

Schooled In Socialism

2016 is not 1947, here's how we must redraft education policy

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The legal and regulatory environment of our education system is in a sorry state. A statement from IIT Bombay faculty has spoken of the pitfalls of government overregulation of higher education. But the problem exists across the spectrum: pre-primary, K-12, colleges, universities et al.

I am sure no one would disagree that we need more innovation in our education system. But where do we really stand in recognising that our education system is weighed down by decades of inefficiency and red tape?

Students, parents, schools and colleges are victims of this daily malaise. Governments have been unable to support government schools, but they are more eager to meddle with the private school system. This calls for a radical change in mindset.

Private unaided education should not be looked at through the same prism as government run or even private aided education. Alas, that is exactly what is happening. Take the example of the recent spate of Fee Regulation Acts across states such as Maharashtra, Tamil Nadu and Rajasthan. Private unaided schools now need the approval of the respective state governments and in the case of Maharashtra, the parents, through an executive committee, before they can increase their fees!

No one forces anyone to attend these schools and they are in any case prohibited from profiteering and charging any sort of capitation fee. They need to comply with RTE as well. So why then interfere in their fee setting process? If parents have a grievance they can always approach the state's education department.

This is nothing but blatant interference in what is essentially a fundamental right under our Constitution that allows schools to practise their occupation without unreasonable restrictions. This is what an 11 judge bench of the Supreme Court held in the TMA Pai case. Fee regulation also leads to corruption, favouritism and an overall adversarial atmosphere.



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Kids are the biggest losers. Schools have to justify each penny they wish to charge and that will invariably lead to financial pressure on the schools, which in turn will have a domino effect on the quality of education and availability and cost of finance.

It's also ironic that 100% FDI is permitted under the automatic route in education in India, but that investment has to be in a not for profit entity subject to all these restrictive regulations! Yes, there was a time and place for a more socialist approach to education. India was newly independent and needed a number of safety nets. But fast forward to 2016, and a lot has changed.

We need less government in the private sector; more entrepreneurship, higher quality of education and freedom for private schools to make their own decisions. The government instead of interfering with private schools should focus on improving the government school network. This too will require participation from the private sector.

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Governments are strapped for cash and need this support. PPP in various forms can prove to be highly successful. We have seen successes in Africa and Latin America in the low income private school sector and we need to replicate that in India. This requires governments to free their minds and not look at private education with suspicion.

There are six things that state governments and regulators can do. First, focus on improving government schools with the help of reputed private players in the low income private school sector. Governments can let the private

sector adopt schools and run them as low cost schools. This has been successful in Latin America and Africa. Research has shown that even those with lower incomes would prefer to pay a little for quality education rather than sending their kids to free government schools where nothing is taught or learnt.

Second, repeal fee regulation and other regressive rules that interfere with the management and functioning of private unaided schools. Instead, retain the power to grant approvals for setting up schools, ensure quality control through a self-regulation mechanism and prevent capitation fees being charged.

Third, boards of affiliation need to be more pragmatic in their oversight. Procedures and other rules and regulations should recognise the role played by technology and be amended to reflect our times.

Fourth, allow private unaided schools to choose a legal structure of their choice rather than restricting them to "not for profit" structures. This will enable schools to raise more funds and improve the quality of education without having to create "innovative" structures to do so. Haryana permits schools to be set up by companies. Companies have far more regulatory obligations and reporting requirements compared to trusts and societies! This therefore should not be a concern to governments.

Fifth, distance education programmes should be liberalised and not shackled by territorial jurisdiction limits. The new distance education guidelines should be drafted in a manner that allows cross border access and must do away with the concept of state boundaries.

Sixth, the government has been very proactive in liberalising FDI, preparing a startup policy and an IP policy. They should draft the new national education policy with the same zeal and ensure it's a forward looking policy, which takes into account the role of technology and also modern and progressive systems of learning.

The sooner the government realises that over regulation kills innovation, the better for education, students and the government's own development goals.

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