

Farcical Events

Things have been going steadily downhill since the Chhattisgarh legislature passed the Chhattisgarh Private Sector University Act, 2002, allowing private universities to be set up in the state while giving short shrift to the authority of the University Grants Commission (UGC). Miraculously, 20 universities were set up within the first six months itself and a total of 117 universities had come into being until chief minister Ajit Jogi's ouster in December 2003. As the dubious distinctions of these institutions started coming to light – they were operating out of single rooms, shopping complexes, with a handful of teachers and no infrastructure to speak of – 37 of them were subsequently derecognised by the new BJP-led state government. The final blow came when the Supreme Court on February 11, 2005 declared that all the 117 private universities set up under the act, including the 37 derecognised earlier, were illegal and annulled their establishment. Approximately 15,000 students who have invested both time and money in these institutions are thrown into a lurch as a result, and it is not clear at this point how they will complete their education or obtain their degrees.

The rise and fall of Chhattisgarh's 'universities' highlights the pathetic condition of higher education within the country. The irony of the situation is that many of the universities and affiliated colleges that even now fall under the jurisdiction of UGC can be termed no less than 'education shops', a term used by the petitioner to describe the private universities in the Chhattisgarh case. The mushrooming of private technical, particularly medical and engineering colleges, in Karnataka, Andhra Pradesh and Maharashtra in response to the overwhelming demand for higher education and an indifferent government attitude in the last few years is in evidence. Most of these are run by politically powerful lobbies that manage to circumvent UGC's rules for minimum education facilities and reservations in admissions, but are still recognised by obliging universities.

One of the reasons that higher education has developed in this slipshod way is that supervision and monitoring by the UGC is almost non-existent. In a scathing CAG audit report in 2002, the UGC was found to have hardly used its "supervisory power of inspection"; only six universities were evaluated for standard of teaching up to 2000. It was also faulted for not being able to develop parameters to monitor "the qualitative and quantitative dimensions" of change in university education and for the erosion of its regulatory role and funding authority. The audit found that universities were not only running courses and degrees not recognised by the UGC, but that the recognition of colleges by UGC per se was falling. From 1993 to 2000, the number of colleges increased from 7,958 to 11,831, but only 5,169, or 44 per cent of the total were recognised. It is significant to note here that about 88 per cent of the students in the higher education system are concentrated in the undergraduate segment, and that most (again 88 per cent) study at these affiliated colleges rather than universities. What quality of education they are obtain-

ing from these colleges is a matter best left to the imagination.

After Chhattisgarh, the governments of Uttaranchal and Gujarat also sought to establish private universities in the state by passing individual varsity acts through the legislature, rather than one umbrella legislation. Even in the Chhattisgarh case, the universities were struck down as illegal on the basis of section 5 of the act, which bypassed regulation by the UGC, but nowhere was the power of states to establish universities in question for education is on the concurrent list. Allowing the dispute to degenerate merely into a UGC turf war and thus lose the opportunity to take cognisance of new realities and of the need for proactive measures will be damaging indeed. In fact, given that primary and secondary enrolment in the country is increasing the need for higher education institutions, including private places of learning, is pressing.

The problem is ensuring a consistent level in the quality of education imparted and a minimum amount of facilities needed for this purpose. In 2003, the UGC (Establishment and Maintenance of Standards in Private Universities) Regulations were issued to communicate the necessary standards of private universities set up through state acts, but these are being challenged in Delhi and Bilaspur High Courts. Private universities are also being examined to see if they conform to national standards; those that do will be recognised but again the question is what happens to the ones that are not. But affiliated colleges also, for reasons given earlier, need at least as much attention. One proposal in the Chhattisgarh case – to allow the illegal universities to become affiliated colleges in recognised universities in order to protect the students – would be setting a dangerous precedent and scuttling the problem. For more decentralised monitoring of education, another tier of regulation at the state level could also be considered. In the meanwhile, the first casualties in these unfortunate events remain the students and an acceptable solution in the Chhattisgarh case needs to be found at the earliest. ■