

NEO-LIBERAL ASSAULT ON HIGHER EDUCATION

- An Agenda for Putting India on Sale

Compilation & Editing : Dr. Anil Sadgopal



All India Forum for Right to Education (AIFRTE)

"[Universities] are essentially a community of teachers and students where, in some way, all learn from one another or, at any rate, strive to do so. Their principal object is to deepen man's understanding of the universe and of himself – in body, mind and spirit, to disseminate this understanding throughout society and to apply it in the service of mankind. They are the dwelling places of ideas and idealism Theirs is the pursuit of truth and excellence in all its diversity – a pursuit which needs, above all, courage and fearlessness. Great universities and timid people go ill together." [Section 11.01]

"[Universities] must learn to strive to serve as the 'conscience of the nation', as the assessors of the national way of life and there is a danger of losing our bearings unless universities are able to play this role adequately by involving themselves deeply in the study and evaluation of the social process. Such involvement is vital since the universities are pre-eminently the forum for critical assessment of society – sympathetic, objective, unafraid So far, the Indian universities have not performed this function adequately." [Section 11.04]

- Report of the Education Commission (1964-66)

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July 2017

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**EXCERPTS FROM JYOTIRAO PHULE'S MEMORIAL TO
HUNTER COMMISSION ON EDUCATION
(19 October 1882)**

Higher Education

The cry over the whole country has been for some time past that Government have amply provided for higher education, whereas that of the masses has been neglected. To some extent this cry is justified, although the classes directly benefited by the higher education may not readily admit it. But for all this no well-wisher of his country would desire that Government should, at the present time, withdraw its aid from higher education. All that they would wish is, that as one class of the body politic has been neglected, its advancement should form as anxious a concern as that of the other. Education in India is still in its infancy. Any withdrawal of State aid from higher education cannot but be injurious to the spread of education generally.

A taste for education among the higher and wealthy classes, such as the Brahmins and Purbhoos, especially those classes who live by the pen, has been created, and a gradual withdrawal of State aid may be possible so far as these classes are concerned; but in the middle and lower classes, among whom higher education has made no perceptible progress, such a withdrawal would be a great hardship. In the event of such withdrawal, boys will be obliged to have recourse to inefficient and sectarian schools, much against their wish, and the cause of education cannot but suffer. Nor could any part of such education be entrusted to private agency. For a long time to come the entire educational machinery, both ministerial and executive, must be in the hands of Government. Both the higher and primary education require all the fostering care and attention which Government can bestow on it.

The withdrawal of Government from schools or colleges would not only tend to check the spread of education, but would seriously endanger that spirit of neutrality which has all along been the aim of Government to foster, owing to the different nationalities and religious creeds prevalent in India. This withdrawal may, to a certain extent, create a spirit of self-reliance for local purposes in the higher and wealthy classes, but the cause of education would be so far injured that the spirit of self-reliance would take years to remedy that evil.

INTRODUCTION

The All India Forum for Right to Education (AIF-RTE) is a federal network of several students' and teachers' organizations, groups engaged with Right to Education (RTE), Common School System (CSS) and Higher Education issues, democratic rights activists and intellectuals drawn from 18 states of India (as of July 2010). It took shape at the peak of the then emerging struggle against the anti-Constitutional, anti-educational and anti-child Right to Education Bill, 2009 then under discussion in the Parliament. This happened as a result of a seminar organized by the Andhra Pradesh Save Education Committee in collaboration with the Centre for Human Rights, University of Hyderabad at the Osmania University campus in June 2009. The seminar analysed the Bill and concluded that it is rooted in the neo-liberal economic order, rather than the Constitution. It was decided to wage a nation-wide struggle to seek replacement of the neo-liberal Bill by a fresh Bill to be drafted in the framework of a fully public-funded Common School System based on Neighbourhood Schools (CSS-NS). The struggle continues.

This was also the time when the Union HRD Minister had declared his 100-day agenda and accepted the Yash Pal Committee Report ('The Committee to Advise on Renovation and Rejuvenation of Higher Education in India'). The 100-day agenda included an unabashed ideological propaganda in favour of the dangerous Public Private Partnership (PPP), FDI and Foreign and Innovative Universities. None of these were publicly debated ideas and smacked of *ad-hocism*. It unambiguously backtracked on the long-pending promise (or farce?) to increase public expenditure on education, despite the rhetoric of XI Five Year Plan being an "educational plan". It also preferred not to present any programme for improvement in the equitable access and quality of India's 12 lakh schools, 22,000 colleges and 500 plus universities. All signals pointed to a deliberate policy of letting the quality of the public-funded educational system deteriorate, except of a handful of specific elite categories of institutions, with a clear agenda of expediting the pace of privatisation and commercialisation. While talking of *inclusive* education, the agenda guiding the policy makers was instead an agenda of *social exclusion!*

The deconstruction of the 100-day agenda as well as the uncritical acceptance of the Yash Pal Committee Report clearly implied that the policy makers had made up their mind to pursue a market-driven WTO-

GATS agenda in education in order to promote the vested interests of the global capital. Neither social development of the people, as per the principles enshrined in the Constitution, nor any enlightened national interest were the determining factors anymore. The neo-Macauleyan goal of the Indian state will henceforth be to prepare skilled and cheap but slavish workforce for meeting the requirement of profiteering, greed and hegemony of the global market. Any doubts or confusion on this score, particularly in the intellectual mind, would imply a 'naivete' for which history would not pardon us.

In more ways than one, the present neo-liberal assault on education needs to be recognized primarily as an attack on the knowledge system inherited through the history of civilization. We may term it as an "Epistemic Assault". Several essays in this tiny booklet articulate this concern, both objectively and passionately. After all, the green revolution model resulting in indebtedness of both the farmers and the nation, leading to the unprecedented phenomenon of farmer suicides, is rooted in the knowledge produced in the universities of the capitalist economies. The irrational agenda of GM crops, over-anxious reliance on nuclear power and denial of a public health system, for instance, is an outcome of the research programmes undertaken in the universities to whom we are ready to give a "red carpet" welcome. What is so great about the 'knowledge' produced in such universities when it could not prevent the second economic recession? It is no body's case that there is nothing to learn from the universities of the 'developed' economies. Instead, the learning has to be based on mutual and equitable exchange and acquired through critical analysis where the acid test would be its implications for the welfare of the masses.

In the neo-liberal age, even the Constitution, though born out of a bourgeois discourse, has become a progressive document. Similarly, the Kothari Commission Report (1964-66) appears as a potent tool in the hands of the democratic forces engaged in the struggle for educational transformation, notwithstanding the Report's multiple internal contradictions. The central challenge is to restore the gains of the freedom struggle, irrespective of our criticism. While doing this, we must also learn to link with the concerns of the movements resisting the neo-liberal assault on *jal-jangal-jameen-jeevika* (water, forests, land and livelihoods). Nothing less than a radical reconstruction of the vision of post-independence India will be required to redeem our dreams!

ALL INDIA FORUM FOR RIGHT TO EDUCATION
(अखिल भारतीय शिक्षा अधिकार मंच)

26th July 2010

To,
The Prime Minister,
Government of India
New Delhi

Sub.: Policies of privatization and commercialization of Higher (including Professional) Education and the related Bills in the Parliament.

Sir,

We the teachers' and students' organizations, grassroots groups, academics and social activists from 16 different states representing the ALL INDIA FORUM FOR RIGHT TO EDUCATION (AIF-RTE) are deeply distressed at the policies of systemic withdrawal of the State from Higher (including Professional) Education being pursued ruthlessly by the Central Government. These policies are clearly designed to increase the pace of privatization and commercialization of Higher Education, resulting in rapid increase in the cost along with fall in the quality of education. At the root of such policies is the alarming decision of the government to make education at all levels, including school education, a tradable commodity and, therefore, a source of profit. At least in the case of Higher Education, these policy measures seem to be a consequence of the "offer" made by the government to GATS to bring Higher Education under the WTO regime as a tradable service.

We note that the post-independence policies and the education system had already strayed significantly from the vision evolved during the freedom struggle. In Higher Education, this resulted in restricting access (now touching hardly 12% of the relevant age group), inequality of opportunity, generally sub-standard institutions (except, of course, a handful of high quality institutions in various disciplines) and, more importantly, in uncoupling education from the needs of India's economy, challenged by impoverishment, disparities and questionable direction of development. Yet, the policies focused on developing an

independent, critical system of Higher Education in the social sciences and humanities and promoting self-reliance in the areas of science and technology. The State has now apparently decided not to pursue this unfinished task of fulfilling the aspirations of the people through a primarily State-funded but democratic and decentralized system aimed at equitable social development. Instead, the neo-liberal shift is embedded in a market-oriented, instrumentalist approach to knowledge designed at producing a cheap skilled but slavish workforce to serve the corporate-controlled global economic agenda of appropriation of people's natural resources, habitats and livelihoods for profit, subjugation and hegemony.

Beginning with the Ambani-Birla Report (2000) during the NDA rule, Sam Pitroda's Knowledge Commission Report and Yashpal Committee Report on 'Renovation and Rejuvenation of Higher Education' submitted during the UPA-I and UPA-II governments respectively essentially upheld and extended the neo-liberal agenda in education. With a view to legitimize and intensify its neo-liberal assault, the UPA government has now introduced in the Parliament the following four Bills:

- i. The Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010.
- ii. The Educational Tribunals Bill, 2010.
- iii. The Prohibition of Unfair Practices in Technical Educational Institutions, Medical Educational Institutions and Universities Bill, 2010.
- iv. The National Accreditation Regulatory Authority for Higher Educational Institutions Bill, 2010.

At least two more Bills in the same vein, including one on establishing the much-hyped National Commission for Higher Education and Research for facilitating single-window clearance for private/foreign universities, are reportedly in the offing.

The government has now instituted the policy of Public Private Partnership (PPP) in all sectors of education – a policy designed to shift public resources to the corporate (including foreign) capital and, at the same time, allowing unregulated profiteering by hiking up fees. This neo-liberal measure is also evident in the farcical Right to Education Act, 2009. We further recognize that the hidden agenda of providing low interest loans to the students is again to facilitate the growth of expensive private/foreign educational institutions, rather than to help

the students. Recently, the decision to establish Education Finance Corporation of India Ltd. has also been made with a view to provide low-interest loans not just to the students but also to corporate capital and NGOs (including religious bodies) for setting up profit-making educational institutions. Along with this, a policy for promoting unregulated FDI in Higher Education is going to be legitimized through the new laws to be enacted in the Parliament.

The above policies unabashedly violate the Constitutional imperatives of equitable development, social justice and national sovereignty. We reiterate that the knowledge agenda inherent in the neo-liberal policy shift promotes pro-market and pro-corporate development to the detriment of the masses and their natural resources like land, forest and water. If these policies are pursued further, the government would be responsible for increasing social tensions and widening socio-economic gaps. What India needs at this juncture instead is a plan to improve the quality of 500 plus universities and 22,000 colleges along with several-fold increase in public funding and the number of educational institutions in all disciplines, including professional areas. No country in the world has ever achieved this objective by injecting a handful of foreign or the so-called 'innovative' universities.

We are further shocked that none of the above policy shifts, made in rapid succession during the recent years, have been preceded by public debates and wider consultation with academia which is at the core of Indian democracy. The same holds true for the aforementioned four Bills in the Parliament. The only consultations that the government has apparently relied upon are those it preferred to hold with India Inc. in general and the various chambers of commerce and industry in particular. We condemn this undemocratic practice and kowtowing to the vested interests of corporate capital.

While OUTRIGHT REJECTING THE NEO-LIBERAL POLICY CHANGES being introduced through the various Bills in the Parliament, we urge upon you to ensure that,

1. *given the fact that the government is moving away from the spirit and the vision of our Constitution as well as the existing policy framework, transparent public debates and consultations are organized up to the district level before any legislative shifts are made (as was recently attempted in the case of Bt Brinjal, for instance);*

2. **the pro-market and pro-corporate capital knowledge agenda** as well as the nature of development emerging therefrom, inherent in the above Bills, is revealed and scrutinized in the light of Constitution's vision of moving towards a democratic, socialist, secular, egalitarian, just and enlightened society and its commitment to equality, social justice, elimination of all sources of discrimination and a life with dignity as evident, for instance, in Articles 14, 15(1), 16, 19 and 21 of Part III (Fundamental Rights), Articles 39, 41, 43, 45 and 46 of Part IV (Directive Principles), Article 51A (Fundamental Duties) and other imperatives e.g. Article 350A (rights of the linguistic minorities);
3. **all provisions facilitating and legitimizing profiteering from education**, repatriable or not, are identified and eliminated;
4. **the policy of promoting FDI and PPP in education** is reversed and replaced by adequate and appropriate public funding of education at all levels from pre-primary to higher education; and
5. **the Higher Education policy is reconstructed in order to rejuvenate and reorient the existing system** so that it provides entirely free and quality education with equal opportunity for all sections of society and, at the same time, is aimed at equitable and just social development in a democratic, decentralized and participative mode through District-based Universities committed to regional development with a global outlook.

Finally, the neo-liberal Right to Education Act, 2009 compels us to state the obvious. A multi-layered school system with sub-standard schools for the vast majority of nation's children, as legitimized by the above-named Act, is no prescription for creating a vibrant Higher Education sector with equal opportunity for all. The increasing replacement of the State's Constitutional obligation to guarantee adequate funding for school education from pre-primary to Class XII by PPP leading to shifting of funds to the corporate capital and the NGO sector is alarming. The refusal by the government to restore the policy commitment to build a fully State-funded Common School System based on Neighbourhood Schools, managed through democratic, decentralized and participative mode and designed to ensure entirely free education of equitable quality with diversity, is detriment to the development of Higher Education as well.

Unless the government begins to envisage the education policy holistically in light of the Constitution, we would continue to play a subservient role for the benefit of the neo-liberal economic order, rather than promote social development. We appeal to you to undertake a comprehensive public review of the policy shifts in the entire education policy in general and Higher Education in particular, before taking any further legislative action.

Yours sincerely,

Members of the Presidium

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Former Acting Director, Bose Institute
Kolkata

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All India Federation of Elementary Teachers' Organizations
Kolhapur, Maharashtra

**ON BEHALF OF THE ALL INDIA FORUM FOR RIGHT TO
EDUCATION (AIF-RTE)**

Copy to: Sh. Kapil Sibal, Minister of Human Resource Development,
Government of India, New Delhi.

[The above Memorandum was submitted on July 26, 2010 to both the Prime Minister and the concerned Minister after holding a two-hour Dharna (sit-in) outside Shastri Bhawan, New Delhi, where the Ministry of Human Resource Development is located. An identical Memorandum was also submitted on the same afternoon to the Chairperson, Department-Related Parliamentary Standing Committee on Human Resource Development Committee with a request to give AIF-RTE an opportunity to appear before the Committee to present its views on the four Bills pertaining to higher education under its consideration.]

सबको शिक्षा एक समान,
लेकर रहेगा मज़दूर किसान ।



शिक्षा नहीं कोई कारोबार,
है यह जनता का अधिकार ।

RIGHT TO PROPER EDUCATION: AN OVERVIEW

Dr. J. S. Chavhan

Centre for Educational Studies, University of Mumbai

www.allindiaforumforrighttoeducation.org

Part I

**EVOLVING A
PERSPECTIVE**

“Neo-liberalism attempts to eliminate an engaged critique about its most basic principles and social consequences by embracing the ‘market as the arbiter of social destiny’. Not only does neo-liberalism bankrupt public funds, hollow out public services, limit the vocabulary and imagery available to recognize anti-democratic forms of power, and produce narrow models of individual agency, it also undermines the critical functions of any viable democracy by undercutting the ability of individuals to engage in the continuous translation between public considerations and private interests by collapsing the public into the realm of the private” (Giroux, 2004)

“A corporate domination of society that supports state enforcement of the unregulated market, engages in the oppression of non-market forces and anti-market policies, gut free public services, eliminates social subsidies, offers limitless concessions to transnational corporations, enthrones a neo-mercantilist public policy agenda, establishes the market as the patron of educational reform, and permits private interests to control most of social life in the pursuit of profits for the few... It is undeniably one of the most dangerous politics that we face today” (McLaren and Farhamandpur, 2005)

RIGHT TO HIGHER EDUCATION : AN OVERVIEW¹

- Prof. G. Haragopal

Centre for Human Rights, University of Hyderabad
& Member, Presidium, All India Forum for Right to Education

There has been an intense debate during the last one decade or so on right to education. This right has come to enjoy support from every quarter-societal, legislative, judicial, executive, media and so on. It is, however, unfortunate that this right is narrowed down to school education and restricted to the age group of less than 14 years. This has somehow happened from the days of drafting of the constitution till the present. This is despite Universal Declaration of Human Rights and the subsequent Covenant on Social, Economic and Cultural Rights recognizing higher education as a right. There are several industrialized societies where education at all levels continues to be free. In a developing country like India which inherited a highly stratified social structure and skewed opportunity distribution, having accepted a democratic polity, education at all levels ought to have been considered as a catalytic agent for change towards an egalitarian social order.

There are several arguments and pretexts for not making higher education free and accessible. Of all the arguments, the most widespread and persuasive argument has been the paucity of resources. If it is the real reason then the opportunities should have some thing to do with the corresponding growth of wealth. Instead, after five decades of progress, particularly when new economic reforms have been introduced with a promise that they will open up the doors for a paradise, the right is relegated to the background. If the paradise is even to be gained, this is the time that we pledge for right to higher education. This is all the more important when only mere 10% of the relevant age group in India are in higher education. It is sad that the Indian state is blatantly abdicating its responsibility and closing even that space which it opened up earlier for the younger members of the society. It is, therefore, important to historicise and contextualise right to higher education in India.

¹Published in Indian Journal of Human Rights, Vol. 6, Nos. 1&2, January-December 2002, pp. 105-115, Centre for Human Rights, University of Hyderabad.

The history of education in the ancient and medieval India had certain following striking features: a) the education was confined to a small section of people; b) it was largely religious and latter extended to logic, philosophy, jurisprudence, medicine, music or other fine arts; c) there was separation of knowledge of material production from the intellectual activity; d) the education was imparted either at the place of the teacher or specially chosen places like Ashrams, Brahminical Maths, Buddhist Monasteries, Jaina Pallis or Medieval Madarasas; e) the support for education came from the privileged classes or state patronage; f) at no point the learners were required to pay or support themselves, even the medieval rulers who indulged in exploitative practices for pleasure and plunder supported the learning. They also chose not to interfere with the then existing education system. It is important to recount some of these features at a time when there is a debate on the place of education in general and higher education in particular in building a new society.

The East India Company for a long time continued the policy of non-interference in education. If anything they patronized the oriental education and its traditions. Its lack of interest in education initially is understandable as they came for trade. It was during the late eighteenth century there was pressure from different sections on the company to introduce English education. The motives were anything except raising of production, democratization of society or critical and creative examination of the past. The introduction of English in the first half of the nineteenth century was more to produce or train people for government service. During the period from 1855-56 to 1921-22 the number of general colleges increased from 21 to 172 and pupils in them from 4355 to 58837. By 1947 there were 19 universities and 496 colleges with 2,37,546 pupils. The growth was mainly in privately managed colleges under charitable trusts. These private colleges were hardly charging any fee to the pupils.

It was after independence that a commission for higher education was appointed under the leadership of Dr. S. Radhakrishnan. It was this commission, which recommended for the setting up of University Grants Commission for supporting higher education. It held that accessibility to higher education be treated as a democratic right of the people. It should be acknowledged in all fairness that the higher education in India did expand in a remarkable manner. Educational management, its purpose and the process reached complex

dimensions and overall context underwent such a change by early sixties that it called for a thorough review of the system.

In 1964 the Kothari Commission was appointed and the Commission has done a commendable work and its recommendations were of far reaching nature as far as the Indian society is concerned. The Commission in its report on Education and National Development (1964-66) talked of development of the individual and equalization of educational opportunities. They maintained that "in a democracy, the individual is an end in himself and the primary purpose of education is to provide him with the widest opportunity to develop his potentialities to the full. This is one of the important principles to be emphasized in the socialist pattern of society, which the nation desires to create". They added, "that individual fulfillment will come, not through selfish and narrow loyalties to personal or group interests, but through the dedication of all to the wider loyalties of national development in all its parameters". It further added "history shows numerous instances where small social groups and elites have used education as a prerogative of their rule and as a tool for maintaining their hegemony and perpetuating values upon which it has rested. On the other hand there are cases in which a social and cultural revolution has been brought about in a system where equality of educational opportunity is provided and education is deliberately used to develop more and more potential talent and to tap it to the solution of national problems".

The best of the commission came forth in its concept of common school. Its rich vision is evident in its observation: "in a situation of the type we have in India, it is the responsibility of the educational system to bring the different social classes and groups together and thus promote the emergence of an egalitarian and integrated society. But at present instead of doing so, education itself is tending to increase social segregation and to perpetuate and widen class distinctions. At the primary stage, the free schools to which the masses send their children are maintained by the government and local authorities are generally of poor quality. Some of the private schools are definitely better; but since many of them charge high fees, they are availed of only by the middle and the higher classes. At the secondary stage, a large proportion of the good schools are private but many of them also charge high fees which are normally beyond the means of any but the top ten per cent of the people, though some of the middle class parents make great sacrifices to send their children to them. There is thus

segregation in education itself — the minority of private, fee-charging, better schools meeting the needs of the upper classes and the vast bulk of free, publicly maintained, but poor schools being utilized by the rest. What is worse, this segregation is increasing and tending to widen the gulf between the classes and the masses”.

It adds, “this is one of the major weaknesses of the existing educational system. Good education, instead of being available to all children, or at least to all the able children from every stratum of society, is available only to a small minority which is usually selected not on the basis of talent but on the basis of its capacity to pay fees. The identification and development of the total national pool of ability is greatly hampered. The position is thus undemocratic and inconsistent with the ideal of an egalitarian society. The children of the masses are compelled to receive sub-standard education and, as the programme of scholarships is not very large, sometimes even the ablest among them are unable to find access to such good schools as exist, while the economically privileged parents are able to ‘buy’ good education for their children. This is bad not only for the children of the poor but also for the children from the rich and privileged groups. It gives them a short-term advantage in so far as it enables them to perpetuate and consolidate their position. But it must be realized that, in the long run, their self-interest lies in identifying themselves with the masses. By segregating their children, such privileged parents prevent them from sharing the life and experiences of the children of the poor and coming into contact with the realities of life. In addition to weakening social cohesion, they also render the education of their own children anaemic and incomplete”.

The committee further observed “If these evils are to be eliminated and the educational system is to become a powerful instrument of national development in general, and social and national integration in particular, we must move towards the goal of a common school system of public education which will be open to all children, irrespective of caste, creed, community, religion, economic conditions or social status; where access to good education will depend not on wealth or class but on talent; which will maintain adequate standards in all schools and provide at least a reasonable proportion of quality institutions; in which no tuition fee will be charged; and which would meet the needs of the average parent so that he would not ordinarily feel the need to send his children to expensive schools outside the system”.

This Commission that recommended radical changes in the school education also had an ideal notion of higher education. It elucidated the purpose of higher education so lucidly and so insightfully, it would be difficult to improve upon it. It stated: "the general objectives of university education and some special responsibilities in the present state of our social and educational development include: first and foremost, they must learn to strive to serve as the 'conscience of the nation', as assessors of the national way of life, and this responsibility becomes all the greater in the absence of an enlightened public opinion. There are so many new pulls and forces (as well as old ones) operating in our national life-as, indeed, in the life of man as a whole - that its balance has become very precarious; and there is a danger of losing our bearings unless universities are able to play this role adequately by involving themselves deeply in the study and evaluation of the social process. Such involvement is vital since the universities are pre-eminently the forum for a critical assessment of society-sympathetic, objective, unafraid - whose partiality and motives cannot be suspected".

From this point of view, the commission emphasized that "the universities must learn to encourage individuality, variety and dissent, within a climate of tolerance. Dissent there is, even now, but usually of a superficial or sensational kind of which many manifestations can be seen in India and abroad. The general tendency, however, is to produce the 'organization man' who is afraid to challenge the accepted pattern of social behaviour and social institutions at the intellectual level and who is too often anxious to worm himself into the good graces of the people who count so that he may be able to 'get on' in life. A university should have no truck with this type of mind. Its business is not primarily to give society what it wants but what it needs and obviously they are not always identical. It is not a 'community service station', passively responding to popular demands and thereby endangering its intellectual integrity. Nor is it an ivory tower into which students and teachers can withdraw for a time for teaching or research, accepting no responsibility for the improvement of society".

The Kothari Commission which has been able to so ably highlight the role of intellect and its nourishing place, failed to emphasize that these places should be so open that anybody and every body who values ideas and has courage to question should have a place, notwithstanding his social and economic position. The passion with

which the commission argued for the common school is missing in its stand on higher education. It is one of those historical puzzles, which is easy to understand but difficult to digest. That only better off sections could enter the places of higher learning or there is stratification of these institutions that has already done considerable damage. Not that higher education was expensive at the time when Kothari Commission was doing this very meaningful exercise but the lack of focus and forceful argument that higher education is a democratic right of any or every young person is nothing but leaving the scope and space for manipulation by market forces. Subsequent developments in higher education bear ample testimony to the tragic change, particularly of what happened in the wake of the new economic reforms. The elitism has not only infected higher education but engulfed even the school education. A part of the explanation could be that Kothari Commission right in sixties did not question the segmental view of education.

The announcement of New Education Policy in mid-eighties marks the clear departure from the earlier approach to the entire education. This policy instead of further strengthening the common school and recommending for take over of the entire private education, it introduced the elitist Navodaya schools spending huge amount on select schools and starving the general school education. Thus, the New Policy reinforced privatization and elitism in school education and opened up the citadels of higher education for market forces. It had no hesitation in recommending market — friendly education and did not deliberate on the larger social needs. This has hit the vision of education at its very roots. The shift and the drift was so sweeping and the context was so turbulent that it led to the appointment of another committee in less than five years period.

Although they called it Committee for Review of National Policy on Education 1986, they chose to title their report "Towards an enlightened and humane society". This committee was appointed on the 7th May 1990 and submitted its report on 26th December 1990. This must be the shortest time that a committee was ever given to complete its task. There was total lack of seriousness in the constitution of this committee. The lopsidedness of the approach of the government could be seen in its resolution setting the terms for the new committee. It is full of platitudes: the Government Resolution reads "large number of children go without acceptable level of primary education", "government accords the highest priority to education both

as a human right and as the means for bringing about transformation towards more humane and enlightened society", "there is a need to make education an effective instrument for securing a status of equality for women and persons belonging to the backward classes and minorities", "it is essential to give work and employment orientation to education and to exclude from it the elitist aberrations", "educational institutions are increasingly being influenced by casteism, communalism and obscurantism and it is necessary to lay special emphasis on struggle against this phenomenon and to move towards a genuinely egalitarian and secular order". All these statements that form a part of one page resolution are disjointed and diffused.

In the list of concerns: "provision of education of a minimum quality to all children, removal of illiteracy", "struggle against petty parochial passions and prejudice, social transformation towards equality" figure in. This is a clear indication of fragmented thinking wherein policy objectives are pronounced without caring to look into their inter connectivity and the ways and means of integrating it with the larger context and transformative process. It is sad that there is not even a mention of access to higher education to the deprived social classes. The emphasis on primary education and removal of illiteracy are important but they in themselves do not have any potential either to fight the negative social trends nor lead to an enlightened society. The so called educated, quite often, are found to be more narrow minded than the less educated and illiterate. It is, therefore, necessary to deliberate on the content of education at one level and education as facilitator of social and economic mobility to the otherwise deprived section at another level. Ramamurthy committee is an example of an ethical exercise without backing of any political will or imagination. In shortest time he was required to write a thesis, he built a hypothesis!

The trends towards market-servicing education set by the 1986 New Education Policy gained momentum and got further fortified by the changing macro economic context. A sample of new thinking on education could be seen in the strategy paper prepared and circulated by Government of Andhra Pradesh. It is widely known that the State of Andhra Pradesh has been in the forefront of new economic reforms and of the global economic agents. In that way, it was the trend setter and soon the other states fell in line. Andhra is a good example of a bad model. For it can not only boast of 13 Universities but some of the oldest and finest Universities of the country. It is one of the largest

exporters of qualified and skilled manpower to U.S. and other industrialized countries. The Osmania University has magnificent buildings standing as a testimony to the prestige that the feudal rulers attached to higher education particularly the liberal education. During the early decade of independence, the education was made so accessible that several rural boys from lower middle class background (like me) got education at an affordable cost. To cite an instance, the entire expenditure on my education starting with my pre-university course to post-graduation including my boarding and shelter worked out to Rs. 40 to 50 per month. That makes one feel indebted not only to the parents but to the society at large. It is this entire approach and accessibility that is being destroyed.

The strategy paper by Govt. of Andhra Pradesh says "the Government would facilitate development of educational institutions by involving private sector. . . in this endeavour investments would be encouraged". It adds, "the chief underlying concern of the Government is to make higher education more relevant and purposeful" and immediately adds "impart skills and knowledge relevant to the emerging job market". It reiterates that "the government will facilitate greater participation of private institutions and in building centres of excellence". It also pledges "revision and restructuring of courses". In pursuit of these objectives there has been rapid expansion of higher education in the private sector and more so in the field of technical and engineering education upsetting the balance in the overall knowledge system itself.

About the Universities, which derived support and sustenance from the State till recently hardly figure in the priorities of the state. The strategy paper emphasizes "Universities will be encouraged to go in for consultancy and mobilize resources which could be used for the development of the university". It adds "mobilize additional resources by achieving better interaction with the industry and business and take up research and consultancy". It also hints that "Universities will be required to have a close scrutiny on their own internal financial management and gradually 'attain, viability'. This policy statement or strategy paper makes it more than clear that higher education should support itself by mobilizing the resources from consultancy, collaboration with industry, self-financing courses and higher fee from the learners. This policy indicates the intention of the state to give up its educational responsibilities towards the community on the plea that it has no resources. This is being used both to privatize the university

requiring it to subserve the market needs and commercialize it so that those who invest in education can also make profits from it. The expression 'viability' implies that all these days they have not been viable! They are supposed to be becoming viable the day that they mobilize their own resources.

These trends are for bringing foreign Universities and foreign Universities. This is nothing short of conferring legislative sanction on those individuals and groups who are out there to extract money out of education. An examination of the Bills is indicative of the final retreat of the state from this social responsibility. In the name of conferring autonomy, it thinks there is no need to retain any control on the organization and working of the private universities. This amounts to erosion of all social regulations and controls on the system. It says that the sponsoring body should create an Endowment Fund of Rs. 10 crores. It does not specify the social duty of such bodies. On the contrary, it proposes to give full discretion to these bodies to decide about the quantum of fee to be collected from the students and also provides for differential fee rates for Non-Resident Indians and foreign students.

The private partnership in higher education is fraught with innumerable social implications. In a competitive globalizing economy the overriding consideration being accumulation, it blows up the acquisitive impulse. The educational industry is out to maximize its profit. Consequently there are several instances of private institutions being starved of quality infrastructure like physical facilities, library and under paid teachers. Ideologically their approach is not rooted in larger social concerns nor any transformative perspective. The Tatas and Birlas, of course, have not been making money out of educational institutions that they run. They wait for the fruits and *treat* education as investment in human resource. But the newly emerging entrepreneurs are making money from the process itself as they treat it as one more business. A sample of a private universities in an advertisement epitomizes the trend. The Amity University one of the first in private sector claims that it stands for "academic rigour blended with heritage, values, ethos and sanskars together with the uncompromising respect for elders and the unshaking faith in God". "Each one of their students is a success story and excels globally and they will touch the zenith of success and live life with joy and satisfaction. It also promises that its students will reach stars". This view of life, notion of success and value framework are all

negation of all that this society stood for (with all its deficiencies) during several centuries. The policy makers seem to be least concerned with the past values and future vision for the society.

In these pronouncements, either of the State or the Centre, there is no reference to the poor, vulnerable and deprived. Nor is there any serious reference to the larger social needs beyond the market compulsions. There is extensive reference to the skills, quality and relevance but not access to education. It is this deliberate omission that is the cause for anxiety. This anxiety is the anxiety about the future of the boys and girls coming from the poorer and weaker sections and their productive and creative participation in the process of development. It also raises the question of social harmony, the possibilities of individual's mobility in a highly stratified society and extremely narrow structure of opportunities.

V. C. Kulandai Swamy, one of the eminent educationists of India pointed out that all over the world particularly the high income group countries they are allocating 5.5 percent of their GNP in education, the middle income countries it stands at 4.5 percent and low income countries it is 3.5 percent. In the case of India, Kotharj Commission recommends 6.0 % of the GNP and this was reiterated by the 1986 NEP. However, the allocation according to the IX plan document stands at 3.2% of GDP. This is lower than the average of developing countries of the world, which spend about 3.9%. If one looks at plan allocation, it came down from 7.86 percent in the first plan to 5.18 percent in the IX plan and share of higher education in the plan allocation came down from 0.71 percent in the first plan to 0.35 percent in the eighth plan and 0.51 percent in the IX plan. Kulandai Swamy observes that the argument that this reduction is due to increased outlay on universal primary education is faulty and a blunder. He maintains that "failure to pay adequate attention to primary education in the past was a great blunder and Bad Corpse". He adds, "Cutting the expenditure on higher education to promote primary education will be another blunder at the other end of educational spectrum".

The higher education at present appears to be massive if one has to go by the number which stands at 240 universities, 11,800 colleges, 3,50,000 faculty members and 77,40,000 students. But this amazing numbers are nowhere impressive if only they are contrasted with the accessibility. According to World Bank's World Development indicators,

2001, the percentage of the relevant age group participating in tertiary education in 1997, the middle-income countries, in contrast had a mere 12 percent participation. The corresponding figures for low-income countries was a mere 8 percent and India's own share being 7 percent.

It is cruel that those who have the resources end up with opportunities while those without resources end up as second-rate individuals. This is a society, which debated very seriously about the 'merit' in the wake of reservation policy, more vehemently at the time of implementation of Mandal Commission recommendations. The major argument during the agitational phase was that while socially backward should be given any facility for improvement but not directly seats in higher education and jobs in the governmental sector. It was held on the ground that the less competent and less meritorious doctors, engineers, professionals, scientists, etc., would become problematic to the society and counter productive to production process. They have also argued that if more meritorious are denied opportunities, it will lead to frustration. The upper caste boys went to the extent of committing suicide in the name of protection and promotion of merit.

In the heat of the agitation any argument in favour of reservation was dismissed on the touchstone of 'merit'. It is the very same class that has come to support privatization and commercialization of education. It is hardly realized that it leads to resources and opportunities one reinforcing the other. In this process what happens even to the upper caste, upper class youth who have merit, have higher ranks (in the common entrance exams conducted) but do not have the monetary resources? Is it not a situation where the rich with less merit have a greater advantage than the meritorious without resources? How could it be possible that the social backwardness a cumulative offshoot of centuries of exploitation - was considered no substitute to the so called merit, but the cumulative material resources of certain sections considered substitute to merit? In the case of the former, there is moral, social and rational justification but in the case of latter, except that they can buy education in the market place, there is no other rationale. That a person becoming a medical doctor from the underprivileged make an inferior doctor may or may not be all that true but there is greater chance of persons from the privileged turning into not only inferior doctors but ending up as inferior human beings too. For obvious reasons Indian intelligentsia, which was vociferous in arguing against reservations did not use the same logic nor have they been equally

vocal on the question of privatization or commercialization of higher education.

It is not accidental that the whole question of privatization of higher education came up at a stage in India's development when the persons from poorer sections have started securing positions of influence. There was not much of opposition to the whole question of reservation as far as the scheduled castes and scheduled tribes are concerned. This has been partly the consensus built by the freedom movement. A large part of the credit would go to Ambedkarite movements, which raised foundational questions relating to the very notion of freedom and social justice. This stream of freedom movement led to the constitutional provisions for protection and promotion of interests of the dalits. In the Ambedkarian worldview the function of reservations is not providing jobs to individual persons nor is it considered an adequate solution to the problem of unemployment. If it is the unemployment problem, reservation is no solution to the millions of hardworking and toiling classes of people. Reservations — political and educational — is a part of a larger democratic process. The persons from the oppressed classes have the subjective experience of suffering, deprivation and discrimination. They know what is indignity and unfreedom. This subjective experience as an input into the governance has the potential in raising of objective standards of democratic governance and accelerating the process of societal transformation.

In that sense it is one of the major experiments in the theory and practice of social justice. In fact at a stage when the elite from these sections have become visible, viable and vibrant, the other disadvantaged sections particularly OBCs started demanding their share in governance. The question of reservations took a critical turn and the whole Mandal episode unfolded the intrinsic antagonisms and caste cleavages that were dormant in the womb of the society. This turmoil is being cleverly exploited by the authoritarian and fascist forces for consolidation of their own control over the civil and political dominance.

In retrospect one can say more emphatically that Ambedkar's project of caste annihilation as a precondition for a real free India stands fully vindicated. The conflict and confrontation between the upper castes and the underprivileged on reservations undermined the philosophy of reservations and reduced the whole experiment into that of

employment opportunities. If it is the question of unemployment then youth of the country, irrespective of the caste that they hail from, should have unitedly fought for right to work. By reducing reservations into question of sharing of limited opportunities, it led to a serious adversarial relations among the unemployed youth of the country. In opposing the reservations one is asking for employment opportunities but in reality it turned out to be opposition to the whole question of transformation.

This provided the context for the new economic reforms, which not only hit the reservations but knocked away millions of jobs in public employment. At the end of tunnel the youth of the country both the forward and backward lost an opportunity of participation in producing the wealth for collective good, and promotion of Justice. They also lost their place in the governance of the society for enlargement of freedom. Now they are required to serve the private interests. A large section of them are pushed into the market place where they have to 'buy' education and chase the limited opportunities as the model of development at best is wealth producing but certainly not work generating. It may be growth but certainly jobless growth. After more than a decade of new economic reforms, there are more jobless educated among not only the underprivileged but even those boys and girls who 'fought' against reservations. The new model is able to provide opportunities to a microscopic minority and an extremely prosperous life style while large majorities are excluded from the market-driven development.

In this traumatic development, it is clear as to what happened to right to education and work. The middle class forward caste youth who were in the forefront of anti-reservation movement ended up in a more helpless and hopeless position. The suicides of those individual boys against Mandal recommendations ended up as suicidal to merit and to all those forward caste boys and girls for whose sake they thought they were dying.

The new model of development is explosive in several senses. That higher education being treated as an exclusive reserve of only those who can afford it, certainly lead to cost-benefit framework permeating the entire network of social relations. It ruptures the organic relations of the individual with the larger collective as the so-called 'self-educated' look to society not as a humane entity but a market place where he has

not only to recover his cost but derive the benefit as much as he could. This introduces completely an exploitative commercial relation between the so-called educated and rest of the society. There are any number of reports about the unethical and inhuman practices resorted to by the professionals including the medical doctors. There is growing evidence that this framework can knock away all finer human values that enrich the meaning to existence. For comfortable life is not necessarily a meaningful life.

This trend also leads to erosion of certain other finer values like the trust between the doctor and the patient, engineer and ethics, architect and aesthetics, scientist and mass needs, teacher and the pupil. It can upset even the family network, particularly the children parent relationship. This whole range of relationships (unfortunately) characterized as social capital are adversely affected. In fact social capital till the other day compensated for the developmental deficit and distributional distortions. At the end of this new model of development, the individual and society may or may not be able to build physical capital but it will certainly endanger social capital.

There is yet another dimension to this whole process: it is the dimension of claims of the community over the individual's talents, resources and creativity. A community which does not invest its common resources on the individual eschews its moral claims on the individual. With the result, the gifted individuals and qualified and competent manpower responds more to market wants than social needs. It has always been philosophy of some of the finest centres of excellence that institutions should train fine minds with critical and creative faculties irrespective of the branch of knowledge. The mind will find its place. Society is bound to realize the relevance and usefulness of such minds. This leads to spread of fine minds in all walks of life contributing to the enrichment and ennobling of the quality of life. In fact the societal needs are more constant but the market requirements are not. In the market driven model there are terrific imbalances in the demand for manpower causing fluctuations and frustrations. In the recent past we have already witnessed these erratic trends in the information technology, computer skills and management education.

The open learning aims at providing second opportunity for those who have had no chance of pursuing their education. This is a devise through which the right to higher education can, in a way, be restored.

The origins of distance education lay primarily in two compulsions: one, democratization of education in terms of opening up of new avenues; two, the needs and demands of continuing education warranted by ever increasing explosion of knowledge. It is every body's knowledge that knowledge is doubling almost every five years or less than that. Education has become a life long activity and transcended the limits of the age. In a country like India the number of those seeking higher education or the number that the society has to cater to is daunting for the formal system. There have been enough of technological breakthroughs in the area of communication that education through distance has become fairly a feasible, if not a desirable proposition.

The Open University system ever since it's beginning has had leadership with vision, concern and commitment. One has to guard this experiment. This system should under no conditions be treated as a money spinning devise. On the contrary it should be looked upon as a channel to democratize education in terms of providing access as a part of enforcement of right to higher education. Our governments and policymaking bodies have a track record of spoiling any experiment, as it is vulnerable for marketization and commercialization. It may end up as one more Super-Bazar for selling education thereby make education inaccessible to those who have not inherited a fortune from their parents.

In concluding remark it could be said that education is a democratic right of the individual, deprived groups and vulnerable sections of the society. It is one of the equalizer of opportunities and facilitator of social mobility. It is also an integrator of the individual to the collective. It is a massive experimental ground where a society can mould its younger generation to take up the tasks of building a more humane democratic and harmonious society. It is from this vantage point it should be accepted that education particularly higher education be treated as a human right of all and more so of the weak and the vulnerable sections of the society.

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ALTERNATIVE PERSPECTIVES ON HIGHER EDUCATION IN THE CONTEXT OF GLOBALIZATION²

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As the topic of my today's lecture suggests, I shall be concerned with the context of globalization. But before I come to globalization, let me first distinguish between two very different perspectives on higher education. These perspectives exist quite independently of globalization, but the context of globalization accentuates the divergence between the implications that follow from these perspectives, and hence underscores the need to distinguish between them.

I

The first perspective sees higher education as a transaction between teachers and students, which occurs at specific locations called colleges and universities, and in the course of which teachers impart and students receive a certain training, which enables them to improve their skills and get better placements in the job market. Two conclusions follow from this conception which is very widely held. First, the success of a university can be measured by the success of the trainees coming out of it in getting good placements in the job market. Second, since placements in the job market can be hierarchically ordered as being better or worse, an ordering that transcends national boundaries, the universities too can be hierarchically ordered across the world as being better or worse. Therefore, when people lament that so few Indian universities figure among the top 200 in the world, underlying this lament is this first conception of higher education, the conception that believes in the possibility of ordering universities as one orders natural numbers. When students demand and institutions open placement cells to facilitate campus recruitment, underlying it again is this first conception of higher education: the institution, by opening such cells, is establishing its *bona fides*.

²First Foundation Day Lecture of the National University of Educational Planning and Administration (NUEPA) delivered on August 11, 2007 at the India Islamic Cultural Centre, New Delhi.

As against this, there is an alternative conception of higher education. This sees higher education as an activity in which students and teachers are jointly engaged *on behalf of the people of a society*. It is not a bilateral transaction between teachers and students; in fact it is not a transaction at all. Both teachers and students are jointly working on behalf of the people. The purpose of higher education according to this conception is, to borrow a term from Antonio Gramsci, to produce "organic intellectuals" of the people.

But what, it may be asked, has the activity of teachers and students got to do with the people? The answer lies in the fact that higher education is essential not just for the development of a country, but for the very survival of the freedom of its people. The realm of higher education is the cradle of ideas; the shrinking or extinction of this realm necessarily makes a society parasitic on others for its ideas, and *such a parasitic society cannot remain free*. In fact our freedom struggle began in earnest when we broke out of our parasitic status in the realm of modern ideas, through the writings of pioneering thinkers like Dadabhai Naoroji and Romesh Chandra Dutt who laid the intellectual groundwork for the political mobilization of the masses. They dared to think independently of the prevailing theoretical constructs of their time in the institutions of higher learning in the metropolitan countries and in their local off-shoots.

Indeed the prevailing theoretical constructs in educational institutions of their time were meant to show colonialism as a benefactor of the Indian people, and to produce intellectuals who would be willing to serve, directly or indirectly, the interests of the colonial regime. Macaulay's policy in other words had been designed to produce "organic intellectuals" for the colonial regime. When Gandhiji gave a call to students to come out of educational institutions, a call that even Rabindranath Tagore was critical of, his object was precisely to break the "colonization of the mind" that institutions of higher learning of the time were designed to produce and did produce. Gandhiji followed up his call by starting some preliminary institutions where an alternative education could be provided, and independent non-parasitic thinking promoted. This tradition of independent thinking that was necessary for the launch of the freedom struggle, is also necessary for defending the gains of that struggle. And since we are now in a position to have our own institutions where the conditions for independent thinking can

prevail as a matter of course, we must develop and nurture such institutions.

This second perspective on higher education may appear somewhat bemusing at first sight: are we not supposed to impart skills through higher education? Are we not supposed to make our higher education system cater to the changing needs of the time, as reflected above all through the demand and supply situation in the market? Since high-sounding words like the "freedom of the people" and "organic intellectuals" fall essentially within the domain of the social sciences and the humanities, are we supposed to give a primacy to *these* disciplines over what is accorded to science, technology and management studies? And going beyond such "practical" questions, are there no scientific truths that lie at the core of any discipline, so that the "profession" that professes this discipline has an integrity transcending the nationality of its practitioners?

The second perspective is totally different from these suppositions about it. Indeed the Gramscian notion of "organic intellectuals" does not refer exclusively to literary or "highbrow" activities. It encompasses all: writers, technicians, academics, scientists, professionals, officials of the State, engineers and doctors. The distinction between the two perspectives outlined above lies not in the fact that one emphasizes one set of disciplines and the other emphasizes another; it lies in the fact that one looks upon the higher education system *exclusively* as a means of imparting skills, while the other sees all activities of skill-imparting as being informed by a concern for, and an awareness of, the social ambience within which the skill-imparting is taking place. This does not mean a lacing of skill-imparting with occasional homilies on society and the people; nor does it mean thrusting down the throats of the students some particular theoretical or ideological outlook on society. It means a break from exclusive pre-occupation with marketability; it means a rounded education going beyond the narrowness of technical disciplines; it means inculcating in students a sense of the society to which they belong; and it means focusing within particular disciplines on research themes that have relevance for society instead of being merely copied from abroad.

This last point may be disputed in the case of the natural sciences in particular, whose truths, not being nation-specific or society-specific, have a universality that makes for a unified profession in the case of

these disciplines. The same incidentally may be said of social sciences too whose truths are not simply nation- or society-specific. The point here refers however not to the truths but to the problems for research. While some problems, both in social and natural sciences, like why an apple falls to the ground or why an economy faces recessions, may be common to both the first and the third worlds, problems like how to combat a resurgent malaria concern third world societies more than they concern first world societies. These latter problems should find greater reflection in research in our country than in the advanced countries, from which it follows that science curricula too can not be identical across countries, a view strongly held by no less a person than J.D.Bernal.

II

Since this second conception, which underlies our birth as a modern nation, is not much discussed, let me spend a bit more time on it. Implicit in it is a whole series of rejections. First, there is a rejection of the view that different institutions of higher learning belonging to different societies can be ordered as being "better" or "worse" along one particular axis. If these institutions are to be "organic" to their specific societies, then, since the interests of these societies are quite obviously not congruent, each set of institutions must be different from the others in order to fulfil its legitimate role. Comments, which one commonly hears, such as "Jadavpur University or Jawaharlal Nehru University should imitate Harvard", "our institutions should enrich themselves by borrowing ideas and faculty from advanced country institutions", "we have to judge ourselves by how well we are recognized by top institutions in the world", have no place within this second perspective. Such comments are based on a perception of higher education as a homogeneous commodity of which some institutions are better producers than others, and not as a means of producing "organic intellectuals" for a particular society³. I referred above to Dadabhai Naoroji and R C. Dutt whose contribution to the struggle for the freedom of our society was enormous. But scarcely any

³It is a tragic symptom of our times that the Prime Minister of the country, despite himself being an academic who should know better, has announced that henceforth our civil servants will get promotion only on the basis of satisfactorily completing a training programme at Harvard. This is a move reminiscent of the colonial times and completely at variance with the ethos of a free India.

one in Harvard or Cambridge doing economics would have heard of them (though those doing "India Studies" might have). Modelling our institutions after Harvard or Cambridge, which would entail copying their curricula and syllabi, would therefore necessarily mean sacrificing, to our great cost, the conceptual framework, the perspective and the insights of a thinker like Naoroji.

Secondly, this second perspective rejects the view that the professionalization of subjects like "economics", and "political science" is a desirable process. The "profession" in these disciplines as well as in others, is dominated by the advanced countries; therefore recognition in the "profession" would necessarily mean sacrificing any independent thinking and parroting borrowed concepts. This would not matter if these borrowed concepts were genuinely "scientific" and not imbued with the ideological objective of defending the hegemony of the advanced countries. In the social sciences at least, such is not the case. Not that everyone engaged in social science research in the universities in the advanced countries is a conscious ideological defender of imperialist hegemony, but everyone is entrapped by the need to belong to and to be recognized by the "profession" and therefore undertakes research within strictly circumscribed limits which preclude any critical awareness of the role of the handed-down conceptual apparatus in the ideological defence of imperialist hegemony. Stepping out of these limits invites reactions of unease, astonishment, silence, derision and even hostility, resulting in a loss of academic and financial status⁴. Hence even the best-intentioned dare not step beyond the limits. In societies like ours where the domination of the Western theoretical orthodoxy in social sciences is far from complete, thanks precisely to our rather recent birth as a nation after a prolonged *anti-imperialist struggle*, any emphasis on "professionalization" would mean voluntarily surrendering ourselves to this domination, closing the space which has been made available to us for independent thought.

⁴The manner in which, in the discipline of economics, ideas emanating from within the metropolis itself, but different from or hostile to the dominant conservative orthodoxy of the metropolis, are suppressed by the "profession", is discussed in a recent article under the title "Hip Heterodoxy" by Christopher Hayes in *The Nation*. The article can be accessed at <http://www.thenation.com/doc/20070611/hayes>

Thirdly, this conception entails a rejection of the attitude which places a special value on "recognition" in the advanced countries, and hence on awards and distinctions bestowed from there. In the social sciences at any rate, all such awards and distinctions are conditional on conformity, on keeping within the "limits" and abjuring the use of concepts that critique imperialist hegemony. Unfortunately this attitude of prioritizing "recognition" in the West is all too pervasive in our country. Almost all of us, when we sit on Selection Committees, prefer a candidate who has published in a western journal over one who has published within the country, even without looking closely at the quality of the two publications. By doing so however we contribute to a stultification of the tradition of independent thinking.

Fourthly, this perspective denies any role other than a purely secondary one, to private institutions in the sphere of education. Privatization of education turns it into a commodity where the buyer's preference must necessarily enter to determine the nature of the commodity produced. There is a basic difference between education that satisfies the preference of the buyer and education that is undertaken in the interests of the people. And if education is to be undertaken in the interests of the people, to defend their interests, then *it must be publicly financed*. If it ceases to be publicly financed, then the education that increasingly gets to be produced is one that is intrinsically incapable of serving the interests of the people. To say this is not to ask for a ban on private institutions of higher education, but to emphasize the need for a predominantly public educational system, into which the private institutions must fit, in clearly specified ways. In contrast to this perspective, the first perspective which sees education as a transaction between teachers and students to augment the latter's employment prospects has an inherent tendency towards privatization. If placement on the job market is the object of higher education, then a publicly-funded education system necessarily entails an indefensible private appropriation of public means, compared to which charging fees appears preferable; but if significant fees are charged, even on the criterion of ability to pay, then it becomes difficult to insulate the course contents and curriculum from the demands of the fee-paying students. And in any case, with such an objective for higher education, there is no argument left against the privatization of higher education.

III

The fact that in India public funding was supposed to sustain the core of the higher education system after independence is clear evidence that it is the second and not the first perspective that underlay our higher education policy, though not always explicitly. The relative magnitude of public funding of higher education did arouse the criticism, even by many progressive and sensitive thinkers, that resources which should have been devoted to elementary and school education were being used instead to sustain higher education which was a "white elephant", that instead of a pyramidal structure with a broad base of elementary education underlying a small apex of higher education, we had opted for a top-heavy structure.

This argument however is fundamentally flawed. There can of course be no two views on the urgent need for eradicating illiteracy and enlarging the spread of elementary education. In fact it is a national shame that even after six decades of Independence nearly one-third of the population in the country remains illiterate, and around two fifths of children of school-going age remain outside the ambit of formal schooling at any given time. But the mistake consists in believing that an absolute curtailment (or even a curtailment relative to GDP) of expenditure on higher education is necessary for overcoming these failures. The overall shortage of resources that is usually cited in this context as a constraint is a mere alibi: at no stage during the entire post-Independence period has India spent an adequate amount on education, by any reasonable definition of the term "adequate". *In fact the proportion of GDP that the white-supremacist South African State spent on the education of the black majority even during the apartheid period, notwithstanding the massive drain on its exchequer that the maintenance of the highly oppressive police, military, and intelligence apparatus entailed at the time, was higher than what the Indian State has ever done on education as a whole throughout its entire post-Independence history.* The matter in short is one of priorities. Any government that has the political will to eradicate illiteracy and provide universal primary education would always find the resources for doing so without curtailing higher education. And any government that complains of lack of resources and considers it necessary to starve higher education in order to provide for the spread of literacy and primary education, simply lacks *ipso facto* the political will for effecting universal literacy and primary education.

This argument about higher education being a "white elephant" may appear *passé*, now that there is an appreciation of the importance of higher education in the new "knowledge economy". Hasn't the National Knowledge Commission itself suggested that there should be 1500 universities by 2015, and that we should set up 50 National Universities providing "education of the highest standard", of which at least 10 should come up within 3 years? But any joy that the NKC's emphasis on higher education may bring, disappears the moment one realizes that the NKC *sees higher education exclusively within the first perspective*. Its suggestion that the Vice-Chancellors of the Universities should function like Chief Executive Officers, its implicit distrust of campus politics, its proposal that University Courts should be dispensed with and that in lieu of Academic Council meetings we should have Standing Committees taking decisions, all in the name of expeditiousness of decision-making, would effectively convert Universities into highly authoritarian institutions, run rather like factories *sans* trade union rights. And these authoritarian institutions will not even necessarily be in the government sector. The bulk of them will be run by the private sector or as public-private partnerships, to expedite whose birth the UGC is to be dispensed with and a Regulatory Authority put in place. The NKC's proposals in short clearly envisage a substantial privatization of higher education in the country.

There are three basic problems with this NKC vision. The first, as we have seen, is it negates the role of higher education as defender of the freedom of the people, through the production of "organic intellectuals" of the people. The 1500 universities visualized by the NKC, not all of them new of course, will successfully turn out cheap skilled labour for employment by Indian and foreign corporate groups, but not much expertise for critically comprehending the way the global system functions and impinges on the people. It would in short produce "organic intellectuals" of globalized capital but not "organic intellectuals" of the people. Only someone who believes that the interests of globalized capital and those of the people are altogether identical can rejoice over this prospect.

The second problem with the NKC vision is that it would create sharp dualities within the education system. Consider its attitude to the whole issue of drawing fresh talent into the academic profession. There can be little doubt that a major reason for the academic profession being drained of fresh talent is the abysmal incomes of the academics

compared to other professions, which in turn is an outcome of the fact that income relativities have become totally irrational under the neo-liberal regime.

India now has one of the most unequal salary structures in the world. The salaries of executives in the private sector are now so astronomical, and so utterly lacking in justification for being so astronomical, that hardly any person of talent feels drawn any more to the sphere of higher education, which pays a pittance in comparison. The Prime Minister lamented the other day that the salaries of corporate executives in India had crossed all limits, but the fact that they have done so is a direct result of the neo-liberal reforms which have removed the ceiling on corporate salaries that had existed until then. Neo-liberal India has not only thrown incomes policy to the winds, but also judges individuals according to their relative incomes. This has now become the biggest problem before the higher education sector, which is threatened with atrophy through being starved of talent. Some totally dedicated and committed people may still come to the academic profession, but they constitute the exception rather than the rule.

The NKC does not address the issue of income relativities at all. Instead what it suggests is "incentives and rewards for performance" which basically means a differential salary structure within and across universities. This still would not draw fresh talent into the profession, since at the start of an academic career very few new entrants can show "performance" (unless the idea is to get fresh Ph.D.s from Harvard, Oxford and Cambridge at astronomical salaries, far exceeding those paid to home-grown Professors, on the grounds that Ph.D.s from those universities, unlike from our local ones, *ipso facto* constitute "performance"). On the other hand it would introduce a new "caste-system" on the campuses and destroy whatever democratic atmosphere remains within them. Since such a democratic atmosphere is a pre-requisite for free academic exchange, any destruction of it will be counter-productive, and hence act as a further deterrent to the entry of fresh talent.

Thirdly, and most importantly, such "dualism" (if I may use it as a shorthand expression) will be singularly unsuccessful in achieving the "excellence" that the NKC wants. There will be a whole lot of universities, faculty members and students who will be considered second rate and lacking in "performance". They will be low in morale,

lacking in self-confidence, full of cynicism, and drained of whatever enthusiasm they originally had, and whatever creativity they were originally capable of. On the other hand there will be a limited number of universities, faculty members and students, supposedly the "excellent" ones, who, precisely because they would be considered "excellent" only as clones of Harvard or Oxford or Cambridge, would forever be hankering to get to those hallowed precincts of supreme "excellence". They too would be frustrated and low in morale, but for an altogether different reason, namely their unfulfilled desire to move from the imitation to the original, i.e. from their current locations to the places whose clones they are supposed to be. This would be the surest recipe for the destruction of quality in our higher education system.

Quality does not come from aping others. Some of our finest institutions, which indeed have acquired global attention, have done so because of their systematic refusal to ape others, their systematic academic "arrogance" visavis similar metropolitan institutions, and their strong connections with the Indian reality. This is as true of Professor Mahalanobis' Indian Statistical Institute whose major, original, and pioneering work related to the study of the impact of the Bengal famine of 1943 on the people of that state, as of the more recently created Jawaharlal Nehru University which has kept its feet firmly on the Indian social reality. And yet aping is what all the current signals emanating from the government are pointing to.

I may of course be confronted with the counter-examples of IITs and IIMs, which, despite apparently having very little connection with the Indian reality, have nonetheless acquired "world class" status. While I do not wish to talk about them *per se* I certainly feel that an entire higher education system modeled on them will be undesirable, apart from the fact that any large-scale cloning of such institutions will yield sharply diminishing returns even in terms of their current criteria of "success".

IV

I have so far discussed only one of the ways that the objective of producing "organic intellectuals" of the people can be undermined by the context of globalization, via the overwhelming need for, and the apparently tempting prospects of, producing what can almost exclusively be called the skilled foot soldiers for global capitalism.

There is another perennial threat that exists under globalization, and that is from the communal-fascist outfits, who thrive in the soil prepared by the unemployment and deprivation unleashed by globalization. The sway of communal and obscurantist forces over the sphere of education has been loosened for the time being, but there is little room for complacency here. I shall however be brief in discussing them.

These forces, at any rate segments of them, often claim to be fighting "Western" influence on our education system. Paradoxically however they end up strengthening the very "Western influence" which they claim to be fighting. Their attempt at the introduction of courses in State-funded universities to turn out Purohiths and astrologers, on the explicit argument that there is a market demand for them, is as much a "commoditization" of education as the demand for capitation fees and the substitution of basic disciplines by more "marketable" subjects. Likewise their attempt to change text books to make them conform to the prejudices of a handful of bigots on the grounds that nothing offensive to the "religious sentiments" of the "majority community" should be carried in such books is antithetical to the spirit of scientific inquiry without which there can be no "intellectuals", let alone "organic intellectuals" of the people. The retreat to prejudice, the promotion of obscurantism, the substitution of extraneous criteria for scientific investigation in evaluating the worth of academic propositions: all of these entail a devaluation of the content of higher education which actually disarms the country intellectually against the onslaught of imperialist ideology. If at a political level communalism and fundamentalism divide the people and contribute to a weakening of the nation vis-a-vis imperialism, then at an intellectual level too they make a parallel contribution by obliterating the intellectual capacity to see through its machinations. The opposition to the ideology of imperialism, one must remember, was provided by an *inclusive* Indian nationalism that was secular, democratic and self-confessed socialist. Communalism, whether of the Hindu or the Muslim variety, never had an anti-imperialist thrust. Should it come as any surprise then that the emergence of communal politics and ideology also paves the way for the re-assertion of the hegemony of imperialist ideology?

V

All that I have said so far should not be construed to mean that our higher education system is not in a crisis, that it is not lacking in quality, or that we should not strive for excellence. What I mean is that the

notion of quality and the means of achieving it should be our own, that the concept of "excellence" should be defined by us, and that the means of overcoming the crisis of higher education must include increased not reduced involvement by the State, social regulation of the so-called "self-financing sector", better emoluments and conditions of work for teachers, accompanied by greater inducement for research, and other similar steps based on a painstaking analysis of the crisis. Simply implanting some "prestigious" institutions on a crisis-hit situation amounts to a quick-fix that does not address or overcome the crisis.

There is however a deeper issue here. One may disagree with the NKC recommendations but they are addressing a certain reality, namely the increase in demand by global capital for skilled personnel from countries like India. This opens up large opportunities for the Indian middle class youth and hence creates in them a constituency that advocates reforms in the higher education sector which would enable them to tap these opportunities. If these reforms are not consciously undertaken then the "pull of the market" will ensure that they will be surreptitiously affected, through private self-financing institutions. And what is more, is resisting the pull of the market even desirable? Such resistance after all will only restrict employment opportunities for Indian youth. In other words, is not the second perspective on higher education both impractical and undesirable, in the sense of being inimical to the employment prospects of many? It may have been the perspective underlying our freedom struggle, but that alone cannot justify our sticking to it.

This question can be answered at two different levels. As long as we are constituted as a nation, the task of nation-building, the task of being sensitive to the interests of the people, the task of ameliorating their condition and protecting their freedom, retains paramount importance. The higher education system therefore must be looked at through the second perspective. To change it under pressure from the Indian and foreign corporates and the middle class constituency that stands to benefit from such change is to allow a small segment of the population to hijack the agenda for higher education. The nation can permit such hijacking only at its own peril.

But then are we talking about a conflict of interest in the realm of higher education between the middle class youth hoping to cash in on the increased global demand for cheap skilled labour, and the vast number

of ordinary people whose freedom and protection (threatened especially in the era of globalization) should be the objective of higher education? The fact that there is such a conflict in reality cannot be denied. The stark contrast between the burgeoning salaries and visible prosperity of a section of the middle class youth on the one hand and the spate of farmers' suicides on the other, both a fall-out of globalization, testifies to this conflict of interest. And our two perspectives on higher education epitomize the difference in outlook between these two social segments. Even so, I do not believe that the middle class youth coming out of an education system which has as its objective the production of "organic intellectuals" of the people, will for that reason cease to be employable by global capital. Global capital after all is keen to employ Indian skilled labour not out of charity but out of hard economic calculations. As long as these calculations justify such employment, it will persist even without our having to turn our entire higher education system topsy-turvy in a bid to impress global capital with our "excellence".

In other words, there is no need for the tail to wag the dog. There is no need for us *specifically* to change our higher education system for producing skilled foot soldiers for global capital. There is no need for us to internalize the insecurity of our middle class youth and change the conception of our higher education system away from producing "organic intellectuals of the people" to producing "organic intellectuals of global capital". There is no need for us to abandon the project of painstakingly putting the higher education system back on track by finding solutions to the myriad problems that go into the making of its crisis, in favour of instituting quick-fix reforms that will only exacerbate the dualism of the system. The second perspective on higher education which is the legacy of our freedom struggle not only remains as relevant today as ever before, indeed more relevant today than ever before; but it cannot even be construed by any means as jeopardizing the short-term interests of the middle class youth in the context of the job opportunities opening up under globalization.

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Prof. Prabhat Patnaik's First NUEPA Foundation Day Lecture (August 2007): Some Observations

- Dr. Meher Engineer

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"It is a tragic symptom of our times that the Prime Minister of the country, despite himself being an academic who should know better, has announced that henceforth our civil servants will get promotion only on the basis of satisfactorily completing a training programme at Harvard. This is a move reminiscent of the colonial times and completely at variance with the ethos of a free India."

The statement appears in Prof. Prabhat Patnaik's First NUEPA Foundation Day Lecture (see pp. 7-19 in this booklet) on 'Alternative Perspectives on Higher Education in the Context of Globalization', as a footnote to its main theme. Prof. Patnaik makes the theme unambiguously clear at the outset by setting the context of globalization aside and describing the two following perspectives (P1 and P2) on Higher Education that are independently available.

- P1 defines Higher Education as a transaction between teachers and students, whose exclusive aim is to prepare students for a range of jobs that await them when they graduate. It sees Universities as certifying agencies whose two-fold task is: one, to prepare future workers; and two, to grade them as *supremely fit*, *averagely fit* or *unfit*, in all cases with respect to the range of jobs that await those workers. It discards the long, and often very different, history of the University as a social institution (think of *Nalanda*). Certify or die, is the only line in its Rule Book.
- P2 sees the University as a place where students and teachers are required to work *on behalf of the people of a society*, not, as Prof. Patnaik correctly notes, by denying them skills, but by anchoring the skills that they learn to the expressed social needs. The University is to remain open to people from all sections of society. Producing "organic intellectuals" of the people is Higher Education's main function.

The above two contesting perspectives elaborated by Prof. Patnaik make immense sense. In Prof. Patnaik's words, P2 would mean "a break from exclusive preoccupation with marketability" that characterizes P1.

Those sharp words are the sharpest words, according to me, in the entire Lecture. One wishes it would have been otherwise because, aside from them, the Lecture is simply not sharp enough in pointing to the dismal parts of Indian Higher Education's pre-globalization track record. What it fails to mention, in particular, are the two things that the Universities did not do in those days when, because they were either acting as "baby sitters" for a State that could not provide employment for the high school graduates that its schools produced, or turning out three kinds of 'products' viz., "*fit to join the ruling class*", "*fit to serve the needs of that class*", or "*unfit to either join or serve that class*". They never,

- Subscribed to the idea that the needs of the Indian people were supreme, so they never even considered opening the doors of the University to people from all sections of society.
- Produced Gramsci's "organic intellectuals" of the people - think of D. D. Kosambi - because they had no intention of doing so!

Prof. Patnaik did not refer to any of these concerns, except when he talked, in a few vague phrases, about the "crisis" that the Universities were in before 1990, or when he lamented the fact that University Selection Committees almost always placed research papers published in foreign journals (mostly US journals?) above those published in Indian one's. In contrast, he talked all through about how wrong it was that Indian Universities were henceforth to be turned into producing slaves for the 'imperial' capital.

Yet, Prof. Patnaik is right in recalling that the "prolonged anti-imperialist struggle" that India went through on its way to independence built a "tradition of independent thinking", allowing some of our institutions, though few in numbers, to become outstanding "because of their systematic refusal to ape others and their strong connections with the Indian reality." While Prof. Mahalanobis' Indian Statistical Institute is certainly a worthy representative of this tradition, one would not count IITs and IIMs in this category. This is why Prof. Patnaik cautions that "an entire higher education system modeled on them [i.e.

IITs-IIMs] will be undesirable any large-scale cloning of such institutions will yield sharply diminishing returns even in terms of their current criteria of 'success'." Irrespective of whatever scattered steaks of critical intellectual traditions could be identified in Indian higher education in the pre-globalisation era, what needs to be kept in mind is that, as Prof. Patnaik said at the outset, "the context of globalisation accentuates the divergence between the implications that follow from these [two] perspectives viz., P1 and P2.

He also talked about how poorly the university people were paid, compared to people in commercial life, before globalization. This inequality is going to become worse due to neo-liberal policy shifts, he rightly points out. But, so what? If you make yourself a willing subordinate of the commercial class then, since commerce in its modern capitalist *avatar* is simply about making more money than everyone else, you must also accept that you will get to make a lot less money than successful capitalists make, or than those who agree to manage capitalist enterprises, make. While saying this, one does not deny the possibility of waging limited struggles within this framework for reducing the *impact* of inequalities. However, such *inequalities* can only be abolished when the system that produces them is itself abolished and transformed!

No surprise, therefore, that those universities failed dismally in the past, for example, when the Internal Emergency hit the Indian people in 1975, and no surprise, therefore, to see them failing again, today, to throw globalization out or to delink from the global capital.

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Impact of the World Bank on Higher Education⁵

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In my presentation I would like to highlight the impacts on policy for higher education, the influence that has been exerted by World Bank reports on this policy and the kinds of changes that have come as a result. The crisis in higher education is endemic. Higher education in India needs to be greatly expanded. Currently only 10% of the relevant age group is engaged in higher studies.

There is a great need to provide access to higher studies to a wider section of India's population, which would imply support through public funding and regulation. Yet public funding is being withdrawn from this sector and there is pressure on the government to facilitate the entry of private players, both local and foreign. In 1990-91, public expenditure, as a percentage of GNP and budgetary expenditure (BE) on higher and technical education respectively, was 0.46% and 0.15% of GNP and 1.58% and 0.51% of BE. By 2002-03 this was down to 0.40% and 0.13% of GNP and 1.31% and 0.42% of BE. This represented a cumulative decline in budgetary expenditure from 2.09% to 1.72%, which by 2004-05 was further reduced to 1.60%. In higher education alone, the decline as a percentage of GNP is down to 0.34% (2004-05) from 0.46% (1990-01)⁶.

The first major document that was to indicate an ideational change in education, a change that had already begun in higher education, was the 1994 document called Higher Education, the Lessons of Experience⁷. This argued that primary education should be the priority

⁵Presented as a testimony at the Independent People's Tribunal on World Bank Group (IPT-WBG) held at New Delhi, September 2007. For a fuller critique of the neo-liberal impact on higher education, see the author's paper entitled, 'World Bank Prescriptions and Structural Changes in Higher Education in India', presented at the aforesaid IPT-WBG.

⁶GOI, Analysis of Budgeted Expenditure, Various Years.

⁷"it is arguable that higher education should not have the highest priority claim on incremental public resources available for education in many developing Neo-Liberal Assault on Higher Education 43 All India Forum for Right to Education

for developing countries and pitted primary education against higher education. The definition of higher education as a private goal or a quasi-private goal also puts pressure against relying on public funding for higher education. This further sets in motion the logic of looking for markets reforms and market alternatives for the higher education. World Bank policies make no secret of their view that the best way to fund higher education is to put the whole burden or the cost on students.

This fragmentation and new definition of higher education actually undermines the idea of a system of universal education, which was one of the founding principles of the freedom struggle and which had subsequently been established through 3 decades of public education policy. This issue of dividing primary education from higher education is so obviously short-sighted that it is astounding that it could even have gained predominance. It is not possible to universalise primary education unless you are able to produce from a sound system of higher education the number of trained teachers that are required for a universal programme of quality primary education for all children.

Secondly what is the point of providing elementary education if there is no real possibility of moving up to secondary or higher education? There has to be a continuum if it is to have any meaning at all. I suspect that in reality the introduction of the bifurcation of higher education is based on the concept of literacy in place of education for the poor.

This system of putting the onus of paying for higher education, on the student or on the consumer (as it was later termed) has in effect created a system to deny quality higher education except to the very rich sections of society. The weaker sections in the face of great financial stress and often indebtedness, are able to access only the poorest quality education. In fact National Sample Survey (NSS) data has shown that in the period 1983-99 whereas private expenditure on higher education rose by 10.8 times, for the poor it rose even faster.

countries, especially those that have not achieved adequate access, equity and quality at the primary and secondary levels. This is because of the priority these countries attach to achieving universal literacy; because the social rates of return in investments in primary and secondary education usually exceed the rates of return in higher education. . . ." [*Higher Education: The Lessons of Experience*, 1994, p. 3].

Public expenditure per student at the same time was 30% less in the 2000s than it was in 1990-91. State expenditure on scholarships in higher education actually declined in 2004-05 to 0.24% from the 1991 figure of 0.62 %.

The result naturally was that by the turn of the century higher education was in deep crisis. It is at this time interestingly enough, that the World Bank came out with another document. In the year 2000, the World Bank shifted its focus and "concluded that without more and better higher education, developing countries will find it increasingly difficult to benefit from the global knowledge-based economy."⁸ The World Bank no longer targets higher education as a luxury, but it sees it as "essential to survival in the developing countries"⁹. It then urges governments to take immediate action to expand and improve higher education, because in all sectors of the economy the demand for specialised skills are on the rise. The impact of this report is immediately felt in India.

In the same year we find that a report commissioned by the Prime Minister's council on trade and industry, what in academia is known as the infamous Ambani-Birla report¹⁰, is presented. With the companion Model Act for Universities 2003, prepared by the University Grants Commission (UGC), it was intended to restructure higher education on the *model of market-oriented enterprises promoting corporate values*. It argued that higher education should be left to the private sector, including an investment of Rs. 11,000 crores to double the number of institutions by 2015. It wanted the 'user-pays' principle in operation, with loans and grants for the needy. The attempt was shelved because of strong opposition from academicians and teachers' unions and it is important to recognise that their opposition was *well founded*. However, in spite of this, the Ambani-Birla report has had its impact in India. Both the number of private educational institutions and enrolment in these institutions have shown a sharp increase since 2000-01. Unaided private institutions constituted 42.6% of total post-secondary institutions

⁸ *Peril and Promise: Higher Education in Developing Countries - Summary of Findings by the Task Force on Higher Education and Society*, 1 March, 2000.

⁹ *ibid.*

¹⁰ *The Ambani-Birla Report, A Policy Framework for Reforms in Education*, Prime Minister's Council on Trade and Industry, Gol, New Delhi 2000.

with an enrolment share of 32.89%. By 2005-06, this had shot up to 63.21% and 51.53% respectively¹¹.

The next stage in prescriptions for reform of the higher education sector, the identification of new structures for regulation and co-operation between the disparate 'players' in the private sector and public/government was heralded with the launch of a World Bank study, entitled "India and the Knowledge Economy: Leveraging Strengths and Opportunities" (June 2005)¹². It was readied for implementation via a workshop that was held shortly afterwards in New Delhi and attended by crucial stakeholders in this sector. Michael Carter, the then World Bank Country Director for India, states that the report is "an important Bank input into the domestic consultation and reforms process which will move India further into the global knowledge economy." The report specifies in its goals that: "To create a sustained cadre of knowledge workers, **India needs to make its education more demand driven**" by **'relaxing bureaucratic hurdles'** to allow the private sector to meet the burgeoning demand for higher education; putting in place accreditation systems for private providers; and increasing industry-university partnerships in research and application, including use of learning technologies for providing distance education across the board and for lifelong training and up gradation of skills."¹³

It does not advise the Indian government to fulfil its commitment to invest 1.5 % of the promised total 6 % of GDP in education. Instead the Government of India is directed to alter its relatively closed economy and to increasingly tap into the rapidly growing stock of global knowledge, through foreign direct investment and technology licensing.

India we are told has the strengths of skilled workers with knowledge of English and an impressive Diaspora in the global economy. India's opportunities we are told lie in providing profitable niches in the IT sector and in becoming a global provider in software application and testing services. So our unique selling point, we are told, is that we can provide a pool of skilled manpower, which must be increased to

¹¹Anandakrishnan, 2006.

¹²Carl Dahlman & Anuja Utz. Finance and Private Sector Development Unit of WB's South Asian Region & The WB Institute. 28 June 2005

¹³Carl Dahlman and Anuja Utz, 2005

maintain what is our supposed competitive edge: the ability to provide low-wage workers in all these sectors. It has been estimated that to employ an Indian computer engineer is to pay less than one fifth of what it would require to employ someone with the same qualifications in a developed country. The report calls for a national knowledge champion to advance this agenda and identifies of all places the Prime Minister's office as the most appropriate champion to coordinate and orchestrate the necessary knowledge-related actions across various domains. Interestingly, it lauds the National Knowledge Commission initiative¹⁴ saying that this is a very good forum for making timely recommendations for implementation to the Prime Minister's office. This is interesting because the National Knowledge Commission must be the first commission in the history of Indian academics, going back to 1882, which is not expected to provide a final report based on its deliberations and which is only intended to provide communications every so often, to the Prime Minister's office for recommendations to be implemented.

The question to ask of higher education today is whether integration of higher education with the global knowledge economy, by opening up an education market for domestic and foreign capital, contributes to establishing a knowledge society. No doubt, it certainly would protect the low wage advantages that attract multinational corporations to India.

In conclusion I would like to answer this question, and say that to recognise and encourage excellence wherever it exists, is a challenge to any attempt at creating an inclusive knowledge society. This demands a system of education with facilitating linkages between its different components. Higher education institutions in developing countries have a special role to play in strengthening civil society and in promoting national development. The impact of World Bank strategies has directed the reforms process of higher education away from its national problems, conditions and environment. If subjected to the World Bank and WTO perspectives and strictures, higher education institutions would not only be unable to perform this function but the very idea that higher education serves a broad social good would be undermined.

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¹⁴The National Knowledge Commission, <http://knowledgecommission.gov.in>.

'COMMITMENT' TO GATS-WTO
- The End of Education Worth its Name¹⁵

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"The inevitability of globalization and the adjustment or submission of people all over the world to free market capitalism depend up on the capacity of dominant and ruling classes to bend people to their own will and make them see the interest of capital as their own"

- James Petras, 'Globalization Unmasked'

There is a concerted attempt on the part of the Indian government to abolish whatever space is left for the peoples' struggles in the fields of Education, Health and other Entitlements. Government of India has submitted 'offers' in Higher Education sector to the Council of Trade in Services (CTS) operating under World Trade Organization (WTO). These 'offers' would become 'commitments' on the part of India as and when the ongoing Doha Round Negotiations are concluded and, if in the process, the 'offers' are not withdrawn. The Govt. of India will not withdraw the 'offers in higher education sector' on its own unless there is a strong public pressure for the same. As the 'offers' become 'commitments' to the WTO, the higher education sector of our country comes under world trade multilateral regime. It sieges to be the right of the people and process of building a democratic society and an invincible nation. The subject needs an urgent attention of the academia and fighting organizations. Here, it is attempted to give an introduction to the General Agreement on Trade in Services (GATS)

¹⁵Sources of excerpts and quotes: Legal Documents of WTO; Papers submitted by different authors in NIEPA-conducted conference on 'Internationalization of Higher Education - Issues and Concerns' in August 2004; Journal for Critical Education Policy and Studies; and '*Cheekati Nundi Chimmacheekati Loniki*', a book in Telugu published by A. P. Save Education Committee in 2005.

which is an integral part of WTO and the affects of the possible 'commitments' in higher education sector to the regime by Indian establishment.

GATT-1947 to WTO: WTO is a radically expanded version of General Agreement on Trade and Tariff (GATT). The GATT was established in 1947 along with the other Breton Wood institutions, the World Bank (WB) and the International Monetary Fund (IMF). The GATT was concerned only about international trade and tariff on industrial goods when it was established. There were eight rounds of negotiations among the member countries of the GATT during the whole period between 1947 and 1994 and the tariffs on international trade in industrial goods was progressively reduced and the other so called restrictions for the international trade were gradually reduced liquidating all protections of the relatively weaker nations. The membership of the organization kept on increasing under nowhere to go condition with changing international scenario. The well publicized Marrakesh Negotiations (1986-94) was the eighth round negotiations which effected land slide changes in the trade agreements. The Marrakesh Negotiations not only expanded the scope of trade in goods to a great extent but also opened new dimensions to the multilateral trade regime by including trade in agriculture, textiles and services and activities in investments, Intellectual property rights. However, the legal scope of the GATT was very limited to incorporate all the above said trade, economic and social activities. On the basis of the agreement pushed through in 1994 as a conclusion of Marrakesh Negotiations, World Trade Organization (WTO) was established on 1st January 1995 with Geneva as Head Quarters. Many political analysts attribute the success of the Marrakesh round of negotiations to the liquidation of resistance to its imperialist agenda due to collapse of USSR, East European Regimes and policy shift in China. Now, the WTO has 152 countries on its role. ***The trade operations of WTO were organized into three major groups as goods, services and intellectual property rights.***

Agreements in WTO: Agreements on Agriculture (AOA), agreement on textiles (Multi Fiber Agreement –MFA), agreement on investments (Trade Related Investment Measures-TRIMS) and other related agreements were included in expanded version of GATT, now called GATT-1994. The GATT- 1994 is also called as Agreement on Goods. There were also established two other agreements, one on services

(General Agreement on Trade in services - GATS) to regulate or deregulate trade in services and another on intellectual property rights (Trade Related Intellectual Property Rights – TRIPS). **All the three trade agreements, GATT-1994, GATS and TRIPS are multilateral and integral agreements of WTO and it is a must for every member-country of WTO to implement all these agreements as long as it remains a member. However, a member country can make use of the limited flexibility provided within the agreements for its purposes.** The WTO also includes two legal instruments (Dispute Settlement Understanding – DSU, and Trade Policy Review Mechanism – TPRM) and two effective plurilateral agreements (Agreement on Civil Aviation and Agreement on Government Procurement). While the plurilateral agreements are limited to only those member countries which agree to them separately, the legal instruments are binding agreements on all member countries as do the multilateral agreements. **The object of all agreements is not only to completely liberalize international trade in all sectors but also to reduce all human activities into tradable services.** The agreements will be progressively changed for the said purpose through further rounds of negotiations like the ongoing Doha Round.

Operationalisation of GATS: The General Agreement on Trade in Services (GATS), as is noted earlier, is a multilateral and integral agreement on services under WTO regime. As it is an integral agreement, the member countries do not have option to avoid it. However, as this agreement is a general agreement it cannot be operationalised unless the member countries make specific commitments of access for sector wise and mode wise trade in their respective national markets. **The level of the operation of the GATS depends up on the quantum of 'commitments' made by the member countries.** There was established a Council for Trade in Services (CTS) under WTO regime to expand and to operate the GATS. The GATS is under operation from 1-1-1995 on the basis of few commitments the CTS received from member countries, but the actual services negotiations round started in the year 2000 with an ambitious agenda of securing commitments from member countries across 161 services and in all modes of trade. The response is lukewarm and it was discussed in Hong Kong Ministerial meetings of the WTO in December, 2005. There were resolutions on furthering of agreements in 2005 ministerial but could not be implemented both because of the popular opposition in different countries and also

because of the conflict of interests of the imperialist countries. Recently in July 2008, there was special conference on services conducted by CTS styled as 'Services Signaling Conference' for rejuvenation in services negotiations. However, further enhancement of GATS depends up on outcome of Doha Round because; *Doha Round undertakes negotiations on all the sectors including services and the negotiations follow a single undertaking approach.*

Sectors of services and modes of trade (article I): According to the 'central product classification', which is followed by GATS, every service is divided into several sub sectors. GATS recognized five sub sectors in education service and they are: 1) Primary education, 2) Secondary education, 3) Higher Education, 4) Adult education and 5) other education. So also GATS recognizes particular modes of trade in services. Trade in services is different from trade in goods and the negotiators know it well. They recognized four modes in trade in services in this agreement and the four modes of trade are applied to the field of education as follows. However, the author cannot help if the reader is not comfortable with application of trade language to entitlements like education. The phrase 'Trade in education' is officially in use under WTO regime.

Mode 1 - Cross Border Supply: in which neither the student ('consumer' in parlance of the agreement) nor the teacher/institute ('service supplier' in parlance of the agreement) move from their respective countries. This mode is, actually, a correspondence education mode and in the present scenario, it is an e-education mode. The customer pays the charges.

Mode 2 - Consumption Abroad: In this mode, the student (consumer) moves from his country to another member country ('supplier') to receive education ('service') and pay the service charges.

Mode 3 - Commercial Presence: In this mode, educational institution of a country (supplier) establishes their branches in another country, i.e. make their commercial presence in another country to provide education (service) and collects service charges from the students (customers) there. This is the most contentious mode.

Mode 4 - Presence of Natural Persons: In this mode, teacher/trainer of a country moves to another country, stay there temporarily and supply

services (teach or train) to the customers (students) there and collect charges.

'Offers' and 'Commitments': According to the present negotiations, every country can make 'requests' to all or few of other WTO member-countries to open their respective markets in all or few listed services for commercial activities. It is natural that every country also receives such 'requests' from other countries. A country, in response to the received 'requests', can make 'offers' to open up its services market. It is not must for a member-country to open its market in all services. Even, within a service, a country can be selective sector wise and mode wise in opening its market. The member-countries, through mutual bargain in special sessions of the council of Trade in Services would modify their 'offers' suitably and when an agreement is arrived at, the 'offers' become 'commitments' on the part of the respective countries. The present GATS negotiations are integral part of Doha Round negotiations and can only conclude as a part of the round.

The point, here, to be noted is that while, every country has got a choice either to allow or not to allow foreign traders in its Education Service (for that matter in any service), it has also got the choice to be selective both in sector-wise and mode wise dimensions. Actually, both the 'requests' and 'offers' are made in sector wise and mode wise dimensions. However, the said choice is limited by the Article 19 of the agreement which pursue the member countries to open up increasingly.

In persuasion of Hong Kong Declaration made in 2005, India has submitted its 'offers' in 'Higher Education Sub-sector' to GATS Council. If Doha Round is 'completed successfully' and if the 'offers' are not withdrawn before conclusion of the round, the 'offers' automatically become 'commitments' on the part of India.

Commitment means a lot: The GATS has got many dangerous provisions. It is not possible to detail all the provisions here. Here, it is only attempted to give a brief of few provisions and their possible affect on Indian education system.

Most Favored Nation (Art. II): According to the 'Most Favored Nation' provision, all member-countries are considered to be 'Most Favored Nations'. All countries are to be treated on par. It is not possible that we

open market to South Africa and not to US. When a country open its market in a particular service, it is opening it to all member countries (Favor one, favor all). This provision, effectively, come in the way of co-operative development of developing and underdeveloped countries with necessary common protections from imperialist countries. Though, there is a provision to make some exemptions to this MFN, the records of the WTO show that it is the developed countries which could use the Clauses of exemptions to MFN, not the developing and underdeveloped countries. The Article V which provides for such cooperation among few interested countries, when analyzed in detail, proves to be only useful for advanced countries.

National Treatment (XVII): ".....each member shall accord to services and service suppliers of any other member, in respect of all measures effecting the supply of services, treatment no less favorable than that is accorded to its own like services and service suppliers." It only means that the foreign traders are to be treated on par with native traders. If government gives land, aid or reimbursement to any of native private providers as a part of support to small scale industry, it is apprehended that the same support should be extended to all foreign providers. In India, lot of support is extended to aided schools and colleges which were established by people way back with non profit motive. But, they do not come under government procurement clause as they collect more fees than government institutions for the same courses. They can be treated as competitors and the foreign suppliers may demand the same support. Government of Andhra Pradesh in 1980s encouraged qualified post-graduate teachers to form associations and to start co-operative colleges on self financing basis and assured all possible support like land, buildings, water and electricity. But no government will be able to take up such policy after India makes commitment on higher education. One may differ with this policy of the then A. P. Government, but one has to oppose GATS dictating terms to governments not to make policies of its choice. National Treatment Clause binds the hands of the governments of member countries against making their own policies.

Government Procurement (Art. XIII): Supply of a service by government to its people is considered Government procurement and the same is 'provided' for in GATS. There is no problem if a government institute is not collecting any fees from students. But, if a government institute is collecting some fee from the students, it is

widely apprehended that the same is considered to be a private supplier. If the apprehension proves to be real, the government either will have to provide same facilities to all native and foreign private suppliers (educational institutions) or withdraw support to public institutions. We know our government may ultimately do a mix of it through PPP benefiting native and foreign private providers. This Provision may lead to transformation of all government colleges and universities into self financing institutions and only get support in the form of reimbursement of fee against the admission of some students. So, they will not make much difference from private colleges on commercial lines.

“.....if any government charges any tax or fees, offers paid courses directly or through corporation or institutional agreements, or develops research and receives financial compensation which is increasingly taking place in many countries – this government [according to GATS] will be offering services on a commercial basis and therefore it would be excluded from exception.....”

- Angela C. de Siqueira
JCEPS, Volume 3, No. 1, March 2005

Domestic Regulation (Art. VI 4):

“.....with a view to ensure [the domestic regulations] don not constitute unnecessary barriers to trade in services, the Council of Trade in Services (CTS) shall, through **appropriate bodies** it may establishdevelop any necessary disciplinessuch disciplines shall ensure that the [domestic regulations] are not more burdensome than necessary to ensure the quality of the service.....” {Note: The words in the square brackets are contextually added}. So, it is the Council of Trade in Services which would develop necessary disciplines for member countries. It only means our domestic affairs would be regulated by CTS. And, CTS has no time to protect students, teachers, educational professional and knowledge needs of the people and its appointed sub committees would only consider the questions of quality as can be seen from the above quoted provision. The concept of quality, of course, would be decided by WTO forums, may be by involving NGOs.

Domestic regulations are to be gradually changed to trade-friendly and global trade-friendly regimes. A sub-committee (Working Party on

Domestic Regulation) is appointed under the aegis of Council for Trade in Services to prepare reports on regular basis on rules and regulations of trade in different countries. These reports lead to 'reforms' in different countries. The Trade Policy Review Mechanism (TPRM), one of the legal instruments under WTO regularly review the trade policies of different countries and suggest the countries to change their respective policies. In a word, domestic regulations of different member countries would be supervised and changed suitably for the benefit of global trade by WTO secretariat.

".....Trade in education services bring education within the realm of market and that this may seriously affect the capacity of the state to regulate higher education within a public policy perspective. **Declining policy capacity of the state could affect weaker and poorer nations and benefit the more prosperous ones.**"

- UNESCO Education Position Paper, 2003,
UNESCO. Paris

Transparency (Art. III) (3): "... Each member shall promptly and at least annually inform the Council for Trade in Services of the introduction of any new, or any change to existing, laws, regulations or administrative guidelines which significantly affect trade in services covered by its specific commitments under the agreement...." It only means that nothing shall move in member countries without the knowledge of the WTO. As many persons believe it, the RTI Act is not brought in the interest of the people. (persons and organizations are using it and government is trying to liquidate it is a different thing) It has come as one of the compliances with GATS-WTO. Multinational corporations require that all information is available to them. They want to know the position of a file and the comments made on it by different officials. They want that bureaucracy do not come in their way. We find this RTI is enacted in many countries and NGOs lobbied for it everywhere.

Independent Regulatory Authorities (IRAs): So is the case with Independent Regulatory Authorities. In the recent times, we find independent Regulatory Authorities are established in many a service sectors. We have IRA for power, IRA for insurance, IRA for Telecommunications and many other services. Sam Petroda suggested one IRA for Higher Education (IRAHE). Yash Pal Committee Report also suggested, unfortunately, establishment of one independent

regulatory authority to be known as National Council for Higher Education and Research (NCHER) which can only subserve the interest of corporate trade in education. ***These IRAs can only be understood as a compliance of GATS. These IRAs are established only to bypass the political process.*** IRAs are not accountable to people in any form. If government is controlling a sector directly, people can bring pressure on it and achieve their legitimate demands. But, when a sector is independent from government, it only plays into the hands of corporate establishments in the present neo liberal atmosphere. The new generation IRAs are independent from the people and regulated by corporate interests. The concept of independent regulation promoted by World Bank circles has nothing to do with concept of autonomy the educators cherish. It is in the public knowledge that cabinet approved a bill to establish National Council for Higher Education and Research, a single window with all necessary powers which in all probability would sub serve the native and foreign corporate houses in the field of education.

Tribunals and Accreditation Mechanism See Article VI 2 (a) viz., "each member shall maintain or institute as soon as practicable judicial, orbital or administrative tribunals which provide, at the request of an effected service supplier, for the prompt review of, and where justified, appropriate remedies for, administrative decisions effecting trade in services". Now, it is easy for one to understand why Kapil Sibal is hasty in bringing a legislation to establish a tribunal system for Higher Education Sector. So is the case with the need to establish an accreditation mechanism to recognize the ability of Foreign Service suppliers and the quality of the service they supply. Article VII of GATS requires establishment of such mechanism. ***The bill introduced in the Parliament with respect to establishment of National Accreditation Authority speaks volumes about the compliance of the Indian government to GATS provisions.*** However, no accreditation mechanism can filter out low standard courses and programs.

"Indeed as pointed out in the 2000 World Bank and UNESCO joint document (The Task Force, 2000), there are prestigious universities from developed nations offering shabby courses in poor and developing countries, using their renowned names, without assuring equivalent quality."

- Angela c.de Siqueira

If it is agreeable to one that education can be traded with and if one believes that world is flat as Friedman likes us believe, there is nothing wrong with the GATS and WTO. If world is understood as full of diversities and inequalities and if goal of the human kind is understood as enriching the diversities and liquidating inequalities, then education cannot be subordinated to trade rules and least can it be brought under Global trade regime. Trade in education does not only deny education to the poor and disadvantaged, even those who get it by paying do neither get it worthy. Trade in education gives market orientation to courses, content of courses, teacher student relations and orientation of research and the purpose of education stand vulgarized. Trade in education aggravates the inequalities and demolishes diversities and all that is beauty in life. **Trade in education delinks the generation from history, individual from society and dehumanizes men and women.** Opposition is growing worldwide against WTO. Opposition to inclusion of health and education is still stronger.

Worldwide Opposition - Excerpts

"...in more recent times, commercial and financial interests have gained prominence in the internationalization process and threaten displace the less utilitarian and equally valuable aspects of this enriching and necessary transformation of higher education"

- International Association of Universities, 1998

"Meanwhile, campaign against inclusion of education and other 'sensitive' sectors in the GATS have also performed very well. For example, faced by pressure of civilian society, the European community issued a report that guarantees that commitments would not be established for education, health and cultural services in the present GATS round of negotiations. A similar effect was achieved by the main teaching unions of Brazil and Argentina when the ministers for education of those signed a declaration in which they agreed not to liberalize the education sector and, **even more relatively, to actively prevent education from being negotiated as part of the GATS framework.**"

- Antony Verger and Xavior Bonal,
Journal for Critical Education Policy Studies,
Volume 4, Number 1, March 2006

"We therefore caution against the reduction of higher education, under the GATS regime, to tradable commodity subject primarily to international trade rules and negotiations, and the loss of authority of national governments to regulate higher education according to national needs and priorities."

"We therefore call on African Governments and other African roll players to exercise caution on further GATS commitments in higher education until a deeper understanding of GATS and surrounding issues is developed....."

- Accra Declaration on GATS..., 29 April 2004, Accra, Ghana

Do we mind?: The Government of India, as is said earlier, has already submitted its 'offers' to GATS Council with respect to higher education without listing any exemptions to the clauses of 'Most Favored Nation' and to 'National treatment'. The 'offers' are submitted in all of the four modes. It means, that India has agreed to consider education a tradable service. Further, it means that India has agreed for a global trade in education without any barriers. This agreement is not any bilateral agreement that can easily be reviewed; it is a multilateral agreement between all member countries. The provisions of the GATS (Article XXI) would only prove that the withdrawal of commitments would be costlier than continuation. This agreement is not an educational and cultural agreement. It is a hard trade agreement. No flexibility provided in the agreement allows a nation to protect and continue its education system for its own social and developmental interests. GATS is a single agreement for universities and clubs and pubs and for all 161 services and Universities would be treated on par with clubs and pubs. But government of India do not mind all that. The question is: ***Would the academia and polity take these concerns seriously and bring pressure on the Indian government to withdraw the 'offers' lest they become 'commitments' on the part of the nation for posterity?***

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Part II

HARVARD@GHAZIPUR?
*Kowtowing to Corporatisation of
Knowledge*

The following somewhat humorous but scary prediction was made at the peak of the former U.S. President Clinton's visit to India in early 2000. Unfortunately, what was probably humorous ten years ago is fast become a reality today!

"Year 2010. The ultramodern campus of the newly established 'Bill Clinton International University' near Delhi. Two women students meet. One calls out to the other, 'Come, let us go somewhere and relax' The other student says, 'I have a packed day today. In the first period, there is Unilever practical in the Coca-Cola Physics Lab; in the second period, there is the Proctor & Gambles session on Western Dance Appreciation in the Pepsi Theatre; this will be followed by the Suzuki Lecture on Information Technology in the Microsoft Auditorium. And then the recess. Come, let us meet in the Kentucky Chicken Canteen in the Union Carbide Square."

- Dr. Anil Sadgopal (2000)

Excerpted and translated from Hindi
from the Epilogue to author's book entitled,
'*Shiksha Mein Badlaav ka Sawaal*', Granth Shilpi, Delhi, p. 257.

MUST INDIA BE THE GOLDEN GOOSE FOR FOREIGN EDUCATION PROVIDERS?¹⁶

- Dr. Pushpa M. Bhargava

Former Vice-Chairperson, National Knowledge Commission
& Member, Board of Advisors,
All India Forum for Right to Education

“India and Indian scientists should be grateful to the US for feeding India and giving it so much aid and assistance, and they should, therefore, be prepared to do what they are told to do by the US”.

This was said to me in my office by one David R Watkins of the US Environmental Protection Agency on 9th November 1981 – and a day before, to Boris Rotman (born in Russia, brought up in Latin America but at that time working at the University of Rhode Island in the US) who was visiting, in the belief that he was an American who shared Watkins feelings. Watkins wanted me and the Centre for Cellular and Molecular Biology (CCMB), Hyderabad, to work on detoxification and metabolism of chlorinated aromatics which were banned as pesticides in the US. It was only my Indian upbringing that prevented me from throwing him out of my room.

This was one of the two attempts (Economic and Political Weekly, 23rd August 2003, pp. 3537-3542) with which I was intimately concerned in the 1980s and which we foiled, on the part of foreign organizations to control our agrochemical production and use, just as foreign seed companies are currently trying to control our seed production and use.

It does not require much insight to recognize that if a power that wishes to control the destiny of India, it could do so in a good measure by controlling agriculture – that is, controlling agrochemicals and seed production. But this may be passé now as a new strategy is evolving: that is, to have foreign education providers (FEPs) set up their campuses here as a first step towards controlling our education – higher education to begin with. The FEPs would benefit in two ways. First, they would repatriate to the parent organization in their country the profits that they would maximize the way Coca-Cola and Pepsi-Cola have done. Secondly, they would have all the opportunity to convert us to their country's way of life and thinking and make us

¹⁶Published in Outlook, 6th November 2006, p.55 as 'Harvard@Dhankanal'.

believe, for example, that America's intervention in Iraq was absolutely the right thing to do, for Iraq was involved in 9/11 and has had stockpiles of weapons of mass destruction. For our privileged classes, with their craze for everything foreign (specially American), a bachelors degree from Harvard (or even Kansas or Little Rock, Arkansas) will be great. You don't have to tell people that you have never been abroad!

We would, of course, have a regulatory system but, with the prevailing corruption which increases exponentially as one goes up the ladder, that would not be a problem for the FEPs. There would be a lot of Indian experts available for a (reasonable!) price to overcome such barriers. To be fair, the "Consultation Paper on Higher Education in India and GATS (General Agreement on Trade and Services): an Opportunity", prepared by the Trade Policy Division of the Department of Commerce, Government of India, for the on-going services negotiations at the WTO, with a view to open up "Trade in Education Services", does not paint quite the above scenario. It only tells us of the "advantages" of having FEPs in our country! Unfortunately, nothing could be a greater delusion than that, if India values its independence, its history, and the many remarkable aspects of its culture and values.

The protagonists of foreign institutions of higher learning, opening their campuses here, cite the following arguments in their favour:

(1) India does not have the capacity (institutions and resources) to provide high- quality education to meet its requirements and to ensure that all those who deserve such education, receive it. As an example, they cite the fact that in 2004-2005 alone, 80,466 Indian students enrolled in colleges and universities in the US, and that education generated as much as \$ 13.4 billion (of which a substantial proportion came from India) in export revenues for the US in 2003. If FEPs were in India, these students would stay here.

(2) Other countries such as Malaysia, China, Singapore, Indonesia, New Zealand and Japan are doing it.

(3) Australia, New Zealand, USA and Japan already have proposals on the anvil for setting up institutions of higher learning in India, as a step towards trade in education services.

The protagonists say that foreign institutions that wish to set up their campuses in India can be regulated by a proper authority. So what is the problem?

First let us look at the validity of the above arguments:

(a) Those who wish to send their children abroad for education do not do so because facilities in India do not exist. Getting a degree from Harvard by studying at Harvard in Cambridge, Mass, is not the same as studying in a Harvard-supported campus in Salem or Gurgaon. And for every Harvard as a FEP, there would be ten little known or unknown universities from abroad having their campuses here (remember, the US is a land of entrepreneurs), and since this would be a matter of negotiation between a rich country (such as the US) and a poor country (such as ours), the process of obtaining a license to set up a campus here will be no different from that of obtaining a driving license!

(b) We have a number of world-class educational and research institutions in the country. So we know how to create and run them. There is no reason why we cannot multiply them ourselves. It is neither the financial nor the human resources that are limiting: it is the socio-politico-economic will.

(c) All the countries mentioned above – unlike India – have strict, time-tested regulations for their extensive national system of high quality education and, therefore, little chances of their own system being corrupted by FEPs. They already have virtually a hundred percent literacy and a much higher percentage of enrolment in existing institutions of higher learning than in India. Yet most of them have stringent regulations for FEPs. Thus, China says that foreign institutions must partner with Chinese institutions and the partnerships must not have profit as their objective.

(d) The FEPs that may wish to come to India would do so only for augmenting their financial resources. If they do any good to India, that would be incidental.

Not only does India not gain by having FEPs, there are clear disadvantages of having FEPs in India:

(i) To democratize higher education and make it equally accessible to all sections of our society, we must first democratize education up to the higher secondary level. When this happens, the country is bound to be in a position to generate enough resources and mechanisms of its own to provide high-quality higher education to all those who want and deserve it. Nowhere in the world has a successful education system worked from top to bottom. Thus, in France and the US, the Common School System and free education of quality up to our higher

secondary level, has been the backbone of their higher education system.

(ii) There is general agreement that all providers of higher education must not charge exorbitant fees; in fact, the fees should not take care of more than 20 percent of the total expenditure of the institution, the balance coming from the Government, investments and philanthropy. Fee structure of foreign universities is bound to make them exclusive and when that happens, the entire educational system in the public sector will fall to pieces, as has happened with our governmental school system which was excellent until school education was commercialized, and the rich and the powerful could use their money to ensure that their children do not have to mix with those who could not afford to study in the commercial private schools.

(iii) Opening the door for FEPs, combined with the prevailing corruption in the country, will also open the door for a new foreign-controlled system of producing unemployable graduates, as if we don't already have enough of them as products of Indian commercial education providers.

(iv) Given the current or likely situation in the country, no amount of regulation would be able to prevent indirect and subtle indoctrination of our young that may not be in our national interest. In fact, it is not unlikely that an influential section of our people may even welcome it. Didn't people of the US reelect George Bush in spite of his being widely regarded as the most hated person in the world?

(v) There is a great demand in the country to de-commercialize school, college and university education and a strong feeling that education in India will never become equally accessible to all as long as profit motive is permitted in the above educational segments. Having FEPs will make Indian educational providers become increasingly profit-minded, thus putting a lid on all efforts towards de-commercialisation (and thus democratization) of education.

Having said all this, I believe we should welcome with open arms established high-quality FEPs such as Harvard, MIT, Heidelberg, Oxford and Cambridge, to come to India, on an altruistic or philanthropic pilgrimage, preferably teaming up with an Indian counterpart just as China is permitting. This will not be a part of trade but a part of academic cooperation that already exists around the world and is not under the control of GATS.

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The Foreign Educational Institutions Bill – A Critique¹⁷

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According to the media reports, there are currently five bills being formulated by the Ministry of Human Resource Development relating to higher education and they are at various stages; some are approved by the Cabinet, some are subjected to consultation, some are made available for public discussion and some are still treated as 'secret' and are not available to the public, but probably all are ready for placement before the Parliament. Four of these bills have been introduced in the Parliament on 3rd May 2010. The five bills are: a bill for setting up the National Educational Tribunal, a bill for setting up National Accreditation Authority, a bill for prohibiting Unfair Practices in Higher Education, a bill for setting up the National Commission for Higher Education and Research and a bill for Foreign Educational Institutions.

It may be necessary to look at all the five bills together, as they constitute a package of reforms that the government plans to make for the development of higher education. However, at the same time each one has also to be examined in detail, as each one individually and all collectively have serious long term implications for development of higher education in the country. As some have been intensively discussed in these columns and some not, besides being constrained by the non-availability of other bills, in this short note only the draft Foreign Educational Institutions Bill is critically examined.

A similar Bill was first introduced in the Rajya Sabha in 1995, and was later revived in 2007 but could not go through the Parliament proceedings. The government has promised that it would reintroduce the Bill after making suitable amendments. The present government has resolved immediately after resuming office for the second term, to work for the enactment of the Bill. Now a fresh bill, viz., the Foreign Educational Institutions (Regulation of Entry and Operations) Bill (Bill No. 57 of 2010), has been approved by the Cabinet and introduced in

¹⁷Published in *Economic and Political Weekly*, May 8, 2010, Vol. XLV, No. 19, pp. 12-15.

the Parliament on 3 May 2010. This is considered, by the government as "a milestone which will enhance choices, increase competition and benchmark quality. A larger revolution than even in the telecom sector awaits us". The Bill the stated objective of which is "to regulate entry and operation of foreign educational institutions imparting or intending to impart higher education " is based on certain faulty assumptions that the government makes, some of which are clear from the pronouncements of the government in the overall context of this and other bills. They are: (a) once the bill is passed, huge foreign direct investment will flow into India; (b) top ranking universities will come to India which will provide access to high quality education to the Indian students in India, that too at a fraction of cost of normal foreign education, as students save on travel costs and costs of living abroad, besides partial savings in tuition etc; (c) India will save huge foreign exchange which is now going out in the form of students numbering about 100,000 going abroad for studies, which is estimated to be around US\$ 7.5 billion a year; (d) foreign institutions not only provide high quality education, but will also contribute to improvement in quality of overall education, as their entry will result in competition and competition automatically improves quality and efficiency; and (e) most importantly, foreign institutions will come to India to solve our problems relating to inadequate access, quality and funding in higher education and hence government can reduce substantially, if not minimise its responsibility of providing education to the people.

Invalid Assumptions

There is no basis to argue that any of these assumptions is tenable. First, since 100 per cent foreign direct investment is allowed on 'automatic route' in higher education, it is assumed that the bill is going to open the flood gates for many foreign universities and that they will come with huge capital to invest in India. But foreign universities are found to be more interested (i) in taking students to their home universities as that will yield more revenues to their universities and their economies at large, and that will also promote diversity in the university campuses; and (ii) if at all necessary, in having collaboration with Indian counterparts as a part of twinning and other similar arrangements, which involves use of locally available infrastructure, than in coming to India with huge capital to invest in building university campuses in India. In the recent past this has been stated very clearly by some of the visiting ministers and university delegations from

abroad. So to claim that higher education through this Bill will become the 'largest FDI earner' may not be justifiable.

Second, recent indications are also clear that no top ranking universities are eager to come to India or to other developing countries to offer quality education programmes. It is the two-tier and three-tier universities which would be interested in coming to India to exploit the huge markets and to offer low quality programmes, even unaccredited programmes, taking advantage of the loopholes in our rules and regulations and weak regulatory mechanism. Top ranking universities are interested in India, but only for collaboration in high quality research activities, and not for normal degree programmes. This does not result in flow of FDI and setting up of foreign universities on Indian soil. Further, even when top ranking universities come to India to offer education programmes, it is important to note that only those newly created wings of the universities whose mandate is to go abroad to raise resources on a business mode, will come to India, so that they can make money and cross-subsidise the education of local students in their home countries.

Third, the Bill is seen as one that provides great opportunities for India students to study in their home country only, without feeling the need to go abroad; the flight of the students to go abroad will stop. It is important to note that many students who go abroad, go abroad not only for a degree, but also mainly for studying abroad in a foreign university in foreign atmosphere and settle there at least with a work permit. Large number of those who are going abroad for studies will not opt to study in a foreign university within India. Even if foreign universities set up a campuses in India, they will not be able to transplant the whole ambiance of a foreign university and its sociopolitical milieu in India. Hence they will not be attractive to a large number of students who are nowadays going abroad. The students will continue to emigrate in growing numbers. Therefore, to say that we will save huge foreign exchange may not be right.

Fourth, if at all the entry of foreign institutions results in any competition, that will be between unequals, as many of our public and even private institutions are severely starved of resources – financial, physical as well as teachers; and they are subject to tough regulations of the government, while the foreign universities will be least subject to any regulations of the government. Competition between unequals will

be unhealthy producing unhealthy results. More importantly, competition does not necessarily result in increase in improvement in quality and in efficiency. It can indeed produce avoidable costs to the society.

Lastly, the most untenable assumption is that the goal of the foreign institutions is development of our nation and that they will come here to solve our problems, relating to inequitable access, falling standards and scarcity of public finances -- the three most important problems that the Indian higher education system is facing. One should note that the foreign institutions come here to solve their own problems; even some of the best universities in the West are increasingly experiencing falling enrollments and facing shortage of public funds; and they are encouraged by their governments to go abroad to make money. They will not be interested in offering solutions to our problems of inadequate access, poor quality and resource scarcity. The assumption that foreign institutions will expand access to higher education and will help in boosting the gross enrolment ratio in higher education to our goal of 30 per cent is highly contestable, given their interests and given the relative magnitude of number of students to join foreign institutions, which will have unregulated fee structure. Entry of foreign universities will help neither our higher education system nor our economy in any significant way. It may have adverse effects. There is no evidence of any developing country having prospered educationally or economically by relying on foreign universities. In fact, the evidence is abundant to show that strong and vibrant higher education systems are built mainly by the governments and with public funds.

Two Features

Two important features of the draft Bill are very striking. According to the Bill, the role of the government of India or bodies like the UGC (or any other body to come up in its place) is extremely limited in case of the foreign institutions. The role of the government is confined to granting of permission to set up the institution. The government has no role in administration – admissions (forget about reservations), fee policies; recruitment of faculty or other staff – domestic or foreign, their qualifications, salary structure, etc.; it has no role in academic aspects – curriculum, methods of teaching, evaluation and examination system, recognition of degrees, etc.; it has no role of any kind in the governance of the institutions; and there is no supervision of any

aspect, no accreditation or no assessment by any Indian bodies. All this means a very high degree of laissez-faireism – non-involvement of the government in higher education to be provided by the foreign institutions. To allay any doubts that the government might formulate rules later, the Bill clearly states that further rules will be made only to clarify the provisions of the Act and that no rules will be made after two years after the Act is made.

The second feature, which is a corollary to the first, relates to the complete freehand given to the foreign institutions in all these matters, from setting up institutions to running them. Once they get the permission from the government, which also does not require any promise or statement, if not an affidavit on any of the above issues, they can decide on every major and minor issue on their own. They do not have to even submit any annual reports to the government. Their operations and their performance will not be subject to any examination by any body. There is no provision for any kind of social control and they are accountable to none. This reflects the neo-liberal government's unquestioned faith in markets. One doubts, whether even in a free market economy, any educational institution is so free to do whatever it wants to do and whether governments in those countries have so much faith in the markets, and opt to be onlookers only.

However, the Bill provides for revoking the status granted to a foreign institution, "if the [University Grants] Commission is satisfied that someone has violated any provisions of this Act or of the University Grants Commission Act 1956 or any other Act in force in India." The problem is how will the Commission be satisfied? After all, it does not have any overseeing powers, if not supervising and inspecting responsibilities; it does not have to receive any reports on the activities or practices of the institutions or its accounts or on any activity or it does not have to visit the universities for inspection or for any purpose.

The Bill offers two kinds of guarantees to promote the entry of foreign institutions and their flourishing. It guarantees speedy process of applications – the concerned statutory authority is to give the recommendation to the Registrar within 3 months after receipt of the application from the foreign institution; the Registrar will have to submit the report to the Commission within six months and the Commission will have to tender advice to the Central government within 30 days; and the Central government will notify or communicate the rejection

within a period of 30 days. Everything will be done on a fast track mode, in all within a period of eight months. The second kind of assurance is to the students, so that students do not worry, and do not have feel the need to be too cautious to take admission in these universities. The Bill guarantees to the students that they will be taken care in case of any eventuality. The Bill states that in case of withdrawal of the foreign education provider for whatever be the reason, the Central government shall make alternative educational facilities for students.

According to the Bill, the conditions to get permission to set up a foreign institution in India are very minimal: an institution has to have experience of offering educational services for about 20 years; it has to deposit Rs. 50 crore as a corpus fund; it has to offer courses of study which should be "in conformity with the standards laid down by the statutory authority, and is of quality" compared to those offered in the main campus of the university in the country in which it is established; it cannot repatriate surplus revenues; 75% of revenues generated should be used for development of institution in India and 25 per cent need to be deposited into the corpus fund; and it has to publish prospectus of the institution giving details on fees, number of seats, admission criteria, etc. The Bill provides for exemption from the conditions which are so minimal, in case of reputed institutions with international standing from these minimum conditions, except the condition relating to use of surplus revenues. Criteria for granting exemption will be formulated by the government later.

While we need actually tough regulations, as foreign institutions and international forces are very strong and their activities cannot be easily controlled, the Bill provides for token regulations only. In the recent years there was a talk that these institutions will be recognised as deemed universities and the rules and regulations applicable to deemed universities will be applicable to them; further these institutions would be subject to policies of government of India relating to reservations in student admissions, their fee structure will be regulated, and the courses they offer would have to be recognised by the parent universities abroad as well as Indian bodies. But none of these conditions figure in the draft Bill! It is important to note that some of the countries that have allowed the entry of foreign institutions have laid down strict conditions regarding accreditation of courses, and also regarding enrolments of native and foreign students, besides about the

faculty, physical infrastructure and other aspects. Quite surprisingly, the draft Bill makes no mention of any condition regarding accreditation and recognition of the courses of study by the appropriate public bodies either in the country of origin or in India, if not both.

The Bill makes a distinction between 'Foreign Educational Institution' and 'Foreign Education Provider.' The later is the one which is recognised by the Central Government to enter India and to offer education programmes in India; and the Foreign Educational Institution is one which is established or incorporated outside India and has been offering educational services in the country in which it had been established or incorporated, and which offers or proposes to offer educational programmes in India through conventional method independently or in collaboration with any institution in India. In other words, the later one is not recognised by the government of India.

No Permission Needed

One would expect that such a Bill will require these institutions to seek formal permission from government to continue their activities, and apply for recognition of their education programmes or to quit, so that all the foreign educational institutions come under the purview of one common set of regulations. The Bill does not propose any thing of this kind. Only those institutions which intend to offer degree/diploma or equivalent programmes have to take the permission. As the Bills states,

"No foreign educational institution shall admit any person as a student, or collect any fee from such person or its students in India for any course of study leading to the award of a degree or a diploma, by whatever name called, unless such institution has been notified by the Central Government as a foreign education provider..."

The Bill not only recognises that non-recognised institutions exist in India, but it also allows for their continuation in India without seeking permission from the government. They will of course be required, according to the Bill, to furnish a report about their activities to the Commission and publish the information on their websites. The question is why will they do, particularly as, an institution which is permitted and notified by the government to carry on its operations in India, in contrast, does not have to submit any report to any one. So the on-going business, however murky it is, of several unauthorised

foreign educational institutions can go on uninterrupted and the Bill will have no effect on these institutions.

'Red Carpet Welcome'

The Bill, which was titled in its earlier form in 2007 as the Foreign Educational Institutions (Regulation of Entry and Operations, Maintenance of Quality and Prevention of Commercialisation) Bill, is now simply called the Foreign Educational Institutions (Regulation of Entry and Operations) Bill, probably realising that maintenance of quality and prevention of commercialisation of higher education are too difficult goals to be achieved by this Bill. The private sector has extended a 'red carpet welcome' to the Bill, probably expecting that eventually the government will be forced to extend a similar freedom with a similar token minimal set of regulations to them in order to provide a level playing field for ensuring competition etc. The private sector might view it as an added opportunity for the private institutions along with foreign institutions to work together to relegate the public higher education system to a distant insignificant second place on the higher education scene in the country, as it is already happening in case of higher professional and technical education in some of the major states in India.

As stated in the 'Statement of Objects and Reasons' of the Bill, "there is no comprehensive and effective policy for regulation on the operations of all the foreign educational institutions in the country." It is also stated that "due to lack of policy or regulatory regime it has been very difficult to make a meaningful [assessment] of the operations of the foreign educational institutions." One wonders whether the Bill provides any *comprehensive and effective policy* and helps in making any *meaningful assessment* of the operations of these institutions, and whether the Bill will help "to maintain the standards of higher education within the country."

In the recent past, the Yashpal Committee and a Committee of Experts constituted specifically to look into this issue under the Chairmanship of C.N.R. Rao have suggested caution in the whole approach; they have suggested to adopt a highly selective approach – to identify and invite a few best universities in the world to come to India and offer education programmes, and not to offer a blanket entry permit for all kinds of institutions to come and do business in higher education, which treat higher education as a commodity, as an international tradable

commodity meant for profit-making, and not as a public good. Unfortunately the Bill does exactly what these committees have suggested not to do. It treats higher education as a tradable commodity. The stated objective of the Bill is “to provide for regulation of entry and operation of foreign educational institutions ...”; but the actual objective seems to facilitate easy entry of foreign institutions into India and to help smoothen the process of making commitment of higher education by the Government of India to the WTO under the framework of GATS, an issue which has been pending for the last several years, particularly after the confusion created by making an ‘initial offer’ to the GATS and then its ‘withdrawal’ by the government of India in the mid-2000s.

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THE FOREIGN UNIVERSITIES : FALSE PREMISES¹⁸

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On receiving green signal from the Union Cabinet for The Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010, the Human Resource Development Minister Kapil Sibal announced: "This is a milestone which will enhance choices, increase competition and benchmark quality." This raises four questions. First, is this Bill really a milestone? The nation was looking forward to the declaration of an agenda for the improvement in the higher education system comprising almost 18,000 colleges and more than 500 universities. On the contrary, the recent Union Budget reveals, taking into account the inflationary cost, a downward trend in allocations for Higher and Technical Education. Out of an outlay of Rs. 46,500 crores in the XI Plan for Higher Education, only Rs. 8,300 crores have been so far released, though three years of the Plan are over. This deliberate under-funding of higher education, along with that of school education, is part of the World Bank dictates being pursued for the past 20 years when the educational expenditure fell from 4% of GDP in 1990 to 3.5% of GDP in recent years despite levying 3% educational cess. This has led to a widening cumulative gap of a few hundred thousand crores of rupees in public investment in education – a sure prescription for all-pervading commercialization of education. Had Sibal declared a time-bound multi-dimensional agenda for reversing this anti-education stance, he might have reasons to acclaim it as a milestone.

Second question. Whose choices will this Bill enhance? Only about 20% of the relevant age group children are able to go beyond Class XII, the vast majority of them coming from sub-standard schools. The farcical RTE Act, 2009 is designed to legitimize inequality in school system and deny access to a vast majority to even secondary education. Only the affluent would be able to afford the exorbitant fee structures of the profit-making foreign universities. Yet the Wall Street

¹⁸Published in DNA (dna.sunday), Mumbai, Sunday, 21 March 2010, page 10; <http://digital.dnaindia.com/epaperpdf/21032010/20sunday-pg10-0.pdf>

is upbeat about the market prospects. Obviously, the market *pundits* are not counting on this affluent minority alone. They have Public-Private Partnership (PPP) in mind. What does that imply? From NDA to the UPA Governments, the policy of shifting public funds to the corporate capital has been promoted under the PPP banner. Apart from extending both direct and hidden subsidies, including free or subsidized lands, the government is offering generous tax exemptions to private institutions and even tax incentives to the parents who send their children to high fee-charging institutions. Misusing the rhetoric of inclusive education, the corporate leaders are exhorting the State to increase 'scholarships' and 'cheap loans' to the weaker sections to avail of the expensive foreign universities. If the government is willing to suffer such massive revenue losses and incur public expenditure to promote commoditization of education, why not then directly support and expand higher education in the public sector itself. But then the objective of under-funding public institutions followed by PPP is precisely to enhance the choices of the global capital, not the people. Hence the rejoicing at the Wall Street!

Third question. Will the Bill improve quality through competition? As per market thumb rule, competition is a meaningful tool for quality improvement only if there is a level playing field. We have seen how the state policies have been designed to demolish both school and higher education in the public sector, except for a handful of elite institutions. Sam Pitroda, Chairperson of the Knowledge Commission, recently told a conference that "At least 90 per cent of Indian universities are providing below-par education" but he went on to laud the government for "opening 14 universities of innovation and 400 new colleges"! It is in this enigmatic ruling class framework that opening up of the Indian market for a handful of profit-making foreign universities is seen as providing for competition for quality improvement.

In the wake of independence, India built up a range of high quality higher education and research institutions in the public sector. Apart from the IITs and IIMs, these included AIIMS, Regional Engineering Colleges, JNU, Delhi University, Indian Institute of Science, TIFR, BARC, ISRO, Centre of Cellular & Molecular Biology and IUCAA - just to name a few. Did these develop out of a spirit of competition or the Constitutional commitment, albeit in the bourgeois liberal framework, to build a public-funded education system? Even in the US, the vast system of high quality state-funded universities (University of California

being an outstanding example) continue to tell us that the public sector in education does not require competition as a tool of quality improvement. The motivation has invariably been social and national development. Even the icons of private institutions in the US like Harvard, Princeton, Caltech and MIT were motivated primarily by philanthropy, rather than profit.

This brings us to the most crucial question. What kind of quality will the foreign universities benchmark for India? Even *The Economic Times* in its editorial (17 March) was constrained to acknowledge, "The reality is that 'for-profit' describes hardly any of the world's best institutions of higher learning. . . . Only second-rate outfits not allergic to some accounting innovation that allows them to circumvent this ban [on repatriating profits] are likely to invest in Indian campuses." When would we have the moral courage to question the socio-political character of knowledge in the universities of North America and Europe? If everything was hunky-dory with that system, why did it face economic recession twice in less than a century? Isn't the phenomenon represented by the Union Carbide-led Bhopal disaster, Monsanto's GM crops and commoditization of natural resources, culture and even our emotions also an outcome of the same neo-liberal economy of which education is a sub-set? It is time that the Indian Parliament stops examining the Foreign Universities Bill through the global market spectacles and return to the socio-political vision as enshrined in the Constitution.

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A Bill to Kill Higher Education^{19,20}

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The Union Cabinet has given the green signal to Kapil Sibal to table the Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010, in the Parliament. As part of MHRD's 100 day agenda, the Bill proposes to make laws prescribing the approval of branch campuses of foreign educational institutions in India and its regulation.

FEPs in India

Foreign education providers (FEPs) have been operating in the country since the year 2000. Despite protests, foreign direct investment in education was permitted and 100 percent equity was allowed in educational institutions. Those who entered educational activities, worked through a variety of forms including that of twinning — wherein enrolled students complete part of their study in India and partly in educational institution situated abroad, offering dual degrees and collaborative education with a local private educational institute. The quality of these programmes have been doubtful, while their costs have been very high. Much like the domestic private operators, they preyed upon the educational and employment insecurities of post-liberalised India, the gaping holes in access to quality higher education and made huge profits at the cost of the students. Many domestic private institutes expanded their base by taking advantage and palming off mediocrity in the name of associating with a foreign institution.

In this context, regulation is certainly called for, but the Bill reveals that more than regulating, it is actually attempting to create a smooth

¹⁹With reference to 'The Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010' (Bill No 57 of 2010, placed in the Lok Sabha).

²⁰A slightly modified version of the paper published in *Liberation*, May 2010, pp. 4-6 or available on the site :

[HTTP://WWW.CPIML.ORG/LIBERATION/YEAR 2010/MAY 10/COMMENTARY2.HTML](http://www.cpiml.org/liberation/year_2010/may_10/commentary2.html)

passage for the FEPs to set up shop in India. Even though FEPs twinned, franchised and collaborated with institutes in India, they were not able to provide recognised degrees and diplomas to their students, who were neither able to apply for public sector employment or further domestic degrees on the basis of qualifications earned. This limited the market expansion of these institutes and they could never attain the popularity that the liberalisation *gurus* hoped they would. Moreover, the FEPs could not declare themselves as a university as this involved being regulated by a higher education body and being governed by a Central or a State Act.

The Bill bridges the gap by ensuring that it fulfils what foreign direct investment (FDI) alone failed to do: i.e. provide legitimacy to a commercial enterprise in education. Thus, the Bill grants legitimacy to the activities of a foreign company through a Central Act, makes it at par with the Indian universities by recognising their degrees and yet gives them a special start to tap higher education as a marketable commodity by allowing them to be governed by another set of rules.

Hollow Claims of Regulation

While regulating foreign education providers and reigning them in is definitely required on a priority basis, given the students who are falling prey to their advertisement campaigns, the current Bill is least concerned with regulatory aspects.

Regulation implies, not only deciding the terms of setting up but also regulating the courses, programmes, types of degrees and, most importantly, the fees charged as well as the students', teachers' and staffs' rights. Yet it is largely silent on most of these counts. On the issues of fees, a great pretence is made: the relevant clause actually calls only for publishing fees charged and not restraining them, thus permitting foreign institutes to charge what they want.

The Bill also dilutes the meaning of what regulation means by limiting it to laying the terms and the process for becoming a functional FEP. In a clever play of couched words, it attempts to establish the complete commercialisation of education. While it calls for stopping repatriation of profits from surplus generated in operations, it does not stall the commercialisation of the educational process itself and in fact encourages the investment of surpluses for expanding the foreign educational business within the country. Venture capitalists across the

world today are happy investing in educational enterprises because, even during recession, it was found that educational business assures regular income. By not stopping profit making out of education provided it is reinvested in education, it is actually laying out a blueprint for the future course of how higher education will expand. Notably, non-repatriation of profits is with reference to profits over operational costs, but it is still possible for companies to repatriate profits, provided the routes are different like that of faculty consultancies and projects, which have lately become a big income resource for several top rung universities.

Remarkably, the lack of seriousness on claims of regulation overruns the Bill and, by Chapter IV, it declares that the Central government on the basis of a three-person advisory body can bypass the limited regulatory provisions on procedures and penalties for certain institutes if they stick to non-diversion of profits from educational activities! By Section 13, the profit clause also gets diluted and all that is expected from a foreign educational institute that awards certificates and not degrees or diplomas, is for it to keep reporting its activities!

The hollowness of regulation further gets exposed, as it is clear in the Bill that there is no attempt to regulate the application of Constitutional laws of non-discrimination or implement social justice in these institutions. While the high fees will lock out large sections of students, the absence of reservation policies will ensure that these institutes remain the preserve of the privileged castes and classes. This is indeed a dangerous proposal. Considering that the government has already declared how these institutions will set best practise benchmarks, the Bill is signalling that, in the years to come, social exclusion is going to be the indicator of quality education!

So the question is: What is the Bill supposed to regulate, when it does not check the fees demanded from students, allows no student union (only a council) for grievance, waives off penalty provisions for a broad category of FEPs, does not implement social justice laws, and permits commercialisation in the area of education, besides creating loopholes to allow favoured FEPs to escape.

The main regulatory body mentioned in the Bill, the University Grants Commission, is itself facing a doubtful future, with the impending overriding emergence of the National Commission for Higher Education

and Research (NCHER), which is plugged as yet another Bill in the Parliament. It has already been announced that NCHER is likely to act as the regulatory authority for FEPs after the proposed Bill is passed. While regulatory authorities of the likes of AICTE, UGC, NCTE and others in the country have been enveloped in bureaucratic troubles and corruption, its substitution with another body with still less representation is hardly likely to make things any better, if anything there is a strong likelihood of things getting worse.

The bluff of concern for poor quality of deemed universities has also been called off with this Bill as it seeks to allow the FEI to become a 'deemed university' if it so chooses, this even before any merit has been proved on the quality of these institutes.

The FEP Bill and GATS

The FEP Bill should be seen in the light of the commitments India has given to the World Trade Organisation (WTO) on Higher education. Opening up for General Agreement on Trades and Services (GATS) negotiations on higher education has been long on the agenda of the UPA government, which had first made its moves in the previous term itself through a Consultative paper of the Commerce Ministry. Moving ahead, the FEP Bill establishes through an Act of the Parliament that higher education is a marketable service, which foreign educational providers are entitled to legally deliver through commercial presence in the Indian market by establishing Branch campuses. This fits in with the Mode 3 of GATS rules, which is meant for situations when foreign commercial presence is felt in domestic markets. Once identified within the Mode 3 format, India would be left with very little negotiation powers under GATS, whose trade rules are then bound to govern it since Indian has already made commitments at WTO. The GATS rules are notoriously against the poorer countries, and India, with only about 12 percent of its population in higher education, is thus going to face catastrophic effects of commercialisation of education that will affect the spread, access, content, nature, orientation and impact of higher education.

Higher education has played a fundamental role in the development of societies and changed the directions that it has taken. India is far behind the countries it proclaims to compete against. While nearly 22-27 percent of Chinese have access to higher education, in the middle income and advanced countries those accessing higher education

amount to 50-70 percent of the population. Very few countries including those of the European Union have opened their markets out to commercial presence of the Mode 3 format within GATS. Yet India with its woeful under-representation of the 18-24 age group in higher education is being put up for a commercial slaughter by a market driven government.

Vacuous Premise

The assumptions driving the FEP Bill are far fetched. It imagines that markets and FEPs can fulfil demand for higher education within the country. Higher education needs to be context-specific. In a country like India with its deep social fissures, higher education has the additional role of breaking the ceilings on opportunities available to certain sections of society. Its impact is way beyond private benefits and its costs must be borne collectively through public funding. The content of higher education also cannot be merely dictated by the call of a fickle market-controlled from abroad, which has lately shown how degrees can become worthless as markets keep changing to the tune of global capital. The consequence for students who fall for loan markets, pay through their nose only to find the worth of their degree waning because international markets have changed, is devastating. Also by pricing knowledge certain kinds of learning is made worthless irrespective of its social significance.

The assumptions of the pro-Bill lobby are fanciful too. It starts with the notion that students who leave India will stay back to study in the branch campuses of FEP. Only a minuscule section of Indian students go abroad and when they do so, they do it in the hope of settling there or on the look out for an international campus atmosphere. To imagine that tele-conferencing and foreign textbooks in a branch campus would provide a significant alternative to such students is hardly believable. Hence, the foreign educational business is not for those students who leave but for those students who stay and then are forced to pay!

It is an established fact by now that franchises and branch campuses are often set up by foreign universities that are facing a crisis in their countries because of a cut in public funding. As a result, they end up exporting poorer versions of their courses and implementing programmes that are commercially viable, so that they can remain afloat. They do not arrive to set examples on educational best

practises, do fundamental research or to ensure wider access to higher education. They arrive with profits in mind and, if they are unable to make it, they will pack up and leave, or not arrive at all or worse but more likely, get the Central government to give them special provisions to bypass the rules. Given the overall surrender in favour of corporate interest as part of larger the neo-liberal policy shifts, it would not be surprising to find rules being redrafted sooner than later.

The Bill fits in with the larger neo-liberal shifts taking place in the area of education and will engineer a decline of public-funded universities and their dismantling and replacement with teaching shops both of domestic and foreign make. The annual budgetary provisions, including the 2009-2010 data indicate an overall decline in non-plan allocation to public universities and UGC, thus forcing them to either fail in maintenance or rely upon private funding for survival. The plan allocations are also headed towards the Public Private Partnerships (PPP) models, which will further reduce education to a mere business opportunity with no social responsibility.

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Educating India, in a B-Grade American Style²¹

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The Union Cabinet has cleared The Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010, which aims to allow foreign universities to set up campuses in India. This Bill follows the two controversial Bills pending for Parliamentary approval -- the Nuclear Liability Bill and the Biotechnology Regulatory Authority of India (BRAI) Bill. I am not the least surprised.

Kapil Sibal, the Minister for Human Resource Development, is visibly excited. He is quoted in the media, saying: "A larger revolution than even in the telecom sector awaits us." Well, we all know that the path to hell is paved with good intentions. But if you have known Kapil Sibal, be sure the intentions are not as pious as he often claims. Given a choice, he would even make the Congress party adorn the colours of the Republican party.

Nothing can be more dangerous than programming the mindset of the young generation of India through an education system that has nothing to do with the great culture, tradition and wisdom that the Indus civilisation endowed us with. The present crop of politicians, more worrying are the younger lot that the *Indian Express* talks about every day, are so myopic that they can't see anything beyond Europe and America.

If this is all that these these politicians are capable of thinking and doing, I sometimes wonder why shouldn't we have political representatives from Europe and America sitting in Indian Parliament? After all, they will do the job of re-colonising the country much more efficiently than their sub-standard Indian clones.

²¹ Source: <http://business.rediff.com/column/2010/mar/18/guest-educating-india-in-a-b-grade-american-style.htm?invitekey=c8fe90a21fb>

There are a large number of people in this country who are sold out to everything American. They live in India, but have an American dream. They will find fault with the higher education system in the country, and wouldn't mind even if the country's education system is eventually taken over by second-grade colleges and universities from North America, Europe and Australia. It is in this context that I find the editorial in the *Economic Times* (Mar17, 2009) under the title 'University of California, Ghazipur?' interesting. This is what it says:

"But such a law is unlikely to open the floodgates for foreign providers of quality education. The reality is that 'for-profit' describes hardly any of the world's best institutions of higher learning. In any case, the Bill stipulates that all profits would have to be ploughed back into the Indian venture and not repatriated.

Only second rate outfits not allergic to some accounting innovation that allows them to circumvent this ban are likely to invest in Indian campuses. But even these would offer competition to our own citadels of scholarship, such as they are, and alleviate the present, severe scarcity of educational opportunities and so are welcome."

I have nothing against the foreign universities. They may be good in their own environment. But I always thought India had a lot more to offer to these educational institutes.

Any visionary national leader would prepare for a day when Indian universities regain their lost glory. Ironically, the first two universities the world has ever known -- Takshila in 700 BC, and Nalanda University, was built in 4th century BC. It was considered to be one of the greatest achievements in the field of education. More than 10500 students studied over 60 disciplines.

Isn't it a shame that the country that gave the world its first universities, is now feeling thrilled that some of the foreign universities are likely to open campuses, if the government has its ways.

I have been lecturing at various universities abroad, and have always come back disappointed at the level of competence. Please don't get me wrong, I don't mean that everyone who passes out is incompetent. The fact remains that if these foreign universities were so good, I don't see any reason why the globalisation process should reach a dead end, why the world witnessed an economic collapse, and why the world was faced with an unprecedented food crisis in 2007-08. More

importantly, if these foreign universities were so good, I fail to understand how come the world has reached a tripping point.

The foreign universities have hardly any semblance to the existing ground realities. These universities are so designed that it actually aims at the building excellence in exploiting natural resources, and is aimed at programming the younger generation to the virtues of growth economics. Everything ends up with the fundamental premise on how to make more profits, by commodifying culture, nature, human body and even knowledge.

This faulty learning has been very cleverly brought out in James Cameron's *Avatar*. If you have had a chance to view this movie, you would have realised how faulty and miscalculated would be the futuristic thinking (obviously an outcome of the educational learning) and design of the civilised race would be 150 years from now (in the year 2154). It tells you that the programming of the human race towards commodifying nature, through the educational system, will go on unchecked in the decades to come.

No wonder, you felt outraged at what the scientifically empowered civilised generation from the Earth tried by way of first displacing and then exterminating a native population across the galaxy that lived in complete harmony with its surroundings.

Without realising the intrinsic values and linkages the people had with the natural surroundings, the attack on the 'Pandora' was misplaced, and you almost felt like clapping when the evil forces from the Earth were undone by the simple folks.

The futuristic insight that *Avatar* provides looks like to be a scene from the tribal regions of Orissa and Chhatisgarh. Oh, my God ! it looks the world is not going to change. Our education system will continue to prepare us for the doomsday.

Well, we will continue to debate on this in the days to come, but first I want to draw your attention to the damage done by the imported agricultural education and research system. Nothing better illustrates the change in mindset than what has been achieved a century and half later through agricultural research and education. All that was taught as

part of the land grant model of education that the USAID brought into India has actually resulted in an unprecedented blood-bath on the farm. The agricultural research and education system was basically tailored to what America does, not what we do in India. We are told that our agriculture is sub-standard, backward, and inefficient. This is what we are taught in our agricultural universities, all programmed after the US farm curriculum.

If you really want to improve Indian agriculture you have to follow the American model of agriculture. That is what is taught to us. We have learnt it the hard way and no wonder today we are faced with one of the biggest and worst crisis in agriculture.

Why is it that in a country, which has the second largest public sector infrastructure in agriculture research in the world, farmers should be dying or wanting to quit agriculture? If the American model of agriculture research and education is so good than why should farmers be in distress and agriculture virtually ruined? As a nation, we need to introspect and look back. There is something fundamentally wrong.

Courtesy: <http://devinder-sharma.blogspot.com>

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SHOULD INDIA PROVIDE SCAFFOLD TO THE FOREIGN UNIVERSITIES?²²

- Prof. R. Vaidyanathan

Professor of Finance and Control
Indian Institute of Management
Bangalore

It is not a coincidence that the Cabinet has approved the Foreign Universities Bill around 100 years after the publication of the booklet on *Hind Swaraj* written by Mahatma Gandhi (it was written by him in 1908 on his return voyage from London and published serially in the columns of the *Indian Opinion* edited by him). Then within a year it was published in a book form to be proscribed by the then Bombay government. In response to the Bombay government's action, he published the English translation. He says in that fascinating book: "The English have not taken India; we have given it to them. They are not in India because of their strength but because we keep them. Hence it is truer to say that we gave India to the English than that India was lost." (*Collected Works of Mahatma Gandhi, Volume 10, August 5, 1909 to April 1910*).

The Human Resources Minister has claimed that the impact of the Foreign Universities Bill will be more revolutionising than the spectrum allocation and mobile phones. We only hope that he is talking about the outcome and not the scandals!

These institutions (which are expected to set up shop here) in the UK and the USA are broke and many departments are getting closed. To quote from a recent article in *The Economist*: "No one should go broke because they chose to go to college," Barack Obama said in January in his state-of-the-union speech. But American college students worry they might, thanks to recent fee increases at technical colleges and universities. On March 4, students and disgruntled faculty staged protests at around 100 campuses in over 30 states, calling on state

²²Published in 'express buzz' website on 23rd March 2010.

Weblink: <http://expressbuzz.com/Opinion/Op-Ed/should-india-provide-scaffold-to-them/158644.html>

legislators and university administrators to put a halt to recent tuition fee hikes and funding cuts. In Oakland, California, student protesters marched on to a big highway and stopped the traffic. Elsewhere students carried coffins to symbolize the death of affordable education.

According to the Centre on Budget and Policy Priorities, a think tank, at least 39 states have decreased their funding for public colleges and universities or increased their tuition charges. In California some public universities have increased fees by more than 30 per cent. At the same time they are cutting back on their offerings. Many have tried to save money by laying off staff, closing academic departments and reducing the number of classes offered. Some are admitting more out-of-state students who pay higher fees. Several institutions have also started to cut the number of students they enroll in order to save money.

Britain is much worse. In the post-Thatcher era, the universities are struggling due to reduced state funding and inability to increase the fees. Recently, Cambridge announced that its doors will be thrown open to public during summer, of course, for a price.

Another important reason provided by the current ruling groups and the spin master sepoys in the media is that it will help lakhs of youngsters who are going abroad to pursue higher education and preserve precious foreign exchange and also prevent spurious institutions abroad luring our youngsters.

Let us analyze the different categories of youngsters and reasons for going abroad. The first is primarily to countries like Australia for skill-related courses like beauticians and cake making hoping to get work permit in that country to settle down. That group is not going to join cake making courses in Eluru or Nasik or Dibrugarh or Batala even if offered by foreign universities unless residence/ work permit dreams are also provided in the convocation.

The second group is the highly qualified IIT/NIT engineers for higher education to the USA. The level of private corporate sponsorship is an attraction for students of science and engineering stream and the desire to get green card is deep-rooted.

The third category is the children of business people and bureaucrats and other "Delhi caucus" descendants who cannot get into institutions of higher learning in India due to stiff entrance criteria. They pay through their nose and get into any type of institutions like "Tall

Mountain" or "Deep Sea" university and proudly come back and occupy important positions in our government.

There are two categories. One is those who are "educated" abroad and the other is "graduated" abroad. The former imply being thrown out after several attempts in that university and later somehow managing to pass. It is this group which feels threatened now due to spiraling cost of education abroad; the limited visa regimes of western countries and the threat from the ascendancy of the "bankrupt classes" through the merit route of JETs and CATs.

We find that the discussion and debate in the media after the Bill has been approved by the Cabinet is regarding education market, education business, returns on investment and the "selling of the brand." Unfortunately, nobody talks about learning, knowledge and academics. Education is not any more imbibing knowledge, the quest for attaining perfection or even professional development. It is up to our Parliamentarians to decide what India wants and what they would like to leave for the future generations. One only wishes that some Gandhian institution will distribute copies of the original *Hind Swaraj* to our Parliamentarians to ensure that we do not measure the quality of our life by retail footfalls or soda consumption.

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On Draft NCHER Bill, 2010: Academia, Legislatures Need Not Think but Follow New Commission's Dictates²³

- Dr. Vijender Sharma

Former President, Delhi University Teachers' Association

The central government constituted a task force on September 7, 2009, with joint secretary (higher Education) as its convener, to aid and advise the central government in the establishment of a commission for higher education and research as recommended by the Yashpal Committee and National Knowledge Commission. On first of February, the ministry of human resource development uploaded on its website (<http://www.education.nic.in/>) the draft of National Commission for Higher Education and Research (NCHER) Bill, 2010 as approved by the task force and sought "feedback and suggestions from all stakeholders".

As one reads this draft bill, one finds that this is not to "promote" but undermine "the autonomy of higher educational institutions". This is to restructure higher education system for "competitive global environment" and not for catering to the aspirations of our youth. This is not for helping state governments to strengthen higher education but to snatch away from them even whatever their powers were left after education was included in the concurrent list of the constitution of India during infamous Emergency. This is a bill to create an all powerful commission for the centralisation of all aspects related to higher education. This is a bill to undermine the powers of the parliament, state legislatures and representatives of the people at large to opine and decide the education policy and administration of institutions of higher education in India.

Unfounded Presumptions

It is presumed that by abolishing University Grants Commission (UGC), All India Council of Technical Education (AICTE) and National Council of Teacher Education (NCTE) and establishing a seven member NCHER will lead to "renovation and rejuvenation" of higher education. It is also presumed that the selection committee, consisting of the

²³Published in *People's Democracy*, Vol. XXXIV, No. 07, February 14, 2010.
Weblink: <http://vijendersharma.wordpress.com/2010/02/07/on-draft-of-ncher-bill-2010/#more-252>

prime minister, speaker of Lok Sabha, the leader of the opposition in Lok Sabha and two ministers in charge of higher education and medical education [Section 5(5)], will choose seven members, most competent for "renovation and rejuvenation" of higher education and will be the best brains and only brains to shape the future of higher education in the country. It is further presumed that by according to the chairman and six other members of NCHER the status of chief election commissioner and Election Commissioners respectively [Section 12 (1) and (2)], the ills of the UGC, AICTE and NCTE and prevalent corruption in these institutions can never induce the proposed NCHER.

In fact the concept of NCHER was ill thought out by the Yashpal Committee itself while responding to the neo-liberal agenda of the central government. Similar structure was proposed by the National Knowledge Commission led by Sam Pitroda with market oriented motives. Both were strongly rejected by "all stakeholders".

The central government has been privatising the work of permanent and perennial nature and appointing staff on contract basis through private manpower suppliers. The work related to security and sanitation has already been privatised. Now, its thrust is to privatise the entire ministerial work. The UGC has recently floated tender for the appointment of 130 employees for secretarial and administrative work through manpower service providers at low wages. The central government seeks to legalise contractual appointment of "academic, management, accounting, technical and scientific experts" in the NCHER [Section 14(3)]. The privatisation of such work cannot be accepted.

Collegium: An Undemocratic Body

A "collegium" will be established consisting of "core Fellows and co-opted Fellows, being persons of eminence and integrity in academia in higher education and research" [Section 17(1)]. Core Fellow has to be a national research professor, or a recipient of the Nobel Prize or Field Medal or Jnanpith award, or a member of an Academy of international standing [Section 17(3)]. The numbers of core Fellows and their appointing authority have not been provided in the draft bill. There is no provision under which states can recommend persons as core Fellows.

The co-opted Fellows will be chosen by core Fellows, to represent each state and each union territory from a panel of five persons

recommended by the government of each such state or union territory. The election of the co-opted Fellows is very complicated. The state/UT representative has to muster first preference vote from at least two-third of the core Fellows present and voting. The core Fellows while electing co-opted Fellows will also "ensure representation to persons with expertise in such field of knowledge which, in their opinion, is not adequately represented in the collegium" [Section 17(5)].

Thus the representatives of states and UTs will have second class status as they have to depend on the support of core Fellows. The states and UTs have been treated with contempt. They will be at the mercy of the 'wisdom' of core Fellows and may have to change their nominations to cover particular field of knowledge as desired by core Fellows. The term of core Fellows will be life time, while that of co-opted Fellows will be five years. Lifetime appointments generate vested interests and akin to breeding corruption.

This collegium will recommend to the selection committee, constituted as mentioned above, a panel of persons for appointments of members and chairperson of the commission [Section 19(1)]. It has not been provided in the draft as to whether NCHER will be created first and then collegium or collegium first then NCHER.

Marginalisation of States

This collegium will also make recommendations to the commission for the determination, co-ordination, maintenance of standards in higher education and research, a vision on the emerging trends in different fields of knowledge and inclusion of persons eligible and qualified to be appointed as vice chancellor of a university in the national registry. The names of suitable persons eligible and qualified for appointment as vice chancellor of a university for inclusion in the national registry proposed to the commission by the central government, state governments, or universities will be referred to the collegium for assessing their suitability and competence [Section 20(2)].

The power of the states to appoint vice chancellors of their state universities will be taken away. They have to depend first on the recommendation of the collegium, heavily dominated by core Fellows appointed for lifetime, for the inclusion of persons in the national registry and then on the list of five persons provided by the

commission. No person will be appointed as the vice chancellor if his/her name is not included in the National Registry.

The NCHER will be all powerful. Once it comes into being, the powers of the state legislatures to start new universities will be seriously eroded. They have to be established in accordance with the norms and processes specified by the commission. And, in order to start functioning they have to get "authorisation" from the commission to award any degree or diploma.

Centralised Structure

The NCHER will develop national curriculum framework, guide universities in revising course curricula, specify norms of academic quality for accreditation, affiliation of colleges, and governance in universities, and minimum eligibility conditions for appointment of vice chancellor of any university [Section 24]. It will develop policies for interaction between students and teachers. It will take necessary measures including schemes for gradually enabling colleges affiliated to universities to function in an autonomous manner independent of such affiliation. The coordination, determination and promotion of standards in distance education systems will also come under it [Section 56(3)].

It will also specify the norms for financing higher education institutions, principles of allocation of grants for their maintenance and development and will disburse grants. The principal of giving block grants, rather than financing higher education institutions on the basis of their requirements, will be introduced [Section 45]. Thus there will be a total centralized structure with no scope for the academic activity in accordance with requirements of the states and areas. Much trumpeted recommendation of the Yashpal committee regarding academic freedom of teachers and institutions of higher education is being put underfoot. There would be no scope for different syllabi in different states based on their socio-cultural conditions.

The commission will prepare, every five years, a report on the state of higher education and research in every State and its relation to national trends. The governor of every state will get such report laid before the legislative assembly along with an explanatory memorandum on the action taken, or proposed to be taken, thereon in respect of each

recommendation made by the commission [Section 27]. Thus the state governments will be forced to implement the agenda set by the commission and the powers of the state legislatures will be restricted.

However, the central government has retained powers [Section 29] to frame in consultation with the state governments and the commission a national policy, for the development of higher education and research, which shall guide the commission.

Retrograde Proposal

On what basis, the central government thinks that all the ailments of the UGC, AICTE and NCTE cannot affect the NCHER. After all, these bodies were also established with similar intentions for which NCHER is being proposed! The understanding of the seven members of the commission will decide what should happen in the field of higher education in India. If this all powerful commission decides to direct the universities to look towards market for its requirements including general funds, then what would happen to our higher education system? The need is to make these bodies function democratically and efficiently, eradicate corruption prevalent in them, make them accountable to the people and serve the cause of education.

We have enough experience of how the education curriculum and structural framework of educational institutions have been communalized. We also have experience that policy thrust of these bodies and education ministry changes with the change in persons. Some of the issues which would hasten the process of commercialization of higher education taken up by the present Human Resource Development minister Kapil Sibal on priority basis were not the priority of the previous ministry.

The proposal to establish NCHER reflects the tendency of the central government towards centralisation of higher education. It negates the role of state governments and academia in strengthening the higher education system in their respective areas and in the country as a whole. It will prove to be retrograde for the development of higher education in India. Therefore, all stakeholders should respond to the central government opposing establishment of such a commission.

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Annexures

ALL INDA FORUM FOR RIGHT TO EDUCATION
An Appeal

August 07, 2009

To,
To, President of India
Rashtrapati Bhawan
New Delhi

Respected Madam,

Sub: 'The Right of Children to Free and Compulsory Education Bill, 2009' – Appeal for sending this anti-Constitutional, anti-child and anti-education as well as pro-privatisation and pro-commercialisation Bill for reconsideration.

On behalf of several democratic organizations and groups, along with many eminent intellectuals and social activists, across the country, we draw your kind attention to 'The Right of Children to Free and Compulsory Education Bill, 2009' recently passed by the Parliament. It is our considered view that **the Bill is anti-Constitutional, anti-child and anti-education**. In addition, **several of its provisions promote privatization and commercialization of school education**.

For the past four years, we have repeatedly appealed to the Central Government to replace the earlier drafts of the Bill as well as the Bill finally passed by the Parliament with a Bill drafted in the framework of '**Common School System based on Neighborhood Schools**'. This is the only framework which would ensure education of equitable quality to all children in consonance with the principles of equality before law (Article 14), guarantee against discrimination by the State (Article 15-1) and equal opportunity in public employment (Article 16) as enshrined in the Constitution.

However, to our utter disappointment, the UPA Government did not heed the democratic voices in the country. The appeal for wider public debate on different provisions of the Bill has been invariably turned down. The relevant Parliamentary Standing Committee which examined the Bill earlier this year also ignored democratic

submissions. The Union Government is rushing ahead with its 100-day neo-liberal agenda embedded in privatization and commercialization of education. Our appeal to the Lok Sabha Speaker on 23rd July 2009 for returning the Bill to the Parliamentary Standing committee for holding Public Hearings was also ignored. Please note that **not one Public Hearing has been held since the drafting of the Bill began in November 2004** in the CABE Committee under the chairpersonship of Shri Kapil Sibal, the then Minister of State for Science and Technology.

We bring to your kind notice that the Bill, instead of giving Fundamental Right to the children, deprives them of the Fundamental Right inherent in the Constitution as declared by the Supreme Court through its historic Unnikrishnan Judgment (1993). The Supreme Court stated that 'free and compulsory education' is a Fundamental Right of all children "until they complete the age of fourteen years" (including the children below six years age) by reading Article 45 of Part IV of the Constitution in conjunction with Article 21 (Right to Life) of Part III. However, the Bill passed by the Parliament will result in (a) more than 17 crore children below six years of age losing their Fundamental Right to balanced nutrition, health care and pre-primary education; and (b) the government being assigned arbitrary powers to provide free and compulsory education to more than 19 crore children in the 6-14 year age group "in *such manner as the state may by law determine*" (Article 21A), just as the government has been doing for the past sixty years. The afore-mentioned conditionality in Article 21A, though not notified as yet, has been (mis)used by the Central Government to dilute and distort the Fundamental Right of the children even for the 6-14 year age group through the said Bill.

We hereby underline the following serious lacunae and contradictions in the Bill.

This Bill,

- *allows* the authorities to dilute the meaning of FREE EDUCATION in an arbitrary manner; in addition, *denies* FREE EDUCATION to those children who have been compelled to go to private schools due to rapidly deteriorating quality of education in the government schools;
- *distorts* the concept of Neighborhood School recommended by the Kothari Commission (1966) and resolved by the Parliament in the National Policy on Education-1986 (as modified in 1992), thereby

authorizing the government to arbitrarily force the poor children to study in inferior quality schools;

- *maintains* Sarva Sikhsha Abhiyan's discriminatory multi-layered school system;
- *permits* the government to build schools of entirely unacceptable, ambiguous and sub-standard norms and standards;
- *continues* with inferior quality education for almost three-fourths of the children, particularly girls, disabled and severely disadvantaged categories;
- *misconceives* the universally acknowledged concept of disability and *fails* to provide for norms and standards necessary for integrating disabled children into regular schools and classrooms;
- *undermines* the universally accepted pedagogic role of mother tongue in acquiring knowledge and learning languages other than one's mother tongue, including English;
- *discriminates* between the children studying in government schools and the private unaided schools in various ways, particularly by providing for deployment of the government school teachers for non-teaching tasks. This is bound to lead to further deterioration of the quality of education in the government schools, making private schools, both aided and un-aided, even more expensive and inaccessible to a wide section of the society. The worst sufferers of such discrimination will be the girls, thereby leading to increased gender disparity;
- *aims* at demolishing the government school system under the pretext of providing free education to the weaker sections on 25% of the seats in private schools. On several grounds it is clear that this misconceived provision would not give any benefit whatsoever to the deprived children even in the short term;
- *legitimizes*, through the above-named provision of 25% reservation in private schools, the 'free market' policy of school vouchers and Public Private Partnership;
- *refuses*, by not including the financial estimates for implementation of the Bill in the Financial Memorandum, to explicitly accept the full obligations of the Bill and
- *promotes* unregulated privatization and commercialization of school education.

The following three cynical objectives of the central government can be identified in tabling such a misconceived Bill:

First, abdicating its Constitutional obligation for providing free and compulsory education of equitable quality;

Second, demolishing the government school system, except the schools of specified categories (Kendriya Vidyalayas, Navodaya Vidyalayas, XI plan's 6,000 model schools, and similar elite schools of the States/UT governments); and

Third, increasing the pace of privatization and commercialization of school education.

We have been for long urging upon the Union Government to,

1. replace the pending Bill with a new Bill drafted in the framework of the '**Common School System based on Neighborhood Schools**' in consonance with the basic spirit and principles enshrined in the Constitution;
2. review the 86th constitutional amendment Act (2002) with a view to providing a Fundamental Right to **free and compulsory education of equitable quality to all children until the age of eighteen years i.e. until class XII** without any conditionality whatsoever;
3. incorporate a **Constitutional guarantee within the Bill for providing adequate funding** for the entire school system. This is precisely the implication of a fundamental right.
4. include in the Bill a provision to **completely ban all forms of privatization and commercialization of education**, especially Public Private Partnership, adoption of schools by private agencies and voucher schools;
5. **hold public hearings** in all district headquarters of the country in a democratic and transparent manner in the process of drafting a new Bill.

As submitted to you in the beginning, the Union Government neither heeded the democratic voices nor responded to the widely articulated public concerns. ***We, therefore, urge upon you not to accord your assent to the aforesaid Bill and return it to the government for reconsideration and making essential changes in the present Bill or drafting a new Bill afresh in consonance with the basic spirit and the fundamental principles enshrined in the Constitution.*** In

the meantime, the holistic Fundamental Right already available to the children under the Constitution shall prevail.

With hope and trust for your urgent intervention,

Sincerely Yours,

Prof. Anil Sadgopal
Bhopal, Madhya Pradesh

Prof. G. Haragopal
Hyderabad, Andhra Pradesh
On behalf of All India Forum for Right to Education

1. Ms. Medha Patkar, Narmada Bachao Andolan & NAPM.
2. Sh. Sandeep Pande, NAPM, Lucknow, U.P.
3. Sh. Ravi Rai, General Secretary, All India Students' Association (AISA)
4. Sh. Niraj, Convenor, Delhi State, Vidyarthi Yuvjan Sabha (VYS)
5. Sh. K. Venugopal, President, A.P. Teachers' Federation
6. Sh. A. Narasimha Reddy, Vice President, A.P. Teachers' Federation
7. Sh. K. Narayan Reddy, President, Democratic Teachers' Federation, A.P.
8. Sh. Ramesh Patnaik, Organising Secretary, A.P. Save Education Committee
9. Sh. Lingaraj, President, Orissa Rajya Krishak Sangathan
10. Md. Salimullah Khan, Jharkhand Vigyan Manch, Ranchi, Jharkhand
11. Sh. Shatrughan Pd. Singh, President, Bihar Madhyamik Shikshak Sangh
12. Sh. Kedar Nath Pandey, Genl. Secretary, Bihar Madhyamik Shikshak Sangh
13. Dr. B.D. Sharma, Bharat Jan Andolan
14. Dr. Banwari Lal Sharma, Azadi Bachao Andolan
15. Sh. Himanshu, Lok Rajniti Manch, Delhi
16. Ms. Madhu Prasad, Zakir Husain College, Delhi University
17. Dr. Sarwat Ali, IASE, Jamia Millia Islamia
18. Sh. Sunil, President, Samajwadi Jan Parishad
19. Sh. Phag Ram, Kisan Adivasi Sangathan, Kesla, Distt. Hoshangabad, M.P.
20. Dr. Devinder Sharma, Chairperson, Forum for Biotechnology and Food Security
21. Prof. Minati Panda, Zakir Husain Centre for Educational Studies, JNU, New Delhi
22. Sh. Vijendra Kesri, General Secretary, All India Students Federation (AISF)
23. Shri Jaswant Thakre, Akhil Bharatiya Samajwadi Adhyapak Sabha, Pune
24. Ms. Suvarna Ahir Rao, Akhil Bharatiya Samajwadi Adhyapak Sabha, Pune
25. Sh. Prabhakar Arade, President, All India Federation of Elementary Teachers' Organisations (AIFETO), Kolhapur, Maharashtra
26. Ms. Madhuri, Jagrut Dalit Adivasi Sangathan, Badwani, M.P.
27. Md. Shahid-ul-Husaini, Joint Secretary, Shiksha Adhikar Manch, Bhopal
28. Sh. Rajesh Vyas, President, Shiksha Adhikar Manch, Distt. Hoshangabad, M.P.
29. Ms. Chittaroopa Palit, Narmada Bachao Andolan, Khandwa, M.P.
30. Sh. Anurag Modi, Shramik Adivasi Sangathan, Harda, M.P.
31. President, Bargi Bandh Visthapit Sangathan, Jabalpur, M.P.

Copies to:

1. Prime Minister of India
2. Leaders of Opposition Parties
3. Chairperson, National Commission for Human Rights
4. Chairperson, National Commission for Protection of Child Rights (NCPCR)

*Neo-liberal Higher Education Bills
Pending in Parliament
(As on 17 March, 2013)*

1. The Educational Tribunals Bill, 2010
2. The National Accreditation Regulatory Authority
for Higher Educational Institutions Bill, 2010
3. The Prohibition of Unfair Practices
in Technical Educational Institutions,
Medical Educational Institutions
and Universities Bill, 2010
4. The Foreign Educational Institutions
(Regulation of Entry and Operations) Bill, 2010
5. The Higher Education and Research Bill, 2011
6. The Universities for Research
and Innovation Bill, 2012

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Bills likely to be proposed:

1. *Bill on Public-Private Partnership*
2. *Bill on Education Refinance Corporation*

"What is the purpose of higher education and its faculties in light of the current assault on young people, especially since it is education that provides the intellectual foundation and values for young people to understand, interrogate and transform when necessary the world in which they live? Matters of popular consciousness, public sentiment and individual and social agency are far too important as part of a larger political and educational struggle not be taken seriously by academics who advocate the long and difficult project of democratic reform".

- *Prof. Henry A. Giroux*

In 'Youth Beyond the Politics of Hope'

13th October 2009

<<http://www.truthout.org/1013092>>



QUIT INDIA

भारत छोड़ो

August 9, 2010

**INDIA WAS ENSLAVED FOR 200 YEARS
UNDER IMPERIALISM
BUT OUR RULING CLASS
COULD NOT HANDLE EVEN SIX DECADES OF
FREEDOM
GAINED THRU SACRIFICES OF THE MASSES
AND MARTYRDOM OF THE YOUTH**