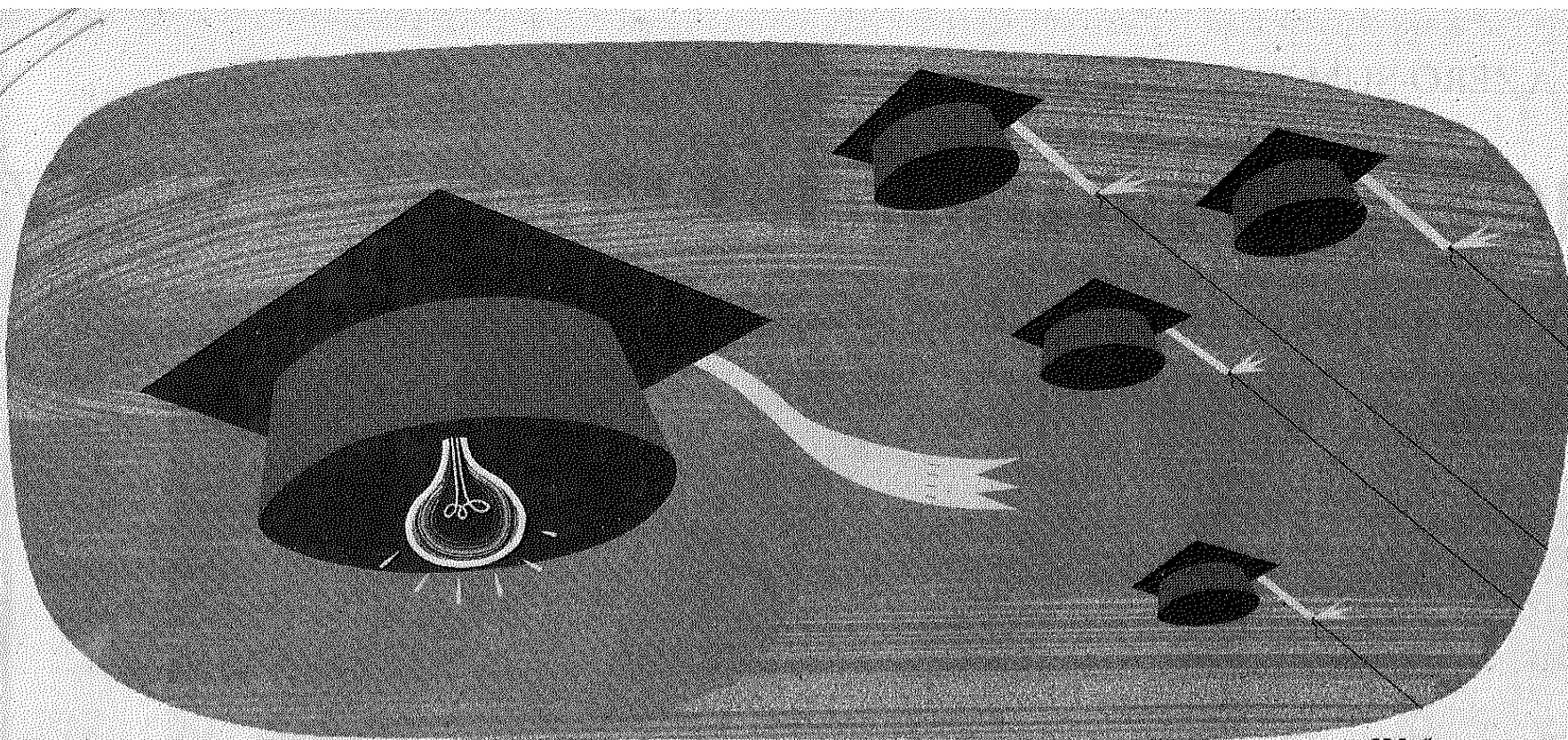




C.R. Sasikumar

Wheat from university chaff

There must be more clarity, better regulation with regard to deemed universities. The Tandon Committee recommendations could help arrive at a blueprint



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FOR MOST, THE Supreme Court order dated November 3 in the case *Orissa Lift Irrigation Corporation Limited vs Rabi Shankar Patro & Others* on four Institutions Deemed to be Universities (IDUs) has been one more piece of bad news coming from the country's university system. For others, it is a ray of hope, an opportunity to set things right. The reason for optimism is that unlike the decision in the *Viplav Sharma vs Union of India and Others*, which gave the IDUs a clean chit, this time the decision declaring engineering programmes in distance mode as "incorrect and illegal" has been swift. Further, it has taken a critical view of the functioning of the University Grants Commission (UGC) by ordering a CBI investigation into its officials' role in according approvals in contravention of AICTE regulations. Notably, the above four IDUs had been found unfit by the Tandon Committee in 2009.

The concept of an IDU was to promote and strengthen institutions whose high standards in specialised academic fields, like the Indian Institute of Science (IISc), Bangalore and Indian Agricultural Research Institute (IARI), Pusa, New Delhi, were comparable to those of a university but for historical reasons they were not so. Section 3 of the UGC Act empowers the central government, on the advice of the UGC to declare any institution of higher education as an IDU. (The state legislative route to start a university had not caught up by then). Over time this restricted path meant for the exceptional became a thoroughfare with their numbers swelling from two in 1958 to 43 by 2000 and lo and behold to 126 by 2009. The reasons for this great rush were not far to seek; as a university they could start and close programmes at will, avoid oversight by university/AICTE and, above all, fix their

own admission norms and fees.

Alarmed by the above situation, a PIL was filed in 2006 (*Viplav Sharma*) alleging blatant commercialisation of education by IDUs and pleading for an effective regulatory mechanism. The Ministry of Human Resource Development (MHRD) constituted a committee in July 2009 to review the status of all the 126 institutions. It was headed by P.N. Tandon, an eminent neuroscientist with three other equally eminent academicians namely Goverdhan Mehta, M. Anandakrishnan and Mrinal Miri. The committee, in its October 2009 report, concluded that out of the above only 38 deserved to be in the list; 44 were not up to the mark but given some time had scope for improvement; and the remaining 44 were beyond redemption and needed to revert to being affiliate colleges.

The Tandon Committee did a neat and thorough job of winnowing the wheat from the chaff. One cannot fault the nine parameters they identified to determine the quality of IDUs nor the transparent process of marking they followed. The parameters were spot-on: The institute must be broad-based and multi-disciplinary; should comply with the provisions of the UGC Act and guidelines; have a broad-based governance structure and not hinge on a particular individual or family; have quality and innovative teaching-learning processes; their doctoral and research degree programmes should have meaningful impact on society; should have good and qualified faculty; and lastly, they should not be an IDU for the sake of privileges and their admission processes, fees charged and the degrees awarded must be transparent and as per law. In a nutshell, "excellence" was the key to being an IDU.

The MHRD accepted the Tandon Committee report and proposed to delist 44 institutions in Category C in 2009 (after making adequate arrangements to safeguard the interests of affected students) but the court ordered the status quo to be maintained. Not relying on the Tandon Committee Report, it asked the UGC to evaluate afresh all the institutions as it was convinced that the task of "coordination and maintenance of standards" in higher education rested solely on

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the UGC Act. The MHRD's argument that since it had the power to approve, it could also withdraw approval if the IDU failed to fulfil the conditions, did not cut ice. The conflict of interest aspect, that it was the UGC in the first place that had recommended the institutions to the MHRD, could not be appreciated. Consequently all IDUs, except one, were let off the hook, thereby giving the PIL, which dragged for 11 long years, a quiet burial on August 26, 2016. Today, there is no clarity whether the government has the power to shut down IDUs which blatantly flout the regulations but have the nod of the UGC or its instrumentalities.

The learning points from the above are several. First, it is a bad idea to mix up the sanctioning and assessing roles as a regulator; it is akin to the cop and the magistrate being the same. The UGC must engage itself with policy formulation alone and base its decisions regarding institutions on the ratings of the accreditation body/bodies. The National Accreditation and Assessment Council (NAAC) or any other body charged with the responsibility must be completely autonomous. Second, there is a need to regulate state private universities as their numbers are spiralling out of control ever since the *Viplav Sharma* PIL and the tightening of the IDU route. Last, there has to be clarity as to who the regulators are in distance education and technical education. In the case of the former, the UGC is there by default in the absence of a regular body. In the case of the latter, ever since the apex court's order dated April 25, 2013, the AICTE has to seek annual extensions from the court to be able to perform its functions as a regulator.

Though the *Viplav Sharma* PIL and the Tandon Committee Report lie buried, they have flagged issues which are critical for the future of higher education. One wished the system had paid heed to what "the four wise men" in the Tandon Committee had to say. Procrastination and brushing issues under the carpet is not the answer; cases will keep popping up, just as these four deemed universities did this time.

The writer is a former education secretary, Government of India