

# Karnataka University Act 2000

*The recently-passed new legislation tightens the hold of the government on universities, drastically reducing their autonomy and leaving no role for either teachers or other intellectuals in the management of universities. The irony is that most of the teachers' bodies in the state have failed to recognise how critically the new legislation affects the future of higher education and have been concerned only with their narrow professional interests.*

AMBROSE PINTO

The desire to control higher education is not something dear to Murali Manohar Joshi of the human resource development (HRD) ministry alone. Of course, his obsession is not merely to control education but to use it as a device to prepare citizens for an intolerant Hindu rashtra. The others in governance have other designs. Andhra Pradesh, a state that had vowed to transform Hyderabad into Cyberabad, has passed a bill that gives a greater say to the state government in the appointment of vice-chancellors and other dignitaries in the universities. Karnataka has just imitated Andhra in the task of controlling universities by passing a similar act.

Karnataka is one of the states that is vigorously following the market model of development under S M Krishna. Bangalore, as an IT city has surpassed all others in the country and has found a place in the global map too. The process of privatisation is aggressively on. Grants to colleges have been gradually withdrawn at the dictates of international financial institutions. What began as a 15 per cent cut in the salaries of the teachers of private colleges in 2000 has led to the bifurcation of Pre-university classes in the year 2001. The state government also has made it clear that no vacancies will be filled up in private colleges after March 31, 2001. With that the state will be able to cut more than another 15 per cent of its expenditure on higher education in the state for the year. The bifurcation of the Pre-university colleges has caused a major crisis for liberal arts, science and commerce colleges. The state government had even announced the closure of over 21 colleges in the city with the bifurcation of plus 2 classes since they did not have even 120

students and were found unviable. Due to public outcry, the circular was later withdrawn. The state later fixed a criteria: 15 students for a course per class as a minimum to carry on the programme for the year. Colleges that ran traditional courses are moving towards closure. On the other hand, new colleges and professional institutes have sprung up in the city and state. The educational sector has moved towards reforms including a proliferation of private institutions and their numbers are increasing rapidly specially in Bangalore.

Karnataka was the first state to privatise professional education over 25 years ago. And yet, in spite of professional education in the hands of private investors, the government control on these colleges through the years has only increased, rather than decreased. Take the example of admission to professional colleges. Though colleges are private, admissions are decided by the state. There are government seats, merit seats and management seats, all for sale, each category according to certain criteria. When the state continuously tells the public that it has no funds to invest in higher education and is withdrawing from the field, should it interfere with admissions is the question. The interference of the state has not only delayed the starting of classes in colleges, it has caused enormous damage to the credibility of the state. There have been instances of high-level corruption, inefficiency and certain private colleges with their enormous political clout have been able to violate every norm by adopting arm-twisting tactics.

Friday August 3, 2001 was a black day for the autonomy of universities in Karnataka. The legislative assembly passed the Karnataka State Universities Bill 2000 unanimously in spite of initial vehement

opposition from the main opposition party in the legislature, the BJP, and others. In fact, the easy passage of the bill came as an anti-climax to the controversy, which had dogged the committee as three BJP, and two Janata Dal (U) members had resigned from it. The members of the BJP had submitted a dissenting note. The Federation of University Teachers' Associations in Karnataka (FUTA-K) had protested against the introduction of the bill demanding retention of the Senate and Academic Council with greater representation for teachers. The criticism of the teachers was that the bill lacked a vision of 21st century and was a retrograde step. It has provisions for inter-university transfers of teachers as well as punitive measures for minor lapses in the examination on the basis of a mere complaint by the registrar (evaluation).

They have demanded the deletion of such a dangerous provision in order to protect themselves. At a press conference, the president of FUTA-K said: "We were not given any opportunity to air our views as the bill was not open for public debate. We urge the government to protect the democratic nature of the universities, their bodies and freedom of academic functioning of teachers" (*The Hindu*, July 24).

The other demands of the federation were for payment of salary arrears, retention of examination remuneration, representation for teachers in the Karnataka State Inter-University Board and approval of promotion statutes framed as part of the revised UGC pay package. The teachers' demands were primarily in their own interests instead of furthering the cause of higher education. Their opposition, as a result, did not carry much weight. Nobody doubts that the universities have to be democratic and teachers need to be well-represented. But what was required from the teaching community was to critically analyse the bill and oppose it by involving other members and groups of the civil society instead of primarily making claims for themselves. Practically, all the demands that the FUTA-K was making were teacher-centred. The criticism of the Association of Mangalore University Teachers, one of the universities in Karnataka, on the other hand, was objective. While defining the role of a university, the association maintained that a university was not merely an institution to administer higher education, but one that provided the inspiration to make a society progressive. The proposals they forwarded to the government included the demand to have a minimum 25 per cent

elected representation in the proposed academic council. While welcoming the merger of the existing senate and academic council, the association stressed that the students, graduates and representatives of teachers should be elected to the council. While criticising the proposed selection of the vice-chancellor, the association had proposed the term of the vice-chancellor from three years to a single five-year term. The appointment to the post would have to be made through the chancellor of the university. The association was particular about inclusion of the teachers' representatives in the academic council in the provision. Their contention was that the overall development of the university into a centre of excellence could be achieved only if the representatives of teachers were included in decision-making on issues related to academics, as the teachers were the focus of any university system.

### Modification of Provisions

It is difficult to say that the Congress government was totally insensitive to the criticism. The bill as passed has been slightly modified without the government giving up its determination to control the universities. The first modification the government introduced was the mode of appointment of vice-chancellors which won the appreciation of the opposition though it did not meet their demand. At present in Karnataka the governor appoints the vice-chancellors of the universities from a panel of three names offered by the search committee. In the present act, the vice-chancellor is appointed by the governor but the powers of the governor have been considerably curtailed. Section 14(4) of the bill notes that the government shall recommend to the governor the names of all the three persons from the panel submitted by a four-member search committee instead of recommending only one person as in the original bill. The search committee will consist of a member each nominated by the governor, state government, University Grants Commission and the syndicate. The state government will appoint one of the four members as the chairperson of the committee. No persons connected with the affairs of the state government, the university or any college or institution affiliated to the university shall be nominated as the member of the search committee. However, the governor is required to appoint the vice-chancellor with the concurrence of the government

and not a mere consultation with the government. The clause reads:

The Search Committee shall submit to the state government a panel of three persons who are merit academicians, in alphabetical order from among whom the state government shall keeping in view considerations of merit, equity and social justice, recommend the three persons to the chancellor for appointment as vice-chancellor and the chancellor shall thereupon appoint such person as the vice-chancellor with the concurrence of the state government.

This is no doubt, the first attempt to control universities. Once the vice-chancellor becomes the nominee of the government, s/he will have to do the biddings of the state. The Karnataka University Act, 1976 had already diminished the role of the vice-chancellor as the de-facto executive head by concentrating more powers in the chancellor and had widened the scope for the intervention by the state government in matters relating to the management of universities. The present act takes away powers from the chancellor and hands it over to the government.

There are other amendments relating to the office of the registrar in section 17. The registrar, (administration) shall be a whole time officer of the university. The state government may appoint him, an officer belonging to the all-India services working in super-time scale. All the other registrars will be under the registrar. In the original provisions the registrar was to be the appointee of the vice-chancellor with the approval of the syndicate from a panel of not less than three persons recommended by the vice-chancellor to the syndicate. If the syndicate approved no person in the panel within the time prescribed by the statutes, the chancellor in consultation with the vice-chancellor was permitted to appoint any one among them as registrar. The role of the governor is totally absent in the amendment and instead the government would appoint the registrar as well. That would further tighten the hold of the state on the universities. Bureaucrats are bound to be accountable to the state and not to the academic life of the university

These are important decision-making bodies of the universities in the state. In section 28 relating to the syndicate, elections have been abolished. The state government argues that the elections are abolished to ensure that there is no politicking in the atmosphere of research and education. The only two elected members are from the academic council. The rest of the members will be vice-chancellor,

commissioner for collegiate education, and director of medical education, commissioner for public instruction and director of pre-university education. All the others are nominated members – one dean, five principals of affiliated colleges, one professor of post-graduate studies, all nominated by the vice-chancellor and another five nominated by the chancellor on the recommendations of the state government from amongst eminent educationists, all for a period of one year. The teachers or the teacher bodies have not been given any representation. With the present act, the syndicate will become more a bureaucratic body than an academic one. The senate is abolished. Even in the academic council, besides the vice-chancellor, the commissioner for collegiate education, director of technical education, one member of the Karnataka legislative assembly of the district falling within the university area and two members of the legislative council elected by the council, all the others are nominations. In the nominated list are five professors of the departments of the university, five deans of the faculties on the basis of seniority, ten principals of affiliated colleges, six students for a period of two years nominated by the vice-chancellor and three eminent persons representing industry, commerce, banking or any other profession and another five persons nominated by the state government for a period of three years. Five other university functionaries become 'ipso facto' members of the council. There is no representation to teachers or elected representatives.

The government's argument in bringing the bill was that the universities should change with the times. The last act was passed in 1976. The education minister had pointed out in the house that the new act was needed to meet the demands of a market-oriented system of education, which was coming into being. What does a market-oriented system of education mean? At least from the various provisions, one gets the idea that it implies that the state should control the system with no representation to different groups who are a part of the university systems; and that bureaucrats and petty officials of the state and not the representatives of the academic community should make decisions for education.

There is no doubt that the Karnataka University Act passed by the state is a blow to democratic management of universities. The minister, in fact, was not ashamed to state in the legislature that the government needed to control the administration of universities though not academics. There

were no takers for the argument of the government that it wanted to vest the universities with academic autonomy though not administrative. How can any university in the world enjoy academic freedom without administrative autonomy? It is the administration that creates an environment for creativity, freedom of thought and expression and an atmosphere for research. The bureaucrats of the state are known for imposing curbs and controls than encouraging and promoting original thought and critical thinking. The argument of the higher education minister that the government has the right to control administration of universities because the state funds universities is absurd. The funds that the state provides to the universities are people's resources since the government acquires them as a result of taxing the people. The other argument of the higher education minister was that since the ministry for human resource development makes a large number of appointments his government too must have a similar right. While making a scathing attack on the HRD ministry in the house for threatening to withhold funds if the state assumed powers to appoint vice-chancellors, the minister for higher education criticised the union HRD ministry and the UGC for directing the universities to start courses in Vedic studies and astrology or favoured the rewriting of Indian history as Hindu history. The minister pointed out that it was the centre, which appointed the chairman of the UGC and those of the AICTE and other bodies and justified the state's interference into higher education as well.

This is an absolutely irrational argument. Because the central government is functioning in an authoritarian manner, should that be a norm for a Congress government in Karnataka? Further, the minister defended the abolition of senates and the abolition of the system of elections. For the Congress government in Karnataka, the processes of democracy are as inconvenient as to the BJP-led NDA at the centre. The ailments of the university are attributed to student and teacher politicians and in the mind of the government any assertion for rights by these groups would prove dangerous for higher education. There is a clause to confer freedom and autonomy on colleges. At the passing of the bill the leader of the opposition Jagadish Shettar complimented G Parameshwar, the minister for state for higher education for the lucid and responsive manner in which the minister replied to the discussion. That really meant that

there were no major differences among the ruling classes on imposing an authoritarian and bureaucratic culture.

The very first impact of the 1976 act was that there was a sudden increase in the number of colleges. Private agencies ever since have come to organise themselves on caste and communal lines. Powerful caste lobbies obtained control over education by aligning themselves with the state, some of them providing engineering and medical education at a high price. The process of privatisation of education that had begun in Karnataka several years before was provided an impetus by the Karnataka University Act of 1976. Many colleges received their sanction in spite of the unfavourable reports from the universities. Private professional colleges sprang up purely on political considerations. Several colleges were granted permission for new courses against the wishes of the universities. The consequence was the low standards of education in all these institutions. Colleges with hardly any infrastructure and staff were provided with courses and programmes on considerations other than academic. The 1976 act had thus destroyed the academic freedom of the universities and centralised university administration to an exceptional degree. The present act will lead to over-centralisation leading to interference from political and social forces from outside the university with vested interests. Academic management must administer universities if the universities are to fulfil the functions of their establishment. In matters purely academic concerning the introduction of new courses and affiliation to colleges, why should the government come in the way or be consulted? The state's desire to exercise total control on matters that are purely academic stems from political reasons. With the present act, the politicisation of the universities is complete. The vice-chancellor will be the puppet of the state. He will have to obey the dictates of the education minister and the chief minister. Since the academic bodies are all nominated or filled with government officials, the nature of the universities is bound to change. Any party in power will be able to tune the universities to further their cause and the causes of the social groups they represent. This will without adoubt lead to the erosion of academic life of the universities.

The act while providing powers to the managements even to close down colleges, is hostile to the teaching community. The elected teachers' or students' representatives have no voice in the decision-making

bodies. Protecting the interests of teachers and education would mean expressing support to teachers' and students' unions and an inbuilt system to provide benefits to the marginalised sections. In its hostility to the teachers' unions, the state will weaken the already weakened teachers' unions. Private colleges in the future will run as commercial centres while disrespecting the rights of the teachers, paying them a pittance and making vast profits. Teachers will be hired as labourers. The profits the management make will be at the expense of the low wages of the teaching community. The basic philosophy of the markets is to suppress labour and social welfare systems. The social welfare system, education and other subsidies are supported through the taxes. Taxing the rich is seen as undesirable because that reduces profits and interferes with the markets. Education can only be supported with public taxes. With the passing of the act, the process of marketisation in higher education is complete.

Other than some protest within universities, the act has not provoked the kind of reaction that it should have in the colleges and universities. One reason is that the teaching community has not understood the consequences of the act. They normally come together when their immediate interests are affected and not when the cause of higher education is at stake. Based on discussions in the Academic Council or in the Syndicate alone, the government can now change the entire educational thrust that could adversely affect the teaching and student community. The educational fraternity will not be able to protest since the decisions have been taken in the decision-making bodies of the university.

The Karnataka government has not been teacher-friendly all these years. But what will be witnessed now onwards will be total hostility since teachers have no representation in any university body. The voices of dissent essential to democracy have been kept out. An act of the kind that does not include the representatives of the teaching community and the students who are the very soul of the educational endeavour at the highest policy-making and executive level of the universities is a blow to academic life. Since elections for various academic bodies have been abolished, the dissenting voices that sometimes furthered and highlighted academic concerns will not be heard. What one will hear will be the voices of conformism and obedience to a state that is becoming authoritarian and market-friendly. **EPW**