

Mohini Jain v Karnataka (Supreme Court of India; 1992)

Case at a glance

Full citation

[Miss Mohini Jain v State of Karnataka and Others 1992 AIR 1858](#)

Forum

Supreme Court of India

Date of decision

30 July 1992

Summary of decision

In this case, a resident of Uttar Pradesh state challenged a notification issued by the Karnataka government that permitted private medical colleges to charge higher fees to students who were not allocated 'government seats'. The Supreme Court of India held that the charging of a 'capitation fee' by the private educational institutions violated the right to education, as implied from the right to life and human dignity, and the right to equal protection of the law.

Significance to the right to education

In the absence of an express constitutional right, the Court interpreted a right to education as a necessary condition for fulfilment of the right to life under Article 21 of the [Indian Constitution](#). In addition, the Court held that private institutions, acting as agents of the State, have a duty to ensure equal access to, and non-discrimination the delivery of, higher education.

Issues and keywords

Civil & political rights; Right to life; Equality and non-discrimination; Accessibility; Regulation of private schools; Privatisation; Duties of non-State actors; Tuition fees; Higher education

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Context

The Indian government reserves a proportion of private school admissions for students from communities that are recognised by the Indian Constitution as having experienced historic discrimination, or other groups designated by the government. These reservations are often referred to as ‘government seats’.

In 1989, the government of Karnataka issued a notification pursuant to the [Karnataka Educational Institutions \(Prohibition of Capitation Fee\) Act of 1984](#), which prohibits capitation fees – those based on the number of persons to whom a service is provided, rather than the cost of providing a service.

The notification fixed the maximum allowable tuition fees to students of private medical colleges in the state. Under the notification, private medical colleges were allowed to charge higher fees to students not admitted to government seats than to those admitted to government seats. Students admitted to government seat were required to pay Rs 2,000 per year in fees. Karnataka students who were not admitted to government seats were charged fees up to Rs 25,000 per year. Students from outside Karnataka were charged fees up to Rs 60,000 per year.

Facts

Miss Mohini Jain, a resident in Uttar Pradesh, applied to enrol in a course at Sri Siddhartha Medical College, a private medical college in Karnataka. The college requested a deposit of Rs. 60,000 for tuition fees for the first year and a bank guarantee to cover the fees for the remaining years. Jain and her family did not have the means to pay the requested sum, and the private medical college denied her admission to the course.

Jain filed a petition with the Supreme Court of India against the Karnataka government, challenging the notification permitting the private medical college to charge a higher tuition fee to students not admitted to government seats than those admitted to government seats. The Karnataka Medical Colleges Association and the Sri Siddhartha Medical College were also added as respondents.

Issue

The case presented three main questions before the Supreme Court:

1. Whether a right to education is guaranteed under the Indian Constitution.
2. If so, whether allowing private schools to charge capitation fees violates this right.
3. Whether charging capitation fee in educational institutions violates Article 14 of the Indian Constitution, which guarantees equal protection of the laws.

Decision

The Supreme Court first held that, although the right to education was not explicitly guaranteed by the Constitution, it is essential to the realisation of the fundamental right to life and human dignity under Article 21. In addition, the Court found that “It [is] clear that the framers of the Constitution made it obligatory for the State to provide education for its citizens.” In its reasoning, the Court cited the Universal Declaration of Human Rights, and a number of cases that held that the right to life encompasses more than “life and limb”, including necessities of life, nutrition, shelter and literacy.

“The right to life under Article 21 and the dignity of an individual cannot be assured unless it is accompanied by the right to education. The State Government is under an obligation to make endeavour to provide educational facilities at all levels to its citizens... Charging capitation fee in consideration of admission to educational institutions, is a patent denial of a citizen's right to education under the Constitution... Capitation fee is nothing but a price for selling education. The concept of 'teaching shops' is contrary to the constitutional scheme and is wholly abhorrent to the Indian culture and heritage...”

Turning to the issue of the fees, the Court struck down the payment of capitation fees as a condition for entry into any educational institution, whether public or private. According to the decision, access to education must be realised for all people regardless of income. If the State decides to discharge its obligations under the Constitution through private institutions, these institutions must abide by the same constitutional requirements

as the State. Therefore, because capitation fees make access to education based on income rather than merit, they were deemed to be contrary to the right to education, and arbitrary and in violation of the right to equal protection of the laws under Article 14 of the Constitution.

Finally, the Court held that the fees charged by the Sri Siddhartha Medical College under the government notification were capitation fees, and not tuition fees. Therefore, the charging of the fee was also in violation of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act.

Relevant Legal Provisions

National

- Articles 14 and 32, [Constitution of India](#)
- Section 3, [Karnataka Educational Institutions \(Prohibition of Capitation Fee\) Act of 1984](#)

International

- Article 26, [Universal Declaration of Human Rights](#)

Commentary

Prior to the passing of the [Constitution \(Eighty-sixth Amendment\) Act of 2002](#), the right to education was not expressly recognised as a fundamental right in the Constitution. The 2002 amendment added Article 21A, which protects the right to education.

However, this case was decided prior to the passing of the amendment and is significant for holding that the right to education be an implied fundamental right, as an integral part of the right to life. This decision has been relied on by the Indian Courts in subsequent decisions to guarantee other socio-economic rights, including the right to health, water and food.

The significance of this case is also in the court's holding that private educational institutions act as agents of the State in carrying out the latter's duty to fulfil the right to education. Private schools therefore have duties alongside the government in delivering educational services in accordance with constitutional rights.

As a result, because the State has an obligation to ensure equal access to higher education, private institutions have the same obligation. This does not necessarily mean that private institutions must provide free higher education, but that they must ensure that higher education is equally accessible and that there is no unfair discrimination.

Related Cases

[Unni Krishnan v State of Andhra Pradesh 1993 AIR 2178; 1993 SCR \(1\) 594](#)

In this case, the Supreme Court confirmed the decision in *Mohini Jain v Karnataka* – namely, that the right to education flows from the right to life and obliges the State to provide basic education to all citizens up to the age of 14. However, the decision limited the right to higher levels of education, which is subject to the economic capacity and development of the State.

The Court states: “We cannot believe that any state would say it need not provide education to its people even within the limits of its economic capacity and development. It goes without saying that the limits of economic capacity are, ordinarily speaking, matters within the subjective satisfaction of the state... The right to education further means that a citizen has the right to call upon the state to provide educational facilities to him within the limits of its economic capacity and development. By saying so we are not transferring Article 41 from Part IV to Part III- we are merely relying upon Article 41 to illustrate the content of the right of the right to education flowing from Article 21.”

Years later, in 2009, the Indian government amended the constitution by inserting Article 21 -A, which more explicitly protects the right to free and compulsory education for children between the ages of six and fourteen.

Additional Resources

B. Errabbi, [The Constitutional Conspectus of the Right to Education in India: Judicial Perception](#). Nalsar Law Review Vol. 1, No. 1.

ESCR-Net, [Caselaw Database: Mohini Jain v State of Karnataka \(1992 AIR 1858\)](#).

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