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## *Education Policy: An Agenda for Resistance*

Kapil Sibal, the Human Resource Development Minister of the UPA-II government, by all counts, is candid. His assertions may sound boastful – but no one can fault him for not stating the objectives of his government and his ministry with clarity. He has declared with a rare matter-of-factness that he intends to do to the education sector exactly what his Prime Minister had done to the Indian economy in the early nineties.

There is no need to go into the specifics of what Dr. Manmohan Singh had done to our national economy. It has been widely discussed and understood. Indian economy was aligned in the most unambiguous manner with the process of neo-liberal globalization. It has replicated in the clearest form what has happened elsewhere through such a paradigm shift. Intensification of sharp inequalities – accentuation of poverty – ‘jobless’ growth – privatization of public assets – are all those unmistakable features which characterize Indian economy today.

But, let us come back to Kapil Sibal and his grandiose plans for taking Indian education forward. After having announced immediately after assuming office, the agenda for the first 100 days of

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the government, he has embarked on a plethora of policy pronouncements and proposed legislative actions.

Primarily, he has clearly spelt out the policy direction of his government. For the first time, the HRD ministry has come out with a public-private-partnership (PPP) policy. Through several legislative proposals, he has also clearly laid out the direction towards further commercialization and privatization of the educational process. And lest there be, any form of resistance to this policy course, he has abandoned any veneer of nicety of 'cooperative federalism' and launched a most direct and overt assault on hitherto existing practices and conventions which have been guided by the requirements of constitutionally ordained contours of Centre-State relations.

To the present government, the question is very simple. Not only will neo-liberal policies be pursued in education as in the case of economy from the nineties through the instrumentality of facilitating private and commercial interests which, invariably, will jeopardize the right of the *aam aadmi* to access education at all levels, but every possible effort to resist such an offensive will be legally snuffed out. Therefore, longstanding rights and autonomy enjoyed by the states and other democratic structures of educational governance like elected university Senates and Syndicates, State Higher Education Councils and State School Boards will be unambiguously disempowered.

A proper comprehension of what is going on is extremely important. That this is not any subjective misguided display of over enthusiasm but a clear-cut expression of the class priorities of the present Indian ruling classes in this juncture of further integrating India in the overarching project of neo-liberal globalization – is a necessary conclusion that has to be assimilated. But for such an understanding, the resistance to this obnoxious process cannot be forged.

### EDUCATION: A MARXIST APPRAISAL

Marxists have never seen education and its evolution as divorced from the fundamentals of the class society. Therefore, education can never be treated as mere dissemination of instructions and knowledge for the overall advancement of the human society. Apart from a process of transmitting skills and knowledge, education throughout the protracted history of class societies have served as a powerful tool to

forge a consciousness aimed at perpetuating the class rule specific to that stage of development of the class society. Education, indeed, has been a powerful component of the 'ideological apparatus' which has served the objective of securing the cultural and intellectual hegemony of the ruling classes.

Explaining this, Marx and Engels observed: "*The ideas of the ruling class are in every epoch, the ruling ideas: i.e., the class which is the ruling material force of society is at the same time its ruling intellectual force. The class which has the means of material production at its disposal, consequently also controls the means of mental production, so that the ideas of those who lack the means of mental production are on the whole subject to it. The ruling ideas are nothing more than the ideal expression of the dominant material relations; dominant material relations grasped as ideas: hence of the relations which made the one class the ruling one, and therefore, the ideas of its dominance. The individuals composing the ruling class possess among other things, consciousness, and therefore, think. In so far, therefore, as they rule as a class and determine the extent and compass of an historical epoch, it is self-evident that they do this in its whole range, hence among other things, rule also as thinkers, as producers of ideas, and regulate the production and distribution of the ideas of their age; thus their ideas' are the ruling ideas of the epoch*".

In pre-capitalist societies, the approach of the ruling classes was quite direct. They simply excluded the broad masses from the process of education and kept it confined to the ruling elite through 'home education'. Given the low levels of productive capacities of such societies and the consequent limited requirements of manpower suited such a blatant policy of exclusion. The experience of Greek institutions or the Indian *Gurukuls* are prime examples of such an exclusionary course. And, how cruel that could mean is amply demonstrated through the mythological anecdotes of *Ekalavya* and *Shambuka*.

The situation, however, altered with the advent of capitalism. With the tremendous development of the productive forces and the requirements of a mass social production necessitated the need for imparting some minimum level of education and training. The early capitalist society, of course, was slow in realizing these new requirements. Therefore, in the primitive days of capitalist development, the advances in education were excruciatingly tardy and halting.

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Chronicling such a situation, the early revolutionary, Mikhail Bakunin, wrote on July 31, 1869 in *L'Egalite* – “*That is the fact that all of the intelligentsia, all of the great applications of science to the purpose of industry, trade and to the life of society in general have thus far profited no one, save the privileged classes and the power of the State, that timeless champion of all political and social iniquity. Never, not once, have they brought any benefit to the masses of the people*”.

Still later, another eminent Marxist, Sylvia Pankhurst, wrote in a pamphlet in 1918 quoting extensively from the *Report of the Royal Commission* into “The Employment and Condition of children in Mines and Manufacturers” presented in 1848 retelling the heartrending accounts of poor under-aged, malnourished children of British miners’ families. She captured the inhumanity of early capitalism as to how all instructions were limited to the Sunday classes mostly restricted to the scriptures which hardly enabled these hapless children to become confident of overcoming their circumstances.

However, as much as Marx and Engels asserted in *Communist Manifesto* : “*Not only has the bourgeoisie forced the weapons that bring death unto itself. It has called into existence the men who are to build these weapons – the modern working class – the proletarians*”. They further observed that the bourgeoisie “*furnishes the proletariats with weapons to fight*” them. The struggle for education – a universal education – has remained as an inseparable agenda for the proletariat to steel themselves in their class battle to topple capitalism. At the same time, the proletariat has also fought for expanding that universal right for other exploited sections for the establishment of democracy.

Marx and Engels have mocked at the pretensions of capitalism to restrict the access to education: “*But, you say, we destroy the most hallowed of relations, when we replace ‘home education’ by social.*

*“And your education! Is not that also social, and determined by the social conditions under which you educate, by the intervention direct or indirect, of society, by means of schools & c.? The Communists have not invented the intervention of society in education; they do but seek to alter the character of that intervention, and to rescue education from the influence of the ruling class.”*

Thus, the course for us has been charted by the pioneers. The struggle for the universal right of education for the masses will be an essential element of our struggle to establish democracy and equality.

It will, however, be shaped by the 'concrete' conditions of the 'concrete' situation with a view to defend past gains, consolidate them and try to forge ahead fending off fresh assaults.

#### THE INDIAN EXPERIENCE

There has been a great degree of unanimity over the broad features of development of education in the colonial period, save except our Prime Minister when he exclaimed in his infamous observation in his *alma mater* – Oxford University – that the British rule in India had made positive contributions in the development of a structure of administration and the human resources required for this purpose.

That the British viewed education as an instrument to consolidate their colonial rule is clear from the manner that they approached the subject from the days of Warren Hastings and Jonathan Duncan established the Calcutta Madrasa and the Banaras Sanskrit College in the fag end of the 18<sup>th</sup> century. With changes over the years to systematize the educational structure starting with the Wood's dispatch often regarded as 'Magna Carta' of British education in India to the establishment of universities in Bombay, Calcutta and Madras in 1857, the effort was always to restrict the education to the elite. The philosophy was so succinctly articulated by Lord Macaulay in 1835 who observed 'we want to create a class of Indians who will pursue the interest of the Her Majesty's Government – sharing our thinking but brown in the colour of their skin'.

But, as Marx has pointed out, the attempt at restrictive development by which the ruling classes attempt to secure their hegemony gives rise to contradictions which eventually leads to the strengthening of a process which is quite the opposite. Colonial India has been no exception. Young educated Indians broke down the barriers of their often elitist circumstances to become part of the struggle for national emancipation and end of the colonial rule.

And, thus, in the crucible of our independence movement itself, the struggle for universal right to education broke out. Gopalkrishna Gokhale moved the proposal in Imperial Legislative Council on March 18, 1910 to provide for 'free and compulsory primary education' in India. Sessions of Indian National Congress also adopted resolutions for realizing right to education for the masses and the

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commensurate allocation of financial resources by the government to ensure this. The bourgeois leadership of the national movement was very clear that moving away from the restrictive policies of the colonial rule, right to education was an important war cry to rally millions of Indians – especially young men and women in the struggle to secure their support and participation.

In the wake of independence, India faced a daunting challenge. Commenting on the nature of those challenges, the Swedish economist and sociologist Dr. Gunnar Myrdal in his seminal three volume book *Asian Drama-An Inquiry into the Poverty of Nations* observes: “*From a development point of view, the purpose of education must be to rationalize attitudes as well as to impart knowledge and skills. In the South Asian countries, which have largely been stagnant for a long time and where attitudes antagonistic to development have taken firm root and become institutionalized, the changing of attitudes requires far greater emphasis than in the developed countries, where attitudes are already more rational, and are adjusted to permit further rapid progress. This is one of several reasons why educational reformers in South Asia have to guard against a tendency to adopt uncritically the educational practices and policies of the Western countries.*”

However, the post-colonial developments have shown that the post-independent ruling classes – the bourgeois-landlord regime have not moved away from the fundamental premise of restricting education and not transforming it into a universal right.

It is true that the requirements of developing capitalism independently which the international historical conjuncture offered, the government did talk of expanding university and secondary and technical education. To address the requirement they constituted, commissions under the chairmanship of Dr. Radhakrishnan and Lakshmanaswami Mudaliar respectively. There were also certain faltering efforts to create the scientific and technical manpower needed for pursuing the path of capitalist development. However, the question of universalizing the educational rights always remained a distant dream. And, in any case, the contradictions inherent in the path of capitalist development particularly arising out of the failure to eliminate feudalism drew the economy into a phase of crisis in the mid-sixties. There was a considerable degree of disenchantment among the young people over the failure of the economy to absorb

them in the economy productively after passing out from the college and the universities.

It is not a chance coincidence that the vision of a modern developed and educated society outlined by the most comprehensive report till now – that headed by Prof. D. S. Kothari -did spell out an appropriate conception. The Kothari Commission pointed out : *“The children of the masses are compelled to receive sub-standard education...while the economically privileged parents are able to ‘buy’ good education for their children...By segregating their children, such privileged parents prevent them from sharing the life and experience of the children of the poor and coming into contact with the realities of life...There is thus segregation in education itself—the minority of private, fee-charging, better schools meetings the needs of the upper class 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.”*

The Kothari Commission did not limit itself to pious assertions. It concretely recommended that at least 6 per cent of the GDP be spent on education. But the failure of the Indian ruling classes as in other areas of national life is in an equal degree glaring in the sphere of education as well. And, therefore, Kothari Commission’s recommendations continue to remain a pipedream for millions of Indian families who remain excluded from the educational process. And, India continues to be the home to the largest number of illiterates in the world.

The process of education and the government policies saw a sharp ‘U’ turn with the 1986 New Education Policy of the Rajiv Gandhi government. The government officially abandoned the idea of universalizing education and restricting the design of the structure of education system to produce the limited manpower required for its narrowly premised export led growth strategy. The policy statement pointed out that not only is a large section of our educated youth – unemployed but, in fact, they are ‘unemployable’. Therefore, the government’s funds and other resources should be focused on educating and developing the ‘employable’ manpower. Thus came the regime of Navodaya Vidyalayas and Centres of Excellence in the sphere of higher education.

Summing up the updated Programme of the CPI (M) in 2000

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pointed out: *“The Constitution of Republic of India which was adopted in 1950 had laid down a set of directive principles to be followed by the State. These include ....right to education and provision of free and compulsory education for children. ... None of these principles had been realised in practice. The glaring gap between the constitution’s precepts and the practice of the bourgeois rulers is a scathing indictment of the bourgeois-landlord system instituted after independence.”* (Para 2.37)

## THE ADVENT OF NEO-LIBERAL GLOBALISATION

The nineties saw the emergence of the ‘bold new initiatives’ of the economic reforms in India. The paradigm saw a quantum change. It was a complete new direction. The government shed the pretensions of being accountable for the education of the masses. It started claiming that the government did not have the resources to provide for the education of its entire citizens. Seeds were sown in the 1986 – now it blossomed in a more hospitable environment. Henceforth, the private sector would play a much larger role in the funding of education particularly at the level of higher education.

Oblivious of the commitments that India has made to the international community in being signatory to the ‘Education for All’ in Alma Ata Conference or the UN-sponsored ‘Millennium Development Goals’, the government did not fight shy of relinquishing the responsibilities of educational development to predatory market forces. The result of such a course of development is for all to see. Gradually slipping among the nations of the world, India has now come to occupy the 132<sup>nd</sup> position among 177 nations in the ranking with respect to human development – a truly laudable achievement for the claimant of an ‘economic superpower’ status!

And, this is true to the spirit of neo-liberalism. The government is bent on facilitating the growth of private sector – a philosophy of ‘education for profit’ over the principle of ‘education as a right’.

A Brazilian economist, Alfredo Saad-Filho, in describing neo-liberalism points out: *“Neoliberalism combines an accumulation strategy, a mode of social and economic reproduction and a mode of exploitation and social domination based on the systematic use of state power to impose, under the ideological veil of non-intervention, a hegemonic project of recomposition of the rule of capital in all areas of social life”*. Filho’s



observations could not be more representative of the paradigm which has dictated the process of educational development in the last two decades.

There are, of course, certain differences in the sphere of school education and higher education. Although there has been very little commensurate sense of responsibility displayed in terms of financial resources allocated for school education of which we will talk about later.

In 1994, World Bank came out with a study, *Higher education: Lessons of Experience*. It provided the argument for pushing neo-liberal prescriptions particularly in higher education. The document construed higher education as a 'non-merit good' as opposed to the school education which was viewed as a 'merit good'. It asserted that those who pursued higher education benefited individually and the community only benefits marginally, therefore, it stands to logic that the government should not squander its scarce resources for promoting higher education. The implicit conclusion pointed towards a direction of privatization and commercialization of higher education divorcing it from school education.

That such an approach is completely lopsided and unsustainable is quite evident. It overlooks the dynamic relationship between school and higher education. And, the teachers required for school education are essentially those who have to come out with the appropriate level of proficiency from institutions of higher learning itself. Historically in a phase of development when the country has to move forward on the back of a scientific technological revolution-driven development trajectory, the essential knowledge for cutting edge technology in frontier areas cannot but be accessed without a strong structure of higher education. So either way, the governments cannot relinquish their responsibility towards higher education.

Wiser by the experience of the futility of its earlier approach, World Bank has now started singing the new tune – coming out with a new study entitled '*Creating Knowledge Societies*' in 2002. The new document advocates quality education for all at all levels at least formally embracing a model of inclusive approach to higher education.

But formal statements or perceptions apart that the government's signature tune continues to remain the neo-liberal precept of profit

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over people' are clear from the preferences of the government. The Prime Minister has pointed out that the Eleventh Plan essentially will be a National Education Plan. In January 2010, Kapil Sibal claimed that: "*India needs \$ 400 billion of investment in education over the next decade.*" The much acclaimed National Education Plan has allocated Rs. 84,743 crores. If a similar trend for allocation continues for the Twelfth Plan as well, we can expect to have Rs. 2, 00,000 crores in the education sector for the ongoing decades starting with the Eleventh Plan. But the HRD Minister's requirement is ten times more. Who will provide these resources?

An indication is contained in the Eleventh Plan document itself where the Planning Commission wants to provide 'necessary enabling framework to attract private investment and public-private partnership in HTE (Higher and Technical Education) sector'; therefore, the public-private partnership policy of the HRD ministry. The reason for the quantum jump of 19 per cent gross budgetary support for the Eleventh Plan over 7.7 per cent in the Tenth Plan does become quite clear. The allocation for HTE has been raised nine-fold from Rs. 9,600 crores in the Tenth Plan to Rs. 84,963 crore in the current Plan. This is to create 16 central universities, 14 world class central universities, 370 colleges in lower GER (Gross Enrolment Ratio) districts, 8 IITs, 7 IIMs, 10 NITs, 20 IIITs, 5 IISER, 2 SPS and 50 centres for training and research in frontier areas. The Planning Commission has estimated that a total of Rs. 2,52,260 crores would be required for implementation of these projects. So, there will be a resource gap of Rs. 2.22 lakh crores. Together with this, another Rs. 1 lakh crores will be required for setting up 200 new universities during Eleventh Plan which adds up to a resource gap of Rs. 3.22 lakh crores. The story becomes interesting! Only 8 per cent of HTE sector expenditure will be through public investment while 92 per cent will be accounted for by the private sector. The quantum jump in the plan allocation is to lure the private entrepreneurs with public funds and public assets.

Actually, the direction of education policy in India had already started displaying a private sector-driven course. So far as school education is concerned, in 1979, of the 5, 80,040 schools in the country, only 7.9 per cent or 45,780 were in the private sector. But in 2007, this has jumped up to 18.8 per cent. Of the total 11, 96,663 schools in the country, 2, 25,691 are in the private sector.

The trend of privately run institutions in higher education is, of course, more pronounced. Of the 271 medical colleges in the country, 133 are in the private sector. During these two decades of neo-liberal reforms, 106 deemed universities have been created – all of them in the private sector. Significantly, the Yashpal Committee appointed by Kapil Sibal himself had recommended closing down most of these. In 2007, according to HRD ministry, we had 4894 professional institutions for imparting education in engineering, MBA, pharmacy etc. We also had 2102 institutions for conferring diploma in these branches. Roughly 50 per cent of these institutions are in the private sector.

The consequence is for all to see.

The NSSO data for 2003 for GER in higher education shows that 13.2 per cent of the population has access in the age group of 18 to 23, in the case of poor, it is a meager 2.43 per cent, for SC 5 per cent, ST 7.5 per cent and Muslim minority 8.2 per cent. There is also an adverse urban-rural and male-female divide. There have been several reports chronicling the economic and social discrimination which impacts the present education system at different levels. The Sachhar Committee which went into the study on the status of education and employment of Muslim minorities has come out with a very disturbing picture. While there is an increasing clamour for greater degree of social justice – there is no doubt that the private corporate driven commercialization of the education process will further accentuate disparities because private institutions do not require compliance with the established provisions of reservation. And, that is not to speak of the wide variation between the poor and the non-poor in terms of access. This is the balancesheet of neo-liberal policy direction in our country.

#### EDUCATION REFORM: NEW LEGISLATIVE EFFORTS

In determining the direction of policies shaping education in India is not a mere physical question and is not only influenced by financial allocations. As we have already seen, it is as much about institutional and legislative changes. So it is not surprising that Kapil Sibal's new 'war cry' of introducing neo-liberal policy shifts in the sphere of education would be spearheaded by legislative measures. Within a very short while, we are witnessing a plethora of legislative proposals

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initiated by the HRD Ministry. These require some examination to grasp the essence of their intent and direction.

While there have been no real effort in the post colonial period by successive Indian independent governments to mark a complete break with the colonial legacy and construct a truly egalitarian education system for the masses, it will be equally true that democratic struggles have taken place to impact relevant policies in the sphere of education. One such issue is the right to education. That the right to education should be a fundamental right was an idea which was enshrined in the Directive Principles to the State in the Constitution. However, this idea largely remained conspicuous by its non-translation. In a landmark judgement, the Supreme Court in 1993 in the Unnikrishnan case pronounced that henceforth education has to be recognized as a fundamental right. In a relentless battle to convert this judicial order in the Constitutional provision, the forces for universalisation succeeded and in 1997, this became a provision through the 86<sup>th</sup> amendment. But the operationalisation of this provision in terms of a national Right to Education (RTE) enactment had to wait till 2009. During the tenure of the UPA-I, the law could not be passed because of sharp differences over the pattern of sharing of financial responsibility towards its implementation. There were other policy issues as well, covering issues like provision for children below six years of age, children with special needs and so on and so forth.

The present slew of legislative initiatives had started with the RTE enactment. There has been a general welcome for the RTE law but now the approach of the government threatens its implementation and realization.

One of the fundamental objectives -the government bearing the full funding responsibility for its implementation -remains far from being achieved in the confines of the present law. The law does not rule out educational institutions set-up for profit [Section 2. n. (iv)]. Push Bhargava, an erstwhile Vice-Chairman of the National Knowledge Commission has argued that, "*the model Rules and Regulations (R&R) for the RTE Act say in Section 11.1.b that a school run for profit by any individual, group or association of individuals or any other persons, shall not receive recognition from the government. However, this Section will not be binding on the States as it is not a part of*

*the Act. If the Government of India were serious about the issue, it should have made this a part of the RTE Act.”*

That the concept of unencumbered right to education in the spirit of the Supreme Court judgement and the 86<sup>th</sup> amendment is not being accepted by the government by allowing such private institutions. As we have pointed out that already the percentage of private schools among the total schools in the country are increasing at a rapid pace and the principle of profit is inherently exclusionary. The ceiling of 25 per cent of poor students in private unaided institutions as per provisions of the Act can be circumvented by the management by charging under heads which are not covered by the provisions of the Act or the rules and regulations governing the Act. The other problem is that the Act does not cover children studying from IX to the XIIth Std. The world over the concept of right to education covers compulsory universal education for 12 years in school. Therefore, the Act and its R & R stands in glaring contrast to this internationally accepted reality.

The other rather surmountable problem of funding RTE would be argued later which bring into sharp focus the Centre-State question.

Among the other legislations proposed and at different stages of enactment which have provoked raging controversy are the Foreign Education Institution (FEI) and the Higher Education and Research (HER) Bills.

The FEI Bill smacks of a colonial mindset. The expectation that our requirements of both quantitative and qualitative expansion and enhancement of higher education cannot be met without intervention of foreign universities and institutions completely betrays the government's sense of misrepresentation of the ground reality. That India's low GER at the higher education level is largely due to the lack of financial resources available with the students attempting to access higher education. As we have already pointed out that 92 per cent of the funds required for the projected expansion of higher and technical education during the Eleventh Plan period is expected to come from the private sector comprehensively defeats the objective of the expansion given the levels of financial disempowerment of those who remain excluded.

Therefore, the main issue here is one of finding adequate non-profit resources for funding the expansion of our higher education.

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To expect that foreign universities and FEPs will fill this void is to try and hoodwink the people. It is, therefore, not without reason that opposition is galvanising to this proposed legislation. Sometime back, even the mainstream media newspaper *Times of India* after surveying the experience of countries like Singapore, Israel, Gulf countries and China have come to the inescapable conclusion that FEIs cannot mitigate the requirements of the expansion of our higher education needs.

Speaking in an interview, Director of the Centre for International Higher Education of Boston College has observed: “*Historically, branch campuses do not absolve many students. India will have to provide the access that India needs. It cannot rely on foreign universities to do that.*” The Indian-born Chemistry Nobel laureate and the present professor and researcher of Cambridge University, Dr. Venkatesh Ramakrishnan, sharply castigated the move to set-up branches of foreign universities in India. The current move of the government also appears to overlook the current financial reality which hamstrings the existence of reputed universities even in the West. Both Oxford and Cambridge which have been running on endowment funds have come to face fund crunch. Dr. N. V. Varghese, in a paper for the International Institute for Educational Planning under UNESCO entitled, ‘*Globalisation, economic crisis and national strategies for higher education development*’ had cited the severe financial crunch faced by the Korean universities to the point of collapse during the East Asian financial crisis.

In fact, the conclusions of the Varghese’s paper sum up a comprehensive critique of the government’s legislative intention: “*The unplanned and unregulated expansion of higher education may lead to the creation of new inequalities and the accentuation of existing ones. This is all the more so when there are multiple private and cross-border providers. There is a risk of stratification of students based on their fee-paying capacity. Given the high fee structures, only those from a better economic background will be able to enroll in cross-border and private institutions. This may lead to two types of imbalances in the growth of higher education. First, there are increasing inequalities of access to education and later to employment. Second, there are regional imbalances. Many of the private and cross-border education institutions are located in urban areas. Contrary to the general belief that these institutions are absorbing excess*

demand, they may in fact be increasing the access options of those who already have access to higher education”.

And the paper further argues: “for state intervention in higher education rather than leaving the sector mainly to the markets. State intervention with funding support is the ideal situation. In the absence of the possibility of full public funding for higher education development, the state may better target its limited resources to disadvantaged groups and to specific subject areas to improve overall equity in higher education. However, the lack of resources at the disposal of the government should not be a reason for it to be absent from the sector. Even when the state cannot provide funding support, it still has an important role in planning and regulating the system”.

Pretensions apart, the government’s real intention lies elsewhere. In 1993-94, the total expenditure for education globally was to the tune of \$ 1 trillion or Rs. 48 lakh crores. Such a huge amount of finances could not conceivably remain outside the operational reach of global corporates. That is why education had to be part of the GATS negotiation under WTO. United States alone exports \$ 10 billion of educational services. In this sphere, it earns a surplus of \$ 8 billion. Therefore, our elaborate higher education sector with 1,16,00,000 students, 5,00,05,000 university and college teachers with a network of 480 universities and post-graduate institutions of higher learning and 21,677 colleges involve an annual expenditure of Rs. 1,63,356 crores. How can such a huge education ‘market’ remain insulated from global education corporates? This is why the advocates of neo-liberalism are candid: “*The opening up is directly related to India’s WTO commitment rather than any great desire to clear the mess in higher education*”. (*Time of India*, March 21, 2010)

The HER Bill is a clear instrument to legitimize an institutional arrangement for facilitating this trajectory. The HER Bill which is now the second draft for setting up of an apex super regulator which will do away with all hitherto existing regulators for various sectors of higher education save except medical and agricultural education. The attempt is to convince the nation that merely bringing together all the regulatory agencies under a single head, the quality of higher education can be enhanced.

Ironically, the government is trying to do this by claiming that

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they are doing so on the basis of recommendations made by the Yashpal Committee. But the fact is the holistic vision of the Yashpal Committee on Higher Education had recognized autonomy as an important ingredient of excellence. It wanted to reinforce universities with ample self-regulatory powers and allow the academic community with fulsome autonomy on academic matters. It also suggested greater flexibility to students for horizontal entry into institutions of choice; and, a great degree of interdisciplinary integration. However, this vision has been completely subverted and subsumed by the 'education for profit model' suggested earlier by the National Knowledge Commission headed by Sam Pitroda. Therefore, today, we are straddled with a legislation which proposes to completely centralize the regulatory and policy functions of higher education in a small seven-member apex body with hardly any accountability and to be handpicked by the panel which will be virtually dominated by the government and the ruling party. The autonomy of the state governments enjoyed in terms of creating higher education structures in the state will be made redundant. Obviously, such a structure will be mainly used to push the obnoxious designs of education for profit promoted by private – both domestic and foreign- education providing corporates. It is true that the existing regulators in the sphere of higher education like UGC or AICTE do have their lacuna. Renovating them in keeping with the requirements of decentralization and academic autonomy is a pressing prerequisite for taking forward the cause of a genuine democratic educational reform. But the present proposed legislation is proceeding in a completely opposite direction.

There are other Bills as well – the Prohibition of Unfair Practices in Technical, Medical Institutions and Universities Bill, 2009 and National Authority for Registration in Accreditation of Higher Education Institutions Bill. During the past, especially in the last two decades, the mushrooming growth of private institutions earning huge sums as capitation fees had come to be seen as major challenges. The burdens of capitation fee had led to indebtedness of poor and middle class parents and incidents of students of such institutions driven to a point of desperation committing suicides had been widely reported. There was a widespread need felt for exercising social and regulatory control over such institutions. At the instance of the Left, Arjun Singh, the then HRD Minister, initiated a legislative exercise



for an “Admission and Fee Structure in Private Aided and Unaided Professional, Educational Institution’s Regulation 2007, UGC Bill”. The current initiative is clearly aimed at killing that earlier initiative. Now the government proposes to legitimize capitation fee by allowing the managements to get away with collection of high fees only if they are notified in the public domain in the institution’s website. Such open encouragement to enshrine the practice of ‘education for profit’ in our Statute Books is seen to be believed!

The creation of a National Accreditation Authority and compulsory accreditation for all educational institutions on the basis of compliance with a certain given stipulation is also an exercise in centralization. It is putting the cart before the horse! The challenge in India today is not to secure accreditation but to overcome the challenges of physical and manpower infrastructure at a minimum level that could ensure the delivery of quality education. Accreditation comes only after that – as a means to ensure monitoring and certification of that achievement. It is obvious that such an authority unrelated to the ground reality can actually lead to the disbanding of struggling community efforts to establish educational institutions in poor and excluded neighbourhoods.

#### TOWARDS CENTRE-STATE FRICTION

The progress of neo-liberal policies in India has been complex. This is primarily because of the differential functions and separation of powers of those organs of the State. For example, the fact that the executive – the UPA government during its first *avatar* – did not have the requisite majority in the legislature, i.e., the Lok Sabha and had to depend on the critical support of the Left meant neo-liberal offensives also had to be halted to a considerable extent.

Similarly, in spite of its largely unitary character, the Indian Constitution does have certain federal features. There is a State List, a Union List and also a Concurrent List. The jurisdiction of the states on many areas cannot be completely wished off as they infringe constitutional obligations. Apart from that, there are mechanisms – the Planning Commission and the Finance Commission. While the former is not a statutory constitutional entity, but conventionally it is accountable to the National Development Council (NDC) which

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also includes the state governments alongwith the Union government, the later is a constitutional entity which adjudicates transfers of revenue resources to states every five years. Hence, to achieve acceptance of neo-liberal policies, all at one go, once the ruling classes dominating the Union government chooses to pursue them – is not instantaneous.

This engendered complexity is even more valid in the sphere of education. Education, as a subject, at the time of framing of our Republican Constitution, was in the State List. Later on in 1976, during emergency, it got shifted to the Concurrent List through a Constitutional amendment. Obviously, these institutional arrangements do pose an obstacle for the Union government to unilaterally push its chosen ideas. Additionally, the 1986 education policy provided for an arrangement – Central Advisory Board of Education (CABE) which is assigned with an advisory role to suggest views on major policy questions. And, in the past, CABE has often become a major site of struggle between the Centre and the states. A significant example would be the occasion where the NDA government attempted to communalise the education process.

The current neo-liberal offensive of the UPA government and the HRD ministry led by Kapil Sibal is, therefore, not just aiming at redefining the character and content of Indian education giving primacy to ‘education for profit’ over ‘education for the people’; it has to do so by squeezing out the autonomous space of the state governments on policy making.

Coming to the RTE Act, while the Act, as we have pointed out, does not make any effort to weed out private institutions, it aims to impose its will through the financial route. Earlier national efforts to expand school education through such schemes like Sarva Siksha Abhiyan or mid-day meal, the funding requirements were largely shouldered by the Union government – in some cases, on an 80:20 and in other cases on 75:25 basis. Ironically, the RTE enactment got delayed over the question of fund sharing. The states wanted an 80:20 share between the Union and themselves. The Union pushed a 50:50 line. When the RTE actually got passed by the Parliament, there was no financial memorandum. Simply speaking, there was no firm funding commitment. Subsequently, the Finance Commission adjudicated a 55:45 share between the Union and the states. Given the fact that states of the country today have to collectively bear 64 per

cent of the developmental expenditures incurred in the country while they have only access to 32 per cent of the revenue collected, the huge expenditure that will have to be incurred to sincerely implement RTE is simply unavailable with the states.

On top of that, what would be required to be invested by the Union government in terms of the budget proposal for fulfilling the commensurate share for the first year of RTE implementation – the actual allocation seems to be a far less amount. And, to gloss over this fact, funding under RTE has not been specified. In such a background, the provision in the RTE Act itself that any residuary fund requirement will have to be met by the state government is an obnoxious provision. So, the legislative assault is in the direction of making the states comply with policy prescriptions in an area which belongs to the Concurrent List and also have to provide large funds for implementing that policy direction.

Obviously, a friction is on the cards. And, already a number of Chief Ministers have articulated the demand of 100 per cent funding by the Union government for implementation of the RTE Act.

Similarly, in the proposed HER Bill, inspite of some improvements over the first draft, the right of the state governments to create universities on the basis of legislations at the state level, appointment of Vice Chancellors, operation of other academic bodies are severely circumscribed. Together with this, the Union government will also have freedom in allowing private and even foreign universities where the need for State's concurrence will be obviated. The accreditation authority will also eat into the State's existing rights to create institutions to address gaps in the delivery of rights of education, particularly in areas which remain backward and vulnerable.

The overall scheme of devolution of resources in education by the Centre to the states is made under two categories: a) statutory through Finance Commission and b) discretionary through Planning Commission. The Constitution had contemplated a more strictly defined role for the Finance Commission transfers by making it mandatory based on certain well defined criteria, so that the resources that states received as a 'matter of right' and not any 'act of magnanimity'. All developmental expenditure is proposed by the Planning Commission and the recurring maintenance expenditure is under the purview of the Finance Commission.

Prof. J. D. Tilak, in a seminal paper, '*Centre-State relations in*

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*financing education in India' for NIEPA in 1984 has observed that: "pattern of allocation of resources neither by the Planning Commission nor by the Finance Commission helps in improving equity, reducing inter-state disparities. In fact, the whole mechanism of distribution of resources cannot be meaningfully explain by any national or scientific criteria... We find that the model that works in our country with regard to the devolution of financial resources is essentially political which has no regard for any scientific rationale."*

Tilak quotes a recommendation of the Tenth Conference of State Education Ministers in 1968: "*Educational development creates permanent recurring liabilities to the state governments and they are finding it increasingly difficult to meet them... Education is the most significant and costliest of social services to the nation and the centre must accept responsibility to share its growing cost...the existing Centre-state relationship in the financing of education should be reviewed. In its entirety and a new relationship which can meet, on a long term basis, the challenges of the massive programmes of educational reconstruction needed by the country should be devised*".

Today, what the Central government is doing in pushing neo-liberal reform in the sphere of education is setting out a completely opposite direction from the conclusions which Tilak arrived after examining the entire gamut of history of Centre-State financial relations in the sphere of education right from the days of the British crown. Tilak had noted: "*There should be devotion of larger resources by the Centre to the states alongwith less and less amount of Central intervention in policy formulation, planning and administration, so that at the same time autonomy of the states*".

Not only the matters of legislations and policies, the functional autonomies of the states are today under threat in the name of uniformity and common examinations and equivalence at entry level for higher education. The state school boards and higher education councils are sought to be made irrelevant. This strikes at the very root of what Prof. Yashpal had suggested in framing the National Curriculum Framework in 2005: "*pluralistic and diverse nature of Indian society demands the preparation of a variety of text books and other materials to cater the diverse needs of different groups of students so as to promote children's creativity, participation and thereby enhancing their learning.*"

On the whole, the current offensive to bulldoze the autonomous powers of the state governments to bring the entire education system of the country within a neoliberal framework is undermining the very constitutional scheme that our constitution makers envisaged. For all practical purposes, the UPA government is behaving as if education is under the Union list and not the Concurrent list.

It is with such apprehension, that CPI(M) in its response to the questionnaire from the Commission on Centre-State Relations, Government of India, in 2008 had asserted: *In particular, the Concurrent List should not be treated essentially as the Union list, which is the present trend due to the powers of Parliament emerging from Articles 249, 252 and 254. The present mechanisms involved in prior consultations with the States before any legislative action related to items in the Concurrent List exists only on paper.*

Obviously, the current offensive in education only vindicates this apprehension. It naturally follows that in facing this onslaught through the fracturing of the Centre –State Relations resulting from the unilateralism of the UPA in its over anxiety to force a neoliberal trajectory has to become a major premise of struggle.

#### TOWARDS A BROAD BASED RESISTANCE

Even though it is a truism, it is important to reiterate that India is a culturally plural and composite society. It is equally true that education has been and will be a major ingredient in sustaining India as such. Any attempt to tinker with this inherent nature of the Indian society can tear it asunder. The rich diversity of the Indian composite nationhood and the prerequisite for its sustenance is the foundation on which our Republican Constitution stands. And, it is not without reason that it is as it is. Within the broad spectrum of the freedom struggle, a broad consensus was forged which manifests in the foundational principles of the Constitution. Those who did not share this view were not part of the freedom struggle. And, their attempt to manipulate governance and the education process in the past – the infamous attempt of the RSS to do so – has been emphatically rejected by the people.

That democracy – the parliamentary process, secularism, federalism and social justice constitute the bedrock of our republican

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existence, is for all to see. But as in the past, today there is a new challenge. The challenge of crude attempts to force a straightjacket of neo-liberal policy orientation throughout the length and breadth of the country looms large. It poses not only a danger of exclusion – exclusion of the poor, the socially vulnerable – the SCs, the STs, the minorities and other who suffer social injustice. But it threatens the very nature of Indian nationhood.

It is not for nothing that Prof. Yashpal whose report Kapil Sibal is touting to push his obnoxious new regime of centralization of education and running roughshod over established canons of Centre-State relations has expressed deep anguish over the manner in which the government has proceeded with his recommendations for greater autonomy and decentralisation.

Today, the battle lines are drawn. Those who believe in defending the rights of education that have been established in principle from the current neo-liberal onslaught and all those who believe in this fundamental nature of Indian nationhood are and can be mobilized on one side of the barricade. And, obviously, these constitute overwhelming majority of our people. Education will be a crucial site for a popular struggle.