

Interfacing with the regulatory bodies in higher education in India: Issues and Challenges

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ABSTRACT

“Regulation in education has been introduced since government in developing countries presume higher education also to be a public good that requires financial support from the government”. In spite of having one of the largest higher education system in the world, India is still lagging behind in producing employable youth. The universities are not free for designing the required curriculum which can meet the ever changing demands of global scenario. The multiple sets of rules and regulations decided by UGC and AICTE, seem to have acted as an inhibitor to the progress of the premier educational institutes. All the higher education institutes are constantly demanding for more autonomy. With the aim to simplify and consolidate the bunch of compliances and regulations that are operating in the sector, the union government has proposed to dissolve the UGC and AICTE and subsidize it with a single body, tentatively called as Higher Education Empowerment Regulation Agency (HEERA). This is the much awaited step which has a long and difficult road to go.

Introduction: India has one of the largest higher education systems in the world. The higher education system in India has a three tier structure comprising the university, college and course. This forms a vital link with the regulatory structure and, with accreditation agencies playing the key role in maintaining quality and standards in this sector. The main regulators for higher education are *University Grants Commission (UGC)* and the *All India Council for Technical Education (AICTE)*. In addition, there are *15 professional councils* regulating various professional courses. These are statutory bodies established by Acts of Parliament such as the *Medical Council of India, Bar Council of India, and National Council for Teacher Education* etc. Admittedly the higher education sector has seen many reforms in the last two decades, but they have been unable to effectively address the regulatory problems that have crippled it. There are oft repeated complaints against regulations that govern higher education in India- that it is opaque, mired in complexity and tough to navigate.

UGC and its Powers: The University Grants Commission (UGC) of India is a statutory body set up in 1956 and is charged with coordination, determination and maintenance of standards of higher education.

At present, the UGC has two primary responsibilities:

- Providing funds to educational institutions; and
- Coordinating, determining and maintaining standards in institutions of higher education.
- Apart from these functions, the commission also looks after the regulation of fees and prohibition of donations in certain cases.

AICTE and its Powers: The All India Council for Technical Education (AICTE) is the statutory body and a national level council for technical education, under Department of higher Education, Ministry of Human Resource Development. Established in November 1945 first as an advisory body and later on in 1987 given statutory status.

AICTE has following responsibilities:

- Conducts survey on the facilities on technical education and to promote development in the country in a coordinated and integrated manner;
- Looking after planning, formulation and maintenance of norms and standards, quality assurance through accreditation, funding in priority areas, monitoring and evaluation, maintaining parity of certification and awards and ensuring coordinated and integrated development and management of technical education in the country.

Denunciation of UGC and AICTE :

- The jurisdiction of AICTE and UGC often tends to overlap. Given that UGC governs Universities and prescribes minimum standards for higher education, and AICTE performs similar functions for the stream of ‘technical education’, there are many cases where institutions fall under the domain of both UGC and AICTE.
- It appears that often the idea of conforming to two sets of norms set out by both regulatory bodies can be a huge barrier for setting up of nascent institutions. Even for existing institutions, overlapping and complex regulations make regulatory compliance burdensome.

- The multiple sets of rules and sub regulations prescribed by UGC and AICTE, unfortunately, seem to have acted as a deterrent to the development of premier educational institutions.
- Instead of experts in suggesting reforms in higher education, there is a bureaucratization in the functioning. It has resulted in “One- size- fits- all” solutions being provided.
- There is a stark failure in attracting foreign faculties to Indian Higher Education system.
- Autonomous institutes are often not being allowed to function independently.
- Accused of biased grating of funds.
- Flawed system of rewarding research. Research is rewarded based on Academic Performance Index which are citations instead of peer review and expert appraisal.

In a recently proposed legislation after a meeting chaired by the *Prime Minister* with the officials of the *Human Resource Development (HRD)* ministry and the *NitiAayog* in March 2017, the central Government (CG) plans to dissolve the AICTE and UGC and replace them with a single body, tentatively titled Higher Education Empowerment Regulation Agency (HEERA).

Expectations from HEERA:

- ❖ The newer regulations are expected to be much simpler, shorter and they will focus on minimum standards.
- ❖ The introduction of a unified regulator would minimize administrative delays and remove jurisdictional ambiguity.
- ❖ Sponsoring bodies of institutes of higher education would no longer be required to approach multiple authorities for clearances, which is likely to promote ease of development of institutions of higher learning.
- ❖ HEERA is expected to have sharper teeth than the extant AICTE and UGC: the HEERA Law is likely to empower HEERA to take strict penal action against defaulting institutions.
- ❖ HEERA shall be able to address all the problems that academic institutions are suffering from, ranging from infrastructural development of newly established universities, promotion of research through providing appropriate environment and to fund allocation.
- ❖ It should be able to create more transparency in administrative functioning of the colleges and universities without hampering the autonomy of the institution.
- ❖ It shall also seek the academic departments in universities across the countries to review and revise their curricula and syllabus periodically under HEERA's guidance to maintain pace with the changing world as well as make the students employable after completing of their course.

A rethink in regulation of higher education was needed because:

Carl Dahl man and Anujautz in their article “*India and the knowledge Economy: Leveraging strengths and Opportunities*”, state that, “*Higher Education in India suffers from several systemic deficiencies. As a result, it continues to provide graduated that are unemployable despite emerging shortages of skilled man power in an increasing number of sectors. The standards of academic research are low and destining. Some of the problems of the Indian higher education, such as the unwieldy affiliating system, inflexible academic structure, un- even capacity across various subjects, eroding autonomy of academic institutions, and the low level of public funding are well known. Many other concerns relating to the dysfunctional regulatory environment, the accreditation system that has low coverage and no consequences, absence of incentive for performing well, and the unjust public funding policies are not well recognized*”

Sadly, the elaborate regulatory paraphernalia working overtime to set standards in higher educate, and to inspect in order to ensure adherence by higher educational institutions, has only proven counter – productive. The absence of regulators did not necessarily destroy the universities, but most importantly, too close a monitoring and micro – management system by one or many regulators has not necessarily helped universities improve their performance.

- ✓ *The Yash Pal committee, the National knowledge commission* as well as the *HariGuatam Committee* had all highlighted the failures of the UGC and called for its scrapping.
- ✓ *The TSR Subramanian committee*, which had been tasked with coming up with a new education policy, too called for the scrapping of the UGC and AICTE.
- ✓ The UGC has also on many occasions impeded institutional autonomy at top notch universities and institutions – for instance, its handling of the Delhi University's four year undergraduate programmers (FYUP)
- ✓ Significantly large proportion of the IIMs (45%), IITs (69%) and IISERs (57%) find place in the top 100 list, as compared to the ridiculously low proportion in the case of central (24%), Deemed (20%), state (6%) and Private (2%) universities, clearly proves that institutions outside the purview of prominent regulators are, any day, better off then under their direct command.

- ✓ NITI Ayog Chief has also criticized the cookie cutter approach (one- size- fits-all) of UGC in light of dense network of educational institutes in the country and has emphasized on the importance of decentralized regulations for effective management.

According to **Amitabh Kant** (CEO, NITI Ayog) **“Regulatory framework needs to be shaken up so that we have an integrated system.”**

Nandan Nilekani also emphasized, **“Indian higher education is completely regulated. It’s very difficult to start a private university. It’s very difficult for a foreign university to come to India. As a result of that, our higher education is simply not keeping pace with India’s demands. That is leading to a lot of problems which we need to address.”**

Conclusion: There are developed economy templates of regulation of higher education that the government could draw from while designing HEERA. In the U.S.A. for instance, regulation is based on a system of self-reporting by institutions and monitoring by regional accreditors. Accreditors evaluate institutions based on the latter’s assessment of themselves – this means a one- size- fits all approach is shunned. Institutions failing to earn accreditation are not given support for research, infrastructure and other needs. India has enough examples to learn and adopt. We also have the example of some of the best universities of the world such as *Harvard* and *Stanford* that could reach and sustain at the top of the pyramid because of the absolute autonomy vested in them by their governments and society. *Philosopher Immanuel Kant* held that autonomy is at the root of human dignity and the source of all morality. In education, excellent in academics, good governance and financial well-being of institutions can be achieved when autonomy is practiced with responsibility and accountability. However this concept is alien to Indian higher education. State governments in *Maharashtra, Tamil Nadu, Karnataka, Andra Pradesh and Haryana* finely sensed the importance of doing away that rigid laws and policies, and offered a liberal regime for higher educational institutions to thrive. Thus, by 2010, these states were successful in establishing majority of the private medical, engineering, management and nursing colleges of the country. Universities are meant to create excellence which should reflect in equality of education, transparency, research, innovation, entrepreneurship, employability, industrial collaborations, and international competitiveness. All these endeavors need autonomy, which can be dampened by over-regulation. Accountability, output control, performance based funding, quality assurance are tools of higher education policy which can exert necessary checks and balances in an autonomous system. However, these sentiments are in most part contingent on stake holders’ expectations regarding the manner in which HEERA will function on the ground, once formalize.

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