

Critical Analysis of Development and Management of Higher Education in India

Manish Rohatgi and Meenu Gupta

Amity Law School, Amity University Uttar Pradesh, Noida, Uttar Pradesh, India

KEYWORDS Central Subject. Concurrent List. Central Regulator. Government. State Subject

ABSTRACT History of Indian education dates back to over 5,000 years. Education in the Vedic and Muslim periods was found to be based on religion while the Buddhist period gave world-class universities. In the British period, education oscillated between being a central subject and a provincial subject. The Constitution of India placed education as a state subject, which was later transferred to the Concurrent List in 1976. But due to lack of coordination between the centre and state governments, the higher education system is found to be in a critical state. Further, there is significant disparity in funds allocation to central and state universities by the central regulator, UGC, which further worsens the situation. The current system can work, if the centre makes the law with a broader view and leaves the states with enough power to customise it. There is need to establish State Education Councils in every state to better assess the need of state universities and recommend/allocate the funds accordingly.

INTRODUCTION

At present, India has 54 central universities, 418 state universities, 370 private universities and 125 deemed to be universities till 31st December 2020 (<https://www.ugc.ac.in/oldpdf/consolidated%20list%20of%20All%20universities.pdf>). But the higher education system is in a critical state due to lack of coordination among the centre and state governments. Education is a very vital subject but is generally overlooked by both central and state governments. This is because being a combined responsibility after the 42nd Constitutional Amendment, 1976, which shifted “education” from the State list to the Concurrent list, both can find excuses and put blame on each other. The establishment and incorporation of a university is a state subject but basically a university is an institution for higher education and research whose coordination and determination of standards is a Union subject. As a result there is a clash between the powers

of the Union and that of the State. Many a times, they have different opinions about handling a problem. If the central government does not like a state law on education then it will pass a law, which annuls it and if the state government does not like the centre’s law on education, then it slows down its execution making it ineffective and meaningless. Further, India is a diverse country and the needs of different states are different. The system, which works in one state, may be ineffective for another. The decision in case of *TMA Pai Foundation vs. State of Karnataka*¹ which came on 31st October 2002 had created chaos in India’s education sector, as every state has interpreted it in its own way suited to it.

Then also, if everyone is responsible for anything then it is generally left unattended. Higher Education Institutions receive funds from government grants, students as tuitions/fees and donations from private entities. After independence the government has largely financed higher education in India. The University Grants Commission (UGC) had been established in 1956 by Central Act of Parliament (Act No.3 of 1956) with the function to give financial grants to universities and coordinate and maintain the standards of higher education (Shah 1967). However, despite being a central regulator of higher education there is disparity in its granting funds to central and state universities despite more than ninety-five percent of educational activity being controlled by states (Singh 2004) and it gives preference to central universities over

Address for correspondence:

Manish Rohatgi,
Ph.D. Research Scholar
Meenu Gupta, Guide
Professor
Amity Law School,
Amity University Uttar Pradesh,
Sector-125, Noida 201 313,
Uttar Pradesh, India
Mobile: 9250016277
E-mail: manishrohatgi@rediffmail.com,
mgupta1@amity.edu

state universities resulting in higher fees and increased financial load on students. With private trusts and bodies establishing professional universities and colleges, it becomes a matter of concern, as some of them do have a professional approach of imparting quality education, and a depressingly large number lack proper facilities with the sole aim of making money (Powar 2002). The UGC as a national regulator lacks penal provisions for disobeying its regulations and directions, and the only way it finds is to impose control while allocating funds, and hence has weak control over the universities, which are traditional and autonomous in character and governed by their own statutes, ordinances and regulations, and as a result students suffer.

The National Education Policy, 2020 was approved by the Union Cabinet on 29th July 2020 with the aim of making India a global knowledge super power. It aims for holistic and multidisciplinary education coupled with interdisciplinary research and industry-academia linkages. International education exposure is to be promoted for overall development of the students with a single regulator for higher education for better development, control and regulation of the system by reorganising the present national regulator UGC by adding members from other councils (Srimathi et al. 2019) governing higher education. However, the proposal is in its teething phase of implementation. The COVID-19 pandemic has brought the centre and the state slightly closer, as both are working in collaboration to cope with the challenges such as reduced admissions and infrastructure for online teaching, presented by the pandemic and arisen a ray of hope for the future.

Objective of the Study

The objective of the study is to critically analysis the development and management of the Higher Education System in India in order to identify the present position and suggests measures for further improvement.

Problem Identification

The Higher Education System of India is in a critical state due to lack of coordination among the centre and state governments, disparity in

funds allocation and a weak National Higher Education Regulator.

RESEARCH METHODOLOGY

The research methodology is doctrinal in nature and the data/material is collected by referring to various books, literature, websites, Acts, reports of commissions and committees, articles and case laws, and critically analysed on the subject.

RESULTS AND DISCUSSION

Education is a very vital subject but is often mishandled and not taken seriously by both central and state governments. They can find excuses and put the blame on each other. Sometimes, the central and state governments have different opinions about how to tackle a particular concern. If the central government does not like a state law on education then it will pass a law, which annuls it and if the state government does not like a centre's law on education, then it will be slow in its execution thereby making it ineffective.

The central regulator University Grants Commission gives preference to central universities over the state universities in disbursing financial grants as evident from above discussions, being governed by the central government, having only financial control in the name of being a regulator since it lacks any other significant penal provisions and many a time is influenced by politics and outside (non-academic) sources.

Education in Ancient India

The education system of India is the most ancient in the world with a history of over 5000 years. The Vedas are regarded as the oldest among the literatures of world, and are the original sources of the philosophy of life in ancient India (Chaube 2005). The word 'Veda' originates from 'Vid', which means the knowledge. The elements, organisation and methodology of education in India originated during the Vedic Period. The Aryan period is regarded as the healthy, peaceful, mature and practical age of education (Bhatnagar and Saxena 2003). In the Vedic period, teachers (acharyas) of Gurukuls (house of

Guru) preach God's work ship, spirituality, religion, etc. for development of personality of pupils for the betterment of society and nation. The Vedic period education ends around 1400 B.C. After that the Post-Vedic period education starts, which lasts for 800 years and ends at 600 B.C. This Post-Vedic period is also called as Upanishadic or Brahman period. Education in this age is aimed at preparing and equipping the student for the struggle for existence with a base in religion as in the Vedic period. Teachers imparted education to their students according to their interests, tendencies and nature. During this period both the oral and written education came into practice. Bhojpatras or the bark of a tree was used for writing. The education became confined to Brahmans, Kshatriyas and Vaishyas, and the lower caste (Shudras) as well as women were deprived of the right of education.

Then the Buddhist education came during 5th century B.C., which remains in existence for more than 1600 years till the invasion of Muslims towards the end of 12th century A.D. The emergence of Buddhism granted people the freedom to obtain education, which was restricted in the Brahman period. Lord Buddha and his disciples imparted education in collective groups or Sanghas, which centred round monasteries. The level of Indian education of this period may be judged from the fact that students from Japan, China, Java, Korea, Tibet and other distant countries came here to receive education. From the number of universities in India during that period, the universities of Taxila, Nalanda, Mithila and Nadia are most famous.

Taxila, then capital of Gandhar, was an important centre of education during the 500 BC to 600 AD period. The University provided education in numerous subjects such as three Vedas, Vedanta, astrology, grammar, the eighteen Sippas, military science, Ayurveda, agriculture, commerce, magic charms, snake's bite treatment, etc.

Nalanda University, the most internationally famed Buddhist centre of education, was situated at birthplace of the disciple of Lord Buddha, namely Sariputra, in the state of Bihar, 40 miles southwest of Patna and 7 miles north of Rajgraha. The University had 300 rooms for study and eight large assembly halls. The University also had a massive nine-floor library, named Dharma Ganja (the meeting of religions) where books of all religions were present.

In the 12th century, the Muslim kings' attention turned towards India with the emergence of Islam. After the Khilji, Tuglak, Gulam, Sayyed and Lodhi dynasties, Mughal kings established a number of educational institutions in India too having roots in religion. Students were required to memorise the Koran in which Prophet Hazrat Mohammed had collected his messages. Prophet had said knowledge is divine. The Indian art and culture came under the influence of Arab culture and civilisation. Muslim rulers administered Madrassas for higher education (aided by the government) and Makhtabs for primary education with the aim to utilise the educational system for strengthening their own political position, selfish interests, objectives and ambitions. Education was founded on a community basis. Higher education was imparted through lecturers. Education aimed at preparing the individual for future life. Highly educated individuals were given employment in state services. Education is not only for gaining knowledge, but also for practical and materialistic usefulness. Knowledge of manufacturing of weapons, military science, house construction, painting, sculpture, medicine, agriculture and other manual skills were also imparted apart from grammar, literature, logic, philosophy, history, geography, etc. so that students could earn their livelihood. The medium of education was Arabic and Persian till Urdu emerged as an inter mix of these two languages. There was a provision for teaching Sanskrit to Hindu children. Emphasis was placed on memorisation in addition to reading, writing and arithmetic.

As evident from above, the ancient universities in India were leading centres of learning in the contemporary world and also attracted scholars and students from other countries. Education was highly advanced as evident from the centres of learning that existed in the Buddhist monasteries (Nalanda, Taxila, etc.). In these centres, scholars gathered to engage in intellectual debates in residential campuses (Agarwal 2009). They were speculated by historians to have sharp resemblance with medieval European universities that came much later.

Growth of Higher Education during the British Period (Pre-Independence Period)

In 1600, few Englishmen established the East India Company for trading with India and set up

a trading centre at Masaulipattam. As the trade expanded rapidly, it soon reached a healthy financial position. The East India Company's goal was to spread its religion in addition to trading. In 1614, the Company sent few Indians to England for spreading Western religion, culture and education among Indians. Further, a department of Arabic was set up at Oxford University. Charles Grant (1767-1780), Chairman of East India Company and also a member of British Parliament spread the view that Hindus should be given Western education, as they are ignorant. It may be said that the Government of India have been started with the Regulating Act of 1773, which is of great constitutional importance, as it asserted for the first time the right of parliament to regulate the affairs of East India Company (Pande 2004).

Till the 18th century, India had three different traditions of education, that is, Gurukulas, the Buddh Viharas and the Madrassas, before the Englishmen set up institutions for imparting Western education.

By the Charter of 1813, Lord Minto had made education a "provincial matter" and granted aid of ten thousand pounds for education per year but the amount could not be utilised even in the ten years in absence of proper distribution. The British colonial regime laid the foundation of modern higher education in English medium. The first college to impart Western education was founded in 1818 at Serampore near Calcutta. Over the next 40 years, many such colleges were established at Agra, Bombay, Calcutta, Madras, Nagpur, Patna and Nagapattinam.

The Charter Act of 1833 announced a unitary system of government (Naik 1965). Education was now a purely 'central' subject. Lord Macaulay, a law member of the Company and great scholar of English came to India on 10th June 1834. He supported the views of Charles Grant including English literature in education along with Arabic and Sanskrit literature. Lord William Bentinck accepted his educational policy. Lord Auckland who succeeded Bentinck increased the educational grant for the oriental education but at the same time allowed expenditure of more than one lakh Indian rupees for spreading and speeding the English education.

Between 1833 and 1853, professional and vocational institutions were established at Ben-

gal, Madras, Bombay, Uttar Pradesh, the Frontier areas and Punjab, as these areas witnessed excellent growth in education. But universities of that period are in true sense just control courses of study and sets examination papers to the students of affiliated colleges.

In 1853, for development of a permanent education policy, a single member committee of Charles Wood, President of the Company's Board of Control was established and his declaration known as Wood's Despatch was published on 19th July 1854, which was regarded as the Magna Carta of Indian education. The declaration said that providing education was the government's duty, purpose of education in addition to intellectual and moral development was the formation of the individuals capable of contributing to the government machinery. It recommended for the formation of the Department of Education. After revolution of 1857, the British Parliament took over the administration of India who under the influence of Wood's Despatch established the General Council of Education of India in England and as a result the monopoly of missionaries over the education also came to an end.

In 1870 during regime of Lord Mayo education became a 'provincial subject' although the central government still reserved control over it. The hunter commission appointed by Lord Rippon on 3rd February 1882 under the chairmanship of William Hunter for the survey of education in India stressed the view that aid should be given to municipal boards or local bodies. As a result of this, private institutions began to spring up, which benefitted secondary and higher education. Lord Curzon set up the Indian University Commission on 20th January 1902. The commission recommended the need for reorganisation of universities and rejected the idea of setting up new universities while stressing the need of teaching of classical languages and with the best possible arrangement for English language.

During this period, despite the fact that the powers reserved to the central government in financial matters was very wide, the authority delegated to the provincial governments was no less. This Concurrent legislative jurisdiction led to the Government of India could pass the Indian Universities Act in 1904, which was for-

mulated on the recommendations of the Indian University Commission of 1902 and could also legislate for the establishment of new universities. By the Indian University Act of 1904, universities got the authority to make appointments and conduct examinations and research. However, because of Curzon's policy of divide and rule, Indians became suspicious of his educational policy, which gives impetus to the National Struggle for Independence. Annie Besant in 1906 at the Calcutta Conference of the Congress, mentioned that the national education should be organised under Indian control, which ends imitation of the West, the British dominance, slavery and arouse love for motherland. This led to establishment of national schools such as Shanti Niketan, Gurukul-Kangri, Kashi Vidyapeeth, Gujrat Vidyapeeth, Jamia Milia Islamia set up by Arya Samaj, Brahma Samaj, Prarthana Samaj, etc.

In 1910, Gopal Krishna Gokhale had given a proposal for free and compulsory education. The education policy of 1912 separated the field of school education from higher education. The Government Resolution on Educational Policy (1913) accepted the need for instituting more universities. As a result of this policy, six new universities came into existence between 1913 and 1921. This included the famous Banaras Hindu University in 1916 and the Aligarh Muslim University in 1920.

After the conclusion of First World War, the government appointed the Calcutta University Commission (1917-1919) under the chairmanship of Dr. M. Sadler, Vice Chancellor of Leeds University with six other members to study the effect of war. The Sadler Commission is of the view that secondary classes shall be removed from the university education and recommended that there should be an independent board for higher education. The Central Advisory Board of Education (CABE) was established in 1920 to synchronise the work and define the general aims of educational policy and on the Commission's recommendations.

With the Government of India Act of 1919 there is no relation between the central government and the education and during 1921-1935, but again after the Government of India Act of 1935, the Government of India began to play once again a significant role in education.

In 1944, in order to evaluate the educational system after World War II, Sir John Sargent, an advisor to the Indian government in his survey organised by the Central Education Advisory Council said that the children between the ages of 6 and 14 should be given free primary education. As a result, a polytechnic was set-up in Delhi and University Grants Committee was also established. Further, in 1946, the old education department was also revived as a Ministry of Education (Singh 2011).

Development of Higher Education after Independence

Soon after the achievement of independence the problem of the role of Government of India in education came up for discussion again when the Constitution was being framed, which was influenced by two main thoughts i.e the education as state subject as in USA or as per the recommendations of Sir Philip J. Hartog's Committee set up by British Government in 1929 for a survey of the development of the education system of India, according to which education is essentially a national service. The decision was taken to treat education as a state subject with specific powers reserved to the Government of India.

Entry 11 of LIST II (State List) of the Seventh Schedule to the Constitution therefore lays down that education, including universities, subject to the provisions of Entries 63, 64, 65 and 66 of List I (Union List) and Entry 25 of List III (Concurrent List), should be a state subject. Although education is essentially a state subject, the Constitution of India envisioned a welfare state. The state had to promote literacy, reduce poverty and remove social and gender injustice (Sathe 2012). "The expression 'state', has been defined in Article 12 of the Constitution to include 'the Government and Parliament of India and the Legislature of each of the states and all local or other authorities within the territory of India or under control of the Government of India.'" Thus the union government shares the responsibility with the state governments in the matter of spreading elementary education also. Further, Article 351 of the constitution places a special responsibility on the Government of India regarding the development of the national

language, Hindi. Article 282 of the constitution enables the Government of India to give grants-in-aid to the states to develop their educational programmes. The Government of India is also responsible under the Constitution for the administration of the union territories and has for this purpose executive and legislative authority for all subjects including education.

The constitutional provisions quoted above envisage that while education is essentially a state responsibility, the central government also plays an important role in education. Since the planning started in 1950-1951, a working partnership has been established between the central and the state governments in the field of education. After independence, the increasing interest taken by the Government of India in education is evident from the fact that the union government appointed a University Education Commission under the Chairmanship of Dr S. Radhakrishnan in 1948-1949 and a Secondary Education Commission under the Chairmanship of Dr. Lakshmanswami Mudaliar in 1952-1953.

The University Education Commission came forward with numerous suggestions such as emphasis to be placed upon teacher education and training, the curriculum to be made comprehensive and diverse to accommodate interests, abilities and talents of students with the objectives of the curriculum to provide general education, to provide a liberal education and provide professional education, focus on research, religious and moral education, importance on three language formulae for solving the language problem, women education and focus on welfare of students. Radhakrishnan's commission stressed that the objective of education is to harmonise the various branches of knowledge and it is essential that subjects taught in universities should bear a relationship to life for achievement of justice, liberty, equality and brotherhood upon the foundations of a national discipline (Ministry of Education 1950).

The University Education Commission, in its report in 1949 further recommended that university education should be placed in the Concurrent List so that there is a national guarantee of minimum standards of university education.

The Secondary Education Commission also gave many valuable suggestions concerning the curriculum. It divided this in to two parts, that is,

the core and the optional part. The Commission also advocated the nationalisation of the textbooks. These should be cheap and of good quality. The Commission stated the formation of character as the basis of education. It suggested that schools should have arrangements for consultancy and vocational guidance. It recommended including physical or health education. In addition to improvements in examinations, it suggested the proper maintenance of records. It also gave importance to improving conditions of the teachers.

An attempt was made during the first and second 5-year plans to implement the recommendations of these two commissions. The central government through the financing methods and development schemes in the plans provided leadership to the educational system and coordinated the activities over its whole range. Higher education has developed systematically after independence. In 1950-1951, seventy-four percent colleges were being managed by private management committees. Setting-up an inter-university board is another step towards development of higher education in the first five-year plan (1951-1956). Concerning university education, it has been said in the second five-year plan that standards of education have been gravely affected in recent years with the increase in number of universities, colleges and students.

The University Grants Commission established in 1956 took various steps to improve university and college education and also to reduce the hindrance of students who fail to pass the examinations. Some of the steps are the introduction of a 3-year degree course, organisation of lectures and seminars, improvements in libraries and laboratories, provision of facility of hostels, provision of scholarship for research and outstanding students, and increase in salaries of university teachers. A committee was appointed by the central government to consider introduction of multifaceted curriculum at the secondary level for reduction in the rush for admissions to arts colleges. In the second five-year plan (1956-1961) there was provision of INR 57 crore for university education of which INR 22 crore and 50 lakhs was for state schemes and INR 34 crore and 50 lakhs was for central schemes.

By the end of the second five-year plan, the number of universities and colleges had risen to

41 and 1050, respectively. The number of students in arts, sciences and commerce groups had increased to 9 lakhs but the number of science students increased only from 2,09,000 to 2,70,000. In the third five-year plan (1961-1966), a sum of INR 75 crore was allocated to the higher education, which was allocated for teaching programmes of science, improvements in the pay-scales of teachers, scientific laboratories, libraries, post-graduate studies, research, scholarships, three-year degree course, residential facilities for employees, hostel facilities, etc.

The Central Ministry of Education set up an autonomous organisation, the National Council of Educational Research and Training (NCERT) in 1961, which is concerned with conducting and promoting research in problems of various sectors of education and providing advanced level training to key personnel in different branches of education. The Council has established a National Institute of Education as the main centre for its work. The Council has also set up four Regional Colleges of Education in Ajmer, Mysore, Bhopal and Bhubaneswar for training secondary school teachers in special subjects like Science, Technology, Agriculture, Commerce, Industrial Crafts and Fine Arts. The Colleges are not only training secondary teachers in special subjects introduced in multipurpose high/higher secondary schools but also experimenting with a 4-year course of Teacher Education combining content teaching with professional education at the first degree level.

Other important developments in the early years after independence are the revival of talk of having an All India Education Service and thinking about placing higher education in the Concurrent List. To consider the latter issue, the Union Ministry of Education appointed in 1963 and a Committee of the Members of Parliament (Sapru Committee), which reported in 1964, recommended that higher education should be transferred from the state list to the Concurrent List, keeping Entry 66 of List I intact (Shankar and Ahluwalia 1967).

Another development is the appointment of an Education Commission in July 1964 by the union government under the Chairmanship of Dr. D. S. Kothari to advise the government on the national pattern of education. The Kothari Commission (1964-1966) examined various as-

pects of education at all levels and gave a very comprehensive report full of insight and wisdom. This report became the basis of the National Policy on Education 1968, which laid emphasis on advanced study, research and international aspects of education. The Kothari Commission is of the view that education must increasingly become a national concern. The Kothari Commission has expressed that there is need for seeking knowledge within the framework of truth, using traditional knowledge in new circumstances, developing leadership in every sphere of life, giving educated and trained people to society in the spheres of art, science, agriculture, medicines and industry, encouraging social justice, nourishing the right values among students and teachers, reducing social and cultural disparities, working for the development of a national consciousness, and developing the programmes for adult education (Pathak 2010). But the maladies identified by this commission still exist as Shri M.S. Valiathan points out in the 68th Association of Indian Universities Annual meeting in his presidential address. The Government of India is responsible for several educational programmes including national planning, educational and cultural relations with other countries, participating in work of United Nations and its agencies such as United Nations Educational, Scientific and Cultural Organization (U.N.E.S.C.O.), and collecting and disseminating ideas and information.

In 1964, Shri M. C. Chagla wanted education to be a concurrent subject, that is, joint responsibility of centre and states. Shri P. N. Kirpal and Dr. V. S. Jha, two members of the Indian Education Commission, emphasised that the entire game of education should be included in the concurrent list. "They have given the following justifications for bringing education to the concurrent list:

- ◆ The experience of the years since independence has shown that for lack of adequate authority at the centre, national policies could not be implemented satisfactorily.
- ◆ Some of the recommendations of the important commission remained on paper and could not be implemented.
- ◆ Even the resolutions unanimously adopted by the conferences of education ministers, secretaries and directors of public instruc-

tions of the states could not be put into force.

- ♦ Various suggestions and decisions of the Central Advisory Board of Education along with other bodies remained unimplemented. These bodies and agencies remained ineffective because of the absence of legal authority with the Central Government.”

There is rapid expansion in university education during the fourth five-year plan (1969-1974). By the end of the fourth plan, the enrolment in arts, sciences and commerce institutions reached 3.5 million. In the first three years of this plan period, 8 new universities were established and total number reached 89. Of these, 10 are agricultural universities. The number of colleges also increased. The University Grants Commission has made provisions for crores to be spent on workshops, laboratories and short courses in practical science.

The Constitution of India does not envisage the function of the central government to devise policy for the whole range of education. The only sectors for which the constitutional provisions exist are higher education, research and scientific and technical institutions through coordination and determinations of standards. After the 42nd Amendment the scenario changed. The Amendment, which came into force on 3.1.1977 omitted the Entry 11 of education including universities from State List II and transferred that subject to be combined with Entry 25 of Concurrent List III. Further, Entry 66 of List I gives the union power to ensure that the standard of research, etc. is not lowered at the hands of any particular states or states, to the detriment of national progress and that power of State Legislature must be so exercised as not to directly encroach upon the union power (Thakker et al. 2013).

According to Article 246(2) of the Indian Constitution, “the parliament has power to make laws with respect to any of the matters enumerated in the List III (Concurrent List) in the Seventh Schedule.” Now, the Parliament and state governments are equal partners in framing educational policies. Earlier, the states were the only party. Article 254 provides supremacy of the union over states in enacting any law. Article 257 provides executive powers of the union to give directions to the states. The states have

powers limited to the extent that these do not impede or prejudice the exercising of the executive powers of the union. By including education in the concurrent list, the centre can directly implement any policy decision in any state. Hence forth, if the centre has decided a uniform structure, the state governments have to follow the same.

National institutions like the University Grants Commission (U.G.C.), National Council of Educational Research and Training (N.C.E.R.T) and the other national bodies like the Central Advisory Board of Education (CABE) will have higher power and strength to shape the education of the country in all the states.

Although incorporation of a university as a legislative head is a state subject (Entry 32 State List II) but a university is essentially an institution for higher education and research and coordination and determination of standards in institutions for higher education or research and scientific and technical institutions is in Entry 66 of Union List I. There can thus be a clash between the powers of the State and that of the Union. In case of the *State of Tamil Nadu and Anr. v. Adhiyaman Educational and Research Institute*² the Supreme Court of India held that “the expression ‘coordination’ used in Entry 66 of the Union does not merely mean evaluation but harmonisation for a uniform pattern of action according to a certain design or plan of development. It includes action for removal of disparities in standards and also for preventing the occurrence of such disparities. This power is absolute and unconditional. To the extent that the State legislation is in conflict with the Central legislation including subordinate legislation made by the Centre under Entry 25 of the Concurrent List or to give effect to Entry 66 of the Union List, it would be void and inoperative”.

During the fifth five-year plan (1974-1978), the additional enrolment was expected of approximate 19.04 lakhs. The various programmes had been formulated the growth of higher education in the fifth plan such as providing grants and aid to universities for development of post-graduate programmes, establishing pace-setting centres for continuing education, granting scholarships and research assistance liberally, developing innovative courses, seminars, conferenc-

es, housing facilities, attractive scales of pay and provisions had been made to overcome shortage of good books in the mother tongue of the students and the regional language.

The conference of Ministers of Education of States and Union Territories held at New Delhi in August 1977 recommended that the new pattern (10 plus 2) be implemented all over the country before the end of the sixth plan (1980-1985).

The main objectives of the seventh plan (1985-1990) to improve employment opportunities thus focussed on professional and vocational education/skill based education. The National Policy of Education of 1986 and Programme of Action of 1992 focused on sustainable development of quality of education. It laid emphasis on education for children up to 14 years, children with special needs, women, SC/ST, backward/minorities groups, mentally and physically challenged persons and adult education. The eighth plan (1992-1997) focused on liberalisation, privatisation and globalisation in every field whether it is economy or education. Funds are allocated for constructions of buildings of universities. The Ninth Plan (1997-2002) laid emphasis on reducing the disparities between urban/rural, forward/backward, by supporting weaker universities and universities located in backward areas. The priorities of the Ninth Plan are relevance and quality of education, management of education and finance, equity and social change, focus on education of women, SC/ST, backward/minorities groups and adult education.

The Tenth Plan (2002-2007) provided enhanced level of funding to universities and colleges with special funding to young colleges/universities and colleges/universities located in the backward area for the overall development of higher education and research. It has promoted the internationalisation and export of higher education. It has further promoted dual degrees, interdisciplinary studies, and use of multimedia as teaching aids.

The Eleventh Plan (2007-2012) while focused on expansion of higher education set up a target of fifteen percent increase in participation in higher education as compared to five to six percent annual growth rate achieved over the years. It also focused on distance education.

The interplay of Entry 66 in Union List I and Entry 25 in Concurrent List III was further examined by a Constitution Bench of Supreme Court

of India in *Dr. Preeti Srivastava and Anr. v. State of M.P. and Ors.*³ in the context of lowering of standards by the State of Madhya Pradesh for admission to a postgraduate course in a medical college. The Apex Court held that “the State cannot while controlling education in the State impinge on standards in institutions for higher education because this is exclusively within the purview of the Union Government.” But there is frequent Centre-State conflict as evident from the number of cases and prominent ones cited above.

Former Honourable Human Resource Development Minister Sh. Kapil Sibal while addressing the audience in India Today’s States of States Conclave in September, 2009 (<https://www.indiatoday.in/magazine/india/story/20090928-there-is-no-partnership-between-the-centre-and-states.-solutions-are-needed-quickly-740789-2009-09-17>) said, “The problem with education in our country is that there is no partnership between the central government and the state government and that is the heart of why we have not been able to move forward very quickly”.

The problem worsens, as there is disparity in fund allocation by the University Grants Commission (UGC), the National Higher Education Regulator who finds only control on universities in fund allocation, and being a weak regulator lacking penal provisions for disobeying its regulations and directions. Interference and external influence from political and non-academic sources have further complicated the situation. The National Knowledge Commission (NKC 2006) mentioned that “implicit politicisation has made governance of universities exceedingly difficult and much more susceptible to entirely non-academic interventions from outside.

Prof. Yashpal’s Committee (2009) also emphasised the need of the structure and composition of the central regulator is to be insulated from political and other external interferences from the government for improvement of current system.

Prof. Suranjan Das, Vice-Chancellor, Jadavpur University, Kolkata had said at the 62nd Annual Convocation of the University in 2017, “The discriminatory nature of funding by University Grants Commission is causing financial constraints to State Universities”. He further said, “The nature of UGC funding mechanism,

that is, sixty-five percent allocation of its annual budget for only 47 central universities and thirty-five percent funding for 375 state universities, is a reflection of the discriminatory nature of the UGC funding mechanism.” Prof. Das had made these comments in the presence of former UGC Chairman Prof. Ved Prakash who also had attended the Convocation. Historically, the financial burden of education was borne by both the state and central governments.

There is more financial burden on students studying in state universities right from the start as evident from a study by the Association of Indian Universities, 1980 on a university’s finance, which revealed that the contribution from UGC to state universities is in-between less than one percent to ten percent of their development expenditure in 1976-1977. Delhi and Meghalaya have a higher percentage of forty percent and seventy-six percent due to the existence of central universities in these states. State resources are limited and the Centre has more resources (surplus), thus disparity in disbursement of grant to state universities as compared to central universities has become an issue. There are two types of grants for universities. Firstly, the Development (Plan) Grants and secondly, the Maintenance (Non-Plan) Grants. Central universities are deemed to be universities get both grants whereas the state university receives only plan grants. The UGC provides non-plan grants for meeting recurring expenditure on salaries of teaching and non-teaching staff and maintenance of facilities (labs, libraries, buildings, payment of taxes, telephones, electricity, postage etc.) and other purposes for media centres, scholarships/fellowships (Sharma 2006). Although the tenth plan made provisions for enhanced level and special funding to universities to colleges/universities located in the backward area for the overall development of higher education and research, the government grant to the central universities is almost twice than to the state universities (Gill 2012). As a result, the student’s fees at central universities are nearly around 1/10th of the fees at the state Universities. The University Grants Commission funds the central universities more than the state universities, whereas the state Universities have to rely more on the student’s fees for meeting their financial needs. One Member of Parliament (Ms. Sushee-

la Gopalan) being opposed to the whole concept of UGC said during discussions on UGC Amendment Bill that the entire amount earmarked for education should be given to states according to its population proportion (Singh 2004). Shri V. S. Raju had also suggested a good model although for technical institutions in which running budget would have contribution from the government (35%), students contribution (15%), institution generated funds (25%) and balance through industry/private funding (Raju 1996) but it remained on paper.

Further, there is a rise in self-financing institutions, which charge tuition fees on full cost-recovery. This goes against the theoretical concept of financing higher education. The Twelfth Plan (2012-2017) enhanced access to the higher education. After this there are no more 5-year plans, as the planning commission was dissolved. The National Education Policy 2020 was approved by the Union Cabinet on 29th July 2020 with the aim of making India a global knowledge superpower. It aims for holistic and multidisciplinary education coupled with interdisciplinary research and industry-academia linkages. International education exposure are to be promoted for overall development of the students with single regulator for higher education for better development, control and regulation of system, but it is still in the teething phase and not there is no clear plan of avoiding centre-state conflicts, proper allocation of grants/funds to the state universities, effective control of private universities and reducing student’s financial burden. However, the recent disaster of COVID-19 pandemic has brought the centre and state slightly closer and given a ray of hope as the Prime Minister of India is doing regular meetings with the states’ Chief Ministers to cope with the situation in all the fields including education (Khandewal and Kumar 2020).

CONCLUSION

The history of Indian education dated back to more than 5000 years. During the Vedic period, post Vedic period and also during the Muslim period, education is based on religion. Buddhists established universities of high stature and international fame. During the British period, the policy of the government in education

was irregular and oscillating, as it depended upon the discretion of the Governor Generals. Lord Ripon or Curzon made education look like a 'central subject' while it becomes almost a 'provincial subject' at the other times. After Independence, the Constitution of India places education as a state subject. After the 42nd Constitution Amendment in 1976, education is a subject in the Concurrent List. Therefore, both the central government and the state government can make laws regarding education. The central government laws will prevail over state law in case of any clash. The objective was that at least one of these will take care but unfortunately, it is other way around, if everyone is responsible for anything then it is generally left unattended.

Further, irrespective of the degree of control, universities do require central grants to meet their financial needs but there is disparity in the Indian education system in grants to central universities and the state universities.

India is a very diverse country and that is why the needs of different states are different. Something that works in one state might not work in the other. It is for this reason there is imperative need to have a more federal structure to the country's governance with greater autonomy to the states. On other hand, if every state is given individual responsibility then all the states will start acting as laboratories, which will experiment on what works and what does not work in improving education.

RECOMMENDATIONS

There is an imperative need to have a more federal structure for the country's governance with more autonomy with states. The current system can only work if the centre makes the law with a broader view and leaves the states with enough power to customise it.

The disparity in grants to state and centre universities should be removed for lesser burden of fee on students studying at a state university with proper centre-state coordination. For this, there is need to establish State Education Councils in every state to better ascertain and assess the need of state universities and recommend/allocate the funds accordingly, which also lessens the burden of fee on the state university's students.

The central regulator of higher education should be immune from political interference and must have stringent penal provisions to control the private universities/institutions established just with aim of making money without caring for quality of education.

NOTES

1. TMA Pai Foundation case decision on 31st October 2002 in Writ Petition No. 350 of 1993 at Supreme Court of India.
2. 1995 SCC 104
3. 1999 (7) SCC 120

REFERENCES

- Agarwal P 2009. *Indian Higher Education*. New Delhi: Sage Publications.
- Bhatnagar S, Saxena A 2003. *Modern Indian Education and its Problems*. Uttar Pradesh: Surya Publications.
- Chaube SP 2005. *History and Problems of Indian Education*. Agra: Vinod Pustak Mandir.
- Gill AS 2012. Financing of university education: A study of public universities. *Journal of Indian Association of Social Sciences Institutions (IASSI) Quarterly*, 31(1): 97.
- Khandewal A, Kumar A 2020. Government of India initiatives for Covid-19: Higher education. *International Journal of Advanced Research*, 8(8): 759.
- Ministry of Education 1950. The Report of the University Education Commission, December 1948–August 1949. New Delhi: Government of India.
- Naik JP 1965. *Educational Planning in India*. Bombay: Allied Publishers.
- NKC 2006. *Report of National Knowledge Commission*. New Delhi: Government of India.
- Pande JN 2004. *Constitutional Law of India*. Allahabad: Central Law Agency.
- Powar KB 2002. *Indian Higher Education*. New Delhi: Concept Publishing Company.
- Pathak RP 2010. *Development and Problems of Indian Education*. Pearson.
- NKC 2006. *Report of National Knowledge Commission*. New Delhi: Government of India.
- Raju VS 1996. Discussion on Funding and Management in Higher Education Australia-India. *New Horizons in Education and Training Conference Final Report*, P.24. New Delhi, India, Australian High Commission, 24-25 October, 1996.
- Sathe SP 2012. *Administrative Law*. India: LexisNexis Butterworths.
- Shah AB 1967. *Higher Education in India*. Bombay: Lalwani Publishing House.
- Shankar U, Ahluwalia SP 1967. *Development of Education in India*. Kurukshetra: Department of Education.
- Sharma SR 2006. *UGC Role in Development and Growth of Higher Education*. Jaipur: M.D. Publications.

- Singh A 2004. *Fifty Years of Higher Education in India- The Role of the University Grants Commission*. New Delhi; Sage Publications.
- Singh MP 2011. *V.N. Shukla's Constitution of India*. Lucknow: Eastern Book Company.
- Srimathi H, Krishnamoorthy A 2019. Higher education system in India: Challenges and opportunities. *International Journal of Scientific & Technology Research*, 8(12): 2214.
- Thakker CK, Subramani SS, Doabia TS, Banerjee BP 2013. *Commentary on Constitution of India by D.D.Basu*. India: LexisNexis.
- The Official Home Page of India Today Magazine. From <<https://www.indiatoday.in/magazine/india/story/20090928-there-is-no-partnership-between-the-centre-and-states.-solutions-are-needed-quickly-740789-2009-09-17>> (Retrieved on 20 December 2020).
- The Official Home Page of University Grants Commission From <<https://www.ugc.ac.in/oldpdf/consolidated%20list%20of%20All%20universities.pdf>> (Retrieved on 5 January 2021).

Paper received for publication in January, 2021
Paper accepted for publication in March, 2021