

TOWARDS FORMULATION OF MODEL ACT FOR UNIVERSITIES OF THE 21ST CENTURY IN INDIA A CONCEPT PAPER

Executive Summary

Model Act for Universities is a useful frame work which enables them to have some uniformity in their governance, organization and management to conduct their functions smoothly and discharge their responsibilities to the stake holders in an effective manner. This has now become more important in the 21st century due to the many challenges, both national and international, being faced by the University system in the country. This Paper, which is the result of deliberations of a Committee appointed by the University Grants Commission on this subject, has been prepared to provide the concept of a Model Act for Universities of the 21st century in India. The Paper is divided into two parts: Part I, entitled Towards Guidelines for a Model Act, presenting the various issues concerned with this subject in five sections, viz., Introduction, Model Act for Universities, Universities in India, A Generalized University of the 21st Century and Guidelines for formulating Model Act for the 21st Century Universities; and Part II, entitled Towards Formulation of a Model Act, giving a Questionnaire relating to the contents of Part I and seeking feedback responses from all the constituents of the University system in the country. It is hoped that the Paper will be discussed widely in the University community and feedback provided to the UGC in a time bound manner, so that the Committee can make use of the feedback responses to refine and improve its thought processes to finally work out a Model Act for Universities of the 21st century in India. This is expected to be of considerable use for the Indian University system in introducing suitable reforms for accelerating its pace of orderly development to meet the challenges of the present competitive environment.

PART I

TOWARDS GUIDELINES FOR A MODEL ACT

1. Introduction

Traditionally, Universities have been established as major institutions for providing higher education and research opportunities to the youth for shaping their future, and recognized as the most important indicator of a country's future. More recently,

the UNESCO World Conference on Higher Education (Paris, 1998) has also observed that higher education and research act as essential components of culture, socio-economic and environmentally sustainable development of individuals, communities and nations, since the society is now becoming increasingly knowledge based. In this backdrop, University education has become crucial in preparing a healthy, skilled and agile intellectual human force with facilities for life-long learning, that enables countries to continuously assess, adapt and apply new knowledge. As a result, the development of University education and research has been receiving high priority the world over. Though India has been attaching considerable importance to higher learning all along, a phenomenal growth of the University system in the country has been witnessed only since independence, with the number of Universities increasing from 18 in the year 1947 to nearly 300 now. Indian Universities, like their counterparts elsewhere in the world, have been performing many additional functions now a days, e.g., undertaking sponsored R&D and continuing education, providing knowledge-based advice and consultancy, preparation / publication of educational material like books / study reports / research papers and extending services to society. Of late, the world-wide advances, particularly in new Information and Communication Technologies (ICT), are greatly influencing the University system in the country. However, major issues like size, access, equity, relevance, quality and resource constraints continue to dominate the working of Indian Universities. Thus, in the 21st century, Universities are becoming complex institutions with many distinctive features that set them apart from other social and business institutions. This calls for the adoption of an appropriate strategy for their governance, organization and management, for which the University Act is an important instrument. Model Act is a useful generic concept which aims at assisting the University system in the country to bring in some uniformity in the working of Universities for mutual benefit. Updating the Acts of Indian Universities at this time through a Model Act framework, can be helpful in:

+ Discharging its powers and functions to achieve its objects and goals, like

D.O. No.1-18/2003(CPP-II) : October 30, 2003

Sub: Model Act for Universities of the 21st Century in India

Dear

The Commission had recently appointed an Expert Committee to conduct a review of the governance, organization and management of Universities in the country and to recommend a Model Act for Universities of the twenty first century in India, with a view to prepare the Indian University system for the future. The Committee has now prepared a Concept Paper on this, entitled Towards Formulation of Model Act for Universities of the 21st Century in India, a copy of which is being enclosed herewith. While Part I of the Paper covers Towards Guidelines for a Model Act, Part II of the Paper is a Questionnaire seeking responses from various stake holders of the University system in the country Towards formulation of a Model Act.

I have separately sent the Paper together with my forwarding letter (copy enclosed) to the Vice Chancellors of all Universities in the country, with a request to get the Paper widely discussed and send in their responses on the Questionnaire well before December 15, 2003. I have asked the Committee to make use of the feedback responses so received, while finalizing its recommendations to the Commission. I shall appreciate it very much, if you could also send in the responses of the State Government on the Questionnaire before December 15, 2003. This will be of great assistance to the Committee to finally work out a Model Act for Universities of the 21st Century in India. Thanking you and with kind regards,

Yours sincerely,
(Arun Nigavekar)

Encl: as above
All State Government Education Secretaries

(i) Creation, Preservation and Dissemination of knowledge and attainment of excellence in different disciplines;

(ii) Smooth transition from the earlier teacher-centric focus to the required learner-centric educational processes and activities;

(iii) Performing all the functions of interest to its major constituents like faculty, staff, students and society to reach a leadership position;

(iv) Developing a sense of ethos in the University community, making it conscious of its obligations to the society and the nation;

(v) Accepting the challenges of globalization to offer high quality education and other services in a competitive manner;

+ Providing it freedom to:

(i) Introduce democratization in its working, well suited to its functions/tasks;

(ii) Insulate itself from interference by agencies outside the University system;

(iii) Develop a system of working based on responsibility and accountability;

+ Facilitating it to be flexible / responsive to rapid changes taking place in the society;

+ Making provision for a legal frame work for it to function smoothly;

+ Earning for it the general confidence and respect of the society at large.

For a large country like India, the formulation of a Model Act for Universities of the 21st century and its adoption in the University system, can also be useful in:

+ Providing a frame work to maintain some uniformity in the working of Universities located in different regions, with a view to share their experience;

+ Benefiting from the various technological advances taking

place, in particular the ICT revolution, to become competitive nationally and internationally;

+ Enhancing the quality and standard of the programmes and activities at the Universities, to gain the respect and admiration of its constituents and the society;

+ Ensuring that the Universities performing similar functions (like State Universities offering general education, and professional Universities) have a common Act;

+ Assisting in the national strategy for developing a learning society in the country, for India to become a Knowledge Super Power by the year 2020. At the same time, it is found desirable to maintain some variation in the University Acts to facilitate regional emphasis and also to provide them scope for innovation and experimentation. Therefore, it would be useful for Indian Universities to follow the Model Act to the extent possible, while framing/revising their respective Acts in the 21st century. Considering these factors and the recommendations of Conference of Governors held on January 11-12, 2003 that:

+ A Model Act governing the State Universities. should be formulated, which creates safe guards against curtailing the power and position of the Chancellors; and

+ The Model Act should also protect the autonomy of the Universities; the UGC had appointed a Committee (Ref: D.O. No.1-18/ 2003 (CPP-II) of June 26, 2003), to consider these and related aspects of Universities and formulate a Model Act. At the meetings of this Committee, it was decided to take into account the following items also in its assigned task:

(i) Recommendations of various Committees appointed by the Government of India and the UGC in the past, on governance, organization and management of Universities and also on Model Act for Universities;

(ii) Present status of implementation of the above recommendations; and

D.O. No.1-18/2003(CPP-II) : October 30, 2003

Sub: Model Act for Universities of the 21st Century in India

Dear

As you are aware, the University system in India has been growing at a phenomenal pace in recent years. Besides, the system has been facing many challenges for past some time, like:

+ Advances in Information and Communication Technologies (ICT) and their deep penetration in the higher education sector;

+ Increasing need for the development of a healthy, skilled and agile intellectual human force with facilities for life long learning;

+ Generation of new employment opportunities in a variety of subject areas and the expanding competitive environment;

+ Globalization of higher education and entry of foreign Universities in the country to be partners of local institutions or to establish independent campuses;

+ Steady decline in the financial support available from the Government, both at the Central and the State levels.

These challenges call for a reorientation in the working of Indian Universities, which may require some modifications in their governance, organization and management. A suitable revision of the University Acts may also become necessary in this context, to prepare the Universities to meet the 21st century challenges. Recognizing these factors and considering the growing expectations and aspirations of the younger generation to become competitive nationally and internationally for increasing their opportunities and mobility world wide, the Commission had set up an Expert Committee a few months back, to conduct a review of these and other issues relating to the University system and recommend a Model Act suitable for the 21st century Universities in India.

The Committee has now prepared a Concept Paper on this subject entitled Towards Formulation of Model Act for Universities of the 21st Century in India, which is in two parts, viz., Part I: Towards Guidelines for a Model Act, and Part II: Towards Formulation of a Model Act - Questionnaire. I have great pleasure in enclosing a copy of this Paper with a request that this may please be discussed widely in your institution, including Schools/Departments/Colleges, Faculty/ Staff/ Students/ Alumni Associations and also among other stake holders of the University system and your responses to the Questionnaire sent in before December 15, 2003. The Paper can be downloaded from the UGC Web Site at address: <<http://www.ugc.ac.in>> up to December 15, 2003, and the responses may also be sent by e-mail. These feedback responses will be of use to the Committee in its further work to formulate a Model Act for the 21st century Universities, acceptable to the University system in the country.

I look forward for your keen interest in the healthy development of our University system and for an early receipt of feedback response/s on the Questionnaire from your institution.

Thanking you and with kind regards,

Yours sincerely,
(Arun Nigavekar)

Encl: As above
All Vice Chancellors

(iii) Diversities in the prevailing University system in the country. It was also decided to:

+ Enunciate a generalized model for Indian Universities of the 21st Century;

+ Work out appropriate guidelines for a Model Act for such a University;

+ Prepare a Concept Paper on this topic, for wide circulation/discussion in the country; and, finally conceptualize a Model Act after considering the feedback responses received on the Paper from the University system in India.

The Concept Paper, is prepared in two parts, viz., Part I entitled, Towards Guidelines for a Model Act, bringing out important aspects of the above issues in five sections finally proposing a set of guidelines for a Model Act for Indian Universities of the 21st century; and Part II entitled, Towards Formulation of a Model Act, giving a. Questionnaire, for seeking answers/ views/ suggestions on specific items on Model Act, from various stake holders of University education in the country. It is expected that the Concept Paper will be widely discussed all over the country, so that the feedback responses received by UGC represent the collective will, wisdom and experience of the University community, which will be of great use to the Committee in formulating an acceptable Model Act for Universities of the 21st century. It is also expected that early adoption of this Model Act by Universities in the country will enable them to meet the X-Plan Vision and Strategy of UGC and to keep pace with the world wide changes taking place so rapidly in higher education and research.

2. Model Act for Universities

Major recommendations of Committees appointed by the Government of India and the UGC from time to time, to review the governance, organization and management of Universities in the country, as well as on the Model Act for Universities have been summarized in Table 1. In all, the Reports of five Committees on this subject, in a 33-year period (1964-97), have been considered in this Table. It has been well brought out in

the Reports of these Committees that the success of a University depends not only on the Act, but also on its personnel, their sense of dedication, discipline and responsibility, and the traditions/conventions they establish. It has also been observed by one of the Committees that it is necessary for the academics and administrators of higher education to examine the matter of governance of Universities and the content of University education from time to time, as social change has been taking place at a breath taking pace now a days. Besides, experimentation should be the key essence of University education, as the content and teaching methodology have to keep pace with the explosive growth of knowledge. Other major recommendations of the Committees include:

+ Regular review of the Act followed by changes if any, for the system to be dynamic;

+ Governor of State as Visitor, and he to appoint a renowned academic as Chancellor;

+ Procedure for the appointment of Vice Chancellor and other statutory Officers;

+ Court (Senate) to be an important University Body;

+ Academic Council to be truly the highest academic Authority;

+ Visitor to appoint Block Grant Committees for State Universities in each Plan time;

+ UGC to seek advice of the CAG of India to simplify Universities financial practices;

+ Procedure for nominating/electing members for University Bodies;

+ Model Act to be concise; Statutes/Ordinances, to be in detail to ease implementation;

+ Need for Central legislation on basic structure of Model Act for the States to follow;

+ Conventional Universities in a State to have a common Act;

+ UGC to provide advice/guidance to ensure the quality/

TABLE 1
Committees Recommendations on Model Act for Universities- A Summary

D.S. Kothari Model Act for Universities (1964)	+ Variety in organization, so desirable in a large country like India ; + Autonomy from external control, for smooth functioning; + Sufficient freedom to permit innovation/experimentation; + Internal democratic administration to enable active role for faculty; + Organization pattern to serve their true objectives; + Constitution that is not stereotyped, with too many safe guards; + Structure in broad terms, with details in the Statutes/Ordinances; + Personnel with responsibility and discipline, to set conventions.
P.B.Gajendragadkar Governance of Universities and Colleges (1971)	+ Autonomy, both within and in relation to external agencies; + Student participation in administration and academic affairs; + A grievance redressal system to take care of Students, Teachers, Staff; + Flexibility in organization: essentials in Act and details in Statutes; + Possibility to bring in a sense of belonging among all the constituents; + Ease of coordination with the UGC; + Zealous pursuit of knowledge and commitment of higher education.
A.Gnamam Towards New Educational Management (1990)	+ Autonomy, coupled with responsibility and accountability; + Well defined powers and responsibilities among the Authorities/Bodies; + Role perspectives with effective linkages with other social sub-systems; + Depoliticization of the campus for a healthy academic environment; + Decentralization of the decision making process; + Debureaucratization of the administrative set-up.
Soneri Review of Gnamam Committee Recommendations (1995)	+ All the items recommended by the Gnamam Committee, except: paras relating to: (i) Statutes on Administrative and financial matters (No.141); and (ii) Central Legislation on Universities Governance (No.144).
P.C. Alexander The Role of the Governor as Chancellor of the Universities (1997) (Approved 2003)	+ Built in safe guards against curtailing the powers and positions of the Chancellors, particularly in respect of: (i) Vice Chancellor-appointment, removal, control; (ii) Affairs of the University; (iii) Decision of appeals/petitions/representations; (iv) Statutes/Ordinances; (v) Powers of State Government to issue directives to the University; (vi) Nomination on the Authorities/Bodies/Committees; (vii) Maintenance of standards in higher education + Protection for their autonomy.

standard of higher education.

One Committee has also noted that the recommendations of earlier Committees on University governance and Model Act have not been implemented in the University system in a satisfactory manner so far, which needs to be remedied soon. For this purpose, the Committee has suggested to have separate strategies for each of the University related constituencies, viz., Government of India, UGC, State Governments and Governing Bodies of Universities. However, this is not acceptable to another Committee, which has reviewed these recommendations in a later year. All these issues and the recommendations of various Committees summarized in Table 1, form the basis of the work of the present Committee towards formulation of a Model Act for Universities of the 21st century in India, which is covered in this Paper.

3. Universities in India

Table 2 summarizes important features of present-day Universities in the country. It is seen from this Table, that the University system has a number of different types of institutions and there are wide variations in their missions, goals and objectives... The Universities also have different traditions and conventions established. Besides, the social milieu in which the Universities have been set up are also different. However, all the Universities generally fall into the following three categories, based on their organizational structure:

(i) Affiliating Universities, having University Departments, Constituent Colleges and Affiliated Colleges, with single or multiple campuses;

(ii) Unitary Universities having University Departments and Constituent Colleges, with single or multiple campuses;

(iii) Private Universities, mostly of the unitary type and having distributed campuses.

It is also seen from this Table that conventional Universities form a significant segment of the University system in India at present. They have a long standing, with most of them being multi-faculty institutions engaged in general education in faculties like Arts, Science, Commerce. They also have a provision to recognize some affiliated colleges of proven merit as autonomous colleges. While, University funding by Central/State Governments has been a well established tradition in the country, this practice is steadily declining now a days. The setting up of professional Universities(e.g., technical, medical, law) and deemed Universities (by Private/Joint Sector) is relatively new in the country, with the latter category expanding rapidly in recent years. However, private Universities and virtual Universities are of very recent origin, and they are only at few locations at present. But, due to the commercial nature of their activities, their number and nationwide spread are likely to increase in the coming years. Foreign Universities in the country, are yet very few in number being mostly located in bigger cities. But, with the globalization of higher education and increased emphasis being laid by them on professional courses, it is expected that this category will also expand rapidly in the coming years. It is useful to note that, so far, only a small segment of the University system covered in Table 2 has exhibited its readiness to meet the challenges of the 21st century. This makes it necessary to look into this issue from all angles and correct the situation urgently, for all the

TABLE 2
Present System of Universities in India- Important Features

University Type	Established By	Important Features
Conventional	Central/ State : Governments	(i) Unitary: Teaching (UG/PG) and research on campus (main/sub); Many faculties; (ii) Affiliating: Teaching (PG) and research on campus (main/sub); Many faculties; Affiliated colleges(UG mostly) and some Autonomous colleges(UG/ PG) in its jurisdiction; Nearly 50% of Universities in India belong to this category.
Professional	State Governments	Specialized instruction(UG/PG) and research on campus(main/sub); Single faculty; Professional areas like engineering, medicine, law covered; Both unitary and affiliating types functioning now; Many States have established Universities in this category.
Agricultural	State Governments	Agricultural studies(UG/PG), including forestry, horticulture, veterinary science, research and extension; Many faculties; Mostly unitary; Most States have established these Universities.
Deemed	Central Government	University level institutions engaged in PG teaching and research, with close interactions between both functions, for mutual benefit; Very few institutions in this category, IISc being an example.
Deemed (Contd)	Private/Joint Sector (UGC Approved)	University status to institutions of long standing (or even de novo) & high academic reputation; UG/PG teaching and research; Single/ Multiple faculties; Many institutions already, numbers increasing.
Open	Central/State Governments	Open and flexible education offered through the distance mode using correspondence courses/modern educational technology like interactive TV; Wide variety of programmes-UG/PG/Research; Many Universities functioning; their number steadily increasing.
Other	Central Government Private/Joint Sector	(i) Unitary; Teaching/Research in close contact between students/ teachers - classroom lectures, tutorials, seminars etc; Very few Universities of this type; JNU an example. (ii) Elitist: Institutions offering professional (UG/PG) teaching / research on the campus, to talented and carefully selected students; IITs/NITs/IIMs/Law Institutes fall in this category. (iii) Private(under State Act); Teaching(UG/PG)/Research; Unitary/Affiliating; Single/Many faculties; With/Without UGC approval; Already in few States, numbers increasing. (iv) Virtual: Institutions using multimedia providing intra/inter net, based any-time, any-where, any-discipline learning in professional subjects; Already in some States, expanding. (v) Foreign: Universities singly or jointly with local partners, offering UG/PG Teaching/Research programmes in the country; Rapidly upcoming type.

Universities in the country to become Universities of the 21st century.

Besides the above differences in types of Universities, there are also wide variations in their working cultures. More often, the Universities have a culture that is a mix of academic and bureaucratic cultures. While the academic units like faculties, departments, colleges, schools are generally academic in their approach, the central administration manned by officials may not be so. And, it is often likely to be of the bureaucratic type. Some times, this can result in difficulties, as academic decisions being based on committees deliberations may not be always easy and practical for implementation by the concerned officials. In such situations, it is only the wisdom and positive approach of senior academics in the University hierarchy that can come to the rescue of the system. More recently, with many additional functions being taken up by Universities, two new cultures have now come up, viz., commercial culture and corporate culture. The former culture is useful to support activities like continuing education, testing and consultancy, distance education and publication / distribution of course material, which are important for revenue generation and time bound work. On the other hand, the latter culture emphasizes the leadership role provided by senior academics/officials and the top-down planning and monitoring practices which may be introduced by them in the functioning of the University. However, such a mixed culture and its possible benefits have yet to be well accepted in the Indian University system.

4. A Generalized University of the 21st Century

A generalized University of the 21st century has to respond to the changing needs of the society, which are now technology driven and are becoming highly information and knowledge intensive, bringing in fundamental changes in the way human beings live, learn, interact, work and conduct their every-day activities. However, it is useful to note that learning is a personalized process not dependent on technology, whereas educating is a social process dependent on interactivities between learners and teachers which may make use of tools and technologies. As a result, education has to keep pace with the world wide changes taking place so rapidly in all major sectors of the society, like social, cultural, economic and political, all of them being driven by the on-going ICT revolution. Teachers and academic communities have a central role to play in this situation, like mentoring, guiding, exploring, integrating information, developing learners identities through role modelling and facilitating group activity. Technology is required here to support and enhance this role, which needs to be facilitated at a generalized University of the 21st century in a satisfactory manner. This can be done under the framework of the Universitys Act, with built-in flexibility to introduce changes as and when necessary in response to its changing needs. This forms the basis for the guidelines for a Model Act for Indian Universities of the 21st century. Referring to Table 2 which summarizes important features of the present University system in India, and the on-going globalization in the higher education sector, the steady reduction in Government funding of the Universities, the increasing influence of ICT on education and the rapidly shrinking time scale of change in these developments as brought out in the previous sections, it is observed that a generalized University of the 21st century in the country has to perform multiple functions like,

- + Educational
- + Sponsored Research and Consultancy
- + Continuing Education and Extension
- + Development and Services, and

+ Management Some of these functions are traditional, whereas many others are new. However, important aspects of each of these functions are briefly described below: Educational Functions

1 Academic(UG/PG) and Research work for Degree/Diploma awards under many faculties, with freedom to add/drop programmes/courses and revise/update curricula in a short time, as often as required, at the:

- (i) Campuses, in the Schools/Departments and Constituent Colleges;
- (ii) Autonomous Colleges, in the prescribed jurisdiction;
- (iii) Affiliated Colleges, in the prescribed jurisdiction;
- (iv) Networked Learning Centres, having no jurisdictional limits.

2 Assessment and Examinations to qualify for Degree/Diploma awards under all its faculties, to be conducted on different scales as necessary, like small, medium and large, as often as

required, at high efficiency and low cost, while maintaining the well needed standard, confidentiality and speed of execution;

- (i) Continuous Internal Assessment of course work;
- (ii) Semester-end/ Year-end examination, using ICT, if required and feasible;
- (iii) Thesis/Dissertation evaluation, with built in safe guards.

3 Training of students regularly through extra-curricular activities at the main/subsidiary campuses and autonomous/affiliated colleges to:

- (i) Develop competitiveness at State/National levels in sports and adventure;
- (ii) Inculcate national spirit, team work and discipline through Yoga, NCC,NSS;
- (iii) Bring out hidden talents through various forms of cultural activities;
- (iv) Provide opportunities for participation in debates and related programmes.Sponsored Research and Consultancy Functions

4 Sponsored R & D projects, usually time bound and goal oriented, funded by Central/State Governments or their Agencies, other funding organizations- both national and international, industries, companies etc., in its research areas, at the:

- (i) Schools/Departments;
- (ii) Constituent Colleges;
- (iii) Autonomous and Affiliated Colleges.

5 Consultancy and Testing services for augmenting its resources, based on its areas of expertise and facilities, to be made available to various types of users, like industries, companies and other institutions in India/abroad, from the

- (i) Main/Subsidiary campuses;
- (ii) Autonomous/Affiliated Colleges.Continuing Education and Extension Functions

6 Continuing Education on a regular basis, covering formal, non-formal and informal modes, by making use of modern technologies like audio/video/broadcast /internet/ intranet/ multimedia, if required, for its faculty/staff, academics from other institutions, Government officials, professionals, lay public and other national/international clients in its various branches, at the:

- (i) Schools/Departments;
- (ii) Constituent/Autonomous/Affiliated Colleges;
- (iii) Networked Learning Centres, having no jurisdictional limits.

7 Life-long Learning opportunities at low cost, making use of e-education and other initiatives for its students, alumni and local communities, offered individually or in partnership with other Universities, social, professional and developmental organizations, so as to provide them:

- (i) More number of options in programmes and increased choice of courses;
- (ii) Better selection to study at a reputed University for Degree/Diploma awards;
- (iii) Services of renowned experts and teachers to guide the learning process.

8 Extension and Knowledge-based services to be regularly delivered from its main/subsidiary campuses and autonomous/affiliated colleges, based on its strengths and capabilities, like:

- (i) Knowledge based advice to Government/Society;
- (ii) Social service, such as, adult education, literacy, population, environment;
- (iii) Seminars/Symposia/Extension lectures on society related issues.Development and Services Functions

9 Employment/Education/Development - related services for outgoing students, with the use of ICT and related technologies, if required, to be available from its main /subsidiary campuses and autonomous/affiliated colleges, to:

- (i) Prepare for National/State level competitive examinations;
- (ii) Develop communication skills, personality and ethics for interviews;
- (iii) Develop computer- and IT- related skills and functions, for value addition;
- (iv) Connect with the world of employment for suitable placement;
- (v) Support entrepreneurship, new careers and other opportunities.

10 Creation and preparation of educational/research material

in conventional print (Learning material, Text/Reference Books, Journals) form and electronic (Course ware, Journals) form, like:

- (i) Audio/Video- tapes/cassettes for physical delivery and for broadcast uses;
- (ii) Multimedia floppies/CDs for physical delivery and intranet/internet uses.

Management Functions

11 Other important academic functions like:

- (i) Affiliating colleges and programmes;
- (ii) Establishing networked learning centres at identified locations;
- (iii) Granting autonomous status to well developed, selected colleges;
- (iv) Recognizing reputed research institutions as Ph.D study centres;
- (v) Entering into MOUs with Universities/Institutions for joint programmes;
- (vi) Encouraging partnership/consortia with other institutions for mutual benefit;
- (vii) Enabling inter-institutional students mobility, by mutual credits transfer;.
- (viii) Filing copy rights and patents on innovative work done at the University.

12 Quality monitoring/assurance for the maintenance of quality, standard and relevance of academic/research programmes and other activities by following the practices recommended by NAAC/NBA, with a view to increase national/ international image, visibility and competitiveness :in the:

- (i) Schools/Departments;
- (ii) Constituent/Autonomous/Affiliated Colleges..

13 Alumni interaction and feedback on academic/research/ other activities and facilities, placement opportunities and resources mobilization, with a view to bring about qualitative improvements, at:

- (i) Main/Subsidiary campuses;
- (ii) Autonomous/Affiliated Colleges.

14 Distance education for the society at large, to be provided using audio/video broadcasts and/or ICT and related new technologies(as against the earlier correspondence courses, now becoming obsolete), taking advantage of the initiatives of UGC, ISRO, IGNOU and other national/state level agencies/bodies for the creation of course content and for the provision of national/ regional educational networks, to facilitate:

- (i) Any time, Any where, Any discipline learning for Any one;
- (ii) Self-paced and personalized learning opportunities;
- (iii) Students taking courses of their choice from many Universities at a time;
- (iv) Joint Degree/Diploma awards from Universities in partnership, if required;
- (v) Setting up of State-wide /Country-wide virtual classrooms.

15 Financial and physical resources generation/mobilization from various sources, like Central/State Governments, Non-Governmental Organizations, International Funding Agencies, Philanthropists and other donors, by

- (i) Evolving and pursuing innovative strategies and methods;
- (ii) Offering developmental and educational services for a wide range of clients;
- (iii) Setting up of a Company/Registered Society for revenue generation activities;
- (iv) Forming consortia. with other institutions;
- (v) Associating/collaborating with the Private Sector.

16 Public relations with respect to all its constituents, like students, faculty, staff, alumni, parents, funding agencies, press/ media, Government, UGC and society at large, for maintaining campus peace and harmony and earning the confidence, goodwill and respect from all of them, for the

- (i) Schools/Departments;
- (ii) Constituent/Autonomous/Affiliated Colleges

5. Guidelines for formulating Model Act for the 21st Century Universities

The following guidelines are suggested as the basis for

formulating a Model Act for the 21st century Universities in India, based on the above discussion. Some of these guidelines depend on the traditions prevailing in the University system in India; But, some others are necessary to meet the various expectations from Indian Universities in the 21st century, as brought out in the previous section. These guidelines together with other concepts outlined in Part I of the Paper form the basis of the Questionnaire given in Part II. It is expected that the responses from the University community to the questions included herein will be of great help in the actual formulation of a Model Act. It is also expected that such an Act will be applicable to all the types of Universities in the country.

1. Vision : To include the aims of the University and its direction of progress, both in the long- and short terms;

2. Objects: To be in as broad terms as possible, laying emphasis on its central functions of disseminating. and advancing knowledge and higher learning; In addition, to be free to conduct a number of additional functions, as and when needed, including the mobilization of financial resources to become self sufficient; Besides, to also include a new goal to cater to the learning and development needs of the emerging knowledge-based society;.

3. Powers and Functions: Also to be in broad terms, with flexibility to handle a wide variety of functions in an interference-free and transparent manner as often as required, with responsibility, accountability and decentralization, without the rigidity of too much controls; To enable the University to significantly contribute to regional/national, and social/economic development through its academic, research, extension and related functions and gain respect and admiration from the society at large;

4. Jurisdiction: Not relevant any more, due to the influence of ICT on education, which has no borders. To facilitate networked Learning Centres distributed all over the country and even abroad;

5. University open to all classes, castes and creeds: In addition, also open to all age groups(particularly adults/senior citizens) to enable life long learning;

6. Visitor: President of India or Governor of the State to discharge the constitutional responsibilities relating to the Central/ State University, and carry out recommendations of the Council of Ministers at the Centre / State, as the case may be; But, to have powers of discretion and judgement in various functions relating to the University, including:

- + Appointing the Chancellor/Vice Chancellor;
- + Advising the Chancellor/Vice chancellor in their duties / responsibilities;
- + Approving policies to decide appeals/petitions/ representations;
- + Assisting in maintaining the University autonomy from external agencies;
- + Coordination with the UGC;

7 Officers:

(i) Chancellor: Honarific post; Senior citizen of high distinction to be appointed to this position; Highest Officer of the University; Useful level between Vice Chancellor and Visitor;.

(ii) Vice Chancellor: Principal/Chief Executive and Academic Officer; Senior academic with administrative experience to occupy this position;

(iii) Pro Vice Chancellor: Senior academic with knowledge/ experience of business/ finance, to take charge of resource generation and related aspects(particularly important in the present context of diminishing financial support from the Government); Additional persons at this level, for other functions, if found necessary;

(iv) Other Officers: Deans of Faculties (by rotation), Registrar(academic with administrative experience), Finance Officer(knowledge of finance/accounts), Controller of Examinations(by rotation), Directors-one for each function(by rotation);

8 Authorities:

(i) Executive (Management) Council: Highest authority; Powers to frame Statutes/Ordinances/Regulations other than the academic ones; To be compact in size; Membership comprising both Ex-Officio and nominated;

(ii) Academic Council: Highest academic authority; Powers to frame Statutes/Ordinances/Regulations on academic matters; Delegation of responsibilities to Boards /Committees; Membership comprising both Ex-Officio and nominated/elected representatives

of teachers from Schools/Departments/Colleges;

9 Bodies: Court(Senate): Deliberative/Consultative body comprising representatives of all major constituents(by rotation), Central/State Government and society at, to:

+ Review broad policies and programmes to improve/develop the

University;

+ Consider and pass resolutions on the Annual Report and Annual Accounts/ Audit Reports of the past year and the Annual Budget for the new year;

+ Render advice on matters referred to it by the Visitor;10 Other Bodies: Finance Committee, Faculty Boards, Boards of Studies, Curriculum Committees, Planning & Monitoring Board, Board of University and College Development, Board of Evaluation, Board of Research, Board of Extension, Board of Sponsored Research & Consultancy, Board of Continuing Education, Board of Distance Education, Board of Publications, Board of Quality Assurance, Grievance Committee, etc.; To be statutory in nature with senior representatives of all major constituents (by rotation) as members along with external members; To have powers, functions and responsibilities as prescribed in the Statutes; .

11 Statutes: To be formulated/revise by the Executive(Management) Council/Academic Council within the overall framework of the Act, and approved by the Visitor; To be sufficiently in detail to facilitate proper interpretation and smooth working of the University system;

12 Ordinances: To be formulated/revise by the Executive(Management) Council/Academic Council within the overall framework of the Act, approved by the Chancellor and communicated to the Visitor; To be sufficiently in detail to facilitate proper interpretation and smooth working of all sections of the University;

13 Regulations: To be formulated/revise and approved by the respective Authorities/Bodies and communicated to the Visitor, Chancellor and other Authorities/Bodies;

While the feedback responses obtained from all the major constituents of the University system on the Questionnaire of Part II will be of use to the Committee in its task of formulating a Model Act for Universities of the 21st century, the UGC may have to work out an appropriate strategy to get such a Model Act widely accepted in the Indian University system. This step is particularly important at present, because of the various problems and issues being faced by Universities in the country, brought out in this Paper and the rapidly shrinking time scale of change in the field of higher education. Besides, this will also help the Indian Universities to meet the challenge of globalization and provide the students with a state-of-the-art learning experience, without any location-based disadvantages. Therefore, the formulation of a Model Act and its early adoption in India will go a long way in an orderly development of higher education in the 21st century..

This Paper has been prepared in October 2003, by the Committee constituted by UGC for formulating a Model Act for Universities (Ref.D.O.No.1-18/ 2003 (CPP-II)of 26/06/2003).., consisting of Prof. B S. Sonde, Former V.C. Goa University as Convenor, along with Prof. Ram Takwale, Former V.C. IGNOU, Prof. A. Gnanam, Former V.C. Pondicherry University and Prof. G.D. Sharma, Senior Fellow, NIEPA as members and Dr.(Mrs) Pankaj Mittal, Joint Secretary, UGC as Secretary. The Committee gratefully acknowledges the many useful, enriching and interesting discussions it had with Prof. Arun Nigavekar, Chairman, UGC and Prof. V.N. Rajasekharan Pillai, Vice Chairman, UGC, which have been of considerable help in the preparation of this Paper.

PART II TOWARDS FORMULATION OF A MODEL ACT QUESTIONNAIRE

NOTE:

1. The Questionnaire is part of a Concept Paper prepared by the UGC Committee constituted to recommend a Model Act for the 21st century Universities in India, to elicit views/suggestions from the constituents of the University system on this subject. The UGC welcomes all the constituents of the University system

in the country, Central / State Government Departments, Educational Trusts, Employers and Parents, individually/collectively, to respond to the Questionnaire;

2.The Concept Paper including the Questionnaire, can be down loaded from the UGC Web Site at address, <http://www.ugc.ac.in>, during October 15-December 15, 2003. This may be useful to the respondents in organizing more space in the Response Column for including brief explanatory statements, wherever required;

3. Tick marks may be made and short explanations given in telegraphic language wherever necessary in the Response Column of the Questionnaire, to provide the responses to different questions;

4.The questionnaire may please be filled in and returned to Dr. (Mrs) Pankaj Mittal, by e-mail to address, pmittal@ugc.ac.in. This may also be sent to her postal address: Joint Secretary, UGC, BSZ Marg, New Delhi 110 002; The last date for receipt is December 15, 2003;

5. The feedback responses received will form the basis for the UGC Committee in its efforts to formulate a Model Act for the 21st century Universities, acceptable to the University system in the country.

S.No. Question Response (Please tick mark and give brief explanation, as required)

1Model Act:

a) Should this be concise, with the details given in the Schedule? If NO, do you have any suggestion? YES/NO

b) Referring to Table 2, should this be:

- (i) Generic and applicable to all Universities?
- (ii) Specific to certain Universities only?
- (iii) Any other? (Please specify)

c) Looking at 21st century demands, should this cover:

- (i) Principles and policies?
- (ii) Organization, governance and management?
- (iii) Role and application of technology?
- (iv) Approaches to financing of the Universities?
- (v) Any other? (Please specify)

d) Should this be approved by:

- (i) An Act of Parliament?
- (ii) Acts of State Legislatures?
- (iii) Any other? (Please specify)

e) Should this be periodically reviewed? If YES, should it be once in:

- (i) Five years?
- (ii) Ten years?
- (iii) Any other? (Please specify)

2. Vision :

Is it necessary to include this in a Model Act? If YES/NO
a) Why is it that this is not found in the Acts of most Indian Universities?

b) Should this include goals of the University, like:

- (i) National/international visibility/leadership?
- (ii) Reputation for creativity/innovation?
- (iii) Attraction for talented faculty/students?
- (iv) Earning confidence and respect of society?
- (v) National aspirations towards becoming a Knowledge Super Power?.... YES/NO

(vi) Any other? (Please specify)

c) Should this cover goals in the:

- (i) Long-term only? YES/NO
- (ii) Short-term only? YES/NO
- (iii) Both long- and short-terms? YES/NO

3. Objects :

a) Should these be in broad terms? If YES, why?
b) Should these be time invariant? If YES, how to meet new demands, like those of the 21st century?.... YES/NO

c) Should there be provision in these for:

- (i) Conducting additional functions as required?.... YES/NO
 - (ii) Moving towards learner centric education?.... YES/NO
 - (iii) Using ICT for education/administration?.... YES/NO
 - (iv) Improving quality/standard of education ?.... YES/NO
 - (v) Meeting the challenges of globalization?.... YES/NO
 - (vi) Fulfilling the needs of information society?.... YES/NO
 - (vii) Using novel mechanisms to generate funds?.... YES/NO
 - (viii) Promotion of innovation/entrepreneurship?.... YES/NO
- If YES, how can this be done in each chosen case? If NO, what is its influence on the working of 21st century Universities?.... YES/NO

d) Should there be a specific reference to University autonomy, with transparency, responsibility and accountability? If NO, how can the Universities be freed from external interference?

e) To meet the 21st century challenges, should there be

reference to:

- (i) Increasing need for access/equity/relevance?.... YES/NO
- (ii) Limiting the size of Universities?.... YES/NO
- (iii) Structural reform in University organization?.... YES/NO
- (iv) Improved governance and management?.... YES/NO
- (v) Raising finances for University operations?.... YES/NO
- (vi) Public/private partnership for education? YES/NO
- (vii) Any other? (Please specify)

If YES, how can this be done in each chosen case? If NO in any case, what is its influence on the working of 21st century Universities?

4. Powers and Functions:

- a) Should these be also in broad terms? YES/NO
- (i) If YES, do the present Acts of Universities reflect this? IF YES, YES/NO
- (ii) Why most Universities do not take benefit of them for keeping pace with the times? YES/NO
- b) Should these be also time invariant? If YES, how to meet 21st century demands without infringing them?
- c) Should there be provision for adding new functions:.... YES/NO
- (i) Education-personalized, ICT-based learning?.... YES/NO
- (ii) Sponsored research- proper mechanisms?.... YES/NO
- (iii) Consultancy-under established framework?.... YES/NO
- (iv) Continuing education- for life long learning?.... YES/NO
- (v) Extension services- knowledge based?.... YES/NO
- (vi) Development related services- ICT based?.... YES/NO
- (vii) Management of:
 - + Networked learning centres?.... YES/NO
 - + Quality monitoring/assurance?.... YES/NO
 - + Patenting innovative research results?.... YES/NO
 - + Transfer of credits among Universities?.... YES/NO
 - + Partnership/consortia with other Universities?.... YES/NO
 - + Finances to become self reliant and autonomous?.... YES/NO

If YES, how can this be done in each chosen case? If NO, any suggestions for undertaking these to meet 21st century demands?

- d) Should there be provision for experimentation and innovation functions of Universities? If YES, how?
- e) Should the following functions be provided for, in a Model Act:

- (i) Flexibility? YES/NO
- (ii) Transparency? YES/NO
- (iii) Responsibility? YES/NO
- (iv) Accountability? YES/NO
- (v) Decentralization? YES/NO

If YES, how can this be done in each chosen case? If NO in any case, what is its influence on the working of 21st century Universities?

5. Jurisdiction:

- a) Should there be jurisdictional limits for 21st century Universities? If YES, why?

6. Age limits:

- a) Should there be age limits (min./max.), for students of 21st century Universities? If YES, why?

7. Visitor:

- a) Should the Visitor be the highest Officer of a 21st century University? YES/NO
- b) Should this position be held by the President of India/ State Governor at Central/State Universities? If NO, any suggestion?
- c) If YES, should the Visitor be given discretionary powers, while carrying out recommendations of the Council of Ministers on University matters? YES/NO
- d) Should other types of Universities(Table 2) also have the position of Visitor? If YES, who should be in this position?
- e) Should the Visitor be responsible to approve the:
 - (i) Statutes? YES/NO
 - (ii) Ordinances? YES/NO
 - (iii) Regulations? YES/NO
 - (iv) Policies to decide on appeals/petitions?.... YES/NO
 - (v) Rules to help maintain University autonomy? If NO, who should be responsible for each of these?
- f) Should the Visitor be responsible to take decisions on appeals/petitions? If YES, what is its impact, if a decision is challenged the Court of Law?
- g) Should the Visitor nominate members on University Authorities/Bodies, like:
 - (i) Executive(Management)Council/Syndicate? YES/NO
 - (ii) Academic Council? YES/NO
 - (iii) Court/Senate? YES/NO
 - (iv) Finance Committee? YES/NO
 - (v) Any other? (Please specify) If YES,
 - + Should there be an upper limit on their numbers?.... YES/NO
 - + If YES, what should these be in terms of the percentage of

total strength in each case?

- h) Should the Visitor appoint Officers, like:
 - (i) Chancellor? YES/NO
 - (ii) Vice Chancellor?.... YES/NO
 - (iii) Pro Vice Chancellor?.... YES/NO
 - (iv) Registrar?.... YES/NO
 - (v) Finance Officer?.... YES/NO
 - (vi) Any other? (Please specify)

If YES, should these be based on the recommendations of the:

- (i) Executive Council?.... YES/NO
- (ii) Academic council?.... YES/NO
- (iii) Court?.... YES/NO
- (iv) Search Committee?.... YES/NO
- (v) Selection Committee?.... YES/NO
- (vi) Any other? (Please specify)

Should the appointments of the Chancellor/Vice Chancellor be on the basis of:

- (i) Merit?.... YES/NO
- (ii) Experience?.... YES/NO
- (iii) Reputation?.... YES/NO
- (iv) Seniority?.... YES/NO
- (v) Any other? (Please specify)

Should the Visitor oversee and review the working of the Universities? If YES, how often? If NO, why not?

Should the Visitor assist in maintaining University autonomy from external agencies? If YES, how?

Should the Visitor coordinate with UGC and Central / State Governments on University matters? If YES, how?

8. Officers:

Should there be a position of Chancellor as the highest University Officer? YES/NO

Should the Vice Chancellor be the Principal Executive/ Academic Officer?.... YES/NO

Should the Chancellor be responsible for decisions on appeals/petitions/representations?.... YES/NO

Should the Chancellor be a hierarchy level between the Visitor and the Vice Chancellor? If YES, how will this position be useful to the Universities?

Should the Chancellor preside over any Authorities/ Bodies of the Universities? If YES, which ones?

Should the main functions of the Vice Chancellor in the 21st century be:

- (i) Providing academic leadership?.... YES/NO
- (ii) Managing the University to fulfil its goals?.... YES/NO
- (iii) Facilitating multiple functions?.... YES/NO
- (iv) Modernization of the University using ICT?.... YES/NO
- (v) Guiding the University to be learner centric?.... YES/NO
- (vi) Mobilizing financial and other resources?.... YES/NO
- (vii) Ushering in a knowledge-based society?.... YES/NO
- (viii) Any other? (Please specify)

What should be the best option for the Vice Chancellor to constitute University Authorities/ Bodies and appoint functionaries(like Deans, Heads of Departments, Committee Chairmen) in the 21st century, with competent, merited members; in a transparent/open manner:

- (i) University level seniority?.... YES/NO
- (ii) Seniority in the University system?.... YES/NO
- (iii) Reputation-national/international?.... YES/NO
- (iv) Conducting elections?.... YES/NO
- (v) Endorsement by functionaries/colleagues? YES/NO
- (vi) Any other? (Please specify).... YES/NO

Should the powers and functions of the Chancellor/ Vice Chancellor be specified in the Act? If NO, where should they be specified?

Should there be the position of Pro Vice Chancellor? If YES, should their number be:

- (i) The same in all Universities?.... YES/NO
- (ii) Linked with the University size?.... YES/NO
- (iii) Based on the functions to be performed?.... YES/NO
- (iv) Any other? (Please specify)

Should the Registrar be appointed by the Vice Chancellor? If YES, should the Registrar be

- (i) Fully academic?.... YES/NO
- (ii) Academic with administrative experience? YES/NO
- (iii) Administrator with academic experience?.... YES/NO
- (iv) Any other? (Please specify) If NO, who should appoint the Registrar?

Should the Finance Officer be appointed by the Vice Chancellor? If YES, should the Finance Officer be

- (i) Fully academic?.... YES/NO
- (ii) Academic with finance/accounts knowledge and experience?.... YES/NO
- (iii) Chartered Accountant with academic experience?.... YES/NO

Should the Cost Accountant with academic experience?.... YES/NO

- (v) Any other? (Please specify)

l) Should the procedure and terms of appointment of the above Officers be specified in the

- (i) Body of the Act?.... YES/NO
- (ii) Schedule of the Act?.... YES/NO
- (iii) Statutes?.... YES/NO
- (iv) Ordinances?.... YES/NO
- (v) Any other? YES/NO

m) Should the powers and functions of the above Officers be specified in the

- (i) Body of the Act?.... YES/NO
- (ii) Schedule of the Act?.... YES/NO
- (iii) Statutes?.... YES/NO
- (iv) Ordinances?.... YES/NO
- (v) Any other? (Please specify)

9. Authorities:

a) Should there be changes in the following items of current Acts relating to Executive/Management Council (or Syndicate) and Academic Council, for being able to meet the 21st century expectations :.... YES/NO

- (i) Size(number of members) ?.... YES/NO
- (ii) Term of Office?.... YES/NO
- (iii) Powers and functions?.... YES/NO
- (iv) Periodicity of meetings?.... YES/NO
- (v) Any other? (Please specify).... YES/NO

b) Should the powers/functions of the Authorities be well defined to enable the current Universities to meet the 21st century challenge like learner-centric education, multiple functions, financial self sufficiency, speed of decision making and increased flexibility in operations? If YES, should these reflect:

- (i) Structural changes in the organization?.... YES/NO
- (ii) Better composition of the Authorities?.... YES/NO
- (iii) Higher responsibilities with accountability?.... YES/NO
- (iv) Democratization of decision process?.... YES/NO
- (v) Delegation of powers to lower Bodies?.... YES/NO
- (vi) Increased transparency in operations?.... YES/NO
- (vii) Increased frequency of meetings? YES/NO
- (viii) Any other? (Please specify).If YES in any of the cases, give suggestions;

c) Can ICT and related technologies play useful roles in the above cases? If YES, how?

d) Should the powers/functions of the Authorities be specified in the

- (i) Body of the Act? YES/NO
- (ii) Schedule of the act?.... YES/NO
- (iii) Statutes?.... YES/NO
- (iv) Ordinances?.... YES/NO
- (v) Any other? (Please specify)

e) Should the functions of Authorities of 21st century Universities give a new thrust on.

(i) Generating/Mobilizing finances to become self sufficient?.... YES/NO

(ii) Frequent revision of syllabi to keep the programmes contemporary and relevant?.... YES/NO

(iii) Modernization of infrastructure to remove the obsolescence?.... YES/NO

(iv) Increased use of ICT in education, management and other aspects of working? Any other? (Please specify)

10. Bodies:

a) Should there be Court(Senate) be at Universities of the 21st century? If YES, why is it that many Universities do not have this Body at present?

- b) Should the Court(Senate) be:
 - (i) An Executive Body?.... YES/NO
 - (ii) A Deliberative Body?.... YES/NO
 - (iii) Any other? (please specify)

c) Should the powers/functions of the Court be specified in the:

- (i) Body of the Act? YES/NO
- (ii) Schedule of the Act? YES/NO
- (iii) Statutes?.... YES/NO
- (iv) Ordinances?.... YES/NO
- (v) Any other? (Please specify)

d) Should the Act specify the following items connected with the Court:

- (i) Size and composition?.... YES/NO
- (ii) Membership?.... YES/NO
- (iii) Terms of Office?.... YES/NO
- (iv) Periodicity of meetings?.... YES/NO
- (v) Any other? (Please specify) If NO, where should these be specified?

e) Should the constitution, membership, powers/ functions, periodicity of meetings of other Bodies like Committees/Boards, be specified in the:

- (i) Body of the Act?.... YES/NO
- (ii) Schedule of the Act?
- (iii) Statutes?.... YES/NO

(iv) Ordinances?.... YES/NO

(v) Any other? (Please specify)

f) Should the Boards of Studies be given increased powers and responsibilities at 21st century Universities? If YES, should these be in respect of:

- (i) Curriculum and syllabi;.... YES/NO
- (ii) Teaching-learning process?.... YES/NO
- (iii) Use of technology in course work?.... YES/NO
- (iv) Examination reforms and related issues?.... YES/NO
- (v) Any other? (Please specify) If NO, what is the likely influence of this in meeting the 21st century expectations from the University?

11. Statutes, Ordinances, Regulations:

a) Should the Statutes be formulated/amended by:

- (i) Executive Council only?.... YES/NO
- (ii) Executive Council for all, except academic?.... YES/NO
- (iii) Academic Council only?.... YES/NO
- (iv) Academic Council for academic only?.... YES/NO
- (v) Jointly by Executive & Academic Councils for partly academic/administrative?.... YES/NO
- (vi) Court(Senate) with the help of Executive/ Academic Councils?.... YES/NO

b) Should the Statutes be approved by:.... YES/NO

- (i) Visitor?
- (ii) Chancellor?.... YES/NO
- (iii) Vice Chancellor?.... YES/NO

c) Should the Ordinances be framed by the concerned:

- (i) Authorities?.... YES/NO
- (ii) Bodies?.... YES/NO
- (iii) Jointly by Authorities and Bodies?.... YES/NO

d) Should the Ordinances be approved by:

- (i) Visitor?.... YES/NO
- (ii) Chancellor?.... YES/NO
- (iii) Vice Chancellor?.... YES/NO

e) Should Regulations be framed by:.... YES/NO

- (i) Authorities?.... YES/NO
- (ii) Bodies?.... YES/NO
- (iii) Jointly by Authorities and Bodies?.... YES/NO

f) Should the Regulations be approved by:

- (i) Visitor?.... YES/NO
- (ii) Chancellor?.... YES/NO
- (iii) Vice Chancellor?.... YES/NO
- (iv) Executive Council?.... YES/NO
- (v) Academic Council?.... YES/NO

12. General :

a) Should there be specific provision in the Model Act for:

(i) Depoliticization of the campus for a healthy academic environment?.... YES/NO

(ii) Decentralization of the decision making process?

(iii) Debureaucratization of the University administrative set up?.... YES/NO

(iv) Well defined powers and responsibilities among Authorities/Bodies? If YES, how can this be done?

b) Should the UGC seek advice of CAG of India:

(i) To simplify financial procedures of Universities?.... YES/NO

(ii) To encourage Universities to build a corpus fund using donations?.... YES/NO

(iii) To enable Universities to become less dependent on Government grants?.... YES/NO

(iv) To provide Universities increased financial autonomy?.... YES/NO

(v) Any other? (Please specify)

c) Should there be central legislation on basic structure of Model Act, for the States to follow?

d) Should the Model Act be proactive to make use of ICT and related technologies, to bring in:.... YES/NO

(i) Increased benefit to the learners?.... YES/NO

(ii) Availability of high quality courseware? YES/NO

(iii) More efficient working of Universities?.... YES/NO

(iv) Reduced cost of education provided?.... YES/NO

(v) Right sizing of University infrastructure?.... YES/NO

(vi) Increased confidence from society?.... YES/NO

e) Should the Model Act provide for open and flexible working of Universities in a time invariant manner? If YES, how is this done?

Signature:

Name of Respondent

Designation:

Address:

Telephone /Fax Numbers

e-mail:

Date:

MALFUNCTIONING OF PRIVATE UNAIDED ENGINEERING COLLEGES IN THE STATE OF MAHARASHTRA.

Prof. M.G.Lomte,

GCMember, MFUCTO / President, State Level Working Committee, Faculty of Engg. & Tech.

A Paper presented at the 22 nd Statutory Conference of AIFUCTO,
held at Mumbai, on October 20-22, 2003.

Govt. of Maharashtra, in 1983, took a revolutionary decision in favour of privatization of technical education. The move was upheld by all sections of the society, as a large number of meritorious students from middle class also could pursue the technical education. The politicians & businessmen with vested interests, grabbed the opportunity to open several private engineering colleges. To the date, there are as many as 131 private unaided engineering colleges¹ in the state, 100 out of these are managed by the politicians, 20 by the businessmen & industrialists and rest 11 by the religious & social trusts.

These colleges are governed by the apex agencies such as ; All India Council for Technical Education [AICTE] 2. Directorate of Technical Education [DTE] 3.University.

While granting permission to start an engineering college, the apex bodies take an undertaking from the private managements, where in the managements undertake to provide; the infrastructure, well equipped laboratories, adequate library facilities adequate number of qualified teachers adequate number of supporting staff, games & sports facilities and various academic facilities to the pupils as well as teachers, in order to maintain the academic standard.

The private managements also undertake to maintain the standard of technical education by observing strictly the; AICTE Act and Norms & Standards laid down by the AICTE, Govt. Resolutions and Rules & Regulations framed by DTE, Maharashtra Universities Act and Statutes & Ordinances of the University. The private managements have also to undertake that, they shall improve the standard of technical education by adapting the Notifications, Guide lines, Directives, Circulars, etc. published from time to time by the apex bodies.

As such, the private managements have to assure that; their colleges provide quality technical education, as a charitable service to the society.

Where as, the private managements, who are the politicians & businessmen, who enjoy unlimited political & money power, who have infinite vested interests and who have become so called Shikshan Samrats in the due course, defying all the undertakings submitted by them to the apex bodies, started running the colleges on their own terms & conditions. They do not feel it necessary to observe the AICTE Act, the Maharashtra Universities Act, the Norms & Standards, the Rules & Regulations, the Statutes & Ordinances, the Directives & Circulars and the Guidelines & Notifications. It is to note that, such mal-practices are adopted by these managements, since last 20 years, from the very inception of their colleges, so that their vested interests are guarded.

In fact, the apex bodies have an important role to play in controlling & regulating the whole technical education system. These are empowered to ensure that, the colleges are run strictly as per rules, maintain an appropriate standard, provide quality technical education and put deliberate efforts to improve the quality of the technical education. Actually, this is the constitutional responsibility of the apex bodies. In view of this, it is but to mention that, instead of executing their powers, the authorities, the academicians of the engineering faculty, opted to be mute spectators to the gross violation of the RULES by these colleges.

As such, these privately managed unaided engineering colleges stand as the glaring example of large-scale malfunctioning institutions. Following illustrations rightly put the state of the art situation mal-functioning.

1. Non-Appointment of Qualified Regular Principal:

As per norms (3) 8 laid down by the AICTE; the post of Principal is to be filled by appointing a qualified eminent person

on permanent basis, by open selection through open advertisement at national level. However, the private managements are mostly reluctant to appoint a qualified person on this post on permanent basis. As such, as much as 103 unaided engineering colleges out of 131, do not have a qualified regular university approved Principal, to this date;

Table No.1

Principals of unaided engineering colleges

The table shows that, Only 28 colleges have qualified university approved regular Principal. In 18 colleges, superannuated persons are performing the job of Principal. Most of them are not re-employed as per the rules. Few of them have crossed the age of 65 years too. Appointments of 10 Principals are not approved by the respective universities, since last 1 to 8 years. Managements of remaining 75 colleges have appointed the persons of their choice as Incharge Principals & the persons are working in this capacity from last 1 to 8 years.

2. Scarcity of Permanent University Approved Faculty:

As per AICTE norms (3) ⁸, a college has to appoint university approved regular qualified faculty on permanent basis, wrt the students to teacher ratio of 13:1, on the sanctioned intake. As such, the total 131 colleges need 12,600 qualified permanent teachers. But the fact is that none of the college possesses adequate number of qualified permanent faculty.

Table No.2

Faculty Status¹.

The table shows that; There are just 3600 university approved permanent teachers in these 131 colleges, which are only 28 % of the total requirement. The respective universities from many years do not approve appointments of about 700 full time teachers.As per AICTE norms (5) ⁸, the recruitment of the teachers should be based strictly on merit, by open selection through open advertisement at national level. But the fact is that, the managements conduct walk-in-interviews to appoint the teachers on contractual basis. More than 2000 teachers are appointed on contractual basis & paid consolidated salaries. About 1000 teachers receive their wages on clock hour basis. It is to note that, this situation is prevailing in these colleges, from last 20 years, grossly ignoring, The teacher, a key component of

Table No.1
Principals of unaided engineering colleges

(Sr. University No.)	[Univ-ersity App-oved]	Unapproved :-			Total
		(A aw aited)	Sup-erann uated	(Incha rge)	
(01) MU, Mumbai	[07]	(08)	04	(20)	39
(02) PU, Pune	[01]	(01)	08	(20)	30
(03) NMU, Jalgaon	[05]	(00)	00	(06)	11
(04) SU, Kolhapur	[05]	(00)	00	(07)	12
(05) BAMU, Aurangabad	[00]	(00)	03	(08)	11
(06) SRTMU, Nanded	[01]	(01)	00	(02)	04
(07) AU, Amravati	[02]	(00)	00	(06)	08
(08) NU, Nagpur	[07]	(00)	03	(04)	14
(09) SNDT, Women Univ. Mumbai	[00]	(00)	00	(01)	01
(10) BV(Deemed Univ.), Pune	[00]	(00)	00	(01)	01
Total	[28]	(10)	18	(75)	131

the education system. The student, the center of the entire academic activities.

3. Paucity of Quality Teachers:

As per AICTE norms (3) 8, the academic standard of each discipline is to be maintained by recruiting the faculty, cadre wise. In this respect, the posts of Professors, Asst. Professors & Lecturers should be filled in the proportion of 1:2:4. As per this norm, in the state, an academic scenario of 131 colleges should have; 1800 teachers of Professor cadre, 3600 teachers of Assist. Prof. cadre & 7200 teachers of Lecturer cadre.

Table No. 3

Cadre-wise University Approved Faculty.

But, up till now, in a span of 20 years, these colleges could appoint, just; 220 university approved Professors, 680 university approved Assist. Professors & 2700 university approved Lecturers. It is to note that, even though a major ingredient for intellectual excellence of an education system is the quality of teachers 29, these colleges grossly ignored it.

4. Non-Execution of Faculty Development Programme (FDP): Under FDP, AICTE guided the private colleges to undertake professional development of the faculty by sponsoring senior faculty to higher studies & research. To facilitate it's execution, there is a provision (8.1.9) 4 of appointing 10 % additional faculty. Though, as per norms & standards, these colleges need highly qualified faculty, with very few exceptions, most of the private managements are very much reluctant to sponsor 1 the senior faculty for higher studies. As such, there is no meaning in justification of the private managements, that they could not fill the higher posts because of the non-availability of the qualified persons 1. About 900 persons with Ph.D. qualification 29 in various engineering disciplines are available in the state; only 350 out of them are in the teaching profession, to this date.

5. Non-Implementation of Career Advancement Scheme [CAS]:

While notifying 4 th Pay Scales, Career Advancement Scheme 17 was introduced by the AICTE, as one of the measures for improvement of academic standard. But the colleges, as usual, have not responded in a right manner to implement the scheme. All the universities in the state also ignored this issue. The teachers have to remain on the mercy of the managements for their time bound promotions. As a result, since 1990, many teachers are not upgraded to the higher scales. The scheme is included in AICTE's 5 th Pay Notification (7) 8 also. It is to mention here that; The 5 th Pay was made applicable to the engineering teachers vide a GR dtd. 18-12-1999. Revised guidelines regarding CAS, were published by AICTE on 31-07-2001. GR in this regard Was issued by Maharashtra Govt. on 13-03-2002. The rules in this regard were published by the various universities in their Gazettes, in the beginning of the academic session 2002-2003. As such, in completing the

formalities only, a period of 3 years was wasted. It is more disgusting to note that, not a single college has implemented the CAS so far & the teachers are allowed to suffer financially.

6. Non-Implementation of 5 th Pay Scales in Totality:

Though the revised 5 th Pay Scales, as recommended by AICTE, were made applicable to the teachers of engineering & technology vide GR dtd. 18-12-1999, by March-2000, only 10 private colleges implemented the scales. Rest 100 colleges delayed & denied the implementation on the ground of non-revision of fee structure. Instead, fee structure was revised twice, earlier as 'Development Fee' on 16-12-1999 & then as 'Tuition Fee' on 15-05-2000. It is most appropriate to mention here that, Govt. of Maharashtra obliged the private college managements by hiking the tuition fee simultaneously for all four years of the degree course, in order meet the expenses arising out of the retrospective implementation of the 5 th Pay from 01-01-1996. Private managements acting very promptly, collected lakhs of rupees from the students as hiked fee but did not feel necessary to hike teachers payments as per 5 th pay scales. Later on, in the State Legislative Assembly, this issue was raised as LAQ. As a result of this only, the private managements, very unwillingly, started implementing the 5 th pay scales. As on to day also, the picture is not exciting, as the implementation is not done in totality. Out of 131, only 100 colleges have implemented it so far. 50 colleges have implemented it incorrectly, grossly ignoring the payment of full DA & other allowances, appropriate fixation of basic pay, release of regular annual increments and so on. In some colleges, the 5 th pay is implemented on paper only.

7. A Day – Dare Robbery of 5 th Pay Arrears of 55 months:

After notifying 01-01-1996 as the date of implementation of 5 th Pay Scales vide GR dtd. 18-12-1999 and after making a provision to meet out the expenses arising out of the retrospective implementation by hiking the fee simultaneously of all the four years of the course and after allowing the managements to recover lakhs of rupees from the students, the Govt. of Maharashtra, falling to the pressure from so called 'Shikshan Samrats', issued another GR on 4 th October 2000, stating the date of implementation of 5 th pay scales to only the engineering teachers as 01-08-2000 instead of 01-01-1996, on the pretext of paucity of funds with the private managements. ***It is worth to note here that, with the issuance of this wrong GR, the teachers were denied their rightful claim on 5 th pay arrears of 55 months.*** The change in the decision by the Govt. of Maharashtra in the form of this new Black GR has brought about an active interference of some of the ministers in the state cabinet, who are in the managements of most of the private colleges. As such it constitutes an illegal interference in law making process. This act of Govt. of Maharashtra is highly discriminatory. All the employees of the country, all the teachers of other faculties, all the teachers of Govt. engineering colleges and all the non-teaching employees of private engineering colleges, could receive 5 th pay from 01-01-1996 but only the teachers of private unaided engineering colleges could receive it from 01-08-2000. The private managements in collusion with Govt. of Maharashtra profoundly deceived the teachers of unaided engineering colleges. This could well be described as a 'Day – time Robbery', as it involved a

Table No.2: Faculty Status¹.

(Sr. University No)	[Teachers required as per rule (1:13)]	Existing Strength of Teachers:-					Total
		Appr	(Un-Appr)	Con sol	(CHB)		
(1) M.U., Mumbai	[3540]	850	(300)	380	(320)	1850	
(2) P.U., Pune	[3020]	800	(100)	550	(300)	1750	
(3) N.M.U., Jalgaon	[970]	160	(55)	200	(60)	475	
(4) S.U., Kolhapur.	[1275]	450	(35)	230	(55)	770	
(5) B.A.M.U., Aurangabad.	[975]	185	(15)	170	(75)	445	
(6) S.R.T.M.U., Nanded.	[360]	100	(00)	50	(15)	165	
(7) A.U., Amravati	[835]	350	(25)	105	(20)	500	
(8) N.U., Nagpur	[1600]	610	(160)	295	(35)	1100	
(9) Bharati Vidyapeeth, Pune.	[165]	65	(20)	15	(10)	100	
(10) SNDT W.U., Mumbai.	[60]	30	(00)	05	(10)	45	
TOTAL	[12800]	3600	(700)	2000	(900)	7200	
PERCENTAGE	[]	28 %	(5.5 %)	15.5 %	(7 %)	56 %	

Table No. 3
Cadre-wise University Approved Faculty

(Sr. University No)	Teachers required as per rule (1:2:4)				Existing Strength of Teachers			
	(P)	AP	(Lect.)	Total	(P)	AP	(Lect)	Total
(1) MU, Mumbai	(500)	1000	(2000)	3500	(65)	160	(625)	850
(2) PU, Pune	(425)	850	(1725)	3000	(55)	145	(600)	800
(3) NMU, Jalgaon	(140)	280	(560)	980	(05)	25	(130)	160
(4) SU, Kolhapur	(180)	360	(720)	1260	(20)	100	(330)	450
(5) BAMU, A'bad	(140)	280	(560)	980	(05)	30	(150)	185
(6) SRTMU, Nanded	(55)	110	(220)	385	(00)	20	(80)	100
(7) AU, Amravati	(120)	240	(480)	840	(15)	45	(290)	350
(8) NU, Nagpur	(230)	460	(920)	1610	(50)	135	(425)	610
(9) Bharati Vidyapeeth	(20)	45	(100)	165	(03)	15	(47)	65
(10) SNDT Wom. Univ.	(08)	16	(36)	60	(02)	05	(23)	30
TOTAL	(1818)	3641	(7321)	12,780	(220)	(680)	(2700)	3600
PERCENTAGE	()	...	()	(12 %)	19 %	(36 %)	28 %

whole-sum of Rs 300 crores. It needs to mention here that, MFUCTO had filed a Writ Petition in Mumbai High Court, against the private managements & Govt. of Maharashtra, challenging the 4 th October 2000 GR.

8. Financial Exploitation of the Teachers & Employees:

With a very few exceptions, it is disastrous to know that, almost all private managements have adopted a money making attitude & selfish economic tactics at the cost of quality of technical education in the state. After four years to the issuance of 5 th pay GR, managements of about 30 colleges are not paying 5 th pay scales to their teachers & employees. About 120 colleges have not paid so far the 5 th pay arrears to their non-teaching employees. About 25 colleges, in a span of 13 years, have not paid the 4 th pay arrears to their teachers & employees. University approved permanent teachers are not paid full salaries, as per rules. Routine time bound promotions are denied to the permanent faculty. Teachers appointed on contractual basis are paid very meager consolidated salaries. Medical reimbursement & LTC facilities are not initiated in any of the colleges. More than about 100 colleges have not made so far, any provision towards the payment of gratuity & other retirement benefits to their teachers & employees. Many of the colleges have not bothered to pay to Provident Fund to their employees. A pre-planned scam of private managements in collusion with Maharashtra Govt. to rob of the 55 months 5th pay arrears is the top most example of financial exploitation.

9. Huge Building Rents:

MHRD, in the Gazette of Govt. of India, issued the guidelines on 18-03-1997. As per the clause 6.6 & 6.7 of these guidelines, AICTE is directed to ensure that the capital investment does not become a source of profit for the private managements. On this line, the AICTE, in its Circular regarding 'Conditions for Extension of Approval' has notified that, "Institution should not pay any rent / transfer any amount of money / loan to the society or any institution on any account." Even then, the private managements recover lakhs of rupees as annual rent¹ from their colleges, since last 10 to 15 years. The amount transferred, every year, from college account to management account is in the range of 50 lakhs to 1.5 crores. The management is shown as owner of the buildings & entire infrastructure of the college, which is grossly incorrect. The fact is that, the land on which the college is established, has been provided by the Govt., either on lease or concessional rates or free of cost. The money invested in construction of buildings & in providing other infrastructure, has come from the students in the form of tuition fee & development fee. As such, all the college property belongs to the society and it is illegal & very much selfish on the part of the private managements to divert huge amounts from the college accounts as annual rent. It is worth mentioning that, the buildings & the infrastructural facilities provided by majority of the colleges are not as per the norms & standards prescribed by AICTE.

10. Huge Profiteering Business:

As per the norms & standards laid down by AICTE, about 80 % of the total amount collected from the students as fees, should be spent on the salaries & other allowances of the teaching & non-teaching staff. But the fact is that, the colleges spent only 20 % to 50 % amount for this purpose. Inadequate number of permanent faculty, contractual appointments of the teachers in larger number, clock hour basis teachers, nonpayment of full salaries to permanent teachers, not promoting them to higher scales as per CAS, non-appointment of highly qualified teachers on higher posts, non payment of arrears of 4th & 5th pay, nonpayment of regular DA hikes, etc are some of the provisions of profiteering¹. Inadequate infrastructure, inadequate library facilities, poor games & sports facilities, inadequate computer facilities, inadequate workshop facilities, insufficient quality equipments, non modernization of laboratories, poor academic facilities, etc is the another area of profiteering¹ for the managements of most of the colleges. Annual rent of the buildings is the easiest way of profiteering¹. As per the World Bank Report-2000, more than 86 % of the private unaided engineering colleges in the Maharashtra are involved in only profiteering business of education, disgustingly ignoring their role to provide charitable service to the society.

11. Local Managing Committee (LMC):

As per section 85 of the Maharashtra Universities Act, there shall be a separate Local Managing Committee for every affiliated college or Institution. The LMC consists of total 10 members, three of them are teachers' representatives & one represents non-teaching staff. Principal of the college is the member secretary & President of the management is the chairman of this committee.

Remaining four members are from management side. Thus there is a 50-50 % representation for the staff & the management. The members have a term of 5 years. The very purpose to constitute LMC is to provide a democratic system, as per clause 85(5), to involve the teachers & employees in the process of functioning & coordinated development of the Institution. However, in reality, about 80 colleges have not constituted the LMC so far, their managements do not want to provide such a democratic system to the staff unnecessarily. The situation in remaining 50 colleges is more serious. The LMC are constituted, but not allowed to function as per rules. The meetings of LMC are not conducted regularly, as per clause 85 (3). The representatives of staff are not taken in to confidence in decision making, not allowed to express their views, instead insulted & pressurized to keep mum. Minutes of the meeting are not provided, instead the minutes are changed. Decisions taken in the meeting are not implemented & the employees are made a fool. It is disgusting to note here that, University does not take any cognizance about the complaints¹ regarding the malfunctioning of LMC, even after repeated reminders.

12. Lack of Academic Governance:

The Principal of a college is a supreme administrative authority, whose role to drive the college on the path of development & prosperity is most crucial, for she/he has to be a competent leader & a high academician. The managements of private colleges deliberately undo this & the persons not complying with the AICTE norms of qualifications & other competencies are appointed as Incharge Principals, who only profess money making policies of the managements & legalize the illegal things. As such, instead of academic governance, dictatorship is evident. There is no consideration of rules & regulations, norms & standards, various acts and even court orders. There is lack of transparency in administration, Powers are fully centralized. Faculty is deprived of very basic legitimate rights & claims. Grievances of faculty are not attended with positive attitude. Solutions to the problems are not sought. Suggestions are not given any hear & say; instead all the whole delaying tactics are adopted. Ill-practices such as favourism & victimization, divide & rule dominate the administration. Various ways & means are adopted to harass the staff. Most of time, the teachers & employees are put to financial sufferings also. Even service books records are not maintained. The teachers, representing University Senate, Academic Council, etc & the office bearers of teachers associations and the teacher leaders are pressurized not to raise any issue against the college administration & college managements. It is to mention here that, many of such teachers are met to face disciplinary actions, suspensions and even terminations, since 2000 till date. The teachers are harassed by making their transfers from one college to another college, from one university to another university and from Maharashtra to Delhi & Uttar Pradesh. In majority of the colleges, the Principal has become a rubber stamp. He/ She has no dignity & freedom. As like employees, the management people use to stay in the college daily. There is a large-scale interference in routine day-to-day working of the college. It is to know that some of the managements have employed few persons for this purpose.

Majority of the private colleges are facing a lot many court cases¹ on the issues of harassment, financial exploitation and nonobservance of service conditions of their employees.

FAILURE OF REGULATING & CONTROLLING BODIES

1. UNIVERSITY:

I. The crucial role of University begins with the very inception of a college. University has to exercise powers & perform duties to grant permission, affiliation & recognition to the college conferred on it under the section 81, 82 & 83 of the Maharashtra Universities Act.

II. As per section 30 of this Act, the University is imposed to see that, In the college, teaching work is performed neat & smoothly. In the college, quality & standard of the teaching-learning process is maintained. College appoints the teaching & supporting staff in adequate number, as per rules. College observes strictly, the service conditions (Salaries, PF, Gratuity, Leaves, etc.) for the teaching & non-teaching employees. College provides necessary infrastructural facilities such as, well-equipped laboratories, latest equipments, library, hostels, play grounds, etc. Affiliation /extension of affiliation is granted to a college by the University, after confirming the compliance of the conditions, stated above.

III. As per section 36 of this Act, University can execute its powers to carry out a detailed academic audit of a college, at least once in three years.

IV. As per section 90 of this Act, University can exercise its powers to carry out a detailed inspection of a college to see that, College maintains a quality academic administration. College maintains a quality academic standard. College provides necessary infrastructural facilities. College maintains transparency in financial matters. In the college, admissions are made strictly on merit basis. In the college, only prescribed fee is collected.

V. As per the provision, one or more committees can inspect compliance with the conditions of affiliation & recognition by a college at least once in three years. Local Inquiry Committees (LIC) constituted by the University generally visit the colleges for the purpose of inspection. But as far as the point of improvement of quality & standard of education is concerned, such inspections are proved to be least useful on the following grounds; Inspection is carried out very casually & hurriedly, as it becomes a farce. Incharge Principals of private colleges are generally the members of this committee, there fore discrepancies are not recorded. Members of the committee are reluctant to inspect whether college provides all necessary facilities & observes the service conditions of the employees, as per rules. Members avoid conducting the staff meeting & listening their grievances. The report submitted by the committee to the University is not made available to the members of Senate, Academic Council, BOS & even to the next LIC. As such, the discrepancies remain unknown & hence un removed. The private colleges with permanent affiliation are least bothered to improve their academic standard.

VI. As per section 91 of the Act, University can issue show cause notice to the management for non-compliance of the conditions of affiliation on repeated warnings & even de-affiliate the college.

Though all the provisions are provided by this Act for all types of corrective measures to be taken, the Universities have drastically failed to perform their duties in the larger interest of technical education. The only reason is that, majority of the private colleges are owned by the MLA, MP & Ministers and Universities are helpless before their political nuisance.

2. DIRECTORATE OF TECHNICAL EDUCATION (DTE):

Second important regulating & controlling agency is DTE, functioning on behalf of the Govt. of Maharashtra. Various GRs issued from time to time are enforced by DTE. The process of implementation of GRs by the affiliated colleges is also monitored by DTE through its regional offices vide various circulars. The guidelines & circulars from AICTE, the decisions & orders from Hon'ble Chancellor and the Court verdicts on various issues related to technical education are circulated to the affiliated colleges by DTE. Centralized Admissions are also regulated by DTE.

I. As per a circular dtd. 29-09-1995, DTE instructed private colleges to pay as per rules, the salaries & allowances, bonus, LTC, medical re-imburement, PF and retirement benefits. But the private colleges have not taken a serious cognizance of it and the regional offices of DTE have also not taken care to see that colleges follow this order.

II. As per a circular dtd. 16-12-1999, DTE directed private managements to follow rigorously the MHRD guidelines & stop charging building rents. Colleges were instructed to maintain separate accounts of 'Development fee' & 'Tuition fee' and regional offices were asked to check these accounts annually. But neither the managements stopped diverting huge amounts from college accounts as rent nor the regional offices checked these accounts.

III. As per a circular dtd. 31-08-2001, the colleges were instructed to get the appointments of teaching & non-teaching employees approved from DTE. But the colleges did not comply with this order.

IV. On receipt of a number of complaints from the employees of various colleges, DTE realized that, majority of the colleges avoided implementation of 5th pay. In view of this a letter was issued on 07-08-2000 to the colleges, instructing to implement immediately the 5th pay. Even then as much as 100 colleges avoided the implementation. Another letter in this regard was issued on 02-04-2001, asking to furnish the information about the pay scales actually paid. About 60 colleges¹ were not paying 5th pay at that time and as on today about 30 colleges are not paying.

V. The guidelines regarding calculation of teaching load were issued to Govt. Colleges by DTE vide a circular dtd. 25-01-2001. But the same were not issued to private colleges.

VI. The teachers & employees of MIT, Aurangabad sent many letters to DTE, complaining non-payment of salaries, non-appointment of qualified staff including Principal & non-observance of other service conditions as per rules by the college. DTE directed the college management to resolve the issues. But the management has not acted upon & the employees started agitations. DTE personally visited the college, even then issues remain unresolved. Lastly the employees have to approach Aurangabad high court to seek justice.

VII. As per DTE circular dtd. 10-03-2003, the private colleges were directed to appoint qualified Principal on permanent basis. But the colleges did not act accordingly.

VIII. DTE has to respond a public interest litigation in Aurangabad high court on the matter of non-observance of norms & standards framed under AICTE Act and Maharashtra Universities Act.

IX. In the month of April-May 2003, committees constituted by DTE inspected the colleges for the purpose of gradation. These committees were expected to verify thoroughly the availability of teaching faculty, computing facilities, laboratories & equipments, academic performance, library, land & buildings, hostels and the records regarding observation of service conditions. The efficient committees inspected 2 to 3 colleges in a day and there fore could not verify the misleading information provided by the colleges. On the basis of the reports submitted by these committees, DTE notified grades to 75 private colleges on 16-06-2003. As much as 36 colleges were awarded 'A' grade. It is to note that, Out of the 36 colleges, only 15 colleges have qualified university approved permanent Principal¹, 12 colleges have I/C Principal and remaining 9 colleges have unapproved Principal. (six of them are super annuated persons, appointed by the managements.) None of the college has appointed adequate number of the teaching faculty. Percentage of approved faculty is above 80 in just two colleges, between 60 to 80 in six & 40 to 60 in eight colleges. The faculty position in remaining 20 A-Grade colleges is worst, as it is between zero to 40 %

Table No. 4

University Approved Faculty in 'A' Grade Colleges.

It is worth noting that, DTE has avoided printing the grades in Admission Brochure. From the facts illustrated above, there is sufficient scope to state here that, DTE is performing just a job of Post Master & its regional offices as Postmen. DTE is helpless to eliminate the ill-practices adopted by the private colleges. The key persons of the management are in the Govt. & Assembly and poor DTE has to work for them to legalize the illegal affairs.

3. ALL INDIA COUNCIL FOR TECHNICAL EDUCATION (AICTE).

The highest constitutional regulating & controlling body in the field of technical education is the AICTE, formed by the AICTE Act 1987, with the view of proper planning & coordinated development of the technical education system throughout the country, the promotion of qualitative improvement of such education in relation to the planned quantitative growth & the regulation & proper maintenance of norms & standards in the technical education system and for matter connected there with.

As per clause 10(i), chapter-III of the Act, the council has laid down norms & standards for courses, curricula, physical & instructional facilities, staff pattern, staff qualifications, quality instructions, assessment & examinations, on August 1990, December 1995 and March 1999. As per clause 10(u), the council has setup a National Board of Accreditation to periodically conduct evaluation of Technical Institutions or Programmes on the basis of guidelines, norms & standards specified by it and to make recommendation to the council, or the commission or to the other bodies regarding recognition or de-recognition of the institution or the programme Separate regulations / guidelines in respect of the staff qualifications & pay scales etc are notified by the Government of India & AICTE from time to time. In the context of the above, following illustrations are the testimonies to the failure of AICTE.

1. Proper planning & coordinated development:

(a) Out of total 1058 degree level engineering institutions, about 60 % are established in the four states-Maharashtra, Andhra Pradesh, Karnataka & Tamil Nadu and remaining 26 states have shared the balance 40 % institutions. As such, AICTE

is not vigilant about the uniform spread of technical education throughout the country.

(b) As per clause 10(1) 'a' of the Act, AICTE needs to undertake survey in various fields, collect data on all related matters and make forecast of the needed growth & development. In gross violation with this clause, the new colleges & new courses have been sanctioned. In case of sudden IT boom, AICTE has not forecasted the required growth & development in the field of IT. The sudden IT boom was only because of the highly lucrative jobs, in western countries. The IT qualified persons could not get a managerial job in west; they are slightly above the data entry operators. As such, our system could produce cheap labours to cater the needs of western countries. A reverse brain drain has already started from west to India.

(c) As per clause 10(1) 'b' of the Act, AICTE needs to undertake coordinated development of technical education in the country at all levels. But the fact is that there is no coordinated development as such. The State Govts are not aware of what decisions are being taken by AICTE and vice versa. In 2000, the admission process of 1st year BE was halted twice, by the decisions taken by AICTE. When 70 % admissions were over, AICTE gave permission to two more new colleges, reverting the whole admission process. The two new colleges were allotted to stalwart politicians of Maharashtra, namely Sharad Pawar and Patangrao Kadam. When admissions began, AICTE announced 5000 more intakes for IT & computer related courses and whole process was reverted again. The students & their parents were put to shear agony & troubles. The courses like civil, chemical, production, etc were seriously affected and the staff of these courses faced serious problems, even to the extent of terminations.

2. Promotion of qualitative improvement in relation to the planned quantitative growth:

(a) AICTE has not taken any steps so far to force the private colleges to observe its norms & standards with regards to

Table No. 4
University Approved Faculty in 'A'
Grade Colleges.

(Sr. College No)	[Teachers required (13:1)]	University Approved Teachers]	(%)
(1) Fr.CR College of Engg. Bandra, Mumbai.	[85]	05	(06)
(2) Shah & Anchor College of Engg., Mumbai.	[100]	38	(38)
(3) DJ Singhvi College of Engg., Mumbai.	[110]	Zero	(00)
(4) Agnel Fr.CR College of Engg., Vashi NM.	[95]	Zero	(00)
(5) Ramrao Adik Inst. of Tech, Nerul NM.	[140]	35	(25)
(6) Terna College of Engg., Nerul NM.	[95]	17	(18)
(7) KJ Somaiya College of Engg., Mumbai.	[185]	58	(31)
(8) DN Patel College of Engg., Shahada.	[100]	36	(36)
(9) JT Mahajan College of Engg., Faizpur.	[80]	15	(19)
(10) SSBT College of Engg. & Tech. Jalgaon.	[110]	27	(25)
(11) DKTE Text & Engg. Inst; Ichalkaranji	[130]	51	(39)
(12) DY Patil College of Engg & Tech. Kolhapur	[130]	46	(35)
(13) KIT, Gokul Sirgaon, Kolhapur	[115]	40	(35)
(14) RIT, Sakharale, Sangli	[130]	50	(38)
(15) Man. Patel Inst of Engg & Tech. Gondia	[135]	40	(30)
(16) KDK College of Engg, Nagpur	[140]	44	(31)
(17) Sanjivani College of Engg, Kopargaon	[130]	50	(38)
(18) Amrutvahini College of Engg, Sangamner	[115]	40	(35)
(19) DY Patil College of Engg, Akurdi, Pune	[185]	60	(32)
(20) PICT Dhanakwadi Pune	[95]	37	(39)

infrastructure, laboratories & equipments, library, qualified permanent teaching staff, qualified permanent principal, regular supporting staff, faculty development programme, higher posts, pay scales, promotions, academic facilities, hostels, sports facilities and so on. With the lack of all this, how can there be an improvement in the quality?

(b) Without confirming the availability of infrastructure, qualified staff and minimum essential facilities, the IT & computer related courses were sanctioned to as much as 100 colleges out of total 110 in 2000. Can it be called a quantitative growth?

(c) Without evaluating the quality status of the 56 private colleges already established during 1983 to 1990, as much as 75 new colleges were sanctioned from 1991 to 2002. The so called Shikshan Samrats were permitted to start 2 to 5 colleges. Can it be called a planned growth?

3. Regulation & proper maintenance of Norms & Standards:

(a) As per AICTE guidelines, an inspection team should carry out the inspection at least for three days to decide about the recognition to an institution. However in practice, it is seen that the inspection committee visits even three or more institutes in a day. Members of inspection committee are obliged by costly gifts & many more and some how the report is managed.

(b) It is a well-known fact that the private managements are running their colleges on their own terms & conditions. No one bothers about the maintenance of norms & standards. Even then the AICTE has not de recognized any college so far.

(c) There is a sufficient scope to state that the private managements dictate the terms & standards to AICTE. To support this, some of the illustrations are given below. In the Norms & Standards-1990, on page no. 37, under clause 8.0 Staff Norms begins with the sentence "About 80 % of the recurring expenditure of engineering colleges are on staff salaries." This specific sentence did not appear in Norms & Standards-1995 & 1999. In the notification dtd. 03-05-2000, under clause 10 workload, there is a sentence, "two tutorial hours / two laboratory hours will be counted as one teaching hour." The teachers throughout the country raised their angry voice and then only the meaning of this sentence was changed vide a Corrigendum dtd. 17-08-2001. In the same notification, under clause 5 Recruitment, it is stated that "However, temporary vacancies at the level of lecturers may be filled through campus selection on contractual basis. These selections may be subject to the following conditions: (a) There will be no relaxation of the prescribed educational qualifications, experience etc. (b) The person appointed temporarily may not be continued beyond a period of one year." The shrewd managements derived the meaning of contract as consolidated salary. There is no relaxation in qualification, how can there be any relaxation in salary? Even after repeated requests, AICTE is silent on this issue and managements are exploiting the youngsters.

(d) Bharati Vidyapeeth College of Engineering Pune, managed by the Industry Minister Dr. Patangrao Kadam, was awarded the status of Deemed University in 2000-2001. How could it get this status when the teaching faculty was not in adequate number, service conditions were not observed & even the 5th pay was not implemented?

(e) Maharashtra Govt., after issuing 5th pay GR on 18-12-99, issued another GR on 04-10-2000 changing the date of implementation from 01-01-1996 to 01-08-2000. The gross injustice done with the teachers of engineering faculty was brought to the notice of AICTE by ISTE, SLWC & MFUCTO through several representations, resolutions & complaints. But the AICTE kept mum.

(f) As per a public notice dtd. 09-09-2002 by AICTE, few complaints regarding malfunctioning of colleges, non-implementation of CAS, etc were registered with AICTE by SLWC. As per the reply from Chairman AICTE, the malpractice cell of AICTE was asked to respond to these complaints. But in a period of eight months, there is no communication from this cell. With this method of functioning, our apex body is running the show. How could there be any maintenance & regulation of norms & standards with the today's incompetent machinery?

4. Commercialization of Technical Education:

Section 10(1) 'n' of the Act assigns the function of taking all necessary steps to prevent commercialization of technical education.

No one can deny that running a technical education institution has become an effortless business now a day. Some of the facts in this context are as under.

(a) There was 10 % management quota during the period 1983-1992 & the managements grossly exploited this particular provision, by accepting heavy amounts from the students.

(b) A provision of 5 % NRI quota was introduced from 1993 and the managements were permitted to admit RI students on account of non-availability of the NRI students. Managements have exploited this particular provision also, as majority of the colleges could not get NRI and these seats were sold to financially sound RI.

(c) Govt. of Maharashtra, in 2000, all of a sudden raised this quota to 15 %. The matter was moved to Mumbai High Court. The Hon'ble Court in its verdict said that, " why don't Govt. allow an auction of the seats instead of cheating the people by way of increasing NRI quota."

(d) NDTV, on 02-07-2003, exposed the bare facts in its 'Education Bazaar' programme. In the college of Ramrao Adik, former Deputy Chief Minister, an engineering seat was sold for Rs 10 lakhs. In the college of Dr. Padamsing Patil, Minister, a medical seat was auctioned for Rs 27 to 35 lakhs & all the seats of the academic year 2003-04 & also of 2004-05 were already sold in the medical college of Industries Minister Dr. Patangrao Kadam. The people all over country & abroad have witnessed this black business of education. Government, on the very next day, announced to set up an inquiry committee. But no such committee has come in to existence so far.

As such cent percent commercialization of the professional education has resulted.

5. National Board of Accreditation (NBA):

NBA team of AICTE has carried out so far, the evaluation of about 14 private colleges. The courses run by these colleges were awarded the grades-A, B & C. But the fact remains that, most of the colleges, where the courses were accredited & awarded higher grades, do not have adequate number of approved qualified staff and their service conditions are not observed as per the norms & standards. As such the grading done by AICTE appears to be dubious. And now lately, as a change in its strategy, discontinued to award the grades to the courses for the reasons unknown.

AICTE has miserably failed in proper planning & coordinated development, in promoting qualitative improvement and in regulating & maintaining the norms & standards in technical education system. "AICTE has made a mockery of technical education system in India," "AICTE has created more mess than proper maintenance of norms & standards in technical education system, "these are some of the remarks passed by various Hon'ble Courts all over the country. AICTE has done more harm than any good to the technical education system.

UNIVERSITY GRANTS COMMISSION

Bahadur Shah Zafar Marg, New Delhi -110 002

F.2-3/2000 (PS) October 9, 2003

The Principal Secretary

Higher Education (C) Department,
Government of Kerala Secretariat,
Thiruvananthapuram- 695 001

Sub : Clarification regarding Career Advancement Scheme - Regarding

Sir,

With reference to your letter No. 31469/C3/2002/H.Edn. dated 30-1-2003 on the subject cited above. I am directed to inform you that as per clause 7.8.0 of UGC Notification No.F3-1/ 94 (PS) dated 24-12-1998 the Lecturers who got promotion/ placement as Lecturer (Senior scale) after completion of 8 years service, are eligible for promotion as Lecturer-(Selection grade) on completing of total 11 year service i.e., without completing 5 years service as Lecturer (senior scale).

Yours faithfully,
Sd/- Dr.(Mrs.) H.K. Chauhan
Senior Research Officer

AICTE being the topmost regulating & controlling authority, its failure has counted heavily on the quality of the technical education system and its survival.

ILL-EFFECTS ON TECHNICAL EDUCATION SYSTEM

Meritorious students get admissions to Govt. Engineering Colleges and Regional or National Institutes. Private Unaided Colleges receive intake of mostly average academia students. Hence these colleges should have followed a mechanism to transform these average students to quality engineering graduates to serve the nation & society to prosperity. Instead the Private Managements, in collusion with Apex Agencies & Governments, have put the technical education system in a disastrous situation. Some of the major ill effects of this unworthy situation on the technical education system are illustrated below.

1. Collapse of the academic standards:

On account of the scarcity of qualified teachers, inadequate laboratory & library facilities, etc, the students are put to considerable academic loss. The syllabi are finished off with the help of contractual & hourly basis teachers and due importance is not given to the tutorials & practical, which are the key factors in engineering education. All this has made a mockery of teaching - learning process in true sense in the private colleges.

2. Lack of academic environment & work culture:

For the effective teaching-learning process, a good academic environment & positive work culture need to be established in the colleges. Instead, a large-scale exploitation of the teachers & employees and also of the students & their parents is going on in these institutes. As a result, the students do not get quality education and teachers are far away from the job satisfaction & surety. Under such circumstances, how can there be any academic environment & work culture?

3. Substandard Engineering Graduates & devaluation of Engineering Degrees:

In lack of effective teaching-learning process and academic environment & work culture, private colleges have failed to provide quality technical education to their pupils. This has resulted in the formation of substandard engineering graduates and thereby devaluation of engineering degrees which were considered eminent only a few years ago.

4. Unattractive teaching profession:

Due to lack of job satisfaction & surety and also large-scale financial exploitation & damaging impact on self-respect, the senior experienced permanent teachers are leaving the private colleges & joining Govt. jobs of lesser cadre & payment. And talented engineers do not opt to engage the employment with such colleges. This has a long lasting adverse impact on technical education scenario and perhaps the irreparable loss to the system.

5. A lot many court cases:

Due to large-scale malfunctioning by private colleges and failure of regulating & controlling agencies to curb these malpractices, a large-scale exploitation & injustice has been done with the students, parents, teachers, employees & the whole society. As such, a number of court cases against the private managements, apex agencies & even the governments has drastically increased in the recent years.

6. Way to more Corruption & Dark future:

The colleges are supposed to look after the total personality development of their students. The students, exploited financially by various ways & means during their four years stay in these colleges that too for substandard technical education, will definitely have an anti thinking towards the whole system. Such citizens will least bother about the social obligations and may adopt corrupt practices for their education cost recovery¹⁹. As such financial exploitation of the larger society is evident.

7. Widening of Disparities & Social Tensions :

The Technical Education in private non-grant colleges has become a costly affair²⁰. A student has to pay a huge course fee as high as Rs.50,000/- per year. As such the technical education has become the preserve of the richer section of the society. The last two decades have witnessed increased socio-economic stratification & greater difference in educational opportunities within the country.

8. Weak Reputation in World Education Market :

As per the Mckinsey Report on World Education²², India's share of global in bound education market is a meager 0.5% & declining. Indian Institutions have failed to attract foreign students. Declining standards of higher education is the main cause for poor international response. The factors such as regulatory and bureaucratic hurdles inadequate infrastructure, low market

linkages and lack brand equality in foreign market, weak reputation, complicated paper based admissions, improper academic governance & lack of clear administrative guidelines, poor quality residential and transport facilities, poor financial assistance, ineffective career placement cells, no participation from industries in education, low practical relevance of courses, out dated courses, lack of global recognition for Indian Universities and so on, have developed a sort of general apathy amongst the foreign students towards the Indian Institutions of higher learning. The agony is that, the efforts are not being taken at any level to improve the situation.

SUGGESTIONS & CORRECTIVE MEASURES

In last two decades, the field of engineering education has witnessed a collapse in its standards & in its present spoiled frame, it is not in position to meet the challenges and avail the opportunities posed by 21st century. Hence it is the need of hour to restructure²⁰ the technical education system thoughtfully. The renaissance of the system could be done on the following grounds.

Managements & their Colleges.

1. It is suggested to the managements to stop immediately this profiteering business and impart the education as a charitable service to the society. Managements should understand that, the funding to their colleges comes from society in the form of fees and hence they have no moral right to exploit the students, teachers & society at large.

2. Managements should understand that, there is a need of enhancement and preservation of quality in teaching, improved staff development skills based on training & research.

3. Colleges should understand that, each technical institution must define its mission according to the needs of society, based on the awareness that, technical education is essential for any country or any region to reach the necessary level of sustainable & environmentally sound economic & social development. These missions should incorporate the concept of academic freedom set out in the recommendations concerning the status of teaching community.

4. Colleges & their managements should understand that, more applied research for sustainable development in the field of science & technology is the need of the hour. More skilled manpower & infrastructure of international standard must be made available for this purpose.

Regulating & Controlling Agencies:

1. The regulating & controlling authorities must ensure the regulation & proper maintenance of norms & standards, observance of AICTE Act & Maharashtra Universities Act, implementation of Govt. Resolutions and adoption of standing instructions & directions enforced vide various circulars, notifications, guidelines, etc. They must execute an absolute control on the functioning of colleges. A mechanism must be evolved to monitor the colleges. A stringent action must be initiated against those colleges, which violate the rules.

2. The authorities must make public, the name of officer / bureaucrat / teacher, whose involvement in some sort of malpractice is proved & strong action must be taken against him.

3. The authorities must ensure that, exploitation of students, employees, teachers & society is totally stopped. The staff members must be paid as per rules & their service conditions

are strictly observed. An only prescribed fee is collected from the students & all the facilities are provided to them as per the norms & standards.

4. The authorities should understand that, the complaints registered need to be attended immediately & appropriate solution sought at the earliest.

5. The authorities should understand that, they should possess a social vision & accountability. There should be a transparency & flexibility in their functioning.

6. The authorities should understand that, their manpower is competent & dedicated.

7. Universities should immediately stop awarding the permanent affiliation to private colleges. A thorough academic audit of the colleges those are awarded with permanent affiliation should be carried out and stringent action must be initiated against the colleges those have not bothered to maintain & improve the standard of technical education.

Policy reforms:

1. A statewide survey on malfunctioning of the colleges must be undertaken immediately to prevent further damage to the technical education system.

2. An independent committee headed by a retired Judge of High Court should do a detailed audit of all private colleges and their managements / trusts. The report should be made public & strong action must be taken against the defaulters.

3. A code of conduct is necessary for all the components of technical education system. There is a need of performance appraisal of authorities by various components of the system.

4. AICTE must ensure a properly planned quantitative growth & coordinated qualitative improvement of the technical education system.

5. AICTE must immediately stop discriminating private colleges from Govt / Aided colleges. There is absolutely no need to notify the same matter twice, first in the name of Govt. colleges & then in the name of private colleges.

6. AICTE must immediately stop referring private colleges as 'Self financed'. The colleges are financed by the society, as such must be referred as 'Public financed private colleges'.

7. The parents & teachers must be given more legal powers in governing these colleges. The parent-teacher committees must be established & their approval must be made mandatory to the college appropriations.

8. Innovation, inter-disciplinary & trans-disciplinary approach must be ensured. The potential & challenges of technology should be fully explored.

9. As like software technology, new branches such as biotechnology, material technology, etc are emerging up. A proper growth plan must be prepared & implemented, so that economy of the nation is enhanced.

10. There is a need of restructuring of curricula to have more relevant courses. There should be an early industrial exposure & more industry-institute interaction.

This is 21st century-Vision & Action. The whole focus must be diverted on good governance to establish an academic environment & work culture in the colleges, to make teaching-learning much effective & sound, so that colleges could produce global engineers, who can successfully solve the problems of global society and meet & master the challenges & opportunities of the 21st century.

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ALL INDIA FEDERATION OF UNIVERSITY & COLLEGE. TEACHERS' ORGANIZATIONS

A CRITICAL NOTE PREPARED BY AIFUCTO

on the

UGC document circulated to all UNIVERSITY VICE CHANCELLORS entitled

TOWARDS FORMULATION OF MODEL ACT FOR UNIVERSITIES
OF THE 21ST CENTURY IN INDIA

- A Concept Paper

1. INTRODUCTION:

1.1 The UGC has now come out with a Concept Paper and a questionnaire for the formulation of a 'Model Act for the Universities of the 21st century in India'. This has already generated in the academic circles much critical discussion, not so much on the need for such an exercise but for the manner in which the exercise has been commenced and pursued and also for the hidden agenda that lies behind this unholy exercise.

1.2 The recent exercise already undertaken or being undertaken by the University Grants Commission (UGC) appears to be aimed at hurriedly bringing into existence a Model Act for all Universities in the country. This approach smacks of an democratic attempt to foist a new legislation on the students, parents and the academic community in the country with objectives and vision that are dangerous to the very survival of liberal, democratic, secular and scientific higher education that has been laid out in the last more than fifty years after India attained its Independence in 1947. It is an admitted fact that this sector of higher education has served this country admirably well. In fact, while India's dependence on the outside world in every sector has increased, Education sector has not only not come to depend on imports from the outside world but it has contributed internationally and continues to do so. This is reflected by the fact that India has achieved the distinction of being a country with the largest stock of the scientific class in the World.

1.3 The AIFUCTO does not wish to suggest that there is no need to introduce changes in the legal structure of the Universities. The academic community, has never been averse at all to changes being effected to the legal structure in the form of amendments to the existing University Acts, nor would the Organization be opposed to a new Act being enacted to serve as 'model' for the Universities in the country. But what has disturbed the academic community is the manner in which such an attempt is being made. viz., secretly - by a closed-door approach, not taking into confidence the different sections of people for whom the new Law is to be enacted. In a democratic society it is admitted that means should be treated as important as, if not more important than, the ends themselves.

1.4 It is well known that the different affiliates of the AIFUCTO have been taking up the cause of amendment of the existing University Acts with the respective State Governments and also with the Center. But the objects behind such demand have been, firstly to ensure democratic governance of the Universities and the Colleges affiliated to them with teachers, students and the society at large being assigned responsible roles; secondly, to ensure autonomy of the Universities more particularly in three specified areas, viz. Academic, Financial and Administrative so that the Universities would be able to

pursue freely and fearlessly its avowed national and international goals without external controls; and thirdly, for ensuring that greater uniformity is established throughout the country at the university-level education than existing at present while at the same time not forgetting the diverse conditions that prevail both geographically and historically; and finally, to ensure research of a fundamental nature and to encourage the pursuit of scholarship and research in Natural as well as Social Sciences, languages and humanities by young talented students, teachers and scholars who have a larger than life stake in the system.

1.5 The AIFUCTO would want a Model Act which would enable the Universities to carve out a philosophy of life, in choosing values and ideals to pursue, in creating and disassimilating knowledge, in inculcating a scientific temper in the young minds and working towards service to all mankind through education. In a sense in assisting to bring the youth of this country into the mainstream of our economic, social political and cultural life.

2. THE DANGEROUS PORTENTS

UGC appears to be in a hurry to formulate the Model Act to, what it calls, 'help reorient the governance, organization and management of Indian Universities in tune with certain developments in the world. The real objective however is ensure a movement towards 'the back-door implementation of the Ambani-Birla recommendations' that, after detailed study and deliberations, has received the severest condemnation of the academic as well as the intellectual community in the country. This will unfold system of marketing of education in the name of employment-orientation that will come to place emphasis more on Computer and IT Education and down-play the conventional fundamental subjects, social sciences, humanities and languages.

2.2 The UGC while it talks of changing the emphasis from the present teacher centred system to a learner-centred system, appears to be in a hurry to formulate the Model Act, and conveniently skips over both the teacher and the student. Neither of the two categories that would be the target of the new legislation is being taken into confidence. The attempt is to more the views of the academic community in the making of the new law.

2.3 The new initiative would create a new dispensation which is clearly opposed to democratic governance of the Universities. Elective process which needs to be strengthened in the democratic governance of the University is to be replaced by nominations of persons into the various bodies. History is replete with examples of dangerous sycophancy bring given birth to and strengthened whenever and wherever elective system has been replaced by nominations at the 'pleasure' of the

Chancellors and Vice Chancellors. The height of this trend would be seen in the constitution of Academic and other University Bodies which will have nonacademic, bureaucratic "yes, sir" persons holding membership. The process is being rushed through to establish a structure in which the University governance will be 'Management through Fear'. Dictatorial trends will replace debates, deliberations and consent.

2.4 Though the new initiative talks of learner centred system, students are nowhere in the governance of the Universities. Nominations replace elective system and it would let loose a system of university governance that will be 'Management through Favours for those who fall in line and Disfavours for those who do not'.

2.5 The new initiative by the use of the slogan 'from teacher centre to learner centre' would work to create a legal framework in which the Universities would be enabled to move from Formal Education to Distance Education in the name of revolution in educational technology and communication.

2.6 The new exercise as revealed by the vision and objects as also by the framing of the Questionnaire, would be an easy way-out to legalize the Private Universities, Foreign Universities, Franchising of Education and creating virtual universities by the use of laptop. The Universities as stated in the document will have no boundaries or limit of jurisdiction. The mushrooming of the private universities in the country which, housed in one or two-rooms without any infrastructure, will get legal sanction to the detriment of higher education.

2.7 The new legislation will provide an easy avenue to the State to pursue its policy more freely of abdicating its responsibilities by withdrawing from funding of Education. While saving and strengthening of public funded education is the need of the hour in a poor country such as India is, the UGC has taken withdrawal of State funding of education as a fait accompli. Self financing courses which have become the bane of the new education system, will replace the State-aided education. This will throw the system into marketization of education with a price tag for different courses. The new philosophy that will automatically emerge will be: 'There is no need for the poor who cannot afford to pay the price to pursue that line of education'. While the UNESCO has been causing for Massification of Higher Education to prepare human being to face the challenges of the twenty-first century globe, India will be languishing with a system that will marketize and commodify education.

2.8 Commercialization and Corporatization of education is being clearly suggested in the name of resource mobilization. The special innovative provision for the eligibility and qualification to become Pro-Vice Chancellor in the Universities, viz., 'Senior academic with knowledge/experience in business/finance, to take charge of resources generation and related aspects', is indicative of the nature of the 'academicians' that will be sought after for the PVC's post. While there is need to link education to the outside world more particularly to the industry to provide new exposure to the students and teachers to new areas for research and development, seeking to achieve this through Commercialization and Corporatization of Education would have disastrous consequences to the nation. In the recent Supreme Court judgment in T.M.A. Pali case, the apex court had ruled that historically looking, in India education has never been considered a commercial vocation or a profit generating activity though a 'reasonable surplus' would not be unjustified. The new initiative of the UGC would change the situation totally and permit educational institutions, even the Universities, to pursue education as a commercial activity and even permit the corporate to enter the area of operation. The phrases used in the UGC document, . 'stake-holders', 'leadership role' etc., in education, are the corporate terminologies which the UGC has begun to borrow for the changing scenario that is envisioned by the UGC.

2.9 Education as a public good will be converted into education as a non-merit good.

2.10 The UGC has set out the objects which fall under two categories: Academic and Managerial. Academic objectives stress the application of information and Communication Technologies (ICT) for development of human capital and re-orient higher education in tune with the current developments in technology. No one denies the importance of this aspect. However, it is the Managerial objectives which cover, among others, coping with the challenges of globalization and withdrawal of the State from funding Higher Education, that is hurting' What type of globalization? The one that the World Bank, IMF and the WTO has unleashed through their diktats in the last 20 years to force the third world into meek submission to a process of recolonization? The new initiative of the UGC does talk of other vital questions such as size, access, equity, relevance, quality and resource constraints which dominate the working of the Universities but the strategies for overcoming them have not been even remotely spelt out, much less with conceptual clarity.

3. SHOCKINGLY HASTY APPROACH

3.1 The UGC which is known for adopting delaying tactics in its administrative functioning, has suddenly developed the 'electronic speed'. Simply putting in the Website and Sending copies to the Vice Chancellors and State Governments, with a deadline till 1st December 2003 for response to the Questionnaire specially drafted to suit the speedy need of the hour, the UGC has made its intentions clear and loud. The Questionnaire specially drafted to get response to questions by easy 'yes/no' answers, is an ingenious way of manufacturing consent for this secretly rushed through exercise that will seal the fate of the University Education in India for the large sections of the aspiring young minds, boys and girls, forward and backward classes.

3.2 In enunciating a new Model Act for the Universities of the Twenty-First Century which will have far-reaching effect on the Community for a long time to come, the UGC must exercise the caution. The experience of the past shows that any Policy perspective enunciated by the UGC is bound to have immense impact in shaping the entire agenda for higher education in the country. The new move by the UGC is fraught with dangerous portents and will have grave consequences. At this crucial stage when changes are taking place the world over in the arena of education, UGC has an important role to play, viz., to act as the catalyst. It is not the first time that a Model Act is being attempted to be formulated. 'the first ever attempt was made in 1964 that resulted in the formulation of the Model Act for Universities under what is known as the Kothari Commission. Thereafter the Gajendragadkar Committee Report paved the way for further widening the scope of democratic governance of the Universities.

3.3 In every new legislation, the caution suggested in Political Science is: 'Stop, Don't rush'. The UGC therefore must call for response from the widest Possible stream of the academic class and the intellectuals and thereafter hold brainstorming deliberations through State level and National level Seminars. The intellectuals have to play the role of leadership in thought and taking away this crucial role from them and positing this role on other sections of the society, will do more harm than good.

3.4 It is the considered opinion of the AIFUCTO which is the representative democratic organization of nearly 31/2 lakh teachers in the Universities and colleges in the country, that the UGC must take into confidence the AIFUCTO and hold detailed deliberations on each and every aspect of UGC's new initiative.

Submitted on behalf of the AIFUCTO.

MODEL ACT FOR UNIVERSITIES

AMBANI-BIRLA REPORT IN ACTION

Thomas Joseph Secretary,

AIFUCTO

The UGC has come out with a concept paper and a questionnaire for the formulation of a 'Model Act for the Universities of the Twenty First Century in India'. The paper has been prepared by an expert committee appointed for the purpose in June this year. The questionnaire based on the concept paper has now been sent to all State Governments and Universities for their responses. The deadline for submitting the response is 15th December, 2003.

EARLIER ATTEMPTS

It is not the first time that an attempt is being made to formulate a Model Act for all the Universities in India. The first attempt was made in 1964 which resulted in the formulation of the 'Model Act for Universities' (D.S. Kothari), which has provided the basic framework for most University Acts in the country. This was followed by the Gajendragadkar Committee's 'Report on the Governance of Universities and Colleges' (1971) and the Gnanam Committee's Report 'Towards New Educational Management' (1990). None of these had any statutory force as no Model Act was passed by the Parliament on the basis of the recommendations of the commissions and committees. Yet they set the tune for legislation for the Central and State Universities. The democratic organization of the governance system prevailing in most of the Universities in the country owe their origin to the Model Act framed by Kothari. It was Gajendragadkar report that widened the scope of the democratic functioning of the universities by recommending the inclusion of student representatives in the governing bodies. The reactionary recommendation of Gnanam Committee on depoliticization of the campus continues to dominate the official thinking on reforms in higher Education in the experience of the past shows that any policy perspective authorized by the UGC is bound to have immense impact in shaping the agenda for Higher Education in the country. This implies that the new move by UGC to reformulate the Model Act is fraught with grave consequences. It is against this background that the new initiative of the UGC has to be evaluated.

The New Initiative

The UGC appears to be in a hurry to formulate the Model Act which would help reorient the governance, organization and management of Indian Universities in tune with the following developments, as stated in the Chairman's letter to the Vice Chancellors and State Secretaries in charge of Higher Education:

- 1) Advances in Information and Communication Technologies (ICT) and their deep penetration in the higher/education sector,
- 2) Increasing need for the development of a healthy, skilled and agile intellectual human force with facilities for life long learning;
- 3) Generation of new employment opportunities in a variety of subject areas and the expanding competitive environment;
- 4) Globalization of Higher Education and entry of foreign Universities in the country to be partners of local institutions or to establish independent campuses;
- 5) Steady decline in the financial support available from the Government, both at the Central and the State levels.

The objects of the new initiative as stated above fall into two categories: academic and managerial. The academic objectives stress the application of ICT for the development of human capital, which reflect the need to reorient Higher education in tune with the current developments in technology. The managerial objectives such as the generation of a variety of employment opportunities, coping with the challenges of globalization and state withdrawal from funding Higher Education need to be discussed in detail, especially in regard to the policy perspectives and strategies for confronting such developments. It needs to be clarified as to whether the approach should be accommodative or combative. Unfortunately the concept paper lacks clarity on these vital questions. Though major issues like size, access, equity, relevance, quality and resource constraints which dominate the working of

Indian Universities have been identified, the strategies for overcoming them have not been spelt out with conceptual clarity.

Commercialization and Corporatization

In regard to the statement of goals, the concept paper confines itself to the following platitudes which carefully eschew questions which require choices:

- 1) Creation, Preservation and Dissemination of knowledge and attainment of excellence in different disciplines;
- 2) Smooth transition from the earlier teacher-centric focus to the required learner-centric educational processes and activities;
- 3) Performing all the functions of interest to its major constituents like faculty, staff, students and society to reach a leadership position;
- 4) Developing a sense of ethos in the University community, making it conscious of its obligations to the society and the nation;
- 5) Accepting the challenges of globalization to offer high quality education and other services in a competitive manner

However it is not difficult to read the commercial orientation of the conceptual framework at different points in the text. The concept paper approves of the new trends that favour commercialization and corporatization of the Universities and lament that they are too slow in picking up in India. To quote,

"More recently, with many additional functions being taken up by Universities, two new cultures have now come up, viz., commercial culture and corporate culture. The former culture is useful to support activities like continuing education, testing and consultancy, distance education and publication/distribution of course material, which are important for revenue generation and time bound work. On the other hand, the latter culture emphasizes the leadership role provided by senior academics/officials and the top down planning and monitoring practices which may be introduced by them in the functioning of the University. However, such a mixed culture and its possible benefits have yet to be well accepted in the Indian University system".

The concept paper regards the withdrawal of the Government from funding as a fait accompli. The message is that the Universities should become self sufficient by raising funds from multiple sources. The paper says that financial and physical resources have to be generated from various sources, like Central/State Governments, Non-Governmental Organizations, International Funding Agencies, Philanthropists and other donors, by (1) Evolving and pursuing innovative strategies and methods; (2) Offering developmental and educational services for a wide range of clients; (3) Setting up of a Company/Registered Society for revenue generation activities; (4) Forming consortia with other institutions; (5) Associating/collaborating with the Private Sector.

The "Guidelines for Formulating the Model Act" are more explicit. One of the important objects for the revision of the existing Acts of the Universities is to provide for the "conduct a number of additional functions, as and when needed, including the mobilization of financial resources to become self sufficient". Lucrative areas for the generation of revenue necessary for achieving self-sufficiency have also been identified. The future Universities should have the whole world before them for revenue generation. Information Technology has provided the technological base. Only legislation imposing jurisdictional limits have to be lifted. The Guidelines assert as follows: "Jurisdiction: Not relevant any more, due to the influence of ICT on education, which has no borders". The Guidelines insist that University Acts should provide for opening up "networked Learning Centres distributed all over the country and even abroad". Two important areas specially earmarked for fund generation are consultancy and continuing education. "Continuing Education on a regular basis, covering formal, non-formal and informal modes, by making use of modern technologies like audio/ video/broadcast /internet/ intranet/multimedia, if required, for its faculty/staff, academics from other institutions, Government officials, professionals, lay public and other national/international clients in its various branches,

at the : (1) Schools/Departments, (2) Constituent/Autonomous / Affiliated Colleges; (3) Net worked Learning Centres, having no jurisdictional limits". And who will look after the commercial interests in the University administration? The Pro-Vice Chancellor, of course. The Guidelines provide that the Pro Vice Chancellor should be a "senior academic with knowledge/ experience of business/ finance, to take charge of resource generation and related aspects (particularly important in the present context of diminishing financial support from the Government)". The business of quality assurance and certification will be taken care of by NAAC/NBA.

The questionnaire provided with Yes/No options for response are worded in such a way as to manufacture consent, without providing room for expression of multiple views on vital questions. The questions are so banal that they can only produce stock responses. The questions relating to "Vision" will illustrate the point. Following are the questions (1) Is it necessary to include this in a Model act? (2) If "yes" (a) why is it that this is not found in the Acts of most Indian Universities? (b) Should this include goals of the University like (1) National/international visibility/ leadership? (2) Reputation for creativity / innovation? (3) Attraction for talented faculty/students? (4) Earning confidence and respect of society? (5) National aspirations for becoming a Knowledge Super Power? (6) Any other? The objective is not to hold any meaningful dialogue, but only to create a false impression of consultation and consensus. It is no wonder that both teachers' and students' organizations are not invited for any deliberations in this regard.

GATS & Globalization

The UGC formulation is intended to overhaul the Indian Higher Education System to suit the requirements of the General Agreement on Trade in Services (GATS) which is currently being negotiated under the auspices of the World Trade Organization (WTO). Education, especially Higher Education, is one of the services that will be opened up for international trade through GATS. As per the current schedule, the negotiations have to be concluded by January, 2005. This implies that the legal and organizational impediments that act as barriers to trade in higher education have to be removed at the earliest to conform to the GATS schedule. Hence the hurry.

The policy framework for reorientation of Indian Higher Education in tune with the requirements of GATS was provided by the Ambani-Birla Report submitted to the Prime Ministers' Council on Trade and Industry in April 2000. The report had recommended the market orientation of the content and structure of higher education. It had recommended that the universities should take the path of self-sufficiency through higher student fees, donations and endowments, alumni contributions, linkages with corporate establishments for research, royalties on books and research output etc. It had called for the marginalization of the Government role in higher education through privatization of the system. It had prescribed foreign direct investment in India and Indian investment abroad. The message was that Government should withdraw from financing and controlling higher education institutions, leaving it to Indian and global corporate houses to finance higher education and external agencies to ensure quality control through a process of assessment and accreditation.

What are the implications of the model Act for the future of Indian Higher Education? The concept of Education as "public good", a service not to be traded, which is part of the traditional ethos of the nation and incorporated in the principle of equity that governs the constitution of the people, will become operationally dysfunctional. The process of the Government withdrawal from funding will be accelerated till it reaches the level of zero subsidies. The decentralization of decision making will upset national planning in Higher Education. This will ultimately pave the way for commercialization and corporatization of the content and structure of Higher Education. Education, especially Higher Education, will become so dear that access would become more and more restricted. Not only individuals, but the nation as a whole will suffer as development in a knowledge driven world is increasingly becoming contingent on the acquisition and use of higher knowledge and skills. The UGC will have little role under the new dispensation either as a funding agency or as an apex authority for maintenance of standards. The UGC's current exercise in framing a "Model Act for the Universities of the Twenty first Century in India" is part of a well designed strategy to destabilize the apex body in Higher Education from within, with the ulterior objective of undermining national level formulation and implementation of policies in Higher Education.

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present

THE HONORABLE MR. JUSTICE E. BALAKRISHNAN NAIR

Friday the 20th day of June, 2003

OP No. 21953/2002

PETITIONER:....Dr. N. Madhavan Namboothiri, Aged 60 years, S/o M. Narayanan Namboothiri, (Late), Rtd., Selection Grade Lecturer (Malayalam), Now residing at C/o. Punnasseril Iyam, Kalpaka Street, Mele Pattambi, Pattambi, Palakkad Dist.

By Advs. Sri Dinesh P.T., Susmitha P. Mallaya, Noor Muhammed

RESPONDENTS:1. State of Kerala, Rep. by Principal Secretary to Govt. Higher Education Department, Govt. Secretariat, Thiruvananthapuram

2. University Grants Commission, Rep. by Secretary, University Grants Commission, Bahadursha Zafarmarg, New Delhi- 110 002.

3. Union of India, Represented by Secretary, Ministry of Human Resources Development (Department of Education), 81, Lodhi Estate, New Delhi- 3

4. The Accountant General (A&E), Thiruvananthapuram

5. The Director of Collegiate Education, Vikas Bhavan, Thiruvananthapuram

Govt. Pleader Sri P. Nandakumar.

This Original Petition having been finally heard on 20-06-2003, the court on the same day delivered the following :

ORDER ON CMP NOS. 37653/2002 IN OP. NO. 21953/2002

DISMISSED

20-6-2003 SD/- K.BALAKRISHNAN NAIR, JUDGE

APPENDIX

Petitioner's Exhibites:

Ext. : P1 : Copy of the letter No. F.1-22/97-U1 dated 27-7-1998 from the Director, Ministry of Human Resources Department..

Ext. : P2 : Copy of the relevant part of letter No. F.1-22/97-U1 dated 27-7-1998 regarding the pay scales and incentives of college teachers.

Ext. : P3 : Copy of the relevant part of the consolidated statement published by the R3 regarding the pay scales and incentives for Ph.D. holders.

Ext. : P4 : Copy of the letter No. F.3-1/94(PS) dated 24-12-1998 from the Secretary.

Ext. : P5 : Copy of the relevant part of GO P No. 171/99 H.Edn. dated 21-12-99.

Ext. : P6 : Copy of the letter no. D. IX-2/27159/78. Ma 16 from the Controller of Examinations.

Ext. : P7 : Copy of the Ph.D. degree certificate awarded by the University of Calicut to the petitioner.

Ext. : P8 : Copy of the letter No. 5-2/99 (PS) from the Secretary, University Grant Commission to the Higher Education Secretary, Govt. of Kerala.

Ext. : P9 : Copy of GO P No. 44/2001/ H.Edn. dated 29.3.2001

Ext. : P10 : Copy of the second representation dated 22.5.2002 to R1.

Ext. : P11 : Copy of the order No. F.5-3/2001 (PS) dated 31-8-2001 from UGC.

- True Copy -

K. BALAKRISHNAN NAIR J.

O.P. NO. 21953 OF 2002 -L

Judgement

The point raised by the petitioner herein is covered in his favour by the decision in OP no. 32727/01. Accordingly, it is ordered that the direction issued in that O.P. shall be treated as the direction in this O.P. also. It is submitted that the petitioner has already retired from service. Needless to say, in the light of the orders passed by the competent authority as directed in OP No. 32727/01, the petitioner herein shall also be paid the arrears and his pensionary benefits shall also be correspondingly revised.

The Original petition is disposed of as above.

20-6-2003 SD/-K.BALAKRISHNAN NAIR, JUDGE

HIGHER EDUCATION: PERILOUS PROSPECTS

BY PROF. K.N. PANIKKAR

Vice Chancellor, SSS University, Kerala, India

(The inaugural speech to the XXII Statutory Conference of All India Federation of University and College Teachers Organisation at Mumbai)

The two recent judgements of the judiciary, one by the Supreme Court of India and another by a High Court, are symptomatic of a right wing tendency slowly engulfing all spheres of our life. The Supreme Court judgement sought to deny the workers the right to express their protest by abstaining from work and the High Court prescribed against the participation of teachers and students in political activities. It would be foolhardy to dismiss them as aberrations in the otherwise commendable history of the judiciary. They, in fact, mark an anti-liberal and authoritarian ethos, which is unmistakably becoming part of our social, cultural and political practices. This tendency is very well pronounced in the field of education, in the changes being wrought in both its content and organization.

Education is a domain in which the ideological struggle that Indian society is currently witnessing is well articulated: between secularism and communalism on the one hand and imperialism as represented by globalisation and self preservation on the other. The rather widespread and perhaps unprecedented discussion and debate on education, which is presently taking place, is indicative of this ongoing struggle.

The changes in the field of education brought about in recent times by the Central and State governments are either complementary to the neo-liberal economic reforms or to the creation of a communal discourse in society. That the former helps to perpetuate and strengthen the existing social power is generally overlooked, as the need for reform is universally recognised. So long as this political ideological function is not brought to the centre stage of discussion a critical interrogation of the contemporary educational scenario is not possible; nor is it possible to initiate a meaningful debate about an alternative system, which is democratic and secular. There are two major ideological constructs, which are at the heart of the evolving educational scenario.

First is the state sponsored effort to deploy education as an instrument for redefining the character of the nation in religious terms. Privileging the indigenous system and knowledge are its defining characteristics. The curriculum statement of the National Council for Educational Research and Training (NCERT) and the courses designed by the University Grants Commission (UGC), among others, amply reflect this tendency. Like the Chinese in medieval times the Indian students are being induced to believe that India is at the centre of the world and is home to all knowledge that human civilization has acquired. The chapter on world civilizations in the NCERT textbook is titled as non-Indian civilization and thus draws attention to India as the mother of all civilizations, the rationale for which is the relatively superior state of indigenous knowledge. The incorporation of this knowledge in higher education is central to the reform the government has undertaken in this field. Addressing the Vice-Chancellors at the 77th meeting of the Association of Indian Universities, Murli Manohar Joshi, the Minister for Resource Development, said: 'To achieve such holistic development, we may have to take a fresh exercise in designing higher education that is Indian in spirit and style, that is no more the extension of the Western model, and not just the colonial legacy'. What is meant by Indian style and spirit the Minister did not clarify. If it only meant assigning a proper place for indigenous knowledge as developed historically it is indeed a welcome suggestion. Unfortunately it is hardly so. Instead, it appears to be a part of a revivalist agenda, which essentially seeks to indigenise the system by privileging that knowledge, which though historically important, may not have much relevance in contemporary times. Doing so, a comparative perspective

of the achievements of world civilizations so methodically worked out recently by Dick Teresi in an interesting book entitled, *Lost Discoveries*, would be lost sight of. The desirable incorporation of indigenous knowledge in the curriculum is entirely different from indigenisation of education.

The assumption behind indigenisation is that the modern system of education is entirely borrowed from the West and continues to be colonial. The Ministry of Human Resource Development and the various institutions it finances have been promoting such a view in order to propose an indigenous alternative. The quest for the modern in education as in almost all other fields has drawn upon a selective appropriation of the indigenous and the exogenous. An effort to develop an Indian system of education which is not a mirror image either of the traditional or of the western can be traced to the early nineteenth century. Overlooking this tendency the present government has been advocating a return to the past ideal. As a result indigenisation is viewed as desirable and there is increasing diffidence to confront this tendency even among progressive individuals and movements.

Enclavisation of higher education is an inevitable legacy of colonialism. However, fifty-five years of independence have not made a substantial difference. According to the UNESCO World Education Report for 2000, in India only 6.9 per cent of the youth in the age group of 17 to 23 are enrolled for higher education. For USA it is 80.9 per cent, United Kingdom 52.3 per cent, Australia 79.8 per cent and New Zealand 62.6 per cent. Obviously higher education in India is extremely elitist in character. The implication of this is that there is an overwhelming section of the population who are deprived of higher education for social and economic reasons. In a country like India only the state can provide them the opportunity. But then the state is increasingly renouncing its welfare role under the influence of globalising forces. In 1994 the World Bank prescribed four key directions of reform in education: 1. Encouraging greater differentiation of institutions, including the development of private institutions. 2. Providing incentives for public institutions to diversify sources of funding, through cost sharing with students, and linking government closely to performance. 3. Redefining the role of government in higher education. 4. Introducing policies explicitly designed to quality and equity objectives.

The government of India enthusiastically tried to implement these reforms, which has had a disastrous impact on higher education, which even the World Bank is forced to acknowledge now. Most Indian universities have become stagnant pools, starved of funds and facilities and unable to keep abreast with the explosion in knowledge taking place in almost all fields, and as a result have 'developed' as academic slums. The way out of this impasse, which the educational bureaucracy has conjured up, is the establishment of the centres of excellence, which only leads to further enclavisation and elitism. Faced with this rather dismal situation the Indian middle class has been yearning for a solution, short of sending their children abroad. A new educational infrastructure is therefore in the offing, with emphasis on professional training and the promise of brand name excellence. The self-financing and cross border institutions which are now mushrooming all over the country are a part of an alternative system which would relieve the elite from the disadvantage of the poor and inefficient public education. The recommendations of Ambani and Birla in the report on education submitted to the Prime Minister's office clearly envisage two streams, which shorn of all rhetoric about information society, put public education at a disadvantage.

The decline in standards of public higher education has opened the space for self-financing and cross border institutions. The different states are vying with each other to promote self-financing institutions on the plea that they would prevent the outflow of money in the guise of capitation fee to the neighbouring states. Since fifty per cent seats are open to students with merit, it is argued that they ease the public system from much pressure. It is poor educational philosophy, as self financing institutions restrict open access and reserves a major part of educational opportunity to a small section of the society. In one of the medical colleges of Kerala, it is reported that the capitation fee is as high as forty five lakhs. The self financing institutions therefore do not represent the mobilisation of private resources for providing quality education, but using education as an area of profitable investment. Therefore, the percentage battle-whether the reserved seats should be fifty or eighty percentage - is nothing but shadow boxing. What is undesirable is the concept of self-financing as practiced today, as it represents a clear shift towards commercialization.

The quest for profit is also the key to cross border education. Almost every institution looking for their outlets in developing countries are doing so not for philanthropic reasons, but to use education as a source for quick returns for the capital they invest. The University of Phoenix, which is aggressively expanding abroad, is a profit corporation listed in the New York Stock Exchange. Another giant in the field, the Global Alliance for Trans-national Education (GATE), is a profit-making corporation mainly owned by one person. That the cross border flow of education is from the industrialized North to the developing countries is not accidental, it is an expression of the interests of predatory capital. Given the poor quality of its higher education, India is an alluring field for capital to seek profit. Many institutions franchised by foreign universities are already functioning in India and their number is steadily on the increase. This development is likely to be welcomed by the Indian middle class in the name of desirable internationalization, and the opportunity it affords for sharing knowledge generated globally. But internally it would lead to further marginalisation of the socially and economically deprived. At the same time it might also result in intellectual enslavement of the elite. The casualty would be the intellectual independence and self-confidence Indians achieved after 1947. A possible outcome of it is an obscurantist backlash as already manifest in the indigenisation of education. The evolving educational scenario is therefore likely to help the further growth of communalism.

This perilous path taken by Indian education cannot be countered without restructuring and strengthening the public system. But unfortunately the ruling classes have no stake in public education except as an ideological instrument for the perpetuation of power or as a possible sphere of patronage. The aim of the intermittent reforms undertaken by the state has been to control the system either through bureaucratization or politicization. The recent example of this tendency is the educational legislations in some south Indian states. According to them the universities have been cast as subordinated departments of the government secretariat, with the different decision making bodies dominated by the government nominees and the minister of education bestowed with overriding powers over the administration of the universities. The possible impact of such a control would be the loss of all initiatives, both academic and administrative.

The World Bank prescription of higher education as a nonmerit good was responsible for the sharp decline in the quality of instruction. Interestingly after ten years of experiment, which has led to irreparable damage to education in developing countries, the World Bank has recognised the peril it had engendered. The Report of the UNESCO and World Bank Task Force in 2000 acknowledged the central role of higher education in national development: 'As knowledge becomes more important, so does higher education. Countries need to educate more of their young people to a higher standard a degree is now a basic qualification for many skilled jobs.

The quality of knowledge generated within higher education institutions, and its accessibility to the wider economy, is becoming increasingly critical to national competitiveness. This poses a serious challenge to the developing world. Since the 1980s, many national governments and international donors have assigned higher education a relatively low priority. Narrow and, in our view, misleading- economic analysis has contributed to the view that public investment in universities and colleges brings meager returns compared to investment in primary and secondary schools, and that higher education magnifies income inequality.'

From the 1994 position the World Bank has effected a complete volte - face and has unambiguously acknowledged the merit of higher education for national development. Has it anything to do with the changing nature of the demands of transnational capital? The underdeveloped countries are no more the mere playing fields of predatory capital; they are increasingly developing as service providers. The advances in information technology has made such a transition possible, the success of which would depend upon the availability of technically competent but cheap manpower that the undeveloped countries could provide.

An enclavised, commercialized and communalised system of education, rapidly gaining currency, can be countered only by strengthening the public system, the revitalization of which depends upon a variety of issues, more important among them being quality assurance, democratization and autonomy. None of them are on the agenda of the state, even if they form the themes of officially sponsored seminars. The ground realities obtaining in most institutions, however, are totally inadequate to ensure even minimum quality. How could quality be assured when a fairly large number of teachers work on daily wages, when most pressing academic appointments depend upon bureaucratic mercy, when people with no academic sensitivity or knowledge hold crucial positions in decision making bodies and when libraries and laboratories happen to be the last priority, in short in the absence of an academic culture ?

In the making of an academic culture democratisation and autonomy are crucial factors. The democratisation so far achieved as a result of the struggles of the teachers' and students' movements are mainly limited to representation in decision making bodies. It has not percolated to academic matters, in which the actual teacher is still outside the process of decision-making. As a result he has turned either indifferent or cynical. In strengthening the public education system the teacher is the most crucial component and he can be enthused only if academic democratisation is a reality.

A major casualty of the present university system as developed during the last fifty years is institutional autonomy. Autonomy is generally counterposed to accountability and an impression has gained ground that autonomy is practiced at the expense of accountability. As a result there has been considerable intrusion into the institutional autonomy of the universities. This is not manifested in the increasing control of the government directly over the administration and indirectly over the academic affairs alone. That indeed is! unfortunate enough, but a social and intellectual reluctance to respect the role of the universities to contribute to the creation and furtherance of the public sphere and to strengthen the civil society is more damaging. The apoliticisation of the campuses suggested by the Ambani- Birla report and advocated by the judiciary for maintaining peace on the campuses is injurious to the fundamental role of the universities in society. Autonomy is a necessary prerequisite if an academic culture which is fast disappearing from the campuses is to be retrieved and preserved.

To say that higher education is in crisis or at the crossroads is an understatement. It is in fact facing perilous prospects. The World Bank has subtitled its report on higher education in developing countries as Peril and Promise. Unfortunately there is more peril than promise.

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present

THE HONORABLE MR. JUSTICE E. BALAKRISHNAN NAIR

Friday the 20th day of June, 2003/ 30th Jyaishta, 1925

OP No. 32727/2001 U

PETITIONER :...Dr. P.V. Ramankutty, Aged 53 years,

S/o T.V. Parangodan Nair, Reader in Sanskrit, Sree Neelakanta, Govt. Sanskrit College, Pattambi, Residing at Puthan House, P.O. Pallipuram, Via Pattambi, Palakked Dist.

By Advs. M/s. Dinesh P.T., Susmitha P. Mallaya

RESPONDENTS:

1. State of Kerala, Rep. by Principal Secretary to Govt. Higher Education Department, Govt. Secretariat, Thiruvanthapuram.

2. University Grants Commission, Rep. by Secretary, University Grants Commission, Bahadursha Zafarmarg, New Delhi-110 002.

3. Govt. of India, Represented by Secretary, Ministry of Human Resources Development (Department of Education), 81, Lodhi Estate, New Delhi- 3

4. The Accountant General (A&E), Thiruvananthapuram

5. The Director of Collegiate Education, Vikas Bhavan, Thiruvananthapuram

6. The Deputy Director of Collegiate Education, Palakked.

7. The Principal, Sree Neelakanta Govt. Sanskrit College, Pattambi.

R2 and R3 by Adv. Sri. D. Keshore A.C.G.S.C. Govt. Pleader Sri P. Nandakumar.

This Original Petition having been finally heard on 20-06-2003, the court on the same day delivered the following :

K. BALAKRISHNAN NAIR J.

O.P. No. 32727 of 2001 -U

Judgement

The petitioner is a Reader in Sanskrit working in Government Sanskrit College, Pattambi. He acquired Ph.D. degree in the year 1992. When the revised U.G.C. scheme was implemented in 1998 with retrospective effect from 1.1.1996, there was a provision for granting two advance increments to teachers having Ph.D. qualification. Ext. P2 communication of the Government of India, Ministry of Human Resource Development, Education Department to the Secretary, University Grants Commission, deals inter alia, with the incentive for Ph.D./ M.Phil. holders. Paragraph 1(ii) (c) (d) of it reads as follows-

"(c) A lecturer with Ph.D. will be eligible for two advance increments when he moves into Selection Grade as Reader.

(d) A teacher will be eligible for two advance increments as and when he acquires a Ph.D. degree in his service career."

The said order does not speak of any distinction between Lecturers/ Readers based on the date of acquisition of Ph.D. degree. Ext. P3 containing the consolidated statement of various letters of the Ministry of Human Resources also repeats the very same conditions for grant of two advance increments to Ph.D. holders. Ext. P5 G.O. dated 21.12.1999 implementing the revised U.G.C. scheme deals with the incentives for Ph.D./ M.Phil. holders. Paragraphs 6.18 and 6.19 are the relevant portions in it, which read as follows:

"6.18. A lecturer with Ph.D. will be eligible for two advance increments when she/he moves into selection Grade/ Reader.

6.19 A teacher will be eligible for two advance increments as and when she/he acquires a Ph.D. degree in her/his service career.

While issuing Ext. P8 clarification a new condition which is not there in Exts. P2, P3 or P5 was introduced by the U.G.C. it was to the effect that the two advance increments will be granted to teachers who acquired Ph.D. on or after 1.1.1996 with effect from the date of award of the degree. It means, those who acquired Ph.D. before 1.1.1996 will not be paid any advance increments. The said stand of the U.G.C. has thrown up an anomalous *Position, A teacher who acquired Ph.D. after 1.1.1996 will be granted two advance

increments whereas his colleague in the same grade who acquired it earlier will be denied that benefit. The said discrimination shown to teachers who happened to acquire Ph.D. before 1.1.1996 is plainly arbitrary and unconstitutional. Of course, the U.G.C. realised this and issued Ext. P14, but while correcting this anomaly, it was ordered that the benefit of two advance increments for those who acquired Ph.D. before 1.1.1996 will be paid only with effect from 27.2.1998. The petitioner challenges this clause in Ext. P14 and seeks consequential benefits.

2. Respondents 1 and 2 have filed counter affidavits resisting the prayers of the petitioners. The stand of the State Government is that they are bound by the scheme evolved by the U.G.C. and therefore they cannot deviate from it. The 2nd respondent U.G.C. has filed a counter affidavit stating that the date has been fixed with reference to the date on which the Government gave sanction for granting increments to those who acquired Ph.D. before 1.1.1996.

3. I heard both sides. A person who happened to acquire higher qualification earlier is being penalised by denying the benefits due to him by this order and his colleagues who happened to acquire it later are being rewarded by granting increments with effect from the date of acquisition of the Ph.D. This plain discrimination cannot stand scrutiny in the light of Articles 14 and 16 of the Constitution of India. Ph.D. holders are given a particular benefit. The persons who acquired Ph.D. before 1.1.1996 are excluded from it. Thus, the said classification of Ph.D. holders eligible for advance increments suffers from the vice of under inclusiveness. Accordingly, it is declared that the clause in Ext. P14 that those who acquired Ph.D. before 1.1.1996 will be eligible for two advance increments only from 27.7.1998 is unconstitutional. It is declared that those who passed Ph.D. before 1.1.1996 are also eligible to get two advance increments with effect from 1.1.1996. The original Petition is disposed of directing respondents 2 and 3 to pass consequential orders in the light of the declaration made herein above within three months from the date of receipt of a copy of this Judgement. In the light of the orders passed by them, the 1st respondent shall take consequential action to extend the benefits arising out of those orders to the petitioner. The learned Counsel for the petitioner submits that even with effect from 27-7-1998, the two advance increments have not been released to him. If that be so, respondents 1 and 4 shall take appropriate action to redress the grievance of the petitioner in this regard within three months from the date of receipt of a copy of this Judgement.

20-6-2003

SD/-
K.BALAKRISHNAN NAIR, JUDGE
ORDER ON CMP NOS. 46488/2002 AND 53327/2001 IN
OP. NO. 32727/2001
DISMISSED

20-6-2003

SD/-
K.BALAKRISHNAN NAIR, JUDGE

APPENDIX

Petitioner's Exhibites:

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Ext. : P3 : Copy of the relevant part of the consolidated statement published by the R3 regarding the pay scales and incentives for Ph.D. holders.

Ext. : P4 : Copy of the Notification No. . F.3.1/94(PS) dated 24-12-1998 from the Secretary, UGC to Vice Chancellors of all the Universities and Education Secretaries.

Ext. : P5 : Copy of the relevant part of GO P No. 171/99 H.Edn. dated 21-12-99.

Ext. : P6 : Copy of the Certificate of Ph.D. awarded by the University of Calicut to the petitioner dated 2.4.1993.

Ext. : P7 : Copy of the order No. UGC cell 222(2) 3380/96 22.3.1996 regarding promotion of the petitioner to the post of Reader.

Ext. : P8 : Copy of the letter No. 5-2/99 (PS) from the Secretary, UGC.

Ext. : P9 : Copy of GO P No. 44/2001/ H.Edn. dated 29.3.2001 by R1

Ext. : P10 : Copy of the R1 to R4 on 9.5.2001.

Ext. : P11 : Copy of the letter No. GE 27/C/coll R75/287 dated 25.5.2001 from R4

Ext. : P12 : Copy of the second representation to R4 dated 8.6.2001.

Ext. : P13 : Copy of the representation dated 25.6.2001 to R1.

Ext. : P14 : Copy of the order No. F.5-3/2001 (PS) dated 31-8-2001 from UGC.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No. 1911 of 2003, With Writ Petition No. 2407 of 2003, With Writ Petition No. 2428 of 2003, With Writ Petition No. 2536 of 2003, With Writ Petition No. 2623 of 2003, With Writ Petition No. 2916 of 2003, With Writ Petition No. 3673 of 2003, With Writ Petition No. 3675 of 2003, With Writ Petition No. 3962 of 2003, With Writ Petition No. 4387 of 2003, With Writ Petition No. 4388 of 2003, With Writ Petition No. 4389 of 2003, With Writ Petition No. 4395 of 2003, With Writ Petition No. 4396 of 2003.

Coram : V.C.Daga and B.R.Gavai. jj
Dated : 5th December, 2003

Heard

Parties to these petitions agree that the arrangement provided under the minutes of the order dated 5.12.2003 Jointly signed by all the parties be made operative by way of ad interim arrangement until further orders.

In View of the unanimous submissions made, by way of ad interim arrangement, the arrangement spelled out in the minutes of order dated 5.12.2003, taken on record and marked X for identification, to operate until further orders, All these petitions be placed before the court for further appropriate orders on 15.4.2004.

**IN THE HIGH COURT OF JUDICATURE AT
BOMBAY, NAGPUR BENCH AT NAGPUR**

Writ Petition No. 3675/2003
with other connected petitions

Petitioner : Mrs. Priya Dinesh Wanjari
Versus

Respondents : State of Maharashtra and others.

MINUTES OF ORDER

01. Writ petition No. 5782/2001 along with other connected petitions was decided by this Hon'ble court as per judgment dated 18.4.2002 with directions to the managements, Universities and the University Grants Commission, New Delhi.

02. In terms of said directions respondents, Nagpur University, Nagpur and Amravati University, Amravati had forwarded the proposals of lecturers seeking relaxation from the condition of clearing NET/SET to the University Grants Commission.

03. The University Grants Commission, subsequently has issued a Communication to the respondent, Nagpur University and Amravati University, Amravati and also to the other Universities in the State of Maharashtra on 21.11.2003 requesting the Universities to submit the proposals/information in prescribed format (10 copies) along with English version of all supporting documents.

04. In order to ensure that proposals with respect to all Non NET/SET candidates appointed as Lecturers between the period 11.12.1999 and 18.10.2001 in the affiliated Colleges of Nagpur University and Amravati University are sent to the University Grants Commission, both the Universities shall immediately issue a Circular to all the affiliated Colleges with a direction to submit proposals/information of Non NET/SET Lecturers appointed during above mentioned period to be received by the University within the time limit of two weeks from today.

05. The respondents, Nagpur University and Amravati University shall forward the proposal/information in prescribed format (10 copies) along with English version of all supporting documents to the University Grants Com-

mission, New Delhi, as early as possible and in any case within a period of ten weeks from today.

06. The respondent University Grants commission, New Delhi shall consider the proposals and take decision within a period of eight weeks from the date of receipt of the proposals from the Nagpur University and Amravati University.

07. The services of the petitioners and other non-NET/SET Lecturers shall be continued with necessary approval on adhoc basis from the respective Universities till the decision is taken by the University Grants Commission.

08. In the event the services of Non-NET/SET petitioners are discontinued on the ground of requirement of NET/SET qualifications, the respective managements shall reinstate such petitioners and proposals/information in respect of such petitioners shall also be forwarded to University Grants Commission. Their reinstatement shall be with continuity in service and consequential benefits for the period for which they were out of job. The respective managements shall be at liberty to seek grant in aid towards salary. Their services shall be continued with necessary approval on ad-hoc basis from the respective Universities till the decision is taken by University Grant Commission.

09. In the event the University Grants Commission takes decision adverse to the interests of teachers, the managements and Universities shall not act upon it for a period of four weeks from the date of communication by the University Grants Commission to the Colleges through University.

10. The other observations in the judgment dated 18.10.2002 will remain operative.

Counsel for UGC / Sd : Counsel for Petitioner / Sd
Counsel for State Government / Sd

Counsel for Nagpur University / Sd
Counsel for Amravati University / Sd

Counsel for Managements / Sd

Date 5.12.2003

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