

The 'Institutes of Eminence' Controversy: Unrestrained Freedom to Private Players in Education



Source: Financial Express/PTI

In This Issue

COVER STORY:

The 'Institutes of Eminence' Controversy: Unrestrained Freedom to Private Players in Education

HEADLINE OF THE WEEK:

Govt Proposes Military Training Scheme to Build Disciplined and Nationalist 'Force of Youth'

SECTION 1: GOVERNANCE AND DEVELOPMENT

- **Defence:** India successfully test-fires BrahMos from Balasore military base
- **Governance:** Activists Slam Bill That Gives Centre Control Over Salaries of Information Commissioners; After Securing Net Neutrality In India, TRAI Goes To Bat For Data Privacy
- **Law and Justice:** Lokpal selection committee to meet on July 19 to form search panel: Centre tells SC
- **Environment:** India Accounts For 1/5th Of Global Deaths From Floods: Report
- **Health:** Fewest Mothers Die In States With Best 'Health Performance'

SECTION 2: INDIA AND THE WORLD

- India, Iran looking at European assurances on US sanctions

Lead Essay

The 'Institutes of Eminence' Controversy: Unrestrained Freedom to Private Players in Education

Each year, the large absence or poor performance of Indian universities in most of the global educational rankings – be it the Times Higher Education World University Rankings or the QS World University Ranking – is seen by most experts as a matter of concern. This concern to see Indian universities feature on the top of global rankings led to the government announcing a four-member Empowered Expert Committee to conduct the appraisal of the applications for short-listing 20 Institutions of Eminence (IoE). The announcement was made in February 2018 with former chief election commissioner N. Gopalaswami as the chairman. The idea behind this is to create a separate category of universities which will be regulated differently so that they emerge in top 500 of the world ranking in 10 years and in top 100 of the world ranking eventually overtime. To achieve the top world ranking, the IoEs will be provided with greater autonomy to, inter alia:

- (i) Admit foreign students up to 30% of admitted students;
- (ii) Recruit foreign faculty upto 25% of faculty strength;
- (iii) Offer online courses upto 20% of its programmes;
- (iv) Enter into academic collaboration with top 500 in the world ranking Institutions without permission of UGC;
- (v) Free to fix and charge fees from foreign students without restriction;
- (vi) Flexibility of course structure in terms of number of credit hours and years to take a degree;
- (vii) Complete flexibility in fixing of curriculum and syllabus, among others.

However, a controversy broke out on 9 July, when the Minister of Human Resource Development, Prakash Javadekar, announced the names of six institutions of higher education – three each in public and private sectors – that have been granted the IoE status. One of the private institutes was 'Jio Institute' – a yet-to-be-established, merely proposed university of the Reliance Foundation – was granted the IoE status under the 'Green Field' category. Interestingly enough, the IoE guidelines don't define the 'Green Field' category. However, in a letter inviting proposals from interested applicants to become IoEs, the UGC specified three categories: (i) Existing Government educational institutions; (ii) Existing private higher educational institutions; and (iii) Sponsoring organizations for setting up of new Institutions of Eminence. 'Green Field' institutes are of the third category. After the controversy broke out, the HRD Ministry issued a clarification specifying the parameters for setting up 'Green Field' institutions: availability of land; a highly qualified, experienced core team; available funding; strategic vision action plan.¹

Critics questioned the government's logic behind granting the IoE status to a university that does not even exist. More specifically, some challenged the very idea of the 'Green Field' category: how can the government presuppose the 'eminence' of a non-existent university? Others questioned the partisan manner in which the Reliance foundation was favoured over other well-reputed – and *existing* – public and private universities.

While these questions are important, the IoE regulations need to be seen beyond the Jio Institute controversy and should be put in the proper context of the government's attempt to increase privatisation of higher education and the accompanying withdrawal of government regulations on the functioning of private

¹ <https://timesofindia.indiatimes.com/india/hrd-ministry-issues-clarification-after-institution-of-eminence-tag-to-jio-institute/articleshow/64923290.cms>

Lead Essay

universities. This also necessitates reviewing the role of the UGC and the current government's attempts at diluting the autonomous higher-education regulator.

How did we reach here?

The Finance Minister Arun Jaitely, in his 2016 budget speech, laid emphasis on enabling higher educational institutes to meet international standards. The Finance Minister said:

It is our commitment to empower Higher Educational Institutions to help them become world class teaching and research institutions. An enabling regulatory architecture will be provided to ten public and ten private institutions to emerge as world-class Teaching and Research Institutions. This will enhance affordable access to high quality education for ordinary Indians. A detailed scheme will be formulated.

In order to achieve this objective, the HRD ministry, in 2016, proposed the regulatory architecture in the form of two drafts: first, the **UGC (Declaration of Government Educational Institutions as World Class Institutions) Guidelines, 2016**² for all government owned & controlled Higher Educational Institutions; and second, the **UGC (World Class Institutions Deemed to be Universities) Regulations, 2016**,³ for privately owned & controlled Higher Educational Institutions. Both drafts were released for public consultation and contained eligibility criteria, selection procedure, other Regulatory aspects, monitoring & evaluation, etc. for the growth of select institutions as “globally renowned centres of excellence.”

About a year later, in August 2017, the UGC formally released the **UGC (Declaration of Government Educational Institutions as World Class Institutions) Guidelines, 2017** for public institutions and **UGC (Institutions of Eminence Deemed to be Universities) Regulations, 2017** for private institutions. The latter – the draft for private establishments – saw two noticeable changes:

- The 2016 draft for private institutes proposed that a private institute must have a corpus of Rs 200 crore to be eligible to be declared a world-class institute.⁴ In the 2017 draft, this has been brought down to Rs 60 crores.⁵
- The 2016 regulations stated that at least one faculty member must publish each year. In the 2017 regulations, this requirement has been changed to an average across departments.⁶

Extensive Freedom to Private Institutions

A close reading of the regulations reveals how the IoE tag for private establishments gives them an unrestrained degree of autonomy – specifically, freedom from any regulatory control of the UGC.

² http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/ugc_guidelines.pdf

³ http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/ugc_regulations.pdf

⁴ Section 4.2.11, http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/ugc_regulations.pdf

⁵ Section 4.2.11 (i) https://www.ugc.ac.in/pdfnews/5403862_Gazette-Institutions-of-Eminence-Deemed-to-be-Universities.pdf

⁶ 4.2.12

Lead Essay

Firstly, **the IoE will be exempt from any caps on its fee structure.** Section 11.1.2 states, *“the Institution of Eminence Deemed to be University would be free to fix fees, for both domestic and foreign students as per its internal policies, and would be exempted from any fee regulations which may be there in force.”*

This provision is particularly troubling, since exorbitant fee taken by private institutions blocks access for students from socially and economically underprivileged sections to attain higher education. Although there is no central legislation for fee caps on private institutions, states have different mechanisms to cap/regulate fee charged by private colleges. For instance, for MBBS in self-financing medical colleges in Kerala, the state’s Admission and Fee Regulatory Committee for Medical Education has fixed the fee at Rs. 5,60,000 per student for the academic year 2018 after allowing an increase of 10% per annum over the previous year’s fee.⁷ Similarly, the Karnataka Fee Regulatory Committee has capped the fee hike in private professional colleges at 8 per cent starting the 2018 academic year.⁸ But once the IoE status is granted to a private institution, none of these regulations will be applicable, giving the private players complete freedom to undertake exorbitant fee hikes under the garb of becoming a ‘world class institution.’

Secondly, **the IoE will not have to adhere to UGC mandated curriculum and would be free to fix their own curriculum and syllabus.** Section 11.2.3 reads: *“The Institution of Eminence Deemed to be University shall have complete flexibility in fixing of curriculum and syllabus, with no UGC mandated curriculum structure.”* What standards will these institutes follow to design courses in the absence of any quality check on the curriculum structure remains unknown. More importantly, as Father Felix Raj, the VC of St Xavier’s University, Kolkata argues: *“Autonomy is good as it gives the institution the freedom to design their curriculum but ... the cost of education definitely shoots up when one decides to include new courses.”*⁹

Thirdly, in the event of a dispute between the students and the administration – and this should be expected given no caps on the fee structure – **an ombudsman, appointed by the institution, will deal with student grievances.** Section 11.1.4 reads: *“Since no existing fee regulation guidelines are to be applicable to such Institutions of Eminence Deemed to be Universities, they will have to set up the institution of Ombudsman to cater to student grievances and allegations of unfair practice, if any.”* But there is no clarity on the procedure to appoint the ombudsman. In such a scenario, the neutrality of the ombudsman will be a cause of concern.

Fourthly, **the IoE will also have absolute freedom in hiring faculty, promotions and emoluments.** However, for faculty appointments, the guidelines use vague provisions such as, under Section 11.3.1: the IoE may *“recruit faculty from India and abroad. The approach should be to attract the most talented people, no matter where they come from, who are open to new ideas and approaches.”*¹⁰ Further, the guidelines also allow the IoE, under Section 11.3.4, to *“hire personnel from industry, etc. as faculty, who, while being experts in their areas, may not have the requisite higher academic qualifications.”*

Abolishing the UGC

It is important to note that the dilution of UGC through the IoE regulations follows the HRD ministry proposing to rechristen the UGC as the Higher Education Commission of India (HECI). The draft Higher

⁷ <https://www.thehindu.com/news/national/kerala/colleges-challenge-new-mbbs-fee-structure/article23468949.ece>

⁸ <https://www.deccanchronicle.com/nation/current-affairs/130618/karnataka-govt-panel-caps-fee-hike-for-professional-courses-at-8-per-c.html>

⁹ <http://www.millenniumpost.in/opinion/autonomy-in-ugc-out-309210>

¹⁰ 11.3

Lead Essay

Education Commission of India (Repeal of University Grants Commission Act) Act, 2018¹¹ – which was made public on June 27 and was open for feedback till July 7 – takes away funding powers from the proposed regulator and gives it powers to ensure academic quality and even close down bogus institutions. With HECI in charge of ensuring academic quality in universities and colleges – the HRD ministry – or a different mechanism put in place later – will be responsible for funding universities and colleges.¹²

Compared with the 1956 UGC Act, the draft gives the HECI – and in effect, the central government – sweeping powers to control and monitor higher education institutes.

- **Interference of the political class in the Commission:** First, the UGC Act 1956, under Section 5.2, mandated that the Chairman of the Commission “shall be chosen from among persons who are not officers of the Government or any State Government.” This was done to maintain the autonomy of the Commission and protect it from any direct interference by governments. However, under Section 3.6 of the HECI draft, this clause has been dropped, thus leaving room for functionaries of the Central and State governments to be appointed as the chairperson of the proposed HEC. This is complemented by providing for the creation of a Search-Cum-Selection-Committee to appointment the Chairperson of HEC. The Committee will be headed by a Cabinet Secretary and will also include the Secretary of Higher Education – both of whom are government functionaries.
- **Number of teachers in the Commission reduced to two:** Second, the UGC Act, under Section 5.3 mandates that apart from the Chairman and Vice-Chairman in the Commission, out of the other 10 members, a minimum of four must be teachers and at least 6 should not officers of State/Central governments. In the HECI draft, although the total number of members of the proposed HEC has been increased from 10 to 12, the representation of teachers has been reduced to two. There are also no provisions for ensuring that there is less presence of government functionaries in these 12 members.

The UGC Act also had a final proviso that “not less than one-half of the number chosen under this clause shall be from among persons who are not officers of the Central Government or of any State Government.” This proviso has been entirely dropped from the HECI draft, instead providing for appointing a “doyen of industry” in the Commission – with no definition who constitutes as one.

- **Loosening of fee regulation:** Third, the UGC Act has a full section on ‘Regulation of fees and prohibition of donations in certain cases’ (Section 12A). The UGC is empowered to **specify by regulation** “the matters in respect of which fees may be charged, and the scale of fees in accordance with which fees shall be charged.” However, the HECI draft dilutes this stringent provision by just providing for the HEC to “**specify norms and processes for fixing of fee**” and to merely “advise” the governments on “steps to be taken to make education affordable for all” (Section 15.4.1). The draft also does not provide for a prohibition on donations.

¹¹ http://mhrd.gov.in/sites/upload_files/mhrd/files/HE_CoI_India_2018_act.pdf

¹² <https://www.thehindu.com/news/national/centre-proposes-new-body-to-replace-ugc/article24272559.ece>

Lead Essay

Way Forward

Both these developments are indicative of a contradiction: while on the one hand, the IoE regulations provide unrestrained freedom to select private establishments from any government regulatory oversight; on the other, with the abolishment of the UGC, the HECI would lead to excessive centralisation of decision making powers, reign in the possibility of ideological manipulation, and would thus have a negative impact on the functioning and diversity of public universities. Moreover, both the IoE regulations and the HECI draft provide for loosening regulations on fee hikes, opening up universities for profiteering, compromising on educational standards and keeping the teacher community out of important decision making powers. This might well translate into the proposed HECI becoming a means of political compliance as a precondition for public funding.

Nandini Sundar, Professor of Sociology at the Delhi University, argues that the government's obsession with global rankings "has completely warped its educational priorities." Sundar quotes Cedric Denis-Remis and Armand Hatchuel, who argue that the world rankings have only helped "an oligarchy of a few big universities" to expand their businesses by becoming even bigger global players at the cost of the entire education ecosystem

... we must ... worry about the double penalty suffered by small countries whose universities are "killed" by the rankings – the best researchers, teachers and students will always prefer giants. Money will follow the same path, including public money: investments in local universities will be less and less profitable, less and less relevant, except in the case of hyper-specialization, with, in the case of research, global niche strategies at the expense of useful work for national development.¹³

Thus, in a country like India, where access to higher education for the socially and economically deprived students remain a significant challenge, the government needs to set its priorities right. A 2016 analysis of the National Sample Survey (NSS), 2014 revealed that as many as 44.81 million – 16.6% male and 9.5% female – Indian undergraduate students aged between 18 and 24 were too poor to pursue higher education. The same analysis notes that according to the 12th five-year plan document of the erstwhile Planning Commission, while government-owned institutions for higher education increased from 11,239 in 2006-07 to 16,768 in 2011-12 (49%), private sector institutions recorded a 63% growth in the same period from 29,384 in 2006-07 to 46,430 in 2011-12. According to the NSS report, the fees charged by private institutions are more than double those charged by government institutions; around 53% college students are enrolled in private institutions because there are not enough public higher educational institutions; and nearly 64% students enrolled for diploma and certificate courses in private institutions would rather be in government-run institutions.¹⁴

Therefore, it is clear that the lack of a robust public education sector has resulted in large pressure on students from the socially and economically marginalised sections have been systematically excluded from the opportunities to improve their lives. In this context, the priority of the government should not be to allow unrestrained expansion of private educational institutions with no fee regulations, but to increase the budgetary allocations to public higher education and strengthen affirmative action to ensure social inclusion in

¹³ <https://thewire.in/education/india-higher-education-jio-eminence-heci-ugc>

¹⁴ <http://www.indiaspend.com/special-reports/available-but-unaffordable-story-of-higher-education-in-india-79074>

Lead Essay

institutes of higher education. As far as the UGC is concerned, rather than dismantling it, attempts should be made to strengthen its architecture, maintain its autonomy without scope for political interference, and allow it to specify guidelines for fee regulations, along with taking into account its shortcomings and separately working towards eliminating them.

Headlines

Govt Proposes Military Training Scheme to Build Disciplined and Nationalist 'Force of Youth'

(The Wire, July 17, 2018)

The Indian government has proposed the building of a disciplined and nationalist “force of youth” programme which will be a mandatory qualification for jobs in defence, paramilitary forces and police. This military training will aim to instil values of nationalism, discipline and self esteem amongst the youth. The first batch will target 10 lakh men and women from rural areas to optimise on the demographic advantage. The funding for the scheme will be derived from funds allocated to the National Cadet Corps and National Service Scheme, as well as Skill Development Ministry Mahatma Gandhi National Rural Employment Guarantee Scheme.

Read More: <https://thewire.in/government/govt-proposes-military-training-scheme-to-build-disciplined-and-nationalist-force-of-youth>

Date Accessed: 17.07.2018

Governance and Development

DEFENCE

India successfully test-fires BrahMos from Balasore military base

(Sampad Patnaik, *The Indian Express*, July 17, 2018)

BrahMos, India's supersonic missile which is a joint venture between the Defence Ministry's research arm DRDO and Moscow-based rocket design bureau NPO Mashinostroyeniya (NPOM), was launched under extreme weather conditions off the coast of Orissa. The press release by the Defence Ministry stated that the strike missile was successful and followed the designated trajectory, indicating that the missile can weather unfavourable situations. The BrahMos has demonstrated multiple abilities, such as land-attack, anti-ship, and capability of being launched from different platforms.

Read More: <https://indianexpress.com/article/india/india-successfully-test-fires-brahmos-from-military-base-at-balasore-5262179/>

Date Accessed: 17.07.2018

GOVERNANCE

Activists Slam Bill That Gives Centre Control Over Salaries of Information Commissioners

(Gaurav Vivek Bhatnagar, *The Wire*, July 17, 2018)

The Centre is also set to introduce the Right to Information (Amendment) Bill 2018 that alters the "status and service conditions" of information commissioners in the Central Information Commission and the state information commissions by bringing their tenure and salaries under its own ambit. The Bill has been listed for "introduction, consideration and passing" in the monsoon session of parliament due to begin on July 18. According to Anjali Bhardwaj of the National Campaign for People's Right to Information, the RTI Amendment Bill "seeks to completely destroy the autonomy of information commissions by allowing the Central government to decide the tenure and salaries of central and state information commissioners, which are currently statutorily protected." It further says that "the salaries and allowances and other terms and conditions of service of the chief election commissioner and election commissioner are equal to a judge of the Supreme Court, and therefore the chief information commissioner, information commissioner and state chief information commissioner becomes equivalent to the judge of the Supreme Court in terms of their salaries and allowances and other terms and conditions of service."

Read More: <https://thewire.in/rights/activists-slam-bill-that-gives-centre-control-over-salaries-of-information-commissioners>

Date Accessed: 17.07.2018

After Securing Net Neutrality In India, TRAI Goes To Bat For Data Privacy

(Gopal Sathe, *Huffpost*, July 16, 2018)

The Telecom Regulatory Authority of India (TRAI) has recently come up with India's first major public guidelines on privacy and data protection in India that outlines consent based framework and upholds the right to privacy of the citizens. "The Right to Choice, Notice, Consent, Data Portability, and Right to be forgotten should be conferred upon the telecommunication consumers," TRAI recommended. Other highlights of the document are- the need to protect personal information, the right to withdraw consent, which means that even if people have given consent to gathering your data, users will be able to stop tracking on demand. However TRAI has also suggested that till such time a general data protection law is notified by the government, the existing Rules/ License conditions applicable to the Telecom Service Providers for protection of users should be made applicable to all the entities in the digital eco-system. However it should be noted that India has not implemented a strong data protection and privacy bill, which was to be based on the recommendations of the Justice BN Srikrishna committee which is expected to send its recommendations to the government soon. Till then the TRAI's recommendations seem to be an important development as India moves to secure the privacy of its people.

Read More: https://www.huffingtonpost.in/2018/07/16/after-securing-net-neutrality-in-india-traï-goes-to-bat-for-data-privacy_a_23483166/?ncid=tweetInkinhpimg00000001

Date Accessed: 17.07.2018

Governance and Development

LAW AND JUSTICE

Lokpal selection committee to meet on July 19 to form search panel: Centre tells SC

(Hindustan Times, July 17, 2018)

In response to a contempt petition filed by the NGO Common Cause, the Centre has reassured the Supreme Court that the Lokpal selection committee will convene on July 19 to constitute a search panel. The committee will recommend a panel of names for appointing a Lokpal after which the Court is scheduled to pronounce its judgement. The panel will consist of the prime minister, the chief justice of India, Lok Sabha Speaker, the leader of the largest opposition party and an eminent jurist

Read More: <https://www.hindustantimes.com/india-news/lokpal-selection-committee-to-meet-on-july-19-to-form-search-panel-centre-tells-sc/story-1wfb4hrpwKyJgJ79V15DrI.html>

Date Accessed: 17.07.2018

HEALTH

Fewest Mothers Die In States With Best 'Health Performance'

(Manpreet Singh & Swagata Yadavar, *India Spend*, July 16, 2018)

According to an India Spend analysis of the latest maternal mortality data, fewer Indian mothers have died in states that improved their overall "health performance" which means States that have invested in improving health infrastructure, provided quality and access of services, human resources and health outcomes have managed to reduced the number of maternal deaths in their respective regions . As per the 2015 health index by NITI Aayog which ranked states by "health performance" that considers infant and under-five mortality, sex ratio at birth, immunization, institutional deliveries etc: Kerala, Punjab and Tamil Nadu are the top three states in the health index while Mizoram and Manipur topped the list of eight smaller states. The best improvement in MMR was registered by UP (nearly 30%), from 285 in 2011-13 to 201 in 2014-16, followed by Kerala (24%). Only three states have a MMR below the SDG target of 70: Kerala (46), Maharashtra (61) and Tamil Nadu (66). However, India's current MMR is still higher than the sustainable development goal (SDG) target—a set of globally agreed goals that India has signed on to—of 70 deaths per 100,000 live births for the world by 2030.

Read More: <http://www.indiaspend.com/cover-story/fewest-mothers-die-in-states-with-best-health-performance-45273>

Date Accessed: 17.07.2018

ENVIRONMENT

India Accounts For 1/5th Of Global Deaths From Floods: Report

(Chaitanya Mallapur, *The Quint*, July 17, 2018)

According to the latest World Bank Study, India accounts for one-fifth of global deaths due to floods and says that says climate change will lower the standards of living of nearly half of India's population by 2050. Further around 107,487 people have already lost their lives due to heavy rains and floods across India over 64 years between 1953 and 2017, according to Central Water Commission data. "The main reasons of floods have been assessed as high intensity rainfall in short duration, poor or inadequate drainage capacity, unplanned reservoir regulation and failure of flood control structures," according to the reply to the Rajya Sabha. The study also suggests that the rise in temperature across the South Asian region, that are projected to continue increasing for the next several decades will result in more frequent flooding, greater water demand and increased heat-related medical issues. The worst affected states by 2050 would be Chhattisgarh and Madhya Pradesh while seven of the 10 most affected districts will belong to Vidarbha, Maharashtra.

Read More: <https://www.thequint.com/news/india/global-death-tolls-from-floods-india-ranking>

Date Accessed: 17.07.2018

India and the World

India, Iran looking at European assurances on US sanctions

(Shubhajit Roy, *The Indian Express*, July 17, 2018)

Both India and Iran are expecting European assurances to salvage the JCPOA Iran nuclear deal and overcome US sanctions on the same. The bilateral meeting between visiting deputy of Iran and Indian foreign secretary this week raised issues regarding alternate banking mechanisms to divert the impending sanctions and is critical in the light of the upcoming India-US talks on the Iran-Russia sanctions imposed by the USA. The European response to this crisis will be crucial for determining the impact on India's oil imports from Iran as well as the Chabahar project.

Read More: <https://indianexpress.com/article/india/india-iran-looking-at-european-assurances-on-us-sanctions-5262526/>

Date Accessed: 17.07.2018

Issue Coordinator: Manas Raturi

Connect with RGICS at: info@rgics.org; www.rgics.org



Disclaimer: This document has been prepared by the RGICS staff and has not been seen by the Trustees of the Rajiv Gandhi Foundation (RGF). Further, the views presented in this document in no way reflect the views of the RGF Trustees.

To unsubscribe, please write to us at info@rgics.org