whether educational institutions have the right to charge capitation fees from students, and if this practice violates the 'Right to Education' enshrined in the Indian Constitution.

FACTS OF THE CASE

On June 5, 1989, the state government of Karnataka issued a notification under section 5(1) of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984³, deciding the tuition fees and other expenses to be charged to the students admitted to the private medical colleges of the state. The tuition fee was affixed Rs. 2000 per annum for candidates admitted against the 'Government seats', an amount not exceeding Rs. 25,000 per annum for 'Karnataka students, (those not admitted against the government seats)' and Rs. 60,000 per annum for the category of 'Indian students from outside Karnataka'.

Mohini Jain, the petitioner of the case belonged to the category of 'Indian students from outside Karnataka' and looking to join a private medical college for the session commencing from February/March 1991. She was informed by the private medical college, that she would have to deposit an amount of Rs. 60,000 for the first year and furnish a bank guarantee for the remaining years of the MBBS course, to be granted admission to the institution. This was in consonance with the notification issued by the state government. When the petitioner's father stated that he was not able to afford the exorbitant tuition fee, Mohini was denied admission.

This led to the petitioner challenging the State government's notification issued on June 5, 1989, which allowed private medical institutions to charge an exorbitant amount of tuition fees from those students who were not admitted against the 'Government seats'.

LEGAL ISSUES

The principal legal questions raised in this writ petition are as follows:-

- Is there a 'Right to Education' guaranteed to the people of India under the Constitution? If so, does the notion of 'Capitation fee' infringe upon that?

³Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984, s 3, 5(1)

- Can the collection of capitation fees for admission to educational institutions be deemed as unfair, unjust, arbitrary and, consequently, in violation of the equality clause mentioned in Article 14 of the Constitution?
- Can the notification in question be interpreted as allowing Private Medical Colleges to charge capitation fees by disguising it as a means of regulating fees under the Act?
- Does this notification violate the provisions of the Act that explicitly prohibit any educational institution in the State of Karnataka from charging capitation fees?

ARGUMENTS MADE BY THE RESPONDENTS

The respondents argued that the students who were charged higher tuition fees belonged to a distinct class, separate from those admitted to the 'Government seats.' The respondent further claimed that the students admitted to the Government seats were meritorious, while the rest were not. According to the respondent, this classification of students based on their merit was a valid one, and therefore, the college management had the right to charge higher fees to those who were not meritorious. They also stated that the objective of this classification was to generate revenue to cover the expenses incurred by the college in providing medical education to the students.

Further, the Karnataka Private Medical Colleges Association, acting as an intervener, contended that the Private Medical Colleges in the State of Karnataka did not receive any financial aid from either the Central or the State Government

The Association stated that the Private Medical Colleges would incur an expenditure of approximately Rs. 5 lakhs per student for the 5-year MBBS course. They explained that 40% of the seats in these colleges were designated as 'Government seats' and students admitted against these seats would only pay Rs. 2,000 per annum, leaving the rest of the burden on those admitted against the management quota. The Association believed that the tuition fee was not excessive, and thus, there was no question of the Private Medical Colleges in the State of Karnataka making any profit.

The respondents and the Karnataka Private Medical Colleges Association, thus stated that the management of medical colleges was justified in charging capitation fees to run the

institutions. They argued that apart from the Act, no provision under the Constitution or any other law prohibited charging capitation fees.

OBSERVATIONS OF SUPREME COURT

The Supreme Court observed that students are admitted to educational institutions, whether state-owned or state-recognized, in recognition of their right to education under the Constitution. Charging capitation fees in exchange for admission to educational institutions constitutes a clear violation of a citizen's right to education under the Constitution.

The court also stated that “the dignity of man is inviolable”. It must be upheld and safeguarded by the government, and education is crucial in nurturing it. The makers of the Indian Constitution were cognizant that over 70% of the population was illiterate and aimed to eliminate illiteracy within ten years. This led to the inclusion of Articles 41⁴ and 45 in Chapter IV⁵ of the Constitution. Human dignity cannot be guaranteed without the development of an individual's personality, which can only be achieved through education.

During the case proceedings, the court also referenced Article 41 in Chapter IV of the Indian Constitution. It acknowledges the right of an individual to education, stating that the State should make effective provisions for securing this right within its economic capacity and development. Although citizens cannot legally enforce the directive principles outlined in Chapter IV, these principles were not meant to be empty promises. Without realizing the right to education established in Article 41, the fundamental rights outlined in Chapter III will remain inaccessible to the vast majority of illiterate individuals.

THE VERDICT

The ‘Right to Education’ is closely related to the fundamental rights guaranteed under Part III of the Constitution.⁶ The Constitution mandates the State to establish educational institutions at all levels for the welfare of citizens. These institutions must operate for the benefit of citizens, and access to education should not be limited to the wealthy section of society.

As per the Constitution, all citizens have the right to education, and it is the duty of the State to establish educational institutions to enable citizens to enjoy this right. The State can

⁴Constitution of India, 1950, art 41

⁵Constitution of India, 1950, art 45

⁶*Ibid*

discharge its obligation by creating state-owned or state-recognized educational institutions, including private ones that are granted recognition by the State Government. Admission to these educational institutions is granted to students in recognition of their right to education. However, charging a capitation fee for admission is a clear violation of a citizen's right to education as guaranteed by the Constitution. The obligation of the State to provide education to its citizens at all levels is necessary to ensure the right to life and dignity of individuals under Article 21⁷ of the Constitution.

Charging a capitation fee for admission to state-recognized educational institutions is unfair and goes against Article 14 of the Indian Constitution, as it makes education inaccessible for the poor. Therefore, it can be concluded that a capitation fee in consideration of admission to educational institutions is not constitutionally valid.

It was thus ruled, that charging any form of capitation fee is not legally valid. The only fair and just way of admitting students to medical colleges are based solely on merit. Private educational institutions charging a capitation fee for admission is completely unlawful and unacceptable and has to be struck down.

CONCLUSION

“An individual cannot be assured of human dignity unless his personality is developed and the only way to do that is to educate him.”

Ultimately, the capitation fee system was ruled out, and the writ petition was sustained. This decision turned out to be a major step in the progress of the 'Right to Education' in India. The basis of admission now relied solely on merit, and it helped ineffectively strike down a growing class bias in the dissemination of education.

It also sheds light on how the commercialization of education endangers lowering the standard of professionals all over the country. A capitation fee seems to be a charge for selling education, and the institutions practising this can be termed “teaching shops”. These institutions often lack the required infrastructure leading to poor quality of professionals. They also result in a backdoor entry in many cases, which can prove to be fatal, especially in the medical field.

⁷Constitution of India, 1950, art 21

The large-scale exodus of professionals was also highlighted in this case. This happens due to the oversaturation of professionals in the market. It is a direct consequence of the mushroom growth of private colleges in the country, which leads to a much higher proportion of professionals with respect to the common population. In this regard, the timing of the judgement proved to be advantageous.

While the court ruled against the capitation fee and granted the writ petition to that extent, it decided not to provide any relief regarding the petitioner which is Mohini Jain's admission. This is because the petitioner was not admitted to the college based on merit, and the course had already started by March-April, 1991. The court, therefore, saw no reason to direct the private medical college, to admit the petitioner.

