



COMMERCIALISATION AND PRIVATIZATION OF EDUCATION: SELLING EDUCATION OR SPECIALIZATION A TONN?

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ABSTRACT-

The concept of education has evolved from the era of gurukuls and study of vedas to the modern times of hybrid and standardized studies. The competition scale is international. Pressure to deliver the best is on the institutions, mad race for grades burdens the students mind and worried parents are willing to pay any price for their children's' career. In view of the same, allow thy author to take you on a humble tour of the policies of commercialization and privatization of education, whilst drifting through the terrains of hypothetical situations and some pilot surveys. Thy author humbly submits a few suggestions and plans of actions for thy benign consideration. Whilst adding the critical notes as well. With this allow thy author to start the humble research paper without much ado.

KEYWORDS- education, commercialization and privatization, article 21-A, interdisciplinary study, law, article 29 and 30 of constitution, students, schools, study

INTRODUCTION- the provisions of commercialization and privatization of education, find their roots in the changing financial policy of 1990's. though article 21-A¹ of our constitution, article 46² and article 29³ and 30⁴, respectively make provisions for education of the children and provide for relaxation of the minorities, giving the state space for making beneficial legislations for them. the questions that arise , still make the predicament even more complicated.

- Has commercialization of education made the quality education inaccessible for the weaker section?
- Has privatization and commercialization actually led to betterment in quality of education?
- Is it fair to all the education though falling in state list⁵, higher education is governed by UGC⁶ norms?
- is it just the pressure of international competition that is leading to private and commercial institutes to run after UGC accreditation?

- Are the institutions actually following these norms?
- Are the norms of UGC fair enough in themselves?

Whilst these and many more questions boggle the mind, allow thy author to shed light to some more angles of the scenario before forming conclusions.

TAKE OF THE COURTS:

➤ Whilst the hon'ble SC and many high courts have passed a number of landmark judgement, ranging from unnikrishnan's case⁷ to T.M.A Pai foundation case⁸. There also have been judgements , reserving 25% seats for poor strata in private institutions⁹(except minority institutions) and exclusion of creamy layer from reservation¹⁰.also the hon'ble SC has upheld in a vast majority of judgements that charging of capitation fee and excessive tution fee against the norms¹².the enactment of legislations like RTE¹¹, and The central educational institutions(reservation in admission) act, 2006 have ensured that legislature supports the cause too. but then there arise even more questions:

- Why is it that the equilibrium of educations differs in private and government institutions?
- Is the lack of funds to blame or lack of legislative intent?
- What facets will the next decade bring going by the current disparity scenario?
- Has the poor student been victimized by luggaging him with courses or is student becoming a consumer and taking educational system lightly?
- Are the teachers in private institutions and governmental institution far apart in their approach? Are the salary differences to be blamed?

Thy author humbly requests you to consider the following hypothetical situations, before forming opinions

HYPOTHETICAL SITUATIONS:

Situation 1- a government aided institution x provided low quality education, but ensures giving higher marks to students and organizing innumerable fests and functions to ensure that its NAAC¹³ accreditation and rank are maintained who is liable?

Situation 2- a student x scoring high marks, but not topping the lists, is unable to afford the private institution and doesn't even fall in the "poor category" to get benefit of reservation. Who is liable?

Situation 3- in a rush for collecting entrance fees, a governmental agency X conducts large scale examination, knowing that only a limited number of seats would be available, students try their luck and test their hard work, year after year and ultimately become overage and get disqualified. Who is liable?

Situation 4- in the garb of COVID some political parties, back up the opinion of conducting exams and opposition opposes the view, matter becomes politicized and delays the conduct of examination. Student x in frustration and anxiousness commits suicide before courts intervention in the matter. Who is liable¹⁴?

Situation 5-a private institution charges high fees, gives excellent quality of education but takes arduous labour of the teachers, though they are paid well. Teacher x unable to leave job owing to requirement of finances but unable to take the toll healthwise, commits suicide. Who is liable?

It is humbly submitted by thy author that there is no dearth of such hypothetical situations, some of which may have real life incidents similar to them but what is the solution?

Thy author humbly requests you to consider the following pilot survey, before we proceed towards forming opinion

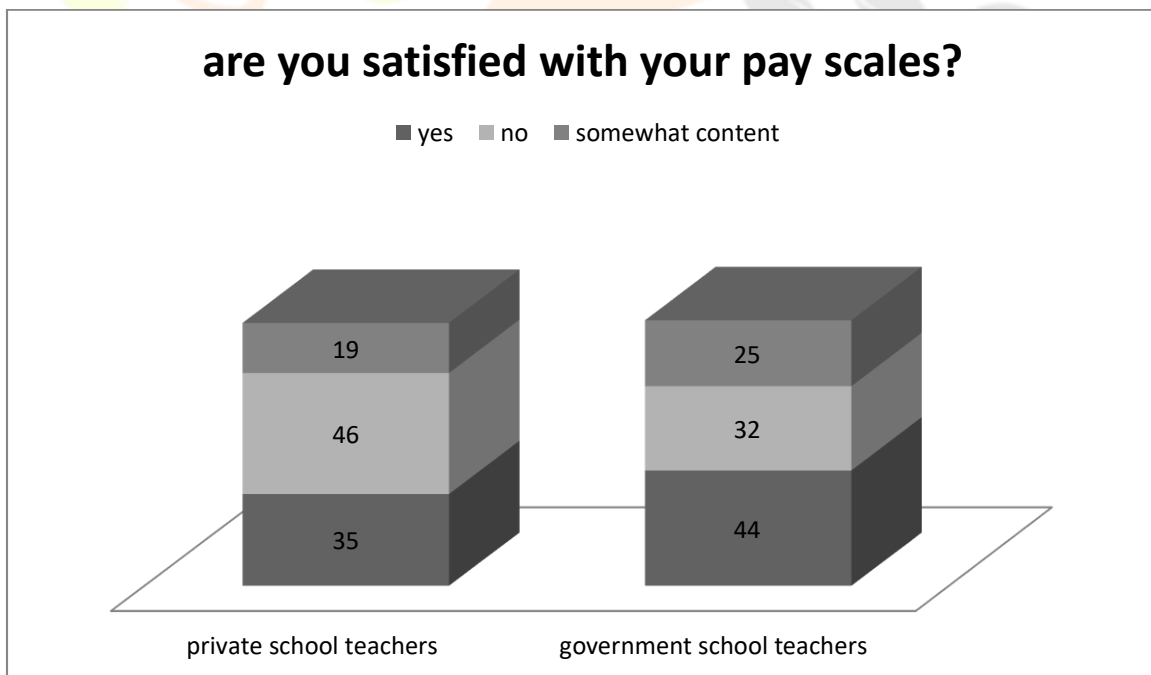
PILOT SURVEY 1

For the purposes of this survey, 5 field workers administered a questionnaire to 100 teachers of private and government institution, (selected randomly from tricity). Also a sample of questionnaire is attached at the end of the paper. Thy author submits that utmost confidentiality has been maintained as to identity of subjects. But before proceeding towards the data and statistics derived, thy author seeks humbly apology and draws your kind attention to the drawbacks of the survey:

- Owing to paucity of time and money only teachers could be included in the survey (professors and university faculties have been excluded) (thy author pleads that the next paper shall hopefully try to encompass them too)
- Teachers from only the tricity have been covered and geographical limitations make the interpretation of the surveys difficult. (hopefully a larger study or theses covers the rural and urban differences too)
- Many teachers chose to remain silent of some issues, thereby forcing thy author to discard those surveys, which meddled the random sampling procedure.

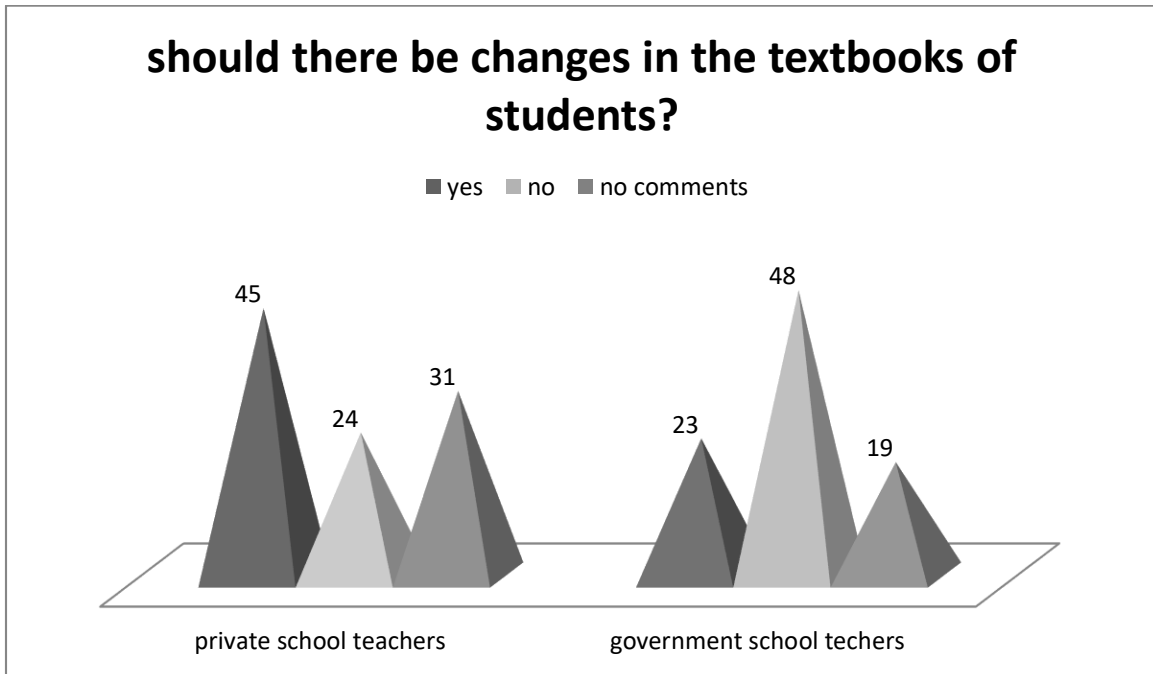
DATA AND STATISTICS DERIVED:

Fig 1



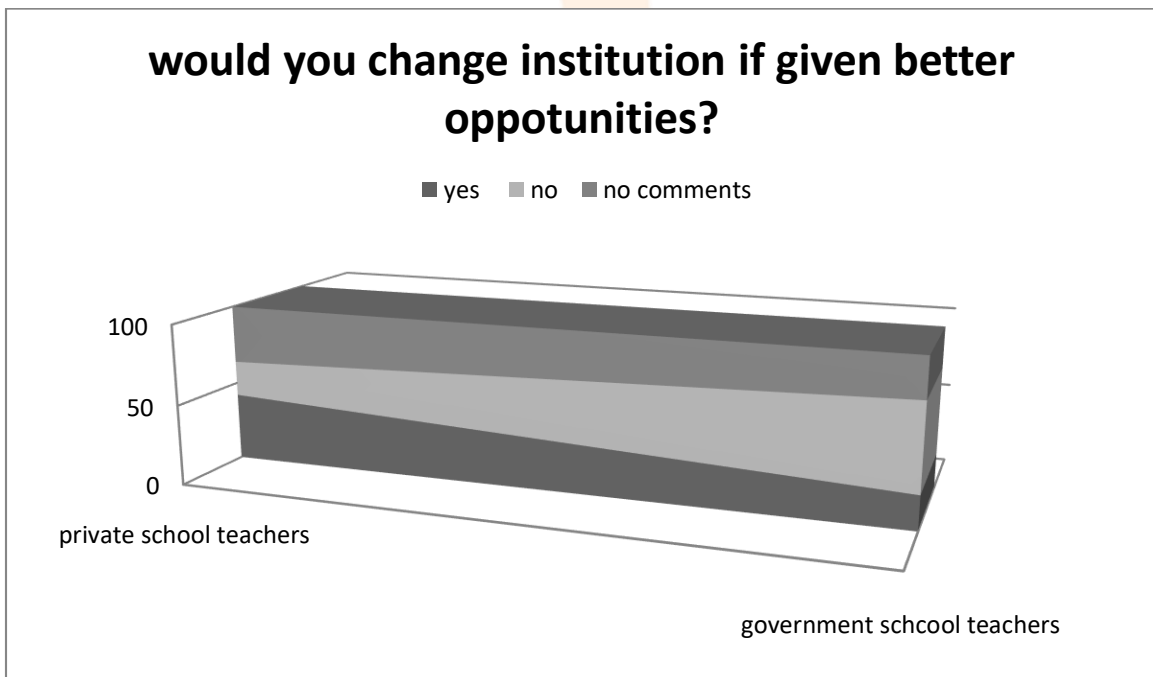
Satisfaction levels from pay scales

Fig 2



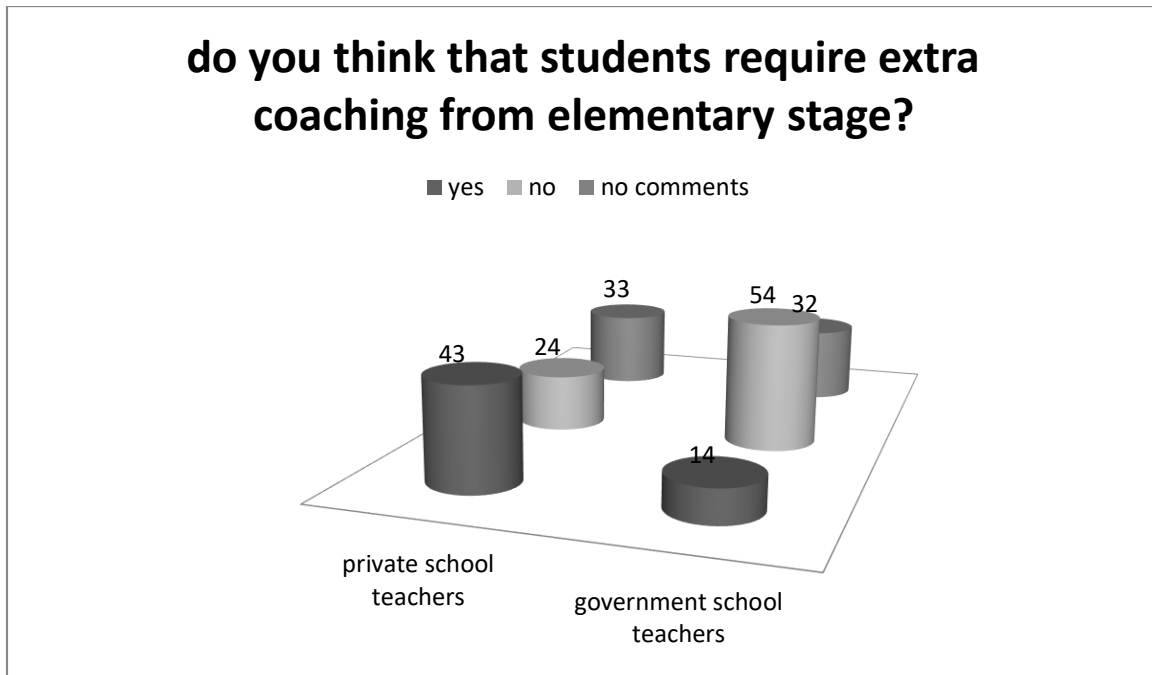
Teachers take on study material

Fig 3



Satisfaction levels from job

Fig 4



Teachers take on tuitions

Thy author humble submits that before coming to conclusions, kindly consider the second pilot survey.

PILOT SURVEY 2

For the purposes of this survey, 100 students of private and government schools, of 12th standard were randomly selected and administered a questionnaire by 5 field workers.

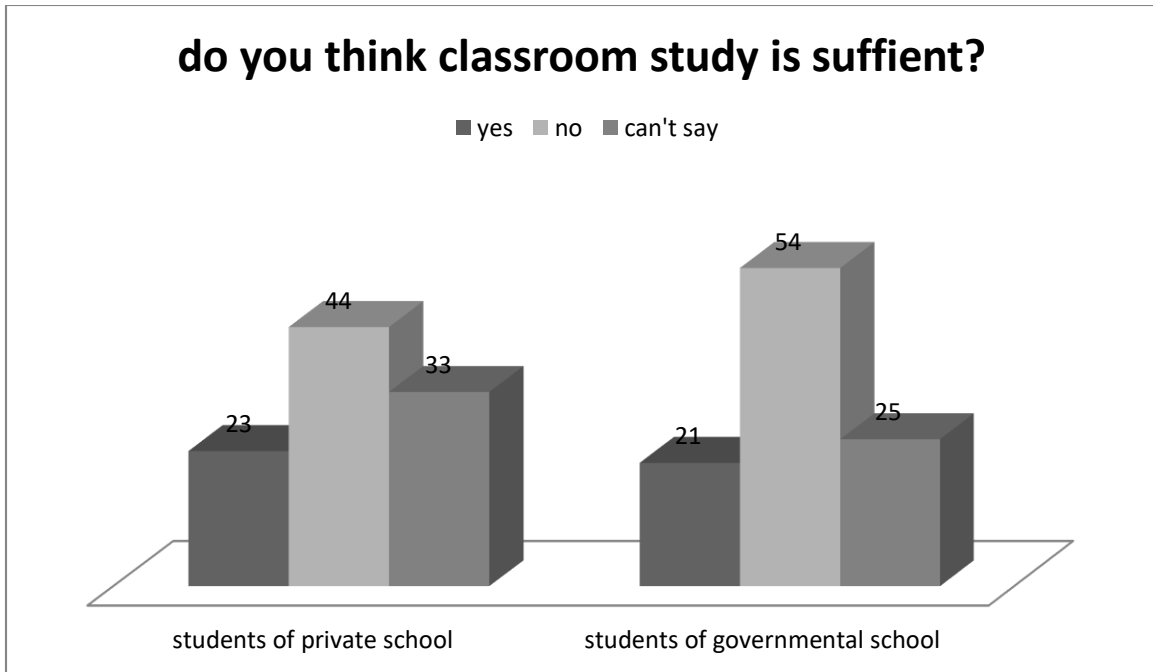
It is submitted that the confidentiality clause has been strictly adhered to though the students seemed to care less about it

Allow thy author to draw your attention towards the drawbacks of this survey:

- Owing to paucity of time only students from 12th standard were included and not from other grades
- The study is restricted to urban area of tricity
- The field workers adept in field of law, did not belong to background of psychology, to better apply participant observation techniques.

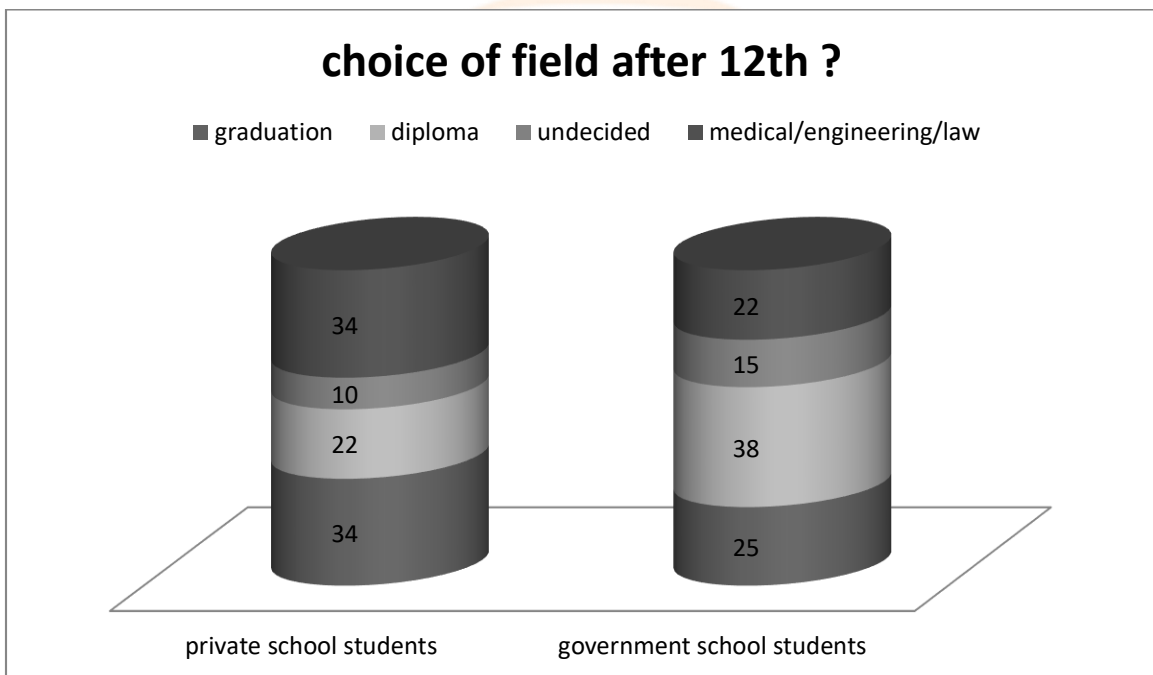
DATA AND STATISTICS DERIVED:

Fig 5



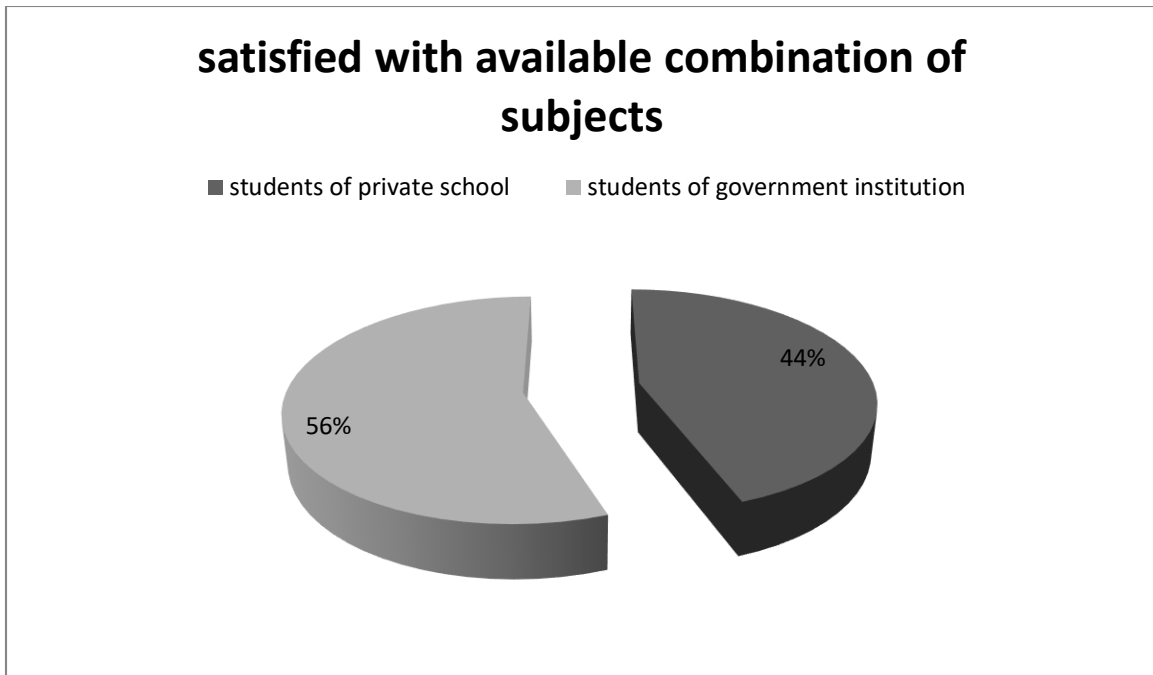
Students take on coaching

Fig 6



Degree vs diploma

Fig 7



Satisfaction with current study material

(for the purposes of fig 7, students of group A and B hve been cumulatively counted)

Fig 8



Scholarship availing strata

A CRITICAL TAKE:

The data above points to many anticipated questions. Education Is the policy to blame? Is the lack of awareness to blame for students lesser interest in studies?

Has the mad race of gaining degrees blinded the parents too. The author submits that the answers to these questions are left open ended to the reader's viewpoint. It is submitted that a much wider study to encompass the views of parents and rural area students is important too. Blaming the education system won't serve the purpose. Every trust calls for a change, which is brought by either a change of ideology or change of actions.

(What is crucial as per the author's view point is mentioned in suggestions section)

1) The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to **provide free and compulsory education of all children in the age group of six to fourteen years** as a Fundamental Right in such a manner as the State may, by law, determine.

2) "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."

3) 1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same. (2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

4) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice

(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause

(2) The state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

5) Seventh schedule, of constitution of india

6) University grants commission, (a statutory body)

7) The case was a **string of Writ Petitions and Civil Appeals filed before the Apex Court of the country**. The matter under debate was on the determination of the extent of Article 21 i.e., the 'Right to Life and Personal Liberty' under the Constitution of India.

8) The majority opinion delivered by 6 Judges held that only the State can determine the status of a religious or linguistic minority and religious and linguistic minorities, who have been put on a par in Article 30, have to be considered State-wise.

9) **T.M.A.Pai Foundation & Ors vs State Of Karnataka & Ors on 31 October, 2002**

10) The term "creamy layer" was first used during the 1992 Supreme Court judgment (Indira Sawhney v. Union of India[2]) on the Mandal Commission recommendations asking for 27% reservations for other backward classes (OBCs) in central government jobs. While the Supreme Court meant that the more privileged among the backward classes do not dominate the reserved categories, the bare bones of the criteria for judging the creamy layer was left with the state governments.

11) The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE), is an Act of the Parliament of India enacted on 4 August 2009, which describes the modalities of the importance of free and compulsory education for children between 6 and 14 in India under Article 21a of the Indian Constitution. India became one of 135 countries to make education a fundamental right of every child when the Act came into force on 1 April 2010.

12) Miss Mohini Jain vs State Of Karnataka And Ors on 30 July, 1992

13) National Assessment and **Accreditation** Council (**NAAC**)

14) The given hypothetical situation does not intend to target any political party or person

15) UNESCO Convention against Discrimination in Education (1960), International Covenant on the Elimination of All Forms of Racial Discrimination (1965), International Covenant on Economic Social and Cultural Rights (1966)

PROPOSED SUGGESTIONS:

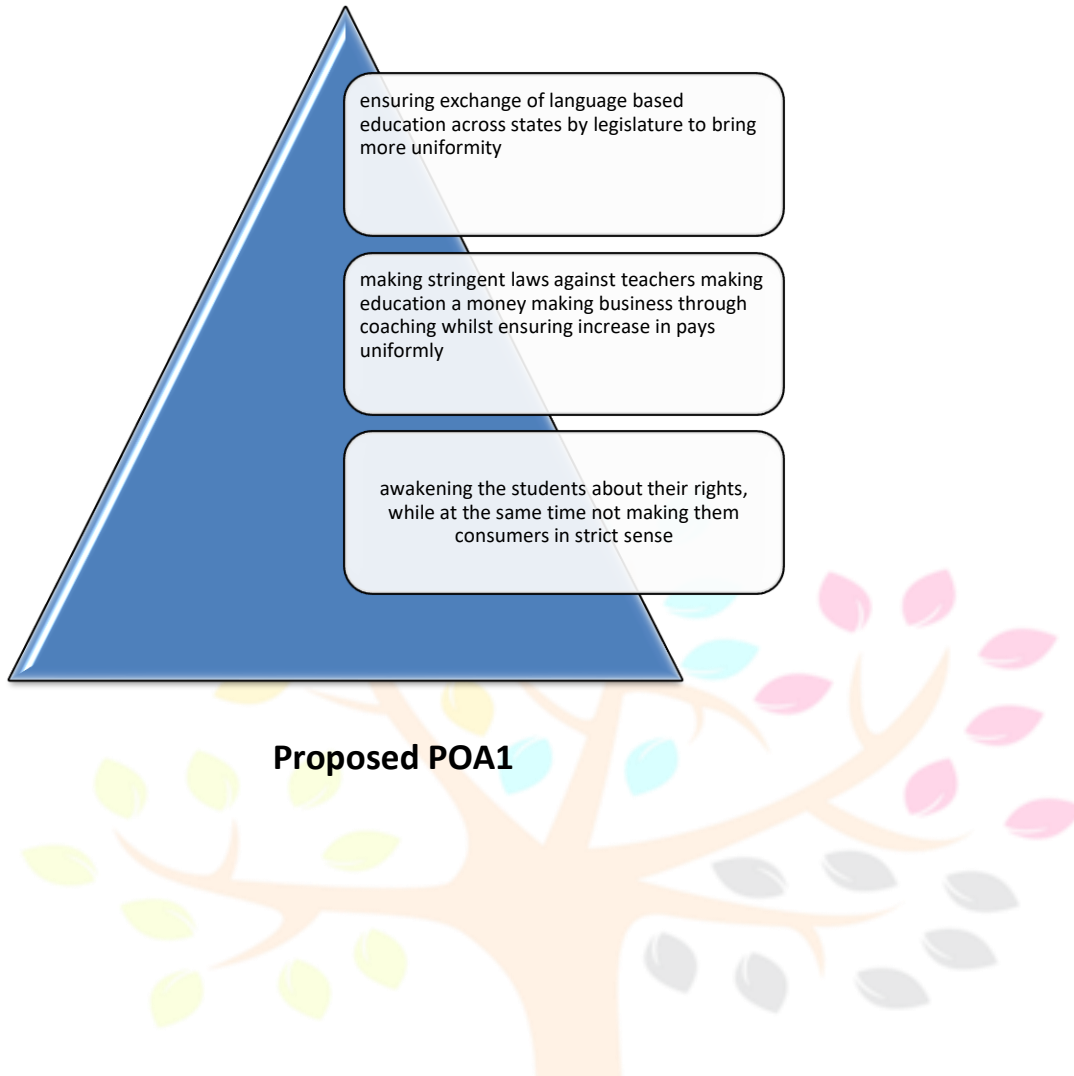
Though a lot has been accomplished in the education field, yet more needs to be done. Thy author proposes the following humble suggestions for the benign consideration of your humble selves:

- Census survey for requirement of changes in education policy and spreading awareness about programmes of skilled courses by government
- Bringing more opportunities for students of all backgrounds to avail government schemes and scholarships, more importantly raising awareness about the present ones.
- Taking stringent action against institutions with track record of failing students at large for monetary consideration
- Providing incentives to both government and private teachers in non monetary form to encourage them
- Making it mandatory for every school and college to have a counseling cell
- Enacting a quasi criminal legislation against institutions exploiting students / parents and not adhering to UGC norms.

PROPOSED PLAN OF ACTION:

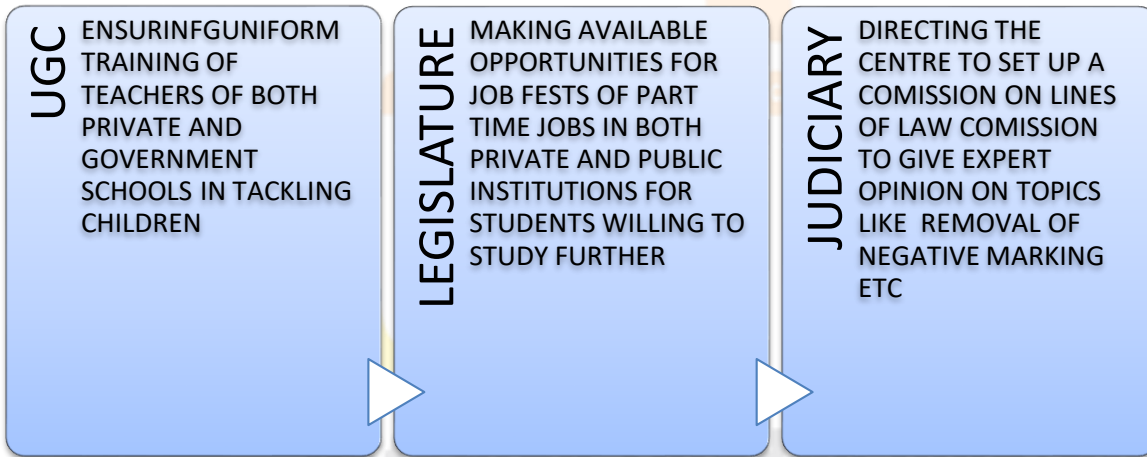
The parents visualize the education as their wards future career building source, teachers view it as a source of income, students perceive it as routine .thy author humbly proposes the following plan of actions for better achieving the goal of standardization of education:

Fig 9



Proposed POA1

FIG10



Proposed POA 2

DRAWING HUMBLE REVIEW OF THE PAPERS MENTIONED IN REFERENCES:

Whilst thy author could find few research papers on the topic at hand, it is humbly submitted that most of them dealt with the pros and cons of privatization and commercialization.

There is no dearth of literature review based studies, papers and researches focusing on factual data are less. Not being critical of the other authors, thy author humbly submits that the studies throw ample light on the various benefits and drawbacks of commercialization and privatization of education, as the same time pros and cons of non commercialization of the same and available solutions in the light of global scenario are applaud worthy.

DRAWING HUMBLE CONCLUSIONS:

Education is a fundamental right of every child. Even international conventions¹⁵ have also tried to address the issue of education for all via various treaties, but quality of education, interrelationship of not just poverty with education but also skill training and standardization of education are need of the hour. self sustaining courses provided by institutes might be a new advent in this direction but how well they work out on the pockets of the parents and students is a different story altogether. The need is to find the balance which satisfies all, suits all-parents, children, teachers, international standards and institutions. Whilst hoping for the best from the coming era, thy author optimistically concluded the paper.

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SAMPLE PILOT SURVEY 1

NAME-

AGE-

OCCUPATION-

NAME OF INSTITUTION-

IT IS HEREBY DECLARED THAT THE INFORMATION GATHERED WOULD BE USED ONLY FOR RESEARCH PURPOSES. IT SHALL BE KEPT WITH UTMOST CONFIDENTIALITY AND THE OPNIONS SHALL BE ANONMOUSLY AND HUMBLBY BE SHARED.

- 1) ARE YOU SATISFIED WITH YOUR CURRENT SALARY/ PAYSCALE?
 - A) YES
 - B) NO
 - C) SOMEWHAT SATISFIED

- 2) DO YOU THINK THERE IS NEED FOR CHANGE OR AMENDMENT IN TEXT BOOKS OF STUDENTS?
 - A) YES
 - B) NO
 - C) NO COMMENTS

- 3) WOULD YOU LIKE TO CHANGE INSTITUTION/PLACE OF WORK IF GIVEN BETTER OPPORTUNITY?
 - A) YES
 - B) NO
 - C) NO COMMENTS

- 4) DO YOU THINK THAT COACHING SHOULD BE PROVIDED TO STUDENTS FROM AN EARLY AGE?
 - A) YES
 - B) NO
 - C) NO COMMENTS

SUGGESTIONS/ OPINION, IF ANY _____

SIGNATURE

DATED

SAMPLE PILOT SURVEY 2

NAME-

AGE-

CLASS-

SCHOOL-

IT IS HEREBY DECLARED THAT THE INFORMATION GATHERED WOULD BE USED ONLY FOR RESEARCH PURPOSES. IT SHALL BE KEPT WITH UTMOST CONFIDENTIALITY AND THE OPNIONS SHALL BE ANONMOUSLY AND HUMBLBY BE SHARED.

1) DO YOU THINK CLASS ROOM STUDY IS SUFFICIENT?

- A) YES
- B) NO
- C) CAN'T SAY

2) WHAT IS YOUR CHOICE OF EDUCATION AFTER 12TH ?

- A) GRADUATION
- B) DIPLOMA
- C) UNDECIDED
- D) SPECIALIZATION COURSE(LAW/MEDICAL ETC)

3) ARE YOU SATISFIED WITH THE COMBINATION OF SUBJECTS AVAILABLE?

- A) YES
- B) NO

4) ARE YOU AVAILING ANY SCHOLARSHIP?

- A) YES
- B) NO

SUGGESTIONS/
ANY _____

OPINION,

IF

SIGNATURE

DATED