

DEBATING EDUCATION 4 AGAINST NEO-LIBERAL THRUST

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Challenges before higher education in developing societies

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The twentieth century witnessed some momentous developments. Countries which for decades, or even centuries, had remained colonies, semi-colonies, or dependencies, acquired political independence after prolonged freedom struggles. With decolonization they also emerged into modern nationhood, where diverse people with dissimilar languages, ethnicities and regional identities who had become unified in the course of the anti-colonial struggles, decided to live together as a unified nation under a single nation-State. The political form given to this nation-State was typically that of an electoral democracy based on universal adult franchise, usually a parliamentary democracy but occasionally an elected Presidency. There were no doubt severe birth pangs for this emerging new order: there were many false starts, partitions, and secessionist movements, but, through all these, the awakening of the hitherto marginalized peoples of the colonial and semi-colonial world to nationhood, political rights and democratic arrangements remains an outstanding fact.

The momentousness of these developments must not be underestimated. In India for example, characterized for millennia by a caste-system that hierarchically ordered people into superior and inferior beings, the institutionalization of "one-person-one vote" constituted a veritable social revolution. And it was made possible because the modern elite that led the freedom struggle put this forward as a condition for mobilizing the people behind this struggle, as a promised implicit social contract that was later to be given explicit form in the new Constitution of the Republic. And this elite in turn was the legatee of an intellectual upsurge which the modern higher educational system, instituted by colonialism with the objective of recruiting functionaries for the colonial regime, facilitated despite itself.

This process of awakening, sometimes referred to in somewhat inelegant language as "nation-building", is far from over; on the contrary it faces severe challenges on an almost daily basis. And if it is to be carried forward, then the higher education system, no longer run by colonialism for its own purposes but now an integral part of the new nation, must continue to produce people who remain sufficiently imbued with the values enshrined in the Constitution, sufficiently committed to the implicit social contract of which the Constitution is the



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outcome. These are the values of secularism, egalitarianism, opposition to caste and gender discrimination, support for democratic arrangements, for civil liberties and political rights. In short, the higher education system in countries like ours must be oriented towards carrying forward the task of "nation-building". This must remain its highest priority.

Two misunderstandings may arise here. The first misunderstanding consists in the belief that higher education has to do with the striving for knowledge and knowledge has nothing to do with nationhood. By emphasizing the "nation-building" task of higher education are we not distorting its role, detaching it from the academic universe where ideas alone matter and loading on to it "political tasks" such as "nation-building"? Are we not looking upon higher education in somewhat narrow terms as a purely functional activity? The scope for this misunderstanding arises because of the crudity of the term "nation building" which carries with it a suggestion of functionality, artificiality, narrowness and imposition. What is meant by the "nation building" task of higher education however (I have elsewhere called it, following Antonio Gramsci, the task of creating "organic intellectuals" of the people) is something very different from these suggestions. It is indeed a striving for knowledge, for excellence, but unrestricted by the hegemony of the existing ideas which typically emanate from the advanced countries. These ideas must of course be engaged with, but higher education in developing societies cannot remain a mere clone of what exists in the advanced countries. Developing societies must go beyond the mere imitation of research agendas set by the established centres of learning in the advanced countries in order to take account of the people's needs. I mentioned earlier that modern India was the outcome of an intellectual upsurge, of a period of great intensity of intellectual effort, be it in the form of Dadabhai Naoroji's "Drain Theory" that exposed the inner working of the colonial system of exploitation, or the Gandhi-Tagore correspondence that touched upon practically every problem of modern India, or the forays into theoretical Physics of a Meghnad Saha or a Satyen Bose that produced frontier research enshrined for instance in the Bose-Einstein Stastic. To create conditions for the sustenance of such an upsurge is what constitutes the "nation-building" task of higher education; it visualizes much higher levels of creativity than otherwise.

The second misunderstanding is to believe that even if the "nation-building" task of higher education is important it is a matter that is best left to certain disciplines and certain segments of higher education. How can it have any relevance for the training and research in large number of disciplines? In other words it can not be of concern for the entire higher educational sector as a whole. The mistake here consists in not recognizing that the overall task of higher education impacts every aspect of it. (The description of the task of higher education in Gramscian terms as producing "organic intellectuals" of the people in developing societies reduces the scope for such misunderstanding). The very conception of the system of higher education in all its facets is shaped by this task, which covers not just the inculcation of certain specific values, such as secularism or respect for civil liberties, but the creation of an entire weltanschauung.

A higher education system geared to this task will necessarily have certain characteristics. First of all it must be largely State-funded. There has always

been space for charities, philanthropic initiatives, bequests and such like for starting institutions for higher education; they can easily get dovetailed into any State-funded system to serve the overarching task of "nation building" in the broader sense, but the same cannot be said of private educational institutions run on commercial lines which necessarily have to treat education as a saleable commodity. Treating higher education as a commodity necessarily comes in the way of its nation-building task. For instance, it precludes affirmative action in matters of admission and recruitment which is important for an egalitarian educational system; and it also precludes emphasis on courses and disciplines that are important from the social point of view as distinct from being merely profitable.

Many private educational institutions claim that they do not run for profit, even when they are palpably profit-oriented, on the grounds that all the profits they earn are reinvested into the institutions itself. This claim however is misplaced. The logic of the operation of an educational institution depends upon the objective for which it is run. If obtaining a large surplus is the objective of the institution, then, no matter how this surplus is deployed, the logic of the operation of the institution will be vitiated in a manner inimical to the "nation-building" task of the higher education system.

Secondly, as already mentioned, a higher education system oriented towards nation-building must not only be open to all but also make itself inclusive in a deliberate sense by drawing students and teachers from hitherto excluded and marginalized communities through affirmative action, of which the simplest and the most effective form is reservations. It is usually believed that affirmative action, though necessary for ensuring equity, militates against excellence, that we have here a conflict between achieving equity and ensuring quality. This perception is fundamentally wrong. Affirmative action which achieves equity simultaneously enhances the quality of the higher education system. Not only is there no conflict between the achievement of equity and the enhancement of quality, but the former is the most effective and potent means of achieving the latter.

This follows simply from the premise, acceptable to all but the most die-hard racists, that talent and academic ability are more or less evenly distributed across the various social groups in a society. It follows then that if among the students or teachers of the higher education system there is overwhelming representation of only a few social groups, to the exclusion of others, then that system must be suffering from a loss of quality. The best quality education system would thus be one where the group-wise composition of students and teachers, i.e. of the academic community, would closely approximate the group-wise composition of the population as a whole.

Of course, because of past discrimination, the excluded groups in any initial situation are so handicapped that their actual performance invariably falls short of what they are capable of, i.e. of their potential, so that in what appears to be a "fair" selection they continue to remain excluded; but this only shows that establishing formal equality at the level of selection only serves to reinforce and perpetuate substantive inequality. Or putting it differently, the apparent insistence on "quality" in a given situation serves to undermine quality in the long run. The only way to overcome this situation and bring about long-run



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quality improvement in the higher education system is through affirmative action that appears immediately to be compromising on quality. The argument here is exactly analogous to Friedrich List's argument for the introduction of protection, as opposed to free trade, in newly developing economies for the longer run efficiency of production in the world economy.

Putting it differently, underlying apparent equality of opportunity in a system marked by a legacy of exclusion there are major and structural barriers to entry for several social groups. Real equality, and hence the achievement of real quality, can be ensured only by violating formal equality, through affirmative action, including reservation. True, this has to be followed by active steps to ensure that those who have entered the system because of being helped across the barriers to entry are given the opportunity to achieve their true potential, but that is an argument for supplementing reservations by a host of other measures, not for doing away with reservations altogether.

Thirdly, a higher education system oriented towards "nation-building" must always preserve dissent and democracy within the educational institutions so that a multiplicity of points of view, including many that are unpalatable to the ruling political echelons, can flourish. The institutions must work out norms of conduct and modes of expression of dissent that ensure that debate thrives without being snuffed out and that the right to free expression of all sections of the community in an academic institution are respected. But, snuffing out dissent in the name of creating an atmosphere of work and promoting "excellence", by institutionalizing an authoritarian structure within the higher education system is fundamentally opposed to the "nation-building" task of higher education. Since the anti-colonial struggle itself began with the expression of dissent within the institutions of higher learning, for which the dissenters were punished during the colonial period, to snuff out dissent now on the argument that the present situation is altogether different, amounts to making the untenable claim that we have now stepped out of history, i.e. that the task of nation-building no longer exists, that it belonged only to the past but does not concern the present.

It follows then that the "nation-building" task of the higher education system precludes altogether the privatization, commoditization, commercialization and corporatization of the education system. An education system that is largely private and run for profit, even though the profit motive may be camouflaged by reinvestment policy, will be necessarily non-inclusive, not just in the sense of preventing or diluting affirmative action, but also in the sense of keeping out students from impecunious families; it would entail an emphasis on marketable courses rather than on courses in basic sciences, social sciences and humanities; it would stifle dissent and the free atmosphere of debate for the sake of maintenance of "discipline" and improvement of examination performance, thereby curtailing freedom of the mind; and it would substitute "learning by rote" and conventional "good student" qualities for the intensity of intellectual engagement which is a necessary condition for excellence.

But this is precisely where the higher education system encounters its first challenge. The participation of the economy in the global market in the contemporary period creates conditions that promote precisely these very tendencies, of privatization, commoditization, commercialization and corporatization.

Participation in the global market implies that only certain kinds of prod-

ucts, embodying only certain kinds of knowledge and skills, are demanded. There is a pressure therefore on the higher education system for specializing only in such skills and knowledge. And if the publicly-funded education system resists doing so, then a parallel private system comes up, whether legally or illegally, that takes upon itself the task of catering to the market. The entire thrust of the education system therefore shifts towards producing students who can meet the demands of the global market. And since participation in the global market is far more lucrative from the point of view of the students there is additional social pressure from the middle class, from which the students overwhelmingly come, to orient the higher education system towards the pull of the global market (and of the market in general).

The attempt to resist this pull of the market in the era of "neo-liberal" policies, for the sake of preserving the "nation-building" role of higher education, is undermined by the two factors just mentioned: one is the pressure of the burgeoning middle class which is afraid that lucrative employment opportunities for its children in the global economy may go unused; the other is the fact that any reluctance on the part of the State to resist the pull of the market on the education system results in the mushrooming of private educational institutions that come up to fill the gap. As a result, willy-nilly, privatization, commoditization, commercialization and, together with it corporatization enter the higher education system in a big way. And soon the demand arises that the government should remove whatever residual hurdles it may still have in place against this process.

This also affects the publicly funded higher education system itself which now has to compete against the private system that comes up in response to the pull of the market. The public higher education system is caught in a series of dilemmas. If it does not prioritize marketable courses but remains committed to its emphasis on the basic courses which are less marketable, then it runs the risk of attracting only the less talented students who are less employable and hence more demoralized, i.e. it runs the risk of becoming an academic backwater; on the other hand if it does orient itself to the dictates of the market, then it merely imitates the private system and loses its *raison d'être*. Even in courses which it has been running and which have suddenly become marketable, yielding extraordinarily high salaries to their products, if it continues to charge low fees, then it is giving an unwarranted subsidy to middle class students with lucrative employment prospects; on the other hand if it raises its fees then it is compromising on inclusiveness. The public system in other words is increasingly faced with an unpleasant choice: either it imitates the private system and thereby loses its *sui generis* character, and hence its "nation building" role; or it resists the tendency for such imitation, remains committed to its "nation building" role in the face of the pull of the market and becomes an academic backwater, catering to a bunch of mediocre, unemployable and demoralized students. Either way the public higher education system faces a crisis. And since the private higher education institutions have little interest in or concern for imparting any education that carries the "nation-building" project forward, it follows that the phenomenon of globalization, and the pursuit of "neo-liberal" policies as an integral part of it, tends to undermine the "nation-building" task of higher education.



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Developing societies like India therefore appear to be caught in a serious contradiction in the realm of higher education, namely, their avowed objective in this realm, of “nation building”, appears unsustainable in the face of the current globalization. If they retain the paradigm of the higher education system inherited from the anti-colonial struggle, and adhere to emphasizing the “nation-building” task of higher education, then they get overtaken by the parallel development of a private education system that has scant regard for “nation building”; on the other hand if they abandon the paradigm and deliberately make the higher education system market-oriented, then the “nation-building” task is given the go-by anyway.

One way or the other their avowed objective of “nation building” appears unsustainable in the current milieu. This would not matter much if they could afford to ignore the “nation building” task, if they could simply swim with the globalization tide and move towards the commoditization and commercialization of higher education. But precisely because the “nation building” task retains its primary relevance, indeed becomes even more urgent because of the social strains that globalization brings in its wake, they can ignore this task only at their own peril. How to preserve the primacy of the “nation-building” role of higher education in the context of the current globalization is the biggest challenge before the higher education system in developing societies like India.

On closer examination however it is clear that this contradiction facing the higher education system is not internal to it, but a consequence of developments extraneous to it. There is no reason for abandoning the “nation-building” role of higher education in societies like ours even in this era of globalization provided a whole range of supportive policies are undertaken, and since these supportive policies are desirable in themselves there should be no qualms about undertaking them. For a start, the perception that, unless the higher education system adjusts its structure to the demand of the global market, its products will forfeit job opportunities, is more likely to be a reflection of the insecurity of middle class parents than a reality. India’s recent success in exporting a range of “knowledge-based” services is the outcome not of any change in the higher education system that has occurred in more recent times but of the old higher education system that was erected in the Nehruvian period. True, there has been a mushrooming of private “self-financing” institutions (which are surreptitiously engaged in profit-making despite a Supreme Court directive proscribing profit-making in higher educational institutions); but the cream of “knowledge-practitioners” in India today, engaged in this entire range of activities, still consists of students drawn from institutions set up in the period when India was pursuing not a neo-liberal strategy but a dirigiste one. In fact the mushrooming of self-financing institutions arises not because of the structure or the quality of the public institutions of higher education but because of the shortage of such institutions. What is needed therefore is not a change in the nature or orientation of public institutions of higher education but an enormous expansion in their numbers.

This expansion need not be confined only to those disciplines and areas where there is a large palpable market demand, for that would discriminate against basic sciences, social sciences and humanities; it has to encompass a whole range of disciplines and areas, especially basic sciences, social sciences

and humanities, for which even though no significant market demand may exist a social demand needs to be promoted. Promoting these less marketable areas is necessary both for preserving the broad-based nature of the higher education system and for developing the intensity of intellectual engagement in society.

Of course the expansion of the public higher education system in this manner may still leave an excess demand in the market for students coming out of the more marketable disciplines, so that the mushrooming of private "self-financing" institutions catering to this excess demand may still not be eliminated. But a distinction needs to be drawn here between "education" on the one hand and the "imparting of skills" on the other. The significance of this distinction, which after all is drawn all the time in practical life, lies in the fact that while "education", including technical education like engineering and medicine, must be the preserve of the State, supplemented by philanthropic and charitable institutions, the job of "imparting skills" may be left to private institutions, including even those guided by the profit motive, provided they are suitably socially regulated. In other words while private profit-making institutions may be difficult to avoid altogether in a market economy, they should be kept away from the sphere of education proper, and should be socially regulated, including having to pay taxes, like any business enterprise, on the profits they earn.

There remains the whole issue of whether the public higher education system should continue to subsidize at the tax payers' expense the education of students who are going on to get extremely lucrative jobs on the completion of their education. The typical answer suggested to this question is to raise fees. But raising fees, apart from affecting the inclusive nature of higher education, does not touch the basic issue, which is the throwing to the winds of "income relativities" in the neo-liberal economic regime. The income relativities in India today are too irrational to be sustainable. The income ratio between the highest paid and the lowest paid is among the highest in the world and has little relationship with the relative arduousness of the work or the relative length of the training period. These relativities have to be rectified anyway through appropriate fiscal measures; and once that happens the odium of subsidies to those about to become rich, through extraordinarily low fees being paid by students who are going to get extraordinarily well-paid jobs upon completing their education, will also disappear, so that fees will not have to be raised. The way to overcome this odium in other words is through an appropriate incomes policy, not through merely changing the fee structure that leaves income relativities unchanged, and hence implicitly accepted, by the government.

A related issue concerns the so-called "brain drain". If using tax payers' money to subsidize students who go on to have lucrative careers is ethically questionable, using tax payers' money to subsidize students with lucrative careers providing services in the advanced countries is even more so. It constitutes both private appropriation of public resources and a "drain of wealth" overseas (to use the language of the Indian anti-colonial struggle). The existing system of allowing "brains" to "drain" away with impunity needs to be changed. And a number of alternative possible measures can be adopted for this, ranging from a minimum period of service in the country, to the payment of a lump-sum



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amount by potential emigres, to be paid after they have settled down abroad, as a condition for leaving the country (for which domestic "sureties" would have to found at the time of their leaving the country).

It was mentioned above that the real reason for the proliferation of private institutions of higher education is not the nature and structure of the public system, but its sheer inadequacy in terms of size. A predominantly public higher education system cannot be sustained, and will necessarily give rise to the mushrooming of private institutions, whether licit or illicit, if the government does not spend adequately on its expansion. In fact of late in India, the most powerful argument that has appeared in justification of privatization and commoditization of higher education, refers not to the nature, structure or quality of the public system but to its insufficiency. The need of the hour, so the argument goes, is a massive expansion of the higher education system, but the government lacks the resources for this. It needs therefore to draw private funding into the higher education sphere through "public-private partnerships" to which there is no alternative. And to draw adequate private resources for such "public-private partnerships", it is necessary that the government should provide the requisite incentives (incentives in terms of suitable profits are scarcely explicitly mentioned in view of the Supreme Court injunction against profit-making in higher education). In short, restrictions of all sorts which come in the way of private financing of higher education must be removed if we are to meet our targets in the sphere of higher education.

This argument however is logically unsustainable. Quite apart from the fact that this entire argument is based on a confusion between resources and finance, it begs the question: if there are resources with the private sector which can be attracted for higher education through the institutionalization of "public-private partnerships", then why should the government not take these resources away from private hands through fiscal means to expand a purely public higher education system? If there was some ceiling beyond which resource mobilization through fiscal means could not be enforced then the argument could make sense, but there are no such "natural" limits. Indeed the tax-GDP ratio in India is far lower than what prevails in most advanced capitalist economies, including the United States, and is indeed among the lowest in the world. To forego taxing the private sector, and then to use this very fact of foregoing as an argument for inducting the private sector into the sphere of higher education through "public-private partnerships", can scarcely carry conviction. In short, the resource argument for privatizing higher education cannot stand scrutiny, which is in addition to the fact that the resource requirements for higher education in all these discussions are usually grossly overestimated. Of course, there can be no two opinions about the need for a much larger higher education system, but since there is nothing absolute about this need, the actual expenditure has to be calibrated in keeping with the mobilization of resources by the government. A sum of 6 percent of GDP as the expenditure on education has been a widely accepted target in India (though we are far from achieving this figure). The idea should be to get to this figure as soon as possible via government expenditure, keeping in place a higher education system that is predominantly public, rather than to privatize higher education on the plea of attaining this target, and ensure that all the attendant ills of a private

system, above all its deleterious effects on "nation-building", are visited upon the country.

To reiterate, the higher education system must remain predominantly within the public domain; the inability of the government to fund its adequate expansion has to be tackled through more vigorous resource mobilization efforts rather than through relying on private resources and in the process commoditizing and privatizing higher education.

Of course if the higher education system lacks quality, if it is bereft of excellence, if it does not come up to even a minimum standard, then talking about its "nation-building" role appears pointless; and there can be little doubt that the higher education system in countries like India is in a poor state. It does not necessarily attract the best talents into the teaching profession; it is characterized by a sharp dualism, of a handful of institutions where students get trained for lucrative and usually non-academic careers, co-existing with other institutions where the students' interest in academics is largely sapped; it is characterized by an absence of intensity in intellectual engagement, with both poles of the dualistic structure displaying this absence, the former because its students' choice of careers has little need for intellectual engagement (as distinct from professional commitment), and the latter because the uncertain career prospects of its students leaves them with little enthusiasm for whetting intellectual appetites; learning by rote, learning from second rate text books, with the sole objective of just confronting the examinations has become the order of the day.

Improving the state of higher education, though an absolute social priority, is by no means easy. Stepping up public spending on higher education is of course a must: the proportion of school leavers who go on to higher education in India is much lower than in advanced countries and needs to be increased rapidly; and the facilities in institutions of higher education leave much to be desired. But an increase in spending alone is not enough. In India a large number of Central Universities are about to come up, funded by the Union government, which is a welcome move, both because of the expanded facilities it entails, and because Central Universities tend to embody a pan-Indian, non-parochial, and secular perspective that is also relatively modern in matters of caste and gender. But finding a large number of faculty members of high intellectual quality for these institutions is not easy. A whole range of complementary steps, in addition to large spending on setting up institutions, is thus required.

In discussions on what these steps should be, a powerful view has tended to focus on drawing talent from abroad for teaching positions through the introduction of non-uniform pay scales for teachers, on giving larger powers to Vice-Chancellors (some even going to the extent of suggesting that they should be made analogous to CEOs of Companies), and of increasing the autonomy of universities, especially in financial matters (since Central Universities at any rate can scarcely be called non-autonomous in academic matters and in most administrative ones too). This however would amount to throwing the baby out with the bathwater. It would amount to introducing "corporatization" and "commoditization", tendencies inimical to the "nation-building" task of higher education. And differential pay-scales for teachers in the same category, far from introducing excellence, will have the precisely opposite effect, by destroying collegiality among the faculty, and introducing a further caste-structure within



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faculty members. Those on higher salaries who would be typically recruited from abroad, would be ever eager to go back abroad where the prospects of academic career advancement would be much greater, while those on low salaries would be a demoralized and disgruntled lot with low self-esteem and would soon lose whatever sparks they might have had earlier. At both ends of the spectrum therefore we would have faculty members who have little interest or pride in the institution to which they belong and who would scarcely make the investment of effort needed for excellence.

Improving quality requires a gigantic effort, consisting however of a number of small steps in various specific areas. But the overall direction of the required movement is the very opposite of the above suggestion for "commoditization" and "corporatization". The need is not for differential salaries, but an increase in academic salaries generally, with minimum interference with the principle of uniformity of pay-scales, so that outstanding talent is drawn into the academic profession. The need is not for increasing differentials within teachers but for reducing differentials within society. i.e. the need is for an appropriate incomes policy in society as a whole. Likewise the need is not for making Vice Chancellors into CEOs and hence snuffing out dissent and democratic debate, but for increasing the scope for authentic debate, which is a necessary condition for heightening the intensity of intellectual engagement. The need is not for making universities fend more for themselves, which is a recipe for "commoditization", but for preventing "commoditization" through greater public funding, though without destroying the frugality of academic life. The need in short is to bring back to the campuses of the institutions of higher education the exquisite joy of cultivating a life of the mind, a profound sense of the grandeur of ideas.

School Education System in India

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In my intervention, I shall try mainly to bring out some of the fundamental deficiencies of the school education system in India and suggest measures for removing them.

2. Though the Judicial Colloquium is on the theme of Right to Education Bill which is applicable only to the children in the age group 6 to 14, I am going to speak on school education system as a whole in India. This is because the distinction between elementary and secondary education may be valid from the pedagogic point of view; but this distinction becomes arbitrary if looked at from the point of view of universalizing school education, and ensuring its quality, equity in its provision and the right to education.

3. School education is the foundation on which the structure of higher education is built. In a hearing in the Supreme Court on the provision of school education, the Judges who heard the case had remarked that to invest in higher education at the cost of elementary education is like constructing the higher stories of a building without putting in place its foundation and the ground floor. School education also determines the over-all size and the quality of the knowledge pool in a country, which is essential for enhancing productivity and the competitiveness of the economy as a whole. Universalization of school education is the most effective measure for building an inclusive society.

4. The school education system in India suffers from systemic problems. It is not the question of teachers not turning up in schools, curriculum and syllabus being deficient, and parents not taking interest. Each of these problems are rooted in the system as a whole. Therefore, until there is a systemic change, working at micro levels in some schools for introducing new pedagogy, and instituting special schemes, are not going to help. The following are among the most important systemic problems.

Firstly, there is the problem of access. School education is simply unavailable to the vast number of children in the relevant age group in the country. During the last few decades, there has been some progress in improving enrollment. Gross enrollment ratio from Class I to VIII was 94.9 percent and

Keynote speech given at the Judicial Colloquium on the Right to Education on February 21, 2009, at the India Habitat Centre, New Delhi



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from Class I to XII 77 percent (Educational Statistics at a Glance 2005-06, the Ministry of HRD, 2008). The Government primarily relies on these data to project its claim for the progress that has been made in expanding school education in India. But enrollment hardly provides the basis for assessing the degree of access to school education. Firstly, enrollment figures are generally rigged and exaggerated for various administrative and political purposes. Moreover, in order to assess the progress in expanding school education, it is important to take into account not only the figures for attendance but also for drop-out from among those who are enrolled. The drop-out rates are very high indeed. For the country as a whole, the drop-out rate from Class I to X was 61.6 percent;¹ and in a State like Bihar it was above 75 percent². Among those who drop out, the percentage of Scheduled Caste children in the country as a whole was 70.6 and of Scheduled Tribes 78.51. In Bihar, the figure was close to 90 percent for both the categories². The net result is that about 30 percent of the children in India are out of school; the percentage is as high as 50 in Bihar (1.5 crores out of 3 crores children in the school going age group)².

The huge number of out-of-school children means the exclusion of a vast number of children from school education and thus a colossal waste of human resources. Education is the worst form of exclusion because it excludes from other walks of life and areas of activities. Besides, exclusion from school education, particularly at the primary level, is a denial of human rights both in accordance with the provision in the Indian Constitution and the relevant provision of the Universal Declaration of Human Rights.

The second systemic problem of school education in India is the rampant discrimination characterizing it. Children of the rich and the elite have access to good quality private and special types of public schools, whereas children of the vast majority of the poor, including the minorities and marginalized groups, go to government schools which are in shambles. 89.1 percent of the primary schools in India were in the public sector (government and local body) and only 10.9 percent in the private sector¹. For upper primary schools the percentages were 72 and 28 respectively¹. (Source: the same HRD data). The enrollment ratio from Class I-VII/VIII was 72.23 percent in government schools and 27.61 percent in private schools (DISE data; NUEPA, 2007-08). This shows that universalisation of school education cannot be left to the private sector. If after 60 years of independence, private schools have been able to fill in the gap of only 10 per cent of enrollment at the elementary level and only 4 to 5 per cent of the requirement for building new schools at that level, there can be no assurance that they will be able to fill in the remaining gap in the next 50 to 60 years if the responsibility for universalising school education is left to them. At that rate, we may wait for a whole century for universalising school education in India.

The existence of a hierarchy of schools perpetuates and accentuates social inequality. It also makes for bad education. For, empirical studies have demonstrated that schools which bring in children from different communities and classes, provide better education and even the children of the rich and the elite stand to benefit from such a school system.

The third systemic problem is the abysmally poor quality of school education in India. This has been attributed to a variety of factors, including poor curriculum and syllabus, deficient pedagogy, negligent teachers and parents

who are unconcerned. But the real reason is the gross under-funding of school education in India. If the required magnitude of funding is available, many of the factors allegedly accountable for the poor quality of school education, would disappear. For example, it is unfair to blame teachers who are compelled to teach in a school which does not have blackboards, teaching aids, laboratories for experiment and adequate space, and which do not provide facilities or incentives for improving their skills and environment and for pedagogic innovation. Besides, a large number of teachers have no training. They are also obliged to carry out non-educational activities. The members of the Common School System Commission, Bihar, during their visits to schools, did not find any school which had a functioning laboratory. There is a rule in physics according to which if quantity is taken to a critical level, it brings about qualitative change. Similarly, in India the quality of school education is decisively influenced by quantity, that is, the magnitude of funding.

The Common School System Commission, Bihar, in its report estimated that in order to universalize free and compulsory education for children in the age group 6 to 14 in 5 years, for children from Class IX to X in 8 years and for those in Class XI to XII in 9 years, 25,900 additional primary schools, 15,500 Middle schools and 19,100 Secondary schools had to be built. The number of additional teachers to be recruited for meeting the norms set for universalization would be 2.55 lakhs at the primary level, 3.24 lakhs at the Middle level and 4.29 lakhs at the Secondary level. It stands to reason that the very first of the most essential requirements to be fulfilled for universalizing quality school education is to build these additional schools, recruit these additional teachers and provide training for them. These are not merely quantitative targets, these have a decisive bearing on quality. Of course, other pre-requisites to be fulfilled for ensuring quality cannot be ignored. These have been elaborately provided for in the norms and standards laid down by the Commission.

Some experts and policy makers, including the Honorable Deputy Chairman of the Planning Commission of India, have for a long time been advocating the institution of a voucher system whereby parents are given vouchers on the strength of which they can buy education for their children. The voucher system for education were introduced in some Latin American countries and some states in the USA, but experience was far from satisfactory. In the Indian context, it is unlikely to work because of the systemic problems already mentioned. The mere availability of additional cash through the vouchers, with the parents, is not going to lead to the needed expansion in the number of schools to be built and the number of teachers to be recruited and trained. This requires planning and organisation which only the State can provide.

In India, the State has never adopted a time-bound programme for the universalisation of school education. So far as elementary education is concerned, the vehicle adopted for universalisation has been the Sarv Shiksha Abhiyan. It needs to be emphasised that the Sarv Shiksha Abhiyan is not a plan but a scheme. Apart from its numerous other deficiencies, it never set time limit for universalising primary education. The objective for enhancing access was announced from time to time. These were like moving targets; each time the target is sought to be hit, it moves further.

India's National Education Policy (1992) laid down the goal of setting aside



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at least 6 percent of the GDP for expenditure on education. This target has also found place in the manifestos of almost all major political parties. But the maximum share of GDP devoted to education in India has been close to 4 percent and on most occasions it has hovered round 3 percent. A principal reason why school education in India has remained grossly under-funded is that it has had no political lobby. The children themselves do not constitute a lobby; nor do the poor parents of the vast majority of the children going to schools.

Two expert groups set up by the Government of India and the Common School System Commission, Bihar laid down norms and standards for providing quality education, put price tags on these norms and standards, and calculated the additional cost to be incurred for universalising school education within a time-bound framework. The expert groups set up by the Government of India confined themselves to universalising education for the children in age group 6 to 14, whereas the Bihar Commission Report provided for universalising school education from the age 5 to 16, i.e. including a year of pre-primary education and 2 years of secondary education. The Expert Group under the chairmanship of Professor Tapas Mazumdar set up by the Government of India in 1999, estimated an additional cost of Rs.13,700 crores per annum over the next 10 years for universalizing elementary education according to the norms prescribed by it. The Expert Group set up by a Committee of the Consultative Advisory Board on Education(CABE) which submitted its report in 2004, estimated a total cost of approximately Rs.73,000 crores per annum over the next 6 years for achieving the same goal. Setting the objective of universalizing education for children in the age group 5 to 14 within 5 years, secondary education within 8 years and higher secondary education within 9 years, the Bihar Commission report estimated an additional expenditure of Rs.9,950 crores over 9 years. The non-implementation of the recommendation of the expert group led by Professor Tapas Mazumdar resulted in a cumulative gap, reflected in a manifold increase in the additional expenditure to be incurred for broadly the same purpose in 2004. If the recommendation of the latter expert group also remains unimplemented, as has been the case until now, then the cumulative gap will grow further and in 10 years from now we would need an astronomically large sum of resources for universalizing elementary education. Perhaps at that time the Government in power will raise its hand in despair and drop the whole idea of universalisation, and India will continue to stagnate for years to come at a low level of school education, both quantitatively as well as qualitatively.

Another systemic malady which has afflicted school education in India is the transformation of the very nature and meaning of school education, brought about by the forces of globalization and liberalization in which international agencies have played no small a role. In most developing countries including India, education has to a large extent been replaced by literacy for which it is strictly not necessary to go to schools. According to the new paradigm, education is defined in functional terms i.e. making the recipient qualified for the market place. In this sense, educational system as a whole has been commodified. Today, the purpose of school education is merely imparting skills of literacy and numeracy and not to enhance the capacity of the children to comprehend, contest and transform. The basic philosophical purpose of education is to enhance the capacity of the children to comprehend, to discern, to contest what,

according to them, is wrong, and to develop the urge to transform what is wrong and unjust. These philosophical goals have been set aside and replaced by the functional goal of meeting the demand of the market. Under the globalization/liberalization paradigm, schools have to a large extent been replaced by literacy and informal centres, trained teachers have been replaced by para-teachers, and the system of at least one teacher for every class and for every important subject has been replaced by multi-grade teaching. Training is no longer regarded as essential for teaching. The Government of Bihar officially notified in 1991 that training was no longer necessary as a qualification for appointment as a teacher. This whole process of distortion of the meaning and purpose of education started systematically since the mid-1980s and has by now been completed. Reversing this is going to be a colossal task.

This transformation of the nature of education has seriously affected its quality and has relegated to the background the concept of schooling as a means of socialization, nation-building and formation of social capital, which has been practised for centuries by important developed countries. It has also been used to rationalise non-universalization of school education and its under-funding.

Transforming the School Education System

5. Measures to be taken to bring about a systemic change in school education in India are derived from the above analysis of the maladies of the school education system. Following are some of the measures which need to be taken:-

(a) For the nation as a whole and for each State, we must draw up a plan for achieving universalization within a time bound framework. Given the fact that school education from the age group 6 to 14 is now a fundamental right and that education even in the age group 15 to 18, is increasingly coming to be so recognized, the time period for universalization should not exceed five years for education up to the age of 14. If this time limit is not met, then this would mean further delay in ensuring right to education which has now become a fundamental right.

(b) Education has to be free and compulsory up to the age of 14 according to Article 21-A. There is a strong reason for its becoming so for at least one year of education at the pre-primary level and for the children in the age group 15 to 16 also. A group of experts which met at UNESCO headquarters at the end of 2007 and of which I was a member, arrived at the consensus that basic education should consist of at least 9 years after pre-primary education and ideally it should extend to 12 years. In most of the advanced developing countries like Brazil, Thailand, China, and Indonesia, the task of universalising elementary education was accomplished a long time ago and the current preoccupation of the educational planners and policy makers of these countries is with universalising and improving the quality of secondary education.

(c) We should establish norms and standards for education to be applied to all schools. These norms and standards ensure both the quality and equity in school education. The norms should relate to space, furnishing, equipment, teaching aid, number of schools to be renovated and built, number of teachers to be recruited, number of teachers to be trained, curricula, pedagogy etc. It is



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not difficult to establish and apply such norms and standards. These are done in all important developed countries. In India, two national-level committees and one state level commission have laid down detailed norms and standards for school education. The norms and standards for quality education laid down by the Bihar Commission are more elaborate than those attempted by the the two expert groups set up by the Government of India. The norms included in the Right to Education Bill 2008 which was introduced in the Parliament at its last session but which now seems to have lapsed, are inadequate and skimpy. A large number of very important norms are not specified and against them it is only stated: "As the Government may decide to determine". This makes the norms unjusticiable, and hardly a basis for accountability.

(d) A year-wise plan should be prepared and implemented for building schools, recruiting teachers, providing teacher training and applying other norms and standards.

(e) A price tag should be put on each norm which should be the basis for calculating the additional expenditure to be incurred on school education. This exercise has also been undertaken by the two national level expert groups and the state level commission referred to above. In the case of Bihar, the objectives to be realised through the additional expenditure are more ambitious. They include one year of pre-primary education and two years of secondary education, and a complete overhauling of teachers education going up to the level of university department imparting teacher training. The additional expenditure estimated by the Commission is not unaffordable. For example, if 6 per cent of GNP is devoted to expenditure on education in India as a whole and if half of that were for school education, and if 8 per cent of this is made available to Bihar(which is the proportion of Bihar's population to the total population of India), then the additional cost to be incurred by the State would come to approximately Rs.1748 crores per annum which should be affordable. A part of the additional resources can be mobilised by raising the percentage of budget expenditure of Bihar devoted to school education from the current nearly 13 per cent to 20 per cent which is the average for Indian states as a whole. In that case, the additional expenditure to be mobilised will come down by Rs.2731 crores. Besides, there is a considerable amount of expenditure incurred for running and opening new special types of schools for the children of the privileged class. Even if the existing schools in this category are allowed to continue and if there is an embargo on opening such new schools, there will be savings which can be devoted to education for the children of the poor. Moreover, the State can also borrow from NABARD and banks which have a window for social lending. Such borrowings will be for a limited period, i.e. the period stipulated for universalising school education at different levels. After that, the system will be self-sustaining and the only expenditure needed would be those for maintaining and further improving it. Thus, there is a variety of ways in which the estimated additional resources can be mobilised. They are also affordable if the suggestions made above are implemented. In any case, they are indispensable for complying with the basic provision of the Constitution on social equality and right to life which now includes right to education, for sustaining growth in India and for ensuring its rightful place in the comity of nations.

(f) School education should be based on the concept of neighbourhood

schools whereby the state should declare the neighbourhood for each school which should be required by law to admit and educate till completion, all the children in the required age group residing in the neighbourhood. In India, we have advocates of freedom of choice and freedom of profession who argue that the concept of neighbourhood school is against the exercise of these freedoms. They forget that this concept has been applied for decades, if not centuries, in countries where democracy has taken firm roots and where freedom is valued much more than in our country. I will illustrate this by a personal example. When I was posted to New York, I had to send my two children to a public school there. Since I stayed on 89th Street & 1st Avenue in New York, I was told that my children could go only to the nearest public school which was on the 96th Street & 2nd Avenue. This location is on the fringe of Harlem which was known for its high incidence of crime and drug addiction. But I had no choice but to send my children to this school. This was according to the law of the city and nobody complained that it was in violation of his/her fundamental rights. Apparently, individual rights cannot take precedence over the public purpose enshrined in the Constitution, of ensuring social equality.

(g) There should be a legal requirement for applying both the norms and standards and for providing the resources for this purpose. These should be one of the first charges on the budget of the Centre and State Governments on par with expenditures for the implementation of other fundamental rights.

(h) A high-level mechanism in the form of a commission should be set up which should be vested with the over-all responsibility for overseeing progress in school education, for being the last Court of Appeal, for adjudicating where called upon to do so and for improving, through research and public discussion, the norms and standards, and suggesting innovations. Such a mechanism exists in most major developed countries.

6. A school system based on the above parameters is called the Common School System. It has been practised by almost all major developed countries of the world. In India, there has been no interest in building such a school system, mainly because of the influence in policy making of elitist class which manages to send its children to special category of schools.

7. A deliberate attempt is being made, mainly by the private school lobbies, to spread the canard that such a system does not permit the running of private schools and, therefore, imposes uniformity and prevents experimentation and innovation so far as curriculum, syllabus and pedagogy are concerned. This is farthest from the truth. The fact is that there is full scope for the existence and even expansion of private schools in a Common School System, subject to the condition that they, like government schools, must also apply the norms and standards legally laid down, and subject themselves to inspection by the agents of the high-level commission on education, in order to be held accountable for this purpose. In assigning a role to private schools, it must be remembered that, for complying with Article 21-A, these schools, like government schools, have to provide free and compulsory education at least to the children in the age group 6 to 14, that their function essentially is to provide a public good which does not leave scope for making profit and that in the ultimate analysis, the responsibility for universalizing equitable and quality education rests squarely on the State.



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8. Seen in the above light, several of the measures adopted or announced by the government recently for improving access to and quality of school education are redundant and designed to serve mainly political purpose. They are also devices to detract attention from the systemic problems. For example, if the norm of a primary school at a distance of a kilometer from the habitation of children, a middle school at a distance of three kilometers and a secondary school at a distance of five kilometers is applied, there is no need to build hostels, including for children of the minority and the marginalized groups. If school education is provided free of cost in the comprehensive sense of the term, there is no need to provide scholarships. If the principle of neighbourhood is applied, reservation of a particular percentage of seats for the children of the poor households in private schools is not necessary because the private schools will have to admit all the children from the neighbourhood and provide free and compulsory education according to the legal provisions made by the State. It is for the state to work out in consultation with the private schools, the basis of burden-sharing. Similarly, if the norms and standards are strictly applied with the provision of adequate resources for this purpose, it will no longer be necessary to establish model schools on a selective basis; for, all the nearly 12 lakh schools in the system would become model schools and not only 6000, i.e. one model school for each block, as proposed by the Prime Minister of India.



Comments on the Right of Children to Free and Compulsory Education Bill, 2008

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Introduction

This Bill was introduced in the Rajya Sabha on 10-12-2008 and referred to the Standing Committee on the subject of the House. The Standing Committee submitted its report, which included a few amendments to the Bill. The Bill could not be taken up for consideration and adoption by the Parliament before it was prorogued.

The comments made below are not inclusive. They are confined to some of the essential features of the Bill.

Financial implications of the Bill

There is no attempt in the Bill to calculate its financial implications. It is stated in the Financial Memorandum attached to the Bill that "it is not possible to quantify the financial requirement on this account at this stage". This is not correct. The expert committees set up by the Central Government as well as the Common School System Commission established by the Government of Bihar, have quantified the financial requirements for providing free and compulsory education for children in the relevant age groups. They have done it on the basis of putting price tags on detailed norms and standards specified in their reports.

Unless the required financial resources are calculated and a provision made in the Bill that the State shall provide them in a time bound framework, the time target set out in the Bill are unlikely to be met, and free and compulsory education to the children in the age groups 6-14, is unlikely to become available in the foreseeable future.

The assumption seems to be that the enhanced financial resources made available for the Sarva Shiksha Abhiyan (SSA), including States' contribution to it, would take care of the financial requirements. This assumption is not justifi-

Written before the bill was passed by Parliament



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fied. The total resources for SSA including the contributions by the State Governments in the 11th Five Year Plan is Rs.1,51,453 Crores. This comes to an annual resource allocation of nearly Rs.30,000 Crores. This is far short of approximately Rs.73,000 Crores per annum additional expenditure, estimated by the Expert Group set up by the CABE Committee on the Right to Education Bill.

Norms and Standards

Norms and Standards are the most crucial requirement for ensuring quality and equality in school education. However, the norms and standards contained in the Schedule to the Bill are skimpy and grossly inadequate. There are numerous omissions like norms relating to availability of a school at a particular distance from the habitation of children, types of schools, students and teachers per school and per class room, school furniture, laboratories, medical facilities etc. A number of norms are left to be determined at the discretion of the government. As they are not provided in the Bill, they will not be justiciable. Besides, they may, also never be provided. The Bill is deficient in providing norms and standards in spite of the fact that these have been specified or prescribed in the recent past by a number of committees, commissions and agencies of the Government of India.

Responsibility of Schools to provide free and compulsory education

Different scales of responsibility have been laid down for different types of schools for providing free and compulsory education. The net result of the provision on this subject will be the perpetuation and legitimization of the currently prevailing hierarchy of schools, some meant for privileged classes and others for the poor classes. This violates both Article 14 (equality before law) and Article 21A (Right to Education) of the Constitution.

There is no alternative to the establishment of a Common School System in India if the State intends to strictly adhere to these fundamental rights in the Constitution. The Bill, therefore, must be rooted in the framework of a Common School System which brings in its fold all schools, including private unaided schools, the so-called specified category schools etc.

The Neighbourhood Concept

The concept of neighbourhood as provided in the Bill is in relation to a child and not in relation to a school. This has the effect of exempting certain schools, mainly unaided private schools, from the responsibility of admitting all the children in the neighbourhood. The competent authority should prescribe the neighbourhood for each school taking into account, among others, the need to optimise the socio-cultural diversity of the children. Moreover, it should be clearly provided that every school shall admit all the children in the relevant age group residing in the prescribed neighbourhood.

Responsibility of Local Authorities

The Bill imposes extensive responsibility on the local authority. This is unrealistic in the context of the present state of the evolution of local authorities. If the Panchayats are to be taken as local authority, then these are in a rudimentary state of evolution in a majority of the States in India. In most States,

there is only nominal devolution of authority to the Panchayats. Therefore, the provision in the Bill relating to the responsibility of the local authority is unlikely to be implemented in most States in the near future.

School Management Committees

The School Management Committee (SMC) is the critical link in the chain of institutions responsible for ensuring free and compulsory education of an equitable quality. The provisions in the Bill on SMC are utterly inadequate. The total membership of a SMC is not given. If the SMC is very large, it can become non-functional. Besides, there is no indication as to how the Chairperson and other office bearers of the SMC would be elected. In many States, local M.L.As and M.Ps are the Chairpersons of SMC in their ex-officio capacity. This lies at the root of the corruption prevailing in the management of schools. There should, therefore, be clear-cut provision that the Chairperson and other office bearers of the SMC will be elected by and from among the elected members of the SMC. Moreover, the functions of the SMC should be spelt out in greater detail. This would include several of the functions assigned in the Bill to local bodies.

It was due to the importance of the School Management Committee in ensuring access and quality of school education that the Report submitted by the Common School System Commission, Bihar, included two elaborately formulated draft legislations on school management, one for primary and middle schools, and the other for secondary schools.

Language Policy

The Bill does not lay down any language policy. It simply states, "medium of instruction, as far as practicable, be in a child's mother tongue". This is inadequate. It does not even define the word "mother tongue". For example, the mother tongue of the child can be other than Hindi, (say Bhojpuri or Maithali) in a Hindi-speaking region. Secondly, a distinction has to be made between using language as the medium of instruction and teaching a language. Thirdly, a beginning has to be made towards implementing, at least from now onwards, the 3-language formula recommended by the Kothari Commission and included in the 1986 National Education Policy and since then reiterated several times by the Government of India. The text in Annex-II to the Legislation on Common School System and Right to Education recommended by the Common School System Commission, Bihar, lays down all essential details of the language policy to be followed while implementing Right to Education. This is Annexure-II to the legislation, and is, thus, its integral part.

Pre-Primary Education

Though Article 21A of the Indian Constitution on Right to Education does not extend this right to children below the age of 6, it is very difficult to ignore pre-primary education in any scheme for providing free and compulsory education. The most important point to bear in this connection is that pre-primary education is the foundation on which primary and secondary education is built. The ICDS under which pre-primary education is supposed to be covered is utterly inadequate for the purpose. The education component function of the ICDS is discharged only peripherally. Besides, ICDS does not cover the entire



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population of the children in the age group 3-6, in spite of the Supreme Court's directive to this effect. The quality of education in the age group 6 to 14 will critically depend upon the kind of education that is imparted to the children in the age group 3-6. The Bill in a sense, recognises these facts in that it has a clause on pre-primary education in Section 11. However, this clause is perfunctory and only on a best endeavour basis, as it states "the appropriate government" may make necessary arrangement for providing pre-school education for such children".

There is enough justification to universalise free and compulsory education at least for the age group 3-6 as a part of ensuring right to education. There is little justification for allowing obligation to provide pre-primary education to continue to languish under Article 45 of the Constitution, when education for the children in age group 6 to 14 has become a part of fundamental right.

Over-all surveillance of school education

The provision in the Bill on overall surveillance of school education (Section 33) is also utterly inadequate. It provides for the constitution of only " a National Advisory Council". The need is not for an advisory body but a statutory body. An advisory body functions as an appendage to Government Department or Office and more often than not, appointment to such a body is a means of distributing patronages. What is needed is a separate statutory commission both at the central and State levels, vested with the power for the over-all monitoring of the implementation of the Bill, reviewing the norms and standards on a periodical basis with a view to improving them, functioning as the Court of Last Appeal and adjudicating when necessary. Every developed country with a common school system has established such a statutory body.

Teachers: Service terms and conditions

The Bill has hardly any provision on the service terms and conditions of teachers.

This has been left to the discretion of the government. Without motivated qualified teachers, it is not possible to deliver quality education. Therefore, norms and standards recommended by committees, expert groups and the commission set up for this purpose, as well as those practiced in government schools, clearly prescribe service terms and conditions. By far the biggest chunk of resources for school education is devoted to teachers salary. It is, therefore, not possible to calculate the additional costs for universalising school education, without prescribing the salaries and other terms and conditions for the service of teachers.

Teachers: Minimum Qualifications

The provision in the Bill on teachers minimum qualifications (Section 23) is inadequate and non-committal. It leaves the qualifications of teachers to be laid down by the appropriate authority. These authorities may very well perpetuate the present system of para-teachers, teachers without training etc. This section, therefore, has to be revised in order to provide specific norms for teachers qualification and for training to meet these qualifications.



Prohibition of deployment of Teachers for Non-educational purposes

The relevant Section (27) of the Bill provides for so many exceptions as to render it of little value. Teachers would continue to be deployed for “decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislature or Parliament, as the case may be”. These exceptions virtually nullify the provision of the Bill. If teachers are continued to be deployed for these purposes, there will be continuing disruption in teaching. This is bound to have a crippling effect on the quality of education to children.

Maintenance of Pupil:Teacher Ratio

According to Article 25 of the Bill, the pupil:teacher ratio as specified in the Schedule would be established in each school within six months from the date of commencement of the Act. This seems unrealistic because ensuring the enforcement of the ratio will call for recruitment of additional teachers and their training. In another section of the Bill, it is provided that teachers recruitment shall be completed in five years. How is it possible then to ensure the enforcement of the ratio within six months?

Yashpal Committee on Renovation and Rejuvenation of Higher Education

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Introduction

The Yashpal Committee report (2009) is an important addition to a new perspective of knowledge management in higher education. It provides the conception of university suited to production of universal knowledge that benefits society. The fact that another report on renovation and rejuvenation of higher education after the National Knowledge Commission (NKC) report on higher education has been made available requires that both the reports are examined well to provide a clear guiding framework for renovation.

Section 1 presents a structure function framework to understand various contradictions inherent in industrial and post industrial transformation. Section II understands the features of Yashpal Committee report (YCR) and section III attempts to understand the comparative perspectives of NKC and YCR. Section IV attempts to present a critical appreciation of YCR.

Historical phases of university

There is hardly any dispute over the idea of a university to generate knowledge, develop humanism and inculcate scientific spirit in the minds of people. University is a social institution that passes through several phases and in each phase the university needs to be structured in a manner that serves its intended goal nearly completely. To serve such eternal functions western universities fought the domination of church and prevalent feudal order up to the late 18th century. During this period theologically centered scholasticism was replaced with humanism. This was the period of Renaissance. The second transformation of the university took place during the phase of industrial capital which brought with itself discipline based knowledge in arts, science, commerce, technology and professional areas. The secular values, democratic ideals and nation building (Patnaik, 2009) also signified this age that universities promoted. The phase of mass education to serve the mass production need is the essential feature of

the phase. The mediating role of the state under the public good notion of higher education is significant in this transformation. The contemporary phase in the transformation of university is the age of globalization or post industrialization which is characterized by the IT revolution. Knowledge is produced at the boundaries of disciplines and is considered the significant driver of growth. Most importantly, the phase is witnessing an intense competition among capitalist nations and market is playing a dominant role. The neo liberal state is supporting the market but occupies important role in correcting the distortions of the market. Universities are again in the phase of transformation to support the generation of knowledge.

The scenario is little different in Indian context. Universities were established by the British government to serve the British domination in the second half of 19th century. However, the western liberal education also provided an opportunity to the Indian intellectuals to question British rule and became a powerful force in the freedom struggle to liberate India from British control. After independence universities stood for values of humanism during renaissance and scientific spirit during industrial growth. India's late arrival in the industrial transformation and also the legacy of British rule meant that state supported universities during first phase of expansion after independence could support the transformation to a limited extent. There is, on the other hand, the phase of globalization. Universities in India are facing dual transformation phase – phase of industrial transformation as well as post industrial transformation. It is this overlap that produces complexities in renovation and rejuvenation of higher education in India.

The above characterization of the historical phases of transformation is important, as it helps to understand the essential institutional structure of the university concomitant with the phase. It is, therefore, necessary to understand the features of both the transformations and the attendant structure needed for the university.

Structure of higher education in industrial transformation

State supported universities to build the structure. It was laid down in the Constitution of India that education is state subject which was put in the concurrent list by the 42nd amendment in 1976. While university having degree conferring authority could be established by the act, central or state, there was imposed a barrier to entry and the accountability of the university was almost complete to the State. Further it was within central government jurisdiction to co-ordinate and determine standards of higher education institutions. To maintain the quality central government was required to invest in the institutions of higher education. Hence the structure like University Grants Commission (UGC) was created to maintain quality and provide central funding. Other professional councils were created to provide an orderly growth and maintain standards of technical and professional education. Some councils were also supposed to impose some ethical norms in the practice of professions such as medical, law, education, architecture. This then gave rise to regulatory structure – a system of control of the center and the states.

The structure of university was guided by the act and the statutes of the university. The appointment of the Vice Chancellor was almost the state pre-

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rogative and the functioning of the university through General Councils (Senate), Executive Councils (Syndicate) and academic, research and other functional bodies was under the centralized authority of the Vice Chancellor. The governance of the university was bureaucratized. The postgraduate departments and research centers were directly under the control of university. The phase of expansion saw large number of colleges being affiliated and supervised by the university. The autonomy of the departments, research centers and colleges was limited under the rules and regulation of the university. It was more of a patron (funder) and client relationship. Decision making was in the hands of university and finally in the hands of the state governments. This laid the foundation of regulatory framework which governed the functioning of universities.

There developed, however, several strains in the regulatory structure and the functions which universities were supposed to perform. Structure could not sustain beyond a point to enable universities to perform their expected functions. For any measures to suggest the rejuvenation of universities, it is worthwhile to consider the reasons for the structural failure.

Over regulation and Under Governance: Various hypotheses are put forward for the failure. First and foremost the argument put forward relates to the structure itself. National Knowledge Commission (NKC, 2006) notes that there is a multiplicity of regulatory agencies. They impose irrational and inconsistent conditions for the establishment of universities as well as the maintenance of standards of education. The system, as a result, is over-regulated but under-governed. To quote an example, the report notes that there are extensive rules after entry, as the UGC seeks to regulate almost every aspect of an institution from fees to curriculum. NKC also gives an example where approval of an engineering college or a business school is based on irrational considerations.

Shortage of Public Resources: Another hypothesis relates to the resource crunch (Tilak, 2004). Shortage of public resources weakened the infrastructure of public institutions. There was almost negligible investment in the educational processes that determine quality. On the other hand, scarcity of resources gave rise to the self financing programmes in public institutions and created conditions for the growth of self financing (private) institutions in professional disciplines. The resource crunch paved the way for privatization through the deemed universities route and through private universities under the state act. Universities granted affiliation to the private colleges in a liberal manner. The privatization of higher education could not be regulated in a proper manner resulting in the failure of universities to perform expected functions.

Decline of Professoriate: The failure of universities is also attributed to the decline of professoriate. (Jayaram, 2004) Political pressures in the recruitment of teachers, liberal promotion policy, lack of autonomy, pressure of teacher unions and protective policies have contributed to this decline. Professoriate failed to perform in teaching and research in most of the universities. Universities had no policy to attract the best talents and defy any market pressure to deplete the pool of best researchers in the universities. It may be argued that the decline of professoriate is mainly due to structural factors that protected inbreeding and prevented the system to compete and promote meritocracy.

Affiliating System: Affiliating system is an important structural feature of the university system in India. The strain of the large affiliating system upon

universities is yet another factor. 11th plan (Planning Commission, 2008) notes the rationalization of large universities. The large number of affiliated colleges in a university exhausted the time and energy in managing them. As a result the postgraduate and research level governance was neglected Shah (2005). Financially the sustenance of universities was dependent upon the affiliation of private colleges and hence universities were liberal in granting affiliation to them but in turn adding to their burden.

Failure in Co-ordination: Singh (2004) notes that failure in the co-ordination of standards is rather an important factor that contributed to the growth of higher education without any meaningful direction. The Ministry of Human Resource Development could neither manage the co-ordination between professional councils nor provide UGC with sufficient powers and autonomy to deal with the issue of co-ordination. As a result the overexpansion in teacher education institutions or engineering or medical or distance education centers could not be managed. The privatization without suitable regulation and quality supervision was the result of the failure in the co-ordination of standards. For example, UGC could only stop funding to its 2f and 12 B universities and colleges for the failure in the maintenance of standards. Besides, in the case of private universities UGC has no direct control. In the case of private deemed universities only UGC could recommend derecognizing to the central government? UGC did not have absolute powers of derecognizing the state universities for the failure in the maintenance of standards.

To sum up the argument so far presented, the traditional structure of universities developed strains to fulfill the expected functions of universities in the phase of industrialization. The failure of existing structure controlled by the state was explained by means of various hypotheses related to over regulation, shortage of public resources, decline of professoriate, affiliating system and the failure in co-ordination. Therefore, existing structure needs to be reformed to carry on the expected functions of universities.

What is, however, important to understand is the newer functions that 21st centuries universities are expected to perform? The new functions require new structures in post industrial transformation. This creates newer tensions between structures and functions. Let us now turn to understand the essential features of functions and structures of higher education in post industrial transformation.

Functions and Structures of Higher Education in Post Industrial Transformation

Knowledge Economy: The present phase of globalization is characterized by the knowledge economy. The production of knowledge takes place at the boundaries of disciplines. Universities are supposed to produce knowledge that is multidisciplinary. In the production of knowledge universities and its departments are supposed to network with other universities and departments. An important function of university is networking with a view to exchange knowledge, as it provides the basis of new knowledge. As knowledge is embodied in human resources, universities need to exchange students, teachers and researchers. This means the internationalisation of higher education is increasingly emerging as new dimension of the functions of the universities.

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Commodification of Knowledge: The commodification of knowledge is forcing universities to adopt the principle of market. The product of the universities need to be marketable – both knowledge produced as well as students embodying knowledge. Knowledge is private and needs copyright and patent for its protection. Universities in the process of creating knowledge can succeed by creating Intellectual Property Rights (IPRs). Efficiency and competition are the two important aspects of the functioning of market. Universities need to be competitive. It means barriers to entry and exit should be minimized. Recruitment and salary conditions of teachers will be guided by the market. Competition reflected in the demand and supply of students, teachers and institutions will produce equilibrium where wastages or inefficiency will be nil.

Learner Centered Approach: An important function of the university is to satisfy the learner who is considered as the client. Curriculum, delivery practices and evaluation must be designed with a view to optimize the learning. In fact teachers' scholastic knowledge matters little. Teachers' performance will be evaluated by the students and the promotion of teacher should also depend on the evaluation by the students. Instructivist approach should give way to constructivist approach of learning. Since the demand for educated human resource is in global market place, students must learn to adapt to diverse situation and universities must create a global environment in their campuses for satisfying students. Accountability of a teacher is in the market place. He should be instrumental in designing a programme which is student friendly. Greater autonomy should be given to the teacher and the department. However, autonomy is subject to fulfilling the competitive conditions of market.

Supporting Corporate Sector: Universities need to serve the corporate sector. Hence corporate sector requirement of skill formation should be fulfilled. University and industry linkages are vital for the survival of the universities. New knowledge culture is emerging for the benefit of multinational corporations, the world of financial institutions and the market economy (Thomas, 2004) Universities, therefore, need to embrace the new knowledge culture.

Life Long Education and Training: The strategy of production in higher technology sector requires updating of knowledge and skill throughout the life. The restructuring of the company and management for flexible production becomes necessary. Hence job specification may keep on changing requiring not only higher skills with sound theoretical knowledge but also higher problem solving ability may be required. Hence to support knowledge economy, the traditional model of higher education of teaching and research must embrace the concept of life long education and training

So far as structure of universities are concerned, the newer functions expected from the universities require that universities need to be entrepreneurial. Hence bureaucratic approach to governance should give way to corporate style of functioning. The Vice Chancellor of the universities should be risk taker rather than risk averter. The decision making process should be short and quick. It implies that the governance structure of universities should be less bureaucratic.

Universities should build competitive structure. It means students should be allowed admission on the principle of merit and not through affirmative action. The best of the faculty should be recruited on competitive basis. Differ-

ential salary to the teachers should be permitted. Universities should compete for research funding. Periodically research assessment exercises should be carried out.

Under the new structure university should be liberated from the control and regulatory structure of the State. University should be allowed to raise funds from the market. Higher education is considered as a private good. As private benefits accrue to the students, there is a case for raising fees. If student is unable to pay fee then loan market needs to be developed to financially support the students.

Total quality management of the corporate sector should be practiced in universities. The leadership role should be permitted for every teacher who should be free to take initiatives.

Contradictions between structures and functions

The above characterization of the structure and function suited in the post industrial transformation produces a lot of contradictions that need to be analysed.

Tensions between Old Structure and New Functions: There exists a new tension between the regulatory structure which was supposed to serve the industrial society and the newer functions expected from the universities for serving post industrial society. Newer functions to serve the corporate sector, create knowledge through patenting, developing networking and internationalisation etc. require entrepreneurship, competitive mechanism and flexibility which the regulatory structure is ill equipped to provide. It means if universities are required to perform new functions, it should put in place new structure and dismantle old structure. A prescription for renovation and rejuvenation will require nothing short of this.

Tensions between Old Functions and New Functions: The tension consists of the fact that how is it possible for homo academicus to adapt the values of homo mercantilis in the phase of globalization? This presents a great challenge for the academia. Some might reject the latter function on the ground that there is potent danger in this transformation, as universities will tend to be undemocratic as they embrace and serve the global market place. (Jarvis, 2001) Academic freedom will become a farce as universities are enslaved to market forces. Autonomy will be undermined both in teaching and research (Keast, 1995; Hartley, 1995). Notwithstanding the contradictions between the old and new functions, universities can hardly afford to neglect the newer set of functions as students will be forcing the universities to perform new roles.

Tensions between Old Structure and New Structure: Still there is a problem of superimposition of new structure onto the old structure. Can regulatory structure be set up afresh dismantling old structure or should keep adding elements of new structure? In the case of former entry or exit barriers will have to be removed so that competitive forces drive the system to move towards efficiency and quality. In the case of latter universities acts and statutes need to be revised to modify the functioning of regulatory mechanism in favour of commodification, corporatisation and internationalisation.

There is thus a dilemma for renovation and rejuvenation of higher education. If regulatory structure is dismantled and new market friendly structure is



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established then there is the danger that higher education will be elite oriented. The democratic, egalitarian functions of universities will take a back seat. If old structure is continued, universities in a globalised scenario will lose their relevance. Hence a practical approach needs to be developed to remodel the structure in such a manner that universities are able to perform twin functions where it satisfies the conditions for industrial as well as postindustrial transformation.

Yashpal Committee

The report of Yashpal Committee has come at an opportune moment. Higher Education requires structural transformation. The important features of Yashpal Committee Report to bring about the transformation is analysed in this section.

Concept of a university

The report brings to the light the concept of a university. Universities are places that provide opportunities to creative minds to work together in specialized branches of knowledge. The process of knowledge creation in university should not take place in isolation. Research and teaching are the two important pillars of the creation of knowledge and should go together. They should not be treated as water tight compartments. Community of scholars in the university must be primarily accountable to the society and hence should engage themselves in response to the needs of society. Universities should create centers of culture, knowledge and research. It should provide practical training to the people that should be based on new knowledge and in response to social and personal needs. University should allow for the diverse growth of knowledge but should not lead to fragmentation of knowledge. Hence uniformity and standardisation of curricula and syllabi should not be attempted. Universities should be accessible to all irrespective of caste, gender, religious and economic considerations. The most important assertion about the university is that it is the responsibility of the state to fund. Yet universities be allowed to retain the moral and intellectual autonomy from political authorities and economic powers. It should provide freedom in research and training.

Fragmentation of knowledge

The report notes that 'growth in knowledge has begun to challenge the boundaries of disciplines, which so far have kept knowledge fragmented.' This universal approach to knowledge demands that boundaries of disciplines be porous and scholars be constantly on guard against the tendency towards 'cubicalization of knowledge'. Fragmentation of knowledge has led to a tendency towards creation of 'stand alone' specialized institutions of higher education. A shift from discipline based knowledge to a new interdisciplinary knowledge is, therefore, advocated by the report.

University system needs to respond to the challenges by creating structure that connects up the fragmented reality. University system must allow within itself the specialized institutions which need not be stand alone. It must interact with all areas of knowledge being pursued within a university. As structural necessity, the report notes "Creative and flexible mechanisms that ensure the autonomy of the diverse institutional responses should not be curbed." It im-

plies that autonomous institutions with little regulatory restriction should grow within a university rather than outside it.

The report furthermore notes that the undermining of undergraduate education is also the result of fragmentation of knowledge. The dichotomy that was created between the undergraduate affiliating college and university post-graduate departments is the result of a misconception that undergraduate education is a lower level of learning. The UG-PG hierarchy is the result of the fragmented knowledge system that was created. The basic questions, so crucial in the knowledge creation, are asked by students at lower stage of education. Hence the university system should embrace both undergraduate and post-graduate and not create any hierarchy. An agenda of rejuvenation of higher education should not ignore this. The report concludes that "It should be mandatory for all universities to have a rich undergraduate programme and undergraduate students must get opportunities to interact with the best faculty."

An important way in which the fragmentation of knowledge occurred was by creating the divide between research bodies and universities. The report notes that "This disjoint between teaching and research has led to a situation in which, on the one hand, most of the universities have been reduced to the status of centres that teach and examine masses and, on the other hand, more and more elite research bodies are being created where researchers have absolutely no occasion to engage with young minds." In a university teaching and research are inseparable for the holistic process of the generation of knowledge. Similar arguments are advanced in the context of Indian Institutes of Technology. They were treated as elite institutions and preferential policies were suggested. It was little realized that by doing so IITs grew in isolation with little connection to a humanist understanding of the society. Not surprisingly, many IIT graduates left the country. Fragmentation of knowledge – treating technological institutes differently than university – created more harm than good. Hence the IIT should also be like a university 'producing scholars in literature, linguistics and politics along with engineering wizards.'

Multiplicity of structures of regulation

There are various arguments put forward against the multiplicity of regulatory structures in the Yashpal Committee report.

Fragmentation of Policies: At the national level, the report notes the emergence of numerous national-level bodies, each looking after a separate area of professional education in isolation. Bodies like the AICTE, ICAR, MCI have led to a fragmentation of policies and a failure in co-ordination among them has led to chaotic growth of the institutions. Along with regulatory councils, central and state governments and their Directorates' regulation without any co-ordination created difficulties in the approval, recognition, affiliation and accreditation of programmes and institutions.

Outdated UGC: The University Grants Commission (UGC) was set up as a statutory body with the mandate to perform an overarching function of steering higher education in the country. However, new structural necessities have emerged in the field of higher education, which could not have been visualized earlier while designing the UGC. It is suggested that to keep pace with the



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changes impacting education, the higher education sector in India would require a radically different and new regulatory organizational architecture replacing the existing ones, including the UGC and other bodies.

Think Beyond Regulation: Multiplicity of structures of regulation is considered to be an obstacle in the knowledge management. However, the report argues that there is a need to even go beyond mere reform in regulatory system. The report notes that creative and flexible mechanisms that ensure the autonomy of the diverse institutional responses should be promoted. It implies that there is need for creating the condition for producing an environment that nurtures a democratic, tolerant and inquisitive mind, ready not only to engage with but also create new ideas, free of regimentation.

It is important to note that NKC as well as Yashpal Committee report argues against too many regulations. However, NKC provides efficiency argument and favours barrier free entry and exit to promote competitive drive for quality improvement. Yashpal Committee report argues that too much regulation is an obstacle in the creation of knowledge. Knowledge creation requires creative and flexible mechanism and an environment for debate and discourse. Hence there is a need to think beyond regulation.

The report notes that the multiplicity of authorities and duplication of inspection and control have obstructed innovations of curricula, experimenting with the approaches to teaching and learning and establishing meaningful links with the society. A highly over-regulated system consists of interference by multiple agencies which tend to stifle innovation and creativity, increase inefficiency and breed corruption and malpractices. An under-regulated system encourages exploitation, contributions to disorder and erosion of social justice. Therefore, it is important to design a balanced regulatory system that is transparent and ensures accountability.

On privatisation and commodification in higher education

The report notes that there is a substantial role for the private sector. While there exists some centers of excellence in the private sector, most private institutions, instead of helping rejuvenation of higher education, have become commercial entities with very low quality. The report admits that reduction in public funding and demand factors have propelled the growth of private college, private deemed and private universities in recent years. The trusts managing these institutions had little understanding and experience in education. The trusts or societies that were formed largely consisted of immediate family members. They controlled admission, collected capitation and other fees and appointed teachers on low remuneration. Privatisation benefited few who could afford to pay fees. Besides, private investment led to unbalanced growth limited to few states, programmes and disciplines. There was no doubt exception to such rules. However, in majority of cases deficiencies in enforcement instruments were responsible for commercialisation. Regulatory agencies failed to supervise their intake capacity, faculty quality, academic infrastructure, laboratories. Privatisation has thus dealt a serious blow to the credibility of the Indian university degree.

UGC have failed to enforce its own guidelines for declaring an institution a deemed university under Section 3 of the UGC Act as "the institution should

generally be engaged in teaching programmes and research in chosen fields of specialization which are innovative and of very high academic standards at the master's and research levels. It should also have a greater interface with society through extramural extension and field-action related programmes." The report suggests that 'It would, therefore, be appropriate to stop the practice of according de novo deemed-to-be university status to any institution. Other institutions wishing to get deemed university status should demonstrate special capabilities as was originally intended and should be rigorously evaluated to see if they fulfill the holistic and universal concept of university outlined in this report. The institutions, which have somehow managed to secure such status should be given a period of three years to develop as a university and fulfill the prescribed accreditation norms failing which the status given to them would be withdrawn.'

All private institutions, which seek the status of a university, will have to submit to a national accreditation system. An Institution working with a motive of private profit does not have the right to be called a university.

National Knowledge Commission (NKC) and Yashpal Committee Report (YCR)

National Knowledge Commission of the Government of India presented its report on Higher Education in 2006. The Yashpal Committee Report appointed by the Ministry of Human Resource Development has presented its report in June 2009. It is interesting to understand the comparative perspective within which the restructuring of higher education in India is being conceptualized in these reports. It shows how a complex picture is looked at from two different perspectives. In fact, the two world views of restructuring of higher education are presented in these reports. It indeed poses a serious policy dilemma in Higher Education in India.

NKC and YCR note that higher education in India is over regulated. However, both the reports make a departure in analysing over regulation. NKC notes that regulation has caused barriers to entry and exit. This puts restriction in establishing new institutions, prevents competition and restricts quality. It advocates that if regulatory restrictions are minimized then market will ensure competition and through greater transparency and accreditation institutions will improve quality. The process will create differentiation among institutions. In the long run, however, the best quality will survive.

YCR, on the other hand, argues that knowledge generation in a university system requires that different disciplines must grow in organic unity. Fragmentation of knowledge by creating boundaries of disciplines is not conducive for knowledge generation. University should be autonomous in allowing the balanced growth of various branches of knowledge. Over regulation and interference in the functioning of university creates distortions in the knowledge generation and therefore be rationalized.

NKC feels that there was too much protection given to the institutions and the faculty in the past. This has caused inbreeding and inefficiency. The system needs to be exposed to competition so that a drive is created to improve quality. YCR feels that the institution of university suffered from conceptual and structural deficiency, as state failed to create conditions for a balanced growth of all disciplines in close unity with each other within university.



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From the above basic differences in perception towards the process of knowledge generation arise further differences in understanding the problems of higher education. YCR argues that fragmentation in knowledge causes the dichotomy between the undergraduate affiliated colleges and postgraduate colleges and university. Fragmented policy has caused further distance in teaching and research institutions. With a porous disciplinary boundary, the unity of teaching and research and undergraduate and post graduate departments functioning within a university would create conditions for further knowledge. What is required is the structure of a university where all knowledge from humanities, social sciences, basic sciences and applied disciplines fuse and grow together. Autonomy of the university and of the individuals should be guaranteed.

NKC argues that different types of institutions/universities may co-exist. In fact it suggests undergraduate Board of Education for the undergraduate colleges. Cluster of colleges may form a university. Autonomous colleges may be given the degree granting power. What is required is greater transparency in the functioning of the system so that competition could be generated. Fragmentation in knowledge is not a problem so long as institutions respond to market signals through grading, evaluation etc. and strive for the quality and excellence.

It is important to note that fighting against regulation both argues in favour of autonomy. However, autonomy in NKC means freedom to take decisions in response to market. Autonomy in YCR means that freedom should be given to create knowledge that is not fragmented but is in response to the society. Most significantly, former would treat higher education utmost as merit good whereas latter would treat it as public good.

Independent Regulatory Authority in Higher Education (IRAHE) in NKC is given a role to grant license to institutions on transparent criteria. It is also given a role to grant license to accrediting agency so that the quality of the institution is made known to all. UGC role is reduced to funding. National Commission of Higher Education and Research (NCHER) in YCR is given a mandate to eliminate the fragmentation of knowledge and helping university to nurture knowledge by providing feedbacks. All professional Councils including UGC are subsumed within NCHER. This is the most significant difference in recommendations of the two reports.

It is significant to note that none of the reports have analysed the limits under which UGC have provided the institutional support to university system in India. Autonomy of university should be analysed along with the autonomy of UGC. UGC was an agency to provide guideline to maintain standards in higher education to the universities. It also provided the plan support to development purposes. Only instrument of control with UGC was that it could stop funding to a limited number of institutions if they failed to comply with regulations for the maintenance of standards. State governments and universities under state act were constitutionally independent under the federal governance. UGC had no power to interfere with the functioning of the university under federal structure. The problem compounded when private universities began to be established by state act and central government failed to regulate through the legislation by Parliament. Besides the liberal opening of deemed university route is also the result of the dominant lobby of private providers. UGC was simply a

recommending body to the government which found it easy to serve the vested interests.

UGC no doubt became another bureaucratic organisation rather than developing an academic outfit to guide the university. It is in need of restructuring in favour of greater academic role to perform the function mandated by the Constitution of India. It is not clear at all how the reduction of its role as mere funder would serve the purpose. How new institutions suggested in two different reports are expected to take up the Constitutional mandate. There is no doubt that the co-ordination function was being performed by the government and probably not so well. Hence there is a need to develop the institutional structure for co-ordination. This could be easily done by constituting a Higher Education Council with Prime Minister of India as Chairman of the Council and Minister HRD as the Vice Chairman with members from different Ministry engaged in supporting Higher Education and representation from Councils dealing with professional disciplines. However, how could UGC be made more academic body to guide the standards in higher education is certainly a question that needs to be debated?

Critical appreciation of Yashpal Committee Report

The report notes that dichotomies of higher education are precisely because there has been fragmentation of knowledge and hardly has there been attempt to understand the principle of universal knowledge. Unless this epistemological understanding of knowledge is clear, the renovation and rejuvenation of higher education can not be even conceptualized.

The report refers to various dichotomies in the higher education. Dichotomy between central and state university and between state university and affiliated colleges and between school and college level of education are principally the result of the fragmentation in knowledge that the policy has so far supported. University, if it is the creator of universal knowledge, can not be differentiated among them on what so ever is the criterion. State universities, therefore, can not be given a treatment that is in any way inferior to central university. Similarly undergraduate teaching in affiliated colleges and postgraduate teaching in university departments and university colleges can not be treated separately. Both should co-evolve together and be treated in terms of organic unity. In fact, undergraduate and postgraduate should be the part of university and knowledge created at both the levels should feed each other. The less favourable treatment to undergraduate level of education will impact postgraduate and higher levels of education and so is true between school and college levels of education. There has been further dichotomy between teaching and research due to the fragmented way of looking at the creation of knowledge. Teaching and research should also co-evolve together. Teaching promotes research as creative minds work together and pose questions which can not all be answered in the classroom but taken up for research and the research understanding further develops the teaching. This integrated approach leads to qualitative improvement among teachers, students and researchers and provide the basis for further knowledge. There have again been attempts at creating a distance between teaching and research institutions and this defies the principle of universal knowledge. Scientific and industrial research institutes are given mandate



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to create knowledge outside the university system which is not a desired direction the higher education system should move. A desirable course of action should be an integration of such research centers within university where fusion of different boundaries will create a more mature knowledge beneficial to the mankind. Biologist, Chemist, Pharmacist, Engineers, doctors, technologist should develop a much more humanist understanding of knowledge in the university.

The conception of a university in the report follows from the understanding of the theory of knowledge. University is a place where universal knowledge is created in the unity of all disciplines. Even if the disciplinary boundary is created for the convenience of understanding knowledge there should be full opportunity for interaction with other disciplines. A fragmentary and fractured understanding of knowledge is dangerous. Universities where all disciplines grow in a more or less unity provide the right place for universal knowledge. Universities may differ from each other in terms of emphases yet variety of disciplines adds perfection to the knowledge creation. It will prove to be more beneficial for the society. Within university there should be autonomy and intellectual freedom. Centers or departments must be provided enough flexibility and less and less of regulations so that individual creativity finds fullest opportunity to grow.

Regulatory framework to govern the universities should also be minimal. UGC and other regulatory councils for want of co-ordination in policies have created fragmentary and lopsided growth in higher education.

Idealism vs. Realism

Idealist Conception: Description of a university in Yashpal Committee report is guided by an idealist perspective. This is a conceptualization much closer to the ideals of Plato's democratic republic where Philosopher king rules. Academic culture thrives when there is self-regulation and self-discipline. Whenever latter prevails accountability is naturally enforced. There is none to ensure it. Individuals within such institutions enjoy full freedom and autonomy. The distinction between the rulers and the ruled is blurred and, therefore, there is self-governance and no administration. The path to the creation of knowledge is not dictated by the state or the state regulating body.² As the individual consciousness is the social consciousness, societal concerns are automatically taken into account. Knowledge is, therefore, also self regulated and caters to the mankind.³

University as a Social Institution: University is not a construct that can be developed independent of historical transformations. It is a social institution. Howsoever the ideal and the humanist conception of knowledge, the construct of the university depends upon the stage of development of society. Universities passed through the stages of church, state and contemporary phase of market domination. The way University is structured to create knowledge in the phase of state domination is markedly different from the stage of market domination. Section I of the essay discussed in detail these structural differences during industrial and post industrial transformations. In the latter phase the construction of knowledge is guided by the market mechanism whereas in the former phase it is state that may determine the directions in which knowledge

construction should take place. In both the phases the knowledge construction may not be guided by societal interests. In fact even during state domination the knowledge construction may be guided by the interests of rich if state designs policy to favour them.

The point to note is that Yashpal Committee report failed to see the way in which knowledge is created in reality in different periods. The realist picture of knowledge and consequently the university may diverge from the idealist notion. It is for this reason that Yashpal Committee report suffers from lack of realism.

Knowledge Generation Ignores the Role of Market: Yashpal Committee report is based on the humanist conception of knowledge. Knowledge belongs to humankind and therefore can be shared by all. It is also the responsibility of the state to support the generation of knowledge. University supported by public fund is then a suited structure to produce the knowledge for societal reproduction.

However, in a globalised phase of reproduction of the society knowledge is no longer heritage of mankind. It is considered as property to be created by an individual or group or company and an institutional mechanism is being established to patent and protect. It is argued that protection of knowledge will provide an incentive for the producers of knowledge to produce. Thus knowledge has an important dimension of commercialization and marketing. It means that universities will have to make effort to transform its implicit knowledge into an explicit knowledge i.e., in forms in which it can be traded. Knowledge is thus a differentiated product whose demand is derived from the market. Given this conceptualization of knowledge the idealist notion of university breaks down and university becomes an entity that has to be guided by the dictates of the market. It then means that fragmentation of knowledge becomes a reality that university structure has to deal with. University can not ignore the aberrations that are created by the market. Market dominance is so important that university can not remain isolated from market interference and can in fact face the danger of its existence.

Ignores the Dynamics of Privatisation: The private state university and the private deemed university have grown in the recent years, as state failed to fund the university. Given state's failure to fund higher education how it is possible to adhere to the notion of an all pervasive concept of an ideal university conceptualized by the committee report. The privatization carries with it the commercialisation. The only way to deal with the process of privatization is a strong regulation. However, apart from the aspect of regulation it is not clear how the private state/deemed university will be an ideal university? In US system the private university is supported by the state in research funding. The relation of state with private, apart from the aspect of regulation, is not well analysed in the report in spite of the acceptance of the role of private participation in higher education.

Faulty Conception of Individual and Community of Scholars: The notion of an individual as autonomous, concerned with societal interests and hence entitled to the freedom of decision making without checks is a dangerous assumption. It is indeed difficult to think of mass education where state being an important stakeholder may not enforce norms of accountability upon indi-



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vidual and the institution. Scholars point out the myth of self-governing community of scholars in today's context. University as an institution has evolved over time and represents a collective entity with may defy the conception of scholars conceptualized in the report. The conception of state as neutral and undertaking full responsibility in establishing universities is not well founded as the state finds it increasingly difficult to fund. Suffice it to mention here that even in American system of higher education "the myths of a community of scholars (Keller 1983; Goodman 1962) outlast actual behaviors, and the myth was sustained until the 1980's." (John, 2000, pp.32-3)

Heavy Reliance of State as Exclusive Provider of Higher Education: Implicit in the conception of knowledge and that of the university is the role of the state in public funding. Given that state is expected to put no restrictions on the internal functioning of university. This is unrealistic assumption in the report. State can not remain non interventionist. As state is primarily responsible to the public and universities are only indirectly responsible to the public, the state needs to ensure the accountability of the university.

Conclusion

It was noted that there is a policy dilemma. The industrial and post industrial transformations require that universities have complex role to play. The fundamental role of a university is to generate and disseminate knowledge. The needs of society are mediated through state and the market, yet the dynamics of knowledge generation and its benefits to the society in both the cases differ. Hence the conceptualization of a university must take into account the elements of both the stages of development. It can not ignore the dynamics of market influencing the process of knowledge. Universities in India will have to deal with the duality arising from both the industrial and post industrial transformations.

YCR rightly highlights the humanist and scientific approach to knowledge. Universal approach to knowledge defies fragmentation in knowledge and policies that create divide are opposed. However, this is an idealist approach and ignores the reality and, in particular the role of market in the knowledge generation. The knowledge is in the market place and the role of private providers and corporate sector can not be ignored while the state has to bear the major responsibility in shaping universities. The ideal view of university in YCR needs to be supplemented with the structures that permit the role of private sector in knowledge management under the regulatory structure of the state. Besides it is important that UGC should build an academic structure with adequate powers and functions. The role of professional councils can not be ignored in the maintenance of standards. The co-ordination between professional councils needs to be ensured by a high powered body of Higher Education Council chaired by the Prime Minister of India.

It is also important to note that NKC argument to establish IRAHE is equally non tenable as it would amount to minimizing the role of state and regulation. The market dominance will be dangerous and state has to regulate the market in higher education.

The path for renovation and rejuvenation of higher education in India essentially lies between maintaining the balance between the roles of state and

market. State has built the institutions over the last 60 years and these institutions should prepare themselves to serve the society as well as accept the role of market and learn to exploit the role of market to be meaningful and relevant in today's world.

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Report on renovation & rejuvenation of higher education

A curious mix of autonomy and authoritarianism

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Professor Yashpal committee report on higher education is a curious document in many ways. Yashpal could happily exceed his limited mandate which was only to make a progress report on the performance of UGC and AICTE. He could prevail on the then HRD minister Arjun Singh to change the nomenclature of the committee from 'UGC /AICTE review committee' to 'committee to Advise on the renovation and rejuvenation of higher education'. But he could not change his mandate accordingly. The office memorandum permitting the name change categorically states that the constitution and the terms of reference of the committee would remain the same. Arjun Singh and Professor Yashpal, both well matched in age and wit, happily agreed to disagree with each other. Accordingly they pursued their diverse hobby horses ---that of reforming UGC /AICTE and that of dismantling UGC and AICTE and a whole set of central regulatory agencies along with them. There is no opportunity now to watch the endgame in this battle of wits. Arjun Singh is no longer the HRD minister. However it would be interesting to conjecture how Arjun Singh would have reacted to the report that had completely recast its mandate.

But the hasty acknowledgment of Yashpal committee report by Kapil Sibal, the new HRD minister as his Bible for reforms along with National Knowledge Commission report on higher education and his ominous assertion that reforms cannot wait give little respite for such idle curiosities. It is not accidental that Kapil Sibal has clubbed the Yashpal and NKC reports together. While there are basic differences between the brazenly pro-reform approaches of NKC and the humane and the academic orientation of the Yashpal committee recommendations, the major administrative recommendation of both NKC and Yashpal appear to be the same. Though Yashpal protests that his brainchild National Commission for Higher Education and Research (NCHER) is different from Independent Regulatory Authority for Higher Education (IRAHE), the obvious resemblances in the constitution and powers of the institutions cannot be overlooked.

Both IRAHE and NCHER are conceived as apex regulatory bodies with overarching powers and responsibilities. Both are required to be set up by an act of

parliament. Both will have advisory, administrative, funding and regulating functions. The status and mode of appointment of the chief functionary of the NCHER will be similar to that of the chief election commissioner. There would be six other members representing diverse fields of knowledge and experience, all enjoying the status of members of the election commission. Existing thirteen regulatory bodies like UGC / AICTE will be subsumed within the new body. If at all these bodies are permitted to continue, their roles will be limited to the conduct of qualifying tests for professionals in their respective fields. They would be divested of their academic functions.

Dangers of NKC Report

The comparison between Yashpal committee report and NKC Report begins and ends here. The holistic vision of higher education presented by Yashpal committee is refreshingly different from the narrow commercial orientation of the NKC report. The report warns against cubicalisation of knowledge by creating exclusive centers of learning for different disciplines. The report tries to recover the idea of a university as a meeting place of all knowledge available through all disciplines. It promotes the concept of interdisciplinarity by perceiving that new knowledge is likely to be created at the intersections of disciplines. Accordingly it recommends that existing IITs and IIMs and such other institutions should be transformed into universities by providing access to all disciplines. The report makes a strong plea for integrating teaching with research and research with teaching. It rightly lays stress on the development of undergraduate education which is the foundation of higher education. While National Knowledge Commission had sought the separation of undergraduate education from post graduate education except in a few institutions of excellence, Yashpal committee recommends the integration of undergraduate with post graduate learning in all institutions.

The committee regards both theoretical learning and applied learning as equally important and recognises the use of local data and resources to make knowledge covered in the syllabus come alive as experience. It recommends that curriculum reform would include compulsory exposure and engagement with different kinds of works, including manual work. It stresses the need for learning across disciplines by giving students opportunity to learn subjects outside their field of specialisation. The need for developing close interaction among neighboring institutions by forming clusters for enhancing both access and quality is given considerable attention in the report.

Yashpal committee report regards autonomy as an essential component of excellence. It wants the universities to become self-regulating agencies. It says that the teacher should have complete autonomy in academic matters. He should have the freedom to frame his course and to choose the manner of assessing his students. The freedom of the student consists in choosing his courses and the pace of his studies. At the same time the report also underlines the need for accountability of higher education institutions. One of the concrete issues raised by the committee in this connection is in regard to the deemed universities, especially the denovo variety. The committee criticises the cancerous growth of denovo deemed universities in recent times and demands that the provision be scrapped. The report also raises issues of equity in higher education. It points



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out that the capitation for engineering courses vary from Rs1 lakh to 10 lakh, for MBBS from 20 lakhs to 40 lakhs, for dental courses Rs 5 to 12 lakhs and courses in arts and science from Rs 30,000 to 50,000. It calls for measures to ensure that all meritorious students are given access to higher education, irrespective of their financial status.

Democratic deficit in governance

An implicit assumption that runs through the report is that the grand vision of education as outlined by Yashpal would be imbibed by the seven wise men who constitute the NCHER. Such complacency would be misplaced even if the philosophy of Yashpal report is incorporated into the text of the statute that would bring NCHER into being. The most telling example is the failure of the Indian State to govern the country in accordance with the democratic, secular and socialist tenets enshrined in the preamble to the constitution. The chances of such failure are greater today. The new government at the centre makes no secret of its commitment to the neo liberal agenda and to its distrust of the democratic process of decision making. The announcement by the HRD minister of the 100 day action plan which includes such sweeping changes as the discontinuance of examinations at the 10th standard is indicative of the democratic deficit in governance that has become the hall mark of the new dispensation at the centre. The minister did not consider it necessary to consult the parliament or the Central Advisory Board of Education before making such an announcement. The equation drawn by Kapil Sibal between such dissimilar reports as the Yashpal committee report and the NKC Report is a pointer to the shape of things to come. It is quite likely that Yashpal committee report will be subsumed within the NKC report.

One of the important drawbacks in the structure of NCHER as recommended by Yashpal is that it has ignored the importance of consultative process in the evolution of educational policies. The NCHER, as it is presently conceived, is a body of seven wise men. It is assumed that they will be able to rise above narrow prejudices and personal biases in policy formulation and implementation. There is no guarantee that a body selected by a search committee comprising the prime minister, the leader of the opposition and the chief justice of India and insulated against day to day political interference and endowed with adequate finances would always act wisely and in public interest. Policy formulations made by such an authority, even if it has to be vetted by the parliament, would carry an aura of authority. The check against arbitrariness in policy formulation and implementation is a mechanism for larger consultation and monitoring. Therefore, an arrangement for compulsory consultation with all stake holders in education including the states and the universities should be built into the structure of the proposed NCHER. Similarly a provision for ensuring accountability not only to the parliament but to the larger academic community should also be provided. Given the impatience with which Kapil Sibal is itching for reforms, such a process which would slow down decision making is unlikely to find favour with the mandarins at MHRD.

The NCHER is likely to collapse under the weight of its responsibilities, if ever it makes an attempt to grapple with them. A more likely and less welcome prospect would be that NCHER will continue to survive by sacrificing its most

important agenda – academic innovation and regulation. The UGC has had a similar fate. Conceived as an academic, regulatory and funding agency, the UGC largely ignored its academic responsibilities and messed up its funding functions. While no tears would be shed over the demise of UGC/AICTE and other similar regulatory agencies which have become corrupt and dysfunctional over the years, there is no reason why these agencies should be dispensed with, lock, stock and barrel. These could be pruned appropriately and asked to continue with the function of funding, of course with a greater sense of accountability than they are used to. The proposed NCHER could take over the academic responsibilities from these agencies and remain contented with it. A separation of academic and funding responsibilities and an arrangement for sharing such responsibilities by different agencies are likely to ensure better results in respect of both than combining them under one roof.

Despite Kapil Sibal's camaraderie with Yashpal and Sam Pitroda, the two veterans share little common ground in education. Yashpal's vision is the very opposite of Sam Pitroda. The vision of NKC is fragmented and divisive. It sought to divide disciplines, institutions and academics into different categories. It prioritised new generation disciplines with commercial prospects over traditional disciplines and national level institutions of excellence from state level universities. It wanted to divide the teaching community into different categories on the basis of the market value of their disciplines. Obviously Yashpal committee report cannot be implemented along with NKC report. The recommendations of the National Knowledge Commission have already been acted upon by the government in part by incorporating its proposals in the action plan for 11th five year plan. The setting up of numerous IITs, IIITs and IIMs as institutions specialising in their respective disciplines reflect priorities different from that envisaged by the Yashpal committee. Implementation of the recommendations of Yashpal committee would thus necessitate a rethinking on the priorities and programmes of the 11th plan. Such a step is very unlikely to materialise. But the report could be compromised and co-opted. Unfortunately, the seeds for such cooption have inadvertently been sown by Yashpal himself through his half baked notions of NCHER.

Yashpal Committee Report

Prescriptions not for Renovation and Rejuvenation of Higher Education

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The Yashpal Committee was constituted as a Review Committee to review the functioning of UGC/AICTE in February 2008. Later on in October 2008, its name was changed as the Committee to Advise on Renovation and Rejuvenation of Higher Education, but with no change in its terms of reference. The committee has submitted its report to the minister of human resource development, Kapil Sibal on June 24, 2009.

This report has gone much beyond its terms of its reference and is a self contradictory document. Some of its recommendations are no different from those of other committees which lead to high fees and privatisation and commercialisation of higher education.

On State Financing

A university is perceived as a means to “overcome caste and class hierarchy, patriarchy and other cultural prejudices and also as a source of new knowledge and skills, a space for creativity and innovations.” Therefore, the committee stated in its report that higher education “was and continues to be considered a national responsibility and the State has to make necessary provisions to realize its potentials.”

However, recognising that the cost of providing quality education is increasing and the State cannot walk away from its responsibility of financing higher education, the committee recommended that “imaginative ways will have to be devised to find complementary sources of funds. Universities and other academic institutions should be able to hire professional fund raisers and professional investors to attract funding from non-government sources.” (emphasis mine)

The ‘imaginative ways’ of fund raising and the need to have fund raising officers have been suggested in detail by the infamous concept paper for the Model Act for all the universities issued by the UGC in October 2003. The ‘im-

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aginative ways' and other provisions contained therein actually meant privatisation and commercialisation of higher education (See *People's Democracy* dated December 21 & 28, 2003, and July 25, 2004). Under strong opposition of the students and teachers, the proposed Model Act concept paper was withdrawn, but various government committees continued to recommend the same. Once this recommendation of the Yashpal committee is implemented, the provisions of the Model Act would get revived.

No student should be turned away from an institution for want of funds for education. However, the committee noted, "Absence of differential fee has led to subsidisation of a segment of student body that can afford to pay for its education. There is no reason why both these two categories of students be placed on the same level when it comes to financing their education." Differential fee structure has been opposed by students all along. Today a large majority of students cannot afford the present fee and 90 per cent of our youth (17-23 years age group) are outside the universities and institutions of higher education. Even out of those students who took admission at Class I, only 16.6 per cent (2005 figures) reach Class XII. If no student is to be "turned away from an institution for want of funds for education", then the education has to be entirely funded by the State.

The committee further opined that "Guaranteed student loans at low interest rates for those who can take loans and free education for those who cannot afford it at all will be necessary to educate India." If loan is to be taken, at howsoever low interest rate, for paying fees and other charges, then the structure of 'fees and other charges' will not be same as it exists today even in central universities like Delhi University and Jawaharlal Nehru University. These will include many more types of expenses which are presently borne by the State, raising the actual charges to be taken from the students several times over. This recommendation of Yashpal Committee is contrary to its intention.

Professional and vocational education

At the undergraduate level students should be exposed to various disciplines like humanities, social sciences, aesthetics etc., in an integrated manner. This should be irrespective of the discipline they would like to specialise in, whether general or professional higher education like medicine, engineering, etc. Therefore, the committee recommended that professional institutions, including IITs and IIMs, should be returned to universities in a complete administrative and academic sense by abolishing intermediary licensing bodies. Such a measure will open the possibility of new kinds of course-designing for professional learning in all fields from management and architecture to medicine and engineering. Whether the IITs and IIMs should be returned to universities or not requires an intense, informed debate. The role played by them cannot be undermined.

The committee has made a very important recommendation about vocational education which has remained under-developed as it is perceived to be largely for the poor, who either cannot afford academic education or who pass out of poorly-equipped and uninspiring schools with low marks. Students who go for vocational and technical education after completing higher secondary education are deprived of any possibility of pursuing higher education after

completing their vocational or technical training. Therefore, the committee recommended that this sector should be brought under the purview of universities and necessary accreditation to the courses available in polytechnics, industrial training institutions (ITIs), etc. should be provided. Additionally the barriers to entry into universities for students going through vocational training should be lowered to enable them to upgrade their knowledge base at any stage of their careers. This has been a longstanding aspiration and demand of the students studying in ITIs and polytechnics. This recommendation, if implemented, will certainly help these students wishing to return to universities and institutions of higher education for degree programmes without wasting the time they spent in these institutions.

On State universities and colleges

“The development of all young people, be they in state-run institutions or central institutions, is a national responsibility and there cannot be any discrimination between the two. All the facilities given to central universities should be made available to the state universities. To achieve this, state governments would need to significantly enhance their support to the universities while the centre should make matching incentivising allocations available in a sense of a joint national enterprise.” Qualitative development of the colleges should be the priority. The committee stated that money needs to be made available for the qualitative development of colleges.

The state governments have been demanding increased funds for the development of their universities and colleges. The UPA government should make funds available to states for expansion, development and strengthening of higher education.

On private higher education

The Yashpal committee has noted all the ills of private higher education institutions which we have also been highlighting in these columns and demanding a comprehensive legislation to bring them under social control. The committee noted that there had been no guidelines to assess the competence of private investors to run technical institutions.

The committee forthrightly reports, “In many private educational institutions, the appointment of teachers is made at the lowest possible cost. They are treated with scant dignity, thereby turning away competent persons from opting for the teaching profession. A limited number of senior positions are filled at attractive salaries, especially from other reputed institutions, mainly for prestige. Otherwise, there are many terrible instances of faculty being asked to work in more than one institution belonging to the management; their salary being paid only for nine months; actual payments being much less than the amount signed for; impounding of their certificates and passports; compelling them to award pass marks in the internal examination to the “favorites” and fail marks for students who protest illegal collections and so on.”

The illegal capitation fees range from: Rs 1-10 lakh for the engineering courses; Rs 20-40 lakh for MBBS courses; Rs 5-12 lakh for dental courses; and about Rs 30,000-50,000 for courses in arts and science colleges, depending on the demand.”

It recommended “very tight regulations” but not encompassing all aspects.

The CPI(M) and other Left parties have been demanding a comprehensive central legislation to regulate these institutions in relation to fees, course content, infrastructure, academic standards, management, examinations, etc. The draft of such legislation, though very weak in its purpose, was issued in 2005. Despite repeated demands from the Left, the UPA refused to take it up. It is high time that the UPA government brings such a legislation.

On Deemed Universities

The committee expressed its concern on the spurt in the number of newly established educational institutes as deemed universities. “Between 2000 and 2005, 26 private-sponsored institutions got the deemed university status. Since 2005, the number of private deemed universities has increased to 108. By a notification of the UGC, it is no longer necessary for them to use the adjective “deemed” and they all call themselves simply universities. In Tamilnadu alone, the number of private deemed universities has increased from 18 in 2007 to 35 in 2008 and many are in the queue. Though, the deemed universities do not have affiliating powers, many of them have a number of campuses spread throughout the country.”

“Between 1956 and 1990, in 35 years, only 29 institutions were granted the deemed university status. In the last 15 years, 63 institutions were declared deemed universities and particularly in the last 5 years, 36 institutions, excluding RECs, have been notified as deemed universities. the majority of these institutes are not established with any educational purpose, and they end up only deluding the students”. (emphasis mine)

The committee revealed that “some of the private universities were professional colleges that got approval from the regulatory bodies for university status. Immediately thereafter, they started admitting five to six times their intake capacity, without a corresponding increase in faculty strength or academic infrastructure. The classes and laboratories were conducted at strange hours like a factory production operation.” Some of these universities offered to “give ‘guaranteed’ degrees at any level, including PhD, for a price.”

In view of considerable misuse of the provision for Deemed University status, the committee recommended that “the granting of such status should be put on hold till unambiguous and rational guidelines are evolved. The institutions, which have somehow managed to secure such status should be given a period of three years to develop as a university and fulfill the prescribed accreditation norms failing which the status given to them would be withdrawn.”

This recommendation is not enough. The democratic movement, involving students, teachers, parents and intelligentsia, has been demanding scrapping of the deemed university status granted to private institutions and reverting them back as affiliated institutions.

On foreign universities

Before taking any decision on allowing foreign universities to operate in India, the Yashpal committee stated that we have to be very clear about the purpose it is going to achieve. Interaction with the best minds of the world would only enhance the quality of our universities. But giving an open license to all and sundry carrying a foreign ownership tag to function like universities in



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India — most of them not even known in their own countries — would only help them earn profit for their parent institutions located outside or accrue profit to their shareholders. However, the committee observed that “if the best of foreign universities, say amongst the top 200 in the world, want to come here and work, they should be welcomed. Any decision in this regard has to be taken with utmost care keeping in mind the features, which are essential for an institution to be called a university. Such institutions should give an Indian degree and be subject to all rules and regulations that would apply to any Indian university.”

It is fine to invite foreign scholars to our universities for delivering some lectures and share their knowledge. But welcoming foreign universities, even if amongst top 200 in the world, is problematic. The Yashpal committee did not go into the merit of the issue at all. The foreign universities and education providers would be guided by profit and market alone. They would design and launch courses which the market needs, create false impression about their courses through advertisements, charge exorbitantly high fees for courses which have immediate employment potential. By their money power foreign educational institutions would be able to attract best teachers and financially well off students from local institutions affecting them adversely.

Foreign Direct Investment in education would impede the development of indigenous and critical research within our university education system, aggravate the tendency towards commercialisation and strengthen the stranglehold of neo-liberal ideas in our academia. The foreign educational institutions would be concerned about their profits and not about our culture and society. Therefore, no foreign educational institutions should be invited to open up their shops in India and therefore no legislation is required.

On uniform All India Examinations, GRE

The committee interestingly recommended in its section on ‘financing’ that national tests like GRE (Graduate Record Examination), should be organised round the year, and students from all over India aspiring to enter universities should be allowed to take these tests as many times as they like. Their best test score can be used by the universities for admission. This requires, it said, a “rethinking on the need to continue with State Boards of Secondary Education and the Central Board of Secondary Education (CBSE).”

The GRE type examination at all India level for admission to universities is no solution to the kind of ‘trauma’ that the students face. The only difference is that the board examinations are annual while GRE is offered more than once in a year. What is necessary is to reform the pattern of examination and increase the number of seats at higher level with adequate facilities and infrastructure.

The rethinking on state boards of secondary education encroaches upon the powers of the state governments. This recommendation is also in contradiction with its own observation that “all syllabi should require the teachers and students to apply what they have learnt in their courses, on studying a local situation, issue or problem. There should be sufficient room for the use of local data and resources to make the knowledge covered in the syllabus come alive as experience.” (emphasis mine) Thus there would be different syllabi and evaluation points in different states based on their socio-cultural conditions. A common

all India test for entry into institutions of higher education would undermine this aspect and would be detrimental to the interests of our students.

National and State Education Tribunals

The increasing involvement of higher education institutions and universities in long drawn out litigation in judicial courts has also been a matter of concern for the committee. For a fast-track statutory mechanism for the adjudication of disputes between teachers, employees and management of institutions and universities in respect of matters concerning service conditions, as well as in matters of disputes relating to fee, admissions etc., the committee recommended that a suitable law be enacted to establish a National Education Tribunal along with State Education Tribunals. The teacher movement has been opposing the idea of establishing tribunals. No provision which would take away the rights of the university community to take recourse to the courts of law can be accepted. This requires informed discussion amongst the university community.

On Regulation

The committee argues that all of higher education has to be treated as an integrated whole. Professional education cannot be detached from general education. It would be, therefore, imperative that all higher education, including engineering, medicine, agriculture, law and distance education, is brought within the purview of a single, all-encompassing higher education authority.

Presently, there are 13 professional councils, such as AICTE, MCI, NCTE, etc., created under various Acts of parliament. The committee saw the present functions of these councils as two-fold; first, the bench-marking of standards for professional practice and second, the pedagogy and academic inputs required for professional studies. The committee notes that there is very little co-ordination among the statutory bodies in respect of degree durations, approval mechanisms, accreditation processes, etc. "It sometimes leads to very embarrassing situations in which we find two regulatory agencies at loggerheads and fighting legal cases against each other."

Therefore, the committee recommended, "a de novo regulatory body under which the various functions of existing regulatory agencies would be subsumed. The powers vested currently in these multiple agencies for regulating creation of academic institutions and their content would be also taken over by the proposed apex regulatory body." This apex regulatory body would be called "The National Commission for Higher Education and Research (NCHER). All the existing professional bodies should be divested of their academic functions. They may conduct regular qualifying tests for professionals in their respective fields – a Bar Council exam for practicing advocates for example. The professional councils may prescribe syllabi for such exams and leave it to the universities to design their curriculum including such syllabi. All academic decisions should necessarily be left to academics in universities. Similarly, any 'vocational' or technical education, which is post-secondary, should be the concern of the universities."

The NCHER would be, according to the committee, an autonomous body created by making a suitable amendment to the Constitution, accountable only to the Indian parliament and drawing its budgetary resources from the ministry



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of finance. It would have a seven-member board with a full-time chairperson. The status of the chairperson should be analogous to that of the chief election commissioner and that of the members should be comparable to the election commissioners. Of the seven members, one would be an eminent professional from the world of industry and one with the background of a long and consistent social engagement. All other five members would be academic people of eminence, representing broad areas of knowledge.

The process of identifying the chairperson and members should be vested with a search committee comprising "the prime minister, the leader of the opposition in parliament and the chief justice of India in consultation with a collegium consisting of eminent academics, learned academics and prestigious institutions relating to the fields of knowledge in diverse fields."

The commission would be, as recommended by the committee, independent of all ministries of the government of India. This commission would be for all matters relating to or incidental to the regulation of standards in all branches of higher education, including technical, medical and professional education in any field of knowledge. 'All matters' on which it would issue regulations include academic standards, norms and process for accreditation, establishing and winding up institutions, financing, governance and all matters relating to the standards of higher education of universities and other institutions of higher learning and research.

The Yashpal committee having defined the universities to be autonomous spaces, diverse in their design and organisation, self assessing and governing, and responsible for its own curriculum framework, instructions and evaluation of students, has contradicting itself recommended a de novo model, the NCHER, which will issue regulations on all such matters and monitor the universities and other institutions of higher education.

There are several points worth considering here. The NCHER, selected by the prime minister, leader of the opposition and chief justice of India, would be independent of all ministries and 'political interference' of any government in place, and responsible only to the parliament. Is this a guarantee and assurance that it would necessarily come out as the most wise institution and would work in public interest? On what basis, the Yashpal committee can say that all the ailments of the 13 councils seen by it cannot affect the NCHER. After all, these 13 professional councils were also established with similar intentions for which NCHER is being proposed! The understanding of the seven members of the commission, even if vetted by the parliament, will decide what should happen in the field of higher education in India. If this all powerful commission decides to direct the universities to look towards market for its requirements, like 'innovative ways' suggested by this committee, then imagine what would happen to our higher education system. The need of the hour is to make all these councils function for the purpose for which they were constituted, eradicate corruption prevalent in them, make them work efficiently and serve the cause of education.

We have enough experience of how the education curriculum and structural framework of educational institutions have been communalised in certain states ruled by the BJP. We also have experience that policy thrust of these council and education ministry changes with the change in persons. Some of

the issues which would hasten the process of commercialisation of higher education taken up by the present human resource development minister Kapil Sibal on priority basis were not the priority of the previous minister.

The recommendations of Yashpal committee, barring a few, if implemented, are going to either centrally control the entire higher education system or lead to privatisation and commercialisation of higher education as discussed above. It is clear the prescriptions of this committee, by any stretch of imagination, are not for renovation and rejuvenation of higher education.

FEI Bill jeopardises our higher education system

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Kapil Sibal, the new minister for Human Resource Development, immediately after assuming office on May 29, 2009 declared that bringing in the pending Foreign Education Institutions (FEI) Bill would be his top priority. The prime minister's office has been backing the bill. The Foreign Educational Institutions (regulation of entry and operation, maintenance of quality and prevention of commercialisation) Bill, 2007 was planned to be introduced in the parliament (Rajya Sabha), in the first week of May 2007. But due to the opposition of the CPI(M), it was withdrawn at the last moment.

Kapil Sibal, who was then (June 2007) minister for Science and Technology, had been pushing for this bill. After the bill was withdrawn, he had stated, "We are going to open up our educational sector to the foreign universities and it is going to be one of the largest FDI earners."

No wonder that the Wall Street Journal (USA) in its June 11, 2009 issue wrote that the "most recent effort by Indian politicians to ease restrictions on foreign colleges was stalled by Leftist parties, who said the poor would be left behind as the cost of education rises. But India's new coalition government, which took power last month, doesn't rely on the Leftists, improving the chances of Mr Sibal's effort to succeed." (Emphasis added) The Journal quoted Sibal saying, "I would hope that come 2010, universities around the world will be sprinting to come to India." He said he wants to open the market because India, despite its 1.1 billion-plus population, has an acute shortage of educated workers that threatens to inhibit economic expansion.

Left saved people's money

It seems that Sibal did not know then, and does not know even now that Foreign Direct Investment (FDI) in education, including higher education, is allowed in India under the automatic route, without any sectoral cap, since February 2000. It seems also that the minister does not know that despite this automatic route for the FDI in higher education, no foreign university or educational institution sprinted to India and established its offshore campus.

No, it is wrong to assume this. Sibal knows everything. It is due to the neo-liberal policies of the UPA government and its refusal to learn lessons from the recent economic meltdown that the people of the like of Sibal are hell bent to throw our higher education system to the predatory elements. People should recall that it was the opposition of the Left to raising the cap on FDI in banking and insurance sectors that saved their hard earned money. Otherwise, their savings would have been wiped out as it happened in the USA and elsewhere.

The Commerce ministry had, in September 2006, circulated a consultation paper on trade in education services. It argued that with a multi-billion dollar industry involving foreign education providers, distance learning and franchisees, "GATS could provide an opportunity to put together a mechanism whereby private and foreign investment in higher education can be encouraged."

It even recommended striking "a balance" between "domestic regulation and providing adequate flexibility to foreign universities in setting syllabus, hiring teachers, screening students and setting fee levels."

No regulation of private institutions

In order to strengthen the case of commercialisation of higher education in India as demanded by the big business, the Commerce ministry even questioned the Indian higher education system. It stated, "While India is endowed with a large and growing base of skill professionals (21.4 million graduate workers in 2000), there are conflicting views about the quality of its endowment. According to McKinsey (2005), only 25 per cent of Indian engineers, 15 per cent of its finance and accounting professionals and 10 per cent of Indian professionals with general degrees are suitable to work for multinational companies."

If the McKinsey report was true, what was done by the UPA government to raise the quality of professional and general higher education so far? Most of the professional colleges in engineering, IT, medicine, dentistry, business administration, etc. are in private sector. The CPI(M) and other Left parties have been demanding a central legislation to regulate these institutions in relation to fees, course content, infrastructure, academic standards, examinations, etc. The draft of such legislation, though very weak in its purpose, was issued in 2005. Despite repeated demands of the Left, the UPA refused to take it up.

The UPA government, due to its policy of privatisation and commercialisation of higher education, deliberately failed itself in regulating such institutions through a central legislation that could ensure quality. Now the new HRD minister cries that our youth do not get jobs because they lack in skills. And the key for overcoming this 'lack' has been found by him in allowing foreign educational institutions to establish their shops in India and loot our people in the name of quality and skills.

There are, however, many foreign universities and education service providers operating in India through twinning programmes. An advertisement number AICTE/Legal/03(01)/2006-07 retrieved from the website of All India Council for Technical Education on June 10, 2009, cautions the students as follows:

"As per the information available till date, 169 institutions are found to be conducting courses in the field of technical education without obtaining AICTE



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approval. 104 institutions are conducting technical education programmes in collaboration with foreign universities without AICTE approval.

Students are advised not to take admission in technical education courses run by any institution which has not been approved by AICTE. They are cautioned that joining unapproved programmes can have serious consequences in terms of eligibility for employment, higher studies etc."

At the foot of this advertisement, two web-links are given which give the lists of such unapproved institutions and their programmes. What is shocking is that the lists include institutions like ICFAI, IIPM, Ansal Institute of technology and G D Geonka World Institute which regularly issue front page and full page advertisements in national dailies about their programmes and also their tie-ups with foreign universities. These advertisements must have been noticed by the HRD ministry. I visited the website of IIPM on June 12, 2009 and asked it using its online enquiry, "Are your degrees, particularly BBA, MBA and MBE, recognised by the AICTE and/or UGC?" Quickly came the online reply that "IIPM is not affiliated to any university; neither does it seek any kind of affiliation from any such institution in future. It is an autonomous institute and offers its own courses and hence does not come under the purview of any university system / UGC etc." This reply is the worst form of arrogance of private institutions. They know that the government will not take any action against them because they have patronage from within the government. No wonder that several ministers and members of parliament are associated with such institutions and looting the people.

Mr Sibal, your ministry, the AICTE and other law enforcement authorities have been keeping their eyes shut. The AICTE regulation of 2005 provides that "In case it comes to the notice of the council, that a Foreign University is running diploma or/and degree at undergraduate, postgraduate and research level in technical education in India directly or in collaboration with an Indian partner without obtaining a certificate of registration, council shall take immediate steps to initiate action under the Indian Penal Code for Criminal breach of trust, misconduct, fraud and cheating and under other relevant Indian laws." You owe an explanation to the people of this country about what action you have taken against such institutions!

In this context, note some of the comments of American educational tycoons in the same write up in the Wall Street Journal – "some for-profit schools are already bypassing the bureaucratic roadblocks", "given the US economy and shrinking endowments, (US) colleges may need incentives from the government of India to be able to afford to open". In the US, "college tuitions have risen faster than inflation." The FELs violating local laws is thus known to all. Given the eagerness of Sibal and UPA government, the aggressive FELs will bargain hard to get more 'incentives' than even suggested by the Commerce ministry and loot the students and their families.

Subprime educational institutions

A noted educationist, Philip Altbach, notes that the subprime mortgage crisis represents a certain analogy regarding higher education. Many of the sellers, including academic institutions and for-profit education providers, are themselves subprime institutions – sleazy recruiters, degree packagers, low-end

private institutions seeking to stave off bankruptcy through the export market and even a few respectable universities forced by government funding cutbacks to enter foreign markets for profit making. Buyers, such as students but also including some academic institutions in developing countries, are similarly unregulated, sometimes ill-informed and often naive.

Uninformed or simply avaricious institutions in developing countries may partner with low-quality colleges and universities in, for example, the United States, Australia, the United Kingdom and receive substandard teaching or degree courses. Regulatory agencies may be entirely missing or inappropriate, thus making quality assurance impossible to achieve. It is the responsibility of the government to ensure that national interests are served and students and their families are not subjected to shoddy business practices by unscrupulous education providers. What is needed, he cautions, is to avoid succumbing to subprime practices and the inevitable crisis that will ensue. In India, despite regulatory bodies like AICTE, sub-standard institutions are flourishing without any quality assurance.

Uncontrolled Business

According to the FEI Bill, 2007, which was withdrawn, if a foreign educational institution wants to start an educational institution independently, it will come under the ambit of this Act. And, if it instead makes a joint arrangement with any recognised institution, the provisions of this Act shall not apply.

This is the provision which would have been actually used by FEIs to enter India in the field of higher education as it is now happening illegally. This provision would have also been used by any unscrupulous recognised private institution of higher education to have joint programmes with FEIs and be outside the purview of this Act and make high profits. Moreover, given the definition of 'twinning programme', the FEI is not obliged to offer part of the programme in its country of origin. It can offer part of its programme in "any other institution situated outside India." Using this provision any predatory FEI might offer part of its programme in a country which suits them better for making more profits.

This provision would have also encouraged public funded colleges and universities, starved of funds, to enter into joint arrangements (collaboration, partnership or twinning programme) with FEIs to start self-financing courses in frontier areas of science, technology and other professions with high fee charges in order to raise resources. Thus, this was the provision for keeping those students who cannot afford high fees away from enrolling in such courses. This provision was for a drive towards commercialisation of public funded institutions as well.

The FEIs were required to submit at the time of application its accreditation status in the country of origin if accreditation is applicable there. If accreditation is not applicable in a country, then which accrediting agency will assess, accredit or assure quality and standards was not provided for in the bill.

It may be mentioned here that the Private Universities bill, introduced in Rajya Sabha fourteen years ago in August 1995 had also stipulated a corpus fund of Rs 10 crore for starting a private university. The FEI bill's stipulation for a corpus fund of Rs 10 crore for a foreign university coming to India for profit was a pittance.



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The bill also provided that a FEI will have to ensure that the programmes offered and delivered by it in India of quality comparable, as to the curriculum, methods of imparting education and the faculty employed or engaged to impart education, to those offered and delivered by it to students enrolled in its campus in the country of its origin. A FEI ranked of low quality in its country of origin, was not be under any obligation to raise quality in India under that provision. The FEIs were given freedom to have their own norms regarding qualification and pay scales to appoint faculty.

A detailed critique of the FEI Bill, 2007, was presented by this author in these columns in its May 27, 2007 issue.

Implications of FDI in higher education

It is argued by those who welcome FDI in higher education that due to lack of funds, investments in public funded institutions is being reduced and it is not possible to increase the number of state funded universities and colleges. Therefore FDI in higher education would solve this problem. Another argument is that since a large number of Indian students go abroad for higher education, allowing foreign educational institutions to open their campuses in the country will arrest the outflow of Indian students. As a result, a relatively larger number of Indian students would be able to access quality higher education in the country itself which would be relatively much less expensive in terms of fees, travelling costs and living expenses abroad. This would also not allow the outflow of our foreign exchange reserves.

It is also argued by them that foreign higher educational institutions would create competition with the local institutions enabling them to become internationally competitive. This competition would force the local institutions to change their curricula and respond to the immediate needs of the students. And by this, the degrees offered by these institutions will become internationally comparable and acceptable. Further, the FDI in education would create new institutions and infrastructure and generate employment.

In fact, the FDI in any field does not have an attached objective of fulfilling the social agenda of a welfare state. It is guided by profit and market alone and if these are not fulfilled, the investors look for other destinations for FDI. Foreign investors aim to increase their profits that lead to commercialisation. In the field of higher education, FEIs would launch courses in frontier areas of science and technology, design courses which the market needs, create false impression about their courses through advertisements, charge exorbitantly high fees for courses which have immediate employment potential.

By their money power FEIs would be able to attract best teachers and financially well off students from local institutions affecting them adversely. Since competition entails reduction in costs, therefore infrastructure, laboratories and libraries would find least investment and the teachers and non-teaching staff would be appointed without necessary qualifications on such terms which would be exploitative as is in existence in most private institutions in India today. Teaching, learning process and award of degrees would also not be as rigorous as is required.

FDI would impede the development of indigenous and critical research within our university education system, aggravate the tendency towards com-

mercialisation and strengthen the stranglehold of neo-liberal ideas in our academia. The FEIs would be concerned about their profits and not about our culture and society. Therefore the courses which would appreciate and strengthen our ethos would not be started by the FEIs, and such courses would also get marginalised in public funded higher education institutions due to competition.

These tactics of the FEIs would also result in local private institutions raising their fee charges to establish competitiveness affecting adversely those students who are studying in local private institutions. The FEIs would tend to repatriate as much profit as possible back home thus accelerating the outflow of foreign exchange from the country. Therefore, the argument put forward by those welcoming FDI in education that outflow of foreign exchange from the country could be reversed has no sound footing.

No to FDI in higher education

In a market-model university like the FEI, departments that make money, study money or attract money are given priority. Heads of universities assume the role of travelling salesmen to promote their programmes. The thinking and attitudes of students, now called consumers, are manufactured and an education system is created that produces standardised people. Thus the whole idea of culture will be threatened as this standardisation eliminates cultural focuses, thoughts, language, and educational themes. No longer will truth be sought, except whatever suits the corporate interests. As this standardisation is institutionalised through international equivalency, the uniqueness of each educational institution will vanish.

In view of this, no foreign university should be allowed in India and therefore no bill is required. Mr Sibal, the Wall Street Journal is gleeful, as mentioned above, that your government now does not require the outside support of the Left. That notwithstanding, you should not take this initiative which will result in jeopardising the existence of our higher education system. The FDI in education will promote crass commercialisation of higher education. It will further marginalise the already marginalised sections of our youth.

Is the professional education overregulated in India?

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Introduction

The National Knowledge Commission (NKC) Report considers the most important failure of the system of professional education to be its overregulation of the state at the moment in India. The NKC Report is in favour of replacing the existing system of promotion and regulation of higher education institutions being undertaken by the UGC, AICTE, MCI and some more like them with an overarching regulator who would generally adopt the policy of hands off in respect of entry and exit of institutions and regulation of fees and quality and intervene only when the investors are found to be following anti-competitive / unethical practices of management in respect of the management of higher education institutions (HEIs). This article argues that the diagnosis of NKC report is basically incorrect and is contrary to the facts of the emerging situation with regard to professional education where the private sector is most active at the moment in the country.

Harmed by greed, not by overregulation

The country does not face everywhere the problem of quality of education in the same way. Further, even the reasons accounting for the failure in respect of quality of education are also not the same across the different layers of the system of HEIs. The type of problems that the country faces with regard to the Indian Institutes of Technology (IITs), Indian Institutes of Management (IIMs) or even National Institutes of Technology (NITs, formerly known as Regional Engineering Colleges -RECs) and all those professional colleges that are affiliated to state universities cannot be equated to the issues that the system of higher education faces today in the case of private sector higher education institutions (HEIs). Resulting in due to lack of facilities and faculty, the problems of poor quality of education as reflected in terms of the concerns expressed regarding employability of the IT graduates or of unemployment of the engineers and management graduates are quite unique to the private sector (HEIs). It is also certain that the lack of facilities and faculty is not due to low fees being charged

from the students in the case of most private sector HEIs. Major concerns being expressed in respect of private sector HEIs are embedded in the greed and for-profit character of these institutions.

Of course, their greed has the support of sections of political-bureaucratic leadership which is at times the main beneficiary of the massive returns (25-40 per cent) being extracted from the business of education (*Mint*, August 4, 2009). Despite legal prohibitions and court decisions the system of professional education continues to be promoted as a for-profit activity in the case of private sector HEIs in India. But in the way the problem of waste of education is now on the rise it has a lot to do with the greed of private sector investors. Their greed led them to seek the massive returns from what was believed to be the blockbuster market in the eighties and nineties. Plans made by the private sector HEIs with regard to the creation of capacity in information technology or electronics engineering failed because the economy failed to support their design. Today about forty percent of engineers produced in the case of electronics engineering in private sector HEIs are unemployed. This problem of oversupply of graduates has a lot to do with the way the private sector planned the capacity for this branch in the decade of eighties itself. There was a lack of growth in demand of electronics engineers from the domestic industry because there was very little growth of the hardware sector in India. And even what existed was decimated during the period of external liberalisation. In the case of evergreen branches of engineering these failures are however better explained mostly by greed.

Similarly, in the case of IT graduates the problem of employability is partly due to the poor terms being offered in respect of salary and working conditions to faculty. The other part of failure in respect of quality with regard to employability is also on account of the private sector HEIs not being able to set up interactions with the firms of this industry which has competence and knowledge and can offer opportunities to their graduates for learning the reusable building blocks of skills and knowledge that have been advancing in a regular manner to the disadvantage of most private sector HEIs. If the problem is lack of entrepreneurship training or the ability to conceive, design and operate the products and systems is concerned, then the restrictions are due to the existence of internal drivers and rigidities linked to the motive of greed far more than being an outcome of overregulation.

The amazing pace at which the "for-profit institutions" have grown in the recent wave of expansion of professional education it is changing the system of higher education in a number of ways. The system is creating the problem of waste for which the students and parents have to bear the full cost while the investors make the buck. The cost that society in the case of poor quality education is going to end up paying is being ignored is altogether another matter. It is already known that the system is experiencing a reduction in the enrolment / sanctioned strength (E/S) ratio in those states where there have been rapid increases in sanctioned strength in the few years. Experts expect the E/S ratio to decrease further in the coming times. In most states the newly created private sector institutions are unable to improve their enrolment to sanctioned strength and outturn to sanctioned strength ratios. It means that the problem of waste of education is going to rise further. It is therefore quite difficult to understand



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that how would the NKCR succeed really in solving the much discussed problem of quality and mismatches under production by asking for merely the removal of restrictions on the barriers placed on entry and exit of institutions.

Argument of the NKCR is that market competition is being prevented by the existence of regulations on entry and exit of institutions. It seems that the NKC is comfortable with the practice of leaving to the students and their parents to judge the quality of HEIs on the basis of rankings that some of the media organizations have begun to provide in the case of HEIs. Can the NKC ignore the fact of how the same media organizations are also the major recipient of advertising revenue arising out of the private sector HEIs? Can the private equity firms be trusted with regard to their exercises in respect of the ranking of HEIs? If even the educated sections are hardly in position to evaluate the veracity of advertisements being put out by the private sector HEIs, then how do we expect the new entrants from among the parents and students to do justice to the process of evaluation of quality of education being imparted in a vast majority of these institutions. Is it not an open secret that the "private sector HEIs" are not planning to invest in research and there is no research going on worth its name in their campuses? Is this hidden from the policymakers that the establishment of private sector HEIs is a real estate business for the investors where the speculative returns are supposed to be highest?

It would not be incorrect to suggest that the NKC does not mind the growing private cost of waste of education. Education is one time purchase; brand names built on the basis of dissemination of false information through media and consulting organizations emerging in this area are hardly a guarantee against the waste of education being perpetuated in a situation of deregulation. Since the parents and students are already known to be bearing this cost, then in a situation of poor quality education hands off regulation cannot be a solution for the elimination of failures of private sector HEIs. In a vast majority of private sector institutions there is only undergraduate education without the faculty being also involved in post graduate education and research.

Further, the NKC is also forgetting that access to higher education is increasingly becoming a function of paying capacity of the students and parents in India. If the character of private sector institutions is crass commercial in nature, then it impacts adversely on the access of poorer sections of the populations. This crass commercial nature of the private sector HEIs is gradually impacting the not-for-profit public sector institutions. Even in the public sector institutions the trend is now towards increased commercialisation of the courses. Self-financing courses are on the increase; this trend is also adversely affecting the access to higher education. The decade of nineties was a period of public disinvestment in higher education; when we examine the trends in per student expenditure. In 1993-94 prices, expenditure on higher education per student declined from Rs. 7676 in 1990-91 to Rs. 5873 in 2001-02, a decline by 25 points in the index. Decline in per student expenditures meant a decline in real resources per student on average, seriously affecting the quality of education. As there were steep cuts in budget allocations for libraries, laboratories, scholarships, faculty improvement programmes, etc., it is not difficult to see that there would have been serious adverse effects felt by the higher education institutions.

The practice of increased cost recovery is well institutionalised now in the case of even the not-for-profit institutions of higher and technical education. The cost recovery rates vary today in their case in the range of twenty five percent to fifty percent. The cost recovery rates are high and have surpassed in some universities the trends of even many developed and developing countries. In the case of public higher education in advanced countries the corresponding ratio hardly touches 15 percent. In the year 1999 for which the figures of cost recovery are extensively available in the case of US public institutions, the rate of cost recovery was estimated to be merely 12.2 per cent. Scholarships for technical education are shown to have declined in a very significant way. All this has begun to affect adversely the opportunities of socio-economically backward groups in the system of higher and technical education today.

There exist still very striking differences by economic groups of population in the adult population with respect to their access to higher education. It is no surprise that the trends of privatisation, commercialisation, reduction in financial support to the needy students, increased cost recovery by the public sector educational institutions, cost of specialised coaching for clearing the entrance tests, paid seats, capitation fees, etc., are visibly coming in the way of students who come from the backgrounds of socially and educationally backward class households and the economically deprived sections. Further, the costs of entry into higher education are becoming higher for the students of these sections due to the factor of increased risk arising on account of the growing uncertainty regarding the work opportunities that the system of education and economy is able to presently generate. After the acquisition of the graduation or post graduation whether the outturns would be able to improve their earnings is an important factor in the decision on whether or not to join a particular course or college for the students of socially and educationally backward classes and economically deprived sections. This has impacted on the students' choices and in turn the utilisation of capacity created for the faculties of science and humanities in many institutions.

Failures of state universities affiliated public sector institutions-a product of dualistic system of education

Coming to the problems of public sector HEIs that have so far supported for the middle classes their access to professional education in India, it should not be forgotten that right from the start we had a dualistic higher education system for professional education by design. On the one hand, we have the IITs, IIMs and Central Universities which are well supported by the Central government and on the other hand, we have the state universities affiliated institutions which are not so well funded and privileged in respect of their international and national system of reputations. But a distinctive feature of the existing Indian system is the regulation of entry into its premier institutions being a matter of privilege of the chosen few who are able to clear the tightly regulated national level entrance tests. All these institutions are run by the central government. Right from the time of their establishment most of these institutions have received a major share of the public resources allocated to higher education. The way the IITs and IIMs have been allowed to control their admissions it is not easy for all the meritorious students to find even a place in them. In their case merit



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is largely constructed through privileged access of the elite students to a select set of schools and specialised coaching institutions. Admissions to the institutions set up in the tradition of research universities in the area of professional education like the Indian Institutes of Technology (IITs), All India Institute of Medical Sciences (AIIMS) and other such medical institutions, Indian Institutes of Management (IIMs) have been particularly tightly regulated. Although the situation of enrolment is a bit better in the case of Central Universities that the federal government administers and have been set up in the tradition of liberal academic institutions and offer essentially only graduate and post-graduate courses in sciences, arts and humanities, but the pressure remains on the seats of these institutions.

At the moment acceptance rate in the case of IITs is 1 in 60. In the recent years, the IITs have touched a figure of 200,000 plus annual test takers for a little under 3900 seats. This means that presently, in the case of IITs, close to only one or maximum two percent of those who appear in the entrance test for getting admission are able to make an entry into the institution. Whereas even in the case of institutions like the MIT, Stanford, Caltech, etc. having higher reputation the acceptance rate is in the range of sixteen to twenty percent. Out of the 150,000-250,000 students who have begun to appear in that order every year for the Joint Entrance Examination (JEE), the academic credentials of 15,000 who don't make it to an IIT would be highly comparable to the intake of any top state university in the United States.

Statistics show that the IITs currently account for just over 1 percent of those entering the four-year engineering degree programme. Compare this with the top 50 schools in the USA that have a comparable undergraduate programme in engineering and account for close to 40 per cent of the intake. Similarly, the best of Indian business education is being imparted through the IIMs that are equal to Yale, Stanford, or France's INSEAD in their reputation. Even in their case the enrolment scene is no better than IITs. Only those in the 99th percentile qualify for one of the IIMs, which have a total of 1,100 seats. The IIMs are thus again another example of how the access to the elite institutions is being still tightly regulated in India⁹.

In the hierarchy of reputation of the institutions, the students in India rank in the fields of technical, medical and management education these institutions best. There is no doubt that these institutions are reputed and have a level of excellence that is significantly high. But due to the fewer number of students these institutions are able to accommodate they have become centres of privilege. If only a few are getting into these well funded, premier institutes from even a set of privileged students from the schools that are themselves tightly regulated in respect of admissions, it is easy to understand that how strong is the privilege and it goes much beyond the dimension of access being available to the meritorious students alone. At the moment a very strong selection bias characterises the outturn of these institutions. In these institutions, most of these students have come repeatedly from a small set of schools, and not too many schools are able to join this club at present. Further, only those students who are in position to buy their access to the specialised coaching institutions are today able to get an entry into these elite institutions. Many others who are also meritorious are only left with the option to join the institutions whose

reputation is far less attractive for the students to be excited about their status of higher education.

The result is that a very large number of deserving students are being compelled to resort to the use of paid seats and capitation fee to obtain seats in those private institutions where the quality of education is still not of even the level that the regional engineering colleges and a select set of state universities affiliated public sector institutions are able to guarantee to the students even today. Further, it is also clear that in the process of the creation of these elite institutions all the other remaining institutions that the Indian state created to meet the requirements of higher and technical education have remained under funded and in many cases, even poorly governed. Apart from acting as a supply source for non-elite professionals, the function that these institutions seem to have performed is one of a safety valve to keep the growing youth engaged with the system in the chase of degrees and diplomas irrespective of whether or not the youth is properly educated to enter into the world of work. Efforts to improve the quality of education imparted in these second-rung institutions have been therefore few and far between. These efforts have been of little interest to the elites. During the period of last two decades, when they thought the option of privatisation could solve their problem of access to higher and technical education, their neglect was even far more visible. Only towards the end of the decade of nineties, after much hue and cry some efforts were begun by the government at the centre to upgrade a few of these institutions to the level of national institutes of technology.

Although all the recent developments in the policymaking for higher education are aimed at expanding the system of higher education at a faster pace, but the NKCR cannot solve the problems of second rung state funded professional education by putting these institutions under the discipline of market. Their problems are on account of lack of insufficient promotional support coming from the government. It is possible to turn these institutions into a better quality system if the state is willing to create a new system of promotion in which the state and central governments join hands and get the support of first rung institutions to do some hand holding in order to upgrade their existing level of quality. Experience of the establishment of programmes of centres of advanced studies and specialized quality improvement programmes has a number of positive lessons. These programmes have helped in many cases even these institutions quite well. Similarly, changes are beginning to occur through the support being provided through the DST fund for infrastructure for science and technology (FIST). This scheme is consciously aiming at strengthening some of these institutions if they fulfil the criteria laid down by the scheme. Many of these institutions are now beginning to find their place on the national research map. They have been able to successfully compete in respect of obtaining extra-mural research funding support. Much more needs to be done by the government. In the last parliament the government got the members to adopt a new bill for the establishment of a Science and Engineering Research Board (SERB). The board needs to have a federal character which the minister promised to look into when he got the members to clear it hurriedly.

It is obvious that better results would come through promotion by the government of desirable goals and not through the hands-off policy of limited

regulation being put in place through the creation of an overarching regulator whose job is similar to telecom or power regulation boards. India is a late comer to the establishment of national infrastructure; HEIs are also supposed to be an important component of the so-called knowledge economy / society. Contradictions emerging out of the working of the pathways taken for expansion of the system of higher education during the last six and half decades are not going to be solved by the establishment of foreign and private universities in India. Anyway the experience of construction of the pathway of private sector HEIs tells us that the problems being created in the form of poor quality and high cost of education require the help of not-for profit institutions even if they are managed and funded by the actors other than government.

What kind of measures would help most the struggle against neo-liberalism and inefficiency?

If the NKC is looking for a solution to the problem of so-called “over protection of the institutions and faculty of public sector”, then the government can start by making the managements accountable and establishing transparent performance appraisal systems. It can make the decision making of HEIs participatory and get the faculty, students and citizens of the region to take part in the decision making for which examples exist. Traditions of such type of systems of decision making were sought to be built by the democratic student movement in Jawahar Lal Nehru University in the decade of seventies. It had a positive impact on the quality of education. Experience indicates that self-regulation is certainly a way of increasing responsibility and it works well when made participatory and transparent in terms of decision making. But it requires the privilege of government support.

The Yash Pal Committee Report (YPCR) has offered us many good suggestions. Its recommendations are worth pursuing in respect of the goals of promotion of excellence and relevance in the institutions of higher education. But it is also clear from the above discussion that the systems of dualistic higher education and of private sector HEIs would not be able to pursue these desirable goals if at this stage of development of the Indian society the state is made to withdraw with regard to the role of promotion and direction of the system of HEIs. Its recommendation about the establishment of overarching organization is in the need of much clarification. The YPCR expectations from the proposed overarching regulatory organisation are certainly not of hand-off type regulation. It will have to be an organisation where all the existing set ups of MHRD, joint councils of IITs, IIMs, UGC, AICTE, MCI and others would be required to come together for the benefit of steering and coordination of HEIs to achieve equity, quality and sustainable expansion. Such recommendations have come from the health sector where too the need has been felt for the coordination of not only health sector relation education system but also in respect of steering and coordination of health research.

In my writings on the problems of system of agricultural education which I reviewed recently for NUEPA when the university had a conference for celebration of forty years of Kothari Commission, I made a case for the involvement of mass organizations that are willing to take part in the experiments for rejuvenation of Indian agriculture and rural industry. In the same write up I

recommended a conscious perusal of diversity and participation and argued against the models of All India Coordinated Research Programmes types to guide the integration of education, research and extension. Market is even more centralizing; it is no solution to the ills of professional and vocational education. We need participation of the diverse set of actors to renegotiate the balance, as it happened at the time of establishment of Radhakrishnan Commission on higher education in 1948. Its conception of rural university had a very different vision of development in which left and Gandhians could join their perspectives in a productive manner. Of course, it is history that these goals were given up surreptitiously by the government later when it started taking the help of Americans to guide its system of agricultural education. Again we are seeing the cooperation being offered by Americans for the restructuring of agricultural education in India to suit their own technological goals. A conscious struggle against such designs is necessary and would have to be focused upon by the democratic movement by willing to be a participant in the experiments to be carried out in the farms through their local and regional units. They cannot follow the dictum that it is responsibility of the government and we will only struggle on the street. Struggle must also take the form of resistance via developmental action in which the peoples' science movement has some experience and models to offer to the teachers and student movements and other such mass organisations. Struggle will not be limited to the problem of access alone. It will have to be extended to the goals of education if the class orientation of education is to be changed.

New kinds of sectoral councils might even be required to supplement the overarching steering and coordination body recommended by the YPCR. We need to envisage new structures of participatory nature to meet the challenges facing the system of HEIs today. Sectoral players have a role to play in the case of vocational and professional education. Local self-governments and district level organisations are also required to be given educational citizenship if we want the goals of ecological and social justice to be taken care of suitably. Democratic mass organisations would have to be put on board with commitments and obligations being made explicit to allow the faculty and students to decide on their own participation in the experiments to be undertaken by the institutions for the benefit of different regions, sectors, professions and occupations.

There is no doubt in my mind that the mentalities existing among the stakeholders of institutions of HEI in public sector are not conducive everywhere for the ethos of transparent decision making and establishment of responsible accounting mechanisms. If self-discipline is necessary for self-regulation, such self-discipline would get cultivated if there is responsible vigil on the part of each and every stakeholder. Ethos for the establishment of such institutions of vigil is today missing even in the case of mass organisations, student unions, faculty associations and organisations of the state apparatus. A new notion of scholarship which is capable of integrating the activities of teaching, research and extension is needed urgently if excellence and relevance are to take root in the Indian system of HEIs. Interconnections and synergy between institutions would not come automatically. A new set of ethos of educational citizenship are being demanded by the challenges that the YPCR is laying down before the government. But the government is at the moment in the grip of



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neo-liberal thrust; outcomes are however not pre-determined. Struggle is necessary for the realization of these of many and other such goals that as progressives we cherish about the system of higher education. The role of democratic movement is critical; its alternatives to neo-liberalism must be concretely worked out.

Higher education on sale

Implications for the teachers and the taught

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Higher education in India is gasping for breath, at a time when India is aiming to be an important player in the emerging knowledge economy. With about 300 universities and deemed universities, over 15,000 colleges and hundreds of national and regional research institutes, Indian higher education and research sector ranks the third largest in the world, in terms of the number of students it caters to. However, not a single Indian university finds even a mention in a recent international ranking of the top 200 universities of the world, except an IIT ranked at 41, whereas there were three universities each from China, Hong Kong and South Korea and one from Taiwan. On the other hand, it is also true that there is no company or institute in the world that has not benefited by graduates, post-graduates or Ph.D.s from India: be it NASA, IBM, Microsoft, Intel, Bell, Sun, Harvard, MIT, Caltech, Cambridge or Oxford, and not all those students are products of our IITs, IIMs IISc/TIFR or central universities, which cater to barely 1 per cent of the Indian student population. This is not to suggest that we should pat our backs for the achievements of our students abroad, but to point out that Indian higher educational institutions have not been able to achieve the same status for themselves as their students seem to achieve elsewhere with their education from here.

While many reasons can be cited for this situation, they all boil down to decades of feudally managed, colonially modeled institutions run with inadequate funding and excessive political interference. Only about 10 per cent of the total student population enters higher education in India, as compared to over 15 per cent in China and 50 per cent in the major industrialized countries. Higher education is largely funded by the state and central governments so far, but the situation is changing fast. Barring a few newly established private universities, the government funds most of the universities, whereas at the college level, the balance is increasingly being reversed. The experience over the last few decades has clearly shown that unlike school education, privatization has not led to any major improvements in the standards of higher education and

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professional education. Yet, in the run up to the economic reforms in 1991, the IMF, world bank and the countries that control them have been crying hoarse over the alleged pampering of higher education in India at the cost of school education. The fact of the matter was that school education was already privatized to the extent that government schools became an option only to those who cannot afford private schools mushrooming in every street corner, even in small towns and villages. On the other hand, in higher education and professional courses, relatively better quality teaching and infrastructure has been available only in government colleges and universities, while private institutions of higher education in India capitalized on fashionable courses with minimum infrastructure. Nevertheless, the successive governments over the last two decades have only pursued a path of privatization and deregulation of higher education, regardless of which political party ran the government. From Punnaiah committee on reforms in higher education set up by the Narasimha Rao government to the Birla-Ambani committee set up by the Vajpayee government, the only difference is in their degree of alignment to the market forces and not in the fundamentals of their recommendations.

With the result, the last decade has witnessed many sweeping changes in higher and professional education: For example, thousands of private colleges and institutes offering IT courses appeared all across the country by the late 1990s and disappeared in less than a decade, with devastating consequences for the students and teachers who depended on them for their careers. This situation is now repeating itself in management, biotechnology, bioinformatics and other emerging areas. No one asked any questions about opening or closing such institutions, or bothered about whether there were qualified teachers at all, much less worry about teacher-student ratio, floor area ratio, class rooms, labs, libraries etc. All these regulations that existed at one time (though not always enforced strictly as long as there were bribes to collect) have now been deregulated or softened under the self-financing scheme of higher and professional education adopted by the UGC in the 9th 5-year plan and enthusiastically followed by the central and state governments. This situation reached its extreme recently in the new state of Chattisgarh, where over 150 private universities and colleges came up within a couple of years, till the scam got exposed by a public interest litigation and the courts ordered the state government in 2004 to derecognize and close most of these universities or merge them with the remaining recognized ones. A whole generation of students and teachers are suffering irreparable damage to their careers due to these trends, for no fault of theirs. Even government-funded colleges and universities in most states started many "self-financing" courses in IT, biotechnology etc., without qualified teachers, labs or infrastructure and charging huge fees from the students and are liberally giving them marks and degrees to hide their inadequacies.

It is not that the other well-established departments and courses in government funded colleges and universities are doing any better. Decades of government neglect, poor funding, frequent ban on faculty recruitments and promotions, reduction in library budgets, lack of investments in modernization leading to obsolescence of equipment and infrastructure, and the tendency to start new universities on political grounds without consolidating the existing ones today threatens the entire higher education system.

Another corollary of this trend is that an educational institution recognized in a particular state need not limit its operations to that state. This meant that universities approved by the governments of Chattisgarh or Himachal Pradesh can set up campuses in Delhi or NOIDA, where they are more likely to get students from well off families who can afford their astronomical fees. What is more, they are not even accountable to the local governments, since their recognition comes from a far away state. Add to this a new culture of well-branded private educational institutions allowing franchisees at far away locations to run their courses, without being responsible to the students or teachers in any other way. This is not only true of NIITs and Aptechns, but is also increasingly becoming a trend with foreign universities, especially among those who do not want to set up their own shop here, but would like to benefit from the degree-purchasing power of the growing upwardly mobile economic class of India. Soon we might see private educational institutions getting themselves listed in the stock market and soliciting investments in the education business on the slogan that its demand will never see the sunset.

The economics of imparting higher education are such that, barring a few courses in arts and humanities, imparting quality education in science, technology, engineering, medicine etc. requires huge investments in infrastructure, all of which cannot be recovered through student fees, without making higher education inaccessible to a large section of students. Unlike many better-known private educational institutions in Western countries that operate in the charity mode with tuition waivers and fellowships (which is why our students go there), most private colleges and universities in India are pursuing a profit motive. This is the basic reason for charging huge tuition fees, apart from forced donations, capitation fees and other charges. Despite huge public discontent, media interventions and many court cases, the governments have not been able to regulate the fee structure and donations in these institutions. Even the courts have only played with the terms such as payment seats, management quotas etc., without addressing the basic issue of fee structure.

It is not only students but also teachers who are at the receiving end of the ongoing transformation in higher education. The nation today witnesses the declining popularity of teaching as a profession, not only among the students that we produce, but also among parents, scientists, society and the government. The teaching profession today attracts only those who have missed all other "better" opportunities in life, and is increasingly mired in bureaucratic controls and anti-education concepts such as "hours" of teaching "load", "paid-by-the-hour", "contractual" teachers etc. With privatization reducing education to a commodity, teachers are reduced to tutors and teaching is reduced to coaching. The consumerist boom and the growing salary differentials between teachers and other professionals and the value systems of the emerging free market economy have made teaching one of the least attractive professions that demands more work for less pay. Yet, the society expects teachers not only to be inspired but also to do an inspiring job!

In fact, it can be argued that it is not just the teaching profession, but even teachers themselves have been increasingly at the receiving end of the policies governing education. After all, teacher's salaries constitute a major component of recurring investments in any institution. In higher education and research,



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even the meager level of support the faculty receive for their research, travel and other professional needs add to this bill. Therefore, any private or self-financing institution that has hit the ceiling on student fees has to cut costs by cutting down on the teachers wages, or in the number of teachers recruited. While this has always been the case with private, unaided educational institutions at all levels, the last couple of decades have witnessed the institutionalization of this trend even in government institutions. Today, teachers are increasingly becoming disposable commodities that can be hired by the hour and fired at whims.

For example, many states that have fallen short of teachers in government schools due to their own reluctance in recruitment have recruited underqualified teachers on contract. Termed variously as 'voluntary teachers, para-teachers, vidya-volunteers' etc., they are essentially underqualified, underpaid youth from the region. They can never be paid equal pay for equal work or regularized in their job, as they often do not have the requisite qualifications. They don't have any other benefits of employment or opportunity to unionize. The courts, which never asked how and why the governments employed such people as teachers, nevertheless repeatedly struck down the demands of such teachers for any benefits.

This situation has also spread to the colleges and universities, thanks to the self-financing scheme of higher education. Many government colleges and aided colleges could bypass the rules and wages of regular recruitment and employ contractual faculty for college and university teaching. These are often called "ad hoc faculty", "guest faculty", "visiting faculty", "contractual faculty", based on whether the payment is per year, per semester, per month, per week, per day or per hour. Even here, since qualified and experienced faculty are hard to attract and retain on such terms, these openings are usually filled with underqualified or unemployed youth, or with retired faculty.

The consequences of this are drastic, not only for the educators but also for education itself. Teachers no longer have a control on the course content they teach; their contribution to education is brought down to measuring the number of clock hours spent in the class room; and recruitments have to be justified by 'teaching load' in terms of whether the professors, readers and lecturers have a total teaching load of 8, 12 and 16 hours respectively. There are now 'points' to be gained or lost based on what you do or don't do, leaving very little scope for peer evaluation. Yet, rigging teaching recruitments has only increased, not decreased.

Yet another worrisome trend in higher education and research is the emerging government policy of according deemed university status to national labs and research institutes, so that these institutes can award their own Ph.D. degrees, without having to affiliate themselves to a university or fulfilling any other role of being a university. National laboratories include those under the Union government's Council of Scientific and Industrial Research (CSIR), Indian Council of Medical Research (ICMR), Department of Atomic Energy (DAE), Defence Research and Development Organisation (DRDO), Department of Space (DOS) etc. Some DAE institutions have already obtained deemed university status, and the UGC has already recommended the case of CSIR for the commission's approval. It is not clear whether all the national laboratories are under consid-

eration for this status, but it is most likely that all of them would eventually like to seek such a status. The national laboratories were specifically established with the aim of making more direct contributions to the technological needs of the country in chosen areas such as medicine, agriculture, petroleum, metallurgy, energy, defence, space etc. It was expected that these national (or regional) laboratories would employ selected scientific manpower generated from the colleges/universities and nurture their talents towards specific applied goals. But this did not happen, as the national labs more sophisticated versions of university departments drawing better monetary and infrastructural support and publishing research papers, for which they need research students, who cannot be retained and tapped unless they are promised research degrees. The present demand for seeking deemed university status could therefore be an exercise to legitimize the current situation of the national labs and redefine their original goals. However, the country needs to decide whether it wants to develop glorified technicians and sycophants or make versatile scientists and conscious citizens. Barring a few exceptions, the monolithic hierarchy of national labs does not provide enough opportunity to young researchers to relate their research to broader social and national values. The more open intellectual environment of universities, which include natural and social sciences, is essential for interdisciplinary learning, personality development, national values and better citizenship. Thus, the issue of deemed universities calls for an open national debate, as it has major implications for our higher education and research in science and technology.

With the basic issues of equity and access to higher education still unresolved, the country is ill-prepared to generate knowledge creators or knowledge workers of high quality to tap the opportunities of the emerging knowledge economy. There was a time when the country debated passionately about external brain drain of students going abroad and not returning, and internal brain drain of students taking up careers in areas quite different from their academic backgrounds, and what a waste of national resource it was. This situation has only worsened with unemployment and underemployment in the era of liberalization and globalization, but we don't seem to even talk about it anymore.

Reforms may mean different things to different people, but for those students and teachers who are at the receiving end of their governments, reforms have come to mean withdrawal of government funding, no matter what happens. For those who believed (if at all anyone ever did) that reforms in higher education would reduce bureaucratic controls, attract better talent, provide more operational freedom, improve transparency, increase accountability, remove corruption, encourage self-financing, reward productivity and punish laxity, disappointment is an understatement of the state of affairs in our country.

Neoliberal consensus and the agenda for schooling

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Evolution of the neoliberal consensus

The Neoliberal capital's over exuberance does not seem misplaced in the light of the collapse of an alternative political paradigm that could challenge it. The resistance to capital has been fragmented and weakened on account of different factors. Emergence of Congress as the confident representative of capital, which wilfully used its 'regional' allies, and the assertion of the capital friendly 'developmentalist' paradigm, evident in the political discourses across the spectrum allowed the entrenchment of the rule of capital. It is in this sense that the present context emerging out of the recently held 2009 General Elections are significant. The General Elections are significant in more than one sense, and especially in the way it has allowed the neoliberal consensus to establish. An all round consensus on development, without its critical appraisal has allowed the dominant discourse to further its concept and politics of development resulting in programmes such as Sarva Shiksha Abhiyan and well crafted neglect of issues of discrimination in and commodification of education. The obvious results of the consensus have been the way 86th Amendment was passed by unanimity in Parliament or in the way SSA is accepted on basis of 'something is better than nothing' logic or the overwhelming silence (and therefore consent) to the RTE Bill, etc.

This consensus becomes important for the capital to operate because it allows it an unabashed space to perform its acrobatics irrespective of concerns for the larger mass of working class. In the sphere of education the consensus allowed the state to function fearlessly. The role of education becomes vital in furthering this role of capital, a role that is based in the twin logic of facilitating the idea of surplus accumulation as well as generating consensus in favour of the system. Raduntz puts it succinctly when she argues that

"...education has, in the current period of capitalism's development, taken centre stage as a crisis management strategy in its roles as a productive force, as a consumer of surplus capital, and as a means of warehousing and rotating surplus labour through cycles of employment and unemployment in a life-long educative process..." (Raduntz, 2006, p. 179)

Neoliberal capital sets itself a 100-days agenda

Neoliberal capitalism, in this sense, is committed to opening up avenues for its expansion and sustenance. The recent moves by the MHRD need to be read in this context. The Minister's remark while misleads people into believing that he supports autonomy, freedom and justice it ultimately culminates into arguments of Public Private Partnership and resource mobilisation from non-state actors. Even the committees which appear as progressive and liberal end up furthering this when they see the potential of market in enhancing access to education and education as a service provider to the market. This subservience of education to the needs of capital is what needs to be questioned.

This brief sketch is an effort to understand the two major events in school education that is being put up by the Indian state: the 100 days agenda of the MHRD and the Right to Education Bill.

The 100 days agenda of the MHRD lays down the following in terms of School Education: make class 10 board exam optional; enactment of Right to Education Bill; PPP in school education; evolve consensus for establishing All India Madarsa Board; evolve National Curriculum Framework for Teacher Education; replacing marks by grades for class 9 and 10 students in CBSE-affiliated schools. The Ministry had also expressed the need to set up a common board of examination for schools.

Any sensitive human mind would acknowledge the tortures that the schooling experience leaves on a child – in a latent as well as a manifest fashion. While the act of disciplining that system so badly needs for its sustenance is inbuilt into that experience it also kills the creative potential of the child through a mechanical and schematic pedagogic process. However, the ministry misreads the examination as equivalent of the schooling experience. The examination is the culminating juncture of that torturous process. Hence, the commitment is not at all towards correcting the process but rather making some cosmetic changes. Secondly, it will be interesting to see how the system would respond to the measure if implemented. It is something inbuilt into the ethics of school education of the country, the ethics of pleasure that one derives from competition. The positivist frame of mind that sees the world in terms of achievements and targets may find it difficult to respond to such a measure and a host of others that the 100 days agenda puts up. And it explains why the grading system, which has been a long standing measure to be implemented by the CBSE is still only a promise. The MHRD will also have to revamp the whole schooling system across the country by making an integrated process till Class 12 but education being a state subject as well may make the task difficult. Otherwise to abolish exams in some areas and not in other areas will only result in a chaos.

From the above issue also emerges the question of whether the single board examination will accommodate the diversity of different contexts. It is not about celebrating diversity but it is about the nature of deprivation that characterises some of the physical locations as well as social locations in the country. The idea of social formation is very vital here and the linkage between social formations and the education policy becomes extremely important. Hence, education system has to be receptive to the students coming from diverse social formations. A singular body of examination may not be able to take care of this diversity.



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Diversity also generates possibilities of resistance because it exposes the fissures that exist in the larger system in terms of inequity, injustice and oppression. The singularity in this sense demolishes this possibility of resistance. Secondly, uniformity becomes, in a certain sense, indispensable for the capital. It allows it to not only modify the system of school education as a whole through modifications in the examination system but also change the character of examinations that would suit the needs of capital. Betell Ollman points how examination systems become effective tools for capital:

"There is also a connection between the explosion in the number of exams and the drive to privatize public education that deserves at least a brief comment. Standardization, easily quantifiable results, and the willingness to shape all intervening processes to obtain them characterize the path to success in both business and exams. How long does it take for what is still a model for how to deal with education becomes a new definition of what education is all about? When it happens (and to the extent it has already happened), putting education in the hands of businessmen who know best how to dispense with "inessentials" becomes a perfectly rational thing to do. In this manner, whether undertaken consciously or not (and I suspect it is a bit of both), the introduction of more and more exams prepares the ground for the privatization of education" (Ollman, 2002).

What one needs to remember while making an analysis of the current agenda of the MHRD is that it is not out there to ensure decommodification of the system but rather to commodify it more intensely, make education a part and parcel of the market. Hence, the public partnership, inclusion of role of private capital and the need to build bridges between corporates and the state is always the element that figures in their discourse – whether it is the 100 days agenda, the recent address of Minister of MHRD at a conclave of businessmen in Calcutta or even the Yashpal Committee. And it would be naïve to believe and propound that the intrusion of private capital in education will be for the welfare of the masses and not for profiteering. At least capital is not so naïve.

The Right to Education Bill

One of the differences between classical liberalism and neoliberalism is that while the former called for reducing the role of the state to a minimum and replace it by private capital the latter seeks to expand the role of private capital through the state, making it authoritarian and a dedicated facilitator of its interests. The recent developments in the sphere of education need to be seen from this perspective. The efforts to confer on the state the aforementioned role seems to be nearing completion as the Constitution is being rephrased to facilitate the interests of private capital. The current Bill tabled in Parliament is the most appropriate proof of that and the Left political formations are yet to raise any objection to the way its passage is being secretly designed.

The Right of Children to Free and Compulsory Education Bill, 2008 was tabled in Rajya Sabha in the month of December 2008. It has been a long pending Bill, not because numerous objections were put to it but because it never figured as a priority for the Indian state. And as the contents of the bill reveal, it is still not very committed on providing quality education to every

child. That, needless to say, compounds the sorry state of affairs here because India, unlike many other countries in the world, had failed to establish a school education system that made education accessible to every child before the onslaught of neoliberalisation. That those other countries had succeeded on that count was mainly on account of the necessity of capital – it needed the educated labour force. It also, of course, emerged out of movements in those nations. Indian state neither felt that need nor did the movements make such a demand. Consequently, the education system came to be seen as an autonomous agency of change, a unit divorced from class struggle.

The current Bill tells us not only about the intentions of the state, it also reveals the politics of the so-called progressive and secular actors whose methodology of looking at world as a canvas made up of fragmented and non-connected particulars has further allowed capital to entrench itself. There is a discourse built in the favour of the Bill by its disguised authors who have been sitting on the front benches of a politically amorphous identity called ‘civil society groups’ or ‘citizens working for the welfare of people’. And with the expanding intellectual base of such groups and popularisation of ideas of equality and justice as outside and disconnected to the character of capitalism and the facilitator state, the borderlines at such moments between the politics of the Left and those of such agents of capital tend to get blurred, marring the possibility of an organised resistance.

That the Bill has elicited no reaction from the Left parties and trade unions is because of this neo-liberalised character of the current conjuncture. There is no national concern for the mechanisms built into the Bill to pauperise the teaching labour force. It provides sufficient ground, through its Section 23, to appoint teachers who would continue to follow the parameters of what has become known as para-teachers. While great duties are expected out of the teachers there is no provision which would define their wages or working conditions. And may be the notion of teachers as non-workers, and as ‘messengers of god’ (‘...balihari guru apne govind diye milaye’) obliterates any possibility of their consideration as workers howsoever much they are integrated into the market and prone to the vagaries of capital.

For the opponents of the neoliberal assault in education, the Bill would make certain things constitutional – involving teachers in non-teaching work, insufficient school infrastructure as the norm, putting onus of educating children on parents, ambiguous notion of justice vis-à-vis providing representation to ‘marginalised’ sections, complete neglect of issues of curriculum, pedagogy, education for disabled children and making provision of financing education vague. But what emerges from this opposition is also the need to address these issues in the dialectics of labour-capital struggle, which is missing and which can be taken up only by those who would first agree that these are inherent problems of capitalism, and it therefore needs to be understood in a context.

While the Bill ignores the most fundamental aspects of education such as pedagogy, teacher’s education and working condition of teachers, it makes the intent of the Indian state amply clear. All flaws which were critiqued as schemes (for example Sarva Shiksha Abhiyan) will now be part of Indian Constitution. The institutionalisation of inequity will be complete and constitutional. The hopes that the champions of equality and justice were pinning on radical changes



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within capitalism will be shattered in the most obnoxious fashion – passing a Bill which has lies written in it (for example, when it comes to financial provisions for providing education) and which is tabled but no public representation is invited on it as is the general practice. Hence, what the human resource and development minister writes in the ‘Statement of Objects and Reasons’ of the Bill regarding the beliefs and values of “equality, social justice and democracy and the creation of a just and humane society” on which the Bill is supposedly “anchored” becomes nothing more than lip-service to the rhetoric of welfarist remnants.

Given that there are problems with the way developments in education are seen and analysed in India – in complete disjunction from the struggle of the working class and other struggles against capitalist disfigurements of human existence – there is a need to resist the Bill tabled in Parliament. While one may ask whether it is really possible to tackle the issue of majoritarianism or right-wing assertions through including it in the Bill, there are still possibilities to modify the Bill in the direction of providing a better alternative to what is being promised by the Indian State. For instance, the curriculum and pedagogy detailing can be framed in such a way that there is space for critical engagement with diverse issues of inequity or communalisation. Similarly, the role and working condition of teachers as well as their education is another major area of intervention. The mechanisms suggested for bringing about justice and equality in school also needs drastic modification. Changes can be suggested at all these and more levels. These suggestions in either form – whether accepted or rejected – will highlight the contradictions of the system vis-à-vis its rhetoric of justice and equality. And these contradictions will open up new avenues of resistance in the area.

Though there are problems intrinsic to even the anti-neoliberal critique, the resistance to the Bill as of now is minimal and negligible. The reasons are amply clear – there is no organised force in the country (not even the Left teachers unions!!) which is opposed to the Bill. While silence from the NGO-brand egalitarians is well understood (as they are designed to stand by capital in the ultimate run) those sections that consider themselves opponents of capital’s offensive have also withdrawn. The problem emerges from the fact that there is hardly any questioning of the logic of stratification and the process of production that shapes it. Rather, the fight is for inclusion in the existing system of stratification. The withdrawal emerges from their understanding of education as divorced from class struggle and political economy of capitalism. We can only hope that some day the anti-systemic forces of the country would emerge from their myopic understanding of how to look at developments in the education sector, relating it to the struggle of the working class. Until then, the ruling class would continue to score its victories through Amendments and Acts in Constitutions passed with their support.

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An examination of the proposal to set up the NCHER by the YPCR

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The recent policy announcements made by the MHRD under the new leadership for the higher education sector need to be viewed in the context of the goals set by the Government to be achieved during the 11th Five Year Plan and the prevailing situation in higher education. It appears that the MHRD would like to go ahead with the recommendations of the YPCR to a large extent in due course of time. The goals envisaged by the Centre are expansion of the higher education sector to raise the gross enrolment ratio from 11 per cent to 15 per cent by 2012, inclusion of the marginalized and the under-privileged and achieving excellence in quality of education. It is an imperative that we assess the prevailing situation in the higher education sector as it exists today to be able to assess the recommendations of the YPCR. One could glean from the recommendations of the National Knowledge Commission Report (NKCR) that all these three objectives cannot be achieved together because of the underlying trade-off among the three objectives. A greater reliance on the private sector to achieve expansion and excellence and setting up of the regulatory body in the form of IRAHE (Independent Regulatory Authority of Higher Education as recommended by the NKCR) in place of the UGC and the AICTE appear to be the major recommendations of the NKCR. However, the UGC's pursuit for the implementation of the 11th FYP indicates UGC's denial of any trade-off among the three objectives. The unprecedented rise in the budget for higher education during the 11th FYP with the Centre playing a pivotal role in the process corroborates this.

The privatization of higher education has continued unabated. In fact the mushrooming of the private institutes has witnessed an unprecedented high growth in the last couple of years. The growth in the number of deemed universities has also been very high and the MHRD has expressed concern about it. Despite filling the gap between growing demand for professional education and stagnant supply by the entry of the private providers, the inclusive character of such an expansion and quality of education that they impart are very much in doubt. The approach of the MHRD under the UPA II regime is unmistakably one of ushering in changes which would effectively infuse market principles in the functioning of the higher education market. The promotion of



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public-private partnerships (PPP) by the Planning Commission, contemplation of allowing the foreign education providers (FEP) to establish their branches in India, and setting up of a regulatory body to ensure proper functioning of the higher education market are some of the indications of the government's keenness to embrace market and apply market principles to design reform strategies.

Though the higher education (HE) sector is afflicted with a set of myriad problems, one can, however, identify two major problems. First, problems associated with the privatization of the HE sector, and, secondly, the absence of excellence in the public sector higher education system. However, both the private and public HE sectors are pyramidal in structure with very few top quality institutions at the top.

Ruthless commercialization of higher education

Commercialization of higher education may have helped in the expansion of the HE sector but it has come at a huge cost: exclusion of the truly deserving students and absence of 'excellence'. It is increasingly becoming clear that the private sector delivery is being guided more by commercial interests rather than philanthropy. Though education is not for business in India, there are ways to siphon out surplus as unrecorded profit through artificial cost escalation. High cost and poor quality of education have seriously dented the image of the private sector activity in higher education. They have largely become degree distributing institutions (Altbach 2009)². Gullible students and the parents are being taken for a ride. In fact, PPP is just another face of privatization as the private sector has to make profit, overtly or covertly to remain interested in provisioning of HE. Despite government support, the fee structure is unlikely to be on the lower side. Students are fleeced and the incidents of charging capitation fees prove that illegal practices abound in the private HE sector.

The logic of market where there is a large space for the private sector is inimical to the growth of an inclusive society. The advocates of privatization invoke the concept of efficiency, and the government's perennial resource crunch to support their plea to create space for the private providers. All these are myths and lack any sound rationale. In absence of any well-defined input-output relationship for higher education institutes, it is often the case that the private sectors resort to cost minimization at the expense of quality. They bank more on temporary teachers and bare minimum infrastructure. The argument that it fosters competition and therefore it improves quality has to be taken with a pinch of salt. Market is not only hierarchical for the HE sector, market is inherently unequal (Chattopadhyay 2009)³. It means that the hierarchy of the HE institutions remains firm even in presence of competition. It is needless to mention that market achieves only efficiency, in case it at all does so for HE (as argued above). The issue of concern for a country like India is that the issue of equity remains unaddressed by the market. All members of the society are not equally placed in terms of income. Access to HE in the context of growing privatization depends more on income and it is where the under-privileged students are being left out. Though education loans are being promoted (as evident from the Union Budget 2009-10), the truly under-privileged ones are most unlikely to get a favourable treatment in an imperfect and discriminatory world of education loans. Access to education is critical for one's dignity as denial of higher

education means that we build up a fragmented society as social mobility suffers and the cohesion in the society becomes weaker. With the possible entry of the FEP in India, it is highly likely that the majority of the public sector institutions will be pushed to the wall for mere survival in absence a level playing field. The majority of the public sector institutions are sponsored by the state governments and resource crunch at the state level has badly affected the functioning of these HE institutions. Though YPCR expresses concern about it, it is difficult to envision a future where the state governments would dedicate larger resources for the sector overcoming their poor fiscal health and affinity for the private providers.

A demoralized public sector higher education system

Barring a few institutions, the overall picture of public sector HE system is one of gloom, despair and apathy. There can be nothing more tragic that the public HE institutions are highly demoralized today. The governance structure has become fragile and its credibility has become highly questionable. Political interference in recruitment and prevalence of corrupt practices have resulted in the delivery of poor quality education with poor infrastructure. Inadequate budgetary allocations made by the states over the years under the influence of the FRBM Act has led to a near total degradation of the state government sponsored institutions. The state sponsored universities have shown interest in offering self-financing market oriented courses to overcome their poor resource position. This has improved the cost recovery of the institutions but at the same time, cost of pursuing those courses has escalated. Inclusion suffers and there are instances to show that there has not been any remarkable improvement in the quality of delivery of education. The Centre has raised its allocation for by eight fold in the 11th FYP and the central government sponsored institutions stand to gain from this. This would further accentuate disparities in the system as pointed out by the YPCR.

Contemplating a greater role for the state

Theoretically, there is a sound basis for the role of government to support HE. Since HE generates positive externalities, the market fails which calls for the state intervention. Further, there is a case for public support for those who lack requisite resources to fund their education. Market fails also because of undesirable practices often resorted to by the private providers like suppression of information and provision of mis-information. This entails that there is a case for regulation of the market by the government to ensure fair practices in the market for HE. If the institutions suppress information about the courses they offer, choice of the students gets distorted. The institutions often hide information regarding faculty, infrastructure, fees, placement services, etc. If higher education ceases to be funded by the government, the mission of the university will be made subservient to the whims of the market forces and the credibility of the institutions to serve the nation to build up of a truly democratic society will be undermined.

Setting up of National Council for Higher Education and Research (NCHER)

The arguments advanced by the YPCR for setting up of a national level



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regulatory body need to be evaluated in the context of the scenario as outlined above. The YPCR has accepted that the private sector, both national and international players, would have a larger role to play in the emerging scenario. So, given the inevitability of the private sector participation, the question is how to overcome the deficiencies of private sector provisioning. If the market has to function well, the problem of information asymmetry has to be dealt with and the quality of education to be improved. The regulatory body as proposed by the YPCR in the form of NCHER would help overcome the problems associated with information asymmetry. The body would be able to persuade the institutions to divulge relevant information so that the students can make informed choices regarding the courses of study and the institutions. The regulatory body would also be entrusted with the responsibility of ensuring quality. It is argued that the erstwhile inspector raj system is no more reliable. The institutions, instead, would be subject to public scrutiny as the relevant information will be made available in their respective websites. In addition, there is a plea for treating all the knowledge systems holistically and to subsume the functioning of the all the existing regulatory bodies under one umbrella. This would avoid fragmentation in the generation of knowledge and its subsequent dissemination.

Looking for a possible solution

Ideally the public sector has to play a larger role to achieve all the three goals envisaged by the state. We argued that a greater reliance on the private sector would interfere with the pursuit of these three objectives. Given the burgeoning private sector, only if it is accepted by the government that the private sector has to play a larger role and market logic is applicable for designing reform strategies, it seems that there is a merit in setting up of the NCHER. As far as the regulation of the entry of the private providers and standard of education that they provide are concerned, the present system is in a mess. There are many factors why the UGC seems to have failed to deliver in terms of an effective and meaningful intervention in the higher education system to maintain standard and regulate the entry. In view of the increasing role of the private sector, it is difficult to demand a reversal of the trend now. While there is a ground for NCHER, the real challenge lies in overhauling the public sector HE system. If we allow the government institutes to face the competition from the private sector, national and international, not all will survive.

As I see it, there are two ways of dealing with this. One, the government has to instill competition among the public sector institutions by changing the funding/subsidization pattern so that quality improves. two, the government can also infuse competition within the HE institution through incentivisation of the pay structure and improve its governance while vested interests and political interference are kept in abeyance. The governance structure is badly in need of repair. Rejuvenation of the system requires that the members of the institutions discharge their responsibilities adequately. Incentivisation of the pay structure is often argued to be a solution. However, this has pluses and minuses. It is time that we grapple with this problem though it makes us uncomfortable (the recent UGC draft regulations indicate such willingness on the part of the government). The application of management principles has



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been tried elsewhere in the world. Whatever approach does the government adopt, the challenge is a formidable one. And the government simply cannot afford to overlook the plight of the state government sponsored HE institutions. In that case, opening up the market, with a regulatory body to monitor is tantamount to saying that the government is setting the stage for a full-fledged privatization of the HE system possibly a better one than one that prevails today.

The Right of Children to Free and Compulsory Education Bill, 2009 fails the test of constitutional mandate

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The Right of Children to Free and Compulsory Education Bill, 2009 (hereinafter referred to as RTE Bill, 2009) passed by the Parliament on 4th August 2009 though appears to be a progressive legislation but on examination thereof, it is not difficult to conclude that the same does not stand the test of constitutional mandate guaranteed under Article 14 (right to equality), Article 21 (right to life with dignity), Article 21-A (right to education) and Article 38 (right to social justice) of the Constitution of India.

Undoubtedly, some of the provisions of the RTE Bill, 2009 are laudable. Section 3 talks of right to free and compulsory education and admission in a neighbourhood school. Section 4 talks of admission of child in class appropriate to his or her age. Sections 8 & 9 talk of obligations of the government to provide compulsory education to children. Section 12 talks of obligation of the unaided recognised private schools to provide free seats to the extent of 25 per cent to the children of the economically weaker sections. Section 13 (1) talks of "no capitation fee" and "no screening procedure" for admission. Section 14 talks of admission without insisting upon production of age proof. Section 16 talks of "no expulsion of a child". Section 17 bans corporal punishment. Section 23 talks of formation of school management committees. Section 23 ensures recruitment of only qualified teachers. Section 25 talks of ensuring Pupil-Teacher Ratio as specified in the schedule. Section 32 talks of grievance redressal mechanism.

On the other hand, several provisions of the RTE Bill, 2009 are meant to legalise and to perpetuate the existing unjust and discriminatory school education system based on socio-economic status. Section 3 (b) defines "capitation fee" means any kind of donation or contribution or payment other than the fee notified by the school. The import of this provision is that a school is free to

notify any amount of fee whether needed or not and once it is notified, it will be legal. The Bill does not provide any fee regulatory mechanism to check the menace of commercialisation of education. Moreover, the right of every child to receive free and compulsory education as guaranteed under Articles 21 and 21-A of the Constitution does not depend on the capacity of the parents to afford fee or not. Therefore, every child whether studying in private or State-run school, is entitled to free education. The State should bear the entire expenses even of the children studying in private-run schools. On the other hand, Section 8 disentitles a child studying in such private school even to claim from the State the reimbursement of expenditure incurred.

Section 2 (n) instead of permitting only same category of schools for all the children, sanctifies different categories of schools for the children of different socio-economic status. Most objectionable is; "a school belonging to specified category". Section 2 (p) defines "specified category" in relation to a school, means a school known as Kendriya Vidyalaya, Sainik School or any other school having a distinct character which may be specified by notification, by the appropriate Government. How can you have such a specified category of school with 'State Funding' which does not provide equal opportunity to all the children in the matter of admission? That providing only 25 per cent of seats to the children of weaker sections in such 'specified category of school' is a cruel joke.

Section 7 talks of sharing of financial responsibilities between the Centre and the States. It appears that the Central Government does not want to provide funds to the States uniformly. The State Governments cannot insist upon the Central Government to provide funds more than what is provided under Section 7 (3). The State Governments have been made responsible to provide funds for implementation of the Act. It is submitted that unless the Central Government takes upon itself to provide entire funds for the implementation of the Act, the object of the Act is not possible to be achieved, particularly when the State Governments have publicly declared their inability to implement the Act on account of paucity of funds.

Section 10 talks of duty of parents to admit his child in neighbourhood school. It is submitted that the duty of parent is alright but where is the duty of the State to bring the child to the school. The State has completely absolved itself of such duty. Section 13 (2) provides punishment with fine against a school, if it is found violating the provisions relating to 'no capitation fee and screening procedure for admission'. Interestingly, the Central Government has lost sight of the fact that if a school is punished with fine; such amount of fine would simply be passed on by the school to the children by levying the same in the fee slip. It is submitted that thereby it is the child and not the school which would be punished. What is required is the punishment with imprisonment and not merely punishment with fine.

Section 26 permits the Government to keep the vacancies of the teachers unfilled up to 10 per cent of the total sanctioned strength. It is a well known fact that on average 10 per cent of the teaching staff at a time remains on leave for one reason or another. Therefore, there is a need to have 10 per cent extra teaching staff instead of reducing it by 10 per cent as contemplated in the RTE Bill, 2009. Section 31 talks of monitoring of child's right to education by NCPCR. Experience with all the Commissions including NCPCR is that all these Commis-



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sions work like the department of the Government. Moreover, the Government has not so far appointed full strength members in the NCPCR. It is submitted that the District Judge of every district in the country, should be entrusted with the work of monitoring of child's right to education. I am conscious of the fact that the Hon'ble Judges are already burdened with deciding so many pending cases but one can not lose sight of the fact that the right to education is a most precious human and fundamental right and any further delay in implementation of the same would be a great peril to the nation. The Bill is also mute on accountability of the authorities. Unless there are provisions for the penalties against the erring authorities at least similar to those available in the Right to Information Act, 2005, it is really doubtful if the authorities would honestly perform their tasks.

Our constitutional goal is to achieve a casteless and classless society as has been highlighted by a seven-judge bench of the Hon'ble Supreme Court in the recent decision in OBC reservation in educational institutions case. The Government should have brought a Bill which would have directions towards casteless and classless society. However, the Bill in the present form, on the other hand, perpetuates the inequality and unjust discrimination among children in the matter of right to education. That while expressing the above concerns regarding the serious drawbacks of the RTE Bill, 2009 particularly when it fails the test of Constitutional mandate, it cannot be over emphasised that the passing of the Bill is a welcome step. It will undoubtedly open the Pandora's Box for a national debate on the same in the interest of the future of the children.

Reimagining the University

After the Yashpal Committee Report

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The Yashpal Committee Report appears to most of us in the academic profession as a last straw of hope in an environment where the sector of education has been opened up to the most ruthless sections of the Indian economy and where the regulators have little if any role to play in assuring standards and quality. Can one imagine a university called Lovely University and we know not what is still in store for us. The report is a plea for sanity is what it could claim to be. Amongst the many crises confronting the system of higher education over the last couple of years has been the ease with which deemed university status was being awarded to all kinds of outfits, fly-by-night-teaching shops etc. Forgive my use of these pejoratives but to call them institutions would entail ascribing to them far more than their activities deserve. As the Yashpal Committee notes with alarm that private institutions have taken "the deemed-to-be-university as the route to degree-granting status. By 2005 the number of private deemed universities was 108 and by 2008 Tamil Nadu alone had 35 [YCR, p.36].

But this easy route to institution with degree granting status was not something typical of private players who had entered the field; a number of public funded research institutes and councils have also taken that route and it is important to understand why that is so – which means addressing in significant measure the question what ails higher education in India today. The question begs a response that goes beyond a diatribe against privatisation and that seeks internal reform at the most fundamental level. Internal institutional reform is the hardest to accomplish and that is the most pressing need of the hour. The report rightly identifies some of the errors of omission and commission that have resulted in the decline of the quality of higher education in the country, including the manner in which institutional and academic autonomy has been compromised at all levels.

For example, the decline of the university of teaching and research, and the over-all morale of scientists in most of the centrally funded research institutes throughout the country, notable exceptions in the form of premium research institutes notwithstanding, has to do with the total failure of democratic functioning in the day-to-day pursuit of academic life within these institutions. The



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report appropriately suggests that in terms of student enrolment in the universities, a certain democratisation has been achieved across different social groups and castes. But this democratisation is not compensated in terms of the ethos of democracy at the level of the academic staff where nepotism and feudal and authoritarian values continue to reign strongly in the universities, and especially across fields that have yet to reach the threshold of professionalization. Where the norms of professionalization are weak the institutions of higher education normally fail to control the natural evolution of disciplines and the quality of education. The long and short of it is that the ethos of scientific research is eroded, plagiarism flourishes, and the quality of research declines.

More than the failure of democratic norms, which Mertonians would parade as one of the central social norms of science, is the collapse of a "scientific" work practice and ethos within most of our research institutes and universities. While the report rightly points out the need to reiterate the importance for research in the University of teaching and research, it is more important to understand how we have failed to cultivate research in our remarkable but fledgling teaching and research universities after independence. As far as the sciences are concerned, going by the SERC data we cannot count more than five universities where we could say that a substantial research tradition exists. Consequently, we need to understand why the importance and relevance of research declined in the universities in the first instance, and why the quality of this research is often poor.

But having said that, and being in broad concordance with the spirit of the Yashpal Committee report, there are a couple of directions along which the report needs to be pushed. The structure of the university has been conditioned by a social context within which it has been embedded and this context is further reflected in the way the disciplines are organized and structured within the life of the university. The reign of the Humboldtian university or the university of teaching and research was preceded in the West by four major reforms in the intellectual, organizational and cognitive realms: these landmarks were simultaneously institutional and epistemological. The era of the Humboldtian university more or less commenced with the industrial revolution and carried with it all the markers of sciences and social sciences that were responsive to and resonated with the needs of industrial society. The crisis of the university today is that the forms of knowledge production have changed radically, several regions of the world have already entered the post-industrial age, but have we in India reimagined the university for a whole new set of interdisciplinary and transdisciplinary practices and futures. However, while the YCR recognizes the changing nature of knowledge production what it does not recognize that these changes come with new discursive, disciplinary and institutional practices. In order to ensure that the university is at the centre of the knowledge generating process the university itself has to be re-imagined. What the report does is to reiterate the a late nineteenth early twentieth century ideal of the university, in combination with the notion of the university of culture.

Furthermore, as sociologists of science have for sometime been pointing out it appears as if the old Mertonian norms of science: comunitarianism, universalism, disinterestedness, and organized skepticism have now made way for a new set of norms where science is proprietary, local, authoritarian, com-

missioned and expert. These norms run counter to the old ones, and in an environment where the commoditisation of knowledge is one of the features of the knowledge society and the knowledge economy the university would provide the only structure that would ensure the production of knowledge considered to be robust and reliable. But what would this structure be like? The report is silent on the matter. The realisation that revolutions in theory and knowledge result in the institutional reorganization of the structures of the production of knowledge as well in the cultural practices associated with the production of knowledge is not current in thinking about the university in India – and therefore it is important to realise that as the frontiers of knowledge advance so would the institutional structures for the production of knowledge. But I think the focus of the discussion in the Indian context has been more on the supply side as to what kind of services should the university provide rather than debating structures and what the should the university in a post-industrial society or knowledge economy begin to look like.

If this is a direction that needs to be explored, the other direction is that of the new curriculum for the university best suited to the needs of contemporary society, framed as it is by advances in the techno-sciences that in turn generate risks, as well as coping with a globalising world characterised by increasing fragmentation and social and cultural conflict. The YCR is still trapped within the frame wherein the university and elite technical institutes are dedicated to serving national goals. In reality from the level of the state to the globalized institution of higher education the university is now creating human resources for an international citizenry. Global warming, the new health epidemics, health for the millions who have no access to it, concerns about clean drinking water, the vanishing rivers – these are the issues around which the new disciplines and curricula will have to grow. The YCR has been unimaginative on this count in merely pointing out the need for curriculum reform.

Furthermore, the notion of disciplinarity and the tension between multi, inter, and transdisciplinarity has to be reflected upon further. By this I mean that the manner in which these new interdisciplinary formations are conceived decides their location within the university and the research institutes. In order to revise this conception within the new institutions of higher education one approach would be to look back at the disciplines from the perspective of an interdisciplinary field. On the other hand, at the moment what is being done is to examine interdisciplinary fields from the perspective of the traditional disciplines. The former perspective is more meaningful since it is naturalized within the contemporary practices of interdisciplinarity. On the other hand a number of private institutions now offer courses that are labelled interdisciplinary but are no more than vocational courses. More often than not multidisciplinary masquerades as interdisciplinary knowledge or field. The time has never been so ripe as to anticipate and be pro-active in making changes rather than responding in a crisis situation. I hope these disparate random raise some relevant issues about reimagining the university.

Report of 'The Committee to Advise on Renovation and Rejuvenation of Higher Education'

Yashpal Committee's proposed agenda

AGENDA FOR ACTION

i. Creation of an all-encompassing National Commission for Higher Education and Research (NCHER), a Constitutional body to replace the existing regulatory bodies including the UGC, AICTE, NCTE and DEC (See Appendix A) and to follow up the Constitutional amendment with an appropriate law for the Commission's functioning;

ii. Universities to be made responsible regarding the academic content of all courses and programmes of study including professional courses. Professional bodies like the AICTE, NCTE, MCI, BCI, COA, INC, PCI etc. to be divested of their academic functions, which would be restored to the universities;

iii. Curricular reform to be the topmost priority of the newly created NCHER which would create a curricular framework based on the principles of mobility within a full range of curricular areas and integration of skills with academic depth;

iv. It should be mandatory for all universities to have a rich undergraduate programme and undergraduate students must get opportunities to interact with the best faculty. While appointing teachers to the universities their affiliation to a particular college should also be specified to emphasize the need for their exposure to undergraduate students;

v. Undergraduate programs to be restructured to enable students to have opportunities to access all curricular areas with fair degree of mobility. It is highly recommended that normally, no single discipline or specialized university should be created;

vi. The vocational education sector is at present outside the purview of universities and colleges. Alienation of this sector can be overcome by bringing it under the purview of universities and by providing necessary accreditation to the courses available in polytechnics, industrial training institutions, and so on. Additionally the barriers to entry into universities for students going through

vocational training should be lowered to enable them to upgrade their knowledge base at any stage of their careers;

vii. The NCHER should also galvanize research in the university system through the creation of a National Research Foundation;

viii. New governing structures to be evolved to enable the universities to preserve their autonomy in a transparent and accountable manner;

ix. Practice of according status of deemed university be stopped forthwith till the NCHER takes a considered view on it. It would be mandatory for all existing deemed universities to submit to the new accreditation norms to be framed on the lines proposed in this report within a period of three years failing which the status of university should be withdrawn. However, unique educational initiatives which have over a period of time enriched higher education by their innovations to be given recognition and supported appropriately;

x. Modern higher education system requires extension facilities, sophisticated equipment and highly specialized knowledge and competent teachers. It would not be possible for every university to possess the best of these infrastructures. Hence, one of the primary tasks of the NCHER to create several inter-university centres (IUCs) in diverse fields to create the best of these possibilities and attract the participation of several institutions of higher learning to avail them. The model already successfully demonstrated by the IUCs of the UGC like the Inter University Centre for Astronomy and Astrophysics, Inter University Accelerator Centre and others, would be a valuable guidance in their structures, governance, operation and support.

xi. Institutions of excellence like the IITs and IIMs to be encouraged to diversify and expand their scope to work as full-fledged universities, while keeping intact their unique features, which shall act as pace-setting and model governance systems for all universities;

xii. One of the first tasks of the NCHER should be to identify the best 1,500 colleges across India to upgrade them as universities, and create clusters of other potentially good colleges to evolve as universities.

xiii. Universities to establish live relationship with the real world outside and develop capacities to respond to the challenges faced by rural and urban economies and culture;

xiv. All levels of teacher education to be brought under the purview of higher education;

xv. A national testing scheme for admission to the universities on the pattern of the GRE to be evolved which would be open to all the aspirants of University education, to be held more than once a year. Students would be permitted to send their best test score to the university of their choice.

xvi. Quantum of Central financial support to State-funded universities be enhanced substantially on an incentive pattern, keeping in view the needs for their growth;

xvii. Expansion of the higher education system to be evaluated and assessed continuously to excel and to respond to the needs of different regions in India in order to ensure not only equity and access but also quality and opportunity of growth along the academic vertical. The NCHER too should be subject to external review once in five years.



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xviii. Establish a National Education Tribunal with powers to adjudicate on disputes among stake-holders within institutions and between institutions so as to reduce litigation in courts involving universities and higher education institutions; and

xix. Set up a Task Force to follow up on the implementation of this Agenda for Action within a definite time-frame. Some of these recommendations may be implemented immediately while others may take some evolutionary steps and procedures. Even so, it is hoped that the ideas behind them would be kept alive by keeping them under active and wide-ranging discussions. In fact, there should be an educational movement to continuously articulate and debate these issues so that changes are made in keeping with the emerging trends nationally and globally on the most effective forms of higher education.

These recommendations are not for all times to come. There should be sufficient social and political awareness to continuously monitor and adopt new innovations based on the ever evolving demands of the society and economy.

A few premises on institutional autonomy of universities

– Any agency whose intention is to protect students from sub-par education is better off by providing information on the programmes and universities to the student rather than walk the slippery path of establishing minimum standards of quality (for education is about academic over-reach rather than reaching the minimum). The objective is also to ensure that universities follow national policies on equity and ensure that no student is turned away for want of financial resources.

– The above, however, may not ensure that certain national or social objectives will get achieved. Here, the above suggestion has to be supported with targeted subsidies to induce certain desired behavior. This will be a wiser way of persuading universities to behave in a certain manner without coercion or intrusion in the autonomy of the institutions.

– The rest of the areas of failure in policy design & implementation (especially, when it comes to public interest) is hoped to be plugged through good judgment of policy-makers and university administrators.

– Decentralize decision-making to universities vis-à-vis the Central or State agencies.

– Decisions regarding an institution must be taken by its board of governors or other similar bodies as opposed to agencies in national or State capitals. The latter do not understand well the nuanced requirements of individual institutions.

– Learning and innovation requires unencumbered thinking and building a sense of infinite possibilities in the minds of young students and faculty.





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