

Regulating higher education for promoting excellence

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The Times Higher Education World University Rankings 2014-15 have once again demonstrated the distance that Indian universities need to travel for achieving excellence in higher education. It is fair to say that we shouldn't be surprised that not a single Indian university is among the top 200 in the major rankings of global universities in the world. While a significant number of universities in the US, Canada, the UK, Europe, Australia and New Zealand are prominently present in the Times 2014 rankings of universities, recent trends have demonstrated that many countries in Asia and the Middle East have acquired an inspiring presence among the top 200 universities in the world. These include: Japan (5); Hong Kong (4); Korea (4); Turkey (4); China (3); Singapore (2); Israel (1); and Taiwan (1).

There is a need for transformation of the regulatory environment for seeking fundamental reforms in the higher education sector. There is little doubt that the higher education sector is crying for reform and mindless prolifera-



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for reform and mindless proliferation of rules and regulations with numerous approval mechanisms and inspection regimes will not help in raising the quality of higher education, nor will it foster the promotion of excellence.

The following issues need to be carefully considered while examining the nature of regulatory reform that is needed in the higher education space:

Defining goals and purposes of regulation

One of the major challenges in regulating higher education in India is the fact that there are few clearly defined goals and purposes of regulation. This has created a regulatory environment of institutionalised adhocism in which numerous regulators of higher education, both at the cen-

tral and state levels, are occupying spaces with a view to regulating higher education, imposing standards, and monitoring the functioning and effectiveness of higher education institutions. Some of these institutions, unfortunately, don't have the competence to fulfil these responsibilities. The powers and functions of many of these bodies are vast and not defined properly. Because of the fact that the regulatory bodies are, at times, grant making and funding institutions, there is a problem of misplaced priorities in regulation. Any progressive approach to regulation needs to develop clearly defined goals and purposes of regulation. The regulatory environment should foster a culture of excellence among higher education institutions.

Aligning regulatory framework to excellence

Indian higher education system suffers from several forms of mediocrity. The prevailing set of rules and regulations do not enable innovation in higher education. The regulatory framework needs to be aligned to the aspirations of higher education institutions to seek excellence. This inevitably means that there is a need for re-examining the existing regulatory framework on the basis of the institutional objectives and goals measured in defined and measurable terms. For example, if one of the goals of higher education in India is to promote substantive research, scholarship and knowledge creation through publications, then the regulatory environment needs to enable the faculty members in the universities to have reasonable hours of teaching in a semester. This will allow them to pursue research through thinking, reflection, analysis and also give them adequate time and space to publish their research. Unfortunately, since our regulations tend to follow a one-size-fits-all policy, there is little scope for institutions to be differentiated by the regulators in relation to their own goals and aspirations. This has resulted in a situation where the higher education institutions are not able to seek excellence in any aspect of their governance.

Addressing conflicting regulatory mechanisms

The higher education regulatory environment in India is not only complex but also multi-layered with different forms of ambiguity, uncertainty and contradiction in the rules and regulations. While the state and central governments are involved in different aspects of regulating higher education, there are also a number of statutory bodies and institutional mechanisms which are regulating certain aspects of higher education. In addition, there have been a plethora of judgments of the Supreme Court

judgments of the Supreme Court of India and the various High Courts which have interpreted various aspects of laws, rules and regulations of higher education. There are very few areas, if at all in higher education in India, which are not regulated. This has created a conundrum in which the higher education institutions have little opportunity to be imaginative and innovative in their approaches to institution building. One of the most effective ways of addressing conflicting regulatory mechanism is for promoting, over a sustained period of time, institutional leadership. While the University Grants Commission could play the role of an institution that provides leadership in higher education policy, there is a greater need for ensuring legitimacy and credibility of our regulators for them to make an effective contribution to this aspect.

Ensuring transparency in the exercise of regulatory powers

Regulatory powers in relation to higher education, like other areas of governance, have been abused. Higher education regulations and institutional mechanisms for ensuring high standards in higher education have, unfortunately, created opportunities for corruption, nepotism and abuse of power. There is a need to ensure transparency and accountability in the exercise of powers by all higher education regulators. But this will not occur until we develop a culture of trust and respect between the regulators and higher education institutions. Mutual suspicion and deeply embedded institutional biases and prejudices along with historical context of the growth and development of regulations have led to significant degree of distrust prevailing among all the stakeholders. This needs to change and the first step to promote greater transparency in the exercise of regulatory powers is to substan-

tially allow greater participation of all stakeholders in the discussions related to the design and formulation of regulations.

Promoting institutional mentoring by the regulators

The most important purpose of the regulatory framework for higher education is to promote excellence. Promoting excellence in higher education is possible through a process of institutional mentoring facilitated by the regulators. The current approach of the regulators becoming inspectors and using monitoring, shaming and impositions of sanctions against the institutions is not helping the aspiration of Indian higher education sector to achieve excellence. The vast numbers of higher education institutions in India have diverse challenges due to their institutional trajectories. The higher education regulator should be able to see the difference among institutions and should adopt unique forms of institutional mentoring that build capacity and contribute to achieving excellence.

Indian higher education is poised to seek systemic reforms in its regulatory environment. Leadership from all the stakeholders in the higher education sector is essential. However, the government of India and the state governments, including the independent regulatory bodies and statutory institutions, are in a critical position to shape the regulatory environment in higher education for helping India achieve its full potential for excellence. Till such time this change occurs, we will be lamenting about the state of higher education in India without tangible change taking place in our institutions.

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