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## **Regulatory Developments in Higher Education**

### **Introduction:**

Innovative educational policies and missions adopted by Government of India have been a huge success. Sarva Shiksha Abhiyan (SSA) launched in 2001 for elementary education and Rashtriya Madhyamik Shiksha Abhiyan (RMSA) launched in 2009 for secondary education produced great results in the educational developments. In the sphere of higher education, a concrete effort was lacking for improvement in access, quality and funding. According to m-HRD report on RUSA (2013), “Today the higher education system as a whole is faced with many challenges such as financing and management, access, equity, relevance and reorientation of policies and programs for laying emphasis on values, ethics and quality of higher education together with the assessment of institutions and their accreditation”. These issues need to be addressed with utmost care and priority, since it is through higher education that India can set its mark in the knowledge based society. The GER at present is nineteen percent that needs to be risen to international standard of thirty percent, gender disparity needs to be reduced, issues and concern related to funding of higher education need to be streamlined and at the same time sincere efforts need to be employed in listing some of the Indian Universities in world best hundred universities. Recognizing this requirement, as well as the basic fact that institutions of higher learning have to perform multiple roles like creating new knowledge, acquiring new capabilities and producing an intelligent human resource pool, the Indian higher education system has to brace itself to address global challenges by channelizing teaching, research and extension activities, and maintaining the right balance between need and demand. To efficiently meet all these requirements, government of India has laid down certain regulatory developments in higher education, some of which are discussed briefly in this paper.

• **Policy for Entry of Foreign Universities**

According to ASHE (2013), “Through this policy the m-HRD is in the process of notifying rules which will pave the way for entry and operation of foreign universities in India. The proposed notification require the Foreign Educational Institutions (FEIs) to fulfill certain eligibility conditions such as: (a) The FEI should be ranked amongst the top 400 universities of the world as per the rankings published by the prescribed agencies; (b) The FEI should form a not-for-profit legal entity in India, registered under section 25 of the Companies Act for setting up the campus; (c) The FEI should be in existence for at least twenty years; (d) It should be accredited by an accrediting agency of the host country. (e) It will offer programs of study or courses to be of quality comparable to those offered to students in its main campus overseas; (f) It is required that FEIs should maintain a corpus of not less than 250 million with respect to its Indian campus”.

**Implications:**

The proposed regulation regarding entry of FEIs, once notified will encourage FEIs to bring to India the global best practices in higher education. It will provide a syllabus comparable to international curriculum to the Indian students in India itself and thus help the country saving millions of dollars spent by Indian students on higher education abroad. It would also be helpful to put a check on brain drain as it has been observed that the students studying abroad are reluctant to come back home for jobs.

• **Policy for Academic collaboration in Higher Education**

According to ASHE (2013), “In an attempt to promote excellence in higher education, the UGC has recently notified regulations which seek to provide a regulatory framework for academic collaboration / twinning arrangements in higher education (other than technical education). The regulations require the Foreign Educational Institutions, (FEIs) intending to operate in India through collaboration with Indian Educational Institutions (IEIs) for degrees and postgraduate diplomas programs, to obtain prior approval of the UGC. Only those FEIs accredited with the highest grade in their homeland are allowed to enter into collaboration with IEIs which are accredited with a grade not less than B or its equivalent. The eligible IEI should have experience of at least 5 years in offering educational programme(s) in India at the level of degree and postgraduate diploma and should have the prescribed infrastructure facilities among others”.

**Implications:**

The proposed regulations are expected to facilitate academic collaborations between foreign and Indian educational institutions. It would also ensure that only the top foreign institutions which are accredited with highest grade can collaborate with Indian institutions. It would encourage world class education, programs and quality in India.

• **Regulations regarding powers of AICTE over technical education**

According to ASHE (2013), “The Hon’ble Supreme Court has recently laid down certain important principles governing technical education system in the country. The Court held that AICTE’s (All India Council for Technical Education) role with respect to colleges affiliated to universities, offering technical programs is restricted to just advisory and recommendatory and is not of an approval authority. The Court also held that the AICTE can provide suggestions to the UGC for defining and maintaining standards of technical education in the colleges but can’t directly regulate these colleges. Further, the Court has held that ‘MBA’ is not a technical program as defined under the AICTE Act and thus falls outside its purview.

**Implications:**

The judgment is expected to raise my debates and queries. Technical Education till now was under the purview of AICTE but due to this regulation, the control now shifts to UGC, which has no previous experience or exposure of regulating technical programs. It is known that UGC has started formulating and drafting specific rules and regulations for governing technical education and it has also issued a directive to all universities enforcing them to put a complete ban on providing affiliation to colleges offering technical education, until UGC declares its new controls.

ASHE states that, “Regarding MBA there lies an ambiguity as the judgment does not provide clarity on whether just MBA, which is a degree program, fall outside AICTE’s ambit or whether more popular programs such as post graduate diploma in management will also no longer require AICTE’s approval”.

• **Notification regarding dissolution of Distance Education Council (DEC)**

According to ASHE (2013), “The IGNOU has dissolved the DEC which was responsible for regulating the ODL (Open and Distance Learning) system in the country. The m-HRD has vested the responsibility of governing ODL system in the UGC and AICTE as envisaged in their respective Acts. The UGC is currently in the process of framing regulations on the ODL system”. An order issued by HRD Ministry states that the UGC and

AICTE, would create necessary physical infrastructure and qualified manpower to discharge the regulatory responsibilities of the ODL system in their respective areas.

According to Mannan (2013), “The Distance Education Council (DEC), which was the apex regulatory body for Open and Distance Learning (ODL) courses offered by universities across the country, has been dissolved. The DEC was a statutory body functioning under the control of the Indira Gandhi National Open University (IGNOU). The council was dissolved based on the arguments that the DEC which was created by the IGNOU cannot be the regulator for other universities in respect of distance education programmes. The HRD Ministry had belatedly woken up to the fact that there is an apparent conflict of interest between IGNOU and other universities when it comes to offering courses through the ODL mode”.

As an interim measure to streamline all courses offered under the ODL mode, the UGC has directed all universities not to grant further affiliation or approval to any new centre for open and distance learning courses.

#### **Implications:**

Educationist and stakeholders believe that it would have better if IGNOU Act of 1985 (that allows IGNOU to govern the standards of ODL system in the country) was amended, instead of dissolving the DEC. Handling over the power to UGC and AICTE to govern the ODL system has become a debatable issue.

The distance education (also known as correspondence degree courses) programs will now be regulated by UGC and AICTE. It will bring a curb on practices followed by some universities to start Distance Learning programs without seeking any official recognition (of DEC). It may bring an end to many confusions and ill practices prevailing in ODL system. Also all the courses offered through ODL program will be streamlined.

#### **• Regulation regarding Compulsory Accreditation**

According to ASHE (2013), “In an attempt to raise the quality of higher education in the country, UGC has notified regulations, which make accreditation mandatory for all higher education institutions (other than technical institutions). As per the Regulations, the HEIs, other than technical institutes, shall be mandatorily required to get accredited by the accreditation agency after passing out two batches or 6 years of existence, whichever is earlier, within a period of 6 months. The accreditation shall be valid for 5 years and shall be required to be applied for reaccreditation before 6 months of expiry of 5 years. Any failure to comply with the regulations shall to attract penalties”.

#### **Implications:**

It appears to bring about desirable changes in ensuring quality in higher education. The HEIs will be alert and careful round the clock to develop good quality in all its spheres. Students and teaching learning will receive the maximum benefits. It is expected that technical institutions, which have currently been kept out of the purview of these regulations, will soon be brought within the ambit of mandatory accreditation. A bill aiming to achieve a similar objective is presently awaiting approval of the parliament.

### **Rashtriya Uchchar Shiksha Abhiyan (RUSA) - The National Higher Education Mission**

According to ASHE (2013), “On 3rd October 2013, the Cabinet Committee on Economic Affairs, m-HRD, Government of India gave its approval to RUSA, a new centrally sponsored flagship scheme for higher education in India. It aims at providing strategic funding to eligible state higher educational institutions. The central funding (in the ratio of 65:35 for general category States and 90:10 for special category states) would be norm based and outcome dependent. The funding would flow from the central ministry through the state governments/union territories to the State Higher Education Councils before reaching the identified institutions. The funding to states would be made on the basis of critical appraisal of State Higher Education Plans, which would describe each state’s strategy to address issues of equity, access and excellence in higher education.”

RUSA aims to improve access, equity and quality in higher education through planned development of higher education at the state level. Through RUSA, it is proposed to improve the GER from 19% at present to 32% by 2022, while incentivizing states to increase Plan investments in higher education.

As described in the document of RUSA, m-HRD (2013), the **salient objectives of RUSA** are to:

- Improve the overall quality of state institutions by ensuring conformity to prescribed norms and standards and adopt accreditation as a mandatory quality assurance framework.
  - Usher transformative reforms in the state higher education system by creating a facilitating institutional structure for planning and monitoring at the state level, promoting autonomy in State Universities and improving governance in institutions.
  - Ensure reforms in the affiliation, academic and examination systems.
  - Ensure adequate availability of quality faculty in all higher educational institutions and ensure capacity building at all levels of employment.
  - Create an enabling atmosphere in the higher educational institutions to devote themselves to research and innovations.

- Expand the institutional base by creating additional capacity in existing institutions and establishing new institutions, in order to achieve enrolment targets. (Through RUSA, it is proposed to improve the GER from 19% at present to 32% by 2022)
- Correct regional imbalances in access to higher education by setting up institutions in un-served & underserved areas.
- Improve equity in higher education by providing adequate opportunities of higher education to SC/STs and socially and educationally backward classes; promote inclusion of women, minorities, and differently abled persons.

#### **Components of RUSA:**

According to ASHE (2013), “RUSA would create new universities through up gradation of existing autonomous colleges and conversion of colleges in a cluster. It would create new model degree colleges, new professional colleges and provide infrastructural support to universities and colleges Faculty recruitment support, faculty improvements programs and leadership development of educational administrators are also an important part of the scheme. In order to enhance skill development the existing central scheme of Polytechnics has been subsumed within RUSA. A separate component to synergize vocational education with higher education has also been included in RUSA. Besides these, RUSA also supports reforming, restructuring and building capacity of institutions in participating state”.

According to Anand (2013), “Greater emphasis will be laid on the improvement of the quality of teaching-learning processes in order to produce employable and competitive graduates, post-graduates and PhDs. With respect to the planning and funding approach, some key changes are envisaged; (a) Funding will be more impact and result oriented, (b) various equity related schemes will be integrated for a higher impact, (c) instead of unplanned expansion, there will be a focus on consolidating and developing the existing system adding capacities and (d) there will be a greater focus on research and innovation”.

#### **How is RUSA different?**

According to ASHE (2013), “RUSA will introduce a significant shift in the approach towards development of higher education in India, with the emphasis on reforming state higher education systems. The key difference with the introduction of RUSA is with respect to funding higher education in state universities, which have been receiving a disproportionately small share of central government funds in relation to central government institutions. Additionally, funding will now be performance based

funding, incentivizing well performing institutions and decision making through clearly defined norms.

Some of the key provisions of RUSA which seek to address the issues under the current higher education system are scope, funding mechanism, planning, equity, access, academics & examination, faculty recruitments, research & innovation, accreditation, administration & governance, and infrastructure. Some of these aspects are highlighted in the following table.

Table: Current System and RUSA

<b>Component</b>	<b>Issues under current system</b>	<b>RUSA provisions</b>
<b>Scope</b>	<ul style="list-style-type: none"> <li>★ UGC funding only to institutes compliant under sections 12B and 2(f) of UGC Act</li> </ul>	<ul style="list-style-type: none"> <li>★ Funding to Non 12B and 2(f) institutes included under scope of RUSA</li> </ul>
<b>Funding Mechanism</b>	<ul style="list-style-type: none"> <li>★ Direct funding by Centre and UGC to higher education institutions.</li> <li>★ Ad-hoc nature of funding</li> <li>★ Stagnant or declining Plan and non-plan support from the states</li> </ul>	<ul style="list-style-type: none"> <li>★ Funding through State Councils to facilitate holistic planning</li> <li>★ Norm-based &amp; performance based funding</li> <li>★ State Govts. to commit at least 2% of GSDP for higher education within 3 years</li> </ul>
<b>Planning</b>	<ul style="list-style-type: none"> <li>★ Ineffective planning at the state level for higher education since funding is directly to institutions and UGC is unable to fund creation of new institutes</li> </ul>	<ul style="list-style-type: none"> <li>★ Creation of State Higher Education Councils to plan and monitor higher education in a state</li> <li>★ Preparation of State Higher Education Plans with funding linked to achievements</li> </ul>
<b>Access</b>	<ul style="list-style-type: none"> <li>★ GER in H.E is only 19.4%</li> <li>★ Need to increase access to H.E to achieve target GER of 32% by 2022.</li> </ul>	<ul style="list-style-type: none"> <li>★ Focus on consolidating and developing the existing system to add capacity</li> <li>★ Expansion of distance learning programs &amp; improvements in usage of ICT</li> </ul>
<b>Equity</b>	<ul style="list-style-type: none"> <li>★ Need to provide more equitable access to H.E for</li> </ul>	<ul style="list-style-type: none"> <li>★ Integration of various equity related schemes for higher impact</li> </ul>

<i>Component</i>	<i>Issues under current system</i>	<i>RUSA provisions</i>
	marginalized groups and communities	★ Model colleges in each district

*Source: Annual Status of Higher Education in States and UTs 2013 (pg.25)*

RUSA represents a key milestone in the history of higher education in India. It introduces a significant strategic shift in the approach towards developing the higher education system in the country, by focusing on state level institutions which have been neglected over the years in relation to centrally funded institutions. It also seeks to introduce measures such as performance and norm based funding as well as governance and academic reforms at the institutional and state levels to address some of the challenges in higher education today.

However, the success of the scheme will depend on whether it can be managed and executed effectively.

#### **Implications:**

Greater emphasis will be laid on the improvement of the quality of teaching-learning processes, on research and innovations. Instead of unplanned expansion, there will be a focus on consolidating and developing the existing system adding capacities. The most significant paradigm shift noticed will be in the arena of funding of state higher education system. What is apparent is that if this is achieved, RUSA could well become a turning point for the Indian higher education system as it seeks to achieve higher enrolment rates and address access, equity and quality related concerns.

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**Acronym:**

**AICTE** -All India Council for Technical Education

**DEC** - Distance Education Council

**CSR**- Corporate Social Responsibility

**FEIs** - Foreign Educational Institutions

**GER**- Gross Enrollment Ratio

**GSDP**- Gross State Domestic Product

**H.E**- Higher Education

**HEIs** - Higher Education Institutions

**IEIs** -Indian Educational Institutions

**IGNOU**- Indira Gandhi National Open University

**m-HRD**- Ministry of Human Resource Development

**MBA**-Masters in Business Administration

**ODL** -Open and Distance Learning

**RMSA**- Rashtriya Madhyamik Shiksha Abhiyan

**RUSA**- Rashtriya Uchchatar Shiksha Abhiyan

**SSA**- Sarva Shiksha Abhiyan

**SC/STs**- Scheduled Castes / Scheduled Tribes

**UGC**- University Grants Commission

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