

HIGHER EDUCATION UNDER THE UPA GOVERNMENT

INCLUSIVE SLOGANS & DIVISIVE PRACTICES

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The character of the second UPA Government is substantially different from that of the first UPA Government. The first UPA Government was both supported and guided by the Left parties. The left could rein in the neo-liberal adventurism of the first UPA Government to some extent. It could successfully resist the attempts made by the then Government for disinvestment of profit making public sector units, privatization of the existing pension scheme and establishment of off-campus centres of foreign universities, to mention a few examples. It could also force the Government to implement a number of pro-people programmes like national rural employment scheme and waiver of agricultural debt. The Congress owes its electoral victory mainly to such initiatives it had undertaken at the instance of the Left. But the new Government has misunderstood the mandate of the people. It tends to interpret the mandate as a mandate for neo-liberal reforms. It seems to think that a few popular programmes and inclusive slogans could cover up the grossness of the anti-people reforms sought to be implemented by the Government.

The reforms being implemented in the educational sector are characteristic of this outlook of the second UPA Government. Despite serious draw backs like the non-inclusion of the children from 0 to 6 and 14 to 18, the Right to Education Act would bring about positive changes, if implemented meaningfully. At the same time, the Central Government appears to treat the Right to Education Act as a camouflage for the cancerous reforms being introduced in other sectors of education. It is this self- assurance that is reflected in various steps being taken by the MHRD to privatize and commercialize secondary education and higher education.

Kapil Sibal, the Minister of Human Resources Development is on record as having stated that he would do to the education sectors in 2009 what Manmohan Singh did to the financial sector in 1991. The statement is surprisingly candid, coming as it is from a distinguished lawyer like Kapil Sibal. He has told the truth not necessarily because of a Gandhian commitment to truth, but because he has found it politically expedient to tell the truth. While Manmohan Singh had to introduce neo-liberal reforms in 1991 almost stealthily, Kapil Sibal could now do it openly, despite the negative impact of the policies on the vast majority of the people. At least two factors are responsible for this new development.

First, the practice of neo-liberalism over the last twenty years has led to the creation of a class of neo-rich people. While it is substantially true to say that the rich have become richer and the poor, poorer over the last twenty years of neo-liberal reforms, it is equally true that a substantial number of people belonging to lower and middle income groups have also benefited from the reforms, in terms of a rise in their expendable incomes and availability and affordability of consumer items. The classes of professionals, petty traders, real estate agents and others who have benefited from the neo-liberal policies have become ardent admirers of the reform process over a period of time. Though this class is negligible as a percentage of the total population, it wields substantial power and influence. Kapil Sibal's candid speech is addressed to this group. The apparent honesty in his statement is designed to conceal the larger conspiracy of capitalist globalization, which it promotes.

Secondly, the practice of the politics of deception has gained greater currency over the last twenty years. There is considerable difference between the language of neo-liberalism of the 1990s and that of the present century. In the 90's the language was directly divisive. In 1994 the World Bank brought out a study named HIGHER EDUCATION: LESSONS OF EXPERIENCE to justify its neo-liberal practices in higher education. It was argued that higher education was a non-merit good as opposed to school level education which was classified as a merit good. The beneficiaries of higher education are only those who pursue it. The larger community gets only marginal benefit as compared with school level education. Therefore it would be unwise to invest the scarce resources of the State in promoting higher education. Such resources are best spent on school level education which benefits the entire community. By pitting higher education against school education, World Bank sought to justify privatization and commercialization of higher education.

But such a strategy could not be sustained for a long time. On the one hand, the argument that higher education was a non-merit good was inherently unsustainable. It was easy to prove that such an artificial distinction between higher education and school level education would not stand critical scrutiny. It had ignored the dynamic relationship between school level and higher level education. The quality of school education is critically dependant upon the quality of teachers who graduate from higher educational institutions. Similarly development in a knowledge intensive society is dependant on cutting edge knowledge created and disseminated through higher education. The World Bank itself was compelled to disown its earlier position and recognize higher education as a merit good in a study entitled CREATING KNOWLEDGE

SOCIETIES, published in 2002. The new slogan “quality education for all at all levels” is apparently more attractive and more inclusive. The argument is that inclusive development is premised on inclusive education, including higher education.

Old Wine in New Bottles

However, this apparently inclusive policy has not been matched by complementary strategies for ensuring greater access to quality higher education. On the contrary, the World Bank has advanced new strategies for circumventing the implementation of the revised policy perceptions. The new strategy is to argue in favour of drastic increase in gross enrolment ratio in higher education and urgent steps to ensure its quality. This would require huge investment, which third world Governments are unable or unwilling to bring in. The alternative is to attract private investment in lucrative areas like technical and professional education and investment through public-private partnership in traditional areas. The implications of the new strategy are not as edifying as the World Bank would have us believe. The inclusive slogans are only a cover for divisive strategies.

A quick look at the ground realities is enough to prove the point. The emergence of knowledge as a determinant of production and consumption has multiplied the demand for higher education among the people. Parents are now ready to invest in the education of their children as they believe that such investment could produce high rate of economic returns. This new demand for education has opened up a new market in education. The business of disseminating knowledge has now become a profitable enterprise, more so in technical and professional education which plays a direct role in the productive processes. This has created a certain shift in the motives for private investment in education. Time was when private investment in education was motivated by public interest. It is longer the case. It is now guided by private interests. In this scenario, the strategy of public –private –partnership will lead to large scale private appropriation of public assets in higher education, apart from making higher education inaccessible to the majority of the population.

Privatization of Public Assets

The 11th Plan is a blue print for the implementation of divisive practices through inclusive slogans. “Towards Faster and More Inclusive Growth”, is the motto of the XI Plan. The objective of the Plan, as per the Planning Commission, is twofold. It seeks to put the economy on a sustainable growth trajectory with a growth rate of approximately 10% by the end of the Plan

period. It also seeks to reduce disparities across regions and communities. This is sought to be achieved by ensuring access to basic physical infrastructure as well as health and education services to all. The Plan document recognizes that better health and education are necessary preconditions for sustained long-term growth. The strategy for the realization of the goal would involve greater public investment in health and education on the one hand and pursuing the reforms agenda with greater vigour on the other.

The XI Plan in higher and technical education provides the most telling illustration of the new strategy. The Prime Minister has repeatedly called the Eleventh Plan a National Education Plan. The Plan proposes to make the highest ever public investment in education, including higher education. The Prime Minister has put it on record that the Plan allocation for education would be stepped up from 7.7% of Gross Budgetary Support (GBS) for the Plan in the 10th Plan, to over 19% in the 11th Plan. In nominal terms, there would be a five-fold increase in spending on education in the 11th plan as compared with the 10th Plan. This would be an unprecedented increase in financial support for education in India, if it actually materializes. The allocation for Higher and Technical Education (H T E) has been raised 9 fold from Rs.9600 crore in the 10th Plan to Rs.84963. Of this Rs.30, 682 crore has been set apart for new initiatives which include the following: 16 central universities, 14 world class central universities, 370 colleges in lower GER districts, 8 IITs, 7 IIMs, 10 NITs, 20IITs, 5IISER, 2SPAs and 50 centres for training and research in frontier areas. The Planning Commission has estimated that a total of Rs. 2, 52,260 crores would be required for the implementation of the above schemes, indicating a resource gap of 2.22 lakh crores. In addition to the above, the Planning Commission has further estimated that an investment of 1 lakh crore would be required for setting up 200 more universities during the 11th Plan, which would raise the resource gap to 3.22 lakh crore. In other words, of the total requirements for new initiatives in HTE, only 8 % would be contributed by the public sector. The remaining 92% will have to be contributed by the private sector.

Against this background, the Planning Commission wants to provide “necessary enabling framework to attract private investment and Public Private Partnership (PPP) in HTE sector”. The Planning Commission apparently seeks to reconcile business with charity. PPP is touted as the appropriate strategy for its implementation. Despite repeated protestations about the need for enlightened not-for-profit private participation in HTE , what the Planning Commission actually seeks to facilitate is not only de-facto commercialization of HTE institutions, but also

privatization of public assets in existing as well as new institutions. The new initiative has special significance against the background of the increased allocation for HTE under the 11th Plan. It is becoming increasingly clear now that the nine fold increase in allocation for HTE is only intended to attract private entrepreneurs into HTE by placing before them the lure of public funds. The fact that only a small portion of the projected investment would come from public sources makes it clear that the public control over the private investment under PPP would be minimal. It is quite likely that the small public share will be swallowed up by the private sector provider who would bring in an overwhelmingly large portion of the total investment. The myth around not-for-profit PPP is being deliberately created to create a policy frame that will distinguish PPP mode from self-financing mode ,so that that the legal embargo against profiteering through self-financing institutions will not be applicable to commercial educational activities undertaken through PPP mode.

The Art of Co-option

The HRD Minister Kapil Sibal has perfected the art of co-opting liberal thinkers for the implementation of his neo-liberal reforms. An excellent example of this strategy could be found in the way in which Yaspal Committee Report is now being co-opted and subsumed into National Knowledge Commission Report. As a matter of fact, the holistic vision of Higher Education presented by Yash Pal committee is refreshingly different from the narrow commercial orientation of the NKC report. The report warns against cubicalization 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 stresses the need for learning across disciplines by giving students opportunity to learn subjects outside their field of specialization .It promotes the concept of interdisciplinarity by perceiving that new knowledge is likely to be created at the intersections of disciplines. The committee regards both theoretical learning and applied learning as equally important and recognizes 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.

Yash Pal Committee 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 NKC had sought the separation of undergraduate education from post graduate education except in a few institutions of excellence, Yash Pal committee recommends the integration of undergraduate with post graduate learning in all institutions.

Yash Pal committee report regards autonomy as an essential ingredient 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 freedom to frame his courses 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. The report lays stress on cooperation rather than competition. 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.

Yash Pal committee projects accountability as an important social obligation of academic 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 criticizes 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 out that the capitation for engineering courses vary from Rs.1 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. It warns against indiscriminately opening up the higher education sector for foreign investment.

Ideologically Yash Pal Committee Report is the very opposite of the Report of the National Knowledge Commission. While NKC recommends centrally dictated neo-liberal reforms, Yash Pal's approach is academic and democratic. It promotes decentralization rather than centralization of authority. Yet Kapil Sibal has had the temerity to declare that he would implement both NKC and Yash Pal Reports. Obviously, he intends to this by co-opting and subsuming Yash Pal Report within NKC Report, by isolating elements common to them.

Deficit of Federalism

The publication of the draft Central legislation on the constitution of the National Commission for Higher Education and Research (NCHER) should lay at rest all speculations on the real objectives of the UPA Government in dismantling UGC, AICTE and NCTE by setting up a

National Commission with overarching powers and responsibilities. It is no longer necessary for academia to engage themselves in endless discussions over the impossibility of reconciling the vision of academic freedom that Prof. Yashpal put forward with the agenda of neo-liberal reforms that Sam Pitroda was impatient to implement. The task force constituted to aid and advise MHRD to set up a National Commission for Higher Education and Research has sidetracked the issue by paying lip service to the objective of promoting autonomy and recommending a structure that would centralize planning, administration, regulation and financing of higher education in the country, leaving little room for either decentralized academic activity or federal structures of governance in higher education. It is now becoming increasingly clear that the orchestrated campaign against the discredited Deemed Universities has been a deliberate ploy to detract attention from the agenda of dismantling federal and democratic structures and putting in their place a highly centralized authoritarian system that is amenable to the emerging global trends in higher education.

The underlying presumption in setting up a National Commission for Higher Education is that quality of higher education could improve dramatically if multiple regulatory agencies are replaced by the benevolent dictatorship of an all powerful overarching agency endowed with the status of an Election Commission. It is further presumed that a consensus among the Prime Minister, Speaker of the Lok Sabha and leader of the Opposition would result in the selection of seven wise men/women, competent and committed enough to innovate and implement academic policies and programmes relevant for this vast country. The presumption, which is obvious enough, is sought to be covered up by the veil of a National Collegium of advisers, a structure which is neither completely within, nor completely outside the proposed National Commission.

The deficit of federalism in the new arrangement for regulating higher education is evident from the mode of appointment and the status of the co-opted members who represent the States/Union Territories in the Collegium. The Collegium is only an advisory body, external to the Commission, the advice of which is not binding on the Commission. Even so the election process gives abundant discretion to the core-members in the selection of co-opted members. The right of the core fellows to decide on the area of expertise that particular states could provide in the Collegium could be effectively used to eliminate the possibility of federal dissent. The only right the States have is to propose a panel of five experts, of whom one will be chosen by the core fellows.

The authority of the State Legislatures in setting up universities would also be seriously eroded once the Commission comes into existence. The universities set up through State Acts can start their academic operations and award degrees, only with the authorization of the Commission. Similarly the existing federal arrangements for the selection of Vice Chancellors will cease to have any more relevance. The Bill provides for the preparation of a National Registry of scholars eligible to be selected as Vice Chancellors and mandates that Vice-Chancellors of State Universities be appointed from a panel of names selected by the Commission from the Registry. The question is not whether the Commission would always act fairly, but whether such an arrangement would be consistent with the principles of autonomy of higher education institutions, which is touted as the basic objective of the Commission.

The Bill does not recognize the complementarities in the roles of the Central and State Governments, Universities and other higher education institutions. While the principle that elected Governments of the people have a well defined role in higher education has been scrupulously applied in respect of the Central Government, the corresponding roles of the State Governments, Universities and other higher education institutions within their territorial and constitutional jurisdiction have either been trampled on or ignored. The primary objective of promoting autonomy of higher education institutions has been overlooked by the appropriation of all powers by the proposed NCHER. Autonomy implies decentralization of powers and responsibilities and creation of appropriate norms and structures at different levels to ensure accountability. The Bill does not apportion appropriate levels of authority to States, Universities and other higher education institutions and in the process violates the principles of federalism and autonomy in the governance of higher education institutions.

The NCHER legislation is to be followed by three other legislations which together will redefine Higher Education fully in accordance with the dictates of neo-liberal forces. The following are the proposed legislations

Legalization of Commercial Practices

The draft central law for prohibition of unfair practices in higher and technical education institutions has already been published. The draft bill seeks to legitimize corporatization and commercialization of higher education by incorporating the ethics of business in the administration of educational institutions. The provisions in the bill seek to limit the obligation of social accountability of educational institutions to merely ensuring transparency in the process of admission and levy of

fees. The larger issue of social justice is totally ignored. There is no provision for an admission procedure based on a common entrance test (CET) and centralized counseling conducted by the agency of the State Governments or for allotment of seats among various categories of students including SC/ST/OBC/Minorities. There is also no provision for a differential fees structure on the basis of merit/income of students. What is more, the proposed central legislation could even nullify the operation of admission and fee regulatory committees set up by various State Governments in accordance with the judgment in Supreme Court verdict in Inamdar case. The apex court has made it clear that the “committees regulating admission procedure and fee structure shall continue to exist, but only as a temporary measure and an inevitable passing phase until the Central Governments or the State Governments are able to devise a suitable mechanism and appoint a competent authority”. The proposed legislation is a far cry from the draft UGC (Admission and Fee Structure in Private Aided and Unaided Professional Educational Institutions) Regulations, 2007, which was allowed to lapse. The UGC draft has provisions which empower the State/Union Territory Governments to regulate universities set up within the state /UT. The provisions in the UGC draft regulations provide for allotment of seats under Government General Quota, Government Reserved Quota, and Institutional Quota and Management quota. Such quotas would be variable for minority and non-minority institutions. There are also provisions for regulating admission through CET and centralized counselling conducted by agencies appointed by the State. There could be variable fee structure determined by fee regulatory committees appointed by the State, by taking into account “such social aspects as SCs, STs, OBCs, rural, economically weaker sections, the population of minorities in the area and their educational needs and all other relevant factors, including the suggestions of managements”. In addition to the above, there are also adequate provisions for ensuring transparency in the functioning of educational institutions and for imposing exemplary penalties on those institutions which fail to comply with the regulations. A national campaign should be initiated demanding the replacement of the draft bill by a new bill in accordance with the draft UGC regulations 2007.

Undermining Indian Institutions

The HRD Minister has announced that the bill for setting up off-campus centres of foreign universities in the country would be introduced in the next parliament. It is clear that the Government has not learnt any lesson from its earlier mistake of setting up private deemed

universities. Though it was argued that private universities would help improve the quality of education, our experience has been so unsatisfactory that Yash Pal committee has called for a review of the system. Yash Pal committee's recommendation to permit setting up of foreign universities within the framework of strict regulations appears to be misplaced. Such a step would not help improve the quality of education, even assuming that only the best institutions would be permitted to set up campuses and such institutions would be interested in running their quality programmes and post their best faculty in India. Improvement of quality has to come from within, through an internal process. Collaboration with foreign institutions can certainly assist this process. What we need therefore is not independent campuses of foreign universities operating on the Indian soil, but active academic collaboration of the best foreign universities with Indian universities. Hence instead of setting up campuses of foreign universities in India, steps should have been taken to encourage academic collaboration of foreign universities with Indian Universities.

Agenda for Exclusion

The proposed bill for mandatory accreditation and for setting up National Authority for Registration and Regulation of Accrediting Agencies is premature. The real problem with a vast number of institutions is not that they are not accredited. It is that they do not have proper infrastructure, either physical or human. About 75% of Higher Education Institutions including universities and colleges do not enjoy even 2 (f) or 12 (b) status of the UGC. The quality of about 4000 institutions already accredited by NAAC leaves much to be desired. Compulsory accreditation will not bring about positive changes over night. The immediate need is to improve the infrastructure of the institutions through greater public support. The question of accreditation can be taken up after ensuring that there is a level playing field among institutions spread across the country with vast differences in the resources at their disposal. To begin with, we may start with enforcement of disclosure norms. Mandatory accreditation should wait till minimum infrastructure requirements can be assured in a vast majority of the institutions.

At any rate, accreditation of educational institutions should not be entrusted with private agencies which are bound to bring in business norms and practices into the accreditation process. There is considerable difference of opinion regarding the practices and procedures adopted even by NAAC for accrediting institutions, despite the fact that NAAC is an agency of the UGC. The registration of private accrediting agencies and the introduction of mandatory accreditation will

only bring in more corrupt practices in a system which is already notorious for mal practices. The introduction of compulsory accreditation will only accentuate existing inequalities and create further opportunities for fleecing of students by private accredited institutions. The responsibility for accreditation of higher education institutions like the responsibility for regulation should only be entrusted with public agencies.

Differential Status for Teachers and Courses

One of the important proposals discussed at the meeting of the Central Advisory Board of Education held on 31st August, 2009 was to set up a policy frame for payment of differential salary to teachers in national universities. A scheme for bringing back Indian scholars working abroad with the lure of more perks and privileges not available to teachers in Indian universities and colleges is not likely to succeed. Given the prevailing rates of foreign exchange and the exemplary conditions available for research and other scholarly pursuits in the best foreign universities, it is quite unlikely that really meritorious scholars will be interested in reverse migration. On the contrary, it is quite likely that the provisions for special privileges would be exploited by mediocre scholars seeking backdoor entry into the hallowed precincts of our world class institutions. Moreover in a hierarchical society like ours, differential salaries would lead to greater inequalities and consequential resentments. Incentives for a few imply disincentives for the majority. The creation of two streams of scholars within the same institution, one privileged and other under privileged will undermine collegiality without which collaborative learning would be impossible. While it is important to attract and retain talent in higher education, a divisive arrangement for differential salary is bound to be counter productive.