

Occasional Papers

Union-State Relations in India's Higher Education

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Jandhyala B.G. Tilak**

Abstract

There is an enormous amount of literature on various aspects of India's higher education system. However, the literature on union (centre) – state relations in education is scanty. Indian federalism is somewhat unique and complex and it has significant implications for the development of the education sector by the union government and the governments at the state level. New structures and mechanisms are also being set up towards improving union-state relations and their respective roles in the development of the nation. This paper presents an analytical description of the impact that the particular nature of Indian federalism has had on shaping of the higher education system and its expansion.

Besides describing the complex nature of the Indian federal system as outlined in the Constitution, an attempt has been made to analyse union-state relations in education more generally, and in higher education system in particular, including its rapid expansion over the last 30 years. In the process of analysing union-state relations, some of the important issues on which we find some kind of uneasiness, if not tensions between the state and the union government in their playing respective roles are highlighted, including the trends in financing of higher education within the context of the Indian federal system.

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Introduction

India has one of the largest higher education systems in the world, with some 33 million students. The British established the first modern university in the 19th century in India during their colonial rule.¹ They introduced a small number of public colleges to train Indian civil servants, engineers, and other professionals needed for the colonial administration. They did so, using a version of the British higher education model, in which lead universities, owned and operated by provincial governments, certified and regulated and affiliated institutions (colleges) that actually provided education, and were operated as private entities. The provincial governments prescribed policies that the universities implemented through setting standards, but the provincial governments provided no funding for or operational control over its affiliated private colleges. “[The British colonial administration] replicated the University of London ‘federal university’ system in which the university is an affiliating body for local colleges, and reports to its local government. The universities’ role was to support the goals of its constituent colleges by designing curricula, holding examinations and awarding degrees” (Carnoy and Dossani 2013, p. 4). As we shall show, this model, where universities operate mainly as a governance system, and relatively less as knowledge generating and disseminating or teaching bodies, has heavily influenced Indian higher education system until the present day.

In the later colonial period, provincial governments began to invest in relatively high-quality higher education, *albeit* at a limited level. They created state universities with which colleges were affiliated. Again, this set an important precedent: provincial governments would take the lead in expanding the higher education system—a policy trend that also continues to this day in modern India.

Once independent from British rule, in 1947, India became a federal state, with the union government at the central level, and constituent states (provinces) and union territories (local provinces administered by union government because of their special

¹ The first three universities, University of Bombay, University of Calcutta and the University of Madras were established in 1857.

characteristics) at the sub-national or local level.² As in other federal systems, the Constitution of independent India provided for considerable control over all education, including higher education, to constituent member states. This reflected the actual state of affairs under British rule, in which provinces were effectively in charge of university expansion and regulating public and private colleges affiliated with them. We shall argue that in spite of the legal provisions made in favour states over educational expansion, the same Constitution gave asymmetric power to India's union government to regulate higher education, and to shape its expansion. To what degree that happened in practice is an interesting question, and one which this chapter will try to answer.

There is an enormous amount of literature on various aspects of India's higher education system (Tilak 2008, 2010a; Kumar 1975; Altbach 2012; etc.). In this paper, we focus on the impact that the particular nature of Indian federalism has had on shaping of the higher education system and its expansion. In the next section, we describe the complex nature of the Indian federal system as outlined in the Constitution. In the following section, we analyse union-state relations in education more generally, and in Section 3, we describe the higher education system, including its rapid expansion over the last 30 years. In the process of analysing union-state relations, we highlight some of the important issues on which we find some kind of uneasiness, if not tensions between the state and the union government in their playing respective roles. In section 4, we describe the trends in financing higher education within the context of the Indian federal system, and the last section presents a short summary of the paper along with a few concluding observations.

The Indian 'Federal' System

The Indian federal system is more complex than federal systems in the United States, Canada and Australia. The Indian system does not possess all the features of a typical federation. For example, the Constitution of India does not use the term "federal." Nevertheless, the Constitution provides for a structure of governance which is essentially federal in nature. India is a "unitary state with federal features rather than

² Presently there are 29 states and seven union territories.

a federal State with subsidiary unitary features” (Wheare 1953, p. 20). In fact, India is “neither purely federal nor purely unitary, but is a combination of both. It is a union or composite state of a novel type. It enshrines the principles that, in spite of federation, the national interest ought to be paramount (Basu 1965, p. 55). Some have argued that India is a ‘quasi federal’ system because the Constitution accords so little autonomy in practice to the states (Hardgrave and Kochanek 1986, p. 44; Nair and Jain 2000).

The Constitution of India provides for separate governments at the level of the centre³ and the states with separate legislative, executive and judicial wings of governance. It also spells out in detail the legislative, administrative and financial relations between the union government and the states and demarcates their jurisdictions, powers and functions. This is done in three separate “lists” — List I, which is the Union List; List II, which is the State List; and List III, which is the Concurrent List.⁴ List I includes 99 items, all those subjects which are in the exclusive jurisdiction of the national Parliament. Subjects of national importance requiring a single legislation for the country as a whole and the areas which need to be under exclusive control of the union government, such as defense, armed forces, arms and ammunition, and external affairs, are included in the Union List. Other important examples are atomic energy, monetary affairs, coinage, banking and insurance, etc. These are matters in which the State legislatures have no say at all. There are also items dealing with inter-state matters like inter-state trade and commerce, regulation and development of inter-state rivers and river valleys, and inter-state migration, which have been placed under the jurisdiction of the Union Parliament. Certain other items in the

³ Though ‘union’ and not ‘central’ government is mentioned in the Constitution, the union government is often referred to as ‘central’ government.

⁴ The classification of education subject under three lists in the Constitution of independent India seem to be similar to the provisions made in the Government of India Act 1919 under the British rule, according to which education subject was “partly all India, partly reserved, partly transferred with limitations, and partly transferred without limitations” and those made in the Government of India Act 1935 that improved the anomalous position “considerably” by making a few areas of education federal subjects and retaining major areas of education as state subjects (Naik and Nurullah 1945, p. 365); but actually the union government obtained “a larger authority over education” than under the 1919 and 1935 Acts of Government of (British) India (Rao 1972, p. 179). In fact, during the British period, education including university was tossed between the federal and provincial governments, once the powers being granting to provinces and at another time centralizing the powers in the federal government, and again transferring them to the provinces and so on. See Tilak (1989) and also Carnoy and Dossani (2013).

Union List are of such a nature that they enable Parliament to assume a role in certain spheres in regard to subjects which are normally intended to be within the jurisdiction of the States, but a uniform legislation would be meaningful; one such example is that of industries, besides education, discussion on which is made in the subsequent sections. The Constitution states that “Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule.” Inclusion of items in the Union list had specific background and historical context, they being the concerns of national interest and national importance.

List II consists of all the subjects, numbering 61, that are under exclusive jurisdiction of the state Legislatures. The Legislature of any State has complete power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule. These subjects are of local importance, where a single law in the country as a whole may not be able to take into consideration variations that exist between different states; hence state law with respect to these subjects becomes necessary that can respond to local variations meaningfully. Finally, List III in the Seventh Schedule of the Constitution, called the Concurrent List, consists of 52 subjects that can be legislated by both the national parliament and the state legislatures. These matters are defined to be areas that state can make required legislation, and if all or many states follow, the subject would assume national importance and the union government makes common legislation to cover the entire country.

A crucial feature of the Concurrent list is that in the event of conflicts between state and central law, the latter always prevails (Hardgrave and Kochanek 1986, p. 146). Thus, the Concurrent list includes items on which both the union government and the state government can make legislation. The interpretation is that as long as there is no conflict between the two legislations, both co-exist, but if there is a conflict, the union government’s legislation prevails over the other. The Constitution states:

“If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to

enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, ... the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void.”⁵

Constitutionally, then, the union government and states have been envisaged as organically linked structures working together on cooperative principles. States are coordinate structures of the federal system rather than subordinate entities of the federal government. Union-state relations are premised on the principle of cooperative federalism.

However, within this basic framework of federalism, the Constitution has given overriding powers to the union government. States must exercise their executive power in compliance with the laws made by the union government and must not impede the executive power of the union within the states. The power of any state legislature to legislate with respect to matters enumerated in the State List has been made subject to the power of the national Parliament to legislate in respect of matters enumerated in the Union and Concurrent Lists, and the entries in the State List have to be interpreted accordingly. Article 246 of the Constitution also states that “Parliament has power to make laws with respect to any matter for any part of the territory of India not included in a State notwithstanding that such matter is a matter enumerated in the State List.” Considering, thus, the overriding powers given to the Union government, Indian federation has often been described as 'quasi-federation', 'semi-federation', 'pragmatic federation' or a 'federation with strong unitary features'.

The overall system of financial devolution by the union government to the states follows from this. Until recently, the union government provided for the transfer of resources collected through federal taxes from the union government to the states

⁵ The Constitution further states, “Where a law made by the Legislature of a State with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State”.

through two main organisations: the Planning Commission, which is a non-statutory body, and the Finance Commission, a statutory body. These two channels exist in addition to the union government's direct channel to make discrete transfers directly to the states. The Planning Commission's grants are essentially development ('plan') grants; they are negotiated transfers and are specific or tied to specific programmes/projects/schemes,⁶ while the Finance Commission makes grants for maintenance (or 'non-plan') purposes; they are lump sum and untied. States also receive the non-plan grants from the Finance Commission as a matter of right, rather than of grace or through negotiations. Obviously the source of revenues of both organisations is the Ministry of Finance. There are five types of taxes that come under the purview of the Finance Commission for consideration for devolution. They are: (i) taxes levied and collected by the union government, receipts of which are not shared with the states (e.g., customs duties corporate taxes); (ii) taxes levied and collected by the union government, receipts of which are *necessarily* shared with the states, based on certain formulae (e.g., income tax); (iii) taxes levied and collected by the union government, receipts of which *may* be shared with the states (e.g., excise on tobacco); (iv) taxes levied and collected by the union government, receipts of which are wholly transferable to the states (e.g., estate duty, tax on sale, and purchase of newspaper); and (v) taxes levied by the union government, but collected and used by the states (e.g., excise taxes on medicine and toiletries). Besides sharing these tax revenues, the Finance Commission provides grants and loans to the states. The existence of fiscal imbalances, inherent in most federal systems necessitate such a method of devolution of resources with an objective to "equalize" and promote regional balanced development, at the same time leaving adequate resources for the union government to address national issues. The mechanisms of devolution, the principles and criteria⁷ adopted and the amounts devolved have often been subject of discussion and discontent between the union government and the states in India.

⁶ The Planning Commission was also vested with the power of approving plans of the states, in principle, irrespective of funding by the Planning Commission.

⁷ The criteria are largely based on population, area, requirements for maintenance of assets, income distance and fiscal gap in the budgets of the states.

The available data on union-state shares in finances relating to any sector or all sectors combined refer to post-devolution of funds by the Finance Commission, as data on pre-devolution expenditures are hard to get. In other words, the figures for state expenditure in any sector are inclusive of transfers made by the union government through the Finance Commission.

*Union-State Relations in Education*⁸

Influenced by the general model adopted in the United States and the Hartog Committee recommendation in 1929 in British India, the framers of the Indian Constitution of independent India took a fundamental decision to treat education as a state subject and also to vest the residuary powers in education in the states by specifying the powers reserved for the union government in this field. Entry 11 of List II of the Seventh Schedule to the Constitution, lays down that “education including universities, subject to the provisions of Entries 63, 64, 65 and 66 of List I and Entry 25 of List III should be a state subject”.

Education, therefore, was mostly and explicitly listed as a state subject; at the same time, the Constitution delegated more educational responsibilities to the union government. The entry nos. 62, 63, 64, 65 and 66 in the Union list of the Seventh Schedule⁹ provide exclusive jurisdictional competence to the Union government in the specified areas — certain museums “of national importance,” certain “central”

⁸ On earlier writings on centre-state relations in education in India, see Naik (1963), Rao (1972), Baker (1976) and Tilak (1989).

⁹ *Entry No. 62:* The institutions known at the commencement of this Constitution as the National Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial and the Indian War Memorial, and any other like institution financed by the Government of India wholly or in part and declared by Parliament by law to be an institution of national importance.

Entry No. 63: The institutions known at the commencement of this Constitution as the Benares Hindu University, the Aligarh Muslim University and the Delhi University; the University established in pursuance of article 371E; any other institution declared by Parliament by law to be an institution of national importance.

Entry No. 64: Institutions for scientific or technical education financed by the Government of India wholly or in part and declared by Parliament by law to be institutions of national importance.

Entry No. 65: Union agencies and institutions for – (a) professional, vocational or technical training, including the training of police officer; or (b) the promotion of special studies or research; or (c) scientific or technical assistance in the investigation or detection of crime.

Entry No. 66: Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions.

universities, such as University of Delhi, and other universities and institutions of technical education declared by Parliament to be of national importance, or agencies that determine standards for institutions of higher education and of scientific research. In addition, Entry 20 of the concurrent list relating to economic and social planning empowers the union government to take a proactive role in giving direction to education in the desired areas.¹⁰

Thus, as per the Constitution, education is predominantly a state subject, but certain major functions are included in the union list and a few aspects in the concurrent list. The rest — the whole of school education and others were listed in the State list. Thus, education, both school and higher education, is virtually a responsibility of the state. The role of the union government is limited to playing an enabling role in terms of extending to the states cooperation and support of various kinds, including financial resources.

Though school education is a state subject, in respect of elementary education, the Constitution has made an exception. In view of the intimate relationship between the provision of universal free and compulsory education for all children and the successful working of a democracy, the Constitution decided to include it as a Directive Principle of State policy under Part IV, by stating that: “The State shall endeavour to provide within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of 14 years” (Article 45)¹¹, where the “state” in this case includes the union government, state governments, and local bodies.

¹⁰ See “Constitutional Provision: Centre-State Relations” (New Delhi: MHRD). <http://mhrd.gov.in/centre-state-relations>.

¹¹ In 2002 the Constitution was amended to make elementary education a fundamental right (Article 21A), following which in 2009, the national Parliament passed the Right to Free and Compulsory Education Act, covering elementary education. But for a few limited options made available to the states in implementation of its various provisions, the Act is rather uniformly applicable to all states and union territories – the entire India. Other important provisions made in this regard include Educational and Cultural Rights of Minorities specified under Articles 29 and 30, Article 45 directing state to make provision for early childhood care and education to children below the age of six years, Article 46 relating to promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections; Article 350A relating to facilities for

Similarly, the Constitution also makes it an obligatory responsibility of the union government to promote the educational interests of the weaker sections of the people by stating: “The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation” (Article 46). By “weaker sections”, the Constitution meant not only scheduled castes and scheduled tribes, but also women and girls and people lagging in socio-economic and cultural development. This Article in the Constitution makes it a responsibility of the union government to bring about equalisation of educational opportunities in all parts of the country and, to that end, to give special assistance to the populous states, and backward areas or less developed states.

When we consider all the provisions of the Constitution which have bearing on education, including ‘exceptions’, there appear to be some basic contradictions in the role assigned to the union government. On the one hand, the Constitution takes the simple stand that education, with all residuary powers, is a state subject *except* for a few special aspects specified within the Constitution itself. But in reality, it vested the union government with huge amounts of strong residuary powers and responsibilities, through these major “exceptions.” Instances could be seen in the union government’s role in provision of free and compulsory education, on account of its cost and significance (Article 45); equalization of educational opportunities between different geographical areas or different sections of society (Article 46); safeguarding the cultural interests of the minority and provision of adequate facilities to receive at least primary education through their own mother-tongue (Article 350A), and other such functions.

Further, the need for planned development of higher education made it necessary to authorise the union government to coordinate and determine standards in universities and scientific, technical, or research institutions (Entry 66 of List I). This gave the union government considerable power over all aspects of higher education, as

instruction in mother-tongue at primary stage; and Article 351 ‘directive’ for development of the Hindi language.

we argue later. Because of factors such as the high costs of university education and costs of scientific research, the difficulty of attracting talented teaching personnel, and the importance of international collaboration to do high quality research and to train students in technical fields, scientific research, technical education, and the higher types of professional and vocational education, jurisdiction over higher education and vocational & technical education had also to be assigned to the union government (Entries 64 and 65 of List I).

Finally, a very powerful means of control by the union government was created when ‘economic and social planning’ was made a concurrent responsibility (Entry 20 of List III). This has an indirect but significant bearing upon the union government’s role in education. It implies that the union government has a constitutional responsibility for economic and social development of the country as a whole. Given that economic and social development is intimately related to several sectors including, specifically education, the union government, which is responsible for the economic and social planning of the country, cannot divest itself of a major responsibility in determining corresponding educational policies to realize its economic and social objectives. In addition, the concurrent list also includes *Entry No. 25* that mentions education, including technical education, medical education and universities, subject to the provisions of *Entries 63, 64, 65 and 66 of List I*; and vocational and technical training of labour.

These several provisions, described by many as ‘exceptions,’ are so large that they circumscribe the constituent states authority over education, and make it look more like a ‘joint’ responsibility than strictly a state preserve. Most importantly, it is widely felt that the Constitutional provisions were implicitly favouring a “strong centre.”

With the 42nd amendment to the Constitution in 1976 (in addition to the earlier Third and the Seventh amendments made respectively in 1954 and 1956), the jurisdictional roles of the union and state governments have been altered very

drastically in case of many areas, including in education.¹² The amendment is sometimes construed as a major departure from the original spirit of placing education under the state list, as education as a whole in India has been brought jurisdictionally under the concurrent list. By bringing education as a whole into the concurrent list, the union government became, in a sense, a permanent partner of state governments in education development. Besides the power and responsibilities specifically listed under the union and concurrent lists of the Seventh Schedule, there are many other important provisions in the Constitution which mandate both levels of government to ensure compliance of the constitutional provisions. As MHRD (2016b, p. 4) noted, the objective was to give “equal primacy to both the central and state governments as partners in furthering the education goals in a cohesive manner.” In short, under present legislation, education is considered not only as a joint responsibility, but almost like a ‘partnership’ in which the union government plays a very crucial, if not dominant, role in education. Both union and state governments have “overlapping” responsibilities for policy making in education, and in case of conflict, the legislation of the union government prevails.

Actual policy issues and plans relating to national development plan are discussed and approved in the National Development Council, an inter-state council, set up in 1952 through an executive order as a non-statutory body, consisting of the all states (chief ministers) and union territories along with the Prime Minister, the union cabinet ministers, and members of the Planning Commission,¹³ which serves as an important platform for consultations between the states and the union government. Besides the National Development Council, specifically in the area of education, the Central Advisory Board of Education (CABE) forms a similar platform for policy discourse. Originally set up in 1920, after education was made a provincial and transferred subject in the *Government of India Act, 1919* in the British India, the CABE,

¹² Today the entries in the Union List number 97, those in the States List 66 and the Concurrent List has 52 items in 47 entries.

¹³ The Planning Commission was replaced by a new body, called NITI Ayog – National Institution for Transforming India, in 2015. It is widely felt that the National Development Council will also stand abolished. See “NDC to be scrapped, NITI Ayog council likely to get its powers,” *the Hindu* (1 January 2016) <http://www.thehindu.com/news/national/ndc-to-be-scrapped-niti-aayog-council-likely-to-get-its-powers/article8051108.ece>.

consisting of representatives of all states and the union government, besides education experts, is the highest advisory body to facilitate interactions between the union and state governments and advise them in the field of education and to enable them to come to a consensus.

Apart from policy making, planning and regulation, the areas that we discuss in the following sections focusing on higher education, there are three ways in which the union government makes specific interventions in education. They are:

- *The central sector* in education, consisting of e.g., central universities, central schools (in school education), National Council of Educational Research and Training, Regional Colleges (Institutes) of Education, other central institutions, like the Central Board of Secondary Education (CBSE),¹⁴ National Institute of Open Schooling, University Grants Commission (UGC), Indian Council of Social Science Research, Indian Council of Historical Research, Indian Council Philosophical Research, national professorship and national scholarships and related programmes all of which are under the exclusive jurisdiction of the union government; the responsibility of financing, planning, implementation and every aspect of these institutions and programmes lies with the union government.
- *The centrally sponsored sector*, which includes items/areas where the union government assumes responsibility of planning/development/design and funding, and the state government is responsible for their execution or implementation. These are the areas for which the states do not necessarily accept responsibility on their own; the union government persuades the states to accept responsibility for their implementation and they are normally 100% funded by the union government.

¹⁴ The CBSE works like a regulating body in secondary education, providing recognition and affiliation to secondary schools, prescribing curriculum and syllabus, conducts national examinations at the end of secondary and higher secondary levels of education etc. While all central schools – schools established by the union government are affiliated to the CBSE, states also have their own State boards of secondary/higher secondary education, to which all government schools in the state affiliated. Private schools in the states have an option to get affiliated to either the state board or the central board. Generally the CBSE syllabus is found to be of high quality and standards, and hence a good number of high quality private schools opt for affiliation with the CBSE instead of with state board.

Examples include promotion of Sanskrit, Hindi in non-Hindi speaking states, and promotion of students' tours and excursions.

- *The centrally assisted sector*, which includes programs in which the union government is actively interested, but which are embodied in state plans and for which financing responsibilities are shared by the union and the state government in varying proportions (e.g., enrolment of handicapped students in the integrated schools).

Over the years, the distinction between centrally sponsored schemes and centrally assisted schemes disappeared, and these schemes are referred to as centrally sponsored schemes. Union-state shares in the funding of the centrally sponsored schemes in education varied from 100 per cent, 90-10 per cent, 75-25 per cent, 70-30 per cent, 65-35, 60-40 per cent and 50-50 per cent during different phases of a given scheme. Presently major centrally sponsored schemes in education sector include Sarva Shiksha Abhiyan, an umbrella scheme in the area of elementary education, mid-day meals, Rashtriya Madhyamik Shiksha Abhiyan (RMSA) in secondary education, Rashtriya Uchchar Shiksha Abhiyan (RUSA) in the area of higher education. Some other important schemes in higher education include scholarship schemes, construction of hostels for weaker sections, teacher fellowships etc.

The very purpose of centrally sponsored schemes is to utilize the financial resources of the union government and the administrative machinery available in the states (Chaturvedi 2011, p. 63), specifically in case of those activities which the union government considers important for the country, serving different national goals such as national integration, uniformity, and national level standards. Wide inter-state variations that would result, if not attended by the union government, in such activities are regarded not desirable.

However, over the years, these central schemes formed an area of tension in the union-state relations. The states' reservations and resentment was mainly on account of the large number of central schemes, involving a great deal of funds, designed by the union government mainly in subjects enumerated in state/concurrent list of the

Constitution, but are implemented by the States. These schemes are criticised to be reducing state autonomy and allowing not much regional flexibility. Further with the matching nature of these schemes they also strain and necessitate redirecting of state funds from the programmes of their own.

Higher Education

Size and Structure

Independent India inherited from the colonial past, a higher education system, which was severely restricted to a minuscule percentage of the college age population—indeed, the entire Indian education system had a narrow base of students. During the entire colonial period, from 1857 to 1947, barely 20 universities were set up; and there were less than 500 colleges in 1947 when the country became independent, with a student population much below 200 thousand. During the last six decades India has made impressive progress in terms of expansion of higher education. Today, Indian higher education system is the second largest in the world with 757 universities, 40,760 colleges, and with nearly 30 million regular students, who form 23.6 per cent of the 18-23 age-group population of the country. The higher education system employed approximately 1.4 million teachers in 2014-15.

Table 1
Growth of Higher Education in India

Year	Universities	Colleges (000s)	Enrolment (million)
1857-58	3	27	250*
1947-48	20	496	0.2
1950-51	28	578	0.2
1990-91	184	6,627	4.4
2000-01	254	10,152	8.6
2014-15	757	38,056	29.4

* Actual number

Source: *Education in India, All-India Survey of Higher Education* and *UGC Annual Report* (various years)

The second largest system is also a highly complex system. There is a wide variety of higher education institutions including conventional universities, colleges and special categories of university equivalent institutions. At present, the main categories

of university and university-level institutions are: central universities, state universities, deemed-to-be universities, national institutions of importance and other university-level institutions. A central university is a university established or incorporated by an act of the union government. The union government provides grants to the UGC and establishes central universities and institutions of national importance in the country. A state university is a university established or incorporated by a state act. A private university is established through a state/central act by a sponsoring body, that is, a society registered under the Societies Registration Act of 1860, or any other corresponding law currently in force in a state or a public trust or a company registered under Section 25 of the Companies Act, 1956. In addition, there are three other types of university level institutions. An institution “deemed to be university,” commonly known as deemed university, refers to an institution, which has been so declared by the union government under Section 3 of the UGC Act, 1956. The union government is also responsible for declaring an educational institution as "deemed-to-be university" on the recommendation of the UGC. Today we have deemed universities set up state legislature, some of which are financially supported by state and some not. An institution of national importance is established by an Act of Parliament. An institution of a similar kind is established or incorporated by a state legislature act.

In all, there are 162 institutions under the union government, which form 21 per cent of all university/university level institutions in the country in 2014-15. There are more than 160 deemed universities, about one fourth of them are set up by the union government. As many as 267 universities in the country are private institutions, accounting for 35 per cent of all such institutions.

Table 2
India: All Universities, by Type, 2007/08 – 2014/15

Type of Institution	2007-08	2011-12	2014-15
Central Institutions			
Central Universities	28	42	43
Govt. Deemed Universities	(see below)	39	43
Central Open Universities	1	1	1
Institutions of National Importance	33	59	69
Others	..	..	6
State Institutions			
State Public Universities	222	284	316
State Deemed Universities	102*	91	37
State Open Universities	-	13	13
Institutions under State Legislation	5	5	5
State Private Universities	16	105	176
Private Deemed Universities-aided	-	-	11
Private deemed (unaided)	-	-	79
State Private Open Universities	-	-	1
Others		3	..
Total	406	642	757

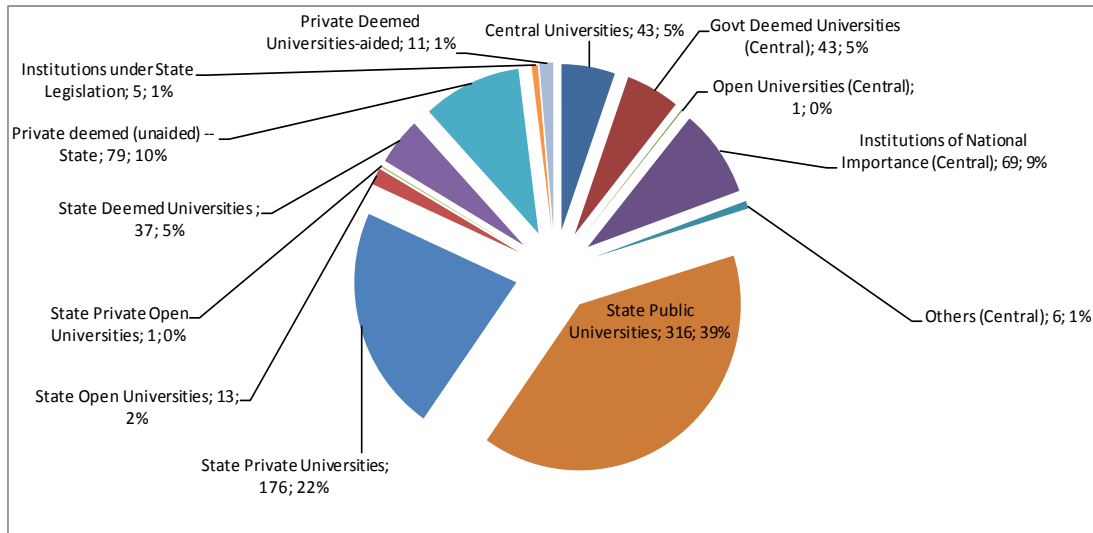
Source: Ministry of Human Resource Development (MHRD). *Statistics of Higher and Technical Education, 2007-2008. All-India Survey of Higher Education, 2014-15.*

Note: * Central and state deemed universities combined.

- Nil; not available

In addition to the above university and university equivalent institutions, higher education is offered in colleges, many of which offer undergraduate (bachelor's level) education and a few offer masters' level programmes. Among the colleges, there are government colleges, government-aided private colleges and private unaided or self-financing colleges. Every college is necessarily affiliated to one public – central or state university or other.

Figure 2
Central and State Universities and University level Institutions, 2014-15



Source: All-India Survey of Higher Education 2014-15. New Delhi (MHRD 2016b)

Except for about 100 colleges which are affiliated to (or constituent of) 2-3 central universities, viz., the University of Delhi, Banaras Hindu University and Aligarh Muslim University, almost all colleges in India are affiliated with state universities. In all, central institutions are relatively very few in number—162 university and university level institutions, with their 100 colleges—compared to nearly 600 state universities and university level institutions of higher education, with their 40,000 affiliated colleges. In this sense, the Indian higher education system is, highly decentralized, with the vast majority of students attending colleges that are affiliated with state universities or attending state universities themselves. Most of the colleges offer only first degree courses of study, while universities mostly offer masters’ level programmes and research studies in their campuses. Exceptions to both are very few.

The higher education system in India is predominantly dominated by undergraduate education – first degree level studies. In 2014-15, about 80 per cent of the students are enrolled in undergraduate level programmes and about 20 per cent in master’s level and higher level programmes (postgraduate or second degree programmes). A very small per cent, 0.34 per cent of the total students are enrolled in doctoral study programmes. Bachelor’s degree programmes are concentrated in colleges. There are a very small number of post graduate colleges that offer master’s

level and research programmes. Very few universities offer bachelors degree programmes in their teaching departments. So it can be stated that a very significant part of higher education takes place in colleges in India and only a small part in universities directly. But as we describe later, universities are responsible for curriculum and other academic aspects of colleges. It was estimated that 84.4 per cent of the students in higher education in India are enrolled in colleges and only 15.6 per cent in universities in 2014-15 (MHRD 2015).

Although the growth in student numbers from less than 200 thousand in 1950-51 to 29.4 million in 2014-15 represents massive growth in India's higher education system, the proportion of the age cohort (18-23 years-old) attending higher education institutions is very low: 24 per cent in 2014-15, it was below 9 per cent at the turn of the century. Moreover, this gross enrolment ratio varied greatly among states in 2014-15, from 56 per cent in Chandigarh, above 40 per cent in Puducherry, Tamil Nadu and Delhi, and below 15 per cent in Chhattisgarh, Jharkhand and between 15 and 20 per cent in West Bengal, Madhya Pradesh, Assam, Tripura and Bihar among major states. This is partly related to the proportion of the population living in rural areas, because estimates in 2005–2006 placed the gross enrolment ratio in higher education at about 7 percent in rural areas and 20 percent in urban areas (MHRD 2010; UGC 2008).¹⁵

Central universities, institutions of national importance and other institutions (including institutions deemed to be universities, institutions of national importance, colleges normally affiliated to or constituents of central universities, research laboratories, social science institutions, Indian Institutes of Technology, Indian Institutes of Management, etc.) listed under the union list are exclusively and totally under the jurisdiction of the union government. State universities, state institutions, deemed to be private universities, and private universities, broadly operate within the given framework of state legislation, and all traditionally enjoying institutional autonomy in governance. However, they are still subject to three level structures of governance: institutional governance structure at the institutional level, control of the

¹⁵ Other statistics worth noting: the gross enrolment ratio for women is somewhat lower than for men, 24.5 per cent for men versus 22.7 per cent for women in 2014-15, but this difference seems to be closing over the years.

state government/state agencies, and, ultimately, regulation by the union government through a variety of regulating mechanisms each devoted to a specific area like general university education, technical education, teacher education and so on.

Table 3
India: Enrolment and Gross Enrolment Ratio in Higher Education
2002-03 and 2014-15 (Distance Education Excluded)

Year	Academic Year 2002-03		Academic Year 2014-15	
	Enrolment (000s)	Percent of 18-23 Years- Old Population (%)	Enrolment (000s)	Percent of 18-23 Year- Old Population (%)
Andhra Pradesh	751.5	9.51	1,367.0	29.9
Arunachal Pradesh	5.4	6.37	31.6	26.0
Assam	201.1	8.67	442.5	16.8
Bihar	494.0	7.30	1,314.0	12.9
Chhattisgarh	152.8	7.27	381.5	14.4
Delhi	172.2	10.94	364.2	43.3
Goa	19.4	13.47	38.4	27.7
Gujarat	519.0	9.65	1,352.4	20.1
Haryana	249.1	10.56	868.7	27.9
Himachal Pradesh	89.9	12.76	196.0	30.4
Jammu & Kashmir	59.6	4.95	260.4	26.0
Jharkhand	197.3	8.12	462.6	13.4
Karnataka	557.6	9.92	1,742.0	26.1
Kerala	251.2	7.66	673.6	27.0
Madhya Pradesh	474.8	7.77	1,491.7	19.6
Maharashtra	1258.2	12.30	3,240.2	27.6
Manipur	36.4	13.19	104.8	38.5
Meghalaya	29.2	10.94	64.9	21.0
Mizoram	11.2	9.51	23.4	23.9
Nagaland	12.3	4.33	29.2	15.6
Orissa	345.1	8.71	781.0	17.5
Punjab	243.7	8.53	811.6	26.0
Rajasthan	363.2	8.77	1,593.0	19.7
Sikkim	4.1	6.29	15.7	29.4
Tamil Nadu	713.0	10.91	2,772.0	44.8
Tripura	20.1	5.84	61.7	16.4
Uttar Pradesh	1177.8	7.03	5,219.7	22.1
Uttaranchal	115.3	12.25	394.8	34.9
West Bengal	648.2	8.21	1,677.7	17.1
Chandigarh	33.9	26.68	65.7	55.6
Pondicherry	18.2	17.88	58.0	45.8
All India	9,227.8	8.97	29,383.8	23.6
Coef. of Variation		0.4267		0.3959

Source: UGC Annual Report 2002-03; Education in India and All-India Survey of Higher Education 2014-15.

What are the regulatory agencies? The union government established several other central regulatory and funding agencies like the UGC. Today, there are in all, as many as 15 regulating bodies, besides the UGC. They are: All-India Council for Technical Education (AICTE), National Council for Teacher Education (NCTE), National Assessment and Accreditation Council (NAAC), National Board of Accreditation (NBA), Medical Council of India (MCI), Dental Council of India, Pharmacy Council of India, Bar Council of India, Council of Architecture, Veterinary Council, and so on, besides the Ministries of Human Resource Development (Education) (MHRD), Agriculture, Health, Science and Technology, Social Welfare, etc., which exercise direct and indirect supervisory and other regulating functions. Other organisations, such as the Association of Indian Universities, do not have any executive powers. The UGC, besides getting engaged in coordination, determination and maintenance of standards in higher education, particularly in universities and colleges, prescribes rules/regulations and other conditions for these institutions to follow; it also provides funds to these institutions. The AICTE is mainly concerned with regulation of technical education – engineering, technology architecture, management, pharmacy etc. Other professional bodies such as the MCI, the Bar Council of India, and the Veterinary Council of India are concerned with their respective areas of study. They regulate the establishment of new institutions, determine standards, and stipulate conditions for entry of graduates to specific professions. NAAC was set up by the UGC to assess and accredit institutions of higher learning in the country, and the National Board of Accreditation, created by the NAAC for the same purpose, concentrates on technical institutions. Thus, there are multiple organisations at the central level that are responsible for regulating growth as well as quality and standards in higher education. Both central and state institutions are subject to regulation by these central bodies. State institutions are subject to additional regulation by state governments – ministries/directorates of higher education and state level bodies such as the State Council of Higher Education.

Relative Priorities of the Union and the States: Quality and Quantity

As noted earlier, higher education has been under the three lists in the Constitution since 1950. Higher education is the shared responsibility of both the Centre and the States. But they seemed to have exercised their powers and responsibilities in different areas.

During the first two decades after independence, the union government used its Constitutionally guaranteed powers to establish high quality, central institutions such as central universities, the Indian Institutes of Technology, Indian Institutes of Management, and science and research laboratories. Its interest in the quality and standards in university education is clear when it set up the University Education Commission immediately after independence in 1948, UGC in 1956, and other institutions.¹⁶

Secondly, the union government established regulatory and funding bodies like the UGC to ensure coordination, quality and standards in the higher education system as a whole. For the same purpose of better planning, coordination and maintenance of quality and standards in different areas of higher education, including in some cases relating their concerned professions, several regulating bodies were set up. Thirdly, the central institutions were relatively well funded, with the government paying, mostly through the UGC, capital and operational – the entire costs. These institutions were encouraged to attract talented faculty and to devote time and resources to high quality research and high quality teaching programmes. Fourthly, central universities having no burden of affiliated colleges – a couple of them have a few constituent colleges, and more importantly having mainly master's level teaching programmes and research programmes, as we describe later in detail, could concentrate on quality teaching programmes and advanced research activities.

Looking at these several efforts, one can state that in a sense, the union government focused its attention on quality higher education at least during the initial decades after independence.

¹⁶ It also set up the Secondary Education Commission in 1952.

The states, in turn, put premium on expanding access rather than on maintaining quality. State governments established a large number of state universities and government colleges and also helped in the expansion of private colleges by providing finances to them through a mechanism of ‘grants-in-aid.’ A major part of the development expenditure of the state universities and colleges is met by the UGC, while state government finances most of the operational costs. The funds from the union government are used by the states essentially for expansion of state systems of higher education and only secondarily for quality related programmes in those systems, while state funds are targeted for the maintenance of the institutions.

During the last several decades, both the union government and the states directly expanded higher education. But the driver for the union government was to produce graduates of adequate quality to meet the needs of the industrialized economy that was yet to emerge, a consideration which was partly shared by the states as well. On the other hand, states found expansion of higher education – public as well as government-supported private – more politically rewarding and hence adopted popular measure of expanding general, less expensive and even low quality higher education institutions (Carnoy and Dossani 2013).

The tension between the need to respond to democratic pressures for expansion of “mass” higher education at the state level and the need to meet “national objectives” by developing well-funded, high-quality higher education institutions at the central level managed by the Union Ministry of Education as well as using central agencies to regulate standards for the poorer-quality universities, run by the states, has continued to the present day within the context of India’s asymmetric federal system.

With governance structures controlled by local politicians and popular pressures, and with increasing budgetary constraints, states find no choice but to continue to expanding higher education, including specifically private unaided colleges. In fact in view of severe resource constraints, the union government gave tacit approval to the states to permit major growth in the number of private unaided colleges in the states, and also at the same tacitly approved increase in cost recovery through student fees and

student loans both in state and central institutions (Tilak 1999). The result has been expansion without regard for greater equity or quality.

Equity: India's Affirmative Action

Not only with respect to quality and standards in higher education, the union government has also a responsibility, drawing from the Article 46 of the Constitution, to promote interests of the weaker sections and to ensure equality of opportunity in education. As in other countries (Brazil, Mexico, and the United States of America), the union government in India played the important role of responding to the demands of marginalized groups for greater access to higher education. To correct historical disadvantages suffered by certain social groups of the population identified by caste categories, the Constitution provides for reservation (quotas) of a good proportion of admissions in higher education to certain caste groups listed as Scheduled Castes, Scheduled Tribes and Other Backward Communities.¹⁷ Parliament made laws creating quotas for disadvantaged castes in both public and private institutions, including in employment, and required states to set lower standards for admission and lower tuition rates for such students. Based on the composition of the total population, the following proportions are reserved for these respective groups:

Scheduled Castes	15%
Scheduled Tribes	7.5%
Other Backward Communities	27%
<i>Total reservation (as provided in the Constitution)</i>	49.5%

These proportions are more or less proportionate to their representation in the total population. In addition, there is also reservation for physically challenged students to the extent of 3.0 per cent of the total admissions. In almost all cases, lower cut-offs in the scores in entrance tests and also in the qualifying examinations are used for

¹⁷ In fact, the history of affirmative action of extending privileges to socially backward castes dates back to 1882 (as recommended by the Hunter Commission) and subsequently the Government of India Act 1935 (based on the Poona pact between Mahatma Gandhi and Dr. B. R. Ambedkar) (Basant and Sen 2011). Southern states were the front runners in making their own list of backward castes. Moreover, the affirmative action through scholarship schemes to increase access to tertiary education became more visible during the ninth five year plan (1997-2002).

admission of these less advantaged groups of students. Further, additional support in terms of extra teaching is offered in many public institutions; and support in the form of special educators and rehabilitation professionals (for physically challenged) are also available. UGC provides special financial assistance for some of these activities.

These provisions enacted by the national Parliament are applicable to not only central institutions of higher education, but also in state institutions. They are, however, not applied to private unaided institutions. A few states have introduced fee reimbursement/waiver system for weaker sections in higher education institutions including in private institutions, as a result of which many private institutions provide admissions in those states to weaker sections and get reimbursement of fees from the states, which is a major source of income of those institutions. This also encourages opening of more and more private colleges, as the growth in private aided colleges has been no more encouraged. State governments find this politically attractive, as it allowed expansion of higher education, and through this seemed to have mobilised big vote banks among students and private education entrepreneurs.

The reservation policies are a matter of extensive research. Many studies have found that they have been very effective in improving access of the weaker sections of society to higher education in India (Weisskoff 2004); while some studies have also noted that these policies have not been adequate in improving completion rates either at high school or university levels or both. There are also strong arguments against these reservation policies. They are argued to be obstructive of the fair selection of students to higher education on the basis of merit. It is argued that the social backwardness of these groups pertaining to their educational attainments does not automatically establish the case for their 'unfair' access to higher education. Further, it is argued that the practice of reservation favours the elites' access to higher education excluding the really disadvantaged (Swaminathan 2006). In fact, it is well established that the difference in deficits in households and the individual characteristics of eligible populations including those from socio-religious disadvantaged groups who cross the threshold of school education are negligible (e.g. Azam and Blom 2009). Hence affirmative action like reservation in tertiary education would favour the upper strata of the

underprivileged who are not much different from those of the general population. Reservation in higher education would thus promote hierarchy and inequality among the underprivileged rather than improving equity in tertiary education. It is simply not possible to address the issue of social equity in tertiary education through affirmative action as it is conditional on the level of equity achieved in the school education sector.

Over the years, the overall size of the reserved categories in total admissions in higher education has increased. For example, ‘other backward castes’ was added as a group only in the 1990s. There have been demands and corresponding public action to add many other castes to the lists of scheduled castes or other backward castes. Further, while the Constitution of India (1950) had provided for reservation for only a 10-year period, that is, up to 1960, it is repeatedly extended and continued indefinitely. Vote bank politics is believed to be the main factor responsible for this situation — both for extension of the date and also for expanding the group of ‘backward classes’ (see Gupta 2006). There are also equally strong arguments in favour of such caste base reservations and their continuation (Deshpande 2006; Ghosh 2006). Some (e.g., Mehta 2004) argue that there is no educational, economic or social rationale for the policy. Others (e.g. Bertrand *et al* 2010) argue strongly for replacing caste with income/economic level as the basis for reservation. Income is also viewed as a progressive measure compared to caste which is considered a social stigma. Exclusion of the ‘creamy layer’ (persons in the upper levels of backward sections of society) from the general reservation policy has not been very effective. Further, according to the opponents of reservation, (e.g. Indiresan 2009; Mahajan 2009) as there is no educational reason for it, reservation results in dilution, if not serious erosion of the quality and standards in higher education and its overall competitive strength. Certainly, the reservation policy sows seeds of discontent among middle and upper castes and causes growth in class tensions. Given that demand exceeds supply for higher education in good quality institutions, and taking into account rising costs and the reservation policy, those who can afford it often travel

to other countries for their higher education, though such numbers are small relative to the huge number of enrolments in higher education in the country.¹⁸

Thus, the literature is full of arguments on both sides. It only suggests the need for a fresh look at the issue of reservation. The Supreme Court of India recently advised the union government not to relax admission criteria for weaker sections, as it would dilute merit.¹⁹ But both union government and the states find that it would be politically costly to go against the reservation policies. Some states vie with the union government and other states, and provide reservations beyond the levels prescribed by the union government. For example, Tamil Nadu provides reservations for 69 per cent, while the Supreme Court put a cap at 50 per cent. Similarly some states (for example, Kerala and Andhra Pradesh) compete with other states to introduce reservations for minority religious groups, particularly Muslims in higher education and in employment. In some cases, courts turned down state legislations in this regard. However, states seem to continue to pursue such approaches.

'Control' of Higher Education

It is generally interpreted that under the provision of coordination and maintenance of quality and standards in higher education, almost all aspects of higher education are, in practice, under the control of the union government. The 'guidelines' of the union government or UGC, which are *de facto* taken as prescriptions, are indeed too many. For example, teachers and their service conditions. The UGC prescribes almost everything, from the pay scales for teachers in higher education, and their eligibility requirements, to teaching load (working hours). The UGC-prescribed pay scales are applicable to central as well as state institutions, including affiliated colleges. The teachers' salaries are uniform throughout the country. Teachers in the central universities are appointed by the universities; and their not only salaries, but also service conditions are uniform among all, as they are prescribed by the UGC. But in

¹⁸ About 200 thousand students from India go abroad a year, compared to nearly 30 million students who study within the country.

¹⁹ "Supreme Court tells Modi Govt. to scrap reservations from institutes of higher education" (DNA India), <http://www.dnaindia.com/india/report-supreme-court-tells-modi-govt-to-scrap-reservations-from-institutes-of-higher-education-2139383>.

case of teachers in state universities they are appointed by the respective universities, and the teachers in the colleges are appointed by the respective state governments. While pay scales are same as those of the central universities, the service conditions in state institutions are decided by the respective state governments. The service conditions include age of retirement, retirement benefits, working days, leave and other benefits. While the salaries are prescribed by the UGC, and are periodically revised, the states find it often hard to pay those high salaries, and often opt only to delay implementing payment of the revised pay scales. No state can afford to reject these proposals outright.

The eligibility qualifications for all university teachers in higher education – central as well as state — and also their promotions in their career are largely determined by the UGC. One of the eligibility conditions that were prescribed by the UGC for the teachers in the universities is a pass in national eligibility test in the concerned subject, conducted by a designated central agency on behalf of the UGC. Almost all states opted to conduct their own similar tests – state level eligibility test. Aspiring teachers in the states have an option to choose either the national test or the test prescribed by the given state. Graduates who pass in the national eligibility test can apply for a teaching post in any central or state university or college in India, while those succeed in a state eligibility test are eligible for employment in the given state only.

Similarly, for admission in higher professional education institutions, national level entrance tests are conducted, e.g., the Joint Entrance Examination (JEE) for admission in engineering courses at bachelor's level, National Entrance Eligibility Test (NEET) for courses in medicine and Management Aptitude Test (MAT) for admission in management courses of study in management institutions and Common Admission Test(CAT) in institutions like the Indian Institutes of Technology, All-India Institute of Medical Sciences, and Indian Institutes of Management respectively, but these test results/rank scores are used by some states as well for admission in their own institutes. States also conduct similar entrance tests at state level for admission in state institutions – public and private. Given that students appear for national entrance test and also often

tests conducted by several states, as admission is not guaranteed in any institution, to avoid inconvenience to the students, in the recent past there were moves to have only one national level test for a discipline, conducted by a central agency. The states/institutions resent such a move, citing that it erodes their autonomy. Courts also entered into the scene and the issue is yet to be resolved. The Supreme Court prescribed a centralised entrance test for admission in medicine in 2016. The union government favoured it; but states opposed it on the ground that students graduating from different state board prescribed examinations at senior secondary level would not be able to compete with students graduating under CBSE syllabus; conducting of the common entrance examination in English will put many students who studied in local regional language at a disadvantage; and most importantly, it would infringe on the rights of the states (Rajalakshmi 2016) and of the private institutions. The opposition of the states is not just symbolic, as they would lose control over the entrance test, the admissions, and associated gains, they lose money, as revenues from admission-cum-entrance test fees are quite high to the states and private institutions, and thirdly, the importance of the state Board examination might get further minimized (Tilak 2012). The union government was to succumb to the pressures of the states and the private players and finally passed an ordinance invalidating the Supreme Court order at least for the time being.

Yet another example refers to State Councils of Higher Education. The union government suggested, as per the National Policy on Education 1986, setting up State Councils of Higher Education in every state. But until recently just five states did so, Tamil Nadu and Andhra Pradesh being the first to set up, followed by Kerala, West Bengal and Uttar Pradesh. Now under a new centrally sponsored scheme, called *Rashtriya Uchatar Shiksha Abhiyan*, described later, the union government made it mandatory for every state to set up the Council, and states began only now doing so. Similarly until the UGC recently made accreditation and assessment by the NAAC mandatory for all universities and colleges, very few universities and colleges voluntarily opted for the same. By December 2014, just 192 universities and 5627 colleges were accredited (NAAC 2014). Some refused and many did not choose to go for accreditation. State governments and also union government did not bother much.

With regard to student fees, we may note that when a UGC Committee (2003) suggested for raising student fees to cover about 20 per cent of the current expenditure of the central universities, many states also welcomed this measure for implementation in the state universities. Though the recommendation of the UGC (1993) committee, or a similar recommendation by the AICTE committee (1994) are strictly enforced neither in the central universities nor in state universities, many universities did attempt to reach and even to cross the goal given by the committees of the central bodies. As students oppose such moves, state governments/universities cite the central committee recommendations as “compelling” norms.

Thus, in some cases, states look forward to the union government or central agencies for ‘guidelines’, or even ‘orders’ rather than doing the same on their own. This may be because that some of the states may be too weak to have a long term perspective on developing higher education on their own, and/or because many of the central initiatives are followed by some funding support, and hence the states consider them worth waiting for.

Thus, though higher education is listed in the three lists in the Constitution, higher education has consistently been treated politically as the shared responsibility of both the union government and the states, and has been subject to the pushes and pulls of political power struggles between the union government and the states, with the union government playing a major role in policy making, in prescribing rules and regulations, even curricula and other aspects and the state governments playing an important role in implementing them.

With so many kinds of interventionist mechanisms of the central regulating bodies, it is widely argued that higher education is effectively under the control of the union government. It is telling, however, that, in reality, over the years the union government seemed to have lost control over state policies to a great extent, with the states setting up more and more state universities and colleges without necessarily strictly adhering to the norms prescribed by the UGC, AICTE, NCTE or MCI on the one hand, and allowing growth of private colleges, particularly ‘unaided’ colleges.

The complexity of the system is greater, as education is a concurrent subject, with the union government and the state governments simultaneously having responsibilities for everything, including specifically policy making, planning, regulation, monitoring, financing and its delivery. The roles of the union and state governments specifically in case of higher education do sometimes clash with each other. University as a legislative head is in the state list of the Constitution, requiring the states to be involved in policy making, planning, administration and overall development of higher education.²⁰ At the same time, as the Supreme Court of India announced in its judgement 2004 on Private Universities in Chhattisgarh,²¹ a vast gamut of higher education including teaching, quality of education being imparted, curriculum, standard of examination and evaluation and also research activity, “will not come within the purview of the state legislature, on account of a specific entry on coordination and determination of standards in institutions for higher education or research and scientific and technical education being in the Union list.” Thus, the demarcation between the roles of the Union and the state governments becomes very difficult and is subject to different interpretations.

Private Universities and Colleges

Emergence of private universities in India presents an interesting story on the union-state power relations, and how the clause of concurrency has been invoked, used (or misused), and on how the role of the UGC, the main central body has been minimised. Until a few years ago, there were only central and state government universities in the country, in addition to a few deemed universities. For a long period, private universities are not allowed at all as per the union and state laws relating to higher education in India. After the introduction of neoliberal economic policies in the early 1990s, pressures to open higher education sector to private players became strong. Public universities were also having limited capacity to meet increasing demand. Union

²⁰ Some states have instituted their own commissions and committees on higher education, and even made their own policies on higher education, initiated their own programmes; but they hardly conflict with national policies, and programmes seven though in practice and emphasis one finds some variation.

²¹ “Supreme Court Judgment on Private Universities in Chhattisgarh,” (UGC)
<http://www.ugc.ac.in/subpage/Supreme-Court-Judgment-Chhattisgarh.aspx>

government felt the need to make legislation for the establishment of private universities. Accordingly the union government prepared a *Private Universities Bill* (Government of India 1995) and introduced in the national Parliament in August 1995, with a view to providing for the establishment of self-financing universities. The Bill was not passed in the Parliament for various political economy reasons.²² But when the union government could not make a legislation allowing setting up of private universities, some of the state governments recalling the ‘concurrent’ nature of education in the Constitution that assigns higher education a joint responsibility of states and the national government, have promulgated without waiting for the union government’s Act, ordinances and later made state legislations on their own in this regard. The state of Chhattisgarh took the lead in enacting a private universities Act,²³ which was followed by states like Assam, Haryana, Himachal Pradesh, Gujarat, Orissa, Punjab, Uttar Pradesh, Uttaranchal, Jharkhand and Rajasthan. Andhra Pradesh has made it recently and Kerala is also working on the same lines. While many states have promulgated acts, a few others are using the existing rules and other mechanisms in this regard. In sum, almost all major states have made their own acts or other administrative provisions in this regard. UGC could only formulate later some regulations on the functioning of the private universities, such as that they cannot have any affiliated colleges and that their jurisdiction is limited to the state.²⁴ All private universities are set up through state legislations only; there is no private university set up by the union government.²⁵ According to the UGC, there are 239 private universities in 2016 established by the Acts of the legislatures of different states. All these universities are in the state sector only; there is no single central private university. In addition, there are 90 private deemed universities – 11 which receive direct financial support from the state, and 79 unaided in 2014-15. In fact, there are a few types of private universities all in the state sector, such as private universities, private open universities, private

²² There was an unsuccessful attempt to redraft the bill and present in the Parliament in 2005.

²³ The Act of the Chhattisgarh state was however struck down by the Supreme Court.

²⁴ UGC (Establishment of and Maintenance of Standards in Private Universities) Regulation, 2003. http://www.ugc.ac.in/oldpdf/regulations/establishment_maintenance.pdf

²⁵ However, union government set up Indian Institute(s) of Information Technology (IIITs) under public-private partnership mode in collaboration with state governments and private sector. Presently in 2016 there are 19 such institutes in different states, apart from five IIITs set up by the union government on its own. See “IIITs” (MHRD, New Delhi) <http://mhrd.gov.in/iiits>.

deemed universities – aided, private deemed unaided universities, etc., as given in Table 2. Nomenclature of some of these universities does not seem to be clear and non-overlapping.

At the college level there are exactly of same two types of private colleges, which are normally referred to as government-aided private colleges and unaided or self-financing private colleges that rely almost exclusively on tuition. Since all these colleges are in the state sector, UGC's role is limited to mainly providing regular development assistance to aided colleges and special assistance to unaided colleges; but under special schemes unaided colleges also receive several kinds of support such as for research projects and conferences.

An important feature of the pattern of growth in enrolments in recent years is the rapidly increasing number of private self-financing colleges. Such colleges form 61 per cent of all colleges in India in 2014-15. These so-called self-financing colleges largely offer accredited courses in high payoff fields of study, such as engineering, management, and medicine. According to the Planning Commission (2012; Tilak 2011), private higher education accounts for about four-fifths of enrolment in professional higher education, and 60 per cent overall higher education. Banarjee and Mulay (2007, p. 69) also estimate that 76 per cent of annual student intake in engineering colleges was in private unaided institutions in 2006–2007. It also appears that enrolment in private institutions as a proportion of all enrolment continues to increase at a rapid rate. For example, the AICTE report of 2010-11 shows that of those institutions that responded to their survey, 37 per cent of total enrolment in India was in private unaided colleges, and 24 per cent in private aided colleges.²⁶ By 2014-15, the proportion for enrolment in unaided private colleges had increased to 43 percent and in aided private sector it had dropped to 23 per cent, from a total of 66 percent, with only 34 percent in government colleges (MHRD 2010, 2015).

²⁶ These seem to be under estimates. Note that these estimates are based on the institutions that responded to a survey.

The rapid expansion of unaided colleges affiliated with universities is drastically transforming the landscape of higher education (Kapur 2010). State governments have great control on not only the government colleges, but also through the grants-in-aid mechanism, the states were able to exert control over most aspects of private colleges – governance, appointment of teaching staff, tuition fees, teacher salaries, and courses of study and the curriculum, and were able to be in charge of the growth of private colleges, and the higher education system as a whole in the states.²⁷ As private colleges must be affiliated with a public university, they are subject to public university controls over curriculum and the examinations that students must pass to get credit for the courses; they are subject to assessment and accreditation by public agencies, the NAAC or NBA; they are also subject to other state controls, including in admissions, and tuition policies. But the state public universities, with which these colleges are affiliated, are increasingly influenced and controlled by the heads of the private colleges, as these colleges, along with other government and government-aided private colleges which are relatively small in numbers, become members of the academic and other governing bodies of the respective universities. They are also acting as a strong pressure group working against many other aspects of university administration that affect their vested interests. All this adversely influences even the government colleges that are affiliated to the respective universities.

These complex public-private interactions that formally define the governance of the higher education institutions in the country makes it extremely difficult to define the meaning of *private* in Indian higher education. We have also shown that government-aided private institutions are nearly totally financed by the state through development as well as maintenance grants; and more importantly the so-called unaided or self financing private institutions also receive various kinds of development assistance, funds for research, conferences, scholarships including reimbursement of student fees, etc. They also receive land at concessional prices and several tax concessions and rebates. Students are also eligible to access subsidised loans from

²⁷ During the 1960s and 1970s, a few state governments had taken over private-aided colleges, in response to violation of state rules and regulations by the colleges, including with respect to teacher recruitment and their salaries. But the phenomenon of private-aided colleges, which can be interpreted as an important form of public-private partnership, continues.

public sector banks. So strictly speaking, they cannot be described as ‘unaided’ or ‘self-financing’. Hence, the meaning of *private* in Indian higher education needs to be interpreted carefully (Tilak 1999, 2011a). Some even argue that there is no ‘private’ educational institution in India, in its proper interpretation.

There are, however, many who find several plus points associated with private institutions. “These private institutions are helping to meet the growing demand that the public sector cannot. Private institutions are less subject to political instabilities and day-to-day political pressures that often bedevil public institutions in developing countries. They are also more nimble and able to respond to changes in demands from employers and labor markets” (Kapur 2010, p. 6). This is not completely true. As most private colleges are set up or owned by politicians and big businessmen, they are not proof of political pressures. The nexus between politicians, businessmen and government determines nature and growth of these private institutions (see Tilak 1990). However, Kapur (2010, p. 6) despite noting the positives, also recognises that “these institutions are of highly variable—and often dubious—quality”. In fact, much of the deterioration in quality in higher education is widely felt to be attributable to the rapid increase in the number of private colleges.

At the same time, it is difficult to imagine that universities and state and federal agencies such as the UGC and the AICTE or NCTE are able to keep track of this mass of self-sustaining private institutions and their academic operations satisfactorily. A significant percentage of private institutions do not even answer AICTE surveys, so the statistics we cited above on enrolments are probably under estimates.²⁸ They exaggerate their performance and hide facts and often carry on misleading advertisements about their accreditation, pass percentages of students, placements of students on employment, quality of faculty and other aspects. Unaided institutions also have the freedom to accumulate surplus, to expand operations with that surplus or siphon of the surplus.

²⁸ Estimates on enrolments in higher education are subject to wide margin of errors due to various factors, an important factor being inadequate reporting by private institutions. National Sample Survey Organisation (NSSO) reports enrolments which are, possibly inclusive of enrolments in unrecognised private institutions.

While fee rates in government and government-aided colleges are set by the state governments, fees in universities – central and state, are set by the respective universities. The fees in private unaided colleges are controlled by state, but are not set by the state. Normally a fee fixation committee headed by a judge of the high court sets these fees, based upon the actual costs of education in those unaided professional colleges as reported by the respective colleges. So in a sense, private unaided colleges are somewhat free, but not totally free in fixing fee rates; however, they are mostly reported to be over charging the students outside formal fee system.²⁹

As a good number of private universities and colleges are increasingly found being violating state rules and adopting unfair practices, the union government felt the need to intervene, though these universities are operating under state jurisdiction. The Union government came with a draft bill, viz., “Prohibition of Unfair Practices in Technical and Medical Educational Institutions and Universities Bill, 2010”, which was criticised by state[s], as an attempt “to frustrate rather than augment efforts being made by the State governments” and their control on these institutions (Baby 2010). This Bill, along with a few others on higher education, is still pending before the Parliament.

Thus, though higher education is listed in the three lists in the Constitution, higher education has consistently been treated politically as the shared responsibility of both the union government and the states, and has been subject to the pushes and pulls of political power struggles between the union government and the states, union government dominating in some areas and states in some at various points of time. The lack of understanding and cooperation between the two is indeed an important issue of concern in a federal system. The changing political nature of the governments at the central and state levels is adding to this further. The casualty is the higher education system. But for a few limited dimensions of higher education, the union government, as Carnoy *et al* (2013) observed, transferred its responsibility of developing higher education to the states, and the states have further transferred it to the private market forces.

²⁹ Even though capitation fee – huge lump sum unauthorised payment, is banned by Supreme Court and the government, it still prevails in many professional institutes, as reported often in public media.

Factors that make it possible for unaided private colleges to be such a major vehicle for growth in enrolments in India are the limited supply of undergraduate places in public and private aided colleges, the still rapidly expanding fraction of college-age youth in higher education, the high rate of earnings payoff for a college education, especially for graduates in professional and technical fields (Carnoy *et al* 2013), and the relatively high social class of students currently in the market for college places, whose parents are willing and able to pay even quite high tuition (and even capitation) fees for their children's higher education.

Trends in Union-State Finances in Higher Education

As already mentioned, development and maintenance grants are received by central universities and other institutions of higher education through the UGC, and/or directly, in some specific cases, from the MHRD (and/or other concerned ministries in the union government). The state universities and (other state institutions including colleges) receive development grants from the union government through the UGC, and maintenance grants directly from the state governments. As state universities depend upon both the state government and the union government (UGC and other ministries) for their funding, they are subject to regulation by both central and state agencies. Private aided institutions are also subject to the same pattern of funding. Self-financing private universities and colleges which are not expected to receive state support, receive special project-based grants from the union government through UGC and other bodies, and the students in these institutions may also receive scholarships and other financial support from state and union governments under various schemes.

UGC Funding of Central and State Universities/Colleges

The UGC is an important source of funding for India's higher education institutions. A large share of union government's funding for higher education flows through the UGC. Most central institutions — central universities and their constituent/affiliated colleges are totally funded by the UGC — both plan (development) and non-plan (operating) expenditure, whereas state universities and their affiliated/constituent colleges are funded by the UGC and the respective state

governments. UGC finances a high proportion of the plan expenditure of the state universities and their colleges, but a large part of the non-plan expenditure of the state institutions is met by the state governments, and the UGC finances only a small fraction of non-plan expenditure.

To illustrate, the distribution of grants given by the UGC to central and state higher education institutions under plan and non-plan categories, is shown in Table 4. Hardly three per cent of the non-plan grants of the UGC went go to state universities and colleges in 2014-15, and this was lower than in 2000-01. The remaining 97 per cent went to central institutions. In the case of plan grants, state institutions accounted for about one-fifth of the total non-plan grants in 2014-15, but this figure was higher in the past. State governments and state institutions find the distribution skewed unfairly against them, and have argued for changes. Recently, the Yashpal Committee (Government of India 2009) and also the National Knowledge Commission (2009) recommended increases in UGC allocations to state universities. The Twelfth Five Year Plan also promises action towards this direction. Further, it is widely observed that the UGC funding to different universities and colleges is not based on any sound criteria, though in the recent past there were serious discussions and initiation of some efforts to link funding to the performance of the institutions.

Table 4
Funding by University Grants Commission, 2005-2006 & 2014-15
(10 million current year Rs. and percent)

	2000-01			2005-06			2014-15		
	Plan	Non-Plan	Total	Plan	Non-Plan	Total	Plan	Non-Plan	Total
Central									
Universities	83.0	621.7	704.7	222.3	878.7	1118.2	2316.3	3462.9	5779.2
Deemed universities	17.9	59.4	77.3	29.4	83.1	117.4	106.3	247.9	354.2
Inter-university centres	24.9	0.8	25.7	59.1	20.0	80.8	127.3	47.9	175.2
Colleges	6.4	243.2	249.6	15.1	315.2	330.5	46.6	1,556.9	1603.5
Total	89.4	864.9	954.3	325.9	1297.0	1,650.2	2,596.5	5,315.6	7912.1
State									
Universities	164.1	28.5	192.6	266.9	13.5	270.0	489.0	140.3	629.3
Colleges	148.0	1.8	149.8	214.0	6.8	215.5	231.4	2.2	233.6
Total	312.1	30.3	342.4	480.9	20.3	485.5	720.4	142.5	862.9
Total (Central + State)	401.5	895.2	1,296.7	806.8	1,328.9	2,135.7	3,316.9	5,458.1	8,775.0
Grand Total*	447.9	1004.0	1,451.9	808.7	1,389.8	2,198.5	4,178.5	5,536.1	9,714.6
Percentage									
Central	22.3	96.6	73.6	40.4	97.6	77.2	78.3	97.4	90.2
State	69.7	3.0	23.6	59.6	2.4	22.8	21.7	2.6	9.8

Source: *UGC Annual Report, 2000-01, 2005-06, 2014-15.*

Note: * includes other items not listed here.

Union-State Shares in Funding Higher Education

Thus, union and state governments both incur expenditures on higher education in India. The expenditure of the states increased (in 2004-05 prices) from about Rs. 10,000 crore³⁰ in 2000-01 to about Rs. 17,500 crore in 2011-12, while the expenditure of the union government increased from about Rs. 4,500 crore to Rs. 13,500 crore during the same period (Figure 1). The expenditure of the states increased at an annual real (corrected for inflation) rate of growth of 6.2 per cent, and the union government's expenditure increased by 13.4 per cent. In case of technical education, the union government spent higher amounts than the expenditure incurred by the state governments from 2008-09 onwards, although in the earlier period, the states generally used to spend marginally more than the union government. Though the union government increased its allocation at a high rate, since states did not increase their allocations at the same rate, the overall rate of growth was only 8.5 per cent between 2000-01 and 2011-12.

³⁰ A crore is 10 million Indian Rupees.

Table 5**Real Rate of Growth in Expenditure of the Union and State Governments on Higher Education, 2000-01 to 2011-12 (percent)**

Higher Education Category	Centre	State	Total
University & Higher Education	13.47	5.70	7.74
Technical Education	13.35	8.28	10.89
Total Higher Education	13.35	6.17	8.53

Source: Computed by the author, based on MHRD: Analysis of Budgeted Expenditure on Education (various years).

Traditionally, state governments have met a much larger share of total public spending on higher and technical higher education. Nevertheless, the share of union expenditures jumped from 30 per cent in 2000-01 to 40 per cent of the total in 2011-12 and tends to remain at that level since then.³¹ The share of the union government in public spending on “university and higher education” increased from 25 per cent to 34 per cent, and on technical education, from 44 per cent to 58 per cent during this same period, 2000-01 to 2011-12. The increasing fiscal constraints that the states faced were probably the main factor in explaining why states’ role declined. The union government increased its share in funding higher education, not only because of its relatively better fiscal position, but also because of the pressure for higher quality, also played a role. The rapid expansion of low-quality private unaided education affiliated with state universities, especially in engineering and business, which require little spending from the states, took care of the exploding demand for greater access to higher education in these high payoff fields, but it also put pressure on the union government to provide more access to high quality institutions of national importance, such as the Indian Institutes of Technology (IITs) and National Institutes of Technologies (NITs), as well as Indian Institutes of Management. The union government’s expenditure increased at almost double the rate of growth of state governments’ expenditure on higher education between 2000-01 and 2011-12. However, there are significant year-to-year fluctuations

³¹ The *Analysis of Budgeted Expenditure on Education*, an important source of data on public expenditure on education, which is the source of data on expenditure on higher education used in this paper, provides data under two headings: “university & higher education” and “technical education.” A substantial proportion, but not all, of the former, includes general higher education, and there is a small component of school education in the latter category. Both are generally considered in the context of higher education.

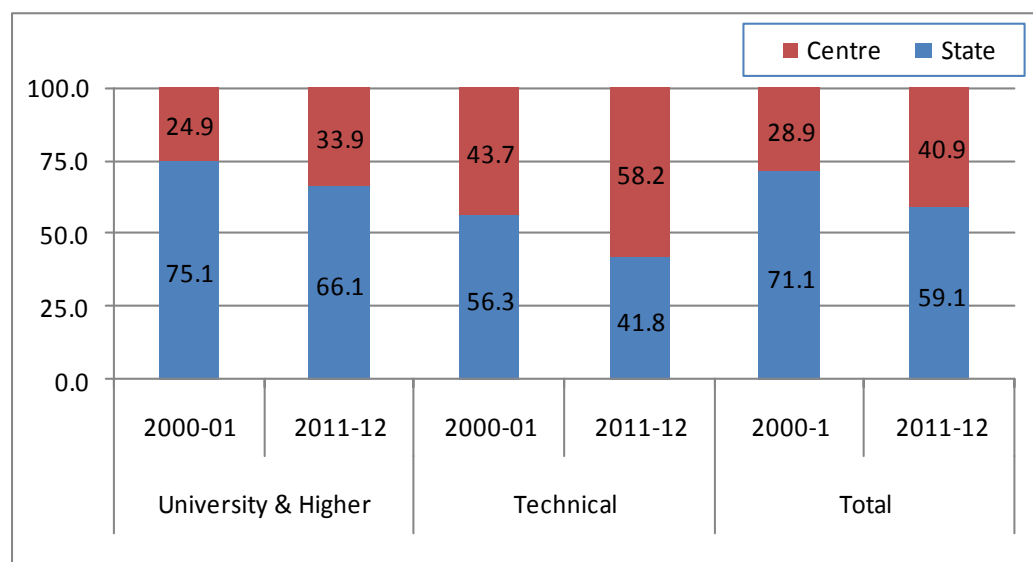
both in absolute amounts and relative shares of the union government and state governments on higher education and they are beyond explanation.

Table 6
Trends in Union-State Shares in Funding Higher Education (percent)

Year	University & Higher Education		Technical Education		Total	
	State	Centre	State	Centre	State	Centre
2000-01	75.1	24.9	56.3	43.7	71.1	28.9
2001-02	79.6	20.4	51.5	48.5	72.9	27.1
2002-03	80.2	19.8	51.1	48.9	73.2	26.8
2003-04	80.6	19.4	50.6	49.4	73.4	26.6
2004-05	77.9	22.1	54.7	45.3	72.2	27.8
2005-06	78.8	21.2	58.3	41.7	73.7	26.3
2006-07	76.4	23.6	56.5	43.5	71.6	28.4
2007-08	72.8	27.2	55.3	44.7	68.5	31.5
2008-09	65.0	35.0	39.8	60.2	58.0	42.0
2009-10	64.5	35.5	41.6	58.4	57.8	42.2
2010-11	68.7	31.3	44.1	55.9	62.1	37.9
2011-12	66.1	33.9	41.8	58.2	59.9	40.9
2012-13RE	69.9	30.1	45.9	54.1	63.1	36.9
2013-14BE	63.5	33.5	46.2	53.8	61.0	39.0

Source: Based on MHRD: Analysis of Budgeted Expenditure on Education (various years).

Figure 3
Union-State Shares in Financing Higher Education (%)



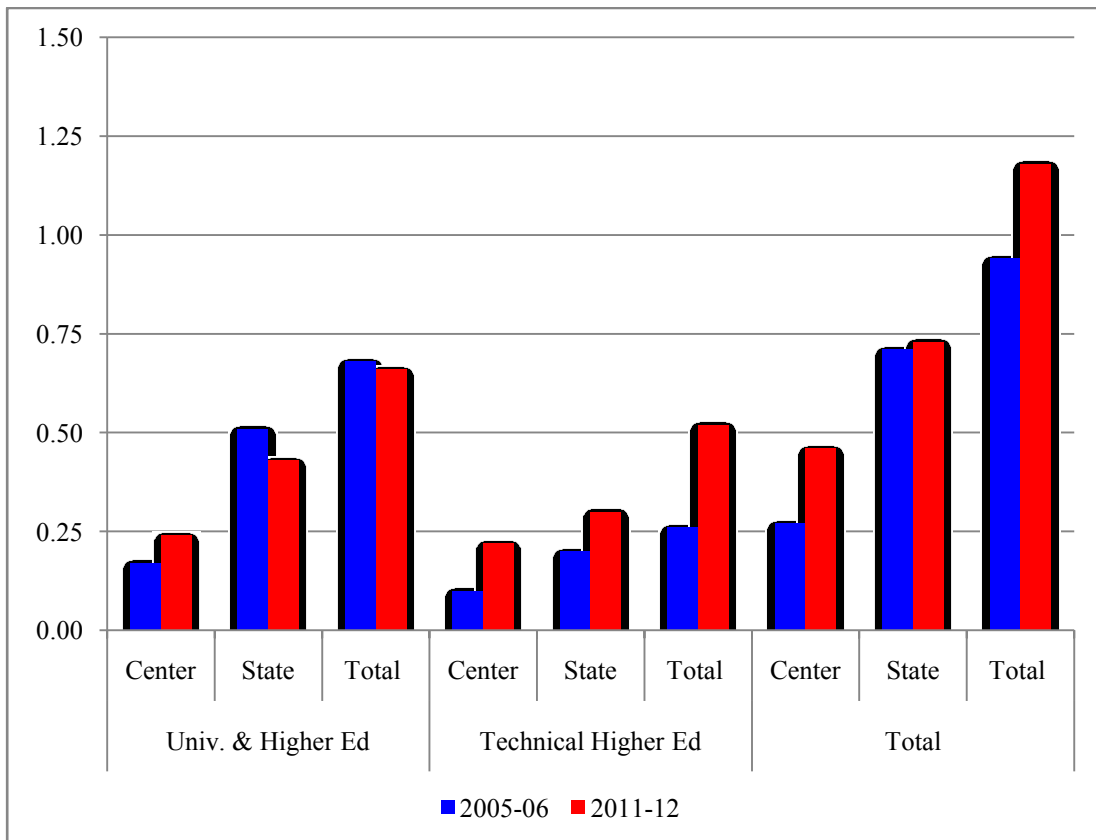
Source: Based on MHRD, *Analysis of Budgeted Expenditure on Education (relevant years)*.

Relative Priorities

As a proportion of GDP, the expenditures of the union government on higher education increased from only 0.3 per cent in 2005-06 to a somewhat higher 0.5 per cent in 2011-12. The expenditure of state governments were only 0.7 per cent of GDP in 2005-06, and there was no increase in the relative spending on higher education by the states between 2005-06 and 2011-12. The CAGE Committee (2005) recommended an allocation of 1.5 percent of GDP to higher education by the union and state governments combined, so the total spent (1.2 percent) in 2011-12 fell far short of that goal.

Figure 4

India: Financing of Higher Education as Proportion of Gross Domestic Product: Share of Union and State Governments, by Type of Higher Education, 2005-06 & 2011-12 (% GDP)



Source: Based on MHRD, *Analysis of Budgeted Expenditures on Education* (relevant years)

Further, the share of higher education is higher in the union government budget for education, than in the total budget of the state governments on higher education. In

2010-11 the union government spent nearly 30 per cent of its total education budget on higher education, while states allocated only 14 per cent. These figures reflect the relative responsibility of the respective governments for different levels of education and in that sense, the priority they give to elementary plus secondary education and to higher education. Obviously, for the state governments, school education seems to be a priority, though both union and state governments spend less on higher education than on school education.

Even in case of the union government, its priorities have shifted, with the promulgation of the Right to Free and Compulsory Education Act 2009, and as the quality of elementary and secondary education has received increasing attention. Thus, the relative share of the union government spending in higher education declined from 43 per cent to 29 per cent between 2000-01 and 2010-11. These figures refer to total (plan and non-plan) expenditures. Although plan expenditures in education are generally small compared to huge non-plan expenditures, allocations to plan expenditures in the five year plans are important because they set new directions for future development — quantitative expansion, improvement in quality, innovations, as well as several other dimensions of education development. Until the tenth five year plan, states used to account for about 40 per cent of the total plan expenditure on higher education, and the union government nearly 60 per cent.

Table 7
Priority of the Union and State Governments to Higher Education
(% of Total Education Budget)

Years	University & Higher			Technical Education			Total Higher Education		
	Centre	States	Total	Centre	States	Total	Centre	States	Total
2000-01	28.84	12.66	14.71	13.94	2.61	4.04	42.78	15.27	18.75
2010-11	17.58	11.04	12.49	11.50	2.59	4.51	29.08	13.63	17.00

Source: Based on MHRD: *Analysis of Budgeted Expenditure on Education* (relevant years).

In the eleventh five year plan (2007-12), the union government suddenly increased its allocation to higher education by nearly nine times, and the state governments could not increase their allocations so significantly. Hence the relative share of the union government increased to as high as 87 per cent and that of the states

declined to 13 percent. It is worth examining whether this trend is desirable, and if so, would continue into the twelfth five year plan period and beyond. A meaningful partnership between the union government and the states in financing higher education still seems to be elusive.

Table 8
Allocation of Resources to Higher Education in the Five Year Plans:
Centre and States

Five year Plan Year	Centre	States	Total	Centre	States	Total
	(Rs 10 million)			(Percent)		
Ninth Plan (1997-2002)	2,272	1,724	3,996	56.86	43.14	100.0
Tenth Plan (2002-07)	4,233	3,035	7,268	58.24	41.76	100.0
Eleventh Plan (2007-12)	34,785	5,342	40,127	86.69	13.31	100.0

Source: RUSA (2013)

An important purpose of funding of higher education by the union government through devolution, grants and other mechanisms is to see that the inter-state disparities in public expenditure on higher education and thereby in enrolment ratios are minimised. The available evidence, however, shows that the results are far from satisfactory, though there has been some improvement, as noted already that enrolment ratios widely differ from state to state. The coefficient of variation in enrolment ratio has declined very marginally from 0.43 to 0.40 between 2002-03 and 2014-15. But in terms of inequities in per capita (head of the total population), public expenditure on education between different states, there has been good progress, the coefficient of inequality declining from 1.42 to 0.85.

Table 9
Budgeted Expenditure on Higher Education (Rs. Per Capita)

State/Union Territory	University & Other Higher			Technical			Total		
	1990-91	2000-01	2011-12	1990-91	2000-01	2011-12	1990-91	2000-01	2011-12
Andhra Pradesh	31.68	112.19	224.50	4.22	11.23	81.66	35.90	123.42	306.16
Arunachal Pradesh	36.47	105.87	213.04	0.00	0.00	28.23	36.47	105.87	241.27
Assam	21.41	80.41	287.20	3.72	7.30	36.18	25.13	87.71	323.39
Bihar	14.92	1.29	171.79	2.51	1.14	5.32	17.43	2.43	177.11
Chhattisgarh	..	15.17	120.81	..	4.04	19.46	..	19.21	140.26
Goa	87.96	207.02	836.90	27.10	97.52	475.75	115.06	304.54	1,312.65
Gujarat	21.47	78.41	165.02	5.77	21.40	58.94	27.24	99.81	223.96
Haryana	27.83	102.27	307.87	4.51	18.92	100.31	32.34	121.19	408.18
Himachal Pradesh	28.47	106.22	295.29	3.79	11.95	34.42	32.25	118.17	329.70
Jammu & Kashmir	21.22	94.04	229.07	6.07	24.67	44.29	27.29	118.70	273.36
Jharkhand	..	..	133.20	..	..	19.24	..	..	152.43
Karnataka	24.86	104.47	262.37	4.95	11.73	65.18	29.81	116.20	327.55
Kerala	32.00	120.89	385.15	10.67	34.06	127.21	42.67	154.94	512.36
Madhya Pradesh	14.96	55.67	100.69	5.04	16.46	28.86	19.99	72.14	129.56
Maharashtra	27.20	116.00	237.13	9.17	35.19	101.14	36.37	151.19	338.27
Manipur	77.52	216.84	484.01	3.77	9.88	19.80	81.29	226.72	503.81
Meghalaya	31.93	96.94	294.30	2.71	6.29	44.47	34.64	103.23	338.76
Mizoram	57.08	173.67	687.60	5.65	21.30	55.68	62.73	194.97	743.28
Nagaland	28.19	63.23	264.35	7.73	14.94	45.79	35.92	78.17	310.14
Odisha	20.22	57.05	272.53	5.34	5.62	27.65	25.56	62.67	300.19
Punjab	35.59	89.12	139.44	4.38	12.95	27.44	39.97	102.06	166.87
Rajasthan	16.60	39.89	93.80	3.00	5.65	12.00	19.59	45.55	105.80
Sikkim	13.41	52.08	238.66	7.77	2.41	22.65	21.18	54.49	261.31
Tamil Nadu	23.46	82.64	209.01	7.70	22.03	94.14	31.17	104.67	303.15
Tripura	18.99	54.40	128.19	4.66	14.10	19.27	23.66	68.50	147.46
Uttarakhand	..	..	157.21	..	..	73.88	..	..	231.09
Uttar Pradesh	11.80	31.06	68.23	3.77	5.87	7.57	15.57	36.93	75.80
West Bengal	26.63	84.09	201.20	3.70	9.85	32.25	30.33	93.95	233.45
Chandigarh	331.94	611.23	913.89	66.28	166.43	395.45	398.21	777.66	1,309.34
Delhi	4.80	18.51	82.93	13.10	36.63	102.32	17.90	55.15	185.25
Puducherry	56.13	199.85	631.54	62.08	145.83	316.77	118.21	345.68	948.31
All-India	21.70	89.38	272.94	5.26	24.57	112.92	26.96	113.95	385.85
Coef. of Variation	1.47	1.01	0.75	1.55	1.51	1.37	1.42	1.10	0.85

Source: Based on *Census of India* and *Analysis of Budgeted Expenditure on Education*, MHRD, Govt. of India (relevant years)

Summary, Conclusions and Emerging Approaches

We have attempted to show in this paper that, as per the Constitution of India, education is a “concurrent” subject with the union government and the states having responsibility for legislation, policymaking, regulation, governance, provision and

financing of higher education. Over the years, the union government has assumed a greater role in most of these aspects of shared responsibility in higher education, often causing tensions between the union government and the states. Union government complains that states are not doing enough on their own with respect to many national programmes and goals such as universal elementary education or allocation of six per cent of GDP to education,³² and the states complain that the union government is imposing uniform models, which are conceived and designed by the union government itself, on all the states leaving no choice to the states and providing very little room for flexibility to take care of local variations and needs. The increase in the role of the union government also produced different kinds of tangible effects – positive and not so positive. Inter-state disparities in higher education with respect to per capita expenditure at state level and gross enrolment ratio have come down over the years, even though still inequalities are high. We have described these trends in great detail.

One of the clear shifts in the past decade has been in the union government's share in public financing of higher and technical higher education. Reviewing the patterns of allocations made in the eleventh and twelfth five year plan periods, that is during the last ten years, we have shown, based on data drawn from secondary official sources, that the share of higher education public spending assumed by the state governments in terms of the proportion of GDP, plan outlays, total budget expenditure, etc., is much greater than the union government's share (note that state allocations examined here are inclusive of resources devolved through the Finance Commission). At the same time, however, the relative share of the state governments in total expenditure on higher education has been declining over the years, from above 70 per cent in 2000-01 to about 60 per cent in 2011-12. Correspondingly the relative share of the union government increased. This is true with respect to university & higher education and technical education as well. While the goal is to allocate 1.5 per cent of GDP to higher education by the union government and the states together, as per the

³² The 1986 National Policy on Education promised to allocate six per cent of national income to education by 1986; while the union government seems to be raising its allocations to education, many states are not, as a result, the goal is still elusive. Currently less than four per cent of GDP is being spent on education from the public exchequer of both the union government and the states.

recommendation of the CAGE Committee (2005),³³ the states are not able to increase their share, while there has been a gradual, but relatively small, increase in the share of the union government. The rate of growth in the union government's expenditure on higher education is increasing at a high rate of growth of above 13 per cent, while in case of state expenditure the rate of growth has been around six per cent. Further, within the total education sector, the priority given to higher education is much higher in case of the union government than the states.

The relative proportions — shares in GDP, plan outlays, total budget expenditures, etc., speak about the relative priority that the union government and the states accord to higher education in the total public expenditure framework. It is shown here that there is an unequal and frequently fluctuating partnership between the union government and the states on spending on higher education.

Earlier research has shown that the allocations of the union government to state universities and other institutions of higher education are so small that they are not in a position to reduce regional or inter-state inequalities in the development of higher education or even specifically in the expenditure or expenditure per capita on higher education. Neither inequalities nor concerns of quality could be adequately addressed by the central allocations to different state universities (Tilak 1989, 2016). However, though we have not attempted to directly correlate it, here we find that inter-state disparities in gross enrolment ratio in higher education and also in public expenditure on higher education per capita (post-devolution) have been declining over the years. At the same time, affluent states with greater command over resources tend to be able to draw more funds from the union government by providing matching grants, while resource-poor states are not able to do so. In general, many poor states find that centrally sponsored schemes distort their priorities and dislocate their fiscal arrangements, depriving them of central funds when they were not able to match up to the advanced and richer states. The constant demand of some of the states, particularly economically less advanced states, was that centrally sponsored schemes should be fully (100 per cent) centrally funded (Chaturvedi 2011, pp. 66-68) but at the same time states

³³ The goal does not specify the respective shares of the union and state governments.

should have a say in them. It also felt that centrally sponsored schemes are decided arbitrarily and unilaterally by the union government irrespective of whether it was relevant to a state or not, distorting the states' priorities and dislocating the states' spending on account of the requirement of counterpart share to the central schemes.

Often state universities complain that while central universities account for only a small fraction of students in higher education in the country — 5.9 per cent in 2014-15, UGC funding is skewed in favour of central universities and state universities receive very small amounts — no non-plan grants and small plan grants. While central funding has been small, central/UGC intervention in the functioning of the higher education systems in the states is found to be significant. Though state universities are set up through state legislature, many of their core activities — recruitment of faculty, their promotions, salary structure, admissions including reservations, curriculum, assessment and accreditation, etc. — are determined by the UGC. But state universities are primarily accountable to their respective state legislatures. States are indeed concerned with the increasing central control of higher education in the states. As no state has adequate resources of its own to develop higher education, the union government, which controls the purse-strings, necessarily has the dominating voice in the determination of overall policies, priorities and programmes. Central interventions include the areas of policy making, planning, administration, supervision, monitoring, and financing. In the recent years there was an attempt in the form of introducing a bill in the Parliament³⁴ to set up a National Commission for Higher Education and Research, which was widely criticised to be centralizing the powers of administration in higher education, by taking away the powers from the state government in various ways, including the appointment of vice-chancellors of universities (see Tilak 2010a). There are several genuine and not so genuine political economy factors relating to the appointment of vice chancellors, that states do not want to lose control on.

Critics argue that the union government has appropriated all the rights in higher education. For example, Shankar Aiyar (2015) observed, “In six decades, the Centre

³⁴ This is one of the several bills on higher education, introduced in the Parliament by the last government, which were not passed by the Parliament. See Tilak (2010b).

has appropriated the rights to design the political and fiscal anatomy of governance. In effect, the centre designs policies over which states have little or no say. States are tasked with implementing these policies and the Centre has little control over outcomes. India is trapped in a bipolar disorder — the overlap of authority and divorce of accountability.” Others have observed 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” (Kapil Sibal, 2015).

The central governments in federal systems devolve functions, powers and funds to the provinces. By definition devolution must be of funds, functions, functionaries, responsibilities and powers all in adequate quantum to ensure excellence, equity, efficiency and accountability. That has not been the experience in Indian higher education. There is no matching of devolution of funds, powers and responsibilities. The phraseology of and the need for decentralization, delegation and devolution have appeared repeatedly in reports of the committees and commissions-including the Rajamanar (Centre-State Relations Inquiry) Committee, the Sarkaria Commission, the Administrative Reforms Commission and the 2010 report of the Inter-State Council on center-state relations.³⁵ It is argued that the union government must let the states write their own playbook. It cannot be that the union government bats and the states are permanently at the non-striker's end running at every beck and call of the center. A balance is required between the powers of the union government and those of the states. As B.R. Ambedkar the architect of the Constitution of India, said, the union and states are created by the Constitution — one is not subordinate to the other in its own field, the authority of one is required to coordinate with that of the other (as quoted in Aiyar 2015). This should be the guiding principle in developing cooperative federalism.

Emerging Approaches

The 1986 *National Policy on Education* (Government of India 1986) had referred to “meaningful partnership” between the union government and the states, in

³⁵ See “Sarkaria Commission and its Recommendations (Inter-State Council Secretariat, New Delhi) for reports and recommendations of these commissions.
http://interstatecouncil.nic.in/Sarkaria_Commission.html# [retrieved on 14 April 2016]

more recent years, the preference of the union government is to have ‘co-operative federalism’, not coercive federalism for a strong Republic (2012).³⁶

Recent budgets of the union government are also indicative of two important likely trends. The union government seems to be favouring cuts in central/centrally sponsored schemes in general, including in the education sector.³⁷ Such a move has been preceded by a higher level of fiscal devolution of resources through the Finance Commission. As per the recommendation of the 14th Finance Commission, accepted by the government, as high as 42 per cent of the divisible pool of central revenues would be devolved to states during 2015-16 to 2019-20, against 32 per cent suggested by the previous (13th) Finance Commission. This is intended to allow states to have larger control over their desired fiscal direction, priorities and areas of improvement. Certainly this would increase fiscal autonomy of the states to use the resources on any sector that they would like to focus on. This is welcomed by many states, but at the same time, some have apprehensions that the states may not necessarily spend the additional resources on the programmes of national priority — centrally sponsored schemes, allocations to which were reduced or the schemes which were altogether removed from the list of centrally sponsored schemes.

Another important development is abolition of the distinction between ‘plan’ and ‘non-plan’ expenditure in making grants by the union government to the states. The Planning Commission which is responsible for plan grants, has already been replaced by another organisation namely the NITI Ayog. Thirdly, union government also intends to scrap development planning framework based on five year plans and intends to introduce medium term fiscal framework planning against the present system.³⁸

³⁶ Narendra Modi – Blogs: Republic Day. <http://www.narendramodi.in/co-operative-not-coercive-federalism-for-strong-republic-3053>

³⁷ Eight existing schemes, including, for example, the Scheme for setting up of 6000 Model Schools, have been delinked from the framework of the centrally sponsored schemes, according to the 2016-17 budget proposals of the union government.

³⁸ “Five Year Plans may be scrapped, says NITI Ayog VC Aravind Panagariya,” *Economic Times* (3 March 2016) <http://economictimes.indiatimes.com/news/economy/policy/five-year-plans-may-be-scrapped-says-niti-aayog-vc-arvind-panagariya/articleshow/51229645.cms>

The implications of all these developments for the union-state relations in higher education are yet to be noted.

A notable development that has taken place in case of higher education recently is launching of the *Rashtriya Uchchatar Shiksha Abhiyan* (RUSA) in 2013, which is a centrally sponsored scheme, aiming at providing strategic funding to eligible state higher educational institutions. The scheme involves sharing of the funding responsibilities for the development of higher education in the ratio of 65 per cent (union government) and 35 per cent (state government) in general, (and in the ratio of 90:10 for special category states). The special feature is that the funds from the union government would flow not from UGC but for the union government, and secondly they flow not directly to the universities and colleges, but through the state governments/union territories to the State Higher Education Councils, based on critical appraisal of comprehensive state plans for higher education prepared by the state governments. *Inter alia*, this is argued to be recognising the autonomy of the states in the development of higher education, and would promote state “ownership” of higher education plans in a very effective way. However, it is also felt by many that state universities and colleges would lose a fair degree of autonomy that they enjoy when they get funds directly from the UGC, and would now be subject to political factors at the state level, even in case of development programmes and how they are formulated and corresponding development expenditure. That higher education is politicised and more politicised at state level in India is widely acknowledged. The role of the UGC in funding higher education might get confined to central universities, but the role of the union government – the MHRD, might substantially increase in shaping state plans for higher education.

Basically in the absence of a clear cohesive policy statement making a firm commitment to state funding of higher education, the growth of higher education could be subject to all kinds of vagaries, uncertainties and instability. Principles of adequacy, equity, excellence and steady growth should guide the process of allocation of resources to higher education by the union government as well as state government. In the federal system it is also necessary to ensure that there is regional balanced development. It is

not clear whether the *Rashtriya Uchchatar Shiksha Abhiyan* would fulfil these criteria in ensuring a sound financial base for higher education. Basically a long term plan for the development of higher education, including a long term financial plan of higher education is critically needed, describing the relative roles of the union and state government, including their responsibilities for planning, funding and delivering higher education and how do they complement each other.

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