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Challenges Before Higher Education & Remedies Thereof

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- 1. Education: What is?:** Education is the systematic instruction, schooling or training given to the young persons in preparation for the work of life. It also connotes the whole course of scholastic instruction which a person has received. Education connotes the process of training and developing the knowledge, skill, mind and character of students by formal schooling. The excellence of instruction provided by an educational institution mainly depends directly on the excellence of the teaching staff. Therefore, unless they themselves possess a good academic record and minimum qualifications prescribed as eligibility, standard of education cannot be maintained and enhanced. Education should not be for the purposes of making a child merely literate and intelligent. The real education is one in which a child gradually realises that he is made up not only of body and mind but also some inner elemental qualities. Democracy cannot survive and Constitution cannot work unless Indian citizens are not only learned and intelligent but they are also of moral character and imbibe the inherent virtues of human-being such as truth, love and compassion. The right to education is implicit in the right to life and therefore an aspect of Article 21 of the Constitution of India. Parliament endorsed the conclusion of the Supreme Court arrived at in the case of Unni Krishnan J.P. Vs. State of A.P., (1993) 1 SCC 645 and amended the Constitution to make an express declaration of the fundamental right to education by inserting Article 21-A in the Constitution. Importance of the role of education in the life of human beings is well known to the Indian Society which invented the concept of "Zero". Education becomes a basic tool for individuals to lead an economically productive life. An economically productive life of the individual not only improves the quality of life of the individual and his family but also contributes to some extent to the benefit of the society at large. Production of goods and services to a large extent depends upon the availability of technically qualified human resources. Technical education therefore has the potential to directly contribute to the economic prosperity of a technically qualified individual as well as the society. Education is one of the most vital elements for preservation of the democratic system of Government. Education is an important factor for maintaining democracy and the economic well-being of the society. Therefore, the Constitution of India bestows considerable attention to the field of education. It recognises the need for regulating the various facets of activities of education and also the need for not only establishing and administering educational institutions but also for providing financial support for the educational institutions run by private / non-State actors. Imparting education is

the primary duty of the State. Education as a part of human development indisputably is a human right. The framers of the Constitution of India while providing for the equality clause under the constitutional scheme had in their mind that women and children require special treatment and only in that view of the matter, protective discrimination and affirmative actions were contemplated in terms of clause (3) of Article 15 of the Constitution. See: (i) State of Orissa Vs. Mamata Mohanty, (2011) 3 SCC 436 (para 29), (ii) Ms. Aruna Roy Vs. Union of India & Others, AIR 2002 SC 3176 (Three-Judge Bench) (Paras 81 to 85), (iii) Secretary, Mahatma Gandhi Mission & Another Vs. Bhartiya Kamgar Sena & Others, (2017) 4 SCC 449 (Paras 34 to 39) and (iv) State of Bihar Vs. Project Uchcha Vidya Sikshak Sangh & Others, (2006) 2 SCC 545 (Para 39).

- 2. Object of Education & Higher Education:** Education is necessary to develop the personality of a person as a whole and in totality as it provides the process of training and acquiring the knowledge, skills, developing mind and character by formal schooling. Therefore, it is necessary to maintain a high academic standard and academic discipline along with academic rigour for the progress of a nation. Democracy depends for its own survival on a high standard of vocational and professional education. Paucity of funds cannot be a ground for the State not to provide quality education to its future citizens. It is for this reason that in order to maintain the standard of education, the State Government provides grant-in-aid to private schools to ensure the smooth running of the institution so that the standard of teaching may not suffer for want of funds. Article 21-A has been added in the constitution with a view to facilitate the children to get proper and good quality education. However, the quality of education would depend on various factors but the most relevant of them is excellence of teaching staff. In view thereof, quality of teaching staff cannot be compromised. The selection of the most suitable persons is essential in order to maintain excellence and the standard of teaching in the institution. It is not permissible for the State that while controlling the education it may impinge the standard of education. It is, in fact, for this reason that norms of admission in institutions have to be adhered to strictly. Admissions in mid- academic sessions are not permitted to, maintain the excellence of education. See: (i) State of Orissa Vs. Mamata Mohanty, (2011) 3 SCC 436 (paras 33 & 34) and (ii) Chandigarh Administration Vs. Rajni Vali, (2000) 2 SCC 42 (Para 6).
- 3. History of Higher Education in India:** The beginning of higher education in ancient India can be traced to roughly 5000 years ago in the *vedic* era. *Ashrams* and *Gurukuls* founded by various sages i.e. thinkers and teachers were the prime source of higher learnings in the *vedic* and subsequent era where only privileged disciples, mainly the siblings of Kings, used to be taught and trained in various disciplines. These pupils had to stay at these *Ashrams* and *Gurukuls* throughout the entire period of their learning and had to obey the commands of their disciplinarian i.e. the sage or teacher and had to adhere to strict discipline, restraintful and regulated life. The Kings and the parents of pupils used to visit these *Ashrams* or *Gurukuls* periodically and were allowed to meet their siblings. The entire needs of these *Ashrams* and *Gurukuls* were fulfilled by the Kings, parents and donors. Some of such famous *Ashrams* and *Gurukuls* in ancient India were those run by sage Bharadwaj at Prayag (now Allahabad), Vashistha at Ayodhya where King Dashratha's four sons Ram, Laxaman, Bharat and Shatrughan were taught and trained in various disciplines, Valmiki on the bank of river Tamsa at Prayag (at Bithoor in Kanpur as per belief of many) where Sita lived during her exile with her two sons, Lav and Kush were taught, Parashurama, the

son of Jamadagini and Renuka at Mahendragiri, Odisha who was guru and mentor of Karna, Bhishma & Drona and was rated as superior most martial instructor of his times, Sandipani at Ujjain where Krishna and Sudama received their education, Dronacharya at Hastinapur where five sons of King Pandu (famously known as Pandavas) namely Yudhisthir, Bhim, Arjun, Nukul and Sahadeva, one hundred sons of King Dhritarashtra including infamous Duryodhana, and Karna and Eklavaya were taught and trained in various fields of arts, archery, art of warfare and other branches of learnings. The thrust of teaching, learning and training at these *Ashrams* and *Gurukuls* was to enable the pupils to live lives in fullest and achieve all the major four goals of life i.e. *dharm*, *artha*, *kaam* and *moksha* what is known in Indian philosophy as '*purushartha chatustaya* i.e. the said four major goals of life'. The duration of stay of pupils at their *Ashrams* or *Gurukuls* depended upon the appraisal and satisfaction of their teachers whether the pupils had been inculcated with sufficient knowledge, skill and ability in various branches of learnings and had become capable of overcoming the challenges of life so as to lead their lives successfully and prove to be assets to their families and society as a whole. The syllabus at these *Ashrams* and *Gurukuls* mainly comprised study of *vedas* and *vedangas*. The Vedangas i.e. the six auxiliary disciplines connected with the study of *vedas* are (i) *Shiksha* i.e. phonetics, phonology, pronunciation, accent, melody and rules of euphonic combination of words during *vedic* recitations, (ii) *Chhand* i.e. prosody, poetic meters, (iii) *Vyakarana* i.e. grammar and linguistic analysis, (iv) *Nirukta* i.e. etymology, explanation of words having unclear meaning, (v) *Kalpa* i.e. rituals performed at occasions like birth, wedding, death, etc. and (vi) *Jyotisha* i.e. astrology and astronomy. Besides vedangas, the syllabus taught at these centres of study also comprised subjects like philosophy, theology, logics, mathematics, literature, agriculture, medicine and surgery, art of warfare with special focus on archery etc. The early philosophers and sages in *vedic* period had classified the entire realm of higher knowledge into two parts; '*vidya*' and '*avidya*'. '*Vidya*' means true knowledge of the Self/Supreme or the spiritual knowledge. '*Avidya*' means materialistic knowledge of various worldly subjects which is rated to be knowledge of inferior level. *Vidya* and *avidya* were also known as '*para vidya*' and '*apara vidya*'. The vedantic philosophy propounded by Upnishadas (108 in number) regarding *vidya* was: "*Sa Vidya Ya Vimuktaye*" which means knowledge is that which liberates. The ultimate object of acquisition of any sort of knowledge was liberation of Self from materialistic or worldly attachments and temptations and ability to get rid of ordinary worldly and human weaknesses. Since the *vedic* era, self-enlightened prudent people knew that '*vidyaya amritmashnute*' which means that even death can be conquered and immortality can be attained with the help of knowledge of the highest order. There was no gender discrimination in the *vedic* era in the field of higher learnings and the female scholars used to participate frequently with their male counterparts in academic debates and gatherings. Some of the great female scholars and philosophers of the *vedic* period were (i) Ghosa, daughter of Kakshivat, (ii) Lopamudra, wife of sage Agastya, (iii) Maitreyi, wife of sage Yajnavalkya who also had another wife 'Katyayani', and (iv) Gargi, virgin philosopher, who had challenged, perplexed and puzzled even the great sage and philosopher Yajnavalkya by putting volley of complex philosophical questions to him in the Rajasuya Yagna i.e. royal spiritual gathering of philosophers organized by King Janaka, father of Sita. There was absolute freedom, scope and respect for dissent and disagreement in the debates over questions of philosophy and other issues. The debates and discussions during scholarly gatherings were guided by the acknowledged principles that *vaade vaade jayate tatvabodhah, munde munde matirbhinna*, which means that complex issues

become clearer through debates, discussions and dissents and every individual has freedom to express his subjective and dissenting views. The two, out of many, gifts to mankind by early intellectuals of ancient India can be said to be '*vasudhaiva kutumbakam*' which means 'the entire world is one family', and the number 'zero'.

4. Centers of Higher Education in Ancient India: Following were the ancient Universities and centers of higher learning in India:

- (i) Gurukuls
- (ii) Ashrams
- (iii) Nalanda University (427 CE)
- (iv) Odantapuri University (8th century in Magadh, Bihar)
- (v) Takshashila University (now near Rawalpindi, Pakistan)
- (vi) Vikramshila University (8th century, established by King Dharampala of Pala Dynasty in Magadh, Bihar)
- (vii) Valabhi University (11th century, King Ramapala)
- (viii) Pushpagiri University (3rd century by King Ashoka near Kalinga in Orissa)
- (ix) Somapura University (12th century, Bengal)

5. Syllabus of Higher Education in Ancient India: The entire syllabus of higher education during vedic and post-vedic era was divided into following two parts:

- (i) Para vidya (divine or spiritual knowledge) or subjective science
- (ii) Aparavidya (worldly or material knowledge) or objective science

6. Origin of Modern University System in India: The word 'University' is derived from the Latin words '*Universitas Magistrorum et Scholarium*' which roughly means 'community of teachers and scholars'. Universities typically provide undergraduate education and postgraduate education. Universities were created in Italy and evolved from Cathedral schools for the clergy during the High Middle Ages. The University of Bologna in Italy founded in 1088 is the oldest University in the Europe. Evolution process of Universities can be broadly classified into (i) Ancient Indian Universities like Nalanda, Taxila and Vikramsila Universities, (ii) Medieval Universities founded from pre-existing schools in sixth century in Europe (ii) Early modern Universities during late 15th to 1800 century and (iii) Modern Universities from 19th century onward. From ancient Bharat to modern India, higher education has always occupied a place of prominence in Indian history. In ancient times, Nalanda, Taxila and Vikramsila Universities were renowned seats of higher learning attracting students not only from all over the country but from far off countries like Korea, China, Burma (now Myanmar), Ceylon (now Sri Lanka), Tibet and Nepal. Today, India manages one of the largest higher education systems in the world. The present system of higher education dates back to Mountstuart Elphinstone's Minutes of 1823 which stressed on the need for establishing schools for teaching English and the European sciences. Later, Lord Macaulay, in his Minutes of 1835, advocated "efforts to make natives of the country thoroughly good English scholars". Sir Charles Wood's Dispatch of 1854, famously known as the 'Magna Carta of English Education in India', recommended creating a properly articulated scheme of education from the primary school to the University. It sought to encourage indigenous education and planned the formulation of a coherent policy of education. Subsequently, the Universities of Calcutta, Bombay (now Mumbai) and Madras were set up in 1857 followed by the University of Allahabad in 1887. The Inter-University Board (later known as the Association of Indian Universities) was established in 1925 to promote University activities by sharing information and co-operation in the field of education, culture, sports and

allied areas. The first attempt to formulate a national system of education in India came in 1944 with the Report of the Central Advisory Board of Education on Post War Educational Development in India, also known as the Sargeant Report. It recommended the formation of a University Grants Committee which was formed in 1945 to oversee the work of the three Central Universities of Aligarh, Banaras and Delhi. In 1947, the Committee was entrusted with the responsibility of dealing with all the then existing Universities. Soon after Independence, the University Education Commission was set up in 1948 under the Chairmanship of Dr. S Radhakrishnan to report on Indian University education and suggest improvements and extensions that might be desirable to suit the present and future needs and aspirations of the country. It recommended that the University Grants Committee be reconstituted on the general model of the University Grants Commission of the United Kingdom with a full-time Chairman and other members to be appointed from amongst educationists of repute. In 1952, the Union Government decided that all cases pertaining to the allocation of grants-in-aid from public funds to the Central Universities and other Universities and Institutions of higher learning might be referred to the University Grants Commission. Consequently, the University Grants Commission (UGC) was formally inaugurated by late Shri Maulana Abul Kalam Azad, the then Minister of Education, Natural Resources and Scientific Research on 28.12.1953. The UGC, however, was formally established only in November, 1956 as a statutory body of the Government of India through an Act of Parliament i.e. the University Grants Commission Act, 1956 for the coordination, determination and maintenance of standards of University education in India. In order to ensure effective region-wise coverage throughout the country, the UGC has decentralised its operations by setting up six regional centres at Pune, Hyderabad, Kolkata, Bhopal, Guwahati and Bangalore. The head office of the UGC is located at Bahadur Shah Zafar Marg in New Delhi with two additional bureaus operating from 35, Feroze Shah Road and the South Campus of University of Delhi as well. The UGC has the unique distinction of being the only grant-giving agency in the country which has been vested with two responsibilities: that of providing funds and that of coordination, determination and maintenance of standards in institutions of higher education. The UGC's mandate includes: (i) promoting and coordinating University education, (ii) determining and maintaining standards of teaching, examination and research in Universities, (iii) framing regulations on minimum standards of education, (iv) monitoring developments in the field of Collegiate and University education; disbursing grants to the Universities and colleges, (v) serving as a vital link between the Union and state governments and institutions of higher learning, (vi) advising the Central and State Governments on the measures necessary for improvement of University education. Traditionally, the UGC was entrusted with the task of co-ordination, formulation and maintenance of the standards of University education. To this end, it engaged itself in, among other things, framing regulations on minimum standards of education, determining standards of teaching, examination and research in Universities, monitoring developments in the field of Collegiate and University education, disbursing grants to Universities and colleges and setting up common facilities, services and programmes for a group of Universities in the form of Inter-University Centres. (Sources: (i) Official website of the University Grants Commission and (ii) <https://en.wikipedia.org/wiki/University>).

- 7. Commissions & Committees Formed for Reforms in Higher Education:** During the 20th and 21st century, following Commissions and Committees have been formed so far by the Central Government for reforms in the higher education sector of the country:

- (i) Radhakrishnan Commission on University Education, 1949
- (ii) Kothari Commission on 'National Policy on Education', 1964
- (iii) National Knowledge Commission headed by Mr. Sam Pitroda, 2005
- (iv) Rashtriya Uchchatar Shiksha Abhiyan (RUSA), 2013
- (v) Committee for Reforms in Higher Education headed by Prof. Anil D. Sahastrabudhe, 2015
- (vi) TSR Subramanian Committee on 'Evaluation of National Policy on Education', 2016
- (vii) Higher Education Excellence Commission (Proposed in 2016) to Replace UGC
- (viii) Higher Education Empowerment Regulation Agency (HEERA), 2017
- (ix) National Education Policy, 2019 headed by Dr. Kasturirangan

8. An overview of Higher Education in 21st century in India: The entire higher education sector in India in 21st century is passing through a phase of serious crises, transition and turmoil. It is in fact the gift of globalization, socio-economic, industrial and technological growth, cultural and behavioural changes, revolution in spread of information that started in the last century and as a result whereof the rapid transformation of the Indian society has taken place. The traditional method of teaching at the higher education level has in fact outlived and the same needs to be replaced by new methods with newer approaches to meet the present day challenges having emerged in the present century. The maladies plaguing the higher education sector needs to be remedied if the output of higher education has to be made fruitful to the society and the nation. The often heard of negative factors like favouritism and nepotism etc. in recruitment of efficient teachers in the Universities and other institutions of higher education have over the decades badly eroded the efficacy and quality of higher education and also the maintenance of administrative and academic discipline and other related activities like qualitative research etc. which is the foremost objective to be achieved by the Universities as centres of academic excellence. Only well qualified and professionally trained and competent teachers can inculcate qualitative learning by disseminating the desired knowledge into their students. In the absence of any policy of inter-University transferability of Vice-Chancellors, teachers and officials of the Central and State Universities has further compounded the malady plaguing the Universities and institutions of higher education. Non-transferability policy of static teachers from one University to other has only encouraged them to indulge in internal politics and other undesirable activities on the University campuses which has marred their professionalism and evolution towards achieving academic excellence to be onward transmitted to their consumers i.e. the students. The ample treasure of knowledge and inherent qualities lying in hibernated state in teachers is hardly harnessed and disseminated into the students community with the result that not only the students but the society as a whole remains deprived of the valuable knowledge, skill and life-experience gained by a professional teacher. Lack of proper planning and policy formulations, both in the area of academics and administration, has further marred the growth of the Universities towards the goal of achieving excellence, innovation and improvement in teaching and research. Hypocrisy and manipulations in recruitment of teachers, lack of periodical and annual assessment of their performance, innovation and research, mechanism for performance appraisal of individual teachers by their students and the lack of will to link the further career advancement of teachers to their productivity and performance have only worsened the conditions in the University system. A degree can hardly be said to be proof of knowledge, experience and excellence in any

particular subject or area. Easy awardability, rather manageability, of degrees as high as the Ph.Ds., M.Phils., D.Lits., LL.Ds. etc. has lowered the value, worth and relevance of such degrees to great extent and the same in many cases, being detached from genuine research and innovations, hardly reflect and represent the required knowledge or excellence achieved out of genuine research undertaken during the course of prosecution of such high degrees which they ought to reflect. Delinking the requirement of high level degrees like Ph.Ds., M.Phils., D.Lits., LL.Ds. etc. from jobs like those of Assistant Professors, Associate Professors and Professors, Instructors, Guides, Trainers etc. may be one such step which may check the flood of such bogus high degrees and promote genuine research by truly committed and devoted research scholars in various fields. A Post-Graduation degree together with teaching skills acquired by training should normally suffice for induction of a Postgraduate for teaching job at the induction levels i.e. for the post of Assistant Professors. Skill and experience gained by a teacher at initial levels should be properly assessed for his further promotional avenues like Associate Professor and Professor. The post of Vice-Chancellor is that of an administrator, motivator, friend, philosopher and guide to his teachers and students. The office of the Vice-Chancellors of Universities has traditionally been treated as a quite high office held by an academician possessed of vast knowledge, skill and experience both in academics and administration of the higher education. The Union and the State Legislatures had, for that reason, consciously not made enough provisions during the last century in different enactments governing the Universities for regulating the Vice-Chancellors' work, conduct, behaviour, performance etc. The times have changed. Newer challenges need newer responses. Erosion in dignified position of Vice-Chancellors has, in many cases, been seen during the last few years. Adequate statutory mechanism for proper regulation of appointment, work, conduct and performance of the Vice-Chancellors is now need of the times. Universities are treated to be autonomous academic institutions free from political and bureaucratic interferences but the reality is otherwise. Officers like Registrars and Finance-Controllers are appointed in the Universities by the Governments and their service conditions including disciplinary control over them are often controlled by the Governments. The Vice-Chancellors or the governing bodies like Executive Councils etc. of the Universities do have only very little powers to control the work, conduct, behaviour and the disciplinary issues related matters of the Registrars and Finance-Controllers. Many a times, these appointees of the Governments defy the authority of the Vice-Chancellors and create hurdles in the smooth functioning of the Vice-Chancellors. The Vice-Chancellors have, therefore, many a times, to compromise their positions in taking their decisions. The Vice-Chancellor of a University is traditionally treated to be the supreme executive officer of the University. Any erosion in his authority or defiance of his official position by the Governments' appointees like Registrars and Finance-Controllers would only promote maladministration in the University. In many Universities, even the Chancellors and Visitors have no powers to discipline the Registrars and Finance-Controllers or to regulate their work, conduct and behaviour. This malady can be checked by enacting proper statutory prescriptions by the appropriate Legislatures by placing the Registrars and Finance-Controllers under the direct subordination of the Vice-Chancellors and the executive bodies like Executive Councils of the Universities. Interest of the students community and the society as a whole cannot be sacrificed at the altar of neglect, lack of will and vision of those who are supposed to keep pace with modernity and bring about the required reforms in the higher education sector of the country. The traditional approach of policy makers, academic authorities and institutions of the erstwhile era of 20th century cannot cope

with the emerging trends, traits and requirements of the 21st century. It is therefore need of the times that all the three organs of the Indian polity, viz. Executive, Legislature and Judiciary, must play pro-active role for radical reforms in the administrative, academic, statutory and monetary aspects of the Indian Universities and other institutions of higher learnings so as to enable them to provide useful, productive and innovative young talents for the much desired fast tracking of the growth of the nation in all directions. Plight of the modern higher education imparted by Universities can be gauged from the fact that after obtaining degrees from Universities, students have to join Coaching Centres to acquire the required knowledge to get jobs through competitive examinations conducted by various recruitment bodies like Union and State Public Service Commissions and others. These Coaching Centres are often run by Graduates and Post-graduates of Universities who are untrained teachers but their method of teaching enables many of their pupils in cracking the competitive examinations. The syllabus taught by these untrained teachers at their coaching institutions is in fact what is required by the employers and the job providers. It is not understandable as to why the competitive examinations friendly methodology and strategy adopted by the untrained teachers/instructors at the Coaching Centres cannot be adopted by the teachers of the Universities and other institutions of higher education so as to enable their students to succeed in competitive examinations for jobs without doling out extra money and time to these private Coaching Centres. It is in fact for the educationists and the academicians functioning in the field of higher education to think seriously whether the present method of traditional classroom teaching at the Universities and Colleges requires changes to cater the present day needs of the students whose only aim after getting degrees from Universities is to seek job through competitive examinations.

9. Existing Model of University Education:

- (i) Entrance Test
- (ii) Admission
- (iii) Admission Fees
- (iv) Syllabus
- (v) Lecturing System
- (vi) Completion of Syllabus by Teachers,
- (vii) Examinations
- (viii) Evaluation of Answer Books
- (ix) Declaration of Results
- (x) Declaring Passed or Failed
- (xi) Convocations
- (xii) Doling out Degrees and Certificates

10. 21st Century as Century of Knowledge: The current 21st century is said to be the century of knowledge. A nation which leads in knowledge will also lead the world in economy, science & technology, defence and in all other areas which matter for the growth of a nation. In order to become a world power or super-power, India will have to become a leader in knowledge. A nation leading in knowledge will also lead the world community. Indian Universities and the other institutions engaged in creating and spreading knowledge will have to play their role to make India a super-power of knowledge and that will certainly lead the India to become a super-power in economy, science & technology, defence and all other areas which matter for growth of the nation.

- 11. Stake of Nation in Universities:** Universities are the centers of creating new knowledge, research and innovations for growth of the society and the nation. Universities are not mere ordinary centers of imparting education to their students like other educational institutions of lower levels like schools and colleges. Contribution of Universities and their performance is directly linked to the overall growth of the nation, be it the economy, science or technology, defence, health or any other sector of the national life. The nation has therefore great stake in the knowledge being spread by the Universities to the citizens of tomorrow who will have to own the responsibility of making India prosperous and a power to be reckoned in the community of nation in the world.
- 12. Comparative Assessment of Indian and Foreign Universities:** High dignitaries of the country are often heard expressing their concern that none of the Indian Universities have their place in the best 200 Universities of the world. The experts on higher education however suggest following measures to be taken for enhancing the quality of education being imparted by the Universities and the other centers of higher learnings in India:
- (i) Expansion
 - (ii) Excellence
 - (iii) Equity
- 13. Degree not Necessarily Representative of Knowledge:** A degree conferred by a University is a proof of the fact that a person has studied a course of a particular higher level and has successfully passed the examination certifying his proficiency in the said subject of study to such level. In case of a doctorate, it certifies that the holder of the degree has attained a high level of knowledge and study in the subject concerned by doing some original research work. A University degree confers a kind of status upon a person like a graduate or a postgraduate. Those who have done research work and have obtained a Ph.D., D.Litt. or D.Sc. degree become entitled to write the word “Doctor” before their names and command certain amount of respect in society as educated and knowledgeable persons. That apart, the principal advantage of holding a University degree is in the matter of employment where a minimum qualification like a graduate, postgraduate or a professional degree from a recognised institute is prescribed. Even for those who do not want to take up a job and want to remain in a private profession like a doctor or lawyer, registration with the Medical Council or the Bar Council is necessary for which purpose a degree in medicine or law, as the case may be, from an institution recognised by the said bodies is essential. An academic degree is, therefore, of great significance and value for the holder thereof and goes a long way in shaping his future. The interest of society also requires that the holder of an academic degree must possess the requisite proficiency and expertise in the subject which the degree certifies. Mere conferment of degree is not enough. What is necessary is that the degree should be recognised. It is for this purpose that the right to confer degree has been given under Section 22 of the UGC Act, 1956 only to a University established or incorporated by or under a Central Act, Provincial Act or State Act or an institution deemed to be a University under Section 3 of the UGC Act or an institution specially empowered by an Act of Parliament to confer or grant degrees. Sub-section (3) of Section 3 of the UGC Act provides that “degree” means any such degree as may, with the previous approval of the Central Government, be specified in this behalf by the Commission by notification in the Official Gazette. The value and importance of such degrees which are recognised by the Government was pointed out by a Constitution Bench of the Supreme Court in S.

Azeez Basha Vs. Union of India, AIR 1968 SC 662 (Five-Judge Bench). See: Prof. Yashpal Vs. State of Chhattisgarh & Others, (2005) 5 SCC 420 (Three-Judges Bench) (Paras 38 and 39).

- 14. Universities not as Centers of Imparting 10+2 System of Education:** Universities are primarily centers of higher learnings, researches and innovations. Their main role is to decode the un-decoded and explore the unexplored areas. Universities cannot confine their role to spreading that knowledge to the society which the society is already familiar with. Providing to the students a knowledge which is already known to the society and the nation is mainly the function of the educational institutions like schools and colleges engaged in providing 10+2 type of education and that cannot be the role of the Universities. Society and the nation expect from Universities beyond what is taught by the schools and colleges.
- 15. Recommendations for Reforms from within the Universities:** It is often seen that the Governments form Commissions and Committees from time to time to recommend to the Governments for reforms in the education and the higher education sector of the country. Very little research appears to have been done in Indian Universities and other educational institutions engaged in higher learnings to recommend to the Governments for reforms in the Universities and in other educational institutions providing knowledge and learning to the students in various fields. Being the centers of higher learning, research and innovations, the Universities should not remain confined to mere completing the syllabus prescribed for their students, taking examinations, evaluating their answer-sheets, pronouncing results, declaring them passed or failed and distributing their degrees and certificates. If the state of affairs in the Universities and other institutions of higher learnings is not satisfactory upto the expectations of the society and the nation, then it becomes all the more necessary for the Universities themselves to come forward to recommend to the Governments for the required reforms in their academic and administrative structures and improvement in the quality of education and knowledge being imparted by them. The overall growth of the nation including the growth in newer areas of knowledge should be the main objective to be achieved by the Universities through their performances. When judged on this parameter, most of the Indian Universities lag behind. The Universities therefore must remind themselves of their this main role for overall growth of the society and the nation.
- 16. Impact of Globalization on Higher Education:** The world in modern times is treated to be a global village. Because of rapid flow of information, changes in science and technology taking place at fast pace, socio-economic transformation of the human society world over, the Universities cannot function like inert institutions by providing only customary knowledge to their students in usual manners. They will have to wake up to the new challenges which the modern times have posed to them. The plights of the suffering humanity can be mitigated and reduced only through knowledge and the knowledge oriented solutions and this task can be done only by the Universities and other centers of creating new knowledge and learning. No nation can prosper in isolation to the other nations. Inter-dependency of the nations is increasing at fast pace in every passing year. No corner of the world is now a distant and remote place for any nation or community. The scientific and technological advancements together with the revolution in the fast flow of information have virtually brought all the nations together by rendering them to the status of a global village. Our country is not an exception to this change and cannot afford to remain in isolation from the

world community. Anything good or bad happening in any part of the world directly or indirectly affects the Indian nation and its people as well. The Indian Universities will have to make their vision wider and keep themselves updated with the ultimate developments, events and happenings, innovations and researches etc. taking place anywhere and in any part of the world and to ensure that their benefits, if any, must also be reaped by the Indian nation.

17. Commercialization of Higher Education: In the case noted below, a Constitution Bench of the Supreme Court has opined that education, accepted as a useful activity, whether for charity or for profit, is an occupation. Nevertheless, it does not cease to be a service to the society. And even though an occupation, it cannot be equated to a trade or a business. In short, education is national wealth essential for the nation's progress and prosperity. Education cannot be treated as a purely economic activity but a welfare activity aimed at achieving a more egalitarian and prosperous society by empowering the people of this country by educating them. In the field of education, therefore, this constitutional goal remains pivotal which makes it distinct and special in contradistinction with other economic activities as the purpose of education is to bring about social transformation and thereby a better society as it aims at creating better human resource which would contribute to the socio-economic and political upliftment of the nation. The concept of welfare of the society would apply more vigorously in the field of education. Moreover, the State is supposed to invest in education up to a point where the socio-economic returns to education equal to those from other State expenditures, whereas the individual is guided in his decision to pay for a type of education by the possibility of returns accruable to him. See: (i) *Modern Dental College and Research Centre Vs. State of MP & Others*, (2016) 7SCC 353 (Five-Judge Bench) and (ii) *P. A. Inamdar Vs. State of Maharashtra & Others*, AIR 2005 SC 3226 (Seven-Judge Bench) (paras 92 & 93).

18. Education & Universities: Union & State Subject under the Constitution of India: Right to education is implicit in and flows from the right to life guaranteed by Article 21 of the Constitution. Personal liberty guaranteed by Article 21 includes right to receive education and right to life includes right to education. Imparting of education is a sovereign function of the State. Article 21-A of the Constitution of India envisages that children of age group 6 to 14 have a fundamental right of education. Clause 3 of Article 15 of the Constitution envisages special protection and affirmative action for women and children. See: (i) *State of Bihar Vs. Project Uchcha Vidya Sikshak Sangh & Others*, (2006) 2 SCC 545 (Para 2), (ii) *Unni Krishnan J.P. Vs. State of A.P. & Others*, AIR 1993 SC 2178 (Five-Judge Bench)(para 142), (iii) *Bandhua Mukti Morcha Vs. Union of India*, AIR 1984 SC 802 (Three-Judge Bench) and (iv) *Miss Mohini Jain Vs. State of Karnataka*, (1992) 3 SCC 66.

19. National Educational Policy, 2019: A Commission headed by Dr. Kasturirangan was setup by the Central Government in 2019 for suggesting reforms in the education sector of the country. The Commission submitted its report in 2019 itself and has made several recommendations for radical reforms in the higher education sector of the country. The Central Government solicited the views of all the State Governments and the Union Territories on the said report of Dr. Kasturirangan Commission. Several States including the State of Uttar Pradesh have by and large agreed to implement the recommendations made by the said Commission. The report of the Kasturirangan Commission has largely borrowed the patterns from the American and European Universities to be implemented in the Indian Universities. Given the financial

constraints which the Central and State Universities are facing in India, it would however not be easy for both the Central and the State Governments to fully implement the recommendations made by the Kasturirangan Commission.

- 20. Centers/ Institutions of Research to be separated from General Universities:** The general Universities are already over burdened with the task of providing customary education to their students of the level of graduation and post graduation. The genuine research work is hardly done in such Universities. The long felt experience of the academicians has been that the Universities engaged in imparting higher education of general nature should not be tasked to engage themselves in research and innovative works. The suggestion of these academicians seems to be pragmatic that the research work should not be allowed to be done in the Universities engaged in providing ordinary higher education to their students. There should be separate Universities for exclusively doing research works.
- 21. Budgetary Allocations for Higher Education in India:** The annual budgetary allocation by the Central Government for the Central Universities of the country is below 4% of the GDP. The country can only prosper when it prospers first in the knowledge field. The general perception of the 21st century world over is that a country leading in knowledge will also lead in all other fields which matter for growth of a country. India will have to invest much more than what is presently being invested by it for raising the quality of higher education in the country and also for creation of new knowledge in the areas so far lying unexplored if the country really wants to be a world leader in economy, defence and similar other matters relating to the world affairs. The State Governments too will have to dole out adequate financial support to their State Universities to cope with the challenges which the Universities are currently facing to match the standards setup by the foreign Universities.
- 22. Infrastructural Issues of Higher Education Sector:** Without adequate financial support by the Governments and without expansion of the infrastructural bases of the Universities, they cannot be expected to perform excellently and upto the expectations of the nation. Instead of establishing new Universities, it would be appropriate to strengthen the infrastructural base of the already established and functioning Universities.
- 23. Role of Private Universities:** An uniform enactment for all private Universities established anywhere and in any part of the country is the need of the hour. Many private Universities are being governed by their own Acts and Statutes made there under. In order to bring uniformity in their performance, productivity and accountability etc., uniform enactment for all types of private Universities needs to be made. The standards of providing education and training to the students of the private Universities and Colleges should be brought at par with those Universities and Colleges established by the Central and the State Governments. The regulatory mechanisms of the Central Regulatory Bodies setup by the Central Government should be enforced on the private Universities and Colleges too.
- 24. Uniform Legislation for Private Universities:** Uniform legislation for all private Universities and Colleges should be made by scraping their separate legislations. This will bring uniformity in their administrative and academic standards and also improve the quality of education being imparted by them.

25. Role of Distant Education Centers: The Universities and institutions engaged in providing higher education from their distant campuses have only lowered the standards of higher education in the country. Such distant institutions have in fact become centers of easily providing degrees and certificates to non-serious aspirants of higher education. The experience of last several decades in regard to the performance of such distant centers of learnings is not encouraging. Such distant centers have failed to contribute to the growth in the higher education sector. Such distant centers of learning therefore need to be scraped.

26. Quality of Higher Education in Self-financed Colleges: Without effective legislation, the quality of higher education being given by the self-financed colleges cannot be regulated. Enhancing quality of higher education being imparted through self-financed private colleges is therefore need of the hour and the same requires strong measures, both legislative and administrative, at the level of the Executive. The minimum measures which need to be undertaken to secure this objective are as under:

- (i) Quality Teachers
- (ii) Quality Teaching
- (iii) Quality Evaluation
- (iv) Preventing exploitation of teachers

27. Quality of Higher Education as suggested by Supreme Court of India: The interplay of Entry 66 List I and Entry 25 List III of Schedule VII to the Constitution shows that norms for admission do have a connection with the standards of education and that they are not covered only by Entry 25 of List III. Any lowering of the norms of admission does have an adverse effect on the standards of education in the institutions of higher education. The standard of education in an institution depends on various factors like :

- (i) Calibre of teaching staff
- (ii) Proper syllabus designed to achieve a high level of education in a given span of time
- (iii) Student-teacher ratio
- (iv) Equipment and laboratory facilities
- (v) Calibre of the students admitted
- (vi) Adequate accommodation in the institution
- (vii) Standard of examinations held including the manner in which the papers are set and examinations held including the manner in which the papers are set and examined and
- (viii) Evaluation of practical examinations done. Education involves a continuous interaction between the teachers and the students. The base of teaching, the level to which teaching can rise and the benefit which the students ultimately receive depends as much on the caliber of the students as on the caliber of the teachers and the availability of adequate infrastructural facilities. See: (i) Prof. Yashpal Vs. State of Chhattisgarh & Others, (2005) 5 SCC 420 (Three-Judges Bench) (Para 32) and (ii) Dr. Preeti Srivastava Vs. State of M.P. & Others, (1999) 7 SCC 120 (Five-Judge Bench).

28. Affiliation and Absence of Supervisory Control of Universities over Colleges: Universities in India, especially in north India, have their hundreds of Colleges affiliated to them. Most of these affiliating Universities do not have necessary paraphernalia to have supervisory control over the affairs of the affiliated Colleges. Bungling and blackmailing of the managements of the Colleges by the authorities

sitting in the Universities in the name of inspections and the supervisory control over the Colleges is a new trend seen in recent years. The object behind the concept of affiliation of Colleges is hardly being met in modern times. Since in many cases, the Universities have failed to exercise their supervisory control over the Colleges affiliated to them, the time has come when the Universities should be absolved of their this burden. The Colleges should either be freed from the clutches of the Universities and made autonomous or a separate Commission of the State or National level should be setup to oversee the academic and administrative affairs of the Colleges engaged in providing higher education to the students.

29. Doctoral Degrees: Their Utility?: The different types of doctoral degrees being distributed in India by the Universities have hardly served any purpose, academic or otherwise. Such degrees are often obtained to obtain teaching jobs in Universities and Colleges as the enactments of several Universities and the norms prescribed by the UGC requires a doctoral degree to obtain a teaching job in the Universities and Colleges. Bogus researches, voluminous thesis and their bogus documentations are found to be only insincere efforts on the parts of their research students to discover any new knowledge from their researches. If the doctoral degree is delinked from the teaching job and is rendered no more necessary for the teaching jobs, anyone will hardly opt for any research exercise on any subject. There have been hardly any researches made in recent years in the Indian Universities and their Colleges which found approval and appreciation from the global academia. The time has therefore come when only genuine researches should be allowed, funded and encouraged and not mere bogus ones just for purposes of securing the teaching jobs.

30. Researches: How much Genuine? : Researches in Universities and Colleges take much time to complete. Besides consuming unnecessary time of the research students, a lot many exploitations of the research students at the hands of their research guides are heard during recent times. The prime time of youth of the research students gets wasted in completing their lengthy researches. To alleviate the exploitations and other negative practices taking place during the process of the researches, the necessity of a doctoral degree to be obtained by a research work for securing teaching job should be done away. Researches should be made time bound. The research papers and their outcome should be evaluated by a board of experts on the subject under research and not just by one teacher or guide of the concerned research student. Another measure to check the bogus researches may be to subject the research scholar to a grim test by experts before awarding him any appreciation, approval or acceptance over his research work. There should be separate Universities or Institutions exclusively engaged in researches and innovations. No ordinary teaching like general Universities and Colleges should be done in such research Universities and Institutions. This will help prevent the bogus researches, long delays taking place in researches and the humiliations and exploitations of the research students.

31. Plagiarism: Plagiarism has been another malady plaguing the academic world during the past few decades. Plagiarism, piracy of intellectual work of others and presenting the same as new discovery of knowledge are going on unabated. Such acts on the parts of doers thereof are not only reprehensible as intellectual sins but the same also amount to different types of offenses made punishable under different penal laws. The modern methods, especially the technological devices, have to certain extent succeeded in identifying the plagiarized contents but the ugly practice of plagiarism has not ended fully. A research student or a teacher found indulged in plagiarism

should be stripped of his research work or the job. The act of plagiarism should therefore be made a more serious offence with stringent penalty therefor.

32. Limiting Intake of Aspirants of Higher Education: Universities and Colleges do have only limited resources to meet out their expenses. There has been indiscriminate increase in the numbers of the Universities and colleges, both in the private and the public sector, during the last few years but very few of such Universities and colleges do have the required infrastructure and the allied facilities to properly run the courses introduced by them. For want of the necessary infrastructural and the logistic facilities, it is the students community and the higher education itself which suffer. There is hardly any hope that such Universities and colleges which lack the necessary infrastructural and logistic will become capable of securing the same in the near future. The result would be that the quality of education being imparted by such Universities and colleges is bound to further go down during the coming years and for that reason there is no logic in running such Universities and colleges. Despite all shortage of the facilities at such Universities and colleges, they go on taking more and more number of students in every passing year. It is not wise for the Universities and colleges to exhaust their limited resources on those students who are not serious in pursuing their higher studies. It would be appropriate and also in the interest of the higher education and the nation as a whole if the limited resources of the Universities and colleges are spent on only eligible and deserving students who are seriously engaged in pursuing the higher education and not on those who are not serious and meritorious to be given higher education. If the limited resources of the Universities and colleges are spent only for the betterment of the meritorious students, it will not only absolve the Universities and colleges of their burden to create additional resources to cater the needs of the crowd of undeserving students having taken admission for receiving higher education but the same will also encourage the deserving and meritorious students. Spending money on meritorious students means preparing better human resources for tomorrow for the growth of the nation. It is therefore proper that the flow of undeserving students into the Universities and colleges should be checked and only the deserving and the meritorious students should be allowed admission into them.

33. Role of UGC: The University Grants Commission is the progeny of the parliamentary legislation enacted in 1956 and the same is known as the 'University Grants Commission Act, 1956'. The UGC was tasked by the parliament to supervise and promote the academic activities of the Universities and their Colleges and other Institutions engaged in imparting higher education to the students besides distribution of necessary funds to the Universities. The standards of higher education in India have gone down in every passing year despite the fact that the said Central Regulatory Body throughout remained there to prevent such lowering of standards of the academics in the country. Then what role has been played by the UGC during all these decades to check the falling standards in academics or to maintain and raise the standards of teaching, learning, researches and innovations at the Universities and other Institutions of higher learnings? The different Commissions and Committees setup by the Central Government from time to time since the formation of the UGC itself suggests that the UGC has failed to fulfill its role in maintaining and raising the academic standards in the country. Same is the position with regard to the performance of several other Central Regulatory Bodies over other academic Institutions and Universities engaged in providing professional knowledge and skill to their students. There is therefore urgent necessity in the country to evaluate the entire

composition, functioning and the role of the UGC and to strengthen or replace it by another effective body capable of undoing the malady plaguing the entire academic world of the country.

34. Role of other Central Regulatory Bodies: Following Central Regulatory Bodies were framed by the Central Government from time to time for reforms and regulations of the Higher Education Sector of the Country:

- (i) University Grants Commission (UGC)
- (ii) National Assessment & Accreditation Council (NAAC)
- (iii) National Council for Teacher Education (NCTE)
- (iv) All India Council for Technical Education (AICTE)
- (v) Medical Council of India (MCI)
- (vi) Dental Council of India (DCI)
- (vii) Veterinary Council of India (VCI)
- (viii) Bar Council of India (BCI)
- (ix) Indian Council of Agricultural Research (ICAR)
- (x) Indian Council of Social Sciences Research (ICSSR)
- (xi) Indian Council of Historical Research (ICHR)
- (xii) Rehabilitation Council of India (RCI)

35. Various Reforms required in India including Reforms in Higher Education: Any fruitful or effective reform in the higher education sector of the country can happen only through the political will of the Executive. The administrative and academic structure of the Universities has become outdated to certain extent. The Universities need to be made more responsible, responsive and productive and that can happen only when the Executive takes initiatives to intervene both legislatively and otherwise. The deficiency in the governance of Universities, their mal-administration and mismanagement of their academic affairs have only compounded their problems. Their traditional administrative and academic structure which is as old as more than 150 years has in fact become incapable to cope with the needs and challenges of the modern times. But as is well-known, no reform in a particular sector of the national life can produce the desired results unless the other sectors associated to the sector desired to be reformed are also reformed simultaneously. Any effective and meaningful reform in the Universities and the higher education sector as a whole can happen only when several other reforms do also take place in the national life. Some of the much talked about reforms since long are enumerated here as under:

- (i) Constitutional Reforms:
- (ii) Political Reforms
- (iii) Electoral Reforms
- (iv) Judicial Reforms
- (v) Law Reforms
- (vi) Administrative Reforms
- (vii) Police Reforms
- (viii) Educational Reforms

36. Mushrooming of Universities and Reducing them to the Level of Local Colleges:

A new trend has been seen in India in recent times that many private players are investing their money in education sector and especially in the higher education sector of the country by establishing Private Universities and Colleges. Many of such Private Universities and Colleges established in private sector are providing both general and professional education to their students without caring for the standards of the sort of

education being imparted by them. A general impression has been in the society that black money generated by many private players is being converted into white by entering into higher education sector of the country through their private Universities and Colleges. The nation has a stake in the quality of education being imparted by the private Universities and Colleges. In the absence of effective mechanism to regulate the standards of the education being given by such private institutions operating in the higher education sector of the country, the quality is deteriorating in every passing year. The unqualified and ill-paid teachers engaged by such private institutions are further compounding the plight of the higher education sector. This unnecessary mushrooming of private Universities and Colleges therefore needs to be checked. According to one estimate, the number of existing Universities and Colleges engaged in providing higher education in the country is as under:

- (i) **Universities = 920**
- (ii) **Colleges = 38061**

37. Appointment of Vice-Chancellors: The existing mechanism of selection and appointment of the Vice-Chancellors by the President of India, Vice-President of India, Governors of the States in their capacity as Chancellors of their Universities has by and large proved to be fallacious. None of these constitutional dignitaries are familiar with the problems of the higher education sector of the country but they still select and appoint the Vice-Chancellors for the Universities. The chaotic state of affairs prevalent in many Universities of the country is the result of poor performance of the Vice-Chancellors occupying the highest administrative positions in their Universities. The existing enactments for selection and appointment of Vice-Chancellors in all types of Universities in the country have become obsolete and outdated. A Vice-chancellor of a University is the highest academic and administrative officer of his University. He plays a very pivotal role in running the affairs of the University. Most of the Vice-Chancellors do not have any experience to run the affairs of the office they occupy. Before taking over their offices, they are not provided even minimal training for the job they are supposed to perform after taking over the office. The stature and status of the Vice-Chancellors needs to be brought at par with the members belonging to the All India Services like IAS, IPS, IRS etc. The task of recruitment of Vice-Chancellors can be handed over to the national recruitment body like the Union Public Service Commission or alternatively to a separate All India Recruitment Commission can be set up by the Central Government for recruitment of the Vice-Chancellors for all types of Universities in the country.

38. Separate All India Cadre of Vice-Chancellors: It would be appropriate if a separate All India Cadre of Vice-Chancellors is made by the Central Government. But before doing that, the higher education sector will have to be incorporated exclusively in the Union List of Schedule VII of the Constitution of India. At present, the education and the higher education including the Universities are both the Union and the State subject and both the legislatures i.e. the Union and State Legislatures can legislate and establish the Universities in their respective domains. To make a separate All India Cadre of Vice-Chancellors for all types of Universities established and running in the country, a Constitutional amendment as suggested above would be required. The objective of getting competent and efficient Vice-Chancellors for all types of Universities and uniformity in the manner of their recruitment can be achieved only by making their services as an All India Service.

- 39. Role of Vice-chancellors:** A Vice-chancellor of a University is the highest academic and administrative officer of his University. He plays very pivotal role in running the affairs of the University. A Vice-Chancellor has both express and implied powers to run the affairs of the University. In several cases, the Supreme Court of India has reminded the Vice-Chancellors that they cannot sit as silent spectators to deal with a situation merely because the Act and the Statues governing the University do not expressly empower them to exercise a particular power or to take a particular decision. Besides the powers given to them in the Acts and Statutes, they have implied powers too whenever they are called upon to deal with a situation.
- 40. Training of Vice-Chancellors on Matters like:** The Vice-Chancellors before taking over their offices must be provided trainings on following subjects:
- (i) Administration
 - (ii) Finances
 - (iii) Laws
 - (iv) Architecture
 - (v) Information Technology
 - (vi) Crisis Management
- 41. Accountability of Vice-Chancellors:** A Vice-Chancellor is the highest academic and administrative ruler of the University. The entire functions and functionaries of the University rotate around him. He must act, behave and perform as a mission leader, friend, philosopher and guide to his colleagues and subordinates besides acting as an astute administrator of the University. Stringent statutory measures for selection and appointment of Vice-Chancellors, appraisal of their performance, their disciplinary matters, accountability, ACRs, inter-state and inter-university transferability, training mechanism etc. need to be evolved to make them truly responsible to their office and object of the University. The existing mechanism in this regard in all the Universities of the country is quite inadequate, weak, obsolete and outdated.
- 42. Comprehensive Code of Conduct for Vice-Chancellors and Teachers:** The Universities and Colleges do not have any comprehensive Code of Conduct for their Vice-Chancellors and the teachers. Without fear of being held accountable for non-performance, poor performance, neglectful attitudes, misdemeanors and misconducts, such functionaries cannot be expected to put in their best for the good of their students. To harness excellence from them and to make them more responsible towards their performance and productivity, there is need for preparing and implementing comprehensive code of conduct for the Vice-Chancellors and the teachers.
- 43. Appointments, Powers and Functions of Registrars:** In many State Universities, Registrars of the Universities are appointed by the State Governments from among their officers. Such appointees of the Governments treat themselves answerable to their appointing authorities i.e. the Government officers sitting in the concerned Governments and not to the Vice-Chancellors of their Universities. In many cases, the Registrars are seen defying the authority of the Vice-Chancellors. Such tendency on the parts of the Registrars creates only academic chaos in the Universities and at times makes it quite difficult for the Vice-Chancellors and others to take their administrative decisions in time. Such deficiency in the administrative affairs of the Universities makes them either dysfunctional or mal-functional. There is therefore need for

evolving new method of recruitment of Registrars and to place them under the direct subordination of the Vice-Chancellor the Universities.

- 44. Recruitment and Quality of Teachers:** Recruitment and Quality of Teachers is a huge challenge facing the entire higher education sector of the country. Most of the Universities and Colleges, especially in the private sector, are suffering from the crunch of qualified teachers. The talent crunch at the centers of higher learnings is matter of grave concern for the country. The teaching job is not a lucrative job. To improve the quality of higher education, improving the quality of teachers is the first thing which needs to be done for any upliftment of the standards of higher education.
- 45. Necessity of All India Service of University Teachers:** The pay, perks, stature and status and other facilities of the University teachers need to be raised to the level of any other member belonging to the All India Services like IAS, IPS, IRS etc. The stature and status of the University teachers must not be rated below to the members of any All India Services. A University teacher should not be made to feel inferior in any manner to a member of any of the All India Services. The Indian society has always held the teachers in very high esteem and has equated them with the God and more revered than the parents. But mere reminding the teachers of their past glory and status given to them in the remote past by the society and not bestowing on them their due place of honour, dignity, stature and status, pay and perks and other facilities available to the administrators belonging to the All India Services will not infill confidence in them. A teacher treating himself inferior to a public administrator cannot be expected to give his best to his institution and the society. Their past glory therefore needs to be restored and to achieve this objective, their services should be made All India Service at par with those belonging to the pre-existing All India Services like IAS, IPS, IRS etc. A National Commission for Recruitment of University Teacher on the lines of the Union Public Service Commission can be formed to meet this objective.
- 46. Training & Updation of Teachers:** Training and updation is the known method of capability building in the work force of any department of the public administration. Effective training programmes should be undertaken from time to time for the University teachers as well. Their updation with the latest developments in their fields of teaching will ultimately benefit their students. An effective training mechanism for the University teachers therefore must be evolved and the same should be sincerely implemented.
- 47. Accountability of Teachers:** There is hardly any effective administrative and statutory mechanism at present for fixing accountability of the University teachers for their non-performance or poor performance. The existing laws governing their services should be amended suitably so as to make them more responsible towards their roles.
- 48. ACR of Teachers:** Most of the Universities do not have provisions for recording of ACRs of their teachers. Their students pass or fail, perform excellently or poorly at examinations, it does not affect their career and future prospects. In all sorts of public services in India, ACRs of public servants of all levels are assessed and recorded annually by their appointing or controlling bosses. Then why not the annual performance of the University teachers be judged by their appointing or controlling authorities by making suitable entries in their ACRs? There is therefore a necessity

for making necessary provisions for recording of ACRs of the University teachers. Such ACRs should be used at the time of considering their promotional avenues or awarding of senior scales.

- 49. Inter-University Transferability of Teachers:** A University teacher retires on superannuation by completing his entire term of service from the University he was initially posted in. There is no provision at present for transfer of a teacher from one University to the other. Transfer from one place to other is a normal feature of any public service in India. Then why not a teacher of University should be transferred from one University to the other? If a teacher is lax and negligent in discharging his duties or indulges in misconducts etc. in his initial University, he should be transferred to some other University instead of being punished for his laxity or negligence. In the absence of any provision for such transfer, a section of the University teachers not only remains negligent in its performance but also indulges in groupings, factionalism, local politics and similar other objectionable activities unexpected of University teachers. In the event of there being provision of their transfer from one University to the other, they will be extra cautious towards not being subjected to such transfers and will act and behave with increased sense of responsibility.
- 50. Progression in Career of Teachers to be linked to their Performance:** Any promotion in the career of the teachers and awarding of senior scales etc. to them should be linked to their performance and excellence. Progression in career of the teachers should not be allowed in a routine manner or as a matter of right. If such deterrence is put in place, it will create sense of responsibility among the teachers and they will sincerely teach and train their students. To achieve this objective, the existing laws governing the services of the teachers should be amended accordingly.
- 51. Ban on Participation of Teachers in Political Activities:** Teachers and other functionaries of the Universities and the Colleges engaged in providing higher education should not be allowed to participate in the political activities and to contest elections of any types. Politicization of teachers is bound to affect the academic standards and atmosphere of the Universities.
- 52. Universities to be Free from outside Interferences and to Function as Autonomous Academic Institutions:** Universities are rated as autonomous academic institutions. They should be kept free from any sort of external interferences, be it from the sides of the Governments, bureaucracy, politicians and the political parties or from any other quarters. Their administrative and academic affairs should be dealt with internally by the academicians sitting within and not by the vested interests sitting outside the Universities.
- 53. Eligibility of Students to receive Higher Education:** The existing mechanism of students intake into the Universities and other institutions of higher education is not satisfactory. Only the deserving students should be allowed to be inducted into the Universities and College to receive higher education. Merely crowding the Universities and Colleges by permitting admissions even to those students who are not sincere in pursuing higher education and who just want to secure certificates or degrees from such institutions of higher learnings has only compounded the challenges of the Universities and Colleges. The intake of students in Universities and Colleges should therefore be restricted by subjecting them to stringent entrance tests

so that the means and matters available with the Universities and Colleges can be spent only for the genuine students aspiring seriously for receiving higher education.

- 54. Deficiency in Syllabus:** Several syllabi particularly in the subjects covered under humanities are seen to be deficient in their contents and hardly fulfill the needs of the present times. Universities should not remain stuck to the old and usual syllabus being taught to the students for centuries. The syllabus of the Universities therefore needs review so as to cater the needs of the present times. The National Education Policy, 2019 prepared by the commission headed by Dr. Kasturirangan has rightly emphasized on reviewing the customary syllabus of the Universities and add to it what is required in modern times.
- 55. Ethical Values in Syllabus of Universities:** Moral, cultural and humanitarian values do hardly form part of syllabus in most of the Universities of the country. The ethical values should be made part of syllabus starting from 10+2 education system upto the higher education given by the Universities and other centers of higher learnings. Noble human beings and the responsible citizens of tomorrow can only be prepared when besides providing the necessary knowledge and skill in different branches of leaning the students are also made familiar with their traditional ethical values. The Universities should therefore evolve such syllabus for their students which also helps in their character building.
- 56. Universities viz-a-viz Coaching Centers -- An Evaluation:** Plight of the modern higher education imparted by Universities can be gauged from the fact that after obtaining degrees from Universities, students have to join Coaching Centres to acquire the required knowledge to get jobs through competitive examinations conducted by various recruitment bodies like Union and State Public Service Commissions and others. These Coaching Centres are often run by Graduates and Post-graduates of Universities who are untrained teachers but their method of teaching enables many of their pupils in cracking the competitive examinations. The syllabus taught by these untrained teachers at their coaching institutions is in fact what is required by the employers and the job providers. It is not understandable as to why the competitive examinations friendly methodology and strategy adopted by the untrained teachers/instructors at the Coaching Centres cannot be adopted by the teachers of the Universities and other institutions of higher education so as to enable their students to succeed in competitive examinations for jobs without doling out extra money and time to these private Coaching Centres. It is in fact for the educationists and the academicians functioning in the field of higher education to think seriously whether the present method of traditional classroom teaching at the Universities and Colleges requires changes to cater the present day needs of the students whose only aim after getting degrees from Universities is to seek job through competitive examinations.
- 57. Politicization of University Campuses:** Political parties have made serious inroads on the campuses of the Universities of the country. Those students who are not serious in pursuing their studies often indulge in propagating the political ideologies of different political parties. Such political affiliates vitiate the academic atmosphere on the campus of the Universities. Just in the name of democracy of the country, handful among students not seriously engaged in studies should not be allowed to spoil the academic interest of those students who are serious towards their studies and career. Effective legislative initiatives therefore need to be taken by the concerned

Legislatures to curb the political activities on the campuses of the Universities so that the interest of the genuine students is not marred. Similarly, the teaching and ministerial staff of the Universities should also not be allowed to participate in the political activities and the electoral process of the country. The teachers should be made to devote their full time only to the academic activities and not to such activities which are not related to the academics.

58. Role of Students' Unions: The experience of the past several decades suggests that the students' unions have hardly played any constructive role towards improvement in academics of the Universities. A very small section of the students uses the campuses of the Universities as the centers of political training for future to contest the elections of the Union and State Legislatures. They conduct their political activities on the campuses only at the cost of the academic interest of those serious students who are engaged in shaping their career through higher education. Even the recommendations of the Lyngdoh Committee and the guidelines issued thereon by the Supreme Court of India for elections of the students' unions have not been implemented fully in many Universities of the country.

59. Students' Unrest and Role of University Administration: Students' unrests in the form of agitations, boycott of classes, staging of demonstrations and indulgence in violent activities and damage to the property of the Universities are often seen on the campuses of the Universities. Students found involved in causing damage to the properties of the Universities and violent activities are very leniently dealt with by the University authorities and also by the public administration. A student found involved in causing damage to the University property or in any violent activity must be dealt with sternly in accordance with the law of the land. Such errant students should immediately be expelled from the Universities and should not be allowed thereafter admission in any other educational institution of the country.

60. Conclusion: Without the intervention of the Executive and the Legislatures, no challenges and problems facing the Universities and the higher education sector of the country can be resolved. Necessary changes in the outdated administrative and statutory set ups of the Universities are also required to be made to make them truly productive and the same requires newer approach and out of box thinking. Opening the doors of the higher education sector and the Universities to non-deserving and ineligible students needs to be checked. The limited resources available with the Universities and Colleges should be spent on only those students who are really meritorious, genuinely interested in studies and researches and not on those students who are non-serious or undeserving for higher education. Unnecessary mushrooming of Universities and Colleges, especially in private sector, also needs to be checked. Instead, the existing Universities and their infrastructural bases need to be strengthened. The manner of recruitment of Vice-Chancellors, Registrars, Teachers and other functionaries of the Universities needs to be rationalized. The syllabus, teaching methodology, researches and innovations etc. need to be re-formulated to meet the challenges of modern times. But all this can happen only when there is strong political will both in the Central as well as the State Governments to come out with effective policy formulations and the adequate budgetary support for improvements in the higher education sector of the country.

Note: This article of the author is also available on his website on Google www.lawhelpline.in.
