

## LEGAL FRAMEWORK FOR EDUCATION IN INDIA: WITH EMPHASIS ON TRENDS IN COMMERCIALISATION OF HIGHER EDUCATION IN INDIA

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### Abstract

### Introduction

Education forms the foundation of any country and its future. In modern times, the sweep of education is widening with the establishment of higher educational institutes under the private sector. Unfortunately, the ever-increasing number of the private institutions – both universities and colleges have resulted in transforming the nature of the education sector itself. This also hold correct in the Indian context.

### Objective of the Paper

The present paper seeks to discuss the various dimensions of the education in India. It aims to give a background of the meaning of education. It briefly touches upon the constitutional and legislative framework relating to education in India. Further, it aims to reflect upon the quantitative aspect – by highlighting the growth of the universities and colleges in India between 2009-2019.

### Method

The study is doctrinal in nature. The researchers have referred the relevant legislations, schemes, Government Reports.

### Findings

During 2009-2019, following growth trend of the educational institutions has been noticed:

- (a) The number of Central Universities in 2009 was 40 and reached 51 in 2019.
- (b) There were 242 State Private Universities in 2009, which reached 397 in 2019.
- (c) A boom was seen in State Private Universities with 21 in 2009 and was 334 in 2019. This shows commercialisation of the education sector in India. The government encouraged the establishment of these Universities.
- (d) Similarly, around 16,000 new colleges were established between 2009 and 2019.

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## Conclusion

The permission to the private sector to expand the higher educational institutions in India has ultimately resulted in a greater number of institutes. The existence of almost 1000 universities and above 41,000 colleges till 2019 do not necessarily indicate imparting of quality education. It is high time that the Government and the UGC come into picture to oversee the kind of education rendered by all the higher educational institutes.

*Key Words – Commercialisation; education; India; new; private.*

## 1. INTRODUCTION

“The learning enterprise has become subject to the growing power of administration, which more and more responds not to faculty and students, except at the margins, but to political and market forces that claim sovereignty over higher education”. - Stanley Aronowitz

Education as a public function of States is being eroded by market-driven approaches and the rapid growth of private providers, with scant control by public authorities. Privatization is one of the hottest issues currently being debated in the education sector. It is fast becoming a widespread trend when considering education reform, as it eases the pressure on governments to meet increasing demand and relieves them of excessive costs. The privatization of education has occupied a large place in the educational debate over the last years. It implies more resources for the education sector, more efficient use of these resources and more flexibility in education delivery. It also has negative and threatening connotations – increased inequalities and breaking of social cohesion.<sup>5</sup>

The tidal waves of liberalization, privatization and globalization which leave their mark on every sphere of activity have not spared the educational arena as well. A liberal policy of permitting educational institutions in the private sector, resulting in proliferation of institutions for professional education and commercialization of education, the increasing trend to have tie ups with foreign universities and a craze for foreign qualifications, which people believe, would enable the young generation to survive in a fiercely competitive world. Private educational Institutions have become a necessity in the present-day context. Since the Governments are not in a position

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<sup>5</sup> Clive R. Belfield Henry M. Levin, *Education privatization: causes, consequences and planning implications* 9 (International Institute for Educational Planning – UNESCO, 2002).

to meet the demand particularly in the sector of medical and technical education which call for substantial outlays. The unprecedented size and scope of today's commercial practices in the educational sector is however a concern.

India's strength lies in education, particularly in higher education in the emerging global knowledge economy. The higher education system in India is more privatized compared to other capitalist or market economies, for instance, the US, the UK, Canada, and Australia.

## 2. CONCEPT OF EDUCATION AND ITS REQUISITES

The Latin word *Educatum* means 'to train'. 'E' means from inside. 'Deco' means to draw out. Thus, education would mean drawing from within.<sup>6</sup> Education is the process of developing the potentials of man to the optimum level in order to enable him to lead a productive life in society.<sup>7</sup> Learning is the psychological process that enables man to acquire competencies required to develop his potentials. Education is the totality of the process within which student's experiences are structured in order to promote desired learning.<sup>8</sup> It is the natural, harmonious and progressive development of man's innate powers by drawing out the best in his body, mind and spirit.<sup>9</sup>

Education is drawing out and leading out something from within the individual by bringing up, nourishing, raising and training. Education is the deliberate and systematic influence extended by the mature person upon the immature through instruction, discipline and harmonious development of the physical, intellectual, aesthetic, social and spiritual powers of human being. Education means knowledge and knowledge itself is power.

New and expanding economic, political and social functions pull education into the mainstream of society. Education as a major social institution that touches the lives of all is overlooked only at considerable peril to social practice and social theory.<sup>10</sup> Through education, then, man must be

<sup>6</sup> Shashi Prabha Sharma, *Education and Human Development 2* ( Kanishka Publishers, New Delhi,2005).

<sup>7</sup> P.M.Lohithaksham, *Dictionary of Education – A Practical Approach* 130 ( Kanishka Publishers, New Delhi,2006).

<sup>8</sup> Ramesh Shukla, *Dictionary of Education* 70 ( APH Publishing Corporation, New Delhi,2005).

<sup>9</sup> S.Gupta, *Education in Emerging India* 6 ( Shipra Publications, Delhi,2009).

<sup>10</sup> David L Sills, *International Encyclopedia of Social Sciences* 510-511,Vol.4, Macmillan Co. and Free Press, 1959).

made subject to discipline; it must supply men with culture; must also supply a person with discretion moral training must form a part of education.<sup>11</sup>

### 3. VARIOUS CONNOTATIONS AND IMPLICATIONS OF COMMERCIALISATION OF EDUCATION

‘Privatization is a process, which can be defined as the “transfer of assets, management, functions or responsibilities previously owned or carried out by the State to private actors”.<sup>12</sup> It is often thought of as ‘liberalization’ - where agents are freed from government regulations or as ‘marketization’ where new markets are created as alternatives to government services or state allocation systems.<sup>13</sup> The process of introducing advertising and other commercial activities in order to increase profit is also covered under commercialization. Commercialization is the term used to designate the tendencies and practices that create increasing connections between colleges and universities and the economic sector.<sup>14</sup> It also refers to the process of driving public educational institutions to operate as if they were private. These institutions are making use of various marketing strategies to attract admissions.

The number of seats available in government-run institutions is much smaller than the number of people wanting them is the reason for emergence of private sector run educational institutions.

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<sup>11</sup> Immanuel Kant, *Kant on Education* (Ueber Paedagogik), trans. Annette Churton, (Boston: D.C. Heath and Co., 1900). 9/10/2015. <http://oll.libertyfund.org/titles/356> (accessed on 5 Feb, 2021).

<sup>12</sup> Coomans & Hallo de Wolf, ‘Privatisation of Education and the Right to Education’ in de Feyter & Gomez (eds.), *Privatisation and Human Rights in the Age of Globalisation*, 2005

<sup>13</sup> Levin, H.M “A comprehensive framework for evaluating educational vouchers”. In: *Educational Evaluation and Policy Analysis*, 24, 159-174. (2002)

<sup>14</sup> Tatjana Takševa Chorney, “The Commercialization of Higher Education as a Threat to the Values of Ethical Citizenship” available at [journals.ufv.ca/rr/RR21/article-PDFs/chorney.pdf](http://journals.ufv.ca/rr/RR21/article-PDFs/chorney.pdf) (accessed on 6 Feb, 2021).

### 3.1 VARIOUS CONNOTATIONS/FORMS OF COMMERCIALISATION OF EDUCATION

A big non-violent shift has taken place – from policies of welfare-statism in higher education to a market-based approach to higher education.<sup>15</sup>

Private effort in education has been the mainstay of our educational enterprise. It has had a long tradition beginning with Tilak and Agarkar and later followed by Maharshi Karve, Karmaveer Bhaurao Patil and B R Ambedkar. They started educational institutions with the aim of making education accessible to large number of people and particularly to those who had been denied it for generations. The new entrepreneurs are setting up institutions to take advantage of the present demand for professional education which has become a craze with upper middle class boys and girls. This has become an industry which requires minimum investment and assures enormous profits without any risk.<sup>16</sup> Thus there exists distinction between privatisation and commercialization.

#### (a) Direct Commercialization

Privatization of education continues in direct ways, such as expansion of private schools and educational institutions. There occurs an increase in the number and proportion of private providers; raising the amount of funds contributed directly by the users of the services and lowering the amount contributed through subsidies; or enhancing parental monitoring of schools and school choice over government rules and regulations.<sup>17</sup> Huge under-the-table capitation fees, over-invoicing of salaries of genuine employees, fake, non-existent employees on the rolls, over-invoicing of capital expenditure mostly to associated companies of the promoters, consultancy and perks to the promoters, and so on is the reality of market driven education.<sup>18</sup>

<sup>15</sup> Jandhyala B G Tilak , “Private Higher Education in India” 33 , *Economic & Political Weekly*, October 4, 2014 vol xlix no. 40.

<sup>16</sup> S P Sathe, “Supreme Court on Right to Education” 1848 , *Economic and Political Weekly* August 29, 1992.

<sup>17</sup> Clive R. Belfield Henry M. Levin , “Education privatization: causes, consequences and planning implication” 22 , (UNESCO International Institute for Educational Planning, Paris 2002).

<sup>18</sup> Shobhit Mahajan , “Some Issues in Higher Education” 20, *Economic & Political Weekly* , August 4, 2012 , Vol. xlvii no. 31.

### (b) Financial Privatization of Public Institutions

Large-scale introduction of self-financing courses in public institutions has been visible in last few decades. The resources so generated are being used for other university activities, for which state funding has been inadequate or even missing. Self-financing courses have been introduced in almost all departments in universities and colleges, both central and state-level ones, including some of the best universities. These courses are run more efficiently than others, with teachers taking a greater interest; administrators, too, are far more interested in these courses because they generate revenues that can be used without formal permission from the state, or bodies like the UGC. Thus, public institutions are being financially privatized on a large scale, because of which the “public”-ness of public higher education has seemed to disappear. Through the mobilization of finances from students and other non-governmental sources, public institutions are being subject to financial privatisation .

### 3.2 Implications and Effects

The ongoing commercialisation of education and its set up had led to ‘dangerous dimensions’ detrimental to the subject itself and the society as a whole. The opening up of private educational institutions which seek to trade in professional education is harmful to the nation in many ways. The other side of privatization is that it increases efficiency and competition, ultimately improving the education services.

#### (a) Positive

There are some excellent private institutions of higher learning that maintain standards and provide high quality education, especially in the professional sphere. Commercialization of higher education generally results in state-of-the-art facilities for all students as money is no longer a constraint. Moreover as universities are free to enter into corporate ties with variety of industries they can improve and upgrade their infrastructure through corporate funding. The better infrastructure ultimately benefits the students. The students also get the opportunity to get trained in corporate firms and get valuable industry exposure because of a Memorandum of Understanding that is in place between the university and the organization. Another boon of commercialization of higher education is the fact that surveys found privatized universities being more professional in their approach than their public counterparts.

### (b) Negative

Commercialization of education breaks down the distinction between truth and fiction, the relationship between teacher-student and the barrier between public and private domains.<sup>19</sup> Privatization in education also has repercussions on girls' right to education, as families prioritize the education of boys over girls. Private providers do not respect the prohibited grounds of discrimination and violate fundamental principles of non-discrimination in human rights law.

Privatization widens disparities in access to education. Private providers disregard the fundamental principle of equality of opportunity in education. Inequalities in opportunities for education will be exacerbated by the growth of unregulated private providers of education. Private, for-profit schools disregard basic norms and standards and undermine education as a societal good. It inherently damages the development of children in all respects viz. - physical, psycho-social and intellectual.

## 4. CONSTITUTIONAL AND LEGAL FRAMEWORK REGARDING RIGHT TO EDUCATION IN INDIA

The task of providing education to all children in this age group gained momentum after the National Policy of Education (NPE) was announced in 1986. It was felt that though the Government of India in partnership with state governments had made strenuous efforts to fulfill the mandate and significant improvements were seen in various educational indicators, the ultimate goal of providing universal and quality education still remained unfulfilled. In order to fulfill that goal, it was felt that an explicit provision should be made in Part III of the Constitution relating to fundamental rights.

### 4.1 Development

A number of Commissions and Committees have been appointed from time to time to examine and recommend regarding education system of the country. Table 1 below shows major Commissions and their recommendations.

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<sup>19</sup> Brita Butler, "Risks of Commercializing Education", accessed from <http://www.scn.org/cccs/risks.pdf> (visited on 1 April, 2021).

**Table 1: Recommendations of Various Committees<sup>20</sup>**

S.No	Committee/ Commission	Chairperson	Recommendation
1.	Radhakrishnan Commission (University Education Commission) 1948-49	S.Radhakrishnan	<ul style="list-style-type: none"> <li>The university should provide opportunities to acquire all kinds of knowledge.</li> <li>The aim of a university should be to maintain a high standard in general, professional and vocational education by inspiring the students to search for a new knowledge and good effort that must be authentic in nature.</li> </ul>
2.	Kothari Education Commission 1964-66		<ul style="list-style-type: none"> <li>Education has to be entirely reformed and related to the life,</li> <li>Greater emphasis must be placed on vocational subjects, science education and research.</li> </ul>
3.	Punnayya Committee 1992-93		<ul style="list-style-type: none"> <li>Need for the Universities to identify various other means of revenue generation.</li> <li>Students receiving higher education should also bear a reasonable proportion of the cost of higher education</li> </ul>
4.	Dr. Swaminathan Panel 1992	Swaminathan	<ul style="list-style-type: none"> <li>The mobilisation of additional resources for technical education in India</li> </ul>
5.	Birla Ambani Report 2001	Mukesh Ambani and Kumarmangalam Birla	<ul style="list-style-type: none"> <li>Role of the State in the development of Education Government should confine itself to Primary Education and the higher education should be provided by the Private sector</li> </ul>
6.	National Knowledge Commission 2007		<ul style="list-style-type: none"> <li>Reforms in existing public universities, undergraduate colleges, regulatory structure, financing, quality, creation of National Universities as centres of academic</li> </ul>

<sup>20</sup> Compiled by Researchers.

			excellence and access to marginalised and excluded groups.
6.	Yash Pal Committee to Advise on Renovation and Rejuvenation of Higher Education 2009	Yash Pal	<ul style="list-style-type: none"> <li>Setting up of seven-member Commission for Higher Education and Research (CHER) under an Act of Parliament.</li> </ul>

## 4.2 Constitutional and Legislative Framework

The law of education has been witnessing large number of laws passed by Parliament and state legislatures on the one hand and the educational institutions making statutes, ordinances, regulations and rules from time to time on the other.

### (a) Constitutional Framework regarding Right to Education

The right to education under Indian Constitution is embodied under Part-III, Part - IV and Part IV A.

#### (i) Fundamental Right

The citizens of this country have a fundamental right to education. 'The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.'<sup>21</sup>

#### (ii) Directive Principle of State Policy

State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.<sup>22</sup>

#### (iii) Fundamental Duty

<sup>21</sup> Constitution of India, 1950; Article 21A. This Article was inserted to the Constitution by 86<sup>th</sup> Amendment Act, 2002.

<sup>22</sup> *Id*, Article 45. Substituted in 2002 for State shall make provision for education beyond the age of fourteen years within the limits of its economic capacity and stage of development.

There is duty upon parent or guardian to provide opportunities for education to his child or as the case may be ward between the age of 6 to 14.<sup>23</sup>

### (b) Legislative Framework

The main legislation pertaining to education in India is Right to Free and Compulsory Education Act,2009.

#### (i) Right to Free and Compulsory Education Act,2009

Every child of the age of six to fourteen years shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.<sup>24</sup>

#### (ii) Laws establishing Special Institutions

**Table 2 : Laws establishing Special Institutions**

S.No.	Legislation	Body Constituted	Functions
1.	University Grants Commission Act, 1956	University Grants Commission (Sections 3,12)	To take all such steps as it may think fit for the promotion and co-ordination of University education and for the determination and maintenance of standards of teaching, examination and research in Universities,
2.	Indian Medical Council Act, 1956	Indian Medical Council	To maintain consistent standards of under graduate as well as post graduate studies for medicine in the country
3.	All India Council for Technical Education Act, 1987	All India Council for Technical Education Act	To conduct survey on the facilities on technical education and to promote development in the country in a coordinated and integrated manner.
4.	Advocates Act,1961	Bar Council of India (Sections 3, 7)	To lay down standards of professional conduct and etiquette for advocates; to promote legal education and to lay down standards of such education in consultation with the Universities in India imparting such education and the State Bar Councils;

<sup>23</sup> *Id*, Article 51 A (k). 86<sup>th</sup> Amendment Act, 2002 added this clause. Article 51 A was inserted to the Constitution by 42<sup>nd</sup> Amendment Act,1976.

<sup>24</sup> Right to Free and Compulsory Education Act,2009 (No. 35 of 2009) ; Section 3. Section 2 (f) defines elementary education means the education from first class to eighth class.

			to recognise Universities whose degree in law shall be a qualification for enrolment as an advocate and for that purpose to visit and inspect Universities or cause the State Bar Councils to visit and inspect Universities in accordance with such directions
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## 5. PRESENT POSITION OF EDUCATION IN INDIA

Education in any system falls into elementary, secondary and higher education. This Part studies education and various levels in India.

### 5.1 Elementary Education

SARVA SHIKSHA ABHIYAN The SSA is implemented as India's main programme for universalisation of elementary education (UEE). Its overall goals include universal access and retention, bridging of gender and social gaps in enrolment levels and enhancement of learning levels of all children. Private providers (including NGOs and nonprofits) can play an important role in elementary education. Their legitimate role in expanding elementary education needs to be recognised and a flexible approach needs to be adopted to encourage them to invest in the sector.

Government has revised the fund-sharing pattern between the Central and State Governments for implementation of the modified SSA programme, which is now fixed in the 65:35 ratio.

### 5.2 Secondary Education

There are four types of schools: (i) government—established by State Governments (as well as some Centrally established institutions); (ii) local body—established by elected local government bodies; (iii) aided schools—private schools that receive State Government grants-in-aid; and (iv) private unaided schools. Most of the growth of secondary schools in the private sector in the last two decades has occurred among unaided schools (25 per cent of schools). About 60 per cent of schools are now aided or unaided. The Rashtriya Madhyamik Shiksha

Abhiyan, a Centrally sponsored scheme with a funding pattern of 75:25 between Centre and States (90:10 for Special Category and NE States), was launched in 2009–10.<sup>25</sup>

The apex bodies in school education, National University of Educational Planning and Administration (NEUPA) for policy, planning and data collection, National Council of Education Research and Training (NCERT) for curriculum design, and developing textbooks and teaching– learning materials for school education, Central Board of Secondary Education (CBSE) for affiliation, examination and assessment and National Institute for Open Schooling (NIOS) were very active during the Eleventh Plan and played a key role in school education reforms.

Many schools in the country that were initially started as private schools through local initiatives have become government grant-in-aid schools. This system encourages local participation and fills the gap that exists in interior areas.

### 5.3 Higher Education

At the time of Independence of India, there were only 20 Universities and 500 Colleges in the country with 2.1 lakhs students in higher education. Higher Education sector has witnessed a tremendous increase in the number of Universities/University level Institutions & Colleges since Independence. The quantum growth in the Higher Education sector is spear-headed by Universities, which are the highest seats of learning.

## 6. COMMERCIALIZATION OF EDUCATION IN INDIA

An unprecedented focus on the expansion of education, on significantly improving the quality of education imparted and on ensuring that educational opportunities are available to all segments of the society.

Higher education is critical for developing a modern economy, a just society and a vibrant polity. It equips young people with skills relevant for the labour market and the opportunity for social mobility. It provides people already in employment with skills to negotiate rapidly

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<sup>25</sup> The major objectives of the RMSA are to (i) raise the minimum level of education to class X and universalise access to secondary education; (ii) ensure good-quality secondary education with focus on Science, Mathematics and English; and (iii) reduce the gender, social and regional gaps in enrolments, dropouts and improving retention.

evolving career requirements. It prepares all to be responsible citizens who value a democratic and pluralistic society. Thus, the nation creates an intellectual repository of human capital to meet the country's needs and shapes its future. Indeed, higher education is the principal site at which our national goals, developmental priorities and civic values can be examined and refined.

### 6.1 Position and Growth of Higher Educational Institutions in India

Commodification of higher education, claiming that universities have turned into “knowledge factories”.

Table 5 below makes it clear that around six times increase has taken place in the number of colleges from 2006 till 2013. Moreover, the number of universities reached more than double from 2006 to 2015. In 2006, 355 universities were existing and now the number has touched 733.

**Table -5 : Total No. of Universities and Colleges in the India between 2008-2020<sup>26</sup>**

Educational Institute and Year	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008
Central Universities <sup>27</sup>	51	47	47	47	46	45	44	44	43	42	40	25
State Public Universities <sup>28</sup>	397	383	360	345	329	313	286	286	265	256	234	242
State Private Universities <sup>29</sup>	334	295	262	235	205	175	151	111	80	60	21	Not mentioned separately
Deemed to be	126	123	123	123	128	129	126	129	130	130	128	103

<sup>26</sup> Annual Reports of UGC 2008-2019. The data shows the number of institutions till March 31<sup>st</sup> of every year. "University" means a University established or incorporated by or under a Central Act, a Provincial Act or a State Act and includes any such institution as may, in consultation with the University concerned, be recognised by the University Grants Commission (UGC) in accordance with the regulations made in this regard under the UGC Act, 1956.

<sup>27</sup> A university established or incorporated by a Central Act.

<sup>28</sup> A university established or incorporated by a Provincial Act or by a State Act.

<sup>29</sup> A university established through a State/Central Act by a sponsoring body viz. A Society registered under the Societies Registration Act 1860, or any other corresponding law for the time being in force in a State or a Public Trust or a Company registered under Section 25 of the Companies Act, 1956.

Universities <sup>30</sup>												
<b>Total Universities</b>	911	851	795	753	711	666	624	574	523	493	428	408
New Colleges	923	Decreased (deaffiliation)	903	675	1147	2409	1665	2575	1211	5373	2745	6773
<b>Total Colleges</b>	41935	41012	42338	41435	40760	39613	37204	35539	33023	31812	25951	22064

The Annual Reports of UGC compiled above make it clear that how a significant increase has taken place in the number of private universities in past few years.

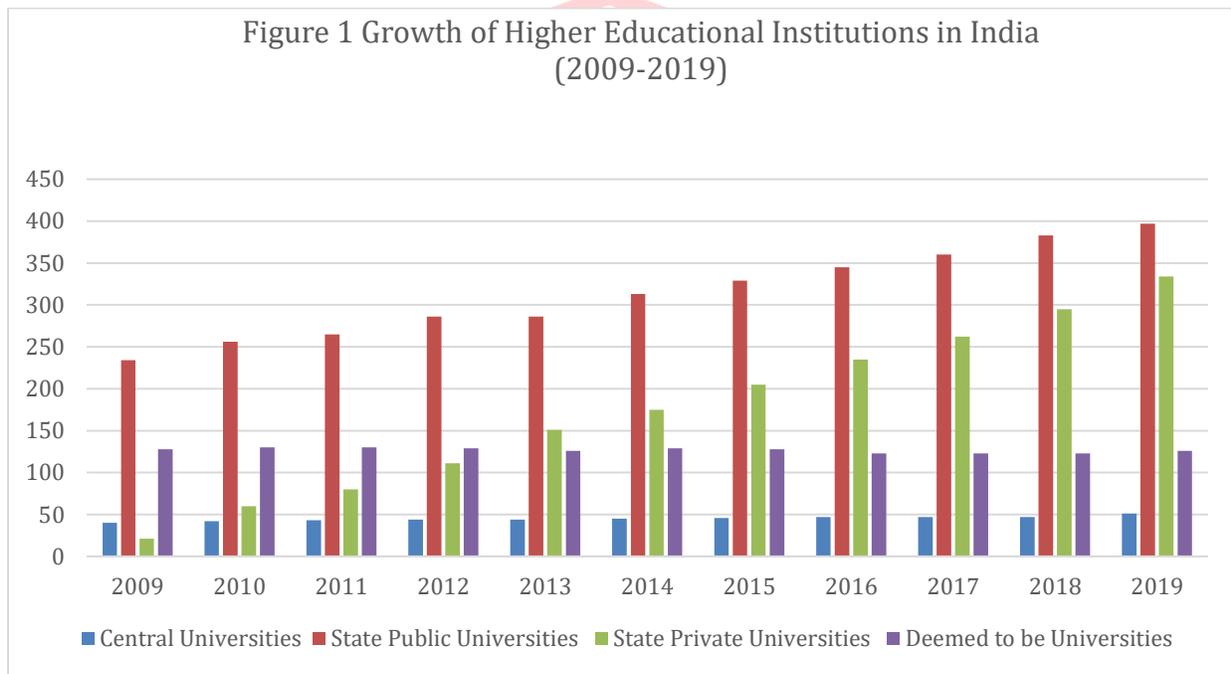
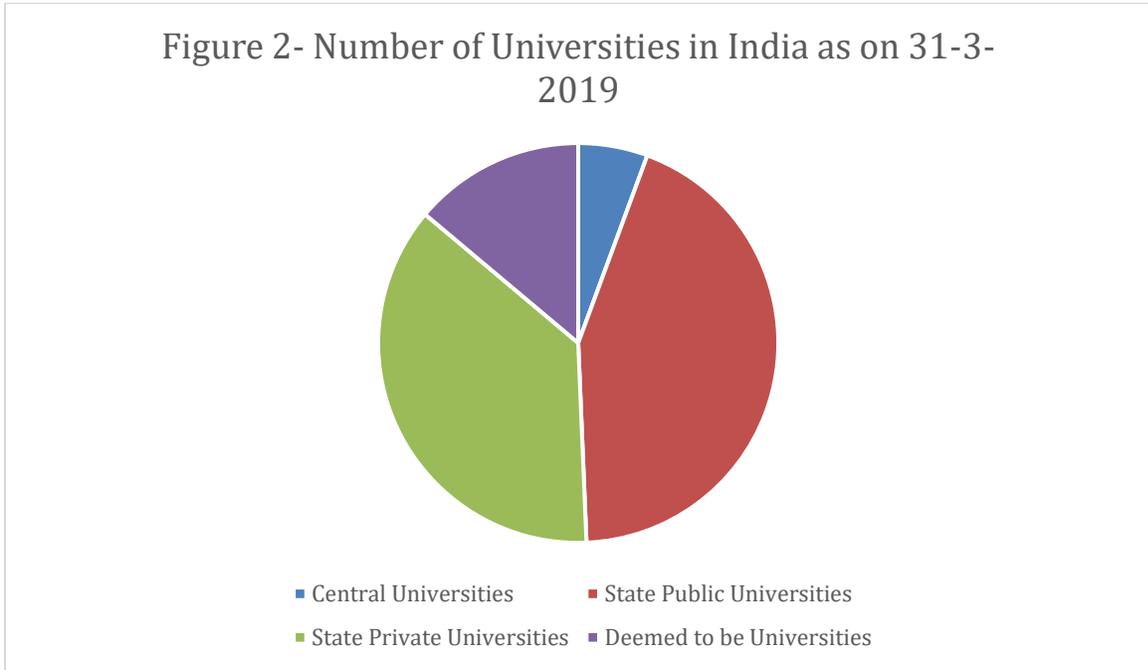


Figure 1 above shows the trend in the growth of various universities in India between 2009-2019.

<sup>30</sup> An Institution Deemed to be University, commonly known as Deemed University, refers to a high-performing institution, which has been so declared by Central Government under Section 3 of the University Grants Commission (UGC) Act, 1956.

Figure 2- Number of Universities in India as on 31-3-2019



SOCRATES

Figure 3 New Colleges in India between 2009-2019

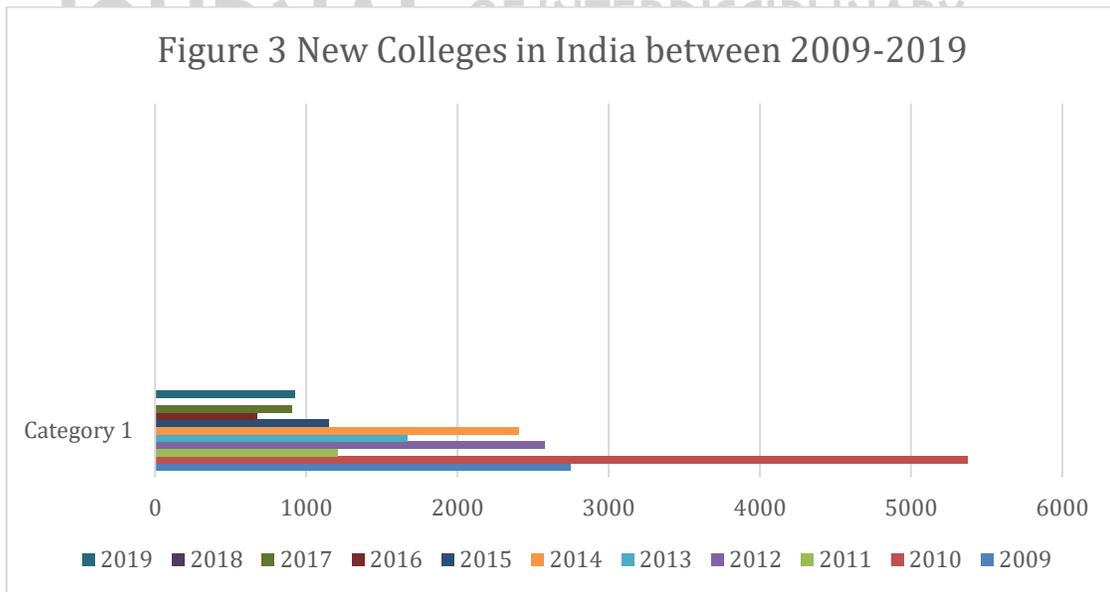


Figure 3 above shows how in 2010, more than 5000 colleges were established and there has been a steadiness in new colleges after that.

## 7. COVID SCENARIO AND THE CHANGES

Online learning and teaching have become the norm in Covid hit world. Indian education including the higher education has also embraced this new pattern. The University Grants Commission, the government body entrusted with the regulation of the higher education in India came up with a number of directives and guidelines to ensure the safety of the faculty and the students.<sup>31</sup> Higher education has continued in India since the announcement of pandemic by the World Health Organisation in early 2020 till date following the aforesaid Guidelines of the UGC. The major measures include:

- (a) Online Examinations
- (b) Start of more Online programs
- (c) Extension of Period for Completion of Master's Degree for June 2018 National Eligibility Test.
- (d) MANODARPAN Initiative
- (e) Extension of UGC sponsored fellowships which are expired/expiring during the Corona Pandemic period.
- (f) Extension of date for submission of theses for terminal M.Phil/Ph.D. Students.
- (g) Helpline for Mental health & Well-being of Students during and after COVID-19.
- (h) University Grants Commission (Open and Distance Learning Programmes and Online Programmes) Regulations, 2020.
- (i) Online activities to celebrate national events.

So, key initiatives are taken by the Apex Regulatory Body to make new learning, stress-free for both the Faculties and the students.

## 8. CONCLUSION AND SUGGESTIONS

With the passage of time, a change may be noticed in student-teacher relationship, educational purposes, and attitudes towards knowledge. The influence of the private economy on the educational sector is undeniable. The right to education as a fundamental right came into being only after 2002. The legislative attempt to ensure inclusive and quality education to

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<sup>31</sup> Available at [https://www.ugc.ac.in/subpage/covid\\_advisories.aspx](https://www.ugc.ac.in/subpage/covid_advisories.aspx) (accessed on 13 April, 2021).

be available freely and compulsorily to children between 6-14 of age got the stamp of approval by the Supreme Court of India through its majority opinion. The issues relating to the neighbourhood concept, pre-school education, admission at different levels of entry in schools etc., received purposive interpretation at the hands of high courts repelling the clever ways resorted to by the private schools to evade the burden of 25% reservation. The procedure and time-schedule for admission into professional courses were to be fortified again by the Supreme Court and the high courts in order to prevent the commercialization of professional education. Transparency and meritocracy in the admission process even in private un-aided professional colleges has been made the permanent mantra. The Supreme Court has also referred to the danger of closing down of government owned and government-aided schools as a result of indiscriminate granting recognition to private unaided schools in some states. The apex court continued to be the staunch supporter and guardian of the rights of students, teachers and the minority educational institutions. Education no longer is a noble profession but a business enterprise, a profit-making opportunity.

### **Suggestions**

India must expand educational opportunities, recognizing the paramount importance of public investment in education as its essential obligation. States should put in place an elaborate framework of regulations that are prescriptive, prohibitory and punitive, in order to control private providers. Prescriptive regulations clearly establish conditions under which private providers may be permitted to operate within a country, as well as minimum norms and standards with which schools must comply. In the absence of such regulations, unregistered schools may proliferate. Laws on education should spell out the duties and responsibilities of private providers vis-à-vis communities, students, teachers and societies at large. Prohibitory regulations are necessary to outlaw and stop discriminatory practices, for-profit education and false commercial propaganda. Education is a public function and a social responsibility. No private provider should be allowed to establish for-profit education and aggrandize private interests to the detriment of public interest. Punitive measures are necessary to ensure compliance with standards and the law. Sanctions must be applied when private providers perpetuate social injustices, while criminal proceedings are necessary for fraudulent and corruption practices.

The educational community should adopt the model of the open-source software movement. A philanthropy-based private education ought to be encouraged. Education commercialization requires structural adjustments, organizational reshuffling, accountability shifts, reconceptualization of whom education is serving, and market oriented running mechanisms.

‘Not-for-profit’ status in higher education should, perhaps, be re-examined for pragmatic considerations so as to allow the entry of for-profit institutions in select areas where acute shortages persist. This should, however, be subjected to the necessary oversight and accreditation arrangements to ensure quality and equity. For-profit private higher education can be taxed and the revenue from it can be channeled into large scale scholarship programme to promote equity as is practised in Brazil and China.

## REFERENCES

Annual Report of UGC 2008.

Annual Report of UGC 2009.

Annual Report of UGC 2010.

Annual Report of UGC 2011.

Annual Report of UGC 2012.

Annual Report of UGC 2013.

Annual Report of UGC 2014.

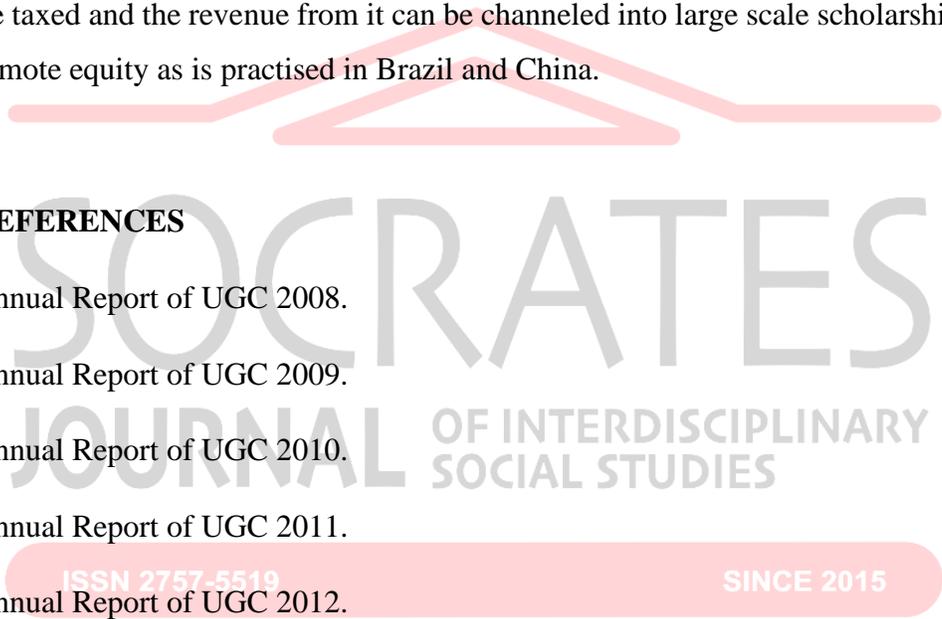
Annual Report of UGC 2015.

Annual Report of UGC 2016.

Annual Report of UGC 2017.

Annual Report of UGC 2018.

Annual Report of UGC 2019.



Available at [https://www.ugc.ac.in/subpage/covid\\_advisories.aspx](https://www.ugc.ac.in/subpage/covid_advisories.aspx) (accessed on 13 April, 2021).

Brita Butler, “Risks of Commercializing Education”, accessed from <http://www.scn.org/cccs/risks.pdf> (visited on 1 April, 2021).

Clive R. Belfield Henry M. Levin, “Education privatization: causes, consequences and planning implication” 22 ,

(UNESCO International Institute for Educational Planning, Paris 2002).

Clive R. Belfield Henry M. Levin, Education privatization: causes, consequences and planning implications

(International Institute for Educational Planning – UNESCO, 2002).

Compiled by Researchers.

Constitution of India, 1950

Coomans & Hallo de Wolf, ‘Privatisation of Education and the Right to Education’ in de Feyter & Gomez (eds.),

Privatisation and Human Rights in the Age of Globalisation, 2005

ISSN 2757-5519

SINCE 2015

David L Sills, International Encyclopedia of Social Sciences ,Vol.4, Macmillan Co. and Free Press, 1959).

Immanuel Kant, Kant on Education (Ueber Paedagogik), trans. Annette Churton, (Boston: D.C. Heath and Co.,

1900). 9/10/2015. <http://oll.libertyfund.org/titles/356> (accessed on 5 Feb, 2021).

Jandhyala B G Tilak , “Private Higher Education in India” 33 , Economic & Political Weekly, October 4, 2014 vol

xlix no. 40.

Levin, H.M “A comprehensive framework for evaluating educational vouchers”. In: Educational Evaluation and

Policy Analysis (2002)

P.M.Lohithaksham, Dictionary of Education – A Practical Approach ( Kanishka Publishers, New Delhi,2006).

Ramesh Shukla, Dictionary of Education ( APH Publishing Corporation, New Delhi,2005).

Right to Free and Compulsory Education Act,2009 (No. 35 of 2009).

S P Sathe, “Supreme Court on Right to Education” 1848 , Economic and Political Weekly August 29, 1992.

S.Gupta, Education in Emerging India ( Shipra Publications, Delhi,2009).

Shashi Prabha Sharma, Education and Human Development ( Kanishka Publishers, New Delhi,2005).

Shobhit Mahajan , “Some Issues in Higher Education” 20, Economic & Political Weekly , August 4, 2012 , Vol.

xlviI no. 31.

Tatjana Takševa Chorney, “The Commercialization of Higher Education as a Threat to the Values of Ethical

Citizenship” available at [journals.ufv.ca/rr/RR21/article-PDFs/chorney.pdf](http://journals.ufv.ca/rr/RR21/article-PDFs/chorney.pdf) (accessed on 6 Feb, 2021).

UGC Act, 1956 (No.3 of 1956).