

WHIPPING A DISEASED HORSE

## Reforming Higher Education

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Higher education in India has evolved in distinct disciplines, each monitored by an apex body—University Grants Commission (UGC), All India Council for Technical Education (AICTE), Medical Council of India (MCI), Bar Council of India (BCI), National Council for Teacher Education (NCTE), Indian Council of Agricultural Research (ICAR) and so on. But despite pronouncement of various policies and schemes, the state of higher education is, after an objective analysis—leave alone the perception of the general people—far from satisfactory even to those high-ups supposed to be responsible for looking after the well-being of the system.

It was the UPA-I regime. While inaugurating a two-day national conference of Vice Chancellors on “Development of Higher Education: Expansion, Inclusion and Excellence”, organised by the UGC in October, 2007, Arjun Singh, the then central minister in charge of HRD commented in utter dismay—“Higher education is a sick child of education. It is not serving the cause of the young people of India,” In his opinion, there was a big divide between the rich and the poor in terms of access to education.

“The National Knowledge Commission” (NKC) was constituted in June 2005 under the chairmanship of Sam Pitroda, as an advisory body to the Prime Minister Dr Manmohan Singh—widely known for his scholasticism—to create “excellence in the fields of education, research and capability building”. By that time the entire academic arena was afflicted with multiple vices. Another committee was constituted headed by C N R Rao, the present Chairman, Science Advisory Council to the Prime Minister, regarding entry of foreign universities. In context of higher education in the country, it was a much talked about issue.

During the years 2006 to 2009, NKC submitted around 300 recommendations on 27 subjects: Right to Education, Language, Knowledge Network, Vocational education and Training, Open and Distance Education, Engineering, Medical, Management and Legal Education and a host of many others.

Their recommendations/observations include :

A central legislation is to affirm the Right to Education and the central government is to provide the bulk of the additional funds needed. The legislation should also lay down minimum standards of quality in education.

Teaching of English as a language should be introduced along with the first language starting from class I.

Making good school education accessible to all, will require major expansion at the elementary and secondary levels and improvement in the quality of schools.

The proportion of our population, in the age group 18- 24, that enters the world of higher education is around 7 percent, which is only one-half the average for Asia.

To attain a gross enrolment ratio of at least 15 percent by 2015, needs a massive expansion of opportunities for higher education, to 1500 universities nationwide.

The autonomy of universities is eroded by interventions from governments and intrusions from political processes. This must be stopped.

Appointment of Vice-Chancellors should be freed from governmental interventions.

Provide autonomy to colleges either as individual college or as cluster of colleges.

Government support for higher education should increase to at least 1.5 percent of GDP, out of a total of at least 6 percent of GDP for overall education .

In addition to increased public spending, this would involve diversifying the sources of financing to encourage private participation, philanthropic contributions and industry linkages.

Tuition fees should be at least 20 percent of the total expenditure of the universities.

In three professions—engineering, medicine and management, there has been a virtual privatisation of education. But private investment in university education, where more than 70 percent of our students study, is almost negligible.

It is essential to stimulate private investment in education.

To provide education of the highest standard, 50 National Universities are to be established with an extensive provision for scholarships for needy students.

Appointments of Vice-Chancellors must be freed from direct or indirect interventions on the part of governments, and should be based on search processes and peer judgment alone.

An Independent Regulatory Authority for Higher Education (IRAHE) will be established.

The role of the UGC should be limited. All other regulatory agencies such as the AICTE will need to be abolished while the MCI and the BCI will be limited to their role as professional bodies.

Yet another committee was constituted by Arjun Singh with Yash Pal as the Chairman to advise on “Renovation and Rejuvenation of higher education”. Some of their advices :

The overall regulating structure for all higher education should be just one—National Commission for Higher Education and Research (NCHER).

IITs and IIMs should introduce humanities and other disciplines and expand their scope.

It is necessary to develop full-fledged orientation programmes for newly recruited teachers in colleges and universities.

It should be mandatory for all universities to have a rich undergraduate programme.

All benefits, which are thought to be essential for a central university, should be made available to the state universities.

All private institutions, which seek the status of a university, will have to apply to a national accreditation system.

Granting of Deemed University status should be put on hold till unambiguous and rational guidelines are evolved.

If the best of foreign universities, say amongst the top 200 in the world, want to come here and work, they should be welcomed.

No student should be turned away from an institution for want of funds for education.

NCHER should identify the best 1,500 colleges across India to upgrade them as universities.

Establish a National Education Tribunal with powers to adjudicate on disputes among stake-holders to reduce litigation in courts.

Higher education institutions need to be accredited and supported.

The recommendations made by the NKC appear to have an abiding influence of sorts upon the UPA government as reflected in the 11th Five Year Plan adopted by the

National Development Council. The Plan seems to place high priority on education as a central instrument for achieving rapid and inclusive growth with specific emphasis on expansion, excellence, and equity. A fund of Rs 3 trillion—around a four-fold increase over the Tenth Plan—was proposed for allocation during the 11th Plan. Accordingly, the share of Education in the total Plan is supposed to increase from 7.7 percent to 20 percent, representing a substantial progress towards the target of 6 percent of GDP which has so long remained on papers only.

In May, 2008, Arjun Singh announced that seven new IIMs and eight new IITs along with 30 Central and 'world class' universities would be set up during the 11th plan period. In a news item published in July, this year, it has been reported that out of Rs 84,000 crore allotted for higher and technical education, less than Rs 30,000 crore only could be spent up to the beginning of the fourth year (2010-11). Allocation is likely to be slashed by Rs 40,000 crore.

In the UPA-II, Kapil Sibal replaced Arjun Singh as HRD minister. He started his job with much enthusiasm and promise. The model RTE Bill, once left to the States for enactment, was taken back and subsequently passed by the central government as suggested by the NKC. Flawed by quite a few pernicious provisions including a clear inclination towards the private investors though, the Act came into force from April 1, this year. How far it succeeds in dishing out quality elementary education to all, is a matter to be seen.

In general, over 75 percent of maintenance expenditure of Indian universities goes in for paying salaries and pensions and about 15 percent in paying rents and electricity and telephone bills. With only less than 10 percent available, not even maintenance—leave alone development ~ is possible. Laboratories and libraries languish while buildings crumble. Philanthropic contribution has gone down over the years—from 12 percent in 1950's to less than 3 percent in 1990's. Dwindling government grant has worsened the situation.

In a conference held in April, 2007, at the Saha Institute of Nuclear Physics, Kolkata, internationally acclaimed scientist C N R Rao took a dig at India's declining contribution to scientific research. "In 2006, India's contribution to world science was 2.76 percent while this figure used to be 8 to 10 percent about 15 years ago. If this trend continues, I think India's contribution would go down to between 1 and 1.5 percent in the next few years"—said Prof Rao. He suggested promotion of rural talent and increase of GDP for development of science and research to 3 percent within next few years.

As a fall-out of open market economy, private capital has entered into setting up professional colleges for teaching engineering, medicine and management. During last two decades, de facto privatization with an eye to profiteering has become the norm. Private investment in main stream higher education, because of low market demand, is abysmally negligible.

With a few exceptions, appointment of Vice Chancellors/Directors , for that matter, any appointment in the university system, is controlled by the ruling power. A gradually deteriorating academic standard is the result.

True, money matters. But that is not all. An inept and corrupt administration matters more. China, not spending at a significantly higher rate, is much better placed in the global academic scenario compared to India.

Prof E Balaguruswami, former Vice-Chancellor of the Anna University, reportedly commented in a conference organized by the Confederation of Indian Industry held in September, 2008, that the Vice-Chancellors he met were mostly corrupt. He knew one who purchased three colleges during his three years' tenure as VC. He recalled another instance of an engineering college conducting courses like electrical engineering, electronics and communication engineering, but with no electricity. He cancelled its affiliation only to be restored by the AICTE from New Delhi.

For appointment of the next Vice-Chancellor of an Agricultural University of West Bengal, a single name was forwarded to the Chancellor (Governor of West Bengal) for his approval. Normally, he is expected to pick up one from a panel of three names sent to him from the university. Though the action was backed by the legal remembrancer as also by the State Advocate General, Chancellor Mr Gopal Krishna Gandhi was in no mood to swallow. He sought the views of Mr A H Desai – former Attorney-General of India, Mr Fali S Nariman–senior advocate of the Supreme Court and Mr Chittatosh Mukherjee–former Chief Justice of Calcutta High Court. All three legal giants expressed in favour of submitting a panel of names and the Chancellor asked for it. The university sent a panel of three names, keeping the name sent earlier at the top position. But the Chancellor ticked another name from the panel, who however, refused to accept the offer. He might have been frightened by the memory of ignominy and harassment of a Vice Chancellor of Calcutta University during mid-eighties, as he was not an “our man” of the ruling power. Reportedly, after being assured by the chief minister, he joined the post of VC of the Agricultural University.

In 2009, CBI filed a case against the AICTE Chairman R A Yadav and a few other officers following an allegation from a Haryana engineering college. The owner complained that an official of the AICTE demanded money for making an increased intake capacity of the college. The HRD ministry put them under suspension and registered corruption charge against them. In another case, K Narayan Rao, the member Secretary of AICTE was arrested red handed by the CBI when he was accepting Rs 5 lakh from the owner of an Andhra Pradesh engineering college. He also was suspended.

Ketan Desai, Chairman of the Medical Council of India was caught accepting a bribe of Rs 2 crore in April, this year, from the vice president of a Patiala-based Medical College and Hospital. He was arrested by the CBI. Earlier too, his name came to surface for various malpractices. In 2001, he was asked to quit the MCI Chairmanship following corruption charges. This time, government decided to dissolve the MCI and replace it by a seven-member panel of doctors.

A clause to offering 'deemed university' status to exceptionally well-performing institutes was inserted in the UGC Act,1956. With private players heavily crowding the management of professional education arena since nineteen nineties, status of deemed university was a much sought-after proposition, for, it offers much more liberty and government support – much needed ingredients for a flourishing education-business. A well-knit nexus among private investors, political leaders and bureaucrats of the regulatory bodies diluted the UGC condition of consistent academic excellence. The number of deemed universities, only 36 in 1995, jumped up to 130 in 2009. 55 institutes got it during 2004-2009!

Kapil Sibal took off, following the report of a probe panel headed by P N Tandon, the tag from 44 and an equal number of institutions was warned to improve performance within three years, should they be interested in continuing their deemed university status.

If poor funding, callous administration, lack of accountability and party political intervention are some of the vices higher education under governmental control encounters, inadequate infrastructure, substandard faculty and unstoppable corruption and malpractices, such as extraction of unlawful money from the students and siphoning undeserved benefits from the regulatory bodies are some of the depravities students face in most of the private professional counterparts.

Equipped with the recommendations from the NKC and the Yash Pal committee, Kapil Sibal, right from the start of his innings, endeavoured to improve the situation by enacting new laws. He was successful in getting the nod from his cabinet colleagues and placed them at the last budget session of the Lok Sabha.

India had to open the education sector as part of its commitment to the General agreement on Trade in Services (GATS). Quite a number of substandard foreign universities, little recognized in their country of origin, have been alluring Indian students here at a great cost.

With an intent to curb malpractices of some of the foreign universities working here and to regulate the entry of foreign universities in general, an attempt was made earlier but was not pursued. This time Mr Sibal introduced a new draft—the Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010.

The bill envisages that all foreign education providers with a minimum of 20 years' accredited service in their own country, need to be formally recognized by the central government and must maintain a minimum corpus fund of fifty crore rupees. Information about tuition and other fees, process of admission, pay of teachers etc has to be publicly announced and put on the website.

“This is a milestone which will enhance choices, increase competition and benchmark quality. A larger revolution than even the telecom sector awaits us,” an upbeat Kapil Sibal claimed after the cabinet meeting.

There is, however no regulatory provision on tuition fees and other charges to be paid by a student. Neither is there any restriction in the Bill that only top universities of the world would get entry here, as suggested by the Yash Pal committee. Though quite exuberant with the prospect of the Bill, Kapil Sibal agreed that he did not expect universities like Harvard or Stanford to come to India.

Even if such universities come up, benefit will accrue to the upper echelon of the society only. A substantial security deposit of Rs 50 crore may, however work as a deterrent against “fly-by-night operators”.

Prof C N R Rao was not happy with the proposition and stressed that education can never be treated as a commodity.

The Prohibition of Unfair Practices in Technical Educational Institutions, Medical Educational Institutions and Universities Bill, 2010, envisages, inter alia, a mandatory publication of prospectus, prohibition of demanding or charging or accepting, directly or indirectly, capitation fee or donation, prohibition of baseless or misleading advertisements, admission to professional programmes of study through non-transparent and questionable processes, not issuing receipts of payments made by or on behalf of students, appointment of unqualified or ineligible teaching faculty, forcible withholding of certificates and other documents and so on.

This is all in keeping with the National policy which is opposed to commercialization of education. But efforts to combat them have miserably failed so far.

Kothari Commission (1964-66) observed long back—“We find that engineering colleges in some of the States demand a capitation fee for the award of seats and that no action has been taken to curb such practices. We strongly recommend that such requirements for admission to engineering colleges should be stopped immediately by proper regulation of admission to all such institutions.”

The practice of collecting capitation fee was pulled up by the Supreme Court a number of times. In April, 2003, a five-judge Constitution Bench headed by the Chief Justice V N Khare, put a complete ban on charge of capitation fee by all private professional colleges, saying—“Imparting of education is essentially charitable in nature.”

In the Mohini Jain vs State of Karnataka case, the Supreme Court observed (1992) : “Capitation fee brings to the fore a clear class bias. ...A poor student with better merit cannot get admission because he has no money whereas the rich can purchase the admission. Such a treatment is patently unreasonable, unfair and unjust.”

Ashok Mitra Education Commission (1992) formed by the government of West Bengal remarks: “Education, particularly higher education, has been transformed into a free market commodity ; the capitation charges are determined according to the principle of what the market is able to bear, ...those who can afford to pay the highest, appropriate the available educational opportunities; the State governments look on as disinterested by-standers. This practice, which has become rampant in medical and engineering education in these States, further aggravates inequalities in educational opportunities. It should deservedly have no place in West Bengal’s educational system.”

The virus that was once confined “in some of the States”, has now spread everywhere. West Bengal has nothing to be proud of. Its educational system is also a serious victim.

The Bill recommends imprisonment which may extend up to three years and a maximum fine of Rs 50 lakh for charging capitation fee and putting out misleading advertisements or inserting wrong information in the prospectus.

The National Accreditation Regulatory Authority for Higher Educational Institutions Bill, 2010, proposes to make accreditation of every higher educational institution and every academic programme conducted by them beyond twelve years of schooling, mandatory. Till now it is only voluntary. For being so, not more than one-third of all universities and not more than one-fifth of all colleges have been accredited so far.

The Bill proposes to set up a large number of competent accrediting agencies for accreditation, through transparent assessment of academic quality. An independent regulatory body to be known as “the National Accreditation Regulatory Authority for Higher Educational Institutions” will be established to register, monitor and audit the functioning of the accreditation agencies. The Authority shall consist of a Chairperson and four other Members, of whom at least one shall be woman, to be appointed by the Central Government.

Sec. 21 of the Bill requires that an accreditation agency has to be a “non-profit organization.”

Amazingly, private education providers also are all “non-profit” entities according to law!

Higher educational institutions engaged mainly in agricultural education and research have been kept out of the purview of the legislation.

The Bill proposes prohibition of and punishment for adoption of unfair practices in higher educational institutions. The Ministry had been concerned over some technical and medical institutes and universities resorting to unfair practices.

The Educational Tribunals Bill, 2010, will provide a forum for speedy resolution of all disputes that may arise in the higher education sector. State educational tribunals are proposed to be established in each State and Union territory by the respective State governments and will comprise judicial, academic and administrative members. These will deal with judicial aspects of issues related to teachers and other employees, students and institutions.

The National Educational Tribunal will adjudicate on matters concerning the regulatory bodies in higher education and also matters involving institutions situated in States more than one. Further, it will act as an appellate body against the orders of the State educational tribunals.

All these four Bills were tabled in Parliament during the budget session. The only other Bill that was being looked into by a task force is the “National Commission for Higher Education and Research (NCHER) Bill, 2010”. This Bill again is a vital follow-up action of the recommendations made both by the National Knowledge Commission and the Yash Pal Committee. They suggested replacement of all of the existing central higher education regulatory bodies such as UGC, AICTE, NCTE etc. The present draft, however, does not propose to scrap them all, probably on technical grounds. Of late, it is being suggested that NCHER should be an autonomous body belonging to no specific ministry and all higher education regulatory bodies would be replaced by the NCHER only.

The NCHER—a seven-member body including the Chairperson, will be constituted by a selection committee comprising the Prime Minister, the Speaker of the Lok Sabha, the opposition leader and two central ministers, one in charge of higher education and the other of medical education.

There would be, the Bill suggests, a “Collegium” consisting of core-Fellows and co-opted Fellows. The core-Fellows will pick up one co-opted Fellow from each State and Union Territory.

The Collegium shall meet at least once in a year and advise the Commission on promotion of higher education and research.

The Commission shall maintain a National Registry of persons—out of the names recommended by the Collegium or governments or institutions of higher learning—eligible and qualified for appointment as Vice Chancellor or head of institutions of national importance and forward a list of five names from the Registry whenever called upon to do so. The respective government may send the list back if none of the names is acceptable to them.

All the members of the Commission and the Collegium must have an outstanding contribution in their respective field of knowledge and the responsibility of carrying forward higher education and research would be vested upon them.

A committee constituted by the President on recommendation of the Collegium, shall review the performance of the Commission during each of its 5-year term. The report of the committee shall be placed before both the houses of Parliament.

The Commission will have too much of centralized power and the composition of its selection committee does not foretell much about its neutrality.

For the State universities, power of appointment of Vice-Chancellors has been taken away. This is a great blow to the State ruling powers. Most of Indian universities are gripped under party political tentacles and an ‘our man’ Vice Chancellor plays a big role for the party-bosses there.

The Bill does not speak much against privatization, which has caused spread of corruption at various levels of the education system. Capitation-fee culture is on the rise. Privatization and public-private-partnership of professional education have been strongly upheld in the National Knowledge Commission and the Yash Pal Committee reports instead.

Mr Sibal has been prompt enough in drafting and passing a good number of Bills. Strong administrative steps have also been taken against many, including a few high profile wrong doers.

Prevention of corruption in educational institutions is, needless to say, a Herculean task. It cannot be achieved by merely passing Bills. If Mr Sibal fails to continue showing strong determination in eradicating malpractices, the slogan—‘zero-tolerance against corruption’ will remain a propagandist hyperbole only.