

**COMMON MINIMUM PROGRAMME IN HIGHER EDUCATION:  
PROBLEMS AND PROSPECTS**

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**People's Mandate**

The verdict of the Lok Sabha Polls 2004 is clearly a mandate against communalization and globalization. This is evident from the heavy loss suffered by the BJP and the impressive gains made by the Left parties and other secular forces. This imposes on the Left, which supports the Government from outside, a special responsibility to play a crucial role in translating the people's verdict into a Programme of Action of the United Progressive Alliance (UPA) Government.

The Common Minimum Programme (CMP) provides the broad framework of governance for the United Progressive Alliance (UPA) Government. The CMP is a curious mixture of people friendly and market friendly policies and programmes. The Left has to see to it that the former gets precedence over the latter. It has to closely monitor the working of the UPA Government to ensure that it keeps going on the right track. It has to intervene effectively for forcing corrective action, if and when the UPA Government acts against the verdict of the people. The Left has thus to play a dialectical role -of supporting the Government and opposing it at the same time, depending on its policies and performance. In the light of the above perspective, an attempt is made here to evaluate the working of the Common Minimum Programme in Higher Education (CMPHE).

**Common Minimum Programme**

Following proposals included in the Common Minimum Programme have implications for the Higher Education Sector.

- 1. Immediate steps will be taken to reverse the trend of communalization of education that had set in, in the past five years.*
- 2. Steps will be taken to ensure that all institutions of higher learning and professional education retain their autonomy. Academic excellence and professional competence will be the sole criteria for all appointments to bodies like the ICHR, ICSSR, UGC and NCERT.*

3. *The UPA will ensure that nobody is denied professional education because he/she is poor.*

4. *Public spending on education will be raised to 6% of the GDP.*

5. *The UPA Government will amend the constitution to establish a commission for Minority Educational Institutions that will provide direct affiliation for minority professional institutions to central universities.*

The specific proposals in the CMP listed above may be discussed with reference to the broad principles of secularism, academic autonomy, equity and resource mobilization

### **Detoxification**

Arjun Singh, the Human Resources Development (HRD) Minister, has expressed his resolve to desaffronise education in the very first press conference held after taking charge of the Ministry. The strong expression –“detoxification”—used by the Minister in this context is quite indicative of his strong conviction and commitment to root out the canker of communalism from the academia. The immediate appointment of an expert committee to study the impact of communalism in the curriculum framework, syllabi and textbooks at the school level has further reinforced the UPA’s resolve to move in the desired direction.

But it appears that the Minister is not fully aware of the need to undertake a similar exercise at the level of higher education. At a press conference in Kolkata, Shri Arjun Singh recently stated that courses like *Jyotir Vigyan* and *Karmakanda* could continue to be taught if there is adequate demand for them. It appears that the Minister’s understanding is defective in this respect. These courses built upon the foundations of irrationality and quackery are as much instruments of *Hindutva* as the communalized textbooks of NCERT. Marketing superstition is a travesty of the constitutional principles of secularism and scientism. It should be the endeavour of the state to promote the principles of rationality and scientism, without any reference to considerations of market demand. The Supreme Court’s verdict in favour of UGC in this respect is unfortunate. Chief Justice K. Rajendra Babu and Justice GP Mathur ruled that it would be inappropriate for the court to intervene in the controversy over a decision taken by the UGC on the basis of the recommendations of an expert committee. The legal lacunae in regard to the non-enforceability of the directive principles of the constitution also came to the rescue of the obscurantist academic agenda of the UGC. The issue can now be resolved only by fulfilling the promise in the CMP to appointment only academically committed and

professionally competent persons in key positions of bodies like the ICHR, ICSSR, UGC and NCERT.

Apart from addressing the immediate issues relating to curriculum and administration, it is also necessary to discuss the larger question of evolving a proper institutional mechanism for preserving and strengthening the secular credentials of the pluralistic society and restoring the scientific and rational base of education.

### **Autonomy & Accountability**

The question of academic autonomy in institutions of higher/professional education came up for public debate during the election campaign mainly in connection with the controversy over Mulali Manohar Joshi's attempt to impose his will on the Indian Institute of Management (IIM) schools. The new Government has taken note of the issue. It appears that the HRD minister is moving on the right track in waiting for the response from the IIMS before opening up his cards. However, it is not enough to discuss the issue of academic autonomy in relation to the decision over fees prevailing in IIMs. The IIMs are only little islands in the vast ocean of Higher Education in the country and does not perhaps deserve to get the exclusive attention it gets today, against the background of the total neglect of the mainstream institutions and courses in the higher education sector. Moreover, the issue of autonomy has to be discussed comprehensively, in relation to questions of equity, excellence and relevance and also with reference to democratic functioning of the academic institutions.

### **3. Equity and Excellence**

While the CMP makes a marginal reference to equity in professional education, the only reference to excellence in the document occurs in connection with basic education. This is indeed depressing since it reveals a certain indifference to the core issues that needs to be addressed in higher education today. It is well known that higher/professional education plays a crucial role in the emerging knowledge society. Apart from its cultural value, it is perceived as an instrument of economic and social empowerment. Human capital and social capital are far more important than physical capital in the knowledge economy. It is estimated that access to at least 20% of the relevant age group (between 17 and 23) in higher education is necessary to ensure development on a par with the needs of the day. Despite the increase in the number of universities from 18 to 307, of colleges from 591 to 14609 and of students from 228804 to 9463821 over the period from 1947 to 2003, the growth rate is still poor in comparison with achievements in other developing and developed countries and falls far below the benchmark set for development in a

knowledge economy. While only 7% of the relevant age group undergoes higher/professional education in India, the comparative figures in developed countries like England, France, America and Canada are 52%, 50%, 81% and 100% respectively. The position of many developing countries is better compared with India. It is 11% in Indonesia, 12% in Brazil, 14% in Mexico and 19% in Thailand. Enhancing access should be regarded as an imperative of development. An increase in enrolment in higher /technical education to the desired level can be achieved only by addressing the question of equity in a country like India where more than 25% of the population live below the poverty line and less than 3% come within the income tax bracket. In other words, **equity is not charity, but an essential ingredient of excellence**. As argued by Kancha Ilaiah, the exclusion of the working class from intellectual pursuits is one of the major reasons for the backwardness of the country. We have to redefine **equity as excellence** to move towards the goal of **quality education for all** in order to materialize the vision of transforming India into a super power by 2020.

Unfortunately, the tendency towards restricting access in higher education which took roots in the nineteen nineties has got further reinforcement in the beginning of the present century. The apologists of globalization have questioned the Nehruvian emphasis on the role of the state in the development of higher education. The World Bank's discredited concept of higher education as a non-merit good continues to dominate the thinking of policy planners, administrators and the higher judiciary. The infamous Ambani-Birla Report (April 2000) recommended the reorientation of Indian Education system in tune with the recommendations of the formulation made by the World Bank. Though the World Bank revised its views and reasserted that education at all levels, including higher education, was indeed a "*merit good*", the old definition of higher education as a "*non-merit good*" was borrowed by the Supreme Court of India in delivering the judgment in TMA Pai Foundation case (Oct.2002).

A significant drawback of the CMP is that it does not take an unequivocal stand against commercialization of higher education. There is no insurance against the onslaught of cross border supply and delivery of higher education, which is to be institutionalized by the General Agreement on Trade in Services (GATS). There is no embargo on the operation of Private Universities, though the parliamentary committee on higher education under the chairmanship of Shri.Vayalar Ravi has taken cognizance of certain lacunae in the peripheral regulations drawn up by UGC, which has now been laid before the parliament with a view to lending legitimacy for the private degree selling shops that have come up in the name of private universities in different parts of the country. The concepts of deemed universities and

autonomous colleges have now been vulgarized by diluting the criteria for the award of such status. The insistence on research as an essential criterion for the award of deemed university status has now been abandoned to accommodate the interests of commercial institutions in professional education, which use the alibi of deemed university status to disregard regulations on admission and fees. The UGC has now taken the stand that the consent of the states for the award of autonomous and deemed universities status will be deemed to be given by the state governments concerned, if such consent is not specifically denied within two months of application for the same. This gives adequate room for manipulating consent merely by delaying the processing of the applications at the bureaucratic level. The attempt to override the federal powers in so crucial an area needs to be resisted, more so when similar enabling provisions for securing the legitimate rights of citizens as against the state do not exist at all. NAAC's precepts and practices put a premium on commercialization of higher education. It is, however, heartening to note that the UPA Government has decided to withdraw the move for enacting a Model Act, which was intended to introduce commercial and corporate culture in Indian Universities. We need to discuss the steps to be taken in respect of GATS, Private Universities, Deemed Universities, and Autonomous Colleges with a view to promoting both equity and excellence in higher education.

#### **4.Resource Mobilization**

There is really nothing new in the declaration that 6% of the Gross Domestic Product (GDP) will be set apart for education. The recommendation was made by all education commissions starting with Kothari Commission and accepted in principle by successive Governments. But such pious declarations were never implemented. This time, however, there is a difference. The Government proposes to levy cess on central taxes to 'finance the commitment to universalize access to quality basic education'. It may be noted that the allotment for education in India falls much lower than that set apart by countries like Japan and Korea, which regularly set apart 6 to 8 % of the GDP on education. Despite tall promises, the NDA regime spent only 3.8% of the GDP on education. The UPA should keep up its promise in this regard. The Government should be able to raise adequate resources to provide universal, free and compulsory quality education at school level and also make provision for admission on the basis of merit and payment on the basis of capacity at the level of higher/professional education.

In order to achieve the above, it is not only enough to raise the resources, but also necessary to decide on the priorities for investment. In higher education, preserving and strengthening of the

grant -in-aid scheme should receive the topmost priority. The restoration of the system of regular appointments is equally important. Investment in infrastructure development is necessary to ensure excellence in education. Greater public investment should be complemented by greater public control on education. This alone can ensure accountability on the part of individuals and institutions, which receive public support.

## **5 Professional Education: Minority and Non-Minority Rights in a Secular, Federal Setup**

Self-financing professional education is in a mess all over the country today. The Supreme Court judgment in TMA Pai Foundation case, which set aside the system of admission and fees in self-financing professional colleges set up by Unnikrishnan Judgment, without providing for a better alternative arrangement, is, to a great extent, responsible for the chaos prevailing in this sector, which has necessitated the incorporation of a promise in the CMP that nobody will be denied professional education on financial grounds. The CMP has also stated that UPA Government will amend the constitution to establish a commission for Minority Educational Institutions that will provide direct affiliation for minority professional institutions to central universities. While the commitment to provide equitable access to professional education is devoid of details, the commitment to affiliate minority professional educational institutions with the central universities is specific. It is not clear as to how the interests of equity and excellence could be promoted by affiliating minority professional educational institutions directly with central universities. In fact, the experience available at present points to the contrary direction. The status of deemed university/autonomous College/Central University is more often than not paraded as an excuse for resisting regulatory intervention by the state government .In a vast country like India with varied socio-economic conditions prevailing in different states, only the state governments will be able to decide on and implement the appropriate measure of social control necessary to ensure equity and excellence in education in each locality. In a state like Kerala where the minorities own a majority of the professional educational institutions, any move to grant direct affiliation of minority educational institutions to central universities will tend to limit access and promote commercial interests in education. This has already been proved in the case of Amrita Institute of Medical sciences and Technology, which has been granted deemed university status. The proposal to affiliate minority professional educational institutions directly with central universities also runs contrary to the spirit of federalism, which is one of the guiding principles behind the formation of the UPA Government. It is also against the spirit of the verdict in the TMA Pai judgment, which calls for re-identification of religious minorities state-wise. This has in

effect placed the minority rights under suspended animation till such state wise reassessment is made. No institution claiming it to be a minority institution can now be given direct affiliation to any central university before verifying its claim to minority status through a state wise reassessment as required by the Supreme Court judgment. The other alternative is to go in for a constitutional amendment for nullifying this requirement in the judgment. The wisdom of taking such a step needs to be discussed with reference to Indian federalism and secularism. The rationale of tying up access to professional education with minority religious rights under a secular constitution within a federal set up is debatable. In the Indian context, minority rights are secular rights available within a federal setup. They are also equitable, democratic rights to be made available to the majority within the minority community, and not to be appropriated by the elite minority within the minority community. But these norms are more observed in the breach than in the performance. Affiliating self-proclaimed minority institutions to central universities against this background may lead to fresh legal wrangles and social conflicts that would only further compound the confusion now prevailing in this arena.

To get out of the current fiasco in self-financing education, the parliament has to enact appropriate legislation to restore equity and excellence in self-financing professional institutions. The Supreme Court Verdict in TMA Pai Foundation case, which has disallowed differential fee and permitted differential norms for admission compromises both social justice and academic merit in professional education. Moreover the apex court seems to have given precedence to the entrepreneurial rights for running educational institutions than to the citizen's right for equitable access to quality education. Only a parliamentary legislation can restore equity and excellence in professional education now. The parliamentary legislation should empower the states to regulate admission and fees in the self-financing colleges, run both by minorities and non-minorities. Each state should evolve a system of merit-based admission and need-based scholarships and free ships, appropriate to its socio-economic situation, on the basis of the central legislation. The interest on student loans needs to be cut down drastically to affordable levels through subsidization by central/state governments. The social and economic background of the candidates should also be taken into account in assessing merit for admission. The present system of multiple agencies assessing merit using multiple yardsticks should be replaced by uniform norms applied by the agency of the government in each state. The details of the central and state legislations need to be worked out carefully, bearing in mind broad principles applicable to the nation as a whole and the local requirements, specific to each state, carefully balancing the claims of the central and state governments for

concurrent legislation in an essentially federal constitutional, political, economic and social set up.

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