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Chancellor's Address

In the landscape of a University, Annual Convocation is an opportunity of providing annual performance score-card of the University and confirming its social accountability. We are humbled that Professor Ferid Murad, the noble laureate, took some of his valuable time out to come down in this part of the world specially to bless the graduating students taking degree certificates this year and share his moment with us in this occasion. He has also agreed to receive the D.Sc. (Honoris Causa) from the University and make us feel proud of his being one of the Kiitians. On behalf of each of students, the entire faculty and the staff of this University I remain beholden to him.

I congratulate all the recipients of the doctoral degree in *Honoris Causa* and feel obliged for allowing their names in the rolls of honour of this University for the history to perpetuate. In this Convocation 35 (1%) candidates obtained Ph.D. in various branches of disciplines. This is a meteoric rise over the Past few years' record highlighting that this University is getting ready for its position in the realm of research institutions of the country. During the period 3 patents were obtained by the University faculty. Three new patents were filed. The members of the faculty did publish around 300 research papers during the year in national and international journals. The research centres especially in the Schools of biotechnology, Physics, Chemistry and some industrial technology have been attracting national focus and national bodies and defence laboratories are showing interest in funding projects. Industry-University link program is gainfully groomed.

We look forward for completion of its multidisciplinary advanced Research Centre, the construction of which is fast progressing. 903 (nearly 27%) recipients received Masters' degree in various subjects excluding 17 candidates receiving Masters' degree in various medical subjects. 2497 (nearly 72%) candidates, on the other hand, were awarded the Bachelors' degree in various disciplines. The annual growth pattern shows a very healthy development of the University though with uneven growth amongst various schools. I think in the 10th Convocation an institution with such growth in human development profile would be very significant. Another significant role of this University is in its 'development with human face'. Its School of Social Sciences is specially and entirely devoted to provide higher education facility to the passed out students of our '+ 2 Academy for tribal students' (known as KISS School). Besides, in every School in the University including School of Medicine there is a provision for admission of some students passing out from this Tribal School, who can then take up entire education as usual completely free including free boarding and lodging. I am confident in near future students from this School would hit the standard of admission test in KIIT to qualify in various schools in larger numbers on own merit.

Let me at this stage turn round to University Education System (UES) of the country – its legal and functional framework to point out the gross discrimination against the University of our type to develop and take its rightful position when there is wider talk about Public Private Participation (PPP).

University education is in the entry 25 of List III for concurrent jurisdiction of the state and the Union specified under Article 246 of the Constitution of India, meaning thereby that University comes within both Union and State administrative and legislative competence to frame law, organize and run the Universities. But according to Entry 66 of List I of the Seventh Schedule the matter of coordination and determination of standards in institutions of higher education or research and scientific and technical education is the entire competence of the Union. The Supreme Court of India diagnosed that the legislative field available to State is wider than that available to Parliament under Entry 66 of the List I of the Seventh Schedule of the Constitution of India [*State of AP v. K.Purushotham Reddy and others*, AIR 2003 SC 1956 at 1961]. Before independence private individuals and the elite citizenry had always a lead role in establishing, obtaining charter or incorporating the University and running of the same in metropolitan and other leading cities in India. Post-independence, university education has been virtually taken over by the state and the private initiative in university education has been made marginal. The University Grants Commission Act, 1956 was passed by the Parliament in view of Entry 66 of List I of Seventh Schedule of the Constitution of India 'to make provision for co-ordination and determination of standards in Universities'. Leading Indian personalities were always involved in establishment of great institutions for the benefit of the public. Institutions of repute like Calcutta University, Bombay University, Madras University and also Universities like Banaras Hindu University, Aligarh Muslim University etc. were established in private initiatives and prodigal contributions.

The Act of 1956 gave a due recognition to such efforts, short of recognising through bringing an Act of the Parliament as provided in Entry 63, 64 and 65 of the Schedule VII List I of the Constitution of India. For this the Act provided section 3 under which Central government has assumed the power to declare by notification such institutions as advised by the University Grants Commission, to be deemed to be a University for the purpose of the UGC Act. Deemed to be Universities are not private Universities, in truest sense of the term, though a declaration of self-financing is taken from such institutions before notifying the status of 'Deemed to be University' under Section 3 of the UGC Act and for the 'purpose of UGC Act'. Union Government does not have a general power to establish a University by virtue of passing an Act excepting what is mentioned in Entry 63 and 64, any institution declared by law to be an institution of national importance.

Institutions of national importance can be established by an Act of Parliament, such as Indian Institute of technologies established by Institute of Technologies Act, 1961. But Indian Institute of Technology, Kharagpur was established in 1956 by an Act to establish it as an institution of national importance. On the other hand Indian Institute of Science (Founded by Sir Jamshedji Tata in 1899 as Tata Institute of Science), was notified as 'Deemed to be University' in 1958 by the Ministry of Human Resource Development, at that time, known as, Ministry of Education. Besides, under Entry 63 there were a few Universities at the commencement of the Constitution to be recognised as the central Universities, such as Banaras Hindu University, Aligarh Muslim University and Delhi University, and Universities established in pursuance of Special provisions specified for some of the states in Article 371A to I of the Constitution of India.

States on the other hand, establishes Universities by an Act. Some of the States has Private Universities Act and registers or incorporates private Universities under the said Act. State does not grant any deemed University status. As such Universities can be classified as follows: (i) Central Universities at the commencement of the Constitution (Entry 63), (ii) Central Universities under Constitutional Amendment Act and specified in Article 371 A to I of the Constitution of India under special provision to establish central University, (iii) Institutions of National Importance established by a Law, (iv) Deemed to be Universities under Sec.3 of the UGC Act, (v) State Universities, (vi) Private Universities (vii) Foreign Universities.

The classification has been recapitulated in order to appreciate the status of 'Deemed to be University' which status is proclaimed by notification by Ministry of Human Resource Development and run under the Regulations notified by the UGC. Under the Constitutional power, there is no 'entry' for 'Deemed University' to be notified by the MHRD or to be established by law other than for national importance. MHRD assumed this power through UGC Act. There are several issues that can be raised. Firstly, can the States also declare 'Deemed to be University' under the State Universities Act if it is so provided? In that case what would be the requirement of a separate Private University Act? Can the Union and the State do anything without power given to either and use a statute to expand the constitutional power well defined and demarcated? Can the Union or a State pass an Act expanding the power of the Union or the State as the case may be? These are however legal issues, let legal pandits debate over.

A declaration of self-financing is taken from such Deemed Universities. Now if any one looks at the text of Section 3 of the UGC Act, it only stipulates that on such a declaration being made, all provisions of the UGC Act shall be applicable as if the institution is a University under the definition and meaning given to University in clause (f) of Section 2 of the UGC Act. What are the purposes of the UGC Act? The perambulatory note laid down the two purposes, viz., (i) co-ordination of University education and (ii) setting standards of the various academic programs. And since UGC is a grant distribution Commission, it has to (iii) evaluate the capacity of the institution receive the grant and fix up the quantum.

A Deemed University may be asked to submit a declaration for not asking for UGC grants, if such a declaration is binding. Even if it is binding but what about other grants like research grants to faculty members, project grants for technology development, one-time grants for advanced instrumentations for laboratories, developing Advanced Research Centres? It is understandable that a 'Deemed University' is a self-financed University meaning thereby that the students would bear the running cost of the academic program. Any fee in excess of that to be used for capital building for infrastructure development would be considered by the Court as Capitation fee and hence void in law (*Unnikrishnan J.P. & others v. state of Andhra Pradesh and others*, AIR 1993 SC 2178). What about the money required for building up national standard infra-structure, if not global, for education and research? Some of the Deemed Universities established and run under philanthropic and laudable ideals by eminent personalities were providing excellent college education. But a College is not a University! What was the philosophy that motivated the Union government to notify these institutions as Deemed Universities?

A University is required to be providing for higher facilities for research and knowledge growth. Was it not the intention of the Union Government to provide a signal that any such potential institutions would be encouraged with the Deemed Universities status as was done in the case of notification of I.I.Sc. to be a Deemed University? If that is so, shall the Union government not think to provide research incentives and infrastructure building grants to those Deemed Universities which are the special initiatives of MHRD and which have the capacity to receive such grants? Intention here is not to compare status with IISc. IISc is a great institution but it has in it a good effort of PPP model! Why for some identified purpose can a PPP model not be attempted in a Deemed University showing some positive initiative!

The standard of Indian Universities is below-average, if not poor, in the context of global standard. Compared to the fee structure of Universities of any developed countries as well as East European countries, fees of these institutions are quite low and facilitating to attract meritorious students from the lower middle class. Now that Bank provides loan facility, meritorious students from poor families with a little help and initiative can have the facility of technical/engineering education and they can change the economic status of their entire family. The third issue is the compulsion of standard practice encoded by UGC. There can be two meaning in standard setting. It may be a minimum benchmark or it may be a common benchmark. In a bureaucratic system, like democracy, standard setting also has become 'averaging' and/or striking 'mediocrity'. With the understanding of standardization and common program for all, it would only be creating mediocrities all-round. No wonder that none of the Indian Universities are found within 500 leading institutions of the world. In fact when a University among Indian mediocrity could come inside in a year, there was jubilation indeed.

That is the course of action in education in Asia though India is one of first country to initiate for British education system with emphasis on science and technology education today India is in the bottom of the list though Singapore, Japan and China could register their presence. So standard setting for Universities is not to be interpreted as common program for all, it has to be meant that this is the minimum benchmark. Any Institution with higher input and attainment in education in all its branches and research should then be encouraged. Institutions having the potential are not to be made incapacitated for designing their own curriculum, determine their teaching-learning methodology and bringing creativity and innovation in education programs and provide liberty to the students to choose and learn as they decide. UGC benchmark can only be minimum indicator. A stagnating benchmark and course curriculum at each level of University education injures our education system. New subjects are required to be introduced; freedom to choose curriculum, cross-border courses on expanding knowledge - these are extremely necessary. When a high school student of class VII or VIII standard in US can talk about Astrophysics, or Space-Science or Climatology, or interning in NASA Laboratories, what makes us diffident that our students at that level cannot think about such issues? When high school students in US or Europe can plan about social internship in the break, why our students are not led to think freely? Many of our grandfathers studied Botany and English in Oxford, why their great grandchildren cannot have such facility of exercising liberty? In fact, the present bureaucratic system in University management and the standard setting body stultifies dynamism, creativity and innovation in our higher education program. Why not liberate the students to choose what they want to learn.

If an institution is capable, public or private, let the institution run with full facility. With PPP model many such institutions would be ready to take education and research in India to attract global merit and prepare human resources of the country for the 'knowledge society' of tomorrow.

In the recent past Delhi University raised the bar in science education but was forced to conform to the set standard of academic curriculum in its Bachelor Degree Course (BDC) in science. The effort was nipped by all sections concerned in the bud to raise the standard. Nobody asked the students and their families to provide their opinion. With that initial success attempt was made also to roll back the standard of BSc course of Indian Institute of Science and the combined Master degree courses of Indian Institute of Technologies. Ultimately the UGC stepped back as it realized that Institutions under MHRD could not be touched. What about deemed universities now? Can a Deemed University stipulate higher bench mark in education and research in order to attain excellence because these institutions are notified by the MHRD? Can courses be designed taking international standards instead of following median-standards prescribed by UGC? Can some such institutions be allowed to run variable courses for different levels of students? In fact the old fashioned differential honours courses have now become a common benchmark in many countries. A higher level of courses to run would require varied time scheduling and pricing and set goals. Will such variable courses be struck down on the logic of elitism?

The fourth issue is not one issue, it is bunch of issues that would inter alia, include global hiring of human resources for the faculty and research staff, capacity building for double degree course with Foreign Universities, a joint venture inward or outward with an advanced University, a regulatory framework for higher education and research which would inter alia, determine fee-forwarding or fee-sharing agreements, too! A quantum leap in the research in Deemed Universities would require a different vision on technology development. How aggressive can a Deemed University be allowed for such quantum leap in R&D? How could PPP model take forward the requirement in R&D through establishment of advanced Research Lab in Deemed Universities? Should Deemed Universities be allowed to attain global height through higher bench-marking in each stage of higher education?

I am sure I must have opened a can of bees! But let there be a forward-looking dialogue what Deemed Universities can do for advancing higher education and research and how such energies could be adequately harnessed!

I thank you all once again for sharing some moment of your life with my University. I can only wish and request all to the call, '**Charai beti, Charai Beti''go forward, further forward'**!