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# Increasing Accessibility to Higher Education in India

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# Introduction

Despite its rapid growth and development across all sectors, accessibility to quality education remains a growing concern in India. This concern could be attributed to various socio-political and economic factors that inhibit access to quality education in India. These factors, coupled with the data provided by the All-India Survey on Higher Education (hereinafter AISHE) report of 2019-20, contextualise the gravity of the difficulties faced by minorities and underprivileged strata of the society in accessing Indian Higher Education. The extensive analysis of the aforementioned proposition forms the scope of this paper.

At the same time, it is also equally pertinent to take into consideration the legal framework. The 'Right to Education' is enshrined as a Fundamental Right under Article 21A of the Indian Constitution, as well as statutorily protected under the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter, the RTE Act, 2009). However, this Right is fundamentally guaranteed only to children between the ages of 6 and 14. Therefore, it can be reasonably construed that there is no Constitutional or Statutory ground to support the Right to Higher Education in India.

Therefore, we can get a prima facie picture as to why accessibility to Higher Education is encumbered with numerous barriers. Through this paper, we would not only understand this picture, but also attempt to find innovative and practical solutions to the barriers to accessibility.



# The 2019-20 AISHE Report Data

The data in the 2019-20 AISHE Report is a practical and quantitative indicator of the status of higher education in India. This latest report provides valuable insight into certain vital areas. Around 60.56% of the colleges are in rural areas, whereas 10.75% of all colleges are exclusively for women (Ministry of Human Resource Development, 2020). These types of colleges give insight into the geographical and demographic focus of the government.

The Gross Enrolment Ratio (GER) in Higher education has increased from 24.5 in the years 2015-16 to 27.1% in 2019-20. Similarly, the GER of men has increased from 26.3% to 26.9% and from 26.4% to 27.3% for women. More specifically, the GER of the Scheduled Castes and Scheduled Tribes<sup>1</sup> increased from 23% to 23.4% and from 17.2% to 18.0%. (Ministry of Human Resource Development, 2020)

At the same time, it is also imperative to note that the data from the AISHE report is primarily based on the voluntary contribution of participating universities (Ministry of Human Resource Development, 2020). Therefore, it is necessary to take this data with a pinch of salt in our considerations.<sup>2</sup>

<sup>1</sup> Scheduled Castes (SCs) and Scheduled Tribes (STs) are among the most disadvantaged socio-economic groups in India

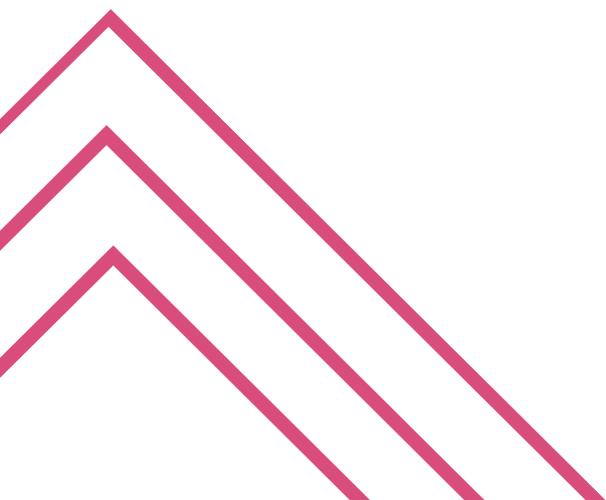
<sup>2</sup> There are certain social, political and individual biases in data collection and analysis methods. It is even more pertinent to interpret the data analysis by government bodies with caution as they are likely to have political undertones. Hence, while data and statistics are important considerations, they should not be overwhelmingly relied upon.

# The Contemporary Social Context

The socio-economic factors are arguably the most influential considerations in the discourse on accessibility. This becomes evident when we examine the constituents of these socio-economic factors and contextualise them in the contemporary world.

The Indian society, which is the genesis of the relevant social factors, is multidimensional in terms of structure, power dynamics, impact, and the like. This is primarily due to the prevalence of astounding diversity in religion, language, and culture as well as identity-centric societal hierarchies like caste, kinship, community... (Centre for Global Education, n.d.).

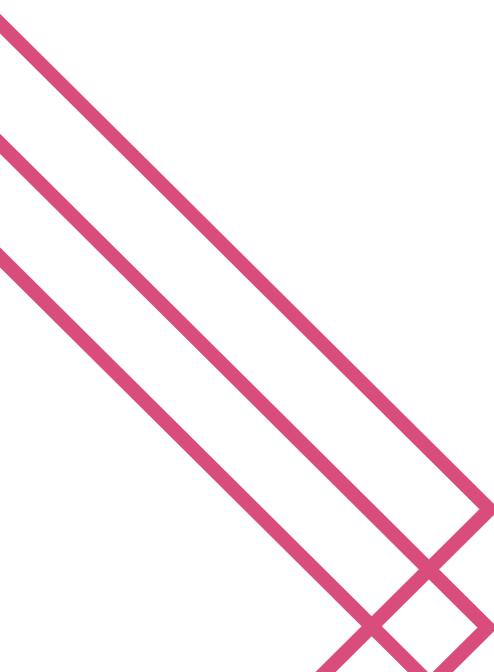
The cultures and traditions produced by such a society sew together the sociological fabric of the society in terms of inculcation of values and morals. One such instance can be seen in the way the patriarchal nature of the Indian society at large structurally perpetuates the absolute supremacy of men over other genders (Dutt, 2018). In this case, women and people of other genders do not have the same level of access to resources as their male counterparts. This also includes access to education, economic opportunities and other basic necessities required for a dignified life.



Therefore, the variations of the different power dynamics present in Indian society, such as gender, caste, region, social and economic status, reduces accessibility down to the amount of privilege one has. For instance, the chances of an upper caste Hindu man gaining access to quality education are more than that of a lower caste Hindu girl merely by virtue of the privilege the man possesses by being at the dominating end of the aforementioned power dynamics (Centre for Global Education, n.d.).

This social context also enables us to contextualise the previously discussed AISHE Report data. Despite all the growth in enrolment figures and other significant developments, certain social realities cannot be quantified by data. For instance, the data only encapsulates the quantitative aspects of minorities like enrolment, growth, and representation without factoring in the social realities of discrimination, which tremendously inhibit their enrolment, growth, and representation. Such considerations adversely change the picture of development as portrayed by the AISHE Report data.

It now becomes apparent that the challenges to accessibility in general are rooted in various sociological causes as discussed above, which form the foundation of the contemporary context of this paper. Lack of access to technology and other vital resources, as well as the inability to fully exercise fundamental and legal rights further aggravates the problem by making it difficult for law and policy makers to provide solutions by dismantling the aforementioned foundation. The analysis of this assertion is the crux of this paper.



# Analysing the Existing Legal Framework

The aforementioned discussion on the sociological dimensions of the barriers to accessibility enables us to examine the legal barriers in detail. The discussion on the sociological dimensions would add clarity to the discussions on various legal aspects, and enable us to suggest practical solutions as well.

The legal barriers to accessibility are the most crucial barriers to be examined. Law and policy are the backbone of any civil society as they form the basis of governance mechanisms within a State. This can be reasonably construed by the importance attributed to the rule of law as provided under the respective constitutions of various states. Therefore, Law assumes a vital position in civil society by providing it with a broad legal framework to function within the rule of law.

Roscoe Pound's notion of law as a form of social engineering would add further clarity on the necessity of a specific focus on the legal barriers to accessibility. According to Roscoe Pound "Law is social engineering which means a balance between the competing interests in society" (Gochhayat, 2010). Thus, law has the potential to methodically transform society. For instance, the rule of law embodied in the Indian Constitution while establishing the 'Rule of Law' in the Indian Society also seeks to socially transform the Indian society by ensuring certain fundamental rights. Hence, the argument sought to be advanced here is that the barriers to accessibility, irrespective of their nature, can be practically redressed only through Law and policy in a country like India.

There are various instances to substantiate the aforementioned argument. One such instance, which was briefly discussed in the introduction of this paper was that of the 'Right to Education.' The specific aspect to be taken into consideration is the impact of this legal framework dealing with the 'Right to Education.' For instance, the RTE Act has caused an increase in enrolment in classes six to eight. Nationally, between 2009 - 2016, the number of students in classes six to eight increased by 19.4 percent. At the same time in 2018-19, more than 3.3 million students from economically weaker sections and disadvantaged groups secured admission under the provisions of the RTE Act, 2009 (Bhattacharjee, 2019).

More importantly, the RTE Act, 2009 has facilitated the creation of a legislative ecosystem that makes 'education for all' a fundamental right, and a legal and constitutional obligation (Bhattacharjee, 2019) . The same cannot be said for higher education as there is a dearth of such facilitating legislation in India. This is arguably the genesis of the barriers to accessibility in the context of higher education in India.

However, there are some indications of positive change. In a recent case the Hon'ble Supreme Court of India noted that "While the right to pursue higher (professional) education has not been spelt out as a fundamental right in Part III of the Constitution, it bears emphasis that access to professional education is not a governmental largesse. Instead, the State has an affirmative obligation to facilitate access to education, at all levels" (Farzana Batool v. Union of India, 2021).



# Increasing Accessibility

It is also pertinent to note that the Government of India has not completely discarded higher education from its priorities. The recently published National Education Policy, 2020 (hereinafter referred to as the NEP 2020) provides considerable insight into the plans of the Government vis-à-vis higher education for the next decade.

The NEP 2020 is based upon the values of equity and inclusion and seeks to qualitatively address the issue of accessibility to education in India. This approach includes the categorisation of Socially and Economically Disadvantaged Groups (SEDGs) based on gender identities, socio-cultural identities, geographical identities, disabilities, and socio-economic conditions (Ministry of Human Resources Development, 2020).

Further, it seeks to classify regions with a population of SEDGs as Special Education Zones (SEZs).

In such zones the Government would seek to maximise its efforts to increase accessibility by prioritising all the policies and schemes made in pursuance of the NEP, 2020. The NEP 2020 also lays special emphasis on people with disabilities by completely endorsing the recommendations of the Rights of People with Disabilities Act, 2016 (Ministry of Human Resources Development, 2020).

In pursuance of creating gender parity in the educational sector, the Government of India would constitute a 'Gender Inclusion Fund.' Through this fund the Government aims to build the nation's capacity to provide quality and equitable education for all girls and transgender students. Similar 'Inclusion Funds' are also sought to be constituted by the government for the SEDGs (Ministry of Human Resources Development, 2020).

The NEP 2020 categorically lays down that access to higher education is the right of every individual. In doing so the Government has also specifically recognised the complexity and intensity of the problem of accessibility to higher education in India (Ministry of Human Resources Development, 2020).

Therefore, it has inter alia set the following obligations on itself and Higher Education Institutions (hereinafter, HEIs).

# Steps to be taken by Governments:

1. Earmark half of the Government budgets for the education of SEDGs;
2. Set clear targets for higher GER for SEDGs;
3. Ensure gender balance in admissions to HEIs;
4. Enhance access by building more high-quality HEIs in aspirational districts and Special Education Zones containing larger numbers of SEDGs;
5. Provide more financial assistance and scholarships to SEDGs;
6. Conduct outreach on higher education opportunities and scholarships among SEDGs;
7. Develop technology tools for better participation and learning outcomes (Ministry of Human Resources Development, 2020).

# Steps to be taken by HEIs:

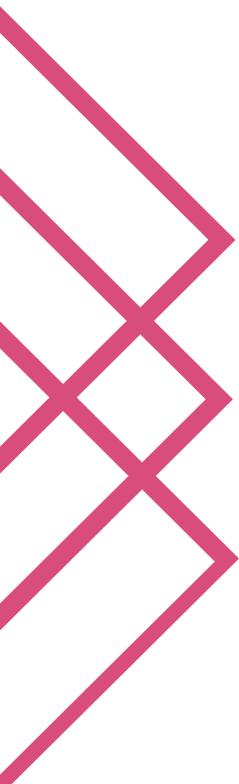
1. Institutional Development Plans that contain specific plans for action on increasing participation from SEDGs;
2. Mitigate opportunity costs and fees for pursuing higher education;
3. Make admissions processes more inclusive;
4. Make curriculum more inclusive;
5. Increase employability potential of higher education programmes;
6. Develop more degree courses in Indian languages and bilingually;
7. Ensure all buildings and facilities are wheelchair-accessible and disabled-friendly;
8. Develop bridge courses for those students that may come from disadvantaged educational backgrounds;
9. Provide socio-emotional and academic support for all such students through suitable counselling and mentoring programmes. (Ministry of Human Resources Development, 2020)

Therefore, on a policy level, the proposed measures appear to be well balanced in terms of obligations. There also seems to be focus on accessibility and diversity as well. However, their ambiguity hinders a definite analysis on their prospective implications. Hence, relying on a prima facie analysis, these steps have the potential to increase accessibility and diversity in higher education in India.

# Concluding Remarks

The primary task in increasing accessibility remains - to reconcile the society with legal and policy-based measures. Such measures are effective as a method of 'social engineering.' At the same time legal and policy measures must be meticulously crafted to progressively transform society over a period of time. These measures are envisioned not only in the Directive Principles of State policy under the Indian Constitution but also under the '4th UN Sustainable Development Goal of Quality Education'. At the same time legal and policy measures must be comprehensive and efficient enough to sustain themselves in the long run. Therefore, legal and policy measures must be crafted in pursuance of such objectives.

The complexity of the problem should also be duly appreciated. This report merely focuses on the power and role of law and policy to increase accessibility. The economical, political and sociological dimensions of the problem of accessibility are not dealt with in this report. However, one-dimensional approaches have their own merits. They seek to break down the complexity of problems by fundamental solutions. This is exactly what this report has sought to achieve by underlining the power of law and policy in addressing the problem of accessibility to higher education in India.



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