Edited by
Papia Sengupta

Critical Sites of Inclusion in India's Higher Education

palgrave
macmillan

Critical Sites of Inclusion in India's Higher Education

Papia Sengupta
Editor

Critical Sites of Inclusion in India's Higher Education

palgrave
macmillan

Editor
Papia Sengupta
Centre for Political Studies
School of Social Sciences
Jawaharlal Nehru University
Delhi, India

ISBN 978-981-16-8255-1 ISBN 978-981-16-8256-8 (eBook)
https://doi.org/10.1007/978-981-16-8256-8

© The Editor(s) (if applicable) and The Author(s), under exclusive license to Springer Nature Singapore Pte Ltd. 2022
This work is subject to copyright. All rights are solely and exclusively licensed by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.
The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.
The publisher, the authors and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, expressed or implied, with respect to the material contained herein or for any errors or omissions that may have been made. The publisher remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.

This Palgrave Macmillan imprint is published by the registered company Springer Nature Singapore Pte Ltd.
The registered company address is: 152 Beach Road, #21-01/04 Gateway East, Singapore 189721, Singapore

To Ma, Bhaiya, Munu

For Sharmista
You are on the threshold of a new uncertain journey…
Uncertain it may be, better than certainty… leading to ego and fetish to control
Step in the ocean of higher education. May it be full of adventures and may you always stay in love and stand up for yourself…even when no one supports you. Cause you know that you are working for a life and society which needs to become a better place including everyone….as EQUALS

ACKNOWLEDGMENTS

The idea for this book germinated as part of a collaborated project between me and Professor Louise Vincent of Rhodes University, South Africa way back in 2015 when we got funding from the Indian Council for Social Science Research (ICSSR) and National Institute for the Humanities and Social Sciences in South Africa. I acknowledge the generous funding by ICSSR which enabled me to delve seriously into the field of education as a public good in India. I also want to acknowledge Jawaharlal Nehru University for granting me leave to visit South Africa as a visiting faculty at Rhodes University in 2018, which was an enriching experience.

The concrete plan for the volume came when I got together with a group of like-minded scholars working as teachers in colleges and universities across India who were of the opinion that there are gaps and silent pockets of exclusion in higher education in India, which doesn't find a voice in mainstream literature. With this core vision to unravel some of these gray areas which remain somewhat invisible even within scholarship based on education and social justice, we began working three years back. Hope we have been able to become better academics and more so, better teachers and students.

The Centre for Political Studies is my alma mater and a vibrant department which has remained strong and united in the face of power. All my colleagues have given strength to each other to stay strong at a time when public universities and higher education in India is facing an unprecedented challenge. To all my co-travellers, my colleagues this journey of resilience and the ability to smile even in the face of difficulties have made me a better person. I am proud to belong to this Centre.

In the journey of this book, I was fortunate to introduce two courses for my graduate students: one on social stratification and the other on communication strategies. These two courses helped me immensely to unlearn and relearn various facets of discrimination and how the society, community, and institutions, unknowingly or knowingly, continue to follow the status quo, often hidden behind the curtains of tradition and normalcy. I am very grateful to all my students who provoked me through their questions and kept me attentive while helping me remain sane and to continue my research while facing the greatest and devastating COVID-19 global pandemic. To you my students: a heartfelt thank you.

I would like to acknowledge all my contributors to this volume for their commitment to the project and for sharing with me the enlarged and collective vision of ‘inclusion’. The contributors continuously worked and respected the deadlines to make this volume see the light of day. My editor, Sandeep Kaur of Palgrave deserves more than acknowledgment for always being available to answer my queries and keeping me informed about each step of the review process even during the pandemic. Thank you, Sandeep.

Finally, this book would not have become a reality without the constant support system provided to me by my family. My mother, my backbone who kept pushing me to complete this work even during the grim and gloomy atmosphere of the second wave of pandemic when we lost friends, relatives, known, and unknown individuals. Her constant reminders to me that ‘this shall pass too’, kept me going and helped me to stand up after every fall I experienced in my life. My siblings can pester me and critique me like no one else in this world while always putting a smile on my face with their leg-pulling. Thanks for being in my life and being my companions in this journey of life. The book is dedicated to Sharmista, for keeping me alive with her fresh ideas, for not letting any day pass by without some humor and laughter. For looking after me silently and understanding my silences equally as my words. When I look at you, I know the future is hopeful and sooner than later the world will see the day when we live without fear to raise our voices against exclusion and resist forces glorifying racism, sexism, casteism, and cultural-religious hierarchies.

Delhi
May 2021

Papia Sengupta

CONTENTS

1 Introduction 1
Papia Sengupta

2 Interrogating Neoliberal Market Rationality and the Exclusivity of Higher Education 21
V. Bijukumar

3 Negotiating Inclusion: Minority Institutions and Constitutional-Legal Dimensions in India 41
Malavika Menon

4 From Exclusion to Inclusion: The Case of Public *Madrasah* Education System in West Bengal 67
Abdul Matin

5 Language Conundrum: English Language and Exclusivity in India's Higher Education 81
Ramanujam Meganathan

6 Inclusive Education from School to Higher Education in India: Provisions, Possibilities and Progress 97
Gagandeep Bajaj

7 Institutional Norms as Hindrance to Participation of Women as Members of Academic Community 119
Shivani Nag

8 Higher Education and the Question of Inclusivity for LGBTQIA+ Community 133
Shailja Tandon

9 Assessing Inclusion in India’s Higher Education: NEP 2020 in Perspective 149
Papia Sengupta

Index 189

NOTES ON CONTRIBUTORS

Dr. Gagandeep Bajaj is a faculty member at Shyama Prasad Mukherji College, University of Delhi. Her areas of research interest include Inclusive Education, Science Education, Mental Health and Curriculum Studies. She has been involved in curriculum development at the secondary school level. She has also conducted several workshops and enrichment programs for teachers. She has contributed chapters to various books and published research articles in journals of repute.

Dr. V. Bijukumar is Associate Professor, Centre for Political Studies, Jawaharlal Nehru University. New Delhi. Before Jawaharlal Nehru University, Dr. Bijukumar taught at the North Eastern Hill University in Shillong. His recent monograph *Parties and Electoral Politics in Northeast India: Contention of Ethno-regionalism and Hindu Nationalism* was published in 2019 by Kalpaz Publications. Dr. Bijukumar has published extensively in Indian and international journals on the politics of Northeast India and elections. He is a regular contributor in Northeast newspapers.

Mr. Abdul Matin is Assistant Professor at the Department of International Relations, Jadavpur University, Kolkata. He has done his M.A. in Political Science from the University of Hyderabad, M.Phil. from the Center for Political Studies, Jawaharlal Nehru University, New Delhi. Mr. Matin has been the DAAD Fellow at the University of Goettingen, Germany. His research interest broadly includes South Asian Islam, Political Sociology of Bengali Muslims, caste, social justice, and Minority politics in contemporary West Bengal.

Prof. Ramanujam Meganathan is a Professor in the Department of Education in Languages at the National Council of Educational Research and Training, New Delhi. He is a language pedagogue and teachers' trainer. He has done his Masters in TESOL from Lancaster University, UK. Prof. Meganathan has been instrumental in teaching material in English for teacher's training and coordinated for UNESCO training and orientation programs. He has published in international and national journals on language education, pedagogy, and curriculum development.

Dr. Malavika Menon is Assistant Professor at the Dept of Political Science, GD Goenka University, Haryana. She has earned a doctorate from Jawaharlal Nehru University and has worked on minority educational institutions as part of her dissertation. Her research and teaching interests are in Indian politics, public policy, and political theory. She has previously been associated with the Jawaharlal Nehru Memorial Fund.

Dr. Shivani Nag is an Assistant Professor in the School of Education Studies at Ambedkar University Delhi, India. She did her undergraduate and graduate studies in Psychology from University of Delhi, and her M.Phil. and Ph.D. in Education Studies from Jawaharlal Nehru University. She is also an education and language rights activist. Drawing on theories from cultural psychology and critical and feminist pedagogies, her research focuses on inclusion, experience, and participation of children, adolescents, and young adults from marginalized and disadvantaged contexts in school and higher education.

Dr. Papia Sengupta is Assistant Professor at the Centre for Political Studies in Jawaharlal Nehru University, New Delhi. Dr. Sengupta taught in Kirori Mal College, University of Delhi, and was awarded the Distinguished Teacher Award by former President A.P.J. Abdul Kalam in 2009. She was fellow in Institute for Advanced Studies in Humanities, University of Edinburgh, UK (2016) and Brown University, USA (2015). Her research interests include politics of language, diversity studies, minority rights and decolonization of knowledge, gender, and multiculturalism. She has been awarded various fellowships like the Shastri Indo-Canadian Faculty Fellowship (2007), Swiss International Development Agency fellowship to attend the postgraduate Summer University at Institute for Federalism under the University of Freiburg in Switzerland (2013), and the International Institute of Social History fellowship (2012). Her monograph titled *Language as Identity in Colonial India: Policies and Politics*, was published by Palgrave Macmillan in 2018. She is the recipient of the Solidarity Award (2020) from the International Association for Applied Linguistics, The Netherlands. Dr. Sengupta's research articles have been published in reputed national and international journals such as *Economic and Political Weekly, Social Action, Geoforum* and *The International Journal on Diversity.*

Ms. Shailja Tandon completed her M. Phil. in Political Science from Jawaharlal Nehru University. For her research, she conducted an ethnographic study of men who have sex with men, MSM in Lucknow. Her research focuses on the process of formation of sexual subjectivity in the south Asian context and how these subjectivities negotiate and build alternate life practices. The emphasis on the everydayness of their lives helps to disassociate from the politics of AIDS/HIV, the lens used to understand gay sex and explore the potentiality of meaning-making practices to contest and redefine the contours of sexuality in India. She has previously worked on social and public policy, gender and sexuality, and refugees.

ABBREVIATIONS

ABVS	AIDS Bhedbhav Virodhi Andolan
ADIP	Assistance to Disabled Persons for Purchase/Fitting of Aids/Appliances
AICTE	All-India Council of Technical Education
AIDS	Acquired Immuno-Deficiency Syndrome
AISHE	All-India Survey on Higher Education
AMU	Aligarh Muslim University
APU	Azim Premji University
AUD	Ambedkar University, Delhi
BBC	British Broadcasting Corporation
BE	Bachelor of Engineering
BICS	Basic Interpersonal Communication Skills
CAA	Citizenship Amendment Act
CADs	Constituent Assembly Debates
CALP	Cognitively Advanced Language Proficiency
CBSE	Central Board of Secondary Education
CEIs	Central Educational Institutions
CLT	Communicative Language Teaching
CSDS	Centre for the Study in Developing Societies
CSSSC	Centre for the Studies of Social Sciences, Calcutta
DAV	Dayanand Anglo-Vedic
DUSU	Delhi University Students Union
EFL	English as Foreign Language
ELT	English Language Training
EOCs	Equal Opportunity Cells
GATS	General Agreement on Trade in Services

GDI	Gender Development Index
HDR	Human Development Report
HECI	Higher Education Commission of India
HEIs	Higher Educational Institutions
ICSSR	Indian Council of Social Science Research, New Delhi
ICT	Information and Communication Technology
ID	Identity or Identification
IEDC	Integrated Education for Disabled Children
IEDSS	Inclusive Education for Disabled at Secondary Stage
IMF	International Monetary Fund
IPC	Indian Penal Code
KAL	Knowledge about Language
KAS	Konrad Adenauer Stiftung
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Queer and/or Questioning, Intersex, and Asexual and/or Ally
MEIs	Minority Educational Institutions
NCERT	National Council for Educational Research and Training, New Delhi
NCM	National Commission for Minorities
NCMEI	National Commission for Minority Educational Institutions
NEP	National Education Policy
NGO	Non-Governmental Organization
NIEPA	National Institute of Educational Planning and Administration
NIPCCD	National Institute for Public Cooperation and Child Development
OBCs	Other Backward Castes/Classes
PDF	Portable Document Format
PG	Paying Guest (Accommodation)
PUs	Public Universities
PwD	Persons with Disability
QR	Quick Response
RMSA	Rashtriya Madhyamik Shiksha Abhiyan
RPWD	Rights of Persons with Disabilities
SC	Supreme Court
SCR	Sachar Committee Report
SCs	Scheduled Castes
SEDGs	Socio-Economically Disadvantaged Groups
SEZs	Special Educational Zones
SSA	Sarva Shiksha Abhiyan
STs	Scheduled Tribes
TBLT-	Task-Based Language Teaching
TESOL	Teaching English to Speakers of Other Languages
UG	Under-Graduate
UGC	University Grants Commission

UK	United Kingdom
UN	United Nations
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UP	Uttar Pradesh
UPA	United Progressive Alliance
US	United States
VIT	Vellore Institute of Technology
WBBME	West Bengal Board of Madrasah Education
WBMSU	West Bengal Madrasah Students Union
WBMTA	West Bengal Madrasah Teachers Association
WTO	World Trade Organization

List of Figures

Fig. 9.1 Categories of India's higher education institutions/universities (*Source* Constructed by author from AISHE 2019: 1–2) 152

Fig. 9.2 Number of universities and HEIs in India (*Source* Constructed by author from AISHE 2019) 153

Fig. 9.3 Gender Development Index for South Asian Countries 2020 (*Source* World Economic Forum Global Gender Gap Report 2020) 154

Fig. 9.4 Gross enrolment of women from different social categories (*Source* Constructed from data of AISHE 2018–2019) 156

Fig. 9.5 Gender-wise distribution of teaching posts in Indian universities (females per 100 males) (*Source* Reproduced from data in Figure 24 in AISHE 2019) 157

Fig. 9.6 Total enrolment according to social category in India 2019 (*Source* Constructed by author from data in Tables 14 and 15 AISHE 2019) 158

Fig. 9.7 Category-wise Distribution of teaching posts in Indian higher educational institutions (*Source* Reproduced from figure 20 AISHE 2019) 159

Fig. 9.8 Category-wise distribution of non-teaching staff in HEIs (*Source* AISHE 2018–2019. Ministry of Human Resource Development. Govt. of India) 160

Fig. 9.9 Gross enrolment of Muslims compared to SCs and STs (*Source* Constructed by author from data from AISHE 2011–2019) 161
Fig. 9.10 No. of Muslims in Teaching posts compared to SCs and STs (*Source* Constructed by author from data from AISHE 2011–2019) 161
Fig. 9.11 Student enrolment with disabilities in HEIs in India (*Source* Constructed by author from data from AISHE 2011–2019) 167
Fig. 9.12 No. of PWD Teachers in India HEIs (*Source* Constructed by Author from AISHE 2011–2019) 168
Fig. 9.13 Problems within existing HEI structures identified by NEP 2020 (*Source* Constructed by author from NEP 2020: Section 9.2) 171

LIST OF TABLES

Table 4.1 Recognition of Madrasah education and its equivalent degrees in state board 74
Table 5.1 Typology of institutions and English language environment 83
Table 9.1 Women enrolment in India's higher educational programmes (2011–2018) 155
Table 9.2 Distribution of women teachers per 100 males in various social categories 2011–2018 (India) 155
Table 9.3 Distribution of endangered languages in India as per number of speakers 163
Table 9.4 Steps to be taken by the governments and HEIs in India as per NEP 2020 175

CHAPTER 1

Introduction

Papia Sengupta

THOUGHTS: INSPIRATION BEHIND THE BOOK

Going through the reports of mob-lynching in the newspaper, which have heightened in the recent past, I felt a chill run down my spine, as if someone was holding me tightly and tying a rope on my neck. I was feeling breathless and unwell, when my mother seeing me like this, asked if I was alright. Her voice made me conscious that we i.e., me along with my students and colleagues were consciously and unconsciously experiencing something very similar. We were throttled for speaking our minds, threatened due to our participation in open debates and discussions, pushed to the margins of our collective patience. But who died? No not us, not yet. Then why this feeling of being murdered? Because it is the university getting lynched. Not just a place of work, but for many of us our place of worshipping the 'freedoms', which the past generations fought and died for-the freedom of speech and expression, to debate and dissent, argue with dignity and composure, respecting diversities, creating a mental and physical space to understand discrimination creeping

---

P. Sengupta (✉)
Centre for Political Studies, School of Social Sciences,
Jawaharlal Nehru University, Delhi, India
e-mail: papiasg@jnu.ac.in

© The Author(s), under exclusive license to Springer Nature
Singapore Pte Ltd. 2022

P. Sengupta (ed.), *Critical Sites of Inclusion in India's Higher Education*,
https://doi.org/10.1007/978-981-16-8256-8_1

from difference and the strong belief that academic spaces must be fenceless playground of ideas. A space that seems like providing oxygen for our souls, aspiring toward greater knowledge about human life-a continuing process of learning through self-analysis. Hope this space remains vibrant and inclusive to diverse languages, ideas and provides the ground for the interaction of differences….

Here I was standing in another protest. No, protests are not rare in my university. I have witnessed and participated in them since my student years for the last twenty odd years. But this protest in the form of a human chain was different, at least for me. I have never imagined even in my wildest dream that we will be holding hands against violence met by our students and faculty due to voicing our dissent against the authoritarian-communal-patriarchic policies of the state. A campus where the students and faculty members demonstrated, demanding on-campus issues such as round the clock library facility, common reading rooms, greater inclusion of individuals belonging to marginalized communities, rights of women, subordinated castes and classes, against sexual harassment, for rights of LGBTQI + communities, to rights of forest dwellers, land rights of Adivasi communities to raising voices against the capitalist project of development marring indigenous rights and enlarging democratic spaces. International issues that the university community took a stand on were against policy of apartheid, rights of Palestinians, atrocities against Blacks, and environment degradation. Such protests through demonstrations, dharna, posters, strikes, speeches, and slogans have been the bloodline of my university. And now, where have we reached that we are being targeted for being vigilant citizens against state high-handedness and atrocities?

Education lies at the core of building virtuous and active citizens, a trademark without which states cannot be termed as ‘developed’. Development here is understood as ‘an expansive process to the real freedoms that people enjoy’ (Sen 2000: 3). Development then connotes ‘freedom expanding’ exposition, which in turn makes education the critical means of reaching towards this package of freedom, as in freedom of life, liberty, freedom from hunger, disease, poverty, and most importantly, freedom to attain one’s best in life. This relation between education and freedom was explained by Jean Jacques Rousseau (1979), who reiterated that education has the capacity to reduce human inequality and suffering in his work *Emile*, where he claimed that although men were born free but are in chains due to [the] relations of inequality, dependency, false beliefs, and history i.e., the progress of humans which made humans civilized but unhappy. Education for Rousseau provided healing, ‘for it reintroduces humans to themselves’ (Rousseau 1979: 3). By this Rousseau meant that education enables humans to face the suffering that civilization has drawn upon by elevating themselves to look inward (spiritual well-being). Another interpretation can be that education enables humans to reduce suffering the calamities of civilized societies by equipping them with skills and knowledge to face the challenges in the new society not just to live and thrive but to feel a sense of ‘belongingness’, happiness and fulfillment. Education as a practice requires constant dialogue and discussions and this in turn is dependent on all citizens being treated with equal respect, possessing dignity, and opportunity to participate in intergroup and intercultural communications by the state.

To belong to society as an equal member requires certain criteria. But one’s position in society often gets marked by being born in a family of rich or poor, upper or lower caste, majority or minority, though birth is accidental. This position at birth often becomes the basic ground for inequality, wherein people may not have the means to develop fully as individuals having a sense of self, living freely without fear, and having access to the necessities critical for self-development. Education then, provides the essential means for upward mobility, to earn wealth and position through wisdom and intellect. All societies are categorized into different groups based on culture, language, socio-economic hierarchy, gender, and religion, while the postcolonial countries are the ones that are the most diverse and heterogeneous. These are societies rich in cultural diversity but marred with a widening gap between a minuscule upper class and a majority belonging to the lower economic strata. The postcolonial plural states have faced continuous drain of their wealth, first by the imperial powers in the eighteenth and nineteenth century and later due to the amassment and concentration of wealth by a few individuals or families. It then is the responsibility of the democratic state in these societies to provide avenues of education as it is a prime means for a better life in socially stratified states. By making education inclusive and accessible to all people, the state performs the function of welfare for all.

Ideas and Aim of Education

The predominant ideas on which education and educational policies are premised can be categorized as: to make individuals better citizens (citizen education), equality of opportunity (to provide children and individuals the opportunity to attend school and college to gain knowledge), education for knowledge building and exchange, education to produce a group of men and women to take up state jobs and administrative functions enabling the smooth running of the state (administrative workers), and education to make individuals 'job-ready'(employment and skill development). Education as a means to overcome privileges by birth and to value merit by removing the discrimination of birth and toward social justice. In short, the idea of equality, social justice, the right to equal opportunity, and the right to life and liberty can be enjoyed fully when individual citizens have the means to live a life without starvation, poverty, impoverishment, and malnutrition. Although most states face these issues of poverty, unemployment, and homelessness, providing educational opportunities to all individuals may enable them to access economic and social opportunities to their fullest.

Contemporary democracies often relate to education as a right of all individuals where the state acts as a facilitator through its policies. Since most societies are marred with inequalities, it is imperative to note that without state's positive role toward promoting education for all its citizens, a large number of people will not be able to access education for themselves and their children. Often social inequalities get transformed into discrimination against people belonging to a minority religion, lower caste, marginalized communities such as transgenders, homosexuals, differently abled, and women. Hence, inclusion becomes a central idea for citizens to enjoy education rights in accessing educational institutions without discrimination. By 'inclusion' or 'inclusive' education, I mean that no individual should be debarred from education on the ground of her identity. Education must be provided to all children irrespective of religion, caste, class, gender, and race. But this idea of 'inclusiveness' of education is comparatively new and became an issue to be acknowledged in postcolonial countries like India taking it more than six decades to recognize education as a fundamental right in 2009. India incorporated the provisions of affirmative action in order to open up public services, employment, and educational institutions to individuals belonging to the subordinated castes and indigenous communities, women, differently abled and religious-cultural minorities. The underlying idea behind what is popularly called the 'reservation policy', was the inclusion and accommodation of the marginalized into the mainstream by providing them avenues to access equal opportunity. In a country with 21.2 percent of its population living below poverty line,[1] a reduction from 2004 standards, but the thing to remember is the poverty line of India for urban and rural poor is Rs. 33.33 and Rs. 27.5 respectively for one day's income. This itself proves the pithy state of affairs of how poverty reduction is counted. Education remains the only path for vertical upliftment especially higher education which makes individuals eligible to be placed in the top ranks in administrative, technological, academic, and medical sectors. Higher education is not just about employment and monetary benefits but brings with it the feeling of dignity, status, prestige, and above all the awareness of one's rights and liberties which enable citizens to become alert members of the society in a democratic state.

Understanding and Expanding Inclusion

It needs to be explained for the purposes of this book, what the term 'inclusion' connotes. Why is there a need for inclusion? Essentially because, a large population of the world has been excluded from the earth's resources and categorically being denied what is rightfully theirs by the powerful, colonial-minded, profit-seeking, chauvinistic rationality wherein there is a tendency to convert even the democratically elected state to work not for the electorate but for the capitalist corporate houses. Such a logic bases itself on modernity postulated on Eurocentrism, was further imitated by the rich and powerful classes of the erstwhile colonial states. The present work is an effort in decolonizing the debates surrounding the issue of 'inclusion' in India's higher education. To such an end, the book incorporates decoloniality understood as 'a way of thinking which takes the colonial, racial, gender, cultural prejudices as its empirical and discursive object of study and an attempt to re-locate and re-situate them to understand the contemporary events. But it doesn't stop at offering only a critique rather alternative ways and forms of thinking and praxis about the world' (Bhambra et al. 2018: 2). Decoloniality, then is an understanding that there is no one universal truth or decolonial position, instead, it is a call for diverse local knowledges to enter into a conversation with others, each bringing in their unique experiential and historical knowledge. Here, different indigenous communities, ethnic groups, castes, genders, cultures converse with each other and do not become an audience to the already set stage of colonial-modernity, rather actively participate and change the course of debates and thought-processes or the terms of debates altogether (Walsh and Mignolo 2018). In this spirit, decoloniality, as Walsh and Mignolo argued, is an urge to seek relationality or *vincularidad*, challenging the Western-European fixation with universality by initiating a discussion toward decolonial pluriversality (Walsh and Mignolo 2018: 2). Even before, the emergence of the school of contemporary decoloniality, Samir Amin critiqued Eurocentrism and advocated a new way of thinking through 'delinking' from modernity and enlightenment philosophy which he argued was premised upon the capitalist mode of violence inbuilt within enlightenment rationality (Amin 1990: 2009). Delinking, taking a cue from Andre Gunder Frank and Barry Gills's thesis of the world-system (1993) is to separate away from the Eurocentric belief which places Europe at the center, and the rest of the world arranged as peripheries or sub-peripheries. It is through Europe's yardstick, world knowledge epistemologies are judged and categorized as developed, underdeveloped, or undeveloped. In this system then the term peripheral has a negative connotation—of being lesser in relation to the center.

For our purpose then to understand 'inclusion', we need to first acknowledge and affirm why and how the marginalized communities became 'marginalized'. This can be clearly approached through the lens of Eurocentrism, alternatively to change the center requires not just delinking but finding interrelations and interconnectedness of decolonial narratives against centrism, racism, sexism, communalism, and capitalism. In the present volume, we scholars identify and analyze, utilizing decolonial approaches and epistemologies, the exclusionary spaces and practices under the garb of the universal language of 'inclusive mechanisms' in institutions of higher education in India.

One is fully aware of how the colonial project has a tendency to appropriate terms and vocabulary to completely metamorphosize their meanings to fit the Eurocentric paradigm. Terms such as 'interculturality' or *interculturidad*', for instance have been expropriated by the World Bank based on the rationale of Keynesian economy. The aim of the volume is to release the term 'inclusion' from such restrictive usage which in education's domain is narrowly understood to make a case for 'physically mentally disabled' people, rather broaden the paradigm to include all those who occupy marginal positions, suffer violence and discrimination, face humiliation not due to any fault of their own but due to the atrocities of those who have hierarchized societies and justify the hierarchization by simply creating binary perceptions such as mainstream and marginal; center and peripheral; majority and minority, men and women and so on. Such oversimplistic interpretation of the enumerable communities and diverse individuals is highly parochial and patriarchal in nature with a tendency to completely invisible-ize the cultural, knowledge, existential, and epistemological pluralities.

Inclusion needs to be understood at two levels:

Inclusion as 'getting in'—in this sense inclusion means to be included in governance, decision-making mechanism, democratic processes, in short, to be a part of the system. The marginalized groups, minorities, and individuals belonging to diverse sexual, cultural, linguistic, religious, ethnic, racial, gender communities are included within the 'fold-of' the governing system. The general norm, as Iris Marion Young argues in such a meaning of inclusion is to 'widen and deepen democracy' following the logic that the legitimacy of democratic decision-making must include those affected by the outcomes of such a decision, should have an opportunity to influence the outcomes (Young 2000, 5–6). Young further reiterated that, inclusion in this sense by bringing communities, 'individuals within the fold of decision-making as a single public with a single discourse of common-good, requires openness of a plurality of modes of communication' (Young 2000, 12). While open-communication as Young advocated is intrinsic to political processes in a democratic state, the point to be highlighted is, whether inclusion as 'including' individuals belonging to marginalized- minority communities is sufficient for democratic deliberation? Two sets of questions emerge:1. What if such a method of inclusion as 'being included' into the fold implies following the rules by conforming to the set norms of the system while having no power to influence the decisions? Let me elaborate this, what if you are included just for namesake to be a part of the whole without impacting the whole and thereby maintaining the hegemonic status quo. A corollary to this is whether inclusion simply means absorption without being included as 'equal'?

Such a meaning of inclusion seems to be unidimensional (Marcuse 1964) where whosoever is included is obliged to follow, conform and comply with the norms, having no power to question, challenge or change authority. I consider such a proposition of inclusion as mere accommodation, which is an important step but not sufficient. Inclusion understood as becoming ‘part of the whole’ is merely accommodation and not acceptance of others as equals. Let’s take an example, there is a public university that has no student belonging to the indigenous community and hence decides to start a diversity policy by admitting indigenous students. But if these new students are not treated as equals with other students, not given space to formulate their ideas and positions, not allowed to bring in their understanding of culture and knowledge, not given due respect, and have to face humiliating behaviors from students and faculties, will that be real inclusion? It simply will be accommodation and not ‘real’ inclusion. Why is this ‘accommodation’ not real inclusion? As, such a policy will include others into the realm of the system while repeatedly informing those included that they do not belong in the system and are inferior to those who occupy the decisive positions, not always by virtue of merit but due to the accident of birth.

Just as multiculturalists highlighted the discrimination faced by individuals not belonging to the majority cultural mainstream under the liberal principle of ‘formal equality’ and hence demanded for substantive equality. My argument is that inclusion understood as including ‘others’ remains in practice just accommodation of others, acknowledging their presence but not their right to speak or dissent against the hegemonic dominance prevalent in all systems of governance: political, social, judicial, education, etc. Such a form of inclusion may lead to a false imagination where those in power elude the marginalized communities by appropriating them into the fold while continuing with the status quo. Hence, inclusion should not become supplementary to policies of integration (Hodkinson 2012) into a conservative, dominant, discriminatory, and exploitative culture or process, farther away from the tenets of equality.

Inclusion as ‘getting in as equal’—inclusion herein entails being included with equal rights to unfold, question, and challenge the inbuilt but hidden discriminations within institutions and systems. To voice dissent, convince others about how the innate biases within systems discriminate individuals and communities based on their identity. Eventually, to try and transform the system for the better. In this form of ‘inclusion’, one is not just included to become a part of the system but to ‘change the system’, i.e., inclusion with the objective of social transformation, a step toward building an egalitarian society. Inclusion then becomes enabling and facilitating social change. This understanding of inclusion is multi-dimensional where you not just open a room for others but allow them to bring in their ‘diverse identity and experiences’ toward remodeling and redesigning the room where all roommates feel belonged to the room and vice versa.

Real inclusion, then is also a step ahead of the position called non-discrimination (Raz 1994) which Joseph Raz asserted is, 'when a country's public service, education, economic and political arena are no longer the preserves of the dominant/majority but common to all its members as individuals' [as well as member of different ascriptive groups] (Raz 1994: 157–158 as referred by Kane 1997: 542). Discrimination often remains elusive, thereby making identification of a position of non-discrimination very difficult. Because identifying discrimination is a pre-requisite to understand and implement policies that are non-discriminatory in practice. Expanding the realm of education to all through the inclusion of all by making available equal space, enhances the chance of every individual belonging even to the majority to expand their horizon of understanding 'invisible-discrimination' as embedded in patriarchal-monistic-majoritarian-autocratic-absolutist narratives, faced by women, individuals belonging to cultural-linguistic and religious minorities, homosexuals, people with disabilities.

Education then enters this discourse on inclusion as an 'enabling capacity' to identify avenues of exclusion even within the so-called inclusive policies. While primary and secondary education are foundational for individuals of all classes to become employable as workers, get absorbed in the lower and middle levels of management and administration of the state and private enterprises. It is higher education that performs the twin task of not just facilitating employability rather furthering social empowerment by opening the positions of power and influence to those belonging to marginalized sections of the society. Higher education equips individuals to identify invisible discriminations often missed by others, especially university education in social and political theory which empowers individuals to question domination and oppression.

This is not to say that creativity or resistance to power is dependent solely if an individual has availed of higher education. Individuals can be talented and very creative without possessing university degrees. Resistance against exploitation is not a prerogative of university graduates. Resistance can be practiced through music, arts, cultural performances, plays, theater, poetry, cinema, and various other mediums of cultural channeling which do not necessarily need one to be university educated. Leaders who confront discrimination and raise their voice against authoritarian policies may belong to any class and community but higher education has the capacity of increasing the chances and number of individuals who are able to identify discrimination and assert for its rectification, to move forward toward a just-world through academic activism in the form of writing, research and training, influencing political outcomes and policy-making. Higher education then, is a means which can elevate the probability and possibility of individuals who will dissent and voice against violence, coercion, exclusion, and domination. Therefore, higher education plays a critical role in societal transformation and must be accessible to all. This brings us to the question of higher education as a public-good wherein the state must be made responsible for providing, financing, nurturing, and developing higher education through public funding, thereby broadening the paradigm of equality of opportunity. I will not go ahead with this argument further as this is comprehensively dealt with and analyzed in Bijukumar's chapter on neoliberal rationality.

Is Reservation Policy Enough for 'inclusion'?

Many culturally diverse democratic states follow the policy of affirmative action in some form or the other, most prominent among them is the system of reservation or a quota system in public employment and educational institutions.[2] Reservation is not a guarantee toward equality and challenging the mindset of discrimination against others. Reservation makes systems more accommodative, while for a system to change requires identification of other equally significant but oft-hidden sites of discrimination and exclusion. 'Excessive emphasis on reservation, Satish Deshpande argued, raises the risk of a metonymic slide that ends up equating reservations with social justice, while reservation can provide formal inclusion, it cannot deliver social justice' (Deshpande 2013: 2).

A related practice is when members of marginalized communities are made part of higher education while strategically kept away from participating in important decisions, advancing in their field, and getting promoted to higher posts. These members are assimilated and consumed into the culture of domination through a regime of dominance and hegemony (Gramsci 1980; Guha 1998). When certain practices, such as untouchability, segregation, humiliation continues even though they are immoral and sometimes declared illegal. In such cases what essentially happens is 'exclusionary inclusion' (Sharma 2014; Behl 2019) or drafting 'inclusive policy while being exclusionary in practice' (Selleck 2013). Rectifying this requires an attitudinal shift, which reservations cannot bring, they can facilitate or make accessible education and/or employment but reservation alone, is no guarantee to social change and progress toward an equitable society.

Another imperative idea that applies equally to reservation policies and inclusion is that these should not be mistaken as 'special rights' rather common rights which are guaranteed to everybody through the constitution in most democracies, but equal enjoyment requires a diversity of representation (Cohen 1997: 572). Inclusion is thus not charity rather an affirmation that the societies we live in are not flawless, where biases thrive leading to discriminating individuals who are seemingly different from those belonging to the majority-dominant community. Inclusion then is a measure to diversify the paradigm of any organization, system, and institution by involving individuals from varied groups to help identify, articulate, and challenge those rules, norms, laws, and policies which often under the garb of uniformity and tradition increases and intensifies oppression on the base of one's difference and identities.

One way to incorporate inclusion in higher education is through adopting an inclusive curriculum. For example, by avoiding the reinforcement of heteronormative discourses and essentialized gay identities while making students aware of those who are outside the heterosexual framework (Moore 2016: 86). A fundamental point to keep in mind regarding education is—'curriculum is political' (Pinar et al. 1995: 243). One may ask how is it so? Schools in general and curriculum in particular can never be politically neutral as schools are an integral part of the social structure of society (Sengupta 2021: 11). They not only prepare students to enter the current economic system but equally reiterate the structures of production in turn reproducing class structures (Bowles and Gintis in Pinar *et al.* 1995: 245). In this way, schools come to participate in the system of injustice and suffering which can only be altered by developing an empowered citizenry capable of changing the circumstances and moving toward a more just society, rather than accepting the status quo of power relations and social hierarchy (Bowles and Gintis in Pinar et al. 1995: 244). This requires a democratic curriculum based on critical pedagogy (Giroux 2011). Ideas and culture associated with the dominant class/caste/religion get accepted in the school curriculum, neglecting the cultural, gender, religious diversity of the society. This starts a vicious cycle of domination and discrimination wherein the core values and interest of the social class controlling the material and symbolic wealth of the society, gets inculcated in the school system resulting in social reproduction of hierarchies (Sengupta 2021: 11–12).

RATIONALE OF THE BOOK

A universal objective of the university education planning in independent India was to broaden its horizon to include students from all communities, classes, clans, and caste groups, enriching and enhancing knowledge exchange, bringing in innovative ideas and nuanced viewpoints from different perspectives. University was conceptualized as a space for the free exchange of ideas, dissent, analysis, discussion, interpretations, expressions, and challenging the status quo. Though there were diverse stands on pedagogy, curricula design and teachers' training, one common thread that tied these varied views was the common aim of expansion of the realm of education through the inclusion of students from all walks of life especially those belonging to disadvantaged and subordinated communities. This common view was not only challenged but devastated by a monistic sectarian ideology in the past years. A fundamental change essential for such fanaticism to succeed was smothering the sacred space i.e., democratic discussions in universities. The choice facing public universities and private higher education institutions in the present scenario is not just of 'conform' or 'collapse' but conform and collapse. In this massacre of universities, the first casualty is the idea and practice of 'inclusion'.

An overarching idea in the discussions on inclusion in higher education in India remains restricted mainly to caste reservation. While one fully endorses that reservation on a caste basis is fundamental for achieving social justice, we cannot forget that individual's identity, other than caste, is equally significant and causes suffering and injustices on grounds seemingly invisible in the public sphere. For example, the case of students who are not fluent in English or the dominant regional languages often are hesitant and low in self-confidence, feeling excluded; similar is the case of students belonging to minority communities-religious, linguistic, cultural, and ethnic who struggle for acceptance of their difference. Woman is a precarious group. I say so as it is extremely heterogeneous but even highly educated women encounter discrimination in matters of promotions and recognition of their research work hindering their full participation in academia due to patriarchal mindsets. Students graduating from *madrasah* and minority institutions face issues on joining universities and higher educational institutions, which often go unseen and unheard.

Individuals belonging to LGBTQIA+ communities battle to enter higher education and are rarely admitted, obstructing their chance of getting equipped to economically enhance their lives and live a dignified life. These 'sites' of exclusion of a vast number of individuals due to their identity are rarely discussed in small academic circles and generally remain underworked with very meager research being carried on such aspects of discrimination. Hence, in this volume, we aim to open debate and deliberations on these common but often silenced gaps in inclusion in the field of higher education in India. Such practices translate to discrimination of individuals on the socio-political front while economically amounts to a great loss for the country due the losing out on prospective skilled professionals who could have contributed to knowledge generation and innovative ideas.

The book brings forth multilayered dynamics by analyzing the role of the state, market, and global economy and its impact on public universities through scrutiny of the ideological shift, away from welfarism to capitalist profitability. Presently, with the state receding even from the essential services for citizens such as healthcare, education, housing, and basic food security, everything has been commodified based on market dynamics. This neoliberal market rationality has had a huge impact on the restructuring of public universities (PUs). Not only is there a zeal toward making education a profit-making venture through higher fee structures, limited funding but also restricted academic freedom, curriculum restructuring in accordance with market impulses often assaulting critical thinking. The market compulsions for knowledge production have crippled the public universities, institutional autonomy, and its financial sovereignty. In this situation, public universities were asked to generate internal resources and start market-oriented courses to meet the requirement of the corporate demands. The increasing cut in grants to public universities, removal of subsidiaries on education lead to the increase in fees and cut in the salaries of teachers. The market's everyday interference on PUs is a causality of its autonomy and its structure, teaching, and research. These are the subject matter of Bijukumar's chapter on 'Interrogating Neoliberal Rationality and Exclusivity of Higher Education'.

Malavika Menon, discusses what inclusion entailed in newly independent India, especially the Constituent Assembly Debates (CADs) on the status of 'minority', fundamental rights for communities to establish institutions for promotion and preservation of their language and culture in Chapter 3 of the book. This chapter 'Negotiating Inclusion—Minority

Institutions and Constitutional-Legal Dimensions in India', argues that the special provisions for inclusion of minority groups were one of the contested topics that have been negotiated in India since independence. It explores the two main sites of negotiations i.e., the CADs and Supreme and High court judgments which grappled the frictions emanating from the assumed incompatibilities of provisions for minorities with the secular credentials.

Among the minorities in India, Muslims are doubly disadvantaged due to low levels of education and low quality of education (Sachar Commission Report 2006: 50). In the field of higher education i.e., graduation and above, the disparity between Muslims and other categories i.e., SCs/STs has significantly widened since 1970s. The percentage of graduation among Muslims is a meager 3.4 percent compared to 8.9 percent of other minorities (Sachar Commission Report 2006: 67). With such lower rates of Muslim representation in higher education, madrasah system becomes significant, especially for economically poor Muslim students. Among the Indian states which has a robust-system of public *madrasahs* is West Bengal, which is discussed comprehensively by Abdul Matin in Chapter 4—'From Exclusion to Inclusion-The Case of Public Madrasah Education System in West Bengal'. This chapter explores how the public *madrasah* system in West Bengal underwent a transformation toward *duniyabi talim*, and modernization of education to facilitate the inclusion of students from extremely poor backgrounds into the realm of higher education. Analyzing the *madrasah* education reforms undertaken by the A.R. Kidwai Committee in 2002, the chapter investigates how the *madrasah* system of education has reformed itself from religious to secular education curriculum, to expediate the absorption of students from *madrasahs* directly into the university system.

English education in India is viewed as an avenue for upward mobility. With the advent of liberalization and globalization, English as a medium of instruction and as a language has become significantly important for employability in private and multinational corporations. Planning for English education was one of the focus of the National Curriculum Framework 2005, wherein the state recognized the consistent demands of parents for English education. How can English education: as a language and as a medium of instruction be planned effectively in a multilingual country? Chapter 5 'Language Conundrum: English Language and Exclusivity in India's Higher Education' by Ramanujam Meganathan, highlights this issue by conjoining pedagogical and practical issues of distinguishing between the communication-oriented and text-based English courses at the university level. Asserting that there is a gap between school and undergraduate level of education in India in terms of the language of instruction because the majority of schools in India follow a regional language as a medium of instruction while higher education is mostly carried on in English medium, leads to hierarchization of students who come from English medium schools and those who are from regional languages medium. The chapter puts forth an innovative pedagogy through which students from regional languages background could be included in the HEIs without facing difficulties.

Indian paradigm of 'inclusive education' is much broader than the global understanding which particularly assigns the term 'inclusive' mostly to students with disabilities. Gagandeep Bajaj's Chapter 6—'Inclusive Education from School to Higher Education in India: Provisions, Possibilities and Progress', traces the historical trajectory of the theoretical framework of disability in India's higher education system by analyzing the interconnections between senior secondary school and higher education with special reference to visually impaired students. It presents the evolution of our understanding of educational provisions for the differently abled, from segregation toward integration and eventually inclusion.

Chapter 7 Institutional Barriers—as Hindrance to Inclusion of Women as Members of Academic Community', by Shivani Nag, enlightens readers on the most ignored aspects of exclusion of women from fully participating in academia. Focusing on safety as a primary concern, and how keeping girl students away from conferences, seminars, and other cultural events in universities which takes place in late evenings and hostel timings becomes a hindrance to women students' full participation in university life outside the classroom. This chapter contends that learning is not exclusive to formal educational institutions and also takes place outside in a multitude of spaces via varying processes including observation, apprenticeship, explicit instructions, and more, within a formal educational institution. This chapter undertakes qualitative methodology and presents narratives of women students and their experience of exclusion from different spaces due to institutional barriers.

A case that has rarely been argued for inclusion in higher education in the case of people belonging to the LGBTQIA+ communities in India. In Chapter 8—'Higher Education and the Question of Inclusivity for LGBTQIA+ Community', Shailaja Tandon focuses on the much-neglected aspect of this community and the multilayered discrimination that occurs not on grounds of gender but sexual orientation too. Gay, Lesbian, or Bisexual are the expressions of sexual orientation and gender identity as a personal identification of one's own gender which may or may not align with the sex assigned at birth. The concerns of alternate genders and sexualities asserted themselves in their struggle around Section 377 of the Indian Penal Code (IPC) in the 1990s. It is an important signification as in India identifying as gay, lesbian or bisexual has attributes of class attached to it. The chapter focuses on the issues and lives of *hijras* (transgenders), kothis, gay, lesbian, bisexual, transpeople, and sex workers who are kept away from higher education as 'untouchables' and even those who could enter face grave injustices. Forcefully arguing for the Gender Studies curriculum to include Queer, third gender, and LGBTQIA+ literature, the chapter envisions a revision and inclusion of gender sexuality in pedagogy.

The writing of this book has collided with a very significant event in the field of education in India—the National Education Policy (NEP) which was passed by the Indian government in 2020.[3] The book ends with Chapter 9 by Papia Sengupta who assesses inclusion in higher education and critically analyses inclusion in the NEP. The last NEP was in 1986 with amendments in 1992 and 2005. The NEP 2020 is the first national-level education policy of the new millennium laying the blueprint of education for the years to come. The government has remarked that the new education policy marked a notable shift from 'what to think' to 'how to think' in the digital age. (Bhasin 2020). Claiming that the NEP lays the foundation for a 'new India', the Prime Minister opined that it will promote imagination by moving away from 'herd-mentality' (Jebaraj 2020). The NEP underlines the need for online and digital platforms in teaching–learning, stresses multidisciplinary, 'forward-looking vision' with a 'light but tight' approach under a single centralized regulator i.e., the National Higher Education Commission (NEP 2020). The last chapter by Papia Sengupta assesses the inclusion of marginalized communities and women in India's higher education through a data analysis taken from Census 2001–2011, All-India Survey on Higher Education and University Grants Commissions' Annual Reports etc. presenting the case of the marginalized communities and their inclusion through an investigation of their enrollment and recruitment in HEIs in India. This chapter also critically analyses the NEP 2020 through the lens of inclusion.

Notes

1. This data is from 2011 when India's rate of poverty came down from 38.9 percent in 2004. "India no longer home to the largest number of poor: Study", *Times of India* 28 June 2018. https://timesofindia.indiatimes.com/india/india-no-longer-home-to-the-largest-no-of-poor-study/articleshow/64754988.cms. Accessed on 31 July 2018.
2. For more on reservations in India see); Gurpreet Mahajan (1998) *Identities and Rights: Aspects of Liberal Democracy in India*. Delhi: Oxford University Press. Vidhu Verma (2019) A Crisis of Representation: Interests, Identities and Politics. *Journal of Social Inclusion Studies*. Vol. 5(1).
3. All reference to National Education Policy 2020 are from the policy document uploaded in the Ministry of Human Resource Development. Government of India at the official site. https://www.mhrd.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf. Accessed on 1 August 2020.

References

Amin, Samir (1990) *Delinking: Towards a Polycentric World*. London, New Jersey: Zed Books.

Amin, Samir (2009) *Eurocentrism: Modernity, Religion and Democracy—A Critique of Eurocentrism and Culturalism*. Second Edition. New York: Monthly Review Press.

Behl, Natasha (2019) *Gendered Citizenship: Understanding Gendered Violence in Democratic India*. New York: Oxford University Press.

Bhambra, Gurminder K., Kerem Nisancioglu & Dalia Gebrial (2018) *Decolonising the University*. London: Pluto Press.

Bhasin, Swati (2020) PM Modi's Top 5 Quotes on National Education Policy. *NDTV.Com* 7th August 2020. https://www.ndtv.com/india-news/pm-modi-adresses-conclave-on-transformational-reforms-in-higher-education-under-national-education-policy-top-5-quotes-2275665. Accessed on 10th August 2020.

Bowles & Gintis (1980) 'Contradiction and Reproduction in Education Theory' in L. Barton, R. Meigham & S. Walker (eds.) *Schooling: Ideology and Curriculum*. London, England: Falmer.

Cohen, Cathy J. (1997) 'Straight Gay Politics: The Limits of an Ethnic Model of Inclusion' in Will Ian Shapiro & Will Kymlicka (eds.) *Ethnicity and Group Rights*. Nomos 39. New York: New York University Press.

Deshpande, Satish. (2013) 'Caste Quotas and Formal Inclusion in Indian Higher Education' in Satish Deshpande & Usha Zacharia (eds.) *Beyond Inclusion: The Practice of Equal Access in Indian Higher Education*. New York, London and Delhi: Routledge.

Frank, Andre Gunder & Barry Gills (1993) *The World System: Five Hundred Years or Five Thousand?* New York: Routledge.

Giroux, Henry A. (2011) *On Critical Pedagogy*. New York: Continuum.

Gramsci, Antonio (1980) *Hegemony and Revolution: Antonio Gramsci's Political and Cultural Theory* translated by Walter L. Adamson. Vermont: Echo Point Books and Media.

Guha, Ranajit (1998) *Dominance Without Hegemony: History and Power in Colonial India*. Cambridge: Harvard University Press.

Hodkinson, Alan (2012) "All Present and Correct?" Exclusionary Inclusion Within the English Educational System. *Disability and Society*. Volume 27:5.

Jebaraj, Priscilla (2020) "NEP Lays Foundation for 'New India', Shifting Away From 'Herd Mentality', says PM Modi". *The Hindu* 7th August. https://www.thehindu.com/news/national/nep-focusses-on-how-to-think-pm-modi/article32292140.ece. Accessed on 15 May 2021.

Kane, John (1997) 'From Ethnic Exclusion to Ethnic Diversity: The Australian Path to Multiculturalism' in Ian Shapiro and Will Kymlicka (eds.) *Ethnicity and Group Rights*. Nomos 39. New York: New York University Press.

Marcuse, Herbert (1964) *One Dimensional Man: Studies in the Ideology of Advanced Industrial Society*. New York, London: Routledge.

Moore, Ashley (2016) Inclusion and Exclusion: A Case Study of an English Class for LGBT Learners. *TESOL International*. Volume 50:1, pp. 86–108.

National Education Policy. (2020). *Ministry of Human Resource Development*. Government of India. https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf.

Pinar, W. F., William M. Reynolds, Patrick Slattery and Peter M. Taubman (1995) Understanding Curriculum: An Introduction to the Study of Historical and Contemporary Curriculum Discourses. *Counterpoint*. Vol. 17. Peter Lang. Retrieved July 15, 2020, from www.jstor.org/stable/42974921.

Raz, Joseph (1994) *Ethics in Public Domain: Essays in the Morality of Law*. Oxford: Clarendon Press.

Rousseau, Jean Jacques (1979) *Emile: On Education*. New York: Beacon Books.

Sachar Commission Report (2006) *Social, Economic and Educational Status of the Muslim Community of India: A Report*. Prime Minister's High-Level Committee. Cabinet Secretariat. Delhi: Government of India.

Selleck Charlotte L. R. (2013) Inclusive Policy and Exclusionary Practice in Secondary Education in Wales. *International Journal of Bilingual Education and Bilingualism*. 16:1, pp. 20–41.

Sen, Amartya (2000) *Development as Freedom*. New York: Alfred A. Knopf.

Sengupta, Papia (2021) Can Ideas be Deleted? Curriculum in Perspective. *Economic and Political Weekly*. Volume 56(18):10–12.

Sharma, Satish K. (2014) 'Reservation Policy in India: Exclusion in Inclusion' in P. Judge (ed.) *Mapping Social Exclusion in India: Caste, Religion and Borderlands*. Cambridge: Cambridge University Press.

Walsh, E. Catherine, and Walter Mignolo (2018) *On Coloniality: Concepts, Analytics, Praxis*. Durham: Duke University Press.

Young, Iris Marion (2000) *Inclusion and Democracy*. New York: Oxford University Press.

CHAPTER 2

Interrogating Neoliberal Market Rationality and the Exclusivity of Higher Education

V. Bijukumar

Introduction

Neoliberalism as an ideology based on market rationality invokes havoc on higher education and public universities (PUs) in the Global South and in the advanced capitalist countries. Such an impact has serious repercussion on the high-spirited values of public education, the sociability of knowledge-production, conception of public morality and ideals of democratic citizenship. The introduction of a neoliberal policy agenda to the higher education sector led to the penetration of market forces in the PUs and higher education sector. Neoliberal market rationality impacted the restructuring of PUs more in market terms. In addition to the hastened process of restructuring higher education towards profit goals, the impact of market rationality is visible in the forms of jeopardizing academic freedom, curriculum restructuring for market impulses

---

V. Bijukumar (✉)
School of Social Sciences, Centre for Political Studies, Jawaharlal Nehru University, New Delhi, India
e-mail: bijukumar@mail.jnu.ac.in

© The Author(s), under exclusive license to Springer Nature Singapore Pte Ltd. 2022

P. Sengupta (ed.), *Critical Sites of Inclusion in India's Higher Education*,
https://doi.org/10.1007/978-981-16-8256-8_2

and assault on critical thinking. The market compulsions for knowledge-production crippling the public universities institutional autonomy and their financial sovereignty. In this situation, PUs were asked to generate internal resources and start market-oriented courses to meet corporate demands. The increasing cut in grant to public universities and the removal of subsidiaries on education lead to an increase in fees and cut in teachers' salaries. The market's everyday interference on PUs is a causality of its autonomy and structure, teaching and research. The impact of market rationality is visible in threatening academic freedom, curriculum restructuring for market impulses, assault on critical thinking. Market forces threaten the legitimacy of the PUs as a sphere of communicative action.

The champions of neoliberal rationality often see market principles as essential for enhancing competitiveness among public universities and providing manpower for market-led development. The neoliberal market rationality influences higher education in PUs as economic growth emerged as the sole economic development criteria. Subsequently, neoliberal rationality cherishes efficiency and merit. However, the most contagious consequence of neoliberal rationality transformed a public university into a "technical-rational university" (Habermas 1987). Instrumental rationality in the neoliberal era produces skills over social knowledge production of knowledge transformed into skills production to respond in market symbols. Moreover, as highlighted by Nussbaum, not only the humanistic aspects of social science but also the science is under causality due to the onslaught of neoliberalism. She asserts that in both these disciplines, the humanistic aspects such as the imaginative, creative and critical thoughts are "losing ground as nations prefer to pursue short-term profit by the cultivation of the useful and highly applied skills suited to profit-making" (Nussbaum 2010: 2).

Neoliberal Market Rationality

Though market rationality assumed wider currency during the neoliberal turn of the global political economy, it is very much on the part of the economic liberalism since the classical political economy of Adam Smith and David Ricardo, essentially the neoclassical paradigm of the Chicago School. In the classical tradition, Smith, influenced by the Scottish Enlightenment, was cherished by the rationalist and individualist ideas, established a correlation between capital accumulation and growth.

Unlike the Mercantilists, who maintained that a country's economic growth relied primarily on the active trade balance and accumulating precious metals from abroad, Smith believed that endogenous growth is related to labour productivity growth. He viewed that free-market competition leads to the generation of wealth for the nation, and individuals' self-interest and rationality drive the market. Hence, Smith granted limited role for the state—the administration of justice, the provision of defence and the maintenance of certain public-goods which market cannot produce for the welfare of the people. In his idea of "perfect competition", Ricardo emphasized the relevance of the market in accelerating production. The critique of the governmental regulations on people's welfare argues that the market would create economic growth. However, unlike his predecessors of the classical liberal political economy, J.S. Mill stressed that in economic activity, production and distribution are not inseparable, as the market guides the former and the later involves the actions of the state. In the production process, market is guided by natural laws and physical truths, the human action can alter the distribution process as it is a "matter of human institutions" (Mill 1904).

The idea of market rationality can be understood more vividly by distinguishing it from its counterpart, state rationality. The latter repose faith in the state's ability to manage economic activities through centralized planning, active role of public sectors, and redistributive policies. Instead of maximizing the individual's self-interest and private economic motives, state rationality in economic development envisages public welfare and security. The state rationality assumes significance when the market rationality fails to avert the recurring economic crisis and the collapse of the market optimism. For instance, the Great Depression of the 1930s and the Global Financial Crisis of 2008 shattered the market rationality based on market optimism—the market never fails—and brought the state rationality in rectifying the market infirmities in the context of a severe economic crisis. The Keynesian idea of state intervention in financial management to address the economic slowdown in the 1930s and the economic stimulus package of President George W. Bush—offering $ 152 billion—is considered rectifying excessive market optimism.

In the neoclassical political economy, market rationality assumed a centre-stage in Milton Friedman and Fredrich Hayek's works. The Chicago School, an intellectual centre of neoclassical paradigm, argued that the market is the ideal institution for allocating resources for the economy and called for deregulation of the government's market and non-intervention. It is based on market deregulation, competition, the market mechanism's superiority, and free-market interaction. Developing greater pessimism on state rationality stressed human behaviour, the Chicago School in the 1940s, and individual as rational and self-interested being, motivating economic activity. The neoclassical approach based on the Chicago School reemphasized market rationality with greater emphasis on individual behaviour. Market rationality was put above state rationality as it embodies freedom and welfare. It believed that the reduction of government intervention is essential for maintaining a self-regulating mechanism. The optimism that the market never fails based on the assumption that it is the exchange of rational individuals as buyers and sellers. In his *Capitalism and Freedom*, Friedman argues that unhindered economic freedom leads to political liberty (Friedman 1962). In contrast, posing a lethal critique of state intervention as a "road to serfdom", Hayek championed individual freedom. In the 1940s, Hayek's neoliberalism made a counterattack on Keynesianism and its emphasis on state action stating that government intervention counteracts individual freedom and increasingly move towards individual freedom. For Hayek, the market is no longer a rational allocation of scarce resources and harbinger of social justice (Hayek 1944).

The ascending significance of market rationality, was however, hit by the emergence of Keynesian paradigm in the 1930s which reflected the death knell of economic laissez faire. Keynes argued that inflationary tendencies would be controlled by state intervention and would save capitalism as well as democracy. Keynes viewed that unemployment breeds inequality crisis in the economy. It is argued that Keynes "rehabilitates the mercantilists who had understood the problem of employment much better than the classical economists" (Beaud and Dostaler 1995: 30). The optimism built upon market rationality collapsed during the Great Depression of the 1930s forced Keynes to revisit the neoclassical critique of state rationality. Rejecting the market Keynes' self-regulatory mechanism sought increasing government interventions through public policies are essential for achieving full employment and price stability in the capitalist economy. Keynes expounded that capitalism is inherently unstable and has no natural tendency towards full employment and pressed for increasing government spending to market as an incredible institution in capitalist economy (Keynes 1936/2018).

After the four decades of domination of Keynesianism, market rationality floated up in the global political economy in the 1970s. It emerged as a challenge to Keynesianism, manifesting itself initially in the forms of Reaganomics in the US and Thatcherism in the UK and later spreading to other counties until it became the dominant ideology in the global political economy. In fact, it appeared as the ideologies to rescue capitalism from its crisis in the 1970s especially the oil crisis, fiscal crunch, stagflation and debt crisis. In the 1980s, neoliberalism emerged as the dominant paradigm of public policy in the West and since the 1990s in the underdeveloped countries. Perhaps, the economic and cultural factors contributed to the revival of neoliberalism (Palley 2005: 22). Economically, the emerging view that the Keynesianism was able to address mass poverty and growing unemployment problems and the introduction of New Deal programme brought increasing prosperity and income distribution which redundant the institutions and policies of Keynesianism in economic development. Secondly, at the cultural level, it is argued that America has always celebrated radical individualism which was "further promoted by the ideological conflict embedded in the cold war, which fostered antipathy to notions of collective economic action and denial of the limitations of market capitalism" (Palley 2005: 22).

Neoliberalism, the dominant economic ideology and praxis of capitalism, genesis found in the work of Chicago School economist Milton Friedman. The foundations of neoliberalism lie in the classical political economy of Adam Smith who developed an attack on parasitic mercantilist state that derived its revenues from the restriction on trade (Clarke 2005: 50). Through the Structural Adjustment Programme, neoliberal rationality was pushed for the developing countries under the hegemony of the United States. In contrast to laissez-faire, neoliberalism stands for minimal state intervention—the state ensures law and order, guaranteeing public good and preserving the constitutional rules that safeguard the market order (Turner 2008: 5). As David Harvey states that neoliberalism as a theory of political economic practices that "proposes that human well-being can best be advanced by liberating individual entrepreneurial freedom and skills within an institutional framework characterized by strong private property rights, free markets, and free trade" (Harvey 2010: 4). In the 1980s, neoliberal policies got momentum through the structural adjustment conditions imposed by the IMF and World Bank. Neoliberal rationality got a boost in the 1990s due to the growing pessimism on the state's rationality in development and its capacity to provide welfare to people.

Neoliberal rationality establishes the economy in command and thereby reducing the government interventions and its potentiality for equity in distribution. Neoliberalism is based on instrumental rationality, though it is premised on individual rationality, interconnected with capitalist morality. It is based on the assumption of government failures and market triumphs. It is argued that in neoliberalism, "the market symbolizes rationality in terms of an efficient distribution of resources" and the government intervention is "deemed undesirable because it transgresses that rationality and conspires against both efficiency and liberty" (Munck 1995: 61). Neoliberalism conceptualizes into three intertwined manifestations—an ideology, a mode of governance, a policy package. As an ideology, neoliberalism destined to serve certain functions—elite, interest as globalizing market indispensable tool for the realization of a better world based on global economic interdependence. Secondly, as a mode of governance, as often Foucault called governmentalities, is based on particular premises, logics and power relations (Foucault 2007). In this respect, the self-regulating free market as the model for proper government and the transformation of bureaucratic mentalities into entrepreneurial identities. Thirdly, a policy package, aimed at deregulating the economy, liberalizing trade and industry, and privatizing state-owned enterprises. In short, neoliberalism can be seen as "potential antidote to threats to the capitalist social order and as a solution to capitalism's ills had long been lurking in the wings of public policy" (Harvey 2010: 19).

The Market as a Natural Institution

The justification for market rationality in neoliberalism is based on the assertion that the market is a natural organization. The market is the lynchpin of neoliberalism as it is based on the rational organization of economic life and brings competition and efficiency. The market as a natural institution helps it function effectively in society and organizes people's economic life. Market rationality constitutes the core of Western civilization and progress and thereby emerged as the touchstone of western modernity. Rostow, for instance, emphasized the role of the market in the modernization theory (Rostow 1960). Neoliberal rationality is based on the assumption that the market is a natural institution, and people can have more optimism about its activities and never in market failure. Market principles legitimizes the natural order and antithetical to an egalitarian order. Accordingly, the market is a self-regulating mechanism based on free competition intended to bring economic growth and prosperity. The conception of the market as a natural institution putting market rationality over state rationality and any state rationality would jeopardize the natural order. The market is equated with competition and efficiency. The ethics of market rationality is based on free competition individual freedom at its maximum level. The neoliberal rationality was justified as it functions through individual rationality and individual free choice. All forms of intervention are against human consciousness, dignity and individual freedom. As Harvey argues that while the market is guaranteeing individual freedom in economic activity, the individuals are "responsible and accountable for his or her actions and well-being. -which is also extending over the realm of welfare, education, health care, and even pensions" (Harvey 2010: 65).

The propensity for neoliberal market rationality lies in the obsession with growth. The neoliberal rationality with market as its engine of growth discards equity in development. In other words, the neoliberal market rationality's obsession with growth is antithetical to equity and social justice. The obsession with growth as the marker of development accelerates distributional inequalities as Thomas Piketty argues that wealth grows faster than economic output, thus concentrating capital in some (Piketty 2014). Karl Polanyi in his great transformation argues that the dynamics of modern society is governed by double movement—"the market-expanded continuously but this movement was met by a countermovement checking the expansion in definite directions" (Polanyi 2001: 136). The counter movement was a critique of the self-regulatory mechanism of market which was, "in no way the result of the gradual and spontaneous emancipation of the economic sphere from governmental control" (Polanyi 2001: 258). Further, while legitimizing the basis of market optimism in economic development it is often argued that "only the self-regulating free market allowed for the right number of goods at correct prices produced by workers paid at levels determined by the free market" (Steger and Roy 2010: 17). However, developing a critical view of the self-regulatory market mechanism advocated by the classical political economists like Adam Smith and modern economists like Hayek that market as a self-regulating mechanism and any market shocks can be rectified its own without any outside stimulus, Polanyi argues that "the road to the free market was opened and kept open by an enormous increase in centrally organized and controlled interventionism" (Polanyi 2001: 140).

Public Universities and Higher Education in Neoliberal Era

The most visible attack of neoliberal market rationality is on the institutions of public universities and the higher education. Public Universities are a democratic public sphere. A liberal humanistic university is based on freedom of teaching and research. Higher education in PUs play crucial role in the knowledge production as PUs has certain social goals due to its image as the "paradigmatic institution of the public sphere and of modernity" (Delanty 2005: 530). A public university as a powerhouse of knowledge and a disseminating knowledge. It is argued that a university's principal functions are to transmit culture, create new knowledge, and pursue truth through teaching, study and research, which are central to the university's identity (Clark 1984). The idea of university in its traditional content was formulated by Wilhelm Von Humbolt in the Western context and western conception was influenced by the Enlightenment values such as universalism and rationalism. PUs stand for the production of knowledge, carving of social citizens. John Henry Newman in his classic work on university education argues that the principal purpose of a university is to impart "liberal education" which he means the education of the whole mind and the "cultivation of the intellect" (Newman 1960: xiii). In the broader perspective, Nehru located the university as an institution stands for humanism, tolerance, reason, adventure of ideas and search for truth (Nehru 1983). While reflecting this view, Lipset believed that publication education ostensibly expands "men's outlooks, enables them to understand the need for norms of tolerance, restrains them from adhering to extremist and monistic doctrines, and increases their capacity to make rational choices" (Lipset 1959: 79).

The influence of neoliberal market rationality transformed university as a market provider and student as consumer leading to greater depoliticization. It imposes instrumental rationality on universities through standardization of rules and regulations. Public universities intended to ensure components of social justice such as recognition, representation and redistribution. The forces of neoliberalism pressurize on state to deviate from social accountability affecting equity, autonomy, accessibility. Growing pressure on higher education and university. Marketization adversely affect the diversity of institutions. Public Universities as excellent centres of knowledge intended to achieve equity towards the goal of social mobility. Social functions of the universities are reducing. PUs are more equipped with the market signals not for the social needs. Apart from greater standardization of the university, the instruction of neoliberal rationalities in education led to PUs as factory to produce skill for the market. Growing pressure on universities for internal resource mobilization and introduction of profit-making courses. It is argued that with the unleashing of market liberalization universities across the world compelled to adopt commercial models of knowledge, skill, curriculum, finance, accounting, and management organization (Levidow 2005: 156).

Philosophers like Hannah Arendt, John Dewey, Cornelius Castoriadis and C. Wright Mills cautioned the danger of education under corporate influence and losing autonomy of the universities. As Shils argues that the tradition of the autonomy of universities is one of the oldest of all the traditions of universities and when the universities must be dependent for external financial support, it has affected the degree of their autonomy (Shils 1989: 435). Public universities are involved in knowledge production and raise critical consciousness and enhance critical thinking. Neoliberal rationality erodes critical pedagogy due to restricting equity. Neoliberal market rationality suppresses critical thinking. Marketization promotes skill training and thereby ignores the very essence of critical pedagogy. It is to be reminded that among the vast array of the theorists of critical pedagogy like Henry Giroux, Bell Books and Peter McLaren, Paulo Freire, believed that education in the broader sense is a part of a project of freedom and democracy in general. Critical pedagogy has its origin in the tradition of critical theory of the Frankfurt School developed by Paulo Freire who believed that education is not neutral but is primarily political as it generates critical dialogue and critical consciousness (Freire 1993). Critical pedagogy is based on interpretative space aimed at bringing social change removing the asymmetrical power relations in the society which often seen as the reason for the oppressed human beings. As such, it has emancipatory potential to emancipate people trapped in the identities of gender, class, race, etc.

NEOLIBERAL ASSAULT ON HIGHER EDUCATION

The rise of neoliberalism during 1980s and 1990s has been profoundly influencing the structure and function of the PUs. Neoliberal rationality has obsession with efficiency and profitability of education as a private good impacting the social role of PUs. The inequalities in accessing higher education brought by market rationality have an implication for accessing labour market offered by the private sector and serious implications for economic empowerment. John Dewey asserts that the high levels of educational attainment as a prerequisite for democracy (Dewey 1916) and for Lipset, education in economic growth and promotes political democracy (Lipset 1959). Education is a valuable source of political power. In underdeveloped countries, education contributes to nation-building and is essential for social integration. However, the denigration of public education has severe implications for the sustainability of democracy. It is argued that the social inequality accentuated by the neoliberal policies "undermines any effort to realize the legal equality necessary to make democracy credible" (Chomsky 1999: 10). Often, the growing marketization in higher education reduces its accessibility to some communities leading to their virtual rout in the substantial requirement for democracy. Arguing for an inclusive approach to education and its massification to larger canvas Nussbaum argues that "no system of education is doing a good job if its benefits reach only wealthy elites. The distribution of access to quality education is an urgent issue in all democracies" (Nussbaum 2010: 11).

Since neoliberal growth is not equitably distributed, it would attribute to social inequalities and social tensions. The intrusion of the market into higher education breeds educational inequality as some children cannot access education. As Nussbaum argues that "education based mainly on profitability in the global market magnifies parochialism, haste, sloppiness, selfishness, narrowness of the spirit, in contrast to great rational and imaginative power in democracies, producing a greedy obtuseness and a technically trained docility that threaten the very life of democracy itself" (Nussbaum 2010: 142). The state intervention in education, in the form of massive investment in education not only increases human capital and the productivity of labour force and capital increases productivity of the labour force but also ensuring the quality and ambit of democracy.

Undermining Education as Public Good

Public education is often seen as public goods, which are non-excludable and non-rival as one is excluded from its consumption and for the public well-being. Samuelson defined a public good as having non-excludable and non-rivalrous outcomes (Samuelson 1954: 387–89). Since higher education is a public good that is non-rivalry as one person's enjoyment of a good does not diminish other people's ability to enjoy the same good, it thereby ensures its potentiality to democratize knowledge. Hannah Arendt considers the concept of knowledge as the public good of education, and educators have a specific responsibility to pass on society's knowledge (Arendt 1954). The notion of public goods further gained momentum in the Fabian Society in Britain. Public Universities are public goods providers intended to strengthen equity. The private goods produced by the market, on the other hand, are based on excludability. Higher education as a public good promotes social justice not only does it create knowledge but also increases employability. Neoliberal rationality dilutes higher education as a public good. The growing perception is that public goods are antithetical to economic growth as it diverts the country's public resources. Neoliberal rationality diminishes public goods' role as they are a burden on the government exchequer, and its distribution would adversely affect a country's economic growth. The growing influence of market rationality on education turns education into a non-merit good as education is a profitable market. For Kant, universities are critically held to account, and universities play a critical role in holding state bodies and professions to account (Kant 1798/1979). According to Brown, neoliberalism calls formerly public goods to be privatized in at least three senses like promoting profit orientation, valuing individual consumer interest and for protecting the entrepreneurial conduct of stakeholders such as departments, teachers, students, office workers "without regard for common or public ones" (Brown 2011: 119).

Public goods grounded in public morality and its commodification leads to altering the public conceptions of morality. Since public goods are based on non-rivality and non-excludability, it involves certain moral values attached to public morality. Public goods involve certain aspect of social justice components which ultimately produce an egalitarian society. Perhaps, such conception is more or less similar to that of Rawlsian conception of primary goods which are essential for ensuring justice in a society. The unbridling neoliberal market rationality with its emphasis on obsessive economic growth overshadows the conception of education as public goods as epithets such as efficiency, profit motive and merit as the benchmarks for its performance. The market cannot provide a public good because the market is exclusive and rival and prevents others from accessing it. If knowledge as a public good is based on "non-excludability", the public universities which produce knowledge should not be an institution fortified by "exclusion".

Commodification of Education

In neoliberal rationality, education is consumable goods, and students are consumers. The proliferation of corporate university further cementing the commodification of knowledge. These universities act as income-generating institutions where knowledge is for sale and the commercialization of research. The impulses of society do not move knowledge production in higher education does not adhere to the principles of social justice. The commodification of knowledge nullifies the idea of social justice. Since knowledge production in the neoliberal era is not motivated by society's impulses, knowledge is not considered a social good, but a commodity in the neoliberal rationality knowledge economy aimed at accelerating a particular knowledge for the market. The market-oriented knowledge production insulates public universities from the ambit of social justice as a profit motive. Market rationality—efficiency and profit motive—brought into the everyday functioning of the public universities. In a market society, institutions exist for institutional well-being, not for social well-being and institution excellence are often evaluated in terms of abstract criteria of ranking not based on social auditing. In such a situation, the higher educational institutions supposed to promote social values are in peril. Knowledge is a collective or communal commodity has a capacity for action (Stehr 2005: 25).

Disciplinal Downsizing

Neoliberal rationality's propensity for economic growth brings disciplinary downsizing as disciplines such as arts, humanities, and social sciences assume lesser significance due to their market value and cannot positively respond to growing market signals. This appalling situation is also an attack on humanities, arts and social sciences from religious bigotry and aggressive nationalism. Disciplines such as science and technology, management, skill producing discipline gained superiority over humanities and social sciences. As it is argued that as education caters to the demands of the global markets in the neoliberal era when " everyone focus on scientific and technical proficiencies as the key abilities, and the humanities and the arts are increasingly perceived as useless frills that can prune away to make sure our nation remains competitive" (Nussbaum 2010: 133). In fact, humanities and social sciences play a vital role in society, especially to instil values for human beings' existence.

When the modern mechanized societies are witnessing virulent forms of animosity and violence denigrating the values of equality and mutual respect, the inculcation of values through social science education neutralizes those tendencies creating cultures of equality and respect. Such a situation demands the crucial importance of humanities and arts (Nussbaum 2010: 143). The production of knowledge by humanities and social sciences is often seen as lesser vital as it is non-profitable. When the neoliberal university provides skills and goods to corporates, the humanities are undermined no longer relevant to cater to the needs of the market forces. Moreover, the human civilizational values which are attached to humanities are fast retreating.

Martha Nussbaum alerted the growing tendency of side-lining humanities disciplines in the university higher education, as she argues that the goal of education should be "not for profit" (Nussbaum 2010). Nussbaum emphasizes that humanities education is indispensable for democracy and for cultivating a globally minded citizenry. The attack of neoliberal rationality on humanities as no profit value, for instance causes serious implications for social citizenship and democracy. In fact, humanities play a vital role in the inculcation of values and social sensitiveness and developing critical citizenship. The disciplinal downsizing of social sciences, humanities, and arts can be related to the growing misconceptions about neoliberal growth as these disciplines are not contributing to the nation's progress. It is often described as the waste of the public exchequer. On the other hand, a systematic attempt has been created that market-oriented education can boost economic growth. Moreover, neoliberal growth has an adverse impact on democracy as it breeds inequality. It is further argued that when the education system signal to the growth centric goals of the economic development it would further causality for democracy. Often the misconceived notion of the superiority of scientific and technological knowledge over the knowledge produced by social sciences and humanities not only affects the knowledge production process but also the democratization of the knowledge itself. Cautioning further on the superiority of the techno-scientific rationality over the knowledge production by the social sciences and humanities, Nussbaum argues that that the nations all over the world lead to extreme situation of "producing generations of useful machines, rather than complete citizens who can think for themselves, criticize tradition, and understand the significance of another person's suffering and achievements. The future of the world's democracies hangs in the balance" (Nussbaum 2010: 2).

Devaluating Citizenship

In a democracy, education is considered to be an essential precondition for citizenship as it creates certain values such as tolerance, civic virtues, respect for the law, honesty and interpersonal trust and respect for dissent. Education inculcates deliberation skill, which is essential for democracy as teaching involves a dialogical process against the much-acclaimed banking-model of teaching. Classical philosophers like Socrates and Plato highlighted education as a dialogue. Neoliberal rationality reduces the citizens as s depoliticized category. Noam Chomsky asserts that in the neoliberal system based on market principle, an important and necessary by-product is a depoliticized citizenry marked by apathy and cynicism (Chomsky 1999: 10). Citizens reduced to economic maximizer and utility seeker. Education is considered as the essential precondition for creating values of citizenship found in the philosophy of John Dewey, who argues that education is the vehicle through which society passes on its values, norms and behaviours. As Gopal Guru argues that education offers an opportunity to reflectively endorse the universal conception of the common good through reflectively rejecting an appeal to regressive values. Reflectivity is important because it reduces the cognitive dependence on others' (self-serving political leaders, conservative parents and obscurantist ideologues) rhetorical advice or mechanical ideological appeal. One can expect students who have acquired cognitive capacity to arrive at judgments independently" (Guru 2019: 9).

A PU through its education transforms a passive citizens into a critical democratic citizen. Neoliberalism rejects the idea of social citizenship as welfare is denied to all. Accordingly, citizenship does not involve in providing welfare rights.

The increasing role of market rationality in the economy has implications for the social conception of citizenship. Marshall talks about civil, political and social citizenship. His conception of social citizenship defined as "a modicum of welfare and security to the right to share to the full in the social heritage and live the life of a civilized being according to the standards prevailing in society" (Marshall 1950: 11). Social citizenship is based on the provisions of economic welfare and social security. Social citizenship can be realized when a society has a minimum standard of social welfare and security. Market rationality as an assault on social citizenship as it impoverishes certain social classes as it breeds inequality and displacement. The growing material inequality hampers the very idea of social citizenship.

Impact on Higher Education in India

Like elsewhere, the neoliberal market rationality impacts higher education in India in its more visible and invisible forms. When India adopted market reforms in 1991, the government was not much explicitly inclined to carry out reforms in the education sector towards market orientation, though it brought drastic reforms in other sectors of the economy. However, both the Swaminathan Panel (1992) and the Punnayya Committee (1993) recommended the increasing fee for students in public funded educational institutions. In 1994, when India signed the WTO's undertaking and agreed on General Agreement on Trade in Services (GATS), education was declared as "non-merit good". When the state is gradually withdrawing from public education and higher education is emerging as a non-merit good, the growing trends are the increasing role of the private sector in higher education where education, significantly higher education, is emerging as a profitable commodity. The explicit forms of market rationality is manifested in the emergence of private universities, self-financing educational institutions, entry of foreign educational institutions, reduction of state funding in higher education and imposing exorbitant fees.

The blatant manifestation of the interference of the market rationality in India's higher education was the Ambani and Birla Report of 2000. The Report titled "Report on a Policy Framework for Reforms in Education", prepared by the "Special Subject Group on Policy Framework for Private Investment in Education, Health and Rural Development" of the Prime Minister's Council on Trade and Industry, Government of India (Government of India 2000) moving away from the goals of accessibility and equity, the emerging philosophy is that knowledge production is more competitive and education is emerging as a commodity for a profitable market. The Report recommended removing subsidized education, and education was considered a profitable commodity in the emerging competitive market. It is argued that the Ambani and Birla Report "emphasized on a market-oriented education system, that is, an education system producing human resources by the requirements of the market and transforming the HEIs to factory sheds producing reproducible skills, instead of promoting critical thinking that would influence social and political outcomes" (Biswas 2020: 44). The National Knowledge Commission headed by Sam Pitroda and the Yashpal Committee Report during the Congress-led United Progressive Alliance government reiterated the Ambani-Birla Report's substance, further clearing the corporatization of higher education. Though the New Education Policy, 2020 promised 6% of the Gross Domestic Product on education, the Union Budget allocation in 2021–22 was discouraging. It was reported that the allocation in budget for Samagra Shiksha Abhiyan for 2021–22 is only ′31,050 crore, far less than the budget allocated for 2019–20, which was ′36,400 crore, and also less than the actual expenditure of 2019–20, which was ′32,376.52 crore (EPW 2021: 4).

Taking the case of growing privatization of higher education in India, educationalist B. G. Tilak highlights the growing incongruity between inaccessibility of market and the participation in the labour market. In his opinion "inequalities in access to higher education result in inequities in access to labour market information, which result in inequalities in employment and participation in labour market, resulting in inequalities in earning contributing in turn to socio-economic and political inequalities" (Tilak, 2015: 196). The neoliberal growth producing dwindling job opportunities. When jobs in the organized sector are dwindling, there is a growing demand for market-oriented education for accessing jobs in the private sector, which increased the demand for market-oriented education. Further, as part of the higher education reform, the higher education institutions were undergoing massive restructuring. The University Grant Commission, the apex body monitoring and funding higher education across the country, will replace it with the Higher Education Commission of India (HECI). Public universities were asked to mobile resources internally by way of offering market-oriented courses and enter into public private participation. With the increasing private investment in higher education intended for profit motive and the emergence of private universities, higher education is losing democratic control and accountability, and the public universities are no longer the space for critical thinking. The government often claim that the reform policies are intended to address the challenges of quality and equity; the blatant privatization and corporatization evoke adverse repercussions on the equity and accessibility of education for the socially vulnerable.

Conclusion

Neoliberal rationality transforms public university into production shops to fulfil market and knowledge production; in this respect, it seems to be for market requirement than for social and economic reconstruction. The neoliberal assault on higher education fortifies the elite's interest and detrimental to the country's cultural diversity. Due to the incursion of the market, higher education diluted the principles of equity and justice. The penetration of neoliberal market rationality in higher education areas exclude the socially and economically marginalized but also derail the democratic process of the country. Since market rationality cannot be jettisoned altogether in globalized world, it has to be rationalized in higher education with the active intervention of the state. In such situations, public universities should be armed with more state funding to face the challenges emanating from market rationality. Such a state injunction enables these higher educational institutions to be an instrument for social change and an embodiment of civic values essential for democratic sustainability and consolidation.

References

Arendt, H. 1954. *Between Past and Future*. London: Penguin.

Beaud, Michel and Gilles Dostaler. 1995. *Economic Thought Since Keynes: A History and Dictionary of Major Economists*. London and New York: Routledge.

Biswas, Debashis. 2020. Neo-liberal Reforms in Higher Education Accelerated by the Pandemic. *Economic and Political Weekly*. 55(39):41–48.

Brown, Wendy. 2011. Neoliberalised Knowledge. *History of the Present*. 1(3):113–129.

Chomsky, Noam. 1999. *Profit over People: Neoliberalism and Global Order*. New York: Seven Stories Press.

Clark, B. R. 1984. *Perspectives on Higher Education: Eight Disciplinary and Comparative Views*. Berkeley, London: University of California Press.

Clarke, Simon. 2005. The Neoliberal Theory of Society in Alfredo Saad-Filho and Deborah Johnston (eds.), *Neoliberalism: A Critical Reader*. 50–59. London: Pluto Press.

Delanty, Gerard. 2005. The Sociology of the University and Higher Education: The Consequences of Globalisation in C. Calhoun, C. Rojek and B. Turner (eds.), *The Sage Handbook of Sociology*. 530–545. London: Sage Publications.

Dewey, John. 1916. *Democracy and Education*. New York: Macmillan.

EPW. 2021. Education in Union Budget 2021–22. 56(6):4.

Foucault, Michael. 2007. *Security, Territory, Population: Lectures at the College De France, 1977–78*. London: Palgrave Macmillan.

Freire, Paulo. 1993. *Pedagogy of the Oppressed* (Translated by Myra Bergman Ramos). London: Penguin Press.

Friedman, Milton. 1962. *Capitalism and Freedom*. Chicago: The Chicago University Press.

Government of India. 2000. *Report on a Policy Framework for Reforms in Education, Prime Minister Council on Trade and Industry*. New Delhi: Government of India.

Guru, Gopal. 2019. Education and the Idea of Common Good. *Economic and Political Weekly*. 54(25):9.

Habermas, J. 1987. *The University in a Democracy: Democratisation of the University* (Translated by Jeremy J. Shapiro in Toward a Rational Society). Cambridge: Polity Press.

Harvey, David. 2010. *A Brief History of Neoliberalism*. Kolkata: Update Publications.

Hayek, F.A. 1944. *The Road to Serfdom*. London: George Routledge.

Kant, Immanuel. 1798 & 1979. *The Conflict of the Faculties* (Translation and Introduction by Mary J. Gregor). New York: Abaris Books.

Keynes, John Maynard. 1936 & 2018. *The General Theory of Employment, Interest, and Money*. Cambridge: Palgrave Macmillan.

Levidow, Les. 2005. Neoliberal Agendas for Higher Education in Alfredo Saad-Filho and Deborah Johnston (eds.), *Neoliberalism: A Critical Reader*. 156–162. London: Pluto Press.

Lipset, Seymour Martin. 1959. Some Social Requisites of Democracy: Economic Development and Political Legitimacy. *American Political Science Review* 53(1):69–105.

Marshall, T. H. 1950. *Citizenship and Social Class and Other Essays*. Cambridge: Cambridge University Press.

Mill, John Stuart. 1904. *Principles of Political Economy: With Some of their Applications to Social Philosophy*. London: Longmans.

Munck, Ronaldo.1995. Neoliberalism and Politics, and the Politics of Neoliberalism in Alfredo Saad-Filho and Deborah Johnston (eds.), *Neoliberalism: A Critical Reader*. Press, 60–69. London: Pluto.

Nehru, J. 1983. The Function of Universities, in Jawaharlal Nehru's Speeches. Vol. I, pp. 329–334. New Delhi: Publication Division, Ministry of Information and Broad Casting, Government of India.

Newman, John Henry. 1960. *The Idea of a University*. Notre Dame: University of Notre Dame Press.

Nussbaum, Martha. 2010. *Not for Profit: Why Democracy Needs the Humanities*. Princeton: Princeton University Press.

Palley, I. Thomas. 2005. From Keynesianism to Neoliberalism: Shifting Paradigms in Economics in Alfredo Saad-Filho and Deborah Johnston (eds.), *Neoliberalism: A Critical Reader*. 20–29. London: Pluto Press.

Piketty, Thomas. 2014. *Capital in the Twenty-First Century*. Cambridge: The Belkhap Press of Harvard University Press.

Polanyi, Karl. 2001. *The Great Transformation: The Political and Economic Origins of Our Time*. Boston: Beacon Press.

Rostow, Walt Whitman. 1960. *The Stages of Economic Growth: A Non-Communist Manifesto*. Cambridge: Cambridge University Press.

Samuelson, P. 1954. The Pure Theory of Public Expenditure. *Review of Economics and Statistics*. 36(4):387–389.

Shils, Edward. 1989. The Modern University and Liberal Democracy. *Minerva*. 27(4):425–460.

Steger, Manfred B. and Ravi K. Roy. 2010. *Neoliberalism: A Very Short Introduction*. Oxford: Oxford University Press.

Stehr, Nico. 2005. *Knowledge Politics*. Boulder: Paradigm Publishers.

Tilak, Jandhyala B. G. 2015. How Inclusive is Higher Education in India? *Social Change*. 45(2):185–223.

Turner, Rachel S. 2008. *Neoliberal Ideology: History, Concepts and Policies*. Edinburgh: Edinburgh University Press.

CHAPTER 3

Negotiating Inclusion: Minority Institutions and Constitutional-Legal Dimensions in India

Malavika Menon

Introduction

India's "tryst with destiny" has a long-chequered history. Efforts at integration and unity were the defining features of India's struggle for independence; confronted by challenges posed by India's diversity, coupled with divisive colonial policies. It was amidst this that India gained independence.

The Indian Constitution served (and continues to serve) as the bedrock of the Indian State. It set out a vision for the polity and defined the character of the newly independent state of India. A product of deliberations in the Constituent Assembly, the document was framed in the backdrop of the opposing conditions of tumult (caused by partition) and

---

M. Menon (✉)
Department of International Studies, Political Science and History,
School of Social Sciences, Christ (Deemed to be) University,
Bannerghatta Campus, Bangalore, India

© The Author(s), under exclusive license to Springer Nature
Singapore Pte Ltd. 2022

P. Sengupta (ed.), *Critical Sites of Inclusion in India's Higher Education*,
https://doi.org/10.1007/978-981-16-8256-8_3

integration (of princely states in independent India). Undoubtedly, this had an impact on the framing of the Constitution and some of the provisions were revised whereas some were reaffirmed. One of the significant areas where this impact was deeply felt was in the realm of provisions and safeguards for minorities.

This essay examines one aspect of the minority question in India—the establishment and administration of minority educational institutions—enshrined in Article 30 of the Indian Constitution. In particular, the essay sets out to examine how this provision has been interpreted by the judicial authorities who were given the mandate to resolve disputes arising thereof. In doing so, the essay attempts to highlight the issues confronting the State and minority educational institutions (MEI/MEIs) and brings to fore the deliberative spaces that the Supreme Court and more recently, the National Commission for Minority Educational Institutions (NCMEI) have offered to minorities in India. While both, the High Courts and the Supreme Court can exercise their powers under writ jurisdiction, keeping in mind the large number of cases, this essay addresses only Supreme Court cases to define the scope of judicial interventions. Further, in keeping with the theme of this volume, the essay will focus on educational institutions of higher education, hence determining the selection of cases.

"Negotiating" inclusion is not a recent phenomenon. Diverse groups had been debating and demanding concessions even in colonial times. The Anglo-Indian community, for instance, used to receive grants to run their schools and at the time rights to minorities were being determined in the Constituent Assembly they sought continuation of English schools established by them.[1] In independent India, these negotiations were made, both, by the State and the minorities. The Constituent Assembly of India served as the first deliberative space for doing so. In the following decades, the State set up the National Commission for Minorities and the National Commission for Minority Educational Institutions—to address specifically, provisions under Article 30 of the Indian Constitution.

Following the above, the chapter is organized in the following way: it begins at first with a brief account of the minority question, with specific reference to MEIs, as debated in the Constituent Assembly. Two, it engages in a comprehensive discussion on key cases on minority educational institutions addressed by the Supreme Court. Thirdly, the chapter examines the role of the National Commission for Minority Educational Institutions (NCMEI/Commission) as the negotiating platform for minorities and its dilution by the current dispensation. Finally, the chapter would comment on how crucial deliberative spaces such as the Courts and Commissions serve to revive the democratic space and draw attention to the very dynamic conception of minorities in India.

The Constituent Assembly: Framing Rights of Minorities

When the Constituent Assembly of India convened in December 1946, provisions for minorities were a priority. The Constituent Assembly did not assume the needs of the minorities and followed democratic means of gaining the confidence of the minorities. Procedures were set in place to provide a platform to minorities to voice their needs. In a span of two months, i.e., January–February 1947, resolutions were moved to set up an Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded and Partially Excluded Areas and a Sub-Committee on Minorities.[2] The Sub-Committee on Minorities was appointed in February 1947 with H.C. Mookherjee, a Christian leader from Bengal, as Chairman. Soon after, the Sub-Committee circulated a questionnaire to gauge the specific needs of the minority communities Queries concerned the political, economic and cultural needs of the communities that were to govern the safeguards and rights that would eventually emerge in the Constitutional provisions for minorities. Some of the contested provisions that were likely to affect minority groups were the issue of conversions (affecting the Christians and depressed classes in particular), religious freedom—the right to practice and propagate one's religion, the inclusion of Sikhs and Buddhists within the Hindu fold and state regulation of religious endowments.

Discussions on minorities spanned many sessions. Drawing from what K.T. Shah said on his "Note on Fundamental Rights" and in B.R. Ambedkar's exposition on Article 23 (the right of minorities to establish educational institutions), one can gather that the emphasis was not on minorities as a political group, but on those "fixed and unchanging entities" which had a distinct religion, nationality, culture or language, which made small groups in the midst of larger populations" (Rao 1968: 33). Ambedkar, while summing up the debate on minority educational institutions stated that Article 23 of the Draft Constitution was not an obligation of the State; but served as a non-discriminatory clause, i.e., the State would not discriminate against educational institutions established and managed by religious and linguistic minorities; nor would it discriminate while giving recognition or aid to these institutions merely on the ground that they were established and administered by the said minorities (ibid.).

When sessions of the Constituent Assembly commenced to discuss and deliberate on political rights, representation did form a part of minority safeguards. However, with partition looming large on the horizon, these safeguards were set aside, and the emphasis shifted to cultural rights.

The debate on cultural rights found expression in the provision to set up educational institutions. This was partly in keeping with practices of patronage to traditional educational institutions. It was, to use Paul Brass's term, "continuity" in practices (Brass 1990: 2). The first continuity was regarding grants given by the British government to traditional community led schools.[3] This was set in motion by the Woods Dispatch of 1854 that provided grants to all private agencies engaged in imparting knowledge regardless of their religious objectives. *Pathshalas, madrasas* and missionary schools formed a part of this. Besides covering religious instruction, they taught the basics of science, mathematics, reading, writing and accounts. Lord William Bentinck, while addressing Christian missionaries reiterated the principle of strict neutrality and stated, "In all schools and colleges…interference and injudicious tampering with the religious belief of the students mingling direct or indirect teaching of Christianity with the system of instruction ought to be positively forbidden" (The Report of the University Education Commission, 1948–1949, Vol. I: 11).

The second continuity was regarding the conscience clause recommended by the Indian Education Commission, also known as the Hunter Commission in 1882.[4] The Hunter Commission recommended that it was preferable not to have religious education in public schools and that such education should be confined to private schools only. In addition, while giving grants in aid to these schools "attention should be paid to their teaching work only."[5] This eventually found expression in Article 28(3) of the Indian Constitution that makes religious instruction optional for those attending educational institutions recognized or funded by the State, in case such instruction is held in these institutions.

Therefore, educational institutions served as a ready, legitimate and convenient site for minority interests to be safeguarded and protected. It is these colonial provisions and initiatives by nationalist leaders that facilitated the fruition of Articles 29 and 30. Moreover, despite reservations of the members of the Constituent Assembly regarding the content of these provisions, a consensus evolved on the necessity and efficacy of educational and cultural rights to minorities. This received further support especially once political representation was put in question amidst partition violence. Educational and cultural rights to minorities seemed like a natural culmination of the demands of minorities. It is in keeping with this immense significance of cultural and educational rights that the following paragraphs will highlight some of the key points of debate and reservations of the Constituent Assembly members on what we know today as Article 30.

The following paragraphs will sum up the key themes that emerged while debating what constitutes Article 30 of the Constitution. This is imperative as the Constituent Assembly was the first site in independent India, at which the minorities negotiated the terms of their inclusion. Some of the concerns raised at that time continue to find resonance in judgments of the Supreme Court and in debates on the right of MEIs. It thus serves as a crucial vantage point to understand Article 30.

Three key issues found repeated mention and formed the bulwark of the arguments for and against the cultural and educational rights of minorities. These were regarding: (a) religious instruction in state-aided educational institutions; (b) identifying the minority and (c) the role of the state, i.e., in aiding, recognizing and maintaining educational institutions. It should be noted here that many of the references to educational institutions were specifically to schools. Yet, the larger concerns were, and are, relevant to all levels of education and the State.

Religious instruction: This aspect of education was debated as part of Clauses 16 and 18 in the Draft Constitution. The debates displayed an interesting interplay of the thoughts on the purpose of religious education. One could discern attempts to find and provide a secular import to religious education. This is evident to begin with, in the clear statement of some members of the Assembly that persons attending schools maintained or receiving aid out of public funds cannot be compelled to attend religious instruction. For instance, Purnima Bannerji[6] suggested that "religious education" includes a comparative study of all religions instead of one that would "foster sectarian exclusiveness."[7] This suggestion was in keeping with the large network of educational institutions including *pathshalas* and *maktabs* that addressed elementary education. The State could not dismantle this entire traditional structure and was guided by pragmatic concerns of sharing the weight of public education. Purnima Bannerji's view was countered by K.M. Munshi[8] who maintained that denominational institutions, by their very nature would not engage in a study of comparative philosophy of all religions as they wished to promote, instruct and conserve their own religion.[9] H.N. Kunzru[10] objected to this clause as it endorsed the idea that a secular state could support a religion by aiding and recognizing denominational education. The points that clearly emerged and amendments to the initial clause reiterated the secular position of the Indian State and found resonance in the rewording of the clause that forbade denominational instruction in educational institutions maintained by the state and in educational institutions receiving state aid or state recognition, denominational instruction was designated as optional (CAD:V:23).

Identifying the minority: This was imperative as without identifying the minority who was it that the Constitution was addressing provisions for? While the Constituent Assembly never got around to defining the minority, it did identify religion and language as the two identifying criteria of communities that were to be the beneficiaries of Article 30. This categorization too was complex given the comprehensive and heterogeneous identities that were attached to both religion and language in India. Both complexities were highlighted in the statements made by K Santhanam on religion and Z.H. Lari on language. Therefore, the question arose on whether one needed to recognize the numerous sects and denominations that existed at the time. K. Santhanam, from Madras, argued the Constitution did not envision a splintering of education based on the numerous sects and denominations[11] reiterating that secularism should be the guiding principle of our public institutions (*Constituent Assembly Debates* (Proceedings) Vol. VIII: 8).

In the case of linguistic minorities, concerns were raised by Z.H. Lari[12] with respect to imparting primary education in the mother tongue. This was in keeping with a sudden change in curriculum in the then United Provinces that eliminated Urdu and replaced it with Hindi. Lari questioned the efficacy of imposing Hindi as a language of instruction and demanded that provisions be made for linguistic minorities in a region where fifty percent were non-Hindi speakers. There were two main considerations with respect to language rights. One, was the right of linguistic minorities such as the Urdu speakers in a predominantly Hindi speaking United Provinces as Z.H. Lari raised and the others would be the case of Bengali speakers in Bihar, Telugu speakers in Tamil Nadu and similar such instances and pockets of linguistic minority populations.[13] Two, was to delink the issue of language from religion. This point was taken up by G.B. Pant who urged members to keep in mind that no language was associated with a religion, thereby ruling out the issue of a language issue merging from amidst the religious minority communities (*Constituent Assembly Debates CAD* (Proceedings) Vol. VII: 112).

Role of the State: The "role" of the state was defined in terms of "maintenance," "recognition" and "aid". A nuanced distinction was raised by K.M. Munshi with respect to public funds v. state funds and he proposed that the latter replaced the former in the language of the clause as public subscriptions were not the same as State funds, i.e., money collected from public subscriptions could not pass for state funds. Perhaps, what Munshi had in mind were educational institutions established by trusts and societies. The next significant distinction was between state-maintained and state-aided institutions with the complete absence of religious instruction in the former and partial instruction, with consent, in the latter. Succinctly conveyed in the words of Radhakrishnan who made a distinction between state-aided and state-funded institutions by arguing, "We have adhered to the first principle that the State as such shall not be associated with any kind of religion and shall be a secular institution… but if institutions maintained by the State, i.e., administered, controlled and financed by the State, are permitted to impart religious instruction of a denominational kind, we are violating the first principal of our Constitution. On the other hand, if we say aided institutions may impart religious instruction, we protect the interests of the people against the violation of their religious conscience by saying that they shall not be compelled against their will to join classes on religion" (*Constituent Assembly Debates*, Proceedings, Vol. V: 24).

Purnima Bannerji added that state-aided educational institutions, even if maintained by a donor, could not forbid the entry of members of a community different from the one set up by the donor. State-aided institutions had a mandate to admit students of all communities. This was yet another instance of striking the secular balance by reaffirming principles of equality and inclusivity raised previously by Purnima Bannerji and K.M. Munshi. In independent India, this position was reaffirmed by the Supreme Court which maintained that at least fifty percent of the students in a MEI should be from the community/minority itself, thereby leaving open avenues for a mixed and diverse student body in minority managed educational institutions.

The above, therefore, were some of the key interventions and observations made at the time of debating the provisions of what is today Article 30. The idea that India as a secular state cannot support or endorse any religion, directly or indirectly is a recurrent theme which has remained, till recently, the core principle. This is one aspect that minorities, religion based, have had to counter till date. Even the courts, while adjudicating on MEIs have kept in mind that safeguards for minorities should not violate the first principle of the Indian state, i.e., secularism. Much of the above determined the grounds for a new set of negotiations that the state and minorities embarked upon, once the Constitution was enforced. It is here that the Supreme Court has played a significant role in determining the scope of the provisions for minorities as well as conflicting positions emerging out of varied interpretations and has helped MEIs to negotiate with the State. This forms the content of the next section.

The Supreme Court: Rights of Minorities Interpreted, Inferred and Interrogated

As discussed previously, members of the Constituent Assembly chose only to identify minority communities eligible for cultural and educational rights. A definition for and of a minority per se was not arrived at and much room was left for interpretation and inference. The Courts, especially the Supreme Court as the guardian of the Indian Constitution was bestowed the duty of defining the scope of minority rights and the term minority itself. Judicial interpretations therefore have emerged as an important theatre to witness the workings of cultural and educational rights of minorities in India. The Supreme Court and the High Courts have been addressing cases relating to Articles 29 and 30 from the 1950s to present. A study of the Court judgments reveals the fulcrum around which the scope and limitation of MEIs has come to be defined. The numerous cases that have come before the Supreme Court—which is the judicial platform which this essay focuses on—can be articulated along issues of admissions, administration, affiliation and state recognition as well as identification of a minority institutes as “minority”-established institution. These have emerged as sites of contestation, contention and inclusion over the years and have contributed to determining the scope of minority rights in India. The following paragraphs undertake an examination of the cases that have come before the Supreme Court. The attempt to present them under categories by no way limits the many overlapping issues that each case addresses.

When Did the "Minority Institution" Come into Being?

This question is an important one as in many cases the Court had to define the existence of the minority community or seek evidence that the educational institution was established by a minority community. Articles 29 and 30 fall under the title Cultural and Educational Rights in Part III of the Indian Constitution.[14] While the Supreme Court (SC/Court) started receiving cases from aggrieved MEIs as early as the 1950s, it is the Kerala Education Case of 1957 that served as a landmark as it defined the minority in accordance with the State.[15] In the context of this essay, the case holds much significance as the Court included both pre-and post-Constitution educational institutions as falling within the scope of Article 30. This set a judicial precedent that could be used to analyze subsequent cases such as the Azeez Basha and St. Stephen's case. The Court in ***Kerala Education Bill*** stated, "There is no reason why the benefit of Article 30(1) should be limited only to educational institutions established after the commencement of the Constitution. The language employed in Article 30(1) is wide enough to cover both pre-Constitution and post-Constitution institutions. It must not be overlooked that Article 30(1) gives the minorities two rights: namely, (a) to establish and (b) to administer, educational institutions of their choice. The second right clearly covers pre-Constitution schools just as Article 26 covers the right to maintain pre-Constitution religious institutions." (See, Supreme Court of India. In_Re__The_Kerala_Education_Bill_vs_Unknown_on_22_May_1958.PDF. Accessed last on 22 August 2021).

Rights to Establish and Administer

Emphasizing on the twin rights of administration and establishment demonstrates the Supreme Courts fidelity to the Indian Constitution. It has however, not been undisputed as can be seen in the Azeez Basha case. Here, the Court factored in the element of "state recognition" thereby contending the right to establish an educational institution. The Supreme Court, however, used a different logic in examining the Aligarh Muslim University (AMU), questioning its minority character. It chose not to follow the precedent set by itself in a prior case. In ***S. Azeez Basha and Another v Union of India, 1967***, *SC 182* amendments made to the original Act (of 1920) were said to abridge the fundamental right of administration under Article 30(1). The Court maintained that the terms establish and administer be read together thereby giving the MEI the right to manage an institution set up by it. Referring to a precedent set up by itself in the Re Kerala Education Bill, the Court argued that the judgment in that case was merely to facilitate the continuation of pre-Constitutional educational institutions. However, the Court held, "We are of the opinion that nothing in that case justifies the contention raised on behalf of the petitioners, that the minorities would have the right to administer an educational institution even though the institution may not have been established by them." The Court thereby affirmed that administering the institution is a right that the MEI enjoyed only if it had established the institution (See, Supreme Court of India, S. Azeez Basha and Anr vs Union of India on 20 October, 1967. S_Azeez_Basha_And_Anr_vs_Union_Of_India_on_20_October_1967.PDF. Accessed last on 22 August 2021).

The Court set out to dilute the fact that the Aligarh Muslim University was established by the Muslim community on grounds of recognition by the State. The Court said, "What distinguishes a University from any other educational institution is that the University grants degrees of its own while other educational institutions cannot. It is this power of granting of degrees by a university which distinguishes it from the ordinary run of educational institutions. Thus, in India, there was no prohibition against establishment of universities by private individuals or bodies and if any university was so established it must be granting degrees." However, "the government was not bound to recognise degrees of universities established by private individuals or bodies. Recognition depended upon the will of government expressed through statute. The importance of government recognition in matters of this kind cannot be minimized. The position continued even after the Constitution came into force. Therefore, it was possible for the Muslim minority to establish a university before the Constitution came into force, though the degrees conferred by such a university were not bound to be recognised by the Government. It is clear therefore, that even though the Muslim minority could have established AMU; it could not insist that the degrees granted by such a university should be recognised by Government" (See, Supreme Court of India, S. Azeez Basha and Anr vs Union of India on 20 October, 1967. S_Azeez_Basha_And_Anr_vs_Union_Of_India_on_20_October_1967.PDF. Accessed last on 22 August 2021).

Reservations in Minority Institutions

However, in the St. Stephen's case the Supreme Court conceded the minority character of the college, i.e., it accepted that the College was established by the Christian community. Two questions arose in this case, one was regarding the "right to administer" and two was the dispute over reservations of seats for students belonging to the Christian community. Therefore, in ***St. Stephen's v. University of Delhi, 1991,*** *SC 295* the role of the Christian community in establishing the college was doubted, hence raising a dispute regarding admission procedure and reservation for Christian students. The Court held, "The right claimed by a minority community to administer the educational institution depends upon the proof of establishment of the institution. The 'proof of establishment' is a condition precedent for claiming the right to administer the institution. St. Stephen's was established and administered by a minority community viz. the Christian community, which is indisputably a religious minority in India as well as the Union Territory of Delhi where the college is located" (See, Supreme Court of India, St. Stephen's College vs University of Delhi, 1991, p. 10. St_Stephen'S_College_vs_University_Of_Delhi_on_6_December_1991.PDF. Accessed last on 22 August 2021).

While the question of the minority character of the College was settled, the Court was yet to address concerns raised by the Delhi University Students Union (DUSU) on the minority character of the College following which they contested reservations favoring the Christian community stating that it violated Article 29(2) of the Constitution and that even if it was a MEI, it should not practice religion-based discrimination as it was state-aided. The University of Delhi contented that the college had lost much of its minority character after being affiliated to Delhi University. This contention was made on grounds that the students were admitted to the University and not the College.

The Court proceeded to counter the claims of the University and argued, "…it may be stated that the State or any instrumentality of the State cannot deprive the character of the institution, founded by a minority community by compulsory affiliation since Article 30(1) is a special right to minorities to establish educational institutions of their choice. The minority institution has a distinct identity and the right to administer with continuance of such identity cannot be denied by coercive action. Any such coercive action would be void being contrary to the constitutional guarantee. The right to administer is the right to conduct and manage the affairs of the institution……Reasonable regulations however, are permissible but regulations should be of a regulatory nature and not of abridgment of the right guaranteed under Article 30(1)" (See, Supreme Court of India, St. Stephen's College vs University of Delhi, 1991, p. 14. St_Stephen'S_College_vs_University_Of_Delhi_on_6_December_1991.PDF. Accessed last on 22 August 2021).

To the claim of DUSU that the College in reserving seats for its community students violated Article 29(2), the Court held that Article 29(2) while it applied to minorities and non-minorities could not nullify the special right guaranteed to minorities in Article 30(1). The Court reiterated that Article 30(1) provided a guarantee whereby MEIs could admit students from their community in order to retain the minority character of the institution. This was of course to be done in accordance with University standards. Moreover the State could regulate this intake which was not to exceed fifty percent of the total annual admission.

The Court therefore, reiterated the importance of the right to administer educational institutions of their choice and recognizing the admission program as a part of the right to administer. It also stated that compulsory affiliation by the State did not dilute the minority character of the institution in question.

SCOPE OF MINORITY RIGHTS: AFFILIATION

Questions of affiliation and administration, however, have been recurrent themes when studying MEIs through the legal lens. In ***Ahmedabad St. Xavier's College Society and Another v. State of Gujarat and another, 1974***, *SC 268*, the Court held there was no fundamental right to affiliation. Affiliation was imperative to ensure that students received legitimate degrees which would be useful for their career. Affiliation thus was significant for the "conferment of degrees" (SC 268).[16] In ***DAV College v State of Punjab, 1971***, the Arya Samaj—which had been recognized as a religious minority within Article 30 by the Supreme Court—contested provisions of the Guru Nanak University Act that made promotion of studies and research in Punjabi as a condition for affiliation, thereby violating Article 30. The Court upheld the right of MEI though it maintained that not all provisions of the Act infringed the right of MEI. The Court stated that there could be no conditions of affiliation as assigning conditions would lead to losing affiliation in cases of non-compliance and would violate Article 30(1). Certain other clauses of the Guru Nanak University act were upheld as, "(it) empowers the University to prescribe by regulations governing the service and conduct of teachers which is enacted in the larger interests of the institutions to ensure their efficiency and excellence" (SC 688) (See, Supreme Court of India, DAV College v. State of Punjab, 1971, p. 18. D_A_V_College_Etc_vs_State_Of_Punjab_Ors_on_5_May_1971.PDF. Accessed last on 22 August 2021).

Administration and Management of MEIs

Questions on the administration of MEIs have been raised in the Gandhi Faizeam College case (1975), Lilly Kurian case (1978), St. Anthony's College, Shillong case (1988) and the Malankara Syrian Catholic College case (2006), to name a few. In the ***Gandhi Faizeam College Shahajahanpur v. University of Agra and Another , 1975*** case, the Court upheld the right to choose the Principal and to select teachers was the "most important facet of the right to administer an educational institution." The management had the choice to appoint the principal and teachers as long as they were qualified. This was part of the larger right to administer the institution established by them (See, Supreme Court of India, Gandhi Faizeam College v. University of Agra, 1975, p. 14. Gandhi_Faizeam_College_vs_University_Of_Agra_And_Another_on_3_March_1975.PDF. Accessed last on 22 August 2021).

In ***Lilly Kurian v. Sr. Lewina and Others, 1978,*** *SC 85*, the Court held there was no right to maladminister, "…the Court clearly laid down a principle, namely, a regulation, which is not destructive or annihilative of the core or substance of the right under Article 30(1). The right under Article 30(1) means, 'management of the affairs' of the institution. This right, however, is subject to the regulatory powers of the State. Article 30 is not a charter of maladministration; regulation, so that the right to administer may be better exercised for the benefit of the institution is permissible; but the moment one goes beyond that and imposes, what is in truth, not a mere regulation but an impairment of the right to administer, the Article comes into play…..the State may 'regulate' the exercise of the right of administration but it has no power to impose any 'restriction' which is destructive of the right itself" (See, Supreme Court of India, Lily Kurian vs. Sr Lewina and Others, 1978, p. 14. Lilly_Kurian_vs_Sr_Lewina_And_Ors_on_15_September_1978.PDF. Accessed last on 23 August 2021).

Along similar lines, the Supreme Court struck down the decision of the Management of a MEI in ***Governing Body, St. Anthony's College, Shillong and Others v. Rev Paul Petta of Shillong East Khasi Hills, 1988***, SC 676, regarding transfer of the Principal on grounds that the transfer surpassed the jurisdiction of the State in which the MEI was established.[17] In ***Secretary, Malankara Syrian Catholic College v. T. Jose and Others, 2006***, *SC 860*, the Court recognized State regulation to maintain educational standards of MEIs with other educational institutions, provided that such regulation did not interfere with the overall administration and management over the staff.[18] Maintaining standards of excellence was a point made in ***State of Kerala v. Rev Mother Provincial case***, ***1970***, SC 318, and the Court held that the State could intervene in the administration of a MEI to maintain basic standards of excellence, regulate conditions of employment of teachers and health of the students. This intervention was permissible as long as it did not affect the right of the management and was intended to keep a check on the misuse of provisions under Article 30 enjoyed by MEIs.

Recognition

Thus, one can see that the Supreme Court has displayed inconsistency in recognizing or identifying minorities. This has been brought out starkly in the DAV College case (1971) and the Brahmo Samaj Education Society case (2004). In the former, the Court declared the Arya Samaj as a minority based on religion, despite its being a sect within the Hindu religion; though it did not use this precedent to declare the Brahmo Samaj as a religious minority. In ***D.A.V. College v. State of Punjab & others, 1971***, *SC 638*, the Court held, the Arya Samaj "has its own philosophy, conception of God worship, religious tenets, social work, educational work etc. It is therefore claimed that it being a religious sect and denomination, is a minority within the meaning of Article 30(1) of the Constitution….." (See, Supreme Court of India, DAV College v. State of Punjab, 1971, p. 7. D_A_V_College_Etc_vs_State_Of_Punjab_Ors_on_5_May_1971.PDF. Accessed last on 22 August 2021).

Quoting from the Kerala Education Bill, the Court upheld the minority status of Arya Samaj, "It is undisputed, and it was also conceded by the State of Punjab, that the Hindus of Punjab are a religious minority in the State though they may not be so in relation to the entire country" (See, Supreme Court of India, DAV College v. State of Punjab, 1971, p. 10. D_A_V_College_Etc_vs_State_Of_Punjab_Ors_on_5_May_1971.PDF. Accessed last on 22 August 2021).

The claim of the Arya Samaj as a linguistic minority was contested. The court chose to dismiss it maintaining, "In our view it is unnecessary to consider whether the Arya Samajis are a linguistic minority, because if they can be considered to be a religious minority, they will be entitled to invoke the protection under Article 30(1)" (See, Supreme Court of India, DAV College v. State of Punjab, 1971, p. 10. D_A_V_College_Etc_vs_State_Of_Punjab_Ors_on_5_May_1971.PDF. Accessed last on 22 August 2021).

In the ***Brahmo Samaj Education Society and others v. State of West Bengal***
and Others, 2004, *SC 361*, the Court refused recognition of the Trust as falling under Article 30, recognizing the same under Article 26(a) of the Constitution. The Court argued, "To establish and administer an educational institution is held to be a right coming under Article 19(1)(g) of the Constitution as enunciated in the T.M.A. Pai case. This is subject to reasonable restrictions under Article 19(6). Every religious denomination or any section thereof can establish and maintain educational institutions under Article 26(a) of the Constitution subject to public order, morality and health. Reading Articles 19(1)(g) and 26(a) together, the petitioners have a right to establish and manage educational institutions and hence we do not think it necessary to decide the issue of minority/denominational status of Brahmo Samaj" (See, Supreme Court of India, Brahmo Samaj Education Society vs. State of West Bengal & Ors, 2004, p. 2. Brahmo_Samaj_Education_Society_vs_State_Of_West_Bengal_Ors_on_5_May_2004.PDF. Accessed last on 23 August 2021).

Recognition has emerged as another site for negotiation between the state and MEIs. Recognition and its withdrawal have become decisive factors in determining the right to administer and manage MEIs. This was demonstrated in ***State of Tamil Nadu and Others v. St. Joseph Teachers Training Institute and Another, 1991,*** SC 87 where the Court held, "minority unrecognized institutions are not entitled to ask the Government to grant permission to its students to appear in public examination held by government. The fundamental right of the minorities to establish educational institutions of their choice is subject to State's right to prescribe regulatory provisions. Minority institutions which do not seek recognition are free to function according to their own choice, but if such an institution seeks recognition from the State, it has to comply with the prescribed condition for granting recognition…..to follow prescribed syllabus for examination, courses of study and other allied matters. These conditions are necessary to be followed to ensure efficiency and educational standard in minority institutions." Further, in ***St. John's Teacher Training Institute (for Women), Madurai and Others v. State of T.N. and Others, 1993,*** SC 595, the court held, "The institutes which were operating on the basis of temporary recognition, either under the orders of the courts or otherwise, shall have to comply with recognition rules to enable them to earn recognition" (See, Supreme Court of India, St. John's Teacher Training vs. State of Tamil Nadu, 1993, p. 12. St_John'S_Teacher_Training_vs_State_Of_Tamil_Nadu_And_Ors_Etc_on_15_June_1993.PDF. Accessed last on 23 August 2021).

Thus, we see, how minority-managed institutions have approached the Supreme Court to address issues affecting their inclusion in the mainstream education system while maintaining their "minority" status with respect to admission, reservation of seats for the said minority and management. The Supreme Court, while undoubtedly being a representative of the State, has attempted to maintain the secular balance that has been invoked even by the Constituent Assembly. This has affected the autonomy of the MEIs in question. State authorities continue to discriminate against educational institutions managed by minorities. From not giving recognition, to withholding aid and affiliation, MEIs continued to face many obstacles. The National Commission for Minority Educational Institutions came into being to address a host of such issues and was an institution wholly dedicated to sensitizing and resolving issues facing minority-managed educational institutions.

The National Commission for Minority Educational Institutions

State initiatives toward minority protection have been a consistent feature in Indian politics. Since independence, successive governments have sought to establish various institutions in order to safeguard vulnerable groups. One of the mechanisms has been by setting up statutory institutions, for example, the National Commission for Scheduled Castes, National Commission for Scheduled Tribes, National Commission for Backward Classes, National Commission for Minorities and most recently, the National Commission for Minority Educational Institutions was established in 2004 in keeping with the mandate of the Congress-led United Progressive Alliance (UPA) Government's Common Minimum Programme. After winning elections in a closely fought battle, the Congress-led UPA reiterated its commitment to the welfare of vulnerable sections of India. Among a host of other promises, the Common Minimum Programme sought to empower the dalits, tribals and religious minorities in matters of education and employment.

It is to meet its mandate that the National Commission for Minority Educational Institutions was established. Prior to this, the National Commission for Minorities (NCM 1992) addressed all matters relating to the religious minorities in India, i.e., Muslim, Christian, Sikh, Buddhist and Parsis. The NCM took initiatives to promote education among minorities, empower educationally backward minority schools and address concerns of minority-managed institutions such as delay in recognition, in disbursal of grants in aid, of affiliation and appointment of staff and introduction of courses in these institutions. The NCM was also responsible for the overall well-being of minorities, looked into matters of communal antagonisms and the welfare of minority communities. In contrast, the Commission for Minority Educational Institutions has been given an exclusive mandate to safeguard rights under Article 30 of the Indian Constitution.

The NCMEI serves as a quasi-judicial body with powers of a Civil Court. Some of its notable functions with respect to safeguarding the educational rights of minorities have been to address cases suo moto or when petitions come before the Commission, on the violation and deprivation of minority rights. This in particular is with regard to the minority status of educational institutions which may be granted by the Central or State Governments, delays in disbursal of grants, withdrawal of recognition and problems with regard to affiliation of minority institutions to Universities. In such cases the NCMEI has used its quasi-judicial powers to issue minority status certificates to such aggrieved educational institutions and has made recommendations to the concerned government or public authority to initiate disciplinary proceedings against those authorities that have violated and deprived the religious minority communities of their fundamental right under Article 30. The Commission since it has been set up under a Central law cannot be amended by the state governments. Moreover, in matters concerning affiliation the decision of the Commission is final and undisputed. Any suit to be filed against the decisions of the Commission can only be placed before the Supreme Court and High Courts under writ jurisdiction. Moreover, the Commission under Section 12C of the NCMEI Act 2004 can also cancel the minority status of an educational institution if there is evidence to suggest that the educational institution no longer has as its aims and objectives the interest of the community and does not cover community students as part of its admission policy. The Commission has over the years heard cases of MEIs and has the mandate to issue minority status certificates to educational institutions after following requisite procedures. Between the years 2005 and 2020, the Commission has issued a total of 13,568 minority status certificates. Kerala has been the State with the highest number of MEIs at 4687 minority status certificates being issued, followed by the states of Uttar Pradesh (3177), Tamil Nadu (968), Karnataka (714). West Bengal (697) and Madhya Pradesh (516) follow closely. This means that a number of educational institutions now fall within the ambit of Article 30. The lowest numbers of minority status certificates issued have been in UTs and in the north east states, ranging from nil to 28 in the span of 15 years. The state of Gujarat follows closely at 62.

The Commission has been active in granting minority status certificates and addressing State discrimination toward MEIs. Some of the landmark cases listed on the website include Jamia Millia Islamia, New Delhi, Mohd Ali Jauhar University, UP, Association of Pharmacy Colleges, Maharashtra, Brown Hills College, Haryana and Bhalchandra Institute of Education and Management, Lucknow. While in the Jauhar University and the Jamia Millia Islamia case the Commission established that the University was set up by the Muslim minority and issued a minority status certificate; in the Association of Pharmacy Colleges, Brown Hills College and Bhalchandra Institute of Education and Management, the Commission addressed issues relating to holding Common Entrance Tests, State apathy in giving recognition to online technical courses and the grant of minority status, respectively.

Concluding Remarks

However, from 2014 to 2018, the Commission did not have a Chairman.[19] While it continued to perform its functions, not assigning a Head was one of the ways the Government of the day sought to dilute the Commission's mandate. While in 2018, a Chairman was appointed, there are still two out of three posts lying vacant demonstrating the lack of representation in the Commission. It may also be noted here, that between 2016 and 2019, the total number of minority status certificates issued has declined from 1122 in 2016 to a mere 4 in 2019 and nor has the Commission published its Annual Report of the past two years showcasing its activities, tours and cases heard. This is perhaps an indication that the Commission's role as a protector of Article 30 will be minimized over a period of time and will have an impact on minority education. Most importantly, the lack of initiatives by the Indian state in further strengthening the Commission would seriously affect the contemporary cite of inclusion for minority communities.

To conclude, "negotiating inclusion" in the context of this essay has been examined at multiple levels. Whether it is the Courts, negotiating on behalf of the state, or the MEI as an impartial arbiter; the NCMEI definitely negotiating on behalf of the minorities and the minorities and others negotiating safeguards in the Constituent Assembly. One serious omission on the part of the Commission has been the exclusion of linguistic minorities from the purview of the Commission. This is a significant gap as Article 30 of the Indian Constitution applies to both religious and linguistic minorities. By addressing only religious minorities that have been determined by the Centre, the Commission has limited its own interventions and safeguarded the interests of only a set of minorities, i.e., religious.

Besides the actors involved, the negotiations have also been around issues of inclusion, i.e., secularism, equality, non-discrimination and issues of exclusion—challenges posed by the state—of recognition, aid, affiliation, regulation and autonomy. It is these sites of contestation that this essay has touched upon to demonstrate the ways in which the State at times promotes, and at other times, dilutes the Constitutional provision of Article 30.

Notes

1. During discussions on representative rights of minorities, Patel moved an amendment seeking the continuation of grants to educational institutions established by the Anglo Indian community, on grounds that there were around 500 such community run schools receiving government grants amounting to 45 lakhs. These grants would enable the educational institutions run by the Anglo Indian community to enter the mainstream and get assimilated in the educational system of India. Grants would be gradually reduced, every three years by 10 per cent and would last up to ten years after the Constitution was enforced. After this period government grants would cease for Anglo Indian schools. CAD, Vol. V, 1947, https://www.constitutionofindia.net/constitution_assembly_debates/volume/5/1947-08-28. Last accessed on 15 March 2021.
2. The genesis of safeguards and specific consideration for minorities does not begin in the Constituent Assembly. In fact the stage was set at the time of independence through a series on initiatives taken during colonial times, namely, Karachi Session of the Indian National Congress, the Nehru Report of 1928 and in the Objectives Resolution of Jawaharlal Nehru. The Constituent Assembly thus was carrying forward a tradition which was set in motion during colonial rule; traditions which found resonance in the larger struggle for independence and the vision for the future polity.
3. The Dispatch expressed the hope that educational institutions run by religious denominations could be affiliated to universities if they aligned their courses of study beyond religious education (Report of the University Education Commission, 1948–1949).
4. The recommendation on the conscience clause was not accepted by the British Government. However, the United Provinces, Travancore and Madras adopted versions of it, with willing students ‘opting in’ for religious instruction with parental consent in Travancore and ‘opting out’ in Madras i.e. voluntary attendance of religious instruction. The United Provinces forbade compulsory religious instruction in Christian schools and students could be excused from religious classes on request of their parent/guardian.

5. http://uafulucknow.ac.in/wp-content/uploads/2020/03/Indian_Education_Commission_ma_sem_2nd.pdf. Last Accessed on 20 March 2021.
6. Constituent Assembly member from the United Provinces and belonged to the Indian National Congress.
7. *CAD*, Vol. V, 30 August 1947, pp. 16–17.
8. Member of the Indian National Congress, elected to the Constituent Assembly from Bombay.
9. "Educational institutions of a denominational character often give religious education. They are doing so, not for the purpose that the students will have a general knowledge of comparative philosophy, but for seeing that the students who are members of a particular denomination are given education in that kind of religion. And as a matter of practice, I may assure the House that even if this 'justiciable right' is there it is not going to make any difference." CAD, Vol. V, p. 21.
10. Kunzru opined that permitting religious instruction in a school would be a form of state endorsement of a religion. See, *Constituent Assembly Debates*, Vol. V, p. 26.
11. Santhanam said, "In our country, even in the same religion, there are a number of denominations. We want the village panchayats to control education; we want the local boards to control education. In a particular area, a particular Hindu denomination may be in a majority – we don't want Saivaite to give Saivaite instruction; the Vaishnavites to give Vaishnavites instruction, the Lingayats…" *CAD*, Vol. V, p. 18. See also, Constituent Assembly of India Debates (Proceedings)—Vol. 5. http://loksabhaph.nic.in/writereaddata/cadebatefiles/C30081947.html. Accessed last on 22 August 2021.
12. Elected to the Assembly from the United Provinces on a Muslim League ticket.
13. These points were made by Jaipal Singh (on Bengali speakers) and K. Santhanam with respect to Telugu speakers in Tamil Nadu. Santhanam was of the opinion that the twin processes of preserving language and cultural assimilation had to occur simultaneously. He said educational institutions had to meet the twin goals of providing linguistic minorities education in their language at the primary stage as well as enable assimilation of the minorities with the locality.

14. Article 29(1) states, “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;

    Article 29(2) states, “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 one of them.

    Article 30(1): All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

    Article 30(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 (See, P.M. Bakshi 1997. *The Constitution of India*, pp. 51–52).
15. This was revisited by the Court in the *TMA Pai Foundation* case in 2002 and the logic used was that religious and linguistic minorities were at par, then keeping in mind the linguistic organization of states, the unit to determine the minority would be the state.
16. The Court held, “The consistent view of this court has been that there is no fundamental right of a minority institution to affiliation….affiliation must be a real and meaningful exercise for minority institutions in the matter of imparting general secular education. Any law which provides for affiliation on terms which involve abridgement of this right will offend Article 30(1). The Court spoke further on affiliation, “…it relates to syllabi, curriculum, courses of instruction, qualification of teachers, i.e. a minority institution must follow the statutory measures regulating educational standards and efficiency, the prescribed courses of study, courses of instruction and the principles regarding the qualification of teachers, educational qualification for entry of students etc. When a minority institution applies to a University for affiliation, it expresses its choice to participate in the system of general education and a course of instruction prescribed by that University….the purpose is for coordinating and harmonizing the standards of education” (See, Supreme Court of India, The Ahmedabad St. Xavier’s College v. State of Gujarat, 1974,

p. 5. https://indiankanoon.org/doc/703393/. Accessed last on 23 August 2021).

17. "It has been contended that the impugned order of transfer has seriously affected the status of the respondent as the Principal of the college and this has been made without giving him any opportunity of hearing. Now in so far as the respondent is transferred in his capacity as priest from one division of the religious order to another, the matter pertains to the internal management of the religious order and it is not justiciable. However, insofar as the order of transfer has been made by the Governing Body of the St. Anthony's college transferring him from the post of Principal to the post of teacher in a school in another State, the respondent can complain against it" (See Supreme Court of India, Governing Body, St. Anthony's vs. Rev Fr Paul Petta, 1988, p. 9. https://indiankanoon.org/doc/64098/. Accessed last on 24 August 2021).
18. "…the management's right to choose a qualified person as the headmaster of the school is well insulated by the protective cover of Article 30(1) and it cannot be chiselled out through any legislative act or executive rule except for fixing up the qualifications and conditions of service for the post"…..and "that if the management of the school is not given the wide freedom to choose the person for holding the key post of Principal, subject, of course, to the restriction regarding qualifications to be prescribed by the State, the right to administer the school would get diminished." The Court held further that, "…to choose the Principal is an important part of the right of administration and even if the institution is aided, there can be no interference with the said right. The fact that the post of the Principal/Headmaster is also covered by state aid will make no difference" (See, Supreme Court of India, The Secretary, Malankara Syrian vs. T Jose, 2006, p. 12. https://indiankanoon.org/doc/81469/. Accessed last on 24 August 2021).
19. In October 2018, Justice Narendra Kumar Jain took over as Chairman.

REFERENCES

Bakshi, P.M. (1997). *The Constitution of India*, with Selective Comments by P.M. Bakshi. Delhi: Universal Law Publishing Co. Pvt. Ltd.

Brass, Paul. (1990). *The Politics of India Since Independence*. Cambridge: Cambridge University Press.

Government of India. (1946). *Constituent Assembly Debates*. Delhi: Lok Sabha Secretariat. http://164.100.47.194/loksabha/writereaddata/cadebatefiles/vol1.html

Government of India. (1947). *Constituent Assembly Debates*. Delhi: Lok Sabha Secretariat. http://164.100.47.194/loksabha/writereaddata/cadebatefiles/vol5.html

Government of India. (1948). *Constituent Assembly Debates*. Delhi: Lok Sabha Secretariat. http://164.100.47.194/loksabha/writereaddata/cadebatefiles/vol7.html

Government of India. (1950). *Constituent Assembly Debates*. Delhi: Lok Sabha Secretariat. http://164.100.47.194/loksabha/writereaddata/cadebatefiles/vol12.html

Government of India. (1950). *Report of the University Education Commission* (Vol. I). Simla: Government of India Press.

Government of India. (2015). Annual Report (2014–2015). *Report of the National Commission for Minority Educational Institutions.* http://ncmei.gov.in/WriteReadData/LINKS/NCMEI%20AR%2014-15%20Eng%20Final98fa3372-f467-4f7f-a05e-afa2c0daa4de.pdf

Government of India. (2016). Annual Report (2015–2016). *Report of the National Commission for Minority Educational Institutions.* http://ncmei.gov.in/WriteReadData/LINKS/Annual%20Report%202015-2016e489fc28-0bd2-4ffb-bab5-5c41c29de028.pdf

Government of India. (2017). Annual Report (2016–2017). *Report of the National Commission for Minority Educational Institutions.* http://ncmei.gov.in/WriteReadData/LINKS/17%20Eng%20Final%20LReea51299-c332-416f-acb4-fc4323251d15.pdf

Rao, B. Shiva. (1968). *The Framing of India's Constitution: Select Documents*, Vols. I, II, III and IV, New Delhi: Indian Institute of Public Administration.

Supreme Court of India. In_Re__The_Kerala_Education_Bill_vs_Unknown_on_22_May_1958.PDF. Accessed last on 22 August 2021.

See, Supreme Court of India, Brahmo Samaj Education Society vs. State of West Bengal & Ors, 2004, p. 2. Brahmo_Samaj_Education_Society_vs_State_Of_West_Bengal_Ors_on_5_May_2004.PDF. Accessed last on 23 August 2021.

See, Supreme Court of India, DAV College v. State of Punjab, 1971, p. 18. D_A_V_College_Etc_vs_State_Of_Punjab_Ors_on_5_May_1971.PDF. Accessed last on 22 August 2021.

See, Supreme Court of India, Gandhi Faizeam College v. University of Agra, 1975, p. 14. Gandhi_Faizeam_College_vs_University_Of_Agra_And_Another_on_3_March_1975.PDF. Accessed last on 22 August 2021.

See, Supreme Court of India, Lily Kurian vs. Sr Lewina and Others, 1978, p. 14. Lilly_Kurian_vs_Sr_Lewina_And_Ors_on_15_September_1978.PDF. Accessed last on 23 August 2021.

See, Supreme Court of India, S. Azeez Basha and Anr vs Union of India on 20 October, 1967. S_Azeez_Basha_And_Anr_vs_Union_Of_India_on_20_October_1967.PDF. Accessed last on 22 August 2021.

See, Supreme Court of India, St. John's Teacher Training vs. State of Tamil Nadu, 1993, p. 12. St_John'S_Teacher_Training_vs_State_Of_Tamil_Nadu_And_Ors_Etc_on_15_June_1993.PDF. Accessed last on 23 August 2021.

See, Supreme Court of India, St. Stephen's College vs University of Delhi, 1991, p. 10. St_Stephen'S_College_vs_University_Of_Delhi_on_6_December_1991.PDF. Accessed last on 22 August 2021.

CHAPTER 4

From Exclusion to Inclusion: The Case of Public *Madrasah* Education System in West Bengal

Abdul Matin

INTRODUCTION

'Madrasah' is an Arabic word which literally means centre or place of learning. In South Asia, the meaning of Madrasah is beyond its literal understanding with emotional attachments; identities are sociologically and historically rooted among Muslim societies. Madrasah or knowledge production process has been the intrinsic part of Islam and prophetic tradition. Prophet Mohammad and his companion (sahabas) paid immense importance to the process of ethical knowledge production. There are many such Hadeeth (saying of Prophet) argues about the role and moral values of education. In South Asian popular Muslim imagination Mosque is considered as House of Allah (*Allah r Ghor*) and Madrasah is known as House of Prophet (*Nobir Ghor*), anything which is attached to Prophet has huge ethnical and emotional values. Noted

---

A. Matin (✉)
Jadavpur University, Kolkata, India

© The Author(s), under exclusive license to Springer Nature Singapore Pte Ltd. 2022

P. Sengupta (ed.), *Critical Sites of Inclusion in India's Higher Education*,
https://doi.org/10.1007/978-981-16-8256-8_4

scholar Ali Riaz defined Madrasah education in South Asia as "faithful education". He furthers defines that, "In South Asian context, Madrasah means an educational-institutes that offers instruction about the Quran, Hadith (saying of Prophets), Fiqh (jurisprudence), and law" (Riaz 2008: 2). Historically in the rural agrarian social life of Bengal, Madrasahs are not only considered as the centre of Islamic learning but also the source and markers of community's identity and culture.

Madrasah education plays a pivotal role in the preservation of pluralistic Islamic traditions, identity and cultures in contemporary South Asia and was significant even in colonial and postcolonial India. The examples of Darul Uloom in Deoband, Nadwatul Ulama in Lucknow, Jamiatul Ashrafia, Mubarakpur, Furfura Fathehia Senior Madraah in Hooghly, etc. plays important role among the Muslim community. The *Madrasah* education as a system developed in seventeenth and eighteenth century in the Indian sub-continent due to various cultural and politico-historical reasons. The decline of Mughal rule, changing global power structures and establishing alternative educational system are the major reasons. The large numbers of *Madrasahs* established during the colonial regime with the goal for consolidation of Muslim noble identity against the British Empire. The *Madrasahs established* during the nineteenth century India had the twin objective of countering English education and to promote and preserve Islamic identities. There has been a paradigm shift in the demography of *Madrasah* students from Muslim nobility/*Ashraf* to non-*ashraf*, poor Muslims (Alam 2011).

The *Madarasah* education in post Independent India largely attracts poor Muslims from the countryside. In West Bengal overwhelming majority of Muslims are concentrated in rural areas and the *Madrasah* education caters the needs of this Muslim population belonging to the lower strata of the society. In this context, Arshad Alam argues that "It will not be an exaggeration to say that madrasas in India today are predominantly a lower caste phenomenon" (Alam 2013: 214).

Historical Evolution of Madrasah Education in Bengal: A Socio-Cultural Outline

In order to understand the sociological history of madrasah education of contemporary West Bengal it is extremely important to know the history of Islam and Muslims in Bengal. There was a unique process that shaped Bengal's Muslim cultural and religious landscape, focusing on the dynamics of moving frontiers and the long historical encounter between Indic and Islamic civilizations. Bengali Muslim community is the world's second largest ethnic Muslim population after Arabs, thickly concentrated in present Bangladesh, West Bengal, Assam and Tripura. Bengali Muslims are basically rural-centric and highly engaged with the agrarian activities. The history of *Islamization* and conversion in Bengal is quite interesting and unique in nature. The process of *Islamization* in Bengal had largely taken place with the clearance of forest and development for rice cultivation. Muslims in rural Bengal considered "cultivation" was the most *halal* (pious or pure) job in the eye of Allah/God. As Richard Eaton rightly argues that, Islam in Bengal is the "Religion of the Plough" (Eaton 1997). Historically the rural agrarian Muslim society of Bengal acutely lacks both modern public educational institutions and also the proper infrastructure to address the inherited inequality and development deficit among the Bengali Muslims. The Islamic mandatory Zakat system and multiple charitable initiatives plays important role in the formation and growth of Madrasahs in Bengal.

Madrasah education system has been historically rooted in the Muslim society of Bengal. The first formal madrasah in Bengal set up in the year 1751 in the district of Hooghly in present West Bengal named as "Sitapur Endowment Senior Madrasah". The Calcutta Madrasah was established by Warren Hasting in the year 1781. The general objective of the establishment of Calcutta Madrasah was to teach Arabic and Persian with the whole range of Islamic theology Fiqh (jurisprudence) but the particular or main objective was to qualify the sons of Muslim gentry or noble class to produce competent officers/clerks and bureaucrats for the court of justice (Shah 1996: 87).

The large numbers of madrasah has been established by the Muslims in the nineteenth and twentieth century colonial Bengal to protect and preserve the cultural and traditional identity of heterogeneous Muslim groups such as Deoband, Barelvi, Mohammdedia, Hanafi (Furfura) etc. as they came to be identified as centres for development of Islamic education especially Quranic, among the younger generation.

Madrasah Education in Post-Independent West Bengal

Muslims constitute the second largest religious community and single largest minority community in West Bengal, comprising more than 27 per cent of the total population of the state. The Muslim population in West Bengal is mainly concentrated in the rural districts of Murshidabad, Maldah, Birbhum, North Dinajpur, Howrah, Kolkata, South 24 Parganas, North 24 Parganas, Coochbehar, Burdwan, Nadia, East Medinipur, etc. The socio-economic condition of Muslims in West Bengal is abysmally low it all walks of life. The publication of Sachar Committee report, and various other baseline surveys conducted by the Ministry of Minority Affairs, through various research institutes such as ICSSR, Center for the Studies of Social Sciences, Calcutta (CSSSC), clearly revealed the abysmal socio-economic status of Muslims. The rate of poverty (both urban and rural), unemployment, malnutrition, child mortality, illiteracy, gender discrimination, school drop-out rates etc. are extremely high among the Muslims of West Bengal. The representation of Muslims in government employment, education, bureaucracy, judiciary, executive, legislative, etc. is very low and grossly out of proportion with the community's population figures in the state. The SCR categorically pointed out the miserable socio-economic and educational backwardness of Muslims in India with state wise breakup data on various parameters such as poverty, unemployment, illiteracy, school dropouts, malnutrition etc. According to the SCR the socio-economic and educational condition of Muslim community in West Bengal is absolutely dismal and abject in compare to many states in India. The literacy rate of the Muslims in West Bengal is 57.47 per cent which is lower than the other Hindu backward castes and Schedule castes. The representation of Muslims in the state government employment is 2.1 per cent (lowest among the Indian states); the rural poverty rate among Muslim is 33 per cent and the rural poverty of SC/ST is 27 per cent (SCR 2006; SNAP Report 2016).

CATEGORIZATION OF MADRASAH SYSTEM IN WEST BENGAL

In the post- independent India, West Bengal there are broadly three different models of madrasah education running parallel to each other. First; ***Khariji/Deeni/Qaumi madrasah***; these are basically non-government community run madrasah. There are approximately 2000 madrasah run by different religious denominations such as Deobandi, Jamat-e-Islami, Furfura Shairf, Barelvis and Ahle-Hadees. Again these madrasahs largely follow the curriculum developed according to their theological orientation. There are different private madrasah boards such as Raabeta Madaris (Deoband school of thought), Furfura Sharif, and All Bengal Wafequl Madaris Al Islamia, Paschim Bongo Madrasah Education Board, etc. These madrasahs are absolutely outside the domain of government's regulation.[1]

Secondly; the ***old scheme madrasah or senior madrasah***: There are government-aided senior madrasah spread all across of West Bengal numbering to 120, mostly located in the districts of North Twenty-four Parganas, Murshidabad, Malda, Birbhum, South Twenty-four Parganas. These senior madrasahs are recognized by the West Bengal Board of Madrasah Education (WBBME), an autonomous body under the Govt. of West Bengal. The senior madrasah till 2004 used to impart largely religious education such as Quran, Hadith, Fiqh, Faraiz, Usool, Balagat, etc. But after the recommendation of Dr. A. R. Kidwai in 2002 the curriculum of senior madrasah has gone through watershed reform and presently both *deen talim* (religious education) and *duniyabi talim* (worldly education) are considered with equal weightage. The senior madrasah confers the degree of Alim (equivalent to secondary or Madhyamik/class 10), Fazil (higher secondary or class 12), Kamil (Undergraduate), and Mumtajul Muhaddisin (equivalent to Post-graduation). Subsequently the degree of Mumtajul Muhaddisin does not exist.

Thirdly; ***High madrasah or new scheme madrasah system*** of West Bengal is one of the most robust modern madrasah education systems in contemporary India. These are around 500 government-aided high madrasahs in West Bengal and it attracts large numbers of students. It is almost like the modern high school and it follows the syllabus at par with the West Bengal board of secondary education.

WEST BENGAL BOARD OF MADRASAH EDUCATION (WBBME): THE PUBLIC MADRASAH BOARD

West Bengal Board of Madrasah Education (WBBME) is an autonomous statutory body under the Government of West Bengal. The East Bengal Secondary Education Board (1921), the Board of Islamic Intermediate and Secondary Education Dacca for High Madrasah Education (1922) and the Central Madrasah Examination Board for Senior Madrasah Education (1927) were established to conduct the Madrasah Examinations till 1947. As per recommendation of the Moazzamuddin Committee (1946), the Central Madrasah Examination Board was converted to the Madrasah Education Board, Bengal and later, in 1950 it was renamed as the West Bengal Madrasah Education Board, the oldest Board of Madrasah Education in India (WBBME 1994).

In the year 1994, the Board had been given the status of a statutory autonomous body with the passing the West Bengal Board of Madrasah Education Act 1994 (West Bengal Act, XXXIX of 1994) in the West Bengal State legislature. Presently, the Board is allowed to function with the same academic, administrative and financial powers, facilities, status and privileges as enjoyed by the other Education Boards, Councils and similar Bodies in the State Government. Board's activities are regulated by the relevant Acts, rules, regulations and guidelines of the Department of Minority Affairs and Madrasah Education in the Government of West Bengal.

The WBBME runs two parallel madrasah education systems; one is High Madrasah system, and another is Senior Madrasah system.

HIGH AND SENIOR MADRASAH EDUCATION IN WEST BENGAL: COMPARING THE TWO MODELS

High Madrasah: High madrasah follows the modern curriculum at par with the West Bengal Board of secondary Education with one advance Arabic language paper and on Islamic history. The degree conferred by high madrasah is equivalent to Madyamik (School certificate/matriculation) exam or class 10. High Madrasah further divided into Junior high madrasah (class 1–5) and High madrasah (class 6–10). High Madrasah caters to the need of thousands of students all over West Bengal specially girls from deprived Muslim community. The high madrasah even attracts non-Muslim students. Padmaja Nair argues that, "with 4 percent students in high madrasah, 8 percent in junior high, 11 percent non-Muslim teachers, its claims of 'secular' image appears to be justified" (Nair 2008: 61).

The president of WBBME Md Fazle Rabbi proudly claimed the secular, inclusive and plural image of madrasah education system of West Bengal and emphasized on the modern updated curriculum with quality infrastructure of public madrasah of West Bengal, which was appreciated by UNESCO and other reputed international organizations (Personal interview with Mr. Fazle Rabbi, president of WBBME).

Senior Madrasah: An Agenda of Reform

The old scheme madrasahs are also known as senior madrasahs. There are 102 government-aided senior madrasah spread all over the West Bengal and recognized by West Bengal Board of Madrasah Education. Historically, senior madrasah has been imparting the *deeni talim* or Islamic education mainly Tafsir, Hadith, Fiqh, Faraiz, Usool, Balagat etc. Senior madrasahs are generally theological seminaries. Senior madrasah offers the degree of Alim, Fazil, Kamil, Mumtajul Muhaddisin etc.

The WBBME has to face more complex issues regarding reform and modernization of senior madrasas, with the high convergence increasingly towards the secondary school system and the issue of senior madrasah system becoming more contentious and sensitive. The origins of these theological schools are traditional which faces two major questions in modern times, one is issue of social and material relevance and another is state support of clergy-based system (Gupta 2009: 59) To review the madrasah system, the Mustafa Bin Qasim committee was set up by the Government of West Bengal in 1978. The committee opined that the syllabus of senior madrasah is not quite suitable for the purpose of preparing the students willing to enter standard careers. The committee further feels that there is not only urgent need to reform the syllabus but also the need to restructure the present degrees according to changing times, which could bridge the gap between madrasah and modern mainstreaming courses (Gupta 2009: 35).

The West Bengal government accepted the recommendations of Mustafa Bin Qasim committee and finally WBBME Act in 1994 separated from Calcutta Madrasah. In spite of re-structuring the syllabus and curriculum is largely theological with few worldly affairs, the major ulema associations largely accepted this model without much opposition.

In 2002, the Government of West Bengal constituted another committee under the chairmanship of Dr. A. R. Kidwai (former governor of Bihar and West Bengal) to review the madrasah education system. The committee suggested paradigm reform in madrasah education system particularly in the senior madrasah. There was huge outrage against this committee by various Muslim religious associations as the committee recommended 50 per cent reduction of religious education in terms of marks and 50 per cent inclusion of general/secular subjects such as science, mathematics, geography, history, language, etc. at par with secondary educational boards. The committee further suggested the bridging of Madrasah degrees with modern university system. Therefore, the question of equivalency of Madrasah degree with modern school and university system lead to the creation of separate madrasah system from secondary to post-graduate. Table 4.1 illustrates the madrasah education degrees with their parallel degrees as recognized by the state board.

The major ulema organizations (Jamiat-e-Ulama-Bangla, Furfura Sharif,[2] Jamiet-Ulema-e-Hind) and other stakeholders of madrasah including West Bengal Madrasah Teachers Association, West Bengal Madrasah students Union (WBMSU) started a vehement state-wide protest campaigns against the government and asked to revoke the recommendations of the Kidwai committee. The major allegation and opposition of the Ulemas and WBMSU, WBMTA was that the state government is trying to withdraw the religious educations from senior madrasah which they find it against the interest of Muslim community. Another point of opposition by the ulama about the way government

Table 4.1 Recognition of Madrasah education and its equivalent degrees in state board

Madrasah degree	*Equivalent degree (WB board)*
ALIM	Class X (Madhyamik or secondary)
FAZIL	Class XII (Higher Secondary)
KAMIL	Undergraduates (General & Honors)
MUMTAZUL MUHADDASIN (MM)	Post-Graduate

Source Constructed by author

has approached the issue of so-called madrasah reform without even consulting the stake holders. In the aftermath of Kidwai committee report, the Ulama association including Madrasah teachers and student union led huge protest march in different parts of West Bengal and mobilized large numbers of Muslims against the move of West Bengal government. Jamiat-e-Ulama-e-Bangla (Association of Muslims scholars) under the leadership of Pir Allama Saifuddin Siddique of Furfura Sharif and West Bengal Madrasah Teachers Association (WBMTA) organized huge rally in Kolkata's historical Shahid Minar ground on 11 December 2003 against the government's agenda to reform senior madrasah. In the presence of more than one lakh Muslims, the Pir of Furfura Sharif gave ultimatum to the government to review and rollback the recommendations of madrasah reforms agenda. Later, on the 9th of February 2004, Jamiat-e-Ulama-e-Bangal, Furfura Sharif organized a Madrasah education convention at Kolkata's Maulali Youth Center and invoked the constitutional rights of minorities as per article 30 (1) and 30 (2) which stated:

> All minorities, whether based on religion or language, shall have the right to established administer educational institution of their choice….The state shall not, in grant-in-aid to educational institutions, discriminate against any educational institutions on the ground that it is under the management of minority, whether based on religion or language.

The Ulema Association went on further threatening the state government by mobilizing Muslim masses in rural West Bengal against Left front government and also reminded the violations of constitutional rights of Muslim minority (Jamiet-e-Ulama-Bangla, Furfura Sharif pamphlet on Madrasah education 2004). The Left front government ultimately engaged with the Ulemas and other stakeholders and ensured that that there won't be any violations of constitutional rights of minorities and promised to strengthen the madrasah education system and upgraded the age-old Calcutta Madrasah Aliah to the status of Aliah Madrasah College. The Government of West Bengal further enhanced the pay scale of all government-aided madrasah teachers at par with the secondary school teachers. This enhancement of pay scale pacified the movement and gone for major reform and modernization of senior madrasah education in the state. Further, the madrasah syllabus reform, led to the introduction of subjects like Science including Physics, Chemistry, Life Sciences, Mathematics, History, Geography, Computer Science, English, Political Science, Sociology, etc. into the Alim, Fazil and Kamil programs.

Calcutta Madrasah to Aliah University: A Paradigm Shift

Calcutta Madrasah was established in 1781 by Warren Hasting, chiefly for the study of the Arabic and Persian languages and Muslim Laws so that the sons of the Muslim gentry can perform the duties as officers for running the revenue administration and judiciary (official website of Aliah University 2016). It underwent major changes which were initiated after the revolt 1857 and after the partition of Bengal in 1905. Calcutta Madrasah was considered a very prestigious institution having produced large numbers of Muslims intellectuals of India and Bengal. In postcolonial times it began losing its glory.

Calcutta Madrasah was upgraded to Calcutta Madrasah College and then to Aliah University by the Government of West Bengal through Aliah University Act XXVII of 2007 passed in West Bengal Legislative Assembly. Presently, Aliah University is an autonomous minority institution under the Department of Minority Affairs and Madrasah Education, Govt. of West Bengal. Aliah University has 8 Schools/faculty including engineering and technology, Social sciences, Humanities and languages, management, Theology, commerce and business, natural sciences. It offers wide range of courses including professional and vocational courses. This shift from traditional theological madrasah to modern University was not an smooth journey, there was huge outrage within a section of conservative Ulemas. The demands of WBMSU and section of conservative Ulemas were not against the upgrading to university per se but in favor of retaining the word “madrasah” in the name of the university.

All these development in the field of education has not come up by the will of Left front government rather the pressure from the Muslim community forced the state government to think particularly after the publication of Sachar Committee Report (SCR) in 2006. The SCR categorically pointed out the extreme socio-economic and educational backwardness of Muslims in West Bengal in comparison to other religious communities (SCR 2006). The levels of illiteracy, poverty, malnutrition and under-representation in employments of Muslim minority in West Bengal open up the Pandora box and question the credentials of three and half decade's long Left front government led by the Communist Party of India (Marxist).

Therefore, the question of exclusion and "development deficit" lead to massive widespread mobilizations of Muslims against the Left front government which ultimately helped Trinamool Congress led by Mamata Banerjee to overthrow the giant Left front government out of power in 2011. This transition and electoral competitions among political parties brought the issues of social justice and inclusion of Muslim minority caught the centre of attention for the short span of time.

Conclusion

The project of Madrasah reform as envisaged by the Mustafa Bin Qasim Committee in 1978 and subsequently by the Dr. A. R Kidwai committee on Madrasah reform in 2002 played substantial role in the process of Madrasah modernization program in West Bengal the community. There has been major public debates and contestations between Government and Muslim organizations/*Ulemas* regarding the implementation of the recommendations of Kidwai committee report, but despite contestations, later engagements with the community leaders and other stake holders' leads to considerable change in the public madrasah education system in West Bengal. Despite these positive developments there are certain specific and common limitations; first, the teachers recruitment process is not regular, there are many such madrsahs with acute crisis of both quality teaching and non-teaching staffs, secondly; the stereotyping and stigmatized image and perceptions about Madrasah and Islamophobia specially in the post-9/11 era restricts the aspirations and mobility of students who largely comes from the underprivileged households. Thirdly; no proper bridge programs between Senior madraah and colleges/university. Also other than Calcutta University and Aliah University there is not a single university which caters the needs of senior madrasah students, fourth; West Bengal Madrasah Education system requires West Bengal Madrasah Council (equivalent to West Bengal Council of Higher Secondary education) to conduct the exam of higher secondary examination both in Science and humanities streams. Finally; the Madrsah education system requires both moral and academic boosting and proper linkage with the competitive job market. The public madarsah of West Bengal could be the model for the rest of madrasahs in

South Asia, which successfully able to amalgamate and connect the *deen* (religion) with *duniya* (worldly affairs) keeping all these changes in mind.

NOTES

1. ICSSR is Indian Council of Social Science Research, based in New Delhi, an autonomous research body of Ministry of Human Resource Development, Government of India. It carries out various research time to time in collaborating with other public and private agencies.
2. Furfura Sharif is an influential and popular Islamic pilgrimage centre cum reformist Sufi silsila (tradition) founded by the noted religious reformer of 19th century Bengal, Pir Maulana Abu Bakr Siddique. Furfura Sharif is situated in the Hooghly district of present West Bengal. It has a significant influence among the rural Bengali Muslims in South Asia.

REFERENCES

Alam, Arshad (2011) *Inside the Madarsah: Knowledge, Power and Islamic Identity in India*. New Delhi and London: Routledge.

——— (2013) 'Madrasas and Educational Conditions of Muslims', in Zoya Hasan and Mushirul Hasan (eds), *India Social Development Report: Minorities at the Margins*. New Delhi: Oxford University Press.

Aliah University (2016) About Us. http://www.aliah.ac.in/aboutuniv.php (accessed on 7th September 2016).

Eaton, Richard M (1997) Rise *of Islam and the Bengal Frontier, 1204–1760*. Delhi: Oxford University Press.

Gupta, Nilanjana (2009) *Reading with Allah: Madrasas in West Bengal*. India: Routledge.

Nair, Padmaja (2008) *The State and Madrasas in India*, Religion and Development Programme, UK: International Development Department (IDD).

Riaz, Ali (2008) *Faithful Education: Madrasahs in South Asia*. New Brunswick, NJ: Rutgers University Press.

Sachar Commission Report (2006) *Social, Economic and Educational Status of the Muslim Community of India: A Report*. Prime Minister's High-Level Committee. Cabinet Secretariat. Government of India.

Shah, Mohammad (1996) *In Search of Identity: Bengali Muslims 1880–1940*. Calcutta: KP Bagchi & Company.

SNAP Report (2016) *Living Reality of Muslims in West Bengal: A Report*. Association SNAP and Guidance Guild in Association with Pratichi Institute.

West Bengal Legislative Assembly (1994) *The West Bengal Board of Madrasah Education Act 1994*, published at the Calcutta Gazette on 8th August 1994.

INTERVIEW

Personal interview with Md. Fazle Rabbi, president of West Bengal Board of Madrasah Education, at Banga Bhavan, New Delhi on 26 August 2015.

CHAPTER 5

Language Conundrum: English Language and Exclusivity in India's Higher Education

Ramanujam Meganathan

Introduction: Typology of Schooling and Collegiate Education

There is an alignment between the typology of schooling and college education affiliated to universities in the way English language education is planned and operates in the curriculum and the ambience of the school and college. While majority of courses in higher education are conducted in English medium, majority of state-run schools are Indian languages (vernacular) medium schools, though there is a shift toward English medium. Typology of schooling and the quality of English language

---

R. Meganathan (✉)
Department of Education in Languages, National Council of Educational Research and Training, New Delhi, India

© The Author(s), under exclusive license to Springer Nature Singapore Pte Ltd. 2022

P. Sengupta (ed.), *Critical Sites of Inclusion in India's Higher Education*,
https://doi.org/10.1007/978-981-16-8256-8_5

teaching could be seen from the determinants of English language environment in schools and colleges, the English language teacher and her proficiency, and (pedagogical) processes of the classroom (Kurien 1997; Nag-Arulmani 2000, 2005; NCERT 2006a). Adding to this is the life on campus in colleges and universities. Life both in and outside classroom interactions between peers and between learners and teachers, the happenings on the campus academic, social and cultural events in which language plays a role. These create hierarchies in the way the schools "deliver" English language education. Salai Selvam and Geetha (2009) trace the "class perspective" in English language education in schools. The English language environment is determined by the profiles of learners, parental education and socio-economic conditions, location of the schools—rural, urban, semi-urban. This creates different classes within a locale and across the regions. Another dimension is the caste hierarchy in the access to English language and fluency of learners in English language which (Ramanathan 1999, 2005) finds through the institutional education practices. Students belonging to the lower strata of society (Dalit students and students from the Other Backward Classes) have been socialized in Gujarati-medium schools in Grades K-12 and who have to contend with English at the tertiary level. Any typology of school or college one can find the English language proficiency is based on caste lines. Illaiah (2013: 6) emphasizes that English language for Dalits as a right, "Within 200 years of its introduction in India it (English) has become the language of easily about 100 million people. Its expansion in future will be several folds faster than earlier. It has become a language of day-to-day use for several million upper middle classes and the rich. The poor and the productive masses have a right to learn the language of administration and global communication". Disparity reflected in the typology of collegiate education both at the national level and the state levels presents an "educational crisis". English language is instrumental in perpetuating the crisis. Table 5.1 shows the typologies of collegiate education in terms of prevalence of English language in the classroom and in the ambience.

Table 5.1 Typology of institutions and English language environment

Types of institutions	*Teacher's English language proficiency*	*Student's English language proficiency*	*Prevalence English language in ambience & institutional provisions*
National level institutions/universities (Located in metros and major cities—established before 1990s. These include Central Universities and its affiliated colleges, ICSSR institutes, IITs, IIMS, AIIMS, NITs, State Universities, and private universities like Shivan Nadar, Ashoka and Zindal, Azim Premzi)	***	***	***
State Universities located in rural areas and some of its colleges, some affiliated colleges to state universities, private universities and autonomous colleges	**	**	**
State universities, and affiliated colleges located in rural areas, private colleges located in rural areas	**	*	*

Source Constructed by author

Category with *** includes institutions of national importance and excellence where very "bright" learners alone can enter and most of these learners clear the national level tests through coaching or support from their home and school. Here learners themselves have good command over the English language and most of them have been through English medium, some may have studied in non-English medium. The second category of institutions with **, has prevalence of the English language to some extent and these institutions are much more diverse in the population of learners from various socio-economic statuses. The last category of institutions could be stated as the ones which suffer the most from a lack of English language proficiency in learners. These institutions amount to quite a number and accommodate learners from lower strata of society and most of them have been schooled in non-English medium instruction or low resourced English medium.

The way language education operates both in school and higher education reveals its role in the exclusion of young graduates from moving up in their higher education and in the job market. Language-in-school education policy known as the three-language formula has always been in question and discussion for its "unsatisfactory implementation" (NCERT 2006b). There are reservations about the formula as the state of Tamil Nadu has not implemented it since its inception and the definitions of home language/regional language and the study of modern Indian language as the third language in the different regions led to the convenient implementation of the formula as per the discretion of the states. Developments after the 1990s have given an impetus to English language as a medium and as a language in school education. The spread of English medium with or without essential resources to learn and use the language is a concern in educational planning and implementation in the country today (NCERT 2006a, b). It would not be a thing of surprise if all Indian or majority of Indian schools become English medium schools within a decade or two. Language of medium at higher education has an impact on the medium of instruction in school education.

WASHBACK EFFECT OF ENGLISH MEDIUM IN HIGHER EDUCATION ON SCHOOL EDUCATION

One major effort of the framers of Indian Constitution and the educational planners was to reduce the hegemony of English language from administration gradually. Hindi was accorded the status of the official language of the Indian Union, not the national language. The debates in the Constitutional Assembly on language reveal the struggles this country had undergone as there were differences of opinions among the founders of the nation. Gandhi stood for Hindustani (a combination of Hindi and Urdu) as the national language while some called for Hindi as the national language. In Tamil Nadu agitations and picketing the central government offices against the "imposition" of Hindi even as a language in school education sent other messages political for political federalism.

The country rightly decided not to have a national language for the multilingual, multicultural country with Hindi as the official language and English as the associate official language. However, educational thinking in this country, it could be argued today, was much more apprehensive of "doing away with English" policy for it advocated English as a language in school education and as a language as well as the medium of instruction in higher education given the complex problems of availability of knowledge in Indian languages, particularly translations of modern science and social science into Indian languages. University Education Commission (1948) and the National Commission on Education (1964–1966) (known as the Kothari Commission) felt the need for continuance of English as a language as well as medium of instruction in higher education, though they advocated teaching through Indian languages at the university. English language continued as medium of instruction in higher education in majority of universities, while a number of colleges and courses in universities were also run in Indian languages as medium of instruction. This number came down as English language is considered on all fronts as essential for the job market and development. Spread of technology education in the 1980s and 1990s, particularly engineering education and telecommunications facilities across the country placed English language at an advantageous position. This was the beginning of rampant privatization of professional education in the country. English language as medium of instruction became a necessity.

One immediate impact was the washback effect on school education for the medium of instruction. Initially private schools were opened with English as medium of instruction. Tamil Nadu's Matriculation Board is an illustration. Tens of schools were opened with the affiliation to Matriculation Board and the only reason was to offer instruction in English medium. Now the effect has further percolated down to government schools. States of Tamil Nadu, Kerala, Karnataka, Andhra Pradesh, Himachal Pradesh, lately Uttar Pradesh and many more states have introduced either English medium schools or one section in one school in each block is English medium. This is the development since 2005. As the position paper of national focus group on Teaching of English (NCERT 2006a), expresses its concern, these schools or one section have been converted into English medium without ensuring much resources. The unanswered question (unasked question too) is, "How long we will wait for the resources and facilities to be ensured to introduce the English medium?" State governments introduce English medium to check students' exodus to private English medium schools. States like Tamil Nadu, Kerala and Himachal Pradesh are witnessing the increase in the number of schools affiliated to Central Board of Secondary Education (CBSE) only to offer English medium education. This indicates "the political response to the social demand" as stated by the position paper of the national focus group on teaching of English (NCERT 2006a).

ENGLISH LANGUAGE EDUCATION AT THE UNIVERSITY: WHAT IS OFFERED?

Universities offer different kinds of courses in the general English language course (also known as English core) in the graduation in academic streams like History, languages, Geography, Political Science, Physics, Chemistry, Biology, Commerce and also in professional courses like Engineering, Medicine, Pharmaceutical Sciences, etc. Do these courses cater to the needs of learners who enter the university with or without required English language proficiency to cope with English medium of instruction and to function in the higher education scene effectively? The general English courses in the academic streams are designed as literature or text-based courses which assume that learners know English to deal with the texts and the tasks for coping with the higher order thinking and language. An analysis of the courses from the central as well as the state universities reveals these courses contain prose texts, poetry and other forms of texts through which learners are given opportunity to get an engagement with language and enhance the proficiency in English through reading, discourses in and outside the classroom. In the Engineering and other professional courses, the English language education do aim at equipping the learners with communication skills and competencies for work situation. Tasks like group discussion and role plays are advocated. The expected competencies for "language use" in contexts and demonstrating English language proficiency with ease are not realized, placing the rural and socially disadvantaged learners at a disadvantage in learning the English language. Learners who come to such courses suffer from what Amartya Sen (1992, 2000, 2009) describes as *cumulative-disadvantage* for their low English language proficiency. The deficiency accumulated during schooling is carried forward and English language offered at the university does not seem to rectifying this disadvantage. Some learners are good at using the language in writing and reading, but not fluent in spoken English in a given context. This does not mean they do not know the language but they have not been able to use the language for purposes in any context during their twelve years of schooling. This is true of those who have studied in low resourced English medium schools. Course design at the university aims to address the English language needs of such learners. But the materials and processes failed to deliver this. Literature-based curriculum which does not give much scope for language use in the classroom, lack of language proficiency on the part of the learners and lack of English language environment are the reasons for this state of affairs (Bamon 2008; Albet P'Rayan 2008; Ananthan 2013; Vadivambal 2012; Jayaprakash 2015). A kind of uneasiness and urgency in the demand for English language as a professional skill (a life skill as claimed by many) for academic and job purposes is felt and advocated by the findings of research on ELT at the university level, both for general English courses (graduation core English) needs as well as the professional courses like engineering.

Empirical evidences from the studies mentioned below, reveal learners' major constraint is acquiring communication skills as well as the advanced language proficiency to work in professional and academic settings. Constraints like large classrooms, lack of engaging time with English language, teachers with no or less knowledge of language learning aspects, i.e., language pedagogy and language acquisition-learning theories to enable learners to learn the language, less or no room for promoting listening and speaking skills among learners who are 18+, adopting to "lecture only" method are found to be causes for learners not being able to "undertake" English language learning. Literature vs. language divide which is the result of teachers' literature-based academic background makes teachers teaching the texts as literary texts rather than using them as inputs for language processing. Engineering English research expresses much more regrets than general English courses for it underscores the need for English language as an essential skill both for acquiring the technological skills of the Engineering content as also for finding a high paid jobs and mobility. (Manavalan 2002; Bamon 2008; Jaya 2009; Bhattacharya 2010; Albet P'Rayan 2008; Ananthan 2013; Vadivambal 2012; Jayaprakash 2015).

ENGLISH: LANGUAGE GAP AT THE UNIVERSITY

General English Language Course

General English language course at the university aims at banking on the supposed or the ideal language proficiency acquired in school, i.e., twelve years of learning the language. Since English language is introduced from class I in all the states today, every child undergoes twelve years of English language education. The courses are designed through texts and narratives from British Literature, Indian writing in English, American Literature and other genres viz. Travelogues, essays on social, cultural and other themes which the learner can connect with. Do these courses serve the purpose of enhancing the required language proficiency for the academic language skills for higher education as also of the language requirement or job market? Manavalan's (2002) investigation on comprehension and communication skills in English in the context of undergraduate classes found (i) the course is more of a theoretical pattern—lack of workshops, discussions, paper readings and such creative activities, (ii) large classes disable the teacher to give personal attention as teachers resort to lectures only, (iii) emphasis on by rote learning destroys creativity, (iv) lack of opportunities for developing the speaking skills, (v) absence of internal assessment, (vi) careless framing of questions and the lack of proper testing of comprehension skills, (vii) purely exam-oriented course and teaching, (viii) ill-edited, badly compiled textbooks, (ix) absence of hand books for teachers. (ix) lack of proper evaluation methods and (x) emphasis on testing only the writing skills as major causes of learning inability to develop comprehension and communication skills. (Manavalan 2002: 78).

Effective study of teaching prose through communicative language teaching to science and arts undergraduates in their core English through an action research mode by Kalanithi (2006) reveals the effectiveness of use of vocabulary games and communicative games through guessing, word grid, puzzles, mime, etc., as individual work, pair work or group work, contextualized grammar employing the pre-task, task and feedback design over the traditional way of teaching of English language. Bamon‘s (2008) investigation on the perceptions and attitude of teachers and students of undergraduate courses toward purpose, the course materials, methods and examination processes of teaching of English in the colleges of Shillong with 600 students from arts, science and commerce stream and about 100 teachers found that the contact with English language plays a very important role in the linguistic repertoire of the undergraduate students. (Bamon 2008: 56). Interestingly, however much of the English learnt was not through formal instructions but from out-of-class experiences—interactions with peers, reading of magazines, journals and of course the media. Students irrespective of gender and course of study believe that the methods of teaching English at the university level are not supporting to acquire the required proficiency to function academically and professionally. Teachers underscore the need for developing communication skills and were defensive of expressing any opinion about their students. Surprisingly, teachers too do not have much interaction in English with their colleagues and students in college. The perspective that ELT as a discipline separate from literature in English is an unknown concept to a majority of teachers of English in this region.

Jaya's (2009) exploratory study on teaching–learning of English as a second language at the graduation level in arts and science colleges affiliated to Manonmanium Sundaranar University in Tamil Nadu with the perceptions of teachers and learners found that the teachers and learners perceive the English language curriculum does not promote communication skills, objectives of the curriculum are not defined well and the curriculum needs revision in order to meet the academic and professional needs of learners. An analysis of syllabi and perceptions and opinions of teachers and students at the Assam university by Bhattacharya (2010) brings out the divide created between language and literature in the general English language course at the under graduation level. The existing course does not meet the need for developing communication skills of learners and equipping them to be employable. The suggested general English language course for under graduation course includes a balance between language to promote skills of listening, speaking, reading and writing and literature.

English for Engineering

English in professional courses like Engineering does attempt to equip learners with the communication skills and preparing them for work place. Here is where one could notice the gap between the intentions of the course and the implementation in the classroom by teachers and the institutions. Albet P'Rayan's (2008) study illustrates the gap between the intended curriculum and the implemented curriculum. Engineering English course offered by the Anna University in Tamil Nadu was very much examination-oriented with a wide gap between students final examination scores in English and their proficiency in the target language for the course did not meet the current and future language needs of the students. The reasons for this gap are absence of effective syllabus, methodology, course organization, assessment and learning outcome. Bringing in a synergy between syllabus, materials and classroom, he advocates Engineering English course as a life skills with global understanding of professional needs and social needs. Similarly, Kainth's (2014) study in the context of engineering English in Punjab finds that the difference between what the teachers and learners perceive to be Communicative Language Teaching (CLT) and what actually gets translated into the classroom. Teachers resort to traditional ways of teaching due to large class size, faulty syllabus, lack of resources, flawed evaluation system and low proficiency of learners in English.

Another study on the course design, innovative practices and testing of English in engineering education informs that goals and objectives of the present syllabus are only partially fulfilled as there is deficient acquisition of English language skills among students for proper application in the workplace context and also in real-life situations, and hence necessary measures need to be taken. Most teachers are basically from English literature background and are not getting adequate training in the latest language teaching methods so that effective classroom teaching becomes a norm rather than an exception. There is a need to incorporate technical communication, interpersonal skills and general English language proficiency elements in the course for engineers (Solanki 2014).

Mayavan (2014) in an investigation of Communicative Language Teaching (CLT) as a tool for enhancing English language proficiency of first year engineering students in Chennai district engineering colleges found that teachers' intercultural competence and critical thinking ability play a key role in the implementation and the development of context-sensitive methodology in I year B.E./B.Tech students' EFL context at Engineering College Level. These two aspects are very important facets of professional development for second language EFL teachers as well as the key criteria for a good English language speaker.

Jayaprakash (2015) found that teaching in technical courses needs communication skills and teachers' communication skills—oral, written and visual skills along with pedagogical skills would realize the conceptual as well as the communication skills of undergraduates in engineering faculty. Content knowledge, experience and qualifications, personal characters and professional achievements add to the strength of the faculty. Communication skills of teachers result in students' learning what the faculty intends to teach. Another investigation by Ananthan (2013) of the technological competency of teachers and students on experimental use of technology for improving communication skills of engineering undergraduates found that students' as well as teachers' technological competency is insufficient in their communication in professional and social settings. Students proved to be improving their communication skills after undergoing the technological use for communication skills.

Education today, both school and higher education is experiencing Englishization fast. Lack of resources for teaching–learning of the language impacts on the delivery of the language. Language teaching at the university level suffers from two major constraints. First is the teachers and the other being teaching, i.e., Teaching methodology and the materials for teaching. Learners' language proficiency and their socio-economic status which are often cited as a major constraint should be seen from the perspective of accepting that learners from rural pockets and lower strata of society will not bring great English language proficiency. This remains and remains forever. Why teachers and teaching? Most teachers, as the research studies discussed above and others reveal, have studied English literature courses and have been oriented to teach text and narrative-based teaching so as to enable learners to become "scholarly people". This is, in a way, classical humanist view of curriculum design. Learners master major texts and concepts of the faculty to become scholars. This becomes a constraint when learners do not possess required proficiency in the language and knowledge about language (KAL). KAL is the basic proficiency (including grammatical knowledge) to comprehend and perform in the language and have grammatical knowledge to function in the language. Another major constraint is the teaching–learning methodology adopted by the teachers. Language learning takes place when language-in-use situation is created in the classroom by the teacher and learners together. Most English language courses, even the ones designed to be communication oriented or communicative language teaching based, are not delivered as intended. Teachers either have not been oriented in the newer methods of teaching–learning the language or they do not get the environment to adapt to such methods.

Learners who enter university with less or no English language proficiency need support from the institutions. These are the learners with less English language proficiency or no proficiency at all. These learners are at a disadvantage for reasons many. Firstly, there is not much scope for using the language for purposes during their schooling; there was no necessity except in the classroom and writing the examination. Socialization in the university does happen which might help learners acquiring the language further. How far this is supported by the institutions matters. There is an urgent need for supporting these learners with English language proficiency to cope with the teaching in the classroom. Institutions/universities may think of equipping the learners with skills of the English language through an additional provision outside the regular classrooms. This is offered to non-native speakers (say Chinese, Indian, Africans, Russians and others) in European, Australian and American universities so as to enable them to function well in English. Will this work? This needs to be done by teachers with expertise in language pedagogy and ways and means of engaging learners with language-in-use context for learning the language. National Knowledge Commission India (2009) recommends such a mechanism even for learners in school. Enhancing the basic language proficiency will equip the learner to use language as an instrument of learning the content subjects through the medium of English. This constraint is not faced when one's learn in her mother tongue. Learners need to develop over a period of time during the early years of learning a second or foreign language the basic interpersonal communication skills (BICS) and Cognitively advanced language proficiency (CALP) (Cummins 1984; Cummins and Swain 1986). BICS, as we know, is the language for day-to-day (here and now) purposes and CALP is using the language for conveying abstract ideas and higher order thinking and arguments. Since learners have not been able to acquire BICS during the schooling, universities/colleges have to take care of supporting the learners with additional inputs when they enter the institutions. How could this be done?

1. General English language courses are designed to cater to immediate as well as long term needs of learners. Immediate need is to equip them with the basic language proficiency and in the long term is to enable them to use English for academic purposes, interpretation of text and creative writing and so on. Text and narratives as materials are essential as inputs for engagement with the language. They need to enhance the engaging time in the language. The input text, variety of texts should be "exploited" in such a way that the tasks

and activities are so designed that the texts serve as an instrument for learning the language. Here is where the pedagogical understanding of the teacher comes into question. University teaching mostly relies on lecture, lecture-cum-demonstration, discussion, workshop as processes of teaching–learning in the classroom. Since most learners are adults in the university these processes have been accepted as the ones to teach or impart knowledge for these are the places and time for debates on ideas, creation of knowledge. This needs a rethinking. Methods like task based language teaching (TBLT) which focusses more on language use in real life purposes would support learners' engagement with language. Time spent in the language is a factor in learning the language well.

2. Whatever has not been taught or learnt in school needs to be learnt or relearnt at the university. Knowledge of the language (KAL) aspects-grammatical knowledge for language-in-use is an important component for acquiring the advanced language proficiency. The course design at the university should take into consideration the needs of learners for further academic and job purposes. A balance of good amount of texts and narratives for exposure to natural language along with the language components like grammatical aspects, pronunciation should be included in the general English language course.
3. Reading serves the purpose. How can a language course promote reading for pleasure and reading for academic purposes? Krashen (1985) argues that reading is a major language acquisition activity. Besides the texts for reading in the course, there needs to be scope for reading beyond the course work. Maximum time should be spent in reading the primary texts for subject content knowledge and language learning. How far our curriculum in the content subjects (otherwise known as majors) gives scope for promotion of reading, critical reading and interpretation of texts and ideas in and out the classroom of universities.
4. English for specific purposes, English for academic purposes are advocated. This needs to be introspected from various angles. If the purpose is to learn the language well and use it for purposes any course design would serve the purpose. There needs to be a balance between what researchers call it as "text / literature based courses" and "language based courses". It would appear to be trivial, this needs to be considered as the young adult who leaves the university

needs to possess the English language skills in order to function in the job place and also develop skills to read for pleasure and other purposes.

Englishization of higher education in India has become a reality for a long. The way it moves promoting disparity has its implications for curriculum design and the classroom operation. Ensuring provision of learning of essential skills of the language for day-to-day operations as well as the higher order skills will be an instrument for learners to move ahead in their academic pursuit and their professional (job) aspirations.

References

Ananthan, B (2013) *Energizing English language teaching with selected technologies: An ELT approach*. Unpublished doctoral dissertation. Tamil Nadu: Manonmaniam Sundaranar University.

Bamon, T. K (2008) *A study of the perceptions and attitudes of teachers and students towards the teaching and learning of English as a second language at the undergraduate level in the colleges of Shillong*. Unpublished doctoral dissertation, Shillong: North-Eastern Hill University.

Bhattacharya, R (2010) *Language-literature divide in English teaching in India: A study of the undergraduate general English syllabus of Assam university*. Unpublished doctoral dissertation. Gauhati, Assam: Gauhati University.

Cummins, J (1984*) Bilingualism and special education: Issues in assessment and pedagogy*. Clevedon, England: Multilingual Matters.

Cummins, J., & Swain, M (1986) *Bilingualism in education*. London: Longman.

Graddol, D (2010) *English next India*. London: The British Council.

Illaiah, Kancha (2013) Even if 10% dalit children got English education, India would change. *The Times of India*. Edit page 15 February, 2013.

Jaya, A. C. N (2009) *A study on the teaching and learning of English as a second language at the degree level in the arts and science colleges affiliated to Manonmanium Sundaranar University Tirunelveli*. Unpublished doctoral dissertation. Tamil Nadu: Manonmanium Sundaranar University.

Jayaprakash, J (2015) *Enhancing the effectiveness of teaching through communication skill training for engineering faculty*. Unpublished doctoral dissertation. Tamil Nadu: VIT University.

Kainth, M (2014) *Perception and practice of communicative language teaching: A case study of engineering institutes in Punjab*. Unpublished doctoral dissertation, Sant Longowal Institute of Engineering and Technology.

Kalanithi, L. R. S (2006) *Effectiveness of teaching prose through communicative language teaching to the undergraduates part II English: A study*. Unpublished doctoral dissertation. Tamil Nadu: The Gandhigram Rural Institute.

Krashen, S. D (1985) *The input hypothesis: Issues and implications*. London: Longman.

Kurrien, J (1997) Notes for the meeting of the national focus group on teaching of English and notes on introduction of English at the primary stage. Unpublished document. Cited in NCERT (2006a), *Position paper of the national focus group on teaching of English*. New Delhi: NCERT.

Manavalan, A. M. K (2002) *Comprehension and communication in English: a perspective of its problems in the undergraduate classes*. Unpublished doctoral dissertation, Kerala: University of Calicut.

Mayavan, L (2014) *Communicative language teaching: A tool for enhancing the language proficiency to first year engineering students with special reference to Chennai district engineering colleges*. Unpublished doctoral dissertation. Tamil Nadu: Bharathiar University.

Meganathan, R (2011) Language policy in education and the role of English in India: From library language to language of empowerment. In H. Coleman (Ed.), *Dreams and Realities: Developing Countries and the English Language* (pp. 57–86). London: British Council.

Nag-Arulmani, S (2005) Language attainments and learning opportunities: Pointer for a new curriculum framework. Ms. NFG-English. Cited in NCERT (2006a). *Position paper of the national focus group on teaching of English*. New Delhi: NCERT.

Nag-Aulmani, S (2000) *Types and manifestations of learning difficulties in Indian classroom*. Paper presented in the first orientation programme for school teachers at National Institute for Public Cooperation and Child Development (NIPCCD), India. Cited in NCERT (2006a). *Position Paper of the National Focus Group on Teaching of English*. New Delhi: NCERT.

National Council for Educational Research & Training (2005) *National Curriculum Framework*. New Delhi: NCERT.

NCERT (2006a) *Position paper of the national focus group on teaching of English*. New Delhi: NCERT.

NCERT (2006b) *Position paper of the national focus group on teaching of Indian languages*. New Delhi: NCERT.

P'Rayan, A (2008) *Engineering English: A critical evaluation*. Unpublished doctoral dissertation. Tamil Nadu: Annamalai University.

Ramanathan, Vaidehi (1999) "English is here to stay": A critical look at institutional and educational practices in India. *TESOL Quarterly*. Vol. 33 (2):211–231.

Ramanathan, Vaidehi (2005) *The English vernacular divide: Postcolonial language politics and practice*. New Delhi: Orient Longman.

Selvam, S., & Geetha. V (2009) *Textbook regimes—Tamil Nadu: A feminist critique of nation and identity*. New Delhi: Nirantar.

Sen, A (1992) *Inequality Re-examined*. Cambridge, Massachusetts: Harvard University Press.

Sen A.K (2000) *'Social exclusion: Concept, application and scrutiny'. Social Development Papers No 1*. Manila: Asian Development Bank.

Sen, A (2009) *The Idea of Justice*. London: Allen Lane.

Solanki, S. D (2014) *Course designing and testing of English language in engineering colleges: An evaluation of innovative practices*. Unpublished doctoral dissertation. Gujarat: Sardar Patel University.

Tickoo, M (1996) English in Asian Bilingual Education: From hatred to harmony. *Journal of Multilingual and Multicultural Development*, 17 (2–4), 34–60.

Tickoo, M. L (2004) English language education. In J. S. Rajput (Ed.), *Encyclopaedia of Indian Education* (pp. 34–66). New Delhi: NCERT.

Vadivambal, D (2012) *Application of multimedia in teaching English novels with special reference to Charles Dickens Oliver Twist*. Unpublished doctoral dissertation. Tamil Nadu: Alagappa University.

CHAPTER 6

Inclusive Education from School to Higher Education in India: Provisions, Possibilities and Progress

Gagandeep Bajaj

Introduction

This chapter explores inclusive education from the perspective of the visually impaired. Before analysing the theoretical positions regarding disability and inclusion, let us look at a few narratives excerpted from interactions with learners with visual impairment.

Ragini is a learner with visual impairment who studies in class XII. She is rather worried as the end of the session approaches. On being asked, she shares, 'I am not so tense about my board exam, as I have prepared well and am confident of getting admission in a good college. I have always travelled in a school bus and I wonder how will I be able to manage public transport. I am scared that I might lose the opportunity for higher

G. Bajaj (✉)
Department of Education, S.P.M. College, University of Delhi,
New Delhi, India

© The Author(s), under exclusive license to Springer Nature
Singapore Pte Ltd. 2022

P. Sengupta (ed.), *Critical Sites of Inclusion in India's Higher Education*,
https://doi.org/10.1007/978-981-16-8256-8_6

studies because of the difficulty in travelling that I have seen many of my friends facing'.

Tamanna is studying in a reputed college in Delhi University. She is a bright student who has been consistently doing well in her school. However, her college performance is a different story. When asked about this, she says, 'In school, we had a particular book for each subject. I used to get it recorded at the beginning of the year. So my visual impairment did not prove to be a hurdle for my studies. Now, we have so many different books and articles. Sometimes, they are not available also. As a result, I can't get the study material recorded in time for a thorough preparation'.

These serve to highlight the ground realities surrounding inclusion from a higher education perspective.

Historical Evolution: From Segregation Towards Inclusion of Diversity

Over the years, a gradual movement can be seen in the trajectory of the education of persons with disabilities from segregation and integration in the direction of inclusion. Historically, the education of persons with disabilities was conducted in separate settings. Subsequently, there was a call for integration with the mainstream which finally culminated into an aspiration for an inclusive society. In colonial times, segregated settings designated as special schools, were few in number. They gradually increased in the post-independence period in India. However, they were not sufficient to cater to the population of persons with disabilities. Although governmental policies such as, the Kothari Commission made provisions for integrated education, a major impetus for children with disabilities being included in mainstream schools came with the programme of Integrated Education for Disabled Children (IEDC), 1974. It was initiated by the Ministry of Welfare, Government of India. It aimed at the integration of children with milder level of disabilities into mainstream schools, as well as, their long-term retention into the school system. Slowly but steadily, the shift towards a more inclusive orientation continued at the policy level. This will be explored in greater detail in the subsequent section on policies.

The right to live with dignity and self-respect is implicit in being human and education is an integral part of this. The Constitution of India ensures equality, freedom, justice and dignity to all individuals and implicitly mandates an inclusive society for all (www.socialjustice.nic.in).

Inclusion is an approach which takes into account the needs of all learners in mainstream classrooms. It welcomes diversity in terms of race, caste, gender, class and disability. Inclusive education is being analysed at both the theoretical and practical levels. Perhaps this stems from an aspiration for an inclusive society and the recognition that inclusive education is a fundamental element of society where forces of marginalization are discouraged and community participation for all is promoted. UNESCO (2006), has articulated its vision of inclusion as follows,

> Inclusion is seen as a process of addressing and responding to the diversity of needs of all learners through increasing participation in learning, cultures and communities and reducing exclusion within and from education. It involves changes and modifications in content, approaches, structures and strategies, with a common vision which covers all children of the appropriate age range and a conviction that it is the responsibility of the regular system to educate all children. (www.ibe.unesco.org)

The above discussion clarifies that inclusive education is not only concerned about the mainstreaming of children with special needs. Rather, it entails a new vision for the school in a way that sees the teaching–learning process in a more holistic manner. Mittler (2000) reiterates this by stating that it is based on a value system that welcomes and celebrates diversity arising from gender, nationality, race, language, social background, level of educational achievement or disability. However, the focus of this chapter will be on inclusion in terms of disability.

There is also a need to clarify the terms ‘integration’ and ‘inclusion’, because sometimes ‘integration’ is used interchangeably with inclusion. Loreman et al. (2005), differentiate the two by clarifying that integration programmes attempt to fit children with disabilities into a schooling structure which already exists. On the other hand, inclusion assumes that all children are an integral part of the regular school system from the beginning.

Varying Meanings of Inclusion

Inclusion has different meanings for different people. Sikes et al. (2007), explain that finding a commonly agreed upon definition for inclusion is a difficult task. Pather (2006) argues that there is a need for demystification of the term inclusion in order to engage with schools to bring about a sustainable change. A major source of confusion is the kind of students who are to be 'included'. Also, there are questions about whether inclusive education is a place or a service to be delivered?

Some recent attempts at clarifying issues regarding the different meanings of inclusion, include a proposal by Booth and Ainscow (2002), for an index of inclusion where they comment 'inclusion is about making schools supportive and stimulating places for staff as well as students.…It is about building communities which encourage and celebrate their achievements'. A typology of five ways of thinking about inclusion, based on an analysis of international research, has been suggested by Ainscow et al. (2006). These are as follows:

a. Inclusion concerned with disability and 'special educational needs'.
b. Inclusion as a response to disciplinary exclusion.
c. Inclusion as being about all groups vulnerable to exclusion.
d. Inclusion as the promotion of a school for all.
e. Inclusion as education for all.

The Index for Inclusion (2011) developed by Booth and Ainscow, supports the process of furthering inclusive education. It can be used to analyse institutional policies and practices, as well as, decide the priorities for change. It emphasizes the following with regard to education:

- Conceptualizing institutional programmes based on inclusive values.
- Every life should be considered equally important.
- Providing support and a sense of belongingness to stakeholders.
- Participation opportunities in school activities should be increased for all individuals.
- Discriminatory practices, policies and barriers to learning should be reduced.
- Policies and practices should be restructured to value diversity.

- Viewing individual differences as possible resources for learning.
- Understanding that inclusive schools are a part of an inclusive society.

Thus, inclusion is a way of thinking that allows every individual to live with dignity and have equal opportunities in life. Inclusive education mandates that all students get a chance to participate and contribute in the life of the educational institution in which they are studying. This would mean addressing student diversity in terms of not only disability but other factors, such as gender, caste, class, religion, language and region. The above discussion brings us to an exploration of how diversity and inclusion are linked to each other.

Dimensions of Diversity

Disability needs to be understood as one of the dimensions of diversity. It is important to understand the concept of diversity because it provides the rationale for including all learners in the process of education. Because individuals are different from each other, there is a need to ensure that each individual can participate in educational settings with a sense of belongingness.

Diversity simply means difference. A group of people might be different from each other in terms of various dimensions of socio-cultural context, as mentioned in the previous section. There could also be collective differences among people, for instance, appearance or family structure, which distinguish them from another group of people. Exclusion, many times is a result of non-acceptance of difference or variety in a group and imposition of the majoritarian norms as the ‘correct’ way of being.

Thus, inclusion and diversity are closely linked. Ideologically, diversity implies a respect for equity and social justice. It not only advocates acceptance and tolerance, rather encourages us to celebrate our differences and use them as learning opportunities in a pluralistic society.

Diversity is explicitly visible in Indian multicultural classrooms and has wide ranging implications in terms of policy formulation and implementation. Here, we are focusing on disability as a dimension of diversity. Disability is an overarching term that may include variables of race, caste, class, etc. Members of this group are extremely heterogeneous because of the variations in terms of nature, extent and age of onset of the disability. The next section deals with the theoretical underpinnings of the different models that have informed the discipline of inclusion.

Theoretical Underpinnings: Models to Study Disability

Theoretically the charity and medical models which were prevalent in the past have been replaced by the social and human rights models. The charity model treats persons with disabilities as recipients of care and assistance from their benefactors. It has been the overarching societal approach of looking at disability. Research and practice in disability is informed by two dominant approaches which stem from inherently different conceptualizations of who is a disabled person. The medical approach is an objective, individual oriented, deficit-driven orientation which locates the disability in the person as a lack or deficiency that she has. Corker and Shakespeare (2002) remark that, ‘The individual and medical models perceived and classified disability in terms of “deviance and tragedy” and assumed it to be logically separate from and inferior to normalcy’. According to Nilholm (2006), this perspective is located in positivistic thinking and sees special education as a rational response to what is understood as more or less objective deficits. In India, the National Curriculum Framework position paper on special needs education (2006) gives two models under the formulation of disability as an individual pathology. The first of these is the charity model which is based on the principle of custodial care. It resulted in isolation and marginalization of people with disabilities. Contemporary societal attitudes towards people with disabilities echo the hierarchical assumptions of this model. The Bio-centric model views disability as a medical condition which needs to be cured. These models have been used for keeping the disabled out of the ambit of the mainstream school system. The medical paradigm supports the provision of special and regular education, resulting in institutionalized inequalities.

The Social Model

A questioning of the earlier models led to the emergence of the social model which, as the name suggests, looks at disability as a social construction. Ainscow and Miles (2008), encourage us to analyse educational failure of students in terms of barriers to learning, rather than the abilities of individuals. Thus an individual is disabled not because of her impairment but because of society's inability or unwillingness to meet her needs. This directly places the responsibility on society. Thus, disability is conceptualized as inadequate societal opportunities available to a person because of physical and social barriers. Oliver (1996), opines that the social model has furnished an empowering political agenda.

The social model of disability has stimulated the development of Disability Studies as an academic discipline. This is a newly emerging area of inquiry which looks at disability as a socio-cultural phenomenon. It challenges traditional approaches of problematizing disability. The guidelines developed by the Society for Disability Studies (as cited in the proceedings of the National University of Educational Planning and Administration, training workshop of College Principals for Inclusion of Youth with Disabilities in Higher Education 2006), emphasize that any programme in this area should actively encourage participation by disabled students and ensure physical and intellectual access. Thus, Disability Studies in Education works to create and sustain inclusive and accessible educational institutions. This recognition of the voice of differently abled people is situated within the context of acceptance and celebration of differences. For instance, Bentley (2008) used the framework of Disability Studies in Education to understand the academic and social contexts of inclusive education from the lens of children with labels of severe disabilities as well as that of their peers. He found that inclusive pedagogical practices were instinctively and effectively used by the child and her peers.

The Human Rights Model

The human rights model emphasizes the inalienable rights of all human beings and is based on the principal of respect for difference and acceptance of disability as part of human diversity. Thus, every individual with disability has as much a right to be included in a social group, as an individual without disability. This perspective has been supported by treaties and legislation. Significant among these, is the United Nations Convention on the Rights of Persons with Disabilities which is an international human rights treaty of the United Nations intended to protect the rights and dignity of persons with disabilities. (Wikipedia). India is a signatory to this international treaty and is thus committed to legal protection of the rights of people with disabilities.

The human rights approach to disability assumes that persons with disabilities have a right to participate in all societal activities on an equal basis with their non-disabled counterparts. They have the freedom to make their own choices and demand a barrier-free environment. Barriers may be physical or social in nature. It also ensures equality and non-discrimination in social and legal terms.

These developments are related to the disability rights movement. The differently abled no longer see themselves as passive recipients of charity. Empowered by developments like the disability rights movement, they are asserting themselves, demanding their rights and looking for opportunities for participation in the society as equals. This is possible in an ethos which values diversity and supports inclusion. From the rights perspective, compulsory segregation is seen to contribute to the oppression of people with disabilities (Corbett 2001).

The Policy Perspective

The policy perspective mirrors the theoretical shift in the understanding of disability from the medical model to the social model. This is evident at both the national and international levels. At the national level, the amendment in the constitution for making education a fundamental right has included children with disabilities explicitly in the definition of children belonging to disadvantaged groups. Various governmental policies and laws have been enacted to ensure the basic rights of persons with disabilities as citizens of India, as well as, special provisioning in the form of reservations, facilities and concessions.

International initiatives include United Nations rules and conventions. As elaborated in the previous section, **UNCRPD** marked a shift from the medical model to the social and human rights approach towards disability. The following quote from the Preamble to the Convention amply demonstrates this shift. "*Disability results from the interaction between persons with impairment and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with* *others*." In an educational context, the onus lies on the institution to create a conducive learning environment for students with disabilities.

The policy perspective is characterized by a movement from the recognition of education as a universal right of all towards an explicit declaration of inclusive education as the means through which education for all can be achieved. The beginning of this process can be seen in Article 26 of the **Universal Declaration of Human Rights** (1948) which grants all children the universal right to receive education without discrimination. 'Everyone has the right to education. Education shall be free …Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms…Parents have a prior right to choose the kind of education that shall be given to their children.'

The **UN Convention on the Rights of the Child** (1989) offered a reaffirmation of the above. In Article 2, protection of children from discrimination and promotion of their rights are part of the state's duties. Article 23 talks about the rights of disabled children, wherein they can be self-reliant and socially integrated. The **Jomtien Declaration** on Education for All in 1990 saw the beginning of a global movement for the provision of basic education with its slogan of Education for All by year 2000. The **Salamanca Statement and Framework for Action on Special Needs Education** (1994) was a landmark in this journey. It established inclusion as a strategy for achieving education for all in the international community:

> Regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all….

(Article 2, Salamanca Statement)

> Educational policies at all levels, ….. should stipulate that children with disabilities should attend their neighbourhood school, that is the school that would be attended if the child did not have the disability.

(Article 18, Salamanca Framework for Action)

Furthering the agenda of the Jomtien Declaration, the **Dakar Framework for Action** (2000), set 2015 as the goal for achieving education for all including marginalized groups within the mainstream.

The next major initiative, at the national level, was the **Sarva Shiksha Abhiyan** (SSA), 2000. Its goal was to provide eight years of elementary education to all children from six to fourteen years of age by 2010. With reference to inclusive education, SSA aimed to identify and assess students. It also mandated a barrier-free environment, individualized plans and aids according to the student's requirements. SSA has a zero rejection policy. This is puzzling in the context of continued difficulties in admission for children with special needs. SSA has now been transformed into a via media for implementing the Right to Free and Compulsory Education Act (2009). According to this legislation, under Article 21A of the constitution, education is a fundamental right of every child between the ages of six to fourteen.

In the Indian context, the **Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act** (1995) was a comprehensive legislation providing for the prevention and early detection of disabilities, education, employment, non-discrimination, research and manpower development and social security of the persons with disabilities. With reference to education it mandated that appropriate governments and local authorities must ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years and endeavoured to promote the integration of students with disabilities in mainstream schools. It ensured the reservation of at least 3% seats in educational institutions. This Act has been subjected to criticism and subsequent amendments, with disability rights activists demanding an entirely new law in its place. This has been necessitated by India's ratification of the UN Convention on Rights of Persons with Disabilities (2007), which marks a shift from the medical model to the human rights model of disability. The convention puts forth an empowering agenda for persons with disabilities. It calls for respecting their inherent dignity and individual autonomy, as well as, their acceptance as part of the diversity spectrum. This perspective is now incorporated in the revised act called, **Rights of Persons with Disabilities Act** (2016). While the 1995 Act was largely based on the charity and medical models, the 2016 Act is embedded in the human rights approach. As defined by the 2016 Act, 'Inclusive education' means a system of education wherein students with and without disability learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities. Chapter III, Section 16, of the act lays down the following guidelines for inclusive education: (https://legislative.gov.in/actsofparliamentfromtheyear/rights-persons-disabilities-act-2016).

The appropriate government and the local authorities shall endeavour that all educational institutions funded or recognized by them provide inclusive education to the children with disabilities and towards that end shall—(i) admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others; (ii) make building, campus and various facilities accessible; (iii) provide reasonable accommodation according to the individual's requirements; (iv) provide necessary support to individualized or otherwise in environments that maximize academic and social development consistent with the goal of full inclusion; (v) ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication; (vi) detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them; (vii) monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability; (viii) provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.

Along with this, for skill development and employment, the Act requires appropriate government to formulate schemes for supporting the employment of persons with disabilities. It also advocates for active links with the market and non-discrimination in employment. Significant changes from the 1995 Act include, increase in the number of disability categories from seven to twenty one. Taking cognizance of the contemporary situations, disabilities such as, those due to acid attack and Thalassemia, have been included for the first time. This will enable many more persons with disabilities to avail government schemes and facilities. Also, disability has been defined as a dynamic concept rather than a static one. Thus, the government may add more disabilities to the list, if the need arises. Change in the reservation in admission to educational institutions and employment from 3 to 4% is another welcome step. In the earlier Act, disabled friendly access was mandated only in government buildings but in the 2016 Act, the definition of 'establishments' has been expanded to include private ones as well.

Let us now turn our attention to a few landmark schemes relevant to the Indian educational scenario with respect to inclusion in education of students with disabilities. Keeping with the international conventions on disability which India ratified, the Inclusive Education for Disabled at Secondary Stage (IEDSS) was initiated by the Government of India in 2009–2010. This scheme provides resources so as to enable all students with disabilities, to pursue four years of secondary schooling, i.e., classes IX to XII after completing eight years of elementary schooling (Class I to VIII) in an inclusive environment. IEDSS replaced the earlier scheme of Integrated Education for Disabled Children (IEDC). IEDSS aims to assess the educational needs of students and provide them a barrier-free environment, resource material and special educators.

Another programme, the **Rashtriya Madhyamik Shiksha Abhiyan** (RMSA) was started in 2009 and it aimed to improve the access and the quality of secondary education. It also looks at removing gender, socio-economic and disability barriers. In order to ensure efficient utilization of funds and greater coordination between different governmental agencies, other schemes such as, Information and Communication Technology (ICT) at School, Inclusive Education for Disabled at Secondary Stage and Vocational Education have been subsumed under RMSA from 2013.

The government also offers scholarships and fellowships for persons with disabilities so that they can pursue school level and higher education. A few of these are mentioned here. The National Fellowship for Students with Disabilities aims to enable students with disabilities to take up higher education courses, from Universities that are recognized by University Grants Commission. The Pre-Matric Scholarship and Post-Matric Scholarship for Students with Disabilities has been initiated by the Department of Empowerment of Persons with Disabilities. It provides financial support to the students with disabilities for studying at the pre-matric level and post-matric level. The National Overseas Scholarship for students with Disabilities provides financial assistance to the students with disabilities for pursuing studies abroad, for instance, Master's Degree and Ph.D.

As is evident from the above discussion, ample efforts have been made at the policy level, in terms of constitutional and legal provisions, to promote inclusion. These efforts are showing positive results in the school and higher educational scenario. Enrollment of students with special needs, has increased at both levels. Their presence in educational institutions has initiated the process of physical and social inclusion. However, there is a long way to go in terms of adequate provision of resources.

Bringing about attitudinal change in society and sensitizing the community to accept people with disabilities as an integral part of society, still remains a major challenge.

Issues and Challenges

Including students with disabilities in mainstream schools and subsequently ensuring a smooth transition to higher education involves challenges of physical and psychological access, addressing the educational and psychosocial concerns of the students, as well as exploring the role of teachers, administrators, parents and peers in promoting inclusion.

The provision of a barrier-free and accessible environment for everyone is necessary for inclusion. According to the RPWD Act, 2016, some of the provisions for universal design are as follows:

> The Central Government shall, in consultation with the Chief Commissioner, formulate rules for persons with disabilities laying down the standards of accessibility for the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services provided to the public in urban and rural areas. (1) The appropriate Government shall take suitable measures to provide,— (a) facilities for persons with disabilities at bus stops, railway stations and airports conforming to the accessibility standards relating to parking spaces, toilets, ticketing counters and ticketing machines; (b) access to all modes of transport that conform the design standards, including retrofitting old modes of transport, wherever technically feasible and safe for persons with disabilities, economically viable and without entailing major structural changes in design.
>
> The appropriate Government shall take measures to ensure that—(i) all contents available in audio, print and electronic media are in accessible format; (ii) persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning; (iii) electronic goods and equipment which are meant for everyday use are available in universal design.
>
> The Act clearly lays down the road map for universal design. The legal mandate, however, does not smoothly translate into reality. College and school infrastructure leaves much to be desired. Ramps, tactile tiles and disabled friendly washrooms are either inadequately represented or conspicuous by their absence. The other aspects of the teaching–learning environment, such as, provision of resources and equipment in a manner that is accessible to students with visual impairment is equally important.

> Often, it is seen that the Braille textbooks which are supposed to reach the student in the beginning of the academic session, arrive when half the school year is over. Although, technology has made talking books and screen reading enabled computer software available, it is not commonly provided to students. Thus, many students with visual impairment rely on family support for their learning needs.

As mentioned above, many schools do not have resources required for students with visual impairment. In addition to this is the limited exposure and training of general education teachers, resulting in hesitancy towards accommodating students with special needs in her classroom. These factors might contribute to the student's feeling excluded in an inclusive school. In fact, research studies based on the experiences of students with visual impairment, ratify the perception of exclusion. (Whitburn 2014; Opie et al. 2017).

Another significant issue which is relevant particularly during adolescence, is exploration of the self and identity formation. Many students with visual impairment struggle to 'fit in'. Many times, they feel isolated due to an inability to understand the subtle aspects of peer culture. Their peers also might feel uncomfortable while interacting with these students because of a lack of awareness about their needs. Both special educators and general education teachers can counsel students to facilitate rapport building. Guidance and counselling can also help in making career choices. Societal perceptions about the careers considered appropriate for students with visual impairment are stultifying. Stereotyped notions often limit their horizons. School and college teachers can play a major role in encouraging these students to go beyond the straitjacket.

Role of Stakeholders

Disability is not merely an individual's inability to do certain tasks due to natural or accidental causes but society also plays a crucial role. Hence, there is a need for collaborative cooperation among various stakeholders including the administrators, school administration and teachers along with family, peers and community.

Administrators

The administrator is responsible for establishing the overall ethos of an institution. If inclusion has to be effective, it needs to permeate each and every aspect of the institution's functioning. The role of the administrator in strengthening the culture of inclusion is paramount. It requires understanding and addressing the needs of various stakeholders with regard to inclusive education. This includes, interacting with the students, finding out their issues and resolving them in an empathetic manner. Providing special educators, as well as, equipping general education teachers with the required skill set is essential. Resource availability, conducive and accessible physical environment and community outreach are other tasks with which the administrator can further the cause of inclusive education. At the school level, there also needs to be an awareness of career aspirations of the students and of interactions geared towards preparing them for a smooth transition to college. Subsequently, in higher education institutions, availability of adequate physical, academic and psychological support needs to be ensured.

Teachers

The teacher is a key player in inclusive practice, both at the school and college level. She collaborates with other members of the system and coordinates with agencies in order to provide appropriate facilities to the student with disabilities. Her attitude towards inclusion determines, to a large extent, the student's experience of being included in the educational institution.

At the school level, the special educators are concerned with looking after the day-to-day requirements of students with special needs. Often, this results in a compartmentalization between regular students, whose subject teachers consider as their responsibility, and the 'others' who are supposed to be totally under the special teacher's care. This dichotomy might lead to a feeling of exclusion. Ideally, a sense of shared responsibility on the part of regular and special teachers towards the children with special needs is most effective. The core curriculum might need adaptation and would require both sets of teachers to discuss how to prepare Individualized Education Plans to suit the needs of the learner, as well as, the resources needed for a meaningful transaction. The special educator also looks after the specific requirements of learners with visual impairment, such as, training for orientation and mobility, arranging for a barrier-free environment, availability of assistive devices, transcription of home work, provision of readers and writers. They also serve as a liaison between these students and the rest of the school, establishing channels of communication and sensitizing personnel about an inclusive school environment. Preparing students for the challenges after school, generating awareness about the options available and the skills required to adjust in the college environment are other important tasks that the teachers must address.

While special teachers are not available at the college level, the regular teachers need to be sensitized to the special needs of students with disabilities. Since, there is no provision for formal training of university teachers in inclusive education, understanding the particular requirements of students with disabilities and accessing the specific pedagogic strategies required in the classroom becomes problematic. In the case of students with visual impairment, this could include knowledge about screen reading software, Braille, provisions available for admission, assessment, etc. The value of creating positive learning environments for meaningful inclusion cannot be overemphasized. The importance of teacher attitudes in this process has been explicated by Parasuram (2006). Conveying positive feelings, an empathetic attitude and being sensitive about the language used in referring to students with visual impairment is essential for developing self-esteem. Arranging the physical aspects of the class according to the learner is important. Orientation and sensitization of peers by the teacher helps create opportunities for interaction. Thus, teacher preparation geared towards tailoring the teaching–learning process for addressing diversity is the need of the hour.

Family and Community

Family and community play an important role in the developmental years of any child. In the case of individuals with visual impairment, it assumes a greater role, both in personal and professional domains. Interactions with senior secondary and college students brought forth the importance of the family. Many students talked about their parents' journey from denial to acceptance of the disability. Other stories reflect neglect, wherein the child has been left to fend for herself in a hostel, and there is little interaction with the family. Whether a child with visual impairment shall pursue education in an attempt to become self-reliant, largely depends on the familial perception about the disability. Sometimes, the family's overprotection can lead to the child spending a sheltered life within the four walls of the home, with concomitant feelings of isolation and low self-worth. The parents' fear about their child's inability to negotiate the outside world, can translate into a self-fulfilling prophecy. Lack of opportunities to interact with society, result in poor social and communication skills. Community also furthers the sense of disability as a personal tragedy that has befallen the family. Their reactions of pity, charity and avoidance, sometimes make it difficult for the family members to freely mingle at social gatherings, leading to a vicious cycle of negativity. That it is possible to break this cycle is evident from interactions with college students. The narratives of many students studying in college highlighted the importance of parental attitude. Students who have made a smooth transition from school to higher education, display a confident attitude towards the issues confronting them in college. In fact, most of them credited their parents with giving them a feeling of self-confidence to face the challenges of higher education.

Community awareness and support can go a long way in integrating the individual with visual impairment and his family, into the mainstream of society. Opportunities to interact with community members on an equal footing, encourage the development of a wider world view and greater acceptance of diversity. This will help in harnessing the true potential of the visually impaired and allow them to be actively involved in contributing to community development.

Peers

Establishing social relationships is an integral part of life at school and college. We have briefly discussed the importance of peers in an earlier section. Peers assume an extremely significant role in each other's life during adolescence. Secondary school and college life are a time when many life decisions are shared with peers rather than family. The student with visual impairment might feel 'left out' in such a scenario. The college environment is unstructured, as compared to the cocoon of school. Many students with visual impairment, have reported that they thought of dropping out of college in the first few months because they were unable to negotiate the unchartered terrain. A friend in such a situation can be a great asset. Many peers are uncomfortable establishing friendships, either due to ignorance or negative stereotypes regarding visual impairment.

Institutional intervention, by administrators and teachers, can help break the ice and build life long bonds.

Peers take cues from their teachers in order to learn ways of interacting with students with visual impairment. Feelings of inferiority, comparisons, teasing, bullying and exclusion are all part of the reality of an inclusive classroom. Confronting prejudices and stereotypes and moving beyond them is required. Naraian (2008) examined peer interpretations of significant disability and found that students require effective mediation in the classroom to engage with each other. Sustained interaction creates possibilities of learning to value difference and growing together with an understanding of each others' strengths and weaknesses. These interactions are stepping stones to creating a more inclusive society.

In the section on policies, we learnt about many governmental initiatives. In the context of higher education, it is worth mentioning an enabling endeavour which has been meaningful and has helped many college students face the challenges that we have been discussing.

ROLE OF EQUAL OPPORTUNITY CELL: A WELCOME STEP

> An initiative for fostering inclusion in education at the tertiary level, is the Equal Opportunity Cell (EOC). It was established by the University Grants Commission to address the needs of disadvantaged social groups. Complying with these guidelines, many universities set up EOCs. For instance, the EOC at the University of Delhi started in 2006. In the context of disability, it seeks to provide comprehensive services and support to students with disabilities. Its mission includes, implementation of legislative provisions and policies for students with disabilities, ensuring non-discrimination, creating a barrier-free environment, ensuring accessible reading material and supporting students during the admission process. Under the aegis of this programme, many activities are being conducted in colleges, such as, awareness campaigns, provision of computers and other appliances, transportation service for the differently abled, construction of infrastructure like, disabled friendly washrooms and ramps.
>
> The EOC also provides short-term courses of 3-6 months on Sign Language Interpretation, Communicative English, and Information and Computer Technology. These help in developing life skills for independent learning.

The University of Delhi has taken a number of initiatives for students with visual impairment. Through the Government of India's Assistance to Disabled Persons for Purchase/Fitting of Aids/Appliances (ADIP) scheme, many students have been provided with smart phones and smart canes. The students can also record classroom lectures on laptops given to them. Many universities such as the University of Delhi and Jawahar Lal Nehru University have other measures like the QR coded guidance system and Braille signs which facilitate inclusion.

> While initiatives such as these go a long way in making higher education more accessible for students with disabilities, the proportion of students who are able to flourish at the tertiary level remains a miniscule minority. School students are able to grasp academic content but are not taught soft skills that are critical for success in higher education, such as, independent study, how to manage their time, and self-advocate. Students with disabilities need more explicit instruction to hone these skills. In their absence, students often find themselves at sea in the unstructured college environment.

The Journey Ahead

Given the difficulties that many school and college students face while pursuing inclusive education, some stakeholders recommend that they would be better served in special schools. However, the advantages of studying together in an inclusive institution are well researched. Thus, we need to find ways and means of ensuring that the journey of inclusive education is beneficial for all. As mentioned previously in the chapter, all the stakeholders have a significant role to play. The seeds of self-reliance are laid in the foundational years, where parents are the primary caregivers. Their belief in the child and her abilities gives her wings to fly. As the child grows up and enters the world outside the home, a supportive environment, can encourage the child with visual impairment to explore her full potential.

The formal educational sphere involves administrators and peers among others, but the role of the teacher, at every level of the educational pyramid is pivotal. A teacher who understands the intricacies of inclusive education and acts as a friend, philosopher and guide to the student with visual impairment, can create an enabling environment for the student. Such students with an experience of success at the school level have a higher inclination to continue their studies at the tertiary level and subsequently pursue successful careers.

We saw in earlier sections how the medical model has been replaced by the human rights model in theory. However at the practical level, we still find an attitude of charity towards students with disabilities in educational institutions. This perhaps is a reflection of societal attitudes. Unless we consider persons with disabilities as equal contributors to the growth and development of society, inclusion will remain a pipe dream. Schools and colleges, need to acknowledge and celebrate diversity in all its myriad dimensions and provide an environment which is meaningful for all learners.

In conclusion, access to higher education has been facilitated by enabling policy initiatives which seek to provide reservations and scholarships. However, the process of transition from school to college is a turbulent journey for persons with disabilities. We need systemic reforms and a concerted effort by the stakeholders, if we truly wish to realize our dream of an inclusive society.

References

Ainscow, M. and Miles, S. (2008). Making education for all inclusive: Where next? Prospects, 38, 15–34.

Ainscow et al. (2006). Improving schools, developing inclusion. London: Routledge.

Alur, M. and Bach, M. (2008). The Journey for Inclusive Education in the Indian Sub-continent. London: Routledge.

Alur, M. and Timmons, V. (Eds) (2009). Inclusive Education Across Cultures—Crossing Boundaries Sharing Ideas. New Delhi: Sage Publications.

Bentley, J.K.C. (2008). Lessons from the 1%: Children with labels of severe disabilities and their peers as architects of inclusive education. International Journal of Inclusive Education, 12(5–6), 543–561.

Booth, T., and Ainscow, M. (2002). Index for inclusion: Developing learning and participation in schools. UK: Centre for Studies on Inclusive Education.

Booth, T., and Ainscow, M. (2011). Index for inclusion: Developing learning and participation in schools. Bristol: Centre for Studies on Inclusive Education.

Corker, M. and Shakespeare, T. (2002). Disability/Postmodernity: Embodying Disability Theory. New York: Bloomsbury Publishing.

Gibson, S. (2006). Beyond a ‘culture of silence’: Inclusive Education and the liberation of voice. Disability and Society, 21 (4), 315–329.

Goodley, D. (2011). Disability Studies—An Interdisciplinary Introduction. London: Sage Publications.

Gwynn, J. (2004). 'What about me? I live here too!' Raising voices and changing minds. In Armstrong, F. and Moore, M. (Eds), Action Research for Inclusive Education: Changing places, changing practices, changing minds. London: Routledge Falmer.

Loreman, T., Deppeler, J. and Harvey, D. (2005). Inclusive Education—A Practical Guide to Supporting Diversity in the Classroom. New York: Rouledge Falmer.

Mittler, P. (2000). Working towards Inclusive Education—Social Contexts. London: David Fulton Publishers

Naraian, S. (2008). Institutional stories and self stories: Investigating peer interpretations of significant disability. International Journal of Inclusive Education, 12(5–6), 525–542.

National Council of Educational Research and Training (2006). Position Paper. National Focus Group on Education of Children with Special Needs. New Delhi: NCERT.

National University of Educational Planning and Administration (2006). Training Workshop of College Principals for Inclusion of Youth with Disabilities in Higher Education. New Delhi: NUEPA.

Nilholm, C. (2006). Special education, inclusion and democracy. European Journal of Special Needs Education, 21(4), 431–445.

Opie et al. (2017). 'You have to be like everyone else': Support for students with vision impairment in mainstream secondary schools. Support for Learning, 32(3), 267–287.

Parasuram, K. (2006). Variables that affect teachers' attitudes towards disability and inclusive education in Mumbai, India. Disability and Society, 21 (3), 231–242.

Pather, S. (2006). Demystifying inclusion: Implications for sustainable inclusive practice. International Journal of Inclusive Education, 11(5–6), 627–643.

Puri, M. and Abraham, G. (2004). Handbook of Inclusive Education for Educators, Administrators and Planners. New Delhi: Sage Publications.

Sikes, P., Lawson, H. and Parker, M. (2007). Voices on: Teachers and teaching assistants talk about inclusion. International Journal of Inclusive Education, 11(3), 355–370.

United Nations Educational, Scientific and Cultural Organisation (2006). Compendium: Conventions, Agreements and Laws Guaranteeing All Children Equal Rights to Quality Education in an Inclusive Setting: UNESCO.

Wedell, K. (2005). Dilemmas in the quest for inclusion. British Journal of Special Education, 32(1), 3–11.

Whitburn, B. (2014). Accessibility and autonomy preconditions to ‘our’ inclusion: A grounded theory study of the experiences of secondary students with vision impairment. Journal of Research in Special Educational Needs, 14(1), 3–15.

World Bank. (2007). People with Disabilities in India: From Commitments to Outcomes. Human Development Unit, South Asian Region.

CHAPTER 7

Institutional Norms as Hindrance to Participation of Women as Members of Academic Community

Shivani Nag

INTRODUCTION

As an undergraduate student in an all-girls college in Delhi, I had to commute nearly two hours one way daily in public transport (which meant only buses in the pre-metro days) to travel the distance between my home and the college which were at the two near opposite ends of the city. The last class in the college usually ended around three in the afternoon which meant that unless I left the college immediately to avoid the office hour rush, I would not reach home before late evening and since reaching home also involved walking down a considerable distance from the bus stop to home, it wasn't a preferred option given the larger gender unsafe environment of Delhi. There were often interesting events and activities that took place in the college after the classes ended which

---

S. Nag (✉)
Dr. B. R. Ambedkar University Delhi, New Delhi, India
e-mail: shivani@aud.ac.in

© The Author(s), under exclusive license to Springer Nature Singapore Pte Ltd. 2022

P. Sengupta (ed.), *Critical Sites of Inclusion in India's Higher Education*,
https://doi.org/10.1007/978-981-16-8256-8_7

included movie screenings, SPIC MACAY programmes and other co-curricular events that I really wished I could be a part of and yet could not be because I needed to leave for home in time. On every such occasion, I would wish if only the college would permit day boarders like me to stay a night with a classmate in the college hostel. However, far from spending the night, as day scholars carrying valid college ID, we could not even gain entry to the girls' hostels during daytime. I soon realised that as a day boarder who could not afford private transport, participation in college life would always be incomplete. Of the several memories I have of my college days, a recurring one is of regret, regret that I could really not make much use of the possibilities that the college facilitated for those who could afford to be on campus longer. I could never ever really entirely belong and participate fully as a member of the college community. The grass of course was not greener on the other side. Just as my access to life within college was incomplete and restricted, the hostellers were denied access to the life outside. A hosteller from a college in Tamil Nadu had this is to say of her experience of being in a hostel,

> Yes, not only were there some obvious disadvantages like inability to stay in the library or labs after hours without special permission slip, or the inability to go home when I wanted without jumping through a hundred hoops, or the inability to go for lunch and a movie with friends on weekends because it would go over the five hour limit, it was also a humiliating experience to face such blatant inequality firsthand and to be treated as sub- human just because I was born with the wrong gender. (Posted on Pinjra Tod Facebook page, 2016)[1]

Often, when as women we share these experiences, we are asked if it isn't enough for us to be allowed access to classrooms. Or why is it that instead of focusing our critical lenses on pedagogic practices the knowledge content in those classrooms, we are discussing concerns around access to college after class hours or access from college hostels to the world outside? What significance do these have for women's education? Do these concerns really facilitate women's access to education or introduce an unnecessary diversion to their academic pursuits?

A response to these questions requires us to engage with what it means to be a participant in academic pursuits or to be a part of an academic community. It also requires us to revisit our assumptions about what constitutes a pedagogic space and how are the boundaries of such a space defined. The chapter attempts to understand how gendered institutional norms and lack of supportive institutional infrastructure and practices prevent women from participating fully as members of academic communities.

Learning as Participation

Many will agree that learning is not exclusive to formal educational institutions and also takes place outside those institutions in a multitude of spaces and via varying processes including observation, apprenticeship and social participation. However, when it comes to learning within a formal educational institution, where do we imagine learning to take place? Several women pursuing professional courses like journalism, mass communication and engineering shared during the interviews and on social-media platforms, how these restrictions made it impossible for them to participate in workshops, department festivals and other academic and co-curricular activities. Women students pursuing mass communication and journalism while staying in hostels could not shoot or report events taking place late during the evening as part of their projects, while men staying in hostels could. For students wanting to cover cultural events or theatre, this meant foregoing several events of interest. Similar constraints were voiced by women pursuing various other degrees.

> I hated that I always had to rush back to hostel before 8 pm, while the boys could stay around longer, discussing and working on group projects. For women, to be able to stay outside hostel for group work meant that we don't return to hostel immediately after day long classes for some rest, and instead in that mentally exhausted state, visit library, meet classmates for group work in a rush. Why should boys have the luxury to return to hostels, take a nap and then be out in more productive state of mind? (A woman student in a Delhi University college)

> From 9am-5pm, we are busy with classes. After that, we only have time till 8pm to do things such as visit the main library, go to the market, or meet friends…The boys, however, can stay out till 10pm. (Kohli 2017)

The above narratives bring out the anguish of women who are being actively disabled/excluded to engage meaningfully with academic subjects whose theory and praxis are not definitely confined to the classroom. To be an engaged sociologist, film-maker or an engineer, it takes much more than a mere receiving of facts in a classroom lecture. Advocates of a critical pedagogy have consistently rejected the imagination of a student as passive recipient of information in a unidirectional didactic classroom process. Freire (1996) terms the education where a student is imagined as a depository for linear transfer of what is considered knowledge, as the 'banking concept of knowledge'. Critiquing this concept, he further adds, "*For apart from inquiry, apart from the praxis, individuals cannot be truly human. Knowledge emerges only through invention and re-invention, through the restless, impatient, continuing, hopeful inquiry human beings pursue in the world, with the world and with each other*" (Freire 1996, 53). The real world is the site where inquiry into the theory and engagement with praxis is enabled for all academic disciplines. However, if institutional norms and designs dissuade only women from participation, then this must be recognised as a discriminatory and exclusionary institutional practice, one thatoften is made invisible in mainstream discourse.

This brings us to the question: What does participation mean and what does 'being able to participate or not' does to the idea of self as a member of the community where the participation is located. According to Lave and Wenger (1990, 29)

> …learners inevitably participate in communities of practitioners and that mastery of knowledge and skill requires newcomers to move toward full participation in the sociocultural practices of a community… the meaning of learning is configured through the process of becoming a full participant in a sociocultural practice.

It is important to clarify here that the communities of practitioners that one imagines as emerging in the context of higher education are not merely graduate or research students in a classroom interacting with each other about concepts and applications in the presence or absence of a teacher; nor is the issue of participation one of being able to participate in classroom discussion that has been intentionally built into the pedagogic strategy of a teacher. Higher education marks that stage where through various other forms of participation outside the classroom (such as internships, field projects or research), the transition from seeing oneself as a student of the discipline to a practitioner of the discipline begins. It is the stage when identifying oneself solely through membership of an institution begins to be challenged or re-imagined to also include the possibilities of identifying oneself with the communities that practice specific disciplines and share an academic language and praxis, for instance communities of psychologists, sociologists, historians, engineers, film-makers and so on. While for those who are already in professional setups, these identities may develop at workplaces, for students still in the phase of transition, these are likely to develop in spaces outside the formal classroom such as academic festivals, field attachments or working together after formal class hours on projects and assignments. Participation in these communities is not automatic. From being there as an onlooker, to a peripheral participation to becoming a full participant, it is a long journey. It is a journey in which power relations between participants and their location in specific sociocultural, economic and historic contexts play a crucial role in shaping their access to activities and opportunities for participation.

Institutional Norms and Practices That Restrict Women's Participation

Women's participation in existing academic communities of practice or spaces where such communities have the possibility to emerge gets restricted through various gendered norms and practices in institutions of higher education. While the curfew in hostel timings is one of the most prominent and talked about norms, as also evidenced in the narratives shared above, it is not the only one. It is important to note here, that while some of these norms such as hostel and library timings are part of more formalised university rules, various other norms have evolved and gained legitimacy through years of institutional practices that have remained unchallenged. Some of these norms while not formalised are hard to break and they threaten to further reduce even the existing spaces of participation that women have in educational spaces. The following experiences were shared by women students with the author in different occasions.

> Our teachers do not allow us to sit in classrooms after class hours. They also chase us if we sit in lawns. The rooms are immediately locked by the college staff once a class gets over and there is no other class following it. Where do we discuss assignments and projects? Boys can still go visit

> each other after college hours, but we are expected to be back home in time. On serious assignments and projects, boys don't like to choose girls in their groups even if they like us- those who stay with parents, rush home and those in hostels also have timings. (A women student pursuing engineering in Tamil Nadu)

> I always carry emergency sanitary pads with me. Many of us also carry for our friends. There is no medical shop near our campus. Mostly the medical room also lacks them. They are always 'out of stock'. If we don't carry sufficient number of them, then there is every chance that emergency would strike and we would have to immediately rush home, sometimes even having to skip important lectures. (A woman student in a college in Punjab)

Several women students also shared that their teachers often threatened to report any 'mistake', 'non-submission', 'transgression (in the eyes of the teacher)' to parents or local guardians and these threats were made way more often to women students than to male students. For several of them who had made difficult negotiations at home to be able to pursue higher education, these threats posed grave risks, which included being pulled out of the institute. Hence, there was always a pressure to conform to what was expected of them. These expectations ranged from dress codes to 'not interacting with boys', 'not seen loitering on the campus', 'not keeping cellphones' and confining oneself to academic engagements restricted to defined spaces in classrooms. Women students often found such norms to be restrictive of their academic freedom and the response of authorities to transgressions as humiliating.

> Both men and women hostel inmates could not have cell phones, but the verbal harassment and punishment following detection was more severe for women. When a guy's cell phone was found, the hostel warden would confiscate the phone and give it back after a while. For women, character assassination was the norm. The idea that women owned cell phones to talk to their boyfriends and engage in other such nefarious activities (sigh) was freely thrown about. Some hostel wardens used extremely foul language. Their invectives were also modulated by caste. (Shared on Pinjra Tod Facebook page, 2016)[2]

The multiple oppressions and marginalisation that women coming from disadvantaged backgrounds had to face before entering educational spaces did not disappear on entering this space. The oppressions found newer ways to continue pushing women back.

It is also noteworthy that the zeal with which restrictions and unfair norms are imposed on women citing 'safety concerns' disappears when it comes to institutions showing commitment towards redressal mechanisms. Several institutions continue to lack independent mechanisms or committees having the mandate to investigate complaints of sexual harassment on campus and undertake gender sensitisation campaigns. In many institutions, the presence of mechanisms is marked by dysfunctional cells that are not committed to the mandate, or lack democratic composition, transparency, accountability and commitment to feminist principles in their functioning. Very often women students have shared that the non-redressal of complaints of sexual harassments is not only traumatic, but it also restricts their participation in various formal and informal institutional activities. This has often had 'push-out' effect on women students. Repeated instances of unchecked and unpunished instances of sexual harassment push women towards having to 'opt out' of various formal and informal spaces of learning to protect themselves. In several instances of sexual harassment in institutional spaces, families of women students may also pressurise their daughters to withdraw. A woman student from Odisha had the following to share when asked about her reluctance to report instances of stalking to the institution.

> A senior from my college stalks me and I am scared to tell my teachers. They will ask me-why do you talk to boys in college and encourage them. Once when I reported, they just told me to stop interacting with him and not stay around in college after my classes. They ask me what is the point of staying in college after classes are over. When I stay back, I can discuss work with my friends, but now I just go back home. (A college student pursuing in B.Sc. in a state college in Odisha)

Several women students shared their reluctance to approach institutional committees in case of sexual harassment, citing apprehensions around victim-blaming, moral shaming or absence of gender-just and feminist ethics among committee members. These factors also become significant institutional barriers to women's participation.

The inability to become full participants in the communities of practice that develop outside formal classroom spaces plays an important role in shaping the identities of women as ‘contributing’ members of academic communities.

Impacts of Restricted Participation

As humans, we actively seek to make meaning of our experiences. As social participants who make meanings, for us, “*the social world is a resource for constituting an identity*” (Wenger 2010, 181). The process of meaning making—be it of our experiences, our sense of self or of our competence is a process of active negotiations that take place within and outside ourselves as we participate in a social world. Wenger further reiterates that learning requires a realignment between “*socially defined competence and personal experience- whichever is leading the other*” (Wenger 2010, 181). It is in such moments of learning, where a claim of competence is made, and it is through this process that one ‘identifies’ or ‘does not identify’ with the community.

The following narratives shared by two engineering students offer useful insights into this process whereby participants’ experience of their practice and participation in learning enable or disable moments where competence can be claimed, and one can identify with a community of practice.

> I used to be a part of mechanical engineering team that has to build aircrafts for an international competition. They have only the late night to work with since they cannot work during the day because of classes. The girls, in general, were not allowed to work in the workshops or labs into the night while the boys were given all the permission to work round the clock. This was a huge set back to the girls who were selected to the team as they could not be equally involved in the venture. This handicap even led the team to not select girls from the next year, not out of any gender discrimination but simply because the University rules were not in compliance and enabling for the team to work, irrespective of the gender. (Shared on Pinjra Tod Facebook page, 2017)[3]

> I am not a great coder, but the hackathons that happen are closed to girls because of curfew. An extended stay outside for a drama, celebrations, night stay for project or study is impossible for girls, while boys don’t have to think much about it. (Shared on Pinjra Tod Facebook page, 2017)[4]

The above narratives bring out the tensions, conflicts and the difficulties women experience in making meaning of their exclusion and competence. The first excerpt puts forth the difficult negotiations of a woman engineering student who while trying to make sense of her exclusion from a particular project, also wants to acknowledge her own inclusion in the engineering university, in a scenario where the number of women in engineering colleges continues to be abysmally low. According to the All-India Survey on Higher Education (Government of India 2018), of the 21,19,942 students who enrolled in B.Tech., only 27.6% were women students. Of the 18,20,155 students who enrolled in Bachelor of Engineering (B.E.), only 28.7% were women students. Female enrolment was less than 30% in each case. These negotiations are not easy for women trying to carve out their identities in professions that are largely male-dominated.

As women struggle to fight the exclusionary characters of these spaces, there is also a strong need to retain the imagination of the academic space as being 'non-discriminatory' and 'non hostile' without which motivations to stay can become challenging. In case of women, one often finds that the discriminatory and hostile nature of academic or workspaces are evoked not with a purpose of wanting to transform them, but for using them as reasons to keep women out of them. Additionally, there are also very real fears of the spaces becoming still more hostile and exclusionary if they sensed one's 'ungratefulness' even after being 'allowed'. As women, we are often expected to be grateful for the times our presence is considered legitimate in public spaces and institutes, and the demands to be always allowed access to those spaces and unconditionally often get termed 'unreasonable'. Phadke et al. (2011) in their powerful book '*Why Loiter? Women and Risks on Mumbai Streets*' make an important argument regarding women often having to justify their presence in public spaces by offering reasons that can convince us of their genuine requirement to be there. Without justifiable reasons, the presence is neither welcome nor legitimate. To argue for right to loiter then becomes an unreasonable demand, as unreasonable as perhaps a woman student demanding her right to be able to engage in activities (explicitly academic or not), outside the classroom, beyond the university hours. The 'reasonable' thing is to accept graciously what has been thus offered, which is, a chance to be there—inside the classroom, within the formal university hours.

The conflict then of recognising a small incident of exclusion in a larger frame of being included imposes a pressure to not see discrimination in a space that is otherwise accepting or tolerant of your presence within the defined norms. So, if it isn't the university discriminating, the exclusion is perhaps best justified to oneself in the form of finding a problem within as reflected in the articulation—"*I am not a great coder*". If the institution is not discriminating why are women students yet not being able to traverse the journey from being 'peripheral participants' to 'full participants'? While trying to articulate the response to this question, often women end up feeling responsible for struggling in this journey and begin to question their own competence. With denial of possibilities to engage, imagine and align (terms Wenger 2010 uses to explain modes of identification), identity as a member of a community that is actively contributing to discipline knowledge is likely to remain partially formed or compromised.

A different but an equally interesting case is of disciplines where the enrolment of women is way higher as compared to men. I pursued Psychology for my bachelor's and master's degrees from Delhi University. It may be interesting to note that in University of Delhi, Psychology at undergraduate level is only offered in all-women colleges, with the exception of only one co-education college that offers the subject. While master's classes were held in a co-educational setting in the main university campus, we were a batch of sixty students with just two male students in the class, of whom only one finished the degree. What became intriguing and difficult to comprehend were the facts that most writings in Psychology by Indians were by men and the association that was formally recognised as a community of psychologists was a male-dominated one. When majority of the students 'receiving' knowledge of Psychology were women, then how was it that those contributing to the knowledge and practice were largely men? Where did the women disappear and from where did the men suddenly appear? These are possibly the words in which the questions were then framed. If institutions, unlike as in case of engineering, were so welcoming to women who wanted to study Psychology, it implied that there was no exclusion. How could one then explain absence of women from participation in knowledge construction and practice of the discipline? It took a long journey of navigating these spaces for some of us to realise that even spaces that do invite women would prefer them to be recipients of what the space has to offer than actively contribute to it. However, till this understanding was reached, the question around one own competence as a woman, always lingered around as an uncomfortable possibility.

Two such different fields and yet all leading women in them to question their own competence and ability to contribute. The common chord of course is that if inclusion is to be understood only as ‘inclusion within the classroom’ then it is not a comprehensive understanding of inclusion. Where was the gendered norm in case of Psychology, one may ask? Well, if a subject is offered majorly only in all-women spaces the process of gendering has already begun. Men, when they pursued engineering or psychology, were not studying them in spaces that were all men by definition and hence, the moments of learning and participation could be more authentically claimed as ‘competence’. In case of women, to study a subject that has already been provided adjectives like—suitable for women, preferable for women or easy for women, offered mostly in all-women spaces, makes it difficult to either imagine or claim competence in a male-dominated academic space. Women students pursuing Psychology have often shared that their families often see this subject as useful for their future roles as homemakers and nurturers of children. To challenge this restricted imagination of one’s possible role as practitioner of the discipline again requires participation not just within but importantly, outside the classroom. To be able to once again be outside classrooms, beyond university hours, travelling outside the city (not having to require parental permissions as adults) and participate in seminars, conferences, other platforms of intense academic debates, visit field sites where imagination of one’s possible role as a practitioner of the discipline gets extended to include professional possibilities accessing to concrete and authentic forms of practice. According to Lave and Wenger (1990), to become a full participant in a community of practice requires “*access to wide range of ongoing activity, old timers, and other members of the community; and to information, resources, and opportunities for participation*” (p. 101).

My own journey of experience from being a peripheral participant in college to feeling like a full participant in a university where I was also a resident research scholar played a crucial role in my being able to imagine myself as an academic. It was a university with no dress codes, no curfew timings, no looking down on interaction between people across genders and no requirements of parental or guardian permissions for stay outside.

The non-infantilising of women that the university culture encouraged perhaps allowed women to imagine themselves as agentic selves who could negotiate terms of their own participation. To be able to attend public meetings on a wide-ranging issues organised post-dinner hours, to not have to opt out of difficult but engaging group assignments due to hostel curfew timings or shutting down of classroom spaces post the scheduled lecture hour, to not have to undergo the anxiety of 'how to procure parental permission for a field trip' whose learning potentials they may not always see, and to be able to feel that one's presence in a public space without reason is still a legitimate and a rightful presence, were experiences that broadened the boundaries and transformed the nature of the learning space in significant and poignant ways. The participation allowed one to move beyond the identity of a passive receiver and enter dialogical relations with peers. In such spaces, gender was not always the most salient identity one carried, and this was often liberating.

Today as we witness the struggles of women in colleges and universities across the country, no longer demanding mere access to classrooms and texts, but importantly demanding the right to go beyond the classroom, the right to engage in praxis from where the very texts get formed and revised and challenged, the right to debate and dissent as equal members of academic communities, it is indeed a struggle whose time had come. From breaking the locks of homes where their existence was earlier confined, the women students are now breaking the locks of hostels and classrooms and in the process redefining the meaning and terms of inclusion and transforming the existing imagination and nature of pedagogic spaces. For those of us engaged with critical pedagogy this is a moment of hope—a moment when education becomes practice of freedom (hooks 1994), and the pedagogy is transformed into pedagogy of hope.

Notes

1. https://www.facebook.com/pinjratod/photos/1130713507015032 (Accessed on 5 September 2021).
2. https://www.facebook.com/pinjratod/photos/1130713180348398 (Accessed on 5 September 2021).
3. https://www.facebook.com/pinjratod/photos/1130713040348412 (Accessed on 19 May 2017).
4. https://www.facebook.com/pinjratod/photos/1130713030348413 (Accessed on 19 May 2017).

REFERENCES

Freire, Paulo (1996) *Pedagogy of the Oppressed*. London: Penguin Books.

Government of India (2018) *All India Survey on Higher Education*. New Delhi: Ministry of Human Resource Development.

hooks, bell (1994) *Teaching to Transgress: Education as the Practice of Freedom*. New York: Routledge.

Kohli, Namita (25 September 2017) Hostel Diaries: How sexist rules are stifling life for girls in BHU campus. *Hindustan Times*. Retrieved from https://www.hindustantimes.com/india-news/hostel-diaries-how-sexist-rules-are-stifling-life-for-girls-in-bhu-campus/story-3tuD4Xk9K6jxQaKYbsiEsI.html (Accessed on 5 September 2021).

Lave, J., & Wenger, E. (1990) *Situated Learning: Learning Peripheral Participation*. Cambridge: Cambridge University Press.

Phadke, S., Khan, S., & Ranade, S (2011) *Why Loiter? Women & Risk on Mumbai Streets*. New Delhi: Penguin Books.

Wenger, E (2010) Communities of practice and social learning systems: The career of a concept. In Chris Blackmore (eds.) *Social Learning Systems and Communities of Practice*. London: Springer.

CHAPTER 8

Higher Education and the Question of Inclusivity for LGBTQIA+ Community

Shailja Tandon

Introduction

Inclusivity as a concept and in practice entered the landscape of activism all over the world in twentieth century. In this site of activism, various movements and collectives erupted and took the form of policy initiatives (example—right to work, right to information), legal initiatives and civil society organizations (for instance Vishaka judgement, Mazdoor Kisan Shakti Sangathan, etc.) thereby expanding the scope of the "political." Inequalities based on ascribed identities of caste, class, gender,[1] language and religion have been the dominant forces in changing the paradigmatic understanding of the political and diversifying social movements in India. Academicians, Mary E. John and Janaki Nair argue that there is a conspiracy of silence regarding sexuality in India in the political sphere, in social activism, academia, in law and medicine (Nair and John 2000, 1). They also observe that "questions of male sexuality have rarely been a focus of scholarly analysis" (ibid., 1). This silence diverts focus

---

S. Tandon (✉)
Centre de Sciences Humaines (CSH), Embassy of France, Delhi, India

© The Author(s), under exclusive license to Springer Nature Singapore Pte Ltd. 2022

P. Sengupta (ed.), *Critical Sites of Inclusion in India's Higher Education*,
https://doi.org/10.1007/978-981-16-8256-8_8

from the numerous sites where sexuality has been entrenched for a long time. They pointedly ask then, how one thematizes this vital but abandoned field of sexuality to eliminate views regarding the insignificance of sexuality as "object of investigation" (ibid. 2000, 1–2). This can be achieved by doing away with the emphasis on "biological geniality" and denote a path of addressing sexual relations, their domain of legality and illegality through the institutional set-ups, the practices and patterns of representation that has for long been constructing, generating, diffusing and governing the issue of sex (ibid. 2000, 1–2). This path will lead us to extend our investigation of sexuality in public sphere to embrace "potentially provocative questions about the heterosexual norm, marriage and emerging alternate sexualities" (ibid. 2000, 1–2). The understanding that is important to state and develop here is that discrimination occurs not on grounds of gender but sexual orientation too. Gay, Lesbian or Bisexual are the expressions of sexual orientation as well as gender identity, is a personal identification of one's own gender which may or may not align with the sex assigned at birth. It is an important signification as in India identifying as gay, lesbian or bisexual has attributes of class attached to it. For many LGBTQIA+ people, identifying with these terms that is coming out may not be possible and, they may not align with the meanings attached to these terms.

The concerns of alternate genders and sexualities asserted themselves in their struggle around section 377 of the Indian Penal Code (IPC) in the 1990s. Nivedita Menon, a feminist scholar, termed these struggles as "counter heteronormative" (Menon 2007, 3). These "counter heteronormative" assertions focused on the issues and lives of hijras, kothis, gay, lesbian, bisexual, trans-people, sex workers and was vigorously taken up on political platforms (Menon 2007, 3). The period also witnessed the emergence of a movement on heteronormativity; the AIDS Bhedbhav Virodhi Andolan (ABVA), i.e., Campaign against AIDS (related) discrimination, ABVA, filed a writ petition against 377 in the Delhi high court. Ruth Vanita and Salim Kidwai argue that, for centuries, people in their everyday lives as individuals or in their communities have openly or secretly disrupted the dominant norms (Vanita and Kidwai 2000). But it is primarily since the1990s that homosexuality as the lived experiences of people began to be acknowledged and entered the public domain. As Menon states, it led to a birth of a movement which acquired self-recognition, visibility, and assurance in its initiation (Menon 2007, 3–14). Advocate Arvind Narrain and Queer Activist, Gautam Bhan argued that the queer movement of 1990s, incorporated the paradigmatic shift of the political and expanded its concerns beyond the issues of sexuality to the larger questions of class, caste, and community identity. They elucidate the two features of queer movement in India. Firstly, biology is not destiny; sexuality is a fluid concept which cannot be determined biologically or genetically. Secondly, the movement postulates queer as a political stance, with no definitional boundaries but situating itself in opposition to heteronormativity (Narrain and Bhan 2005).

The chapter aims to focus on education as a tool of liberation for the LGBTQIA+[2] community and with a special emphasis on higher education in India. The chapter will be tracing the question of inclusion in higher education with respect to LGBTQIA+ community in India.

Higher Education and Inclusion: Conceptual Understanding and Debates

Inclusion according to the Oxford Dictionary, means the state of inclusion or being included within a group or structure. The emphasis that one should put in this definition is inclusion of a group within a structure. In tracing the question of inclusion in higher education, the focus is on a wholistic understanding of education. A wholistic understanding of education should focus on realization of equal opportunities which has been aptly explained by The Blackwell Handbook of Education as the following:

> (a) equality of access: ensuring that people have the same available opportunities; (b) equivalent experience; enabling each person to fulfil their potential; (c) overcoming limitation; such limitations being on experience and learning because of earlier experiences of stereotyping; (d) equality of outcome; ensuring that different groups reach equal levels of achievement compared with other groups. (Farrell et al. 1995, 81)

The fulfilment of equal opportunities is important to offset structural and systemic imbalances[7] prevalent in the educational sphere which has a definite spillover effect in economic and political sphere.

Inclusion, as a lived experience then must start at the most basic level, that are the schools. A qualitative study by Surabhi Shukla,[3] reveals important outcomes that help us to understand the ground reality better and allow us to measure theoretical concepts that are pregnant with possibilities but in praxis, may be aborted. She argues that "sexual expression" is entirely lacking in the lexicon and milieu of school life (Shukla 2018, 8). Heterosexual interactions too are viewed with a disapproving graze and considered as diversions to education. She further states that there are no discussions on sexual rights and any discussion on sexuality is completely missing. Even relevant materials on sexuality such as books or articles in the library are missing. The only topics that are discussed are teenage pregnancy and sexually transmitted diseases. The students, who, based on their sexual orientation and gender identity, did not conform to heteronormativity were bullied, victimized and discriminated (Shukla 2018, 8–31). They are, as Shukla emphasized through her research, "hurt, emotionally, physically and sexually" (Shukla 2018, 26). Manabi Majumder and Jos Mooji, based on their intensive research argue that the educational system in India, particularly primary schools in their research not only perpetuate but entrench "background social inequalities within which the school is embedded (Majumdar and Mooji 2011, 2) through school policies and everyday classroom practises, their curriculum and their textbooks (Majumdar and Mooji 2011, 2)." Classrooms, Majumder and Mooji argue are "social, relational and ideational spaces, shaped by larger social relations of power- which can have an enabling or constraining effect on the interactions with the classrooms" (Majumdar and Mooji 2011, 14).

School education is fundamental and foundational to higher education, and it is relevant to be discussed as most of the LGBTQIA+ people, the experience of coming out[4] happens at an early age in their life, for some it could be as early as five or six years of age. In that delicate age, when one is forming their prism to life, families and schools rarely turn out to be the haven that one ideally requires to grow and flourish. Devoid of recognition at an early age, leads to constant struggles within oneself and the society at large, it is battling that one fights at all fronts of life. In a survey of approximately 400 youth in Tamil Nadu, conducted by UNESCO, revealed that more than half missed their classes to avoid bullying and a third of the respondents left school.[5] The social biasness and prejudices lead to mental, physiological, emotional, sexual and psychological issues. Thus, education as a tool of liberation, to be inclusive in an exhaustive sense, must focus on inclusion not only at the level of admission but in policies of the institutions, the curriculum, textbooks and reading materials, vocabulary, pedagogy, sensitization for teachers and professors.

These structural changes will immensely help in building a LGBTQIA+ school and campus.

Another peculiar historical legacy that Indian intelligentsia and elites carried forward was the not so distilled version of Macaulay's minutes on education.[6] I am extending the argument that Akshay Khanna made for section 377. He argues subject formation performed by the law, 377 in this case, refers not to the British Subject, but the colonial subject. Therefore, although Section 377 got enacted in India, it was framed based on "elite British subjectivity"—a case of imposition on another landscape (Khanna 2016, 257). In this respect, Khanna states that Section 377 reflects colonial anxiety and subjectivity than the Indian morality. Similarly, Manabi Majumdar and Jos Mooij, cited Sabyasachi Bhattacharya (Bhattacharya 2002, 7) and argue that colonial education replicated and deepened the existing privileges through the supremacy and dominance of English Education which became a measure of social and cultural capital, a preserve of few. Anglo-Saxon worldview dominated the Indian education landscape and "indigenous schools, teachings in the vernacular language were left to decay" (Majumdar and Mooji 2011, 7). English Language has become an issue especially on the question of inclusivity and perpetuates class barriers which is a significant cleavage in the politics of LGBTQIA+ community. It brings into question the whole play of categories such as gay or lesbian and how well they capture the fluid notions of gender and sexuality in India. Language as a means of expression and communication is still rooted in the colonial hangover. Thus, to understand the Indian signifiers in the theory of gender and sexuality, we need to focus on our local vernacular texts and build up a vocabulary based on that. To my mind, Saleem Kidwai and Ruth Vanita already have started this process.

Inclusion at the level of curriculum, textbooks, reading materials and pedagogy will take place in the larger socio-economic and socio-cultural matrix of the society. A change to be induced at these levels requires transformation at the level of political and economic. In the age of globalization, the understanding and end goal of knowledge has significantly reformed. The forces of market and global economy have commodified education and the students have increasingly been seen as consumers. The commodification of education and students has also substantially altered the relationship of state and education. Privatization in this altered relationship, has played the role of a catalyst. Numerous scholars on education and gender studies have pointed out this growing trend. Krishna Kumar argues that privatization has been growing exponentially in all spheres of education and is commercial in its orientation. According to Kumar, has crept in professional, general and English-medium schooling (Kumar 2017). Market, has been an overriding force in the education sector as it has altered the "meaning of quality in education, by commoditizing it so as to make it measurable in different ways (Majumdar and Mooji 2011, 7)." The state is no longer the sole provider of education, rather it has become as Kumar calls a regulator (Kumar 2017, 9) and even in this role, state as well as other regulatory mechanisms have failed as due to corruption or inefficiency. Similarly, Gillian Howie and Ashley Tauchert argue that the goal and outcome of education "is itself affected by the predominance of these criteria of 'efficient' and 'quality predominance'" (Howie and Tauchert 2019, 1). They elaborate that the ideal of education has transformed from "enlightened" to "modern" wherein it is "laboratory skills for the scientist or committee skills for the Humanities and Arts students" (Howie and Tauchett 2019, 1). Following the line of argument, Emily F. Henderson argues that in the neoliberal landscape of global higher education, students have become "consumers of a marketable product" (Henderson 2014, 6). Higher education and economy have an intrinsic relationship.[7] Economic imperatives largely decide the trend of curriculum outline and an economy embedded in heterosexism will focus on abled and workable bodies.[8] The recurrent nexus between market, state and funding is manifest in almost all the literature on higher education which clearly depicts the entrenchment of globalization, liberalization and privatization and the deepening impact on knowledge production and students. The relationship between market, state and funding represents the ecosystem of higher education in India and in the world. The institutional ecosystem shapes the pedagogic content (Henderson 2014, 25). There has been abundant reading material on "how to teach social transformation," but that "learning amid social change. [is] under theorized in much of the Women and Gender Studies literature (Henderson 2014, 34). Similarly, Shubra Nagalia argues that curriculum content always functions within an institutional rationality subject to the existing operations of power and hierarchies" (Nagalia 2018, 92).

The heteronormative underpinnings of capitalist economy and political liberalism leave a disjuncture with the little but significant endeavour made in the field of "gender theory or gender ideology" (Butler 2019).[9] In this twin relationship of capitalist economy and political liberalism, religion acts as an impetus which holds a strong backlash to gender theory or gender ideology (Butler 2019). A "gender theory or gender ideology would have gender pedagogy as it is theoretical underpinnings. The crucial question is what is gender pedagogy? The essence of gender pedagogy should be what bell hooks states, placing a vivid emphasis on learning, Confronting one another across differences means that we must change ideas about how we learn" (hooks 2003, 34).

Gender pedagogy will entail an important process that also forms the base of feminist approach to learning, it is what Emily F Henderson explains when she eloquently focuses on the attributes of "learning gender" (Henderson 2014, 69). Henderson argues that "learning gender is …. a process of re – reading rather than recovering" (Henderson 2014, 69). Re-reading for Henderson alters the experience of how experiences are read. It brings in a turmoil in presence as point (Henderson 2014, 69) where the past occurrences are recounted in a new way and context, which transforms the way the past occurrences were read and placed. The past occurrences, Henderson states, becomes somehow part of both the now and the moment (Henderson 2014, 69). This process is part of the women studies where tracing the past occurrences helps to find the hidden truth but the difference that Henderson wants to assert here is that gendered re-narration destabilizes the notions of truth and of experience for gendering to be recognized. Gender, then Henderson argues no longer is a "functional signifier" (ibid. 2014, 69) it brings into question the situated knowledge on bodies and identities, it is "an act of destabilization: of self, other, experience, time, meaning" (Henderson 2014, 69).

Shubhra Nagalia in the context of Indian academia, focusing exclusively on Ambedkar University[10] (AUD, henceforth) elaborates on the groundwork that went in establishing Gender Studies as a discipline. She focuses on the neo liberal project on the perils of providing quality education in higher education and how the demands as well as measures of efficiency and employability affect the curriculum and pedagogic concerns. In the setting up of Gender Studies, she argues that the faculty belonging to diverse fields of study invariably affected the tenor of discussions that would take place in class. Moreover, the faculty and feminist scholars unyielding support was invaluable in setting up the disciplinary boundaries of Gender studies though the "setting up" was already infused with the vocabulary and sensibilities of their respective academic backgrounds (social sciences, humanities and women studies). Based on AUD's experience of offering Gender Studies course for six years, Nagalia argues that one of the approaches to gender pedagogy can be through internship as they help in situating the experiences within the larger canon and jargons of theory as well as increase the possibilities of employability. In delineating the disciplinary boundaries of Gender Studies and in relation to Women studies, the terminologies and theoretical vocabulary used in Women Studies have acquired a new edge in the landscape of Gender Studies. The terminologies and theoretical vocabulary have been subjected to "more contemporary epistemic challenges (Nagalia 2018, 95)." Gender studies as a master's course is offered only in nine universities across India (refer to endnote xvi), in AUD, it is barely six years old.

Gender Studies as a curriculum design and pedagogic practice, has a treacherous journey ahead, the question is simply not of curriculum, it is the larger question of inclusivity. Admission to LGBTIQA+ students has been fraught with issues, wherein the expression of one's gender or sexual orientation, never figured. The All-India Survey on Higher Education (AISHE) 2018–2019, has no mention of transgender or other genders, the focus is on the binary of men and women. There will of course be transgenders and people of other genders as well as sexual orientation who take admission but do not express their sexual orientation or gender. The provision to do so is not available. For transgender, based on Transgender Persons (Protection of Rights) Bill 2019 requires the regulatory gaze of the state to identify as a trans person which simply robs them of their right to identity on their own terms. There has been widespread protest on the antagonistic nature of the bill. Inclusion must be in detail too and not simply in higher structures of figures and reports for the state. Inclusion in detail is an attribute of substantial freedom.

In the recent debates around higher education in India, Draft National Education Policy 2019, NEP henceforth, has come under significant discussion and debates. Historian Kumkum Roy examines the draft education policy and focuses on some commendable strengths such as the acknowledgement of education as a public good and not a product to be consumed. Under the rubric of diversity, Roy states that the transgender children find a mention but remotely. In terms of matter on gender and sexuality, Roy asserts that "sexual matters remain vague allusions (Roy 2019, 25). She further states that the supposedly contemporary document on education in India, fails miserably to mention diverse sexualities, ironically the document refers to ancient traditions. She mentions and the author agrees that disciplinary domains of women studies and gender studies find no mention, the field of study which has seen a slow but steady upward trend in higher education. Roy laments that the refusal to mention these interdisciplinary field of studies deprives school children of knowing and developing critical faculty. Importantly, on sexual harassment is mentioned remotely and the 'miscreants' are to be punished" (Roy 2019, 25).

Education is simply just not attending classes, taking exams, and getting degree. Education as an end focuses on leading a life of the mind which covers aspects of psychological, mental, emotional and physiological health. For psychological and emotional health, campuses across India have student run bodies, filling in when institutional structure fails to address systemic heterosexism and lack of counselling mechanisms. Representation of LGBTQIA+ bodies on campus spaces certainly registers their presence and recognition of their respective identities and world views. It helps them to collectivize themselves and their issues, demands and ideas. Thereby marking their presence in the public and sensitizing them to their difficulties. The collective, in this regard, goes beyond representation to stimulate intellectual debates and dialogues and raise pertinent questions on inclusion, diversity, discrimination, gender and sexuality. They organize talks, pride walks and various other events. There are numerous groups across campuses in India such as Dhanak in Jawaharlal Nehru University, Ambar at Indian Institute of Technology, Kharagpur, Nazariya in Delhi University, Queer Qrew at Symbiosis, Pune and many more.[11]

These students led initiatives have also been successful in providing a haven for the LGBTQIA+ community where they have been able to express themselves, share their stories and fears. For many, this could be the first time where they develop their feeling of belongingness and express themselves without any familial and societal pressure or fears. What does it mean to live a life of the mind? An educational system which only focuses on exams and degrees can produce skilled and workable bodies, but can it orient itself to changing basic values and mindset of the people and the society. A survey conducted by Centre for the Study in Developing Societies (CSDS) and Konrad Adenauer Stiftung (KAS) revealed that less than 24% of youth in India approved of homosexuality. Moreover, youth living in large urban cities, 21% of them were less acceptable of homosexuality as compared to youth living in smaller cities that is 27% and in rural areas it is 29%.[12] Another study conducted by Bengaluru-based Azim Premji University (APU) and Lokniti at the Centre for Study of Developing Societies (CSDS), revealed that respondents who upheld liberal values on various social issues did not approve of same-sex relationships. 76% of the 15,222 respondents interviewed did not approve same-sex relationships in the society.[13] These surveys help us to measure the prejudices and biasness that are inherent in the society and how these impact social attitudes and behaviour prevalent in the society. Inherent biasness and prejudices are one of the main roots of structural injustice and exacerbate the underlying discrimination that exists. Social attitudes and behaviour significantly affect choices and opportunities in economic, social, political spheres of life but also fundamentally affect the desire and choice to live a life of dignity and virtue. To live a life of mind, one requires or rather needs the security and stability that steady economic prospects provide. An inability to achieve economic stability either through individual or communal efforts or by the state, leads to life of a refugee. The claims to one's citizenship become a matter of tussle between the individual on one side and the community/state on the other over basic minimum needs, which one is eligible for as they are the citizens of that nation-state.

The contestations over the basic needs of the citizen lead to a life of distress where the self is always in a constant state of fear, anxiety and anguish. After the reading down of section 377, the LGBTQIA+ community pondered over its future and realized the lack of civil liberties in their life. Adoption rights, right to marry, right to surrogacy and right to employment, right to property, all these are lacking in the lives of the LGBTQIA+ community which forms the biggest hurdle to the fulfilment of their equality and rights.[14] The Supreme Court turned down the plea demanding civil liberties for the community. This is to put in context the situation of the LGBTQIA+ community and what sort of ordeal one must deal with in their everyday lives. Exclusion, then becomes a reality which is constantly experienced and negotiated with the State and the society.

NOTES

1. Gender here implies Feminism's engagement with the traditional identities of male/female and the gendered division of roles in economy, household, and the public domain.
2. The acronym LGBTQIA+ stands for Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual and + signifies those who do not adhere to any category or label.
3. She conducted semi-structured interviews with her respondents who were <=25. Her respondents were either school going children, graduates, or postgraduates.
4. There is little or no research at the level of schools what it the lived experience of children coming out. Any attention that these experiences draw is after a calamity strikes for instance young teens committing suicide which also opens instances of torture and suffering. Thereby depicting the inherent homophobia and the "remedy" to it. These "remedies" remind us of the Buggery Act of 1533, wherein homosexuality was considered as a sin and had to be treated medically. The article by Manan Bhatia in Youth ki Awaaz, focuses on the pedagogical method of the books which are intensely heteronormative in nature. He argues that this leads to invisibleness to the LGBTQIA+ and the vocabulary that they develop at an early stage. https://www.youthkiawaaz.com/2017/04/heteronormativity-schools-and-us/?fbclid=IwAR0Q-cDElkYFWcZkmm-qkEfX3ZHki2QIAGAPK6FXJdM4x4SJK6kxgQ9FWkI. Accessed November 2019. That is realising that their sexual orientation is not heterosexual or their gender identity does not conform to their sex assigned at birth.
5. UNESCO's study on bullying based on sexual orientation and gender identity in schools in Tamil Nadu: https://en.unesco.org/news/new-study-bullying-based-sexual-orientation-and-gender-identity-schools-tamil-nadu-india, Business Inside's reported article on UNESCO's report: https://www.businessinsider.in/sexual-harassment-at-educational-institutions-a-challenge-for-indias-lgbtq-community-finds-unesco-report/articleshow/69723003.cms, Reuters.Com reported article on UNESCO's Report:

https://www.reuters.com/article/us-india-lgbt-school-feature-idUSKCN1UC2UI?fbclid=IwAR1PArE2cSbChkihoWCQjsbiQifQqq3CJ4cBshCMVn04G7Re4ERYl-q4ktc, an article of Huffington post on the importance of LGBTQ education to save lives: https://www.huffingtonpost.co.uk/entry/lgbt-education-schools_uk_5d2c848ae4b0bd7d1e201c97?fbclid=IwAR18OSuohf7Eeu7owgcSq0B_EhZ_NHLpFsZLPMectISnc1ieWKMTMwX3TU&guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZmFjZWJvb2suY29tLw&guce_referrersig=AQAAAA0kWj396jXPEUm_RIaYZvV75vW9Q1NL1oADoxCdLo8nLPuogh0n8okmvx3lViBnANryNOsx6LodhcDMLHmhotpoiCx8XrfR7pFN8tA6o6fu3uwUZ6DNBRSc2k-6m4ihlCHgL6msGocGJIdobEqF8uiarEiu6YXLL9MlinHzlk. Accessed all, January 2020.

6. Few members of National Democratic Teachers Fund (NDTF), opposed the lessons on homosexuality. As part of English curriculum, a paper titled, “interrogating queerness” was to taught in B.A. Honours English. The members of NDTF found the historical content of same sex marriages as controversial. https://www.hindustantimes.com/education/delhi-university-members-object-to-lessons-on-gujarat-riots-homosexuality-and-caste/story-L8Rk2FlKgXEhWNMmr4n7jN.html?fbclid=IwAR3l2Vx9hQfCPQzFBULEBV-wOyzdPuwu-Wblf_MKODbxCMxG43lYWx74vMQ.
7. The author delineates what structural and systematic imbalances entail. In India, the LGBTQIA+ community lacks basic financial rights that are “naturally” (emphasis mine) available to heterosexual couples. In the absence of legal marriage status, insurance policies, availability of loan, lack of property rights and inheritance. The Lack of rights adds to their everyday issues and vulnerabilities. See, https://www.livemint.com/money/personal-finance/same-sex-couples-in-india-lack-basic-financial-rights-1561396839301.html. Accessed January 2020.
8. In Michael Foucault’s conception, in modern system of control, sexuality was looked upon as the nucleus of social interaction. The modern state and its apparatuses had their own rationale to

control sexuality. In the seventeenth and nineteenth century, European nations encountered issues of economic growth as increasing urbanization witnessed a massive influx of migrants. The increasing influx of migrants posed essential questions of order, progress, and surveillance. Thus, body became the focus and was included in the political as now it under the radar of the state. This is not to discount the fact that even before the concept of state was born, bodies have been regulated. The difference was that the bodies came under surveillance of modern apparatuses such as prison, hospitals etc. but this surveillance was carefully crafted.

9. Judith Butler in her article succinctly describes the meaning of gender theory or gender ideology. She argues gender theory or gender ideology includes the "rights of trans people in the military, the rights to abortion, lesbian, gay and trans rights, gay marriage, feminism, and other movements in favour of gender equality and sexual freedom." https://www.newstatesman.com/2019/01/judith-butler-backlash-against-gender-ideology-muststop?fbclid=IwAR222h17fsOQ9NCBE2WPik1wmoD-PB-IFEQMUiHHsA8cJxDvix-xZNze2NY. Accessed November 2019.
10. There are only nine universities in India which offer master course in gender studies. These are Indira Gandhi National Open University [IGNOU], New Delhi; Ambedkar University Delhi, New Delhi; Tamil Nadu Open University [TNOU], Chennai; Bharathidasan University, Tiruchirappalli; Kakatiya University, Warangal; Savitribai Phule Pune University, Pune; Jamia Milla Islamia University, New Delhi; Alagappa University, Karaikudi; Alagappa University, Directorate of Distance Education, Karaikudi, see https://collegedunia.com/courses/master-of-arts-ma-gender-studies. Accessed December 2019.
11. https://timesofindia.indiatimes.com/life-style/relationships/love-sex/for-lgbtqia-students-on-campus-support-groups-provide-a-safe-and-secure-space-to-be-out-and-proud/articleshow/69738125.cms; https://homegrown.co.in/article/53174/8-schools-and-colleges-in-india-with-in-campus-lgbt-support-groups.
12. https://www.thenewsminute.com/article/young-indians-are-homophobic-misogynist-and-orthodox-says-csds-survey-60003. Accessed January 2020.

13. https://www.hindustantimes.com/india-news/social-acceptance-of-same-sex-relations-remains-low-survey/story-kI9JHEGEx2hzcdmQQvYjOI.html. Accessed January 2020.
14. https://www.business-standard.com/article/pti-stories/sc-dismisses-plea-seeking-civil-rights-for-homosexuals-119041500965_1.html. Accessed January 2020.

References

Bhattacharya, S (2002) *Introduction: An approach to education and inequality. education and the disprivileged*, 1–34. Hyderabad: Orient Longman.

Butler, Judith (2019) *Gender trouble: Feminism and the subversion of identity*. New York: Routledge

Farrell, M., Kerry, T., & Kerry, C (1995) *The Blackwell handbook of education*. Blackwell.

Henderson, Emily (2014) *Gender pedagogy: Teaching, learning and tracing gender in higher education*. London, UK: Palgrave Pivot.

hooks, bell (2003) *Teaching community: A pedagogy of hope*. London, UK: Routledge.

Howie, Gillian, and Ashley Tauchert (2019) *Gender, teaching and research in higher education: Challenges for the 21st century*. London: Routledge.

Khanna, Akshay (2016) *Sexualness*. New Delhi: New Text.

Kumar, Krishna (2017) *Routledge handbook of education in India: Debates, practices, and policies*. India: Taylor & Francis.

Majumdar, Manabi, and Jos Mooij (2011) *Education and inequality in India: A classroom view*. New York: Routledge.

Menon, Nivedita (2007) Outing heteronormativity: Nation, citizen, feminist disruptions. *Sexualities*. London and New York: Zed.

Narrain, Arvind, and Gautam Bhan (eds.) (2005) *Because I have a voice: Queer politics in India*. Delhi: Yoda Press.

Nagalia, Shubhra (2018) Conceptualising gender studies: Curriculum and pedagogy. *Indian Journal of Gender Studies*. Vol. 25(1): 79–107.

Nair, Janaki, and Mary E. John (eds.) (2000) *A question of silence: The sexual economies of modern India*. London and New York: Zed Books.

Roy, K (2019) Examining the draft national education policy, 2019. *Economic and Political Weekly*. Vol. 54(25): 1–23.

Shukla, Surabhi (2018) *A qualitative study to understand the experiences of queer students during their school life in India*. SEX IS VOLDEMORT1. Working Paper. http://webcache.googleusercontent.com/search?q=cache:iPJjucIfYCMJ:genderdiversityandschools.in/wp-content/uploads/2017/06/Sex-is-Voldemort_SurabhiShukla.pdf+&cd=1&hl=en&ct=clnk&gl=in.

Vanita, Ruth, and Saleem Kidwai (eds.) (2000) *Same-sex love in India: Readings in Indian literature and history*. New York: St. Martin Press.

CHAPTER 9

Assessing Inclusion in India's Higher Education: NEP 2020 in Perspective

Papia Sengupta

> *Education is training of mind and soul. Unless we preserve the value of democracy, justice, liberty, equality and fraternity, we cannot preserve our freedom. Universities must stand for these ideal causes. University education is the training for leadership, for enabling youth to think about the poor and suffering, regard and respect for women, faith in human brotherhood regardless of blood, race, caste, religion or nation. Importantly, we are building a civilization not a factory or a workshop.*
>
> Dr. Sarvapalli Radhakrishnan 1948

INTRODUCTION

The newly independent state of India set up the University Education Commission under Dr. Sarvepalli Radhakrishnan in 1948. This Commission's recommendation laid the basic objectives of higher education as:

P. Sengupta (✉)
Centre for Political Studies, School of Social Sciences,
Jawaharlal Nehru University, Delhi, India
e-mail: papiasg@jnu.ac.in

© The Author(s), under exclusive license to Springer Nature
Singapore Pte Ltd. 2022
P. Sengupta (ed.), *Critical Sites of Inclusion in India's Higher Education*,
https://doi.org/10.1007/978-981-16-8256-8_9

wisdom and knowledge, aim of social order, love for higher values of life and training for leadership.[1] These four objectives were elaborated further by Dr. Radhakrishnan as:

> Wisdom must be accompanied by knowledge as no amount of factual information would make ordinary people into educated ones. Education is training of mind and soul. There must be a conception of the social order for which youths are being educated. Unless we preserve the value of democracy, justice, liberty, equality and fraternity, we cannot preserve our freedom. Universities must stand for these ideal causes. University education is the training for leadership, for enabling youth to think about the poor and suffering, regard and respect for women, faith in human brotherhood regardless of blood, race, caste, religion or nation. Importantly, we are building a civilization **not a factory or a workshop. The quality of civilization depends on character of men. The major task of education is to improve this character**.[2] (Emphasis author's)

The University Grants Commission (UGC hereafter) with the mandate of "providing funds and coordinating, determining and maintenance of standards in institutions of higher education",[3] had its genesis in the 1944 report of the Central Advisory Board of Education (CABE) also known as the Post-war Educational Development Report. The CABE in India was established in 1935 by the British government as a central body constituted with the objective of advising the state and central governments on all matters referred to it (Sengupta 2016). The UGC and the CABE were preceded by the Inter-University Association Board (later known as Association of Indian Universities) which was established in 1925 "to promote university activities, by sharing information and cooperation in the field of education, culture, sports and allied areas".[4] Over the years UGC developed as an organization synonymous to higher education funding, training and planning in India.

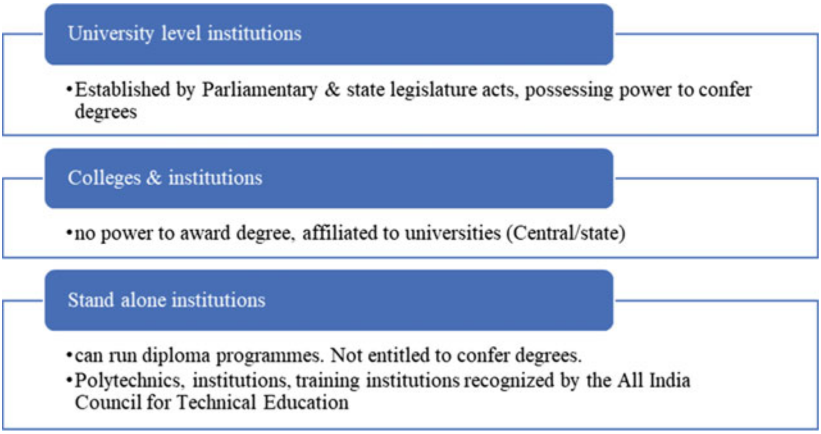
Indian higher education has seen many highs since the inception of UGC in 1952. But the last twenty years have witnessed a slow and then rapid degradation of higher education institutions in India in terms of grants-in-aid, receding state financial responsibility, greater zeal towards privatization, turning universities into factories for producing clerks not leaders through curriculum control, curbing academic freedom of faculties, detrimental service conditions for academic and non-academic staff. There has been a categorical destruction of public-universities in India which started in full-swing with the Indian government signing of the

General Agreement of Trade and Services (GATS) in higher education in July 2015. The government has been drumming the rhetoric that entry of foreign education providers and regulating education as a trade will help youth. But in a country marred with huge inequalities where education remains the only means for vertical mobility, signing the WTO-GATS has accentuated the process of eventual abrogation of all social justice measures and policies of reservation for subordinated classes and caste communities. In accordance with the GATS agreement, the government cannot subsidize institutions or provide scholarships to needy students as these will be interpreted as unfair practice (Desikan 2015). The gravest casualty of the government signing the WTO-GATS are going to be the lower middle classes, though others will also be affected, gradually, with high rate of inflation in education sector with a relatively slower pace in salaries and incomes. Desikan, rightly posed the question—how can a democracy protest for its rights when its government has relinquished its power to concede?

Those waiting hopefully for the National Education Policy (NEP) to bring much-needed relief have faced disappointment. The NEP 2020 seems to be a big blow to the idea of higher-education as a public-good. Its main objective is towards complete privatization of higher education in India with meagre state funding, adversely affecting the marginalized and minority communities' access to higher education. The NEP 2020 has been criticized by many sections of scholars, academics and students as being exclusionary towards India's culturally diverse rubric, receding the state's responsibility in providing and facilitating the access to higher education (Jha and Parvati 2020; Iqbal 2020; Kumar 2019; Deshpande 2016). The chapter presents a methodical examination of inclusion in India's higher education policies utilizing data analysis (of the last decade) focusing on the idea and policy-practices of inclusive-ness and further assessing the NEP 2020 through the lens of inclusion.

INDIA'S HIGHER EDUCATION SCENARIO: ASSESSING INCLUSION

The Indian higher educational institutions are categorized under three broad categories: universities, colleges and institutions, and stand-alone institutions (Fig. 9.1). The universities in India are recognized by the Parliament and/or State legislatures and have the power to confer degrees. These universities are further categorized as—central and state



University level institutions

- Established by Parliamentary & state legislature acts, possessing power to confer degrees

Colleges & institutions

- no power to award degree, affiliated to universities (Central/state)

Stand alone institutions

- can run diploma programmes. Not entitled to confer degrees.
- Polytechnics, institutions, training institutions recognized by the All India Council for Technical Education

Fig. 9.1 Categories of India’s higher education institutions/universities (*Source* Constructed by author from AISHE 2019: 1–2)

universities depending on where the finances are designated from. Central universities are those established by the Acts of Parliament and fall directly under the Union of India’s Ministry of Human Resource Development (renamed as Ministry of Education as recommended by NEP 2020) and state universities are under the state legislation. Colleges and institutions are not empowered to confer degree and hence require to be recognized and affiliated with degree conferring universities. Stand-alone institutions are those which mainly run diploma programmes and cannot confer degrees. They can further be categorized as: (a) Polytechnics and technical institutes recognized by the All-India Council of Technical Education (AICTE), a government of India body; (b) Management institutes for postgraduate diploma; (c) Teachers training institutes recognized by National Council for Teachers Training; (d) nursing institutes under national or state nursing councils; (e) Institutes directly under the control of various Central Ministries; (f) Paramedical institutes; (g) Hotel management and catering institutes.

With 993 universities, 39,931 colleges and 10,275 stand-alone institutions, total enrolment of around 37.4 million students in higher education constituting 48.6 per cent female students (including regular full-time and distance education programmes), India boasts of a massive network of educational institutions spread across rural–urban areas. Out of these

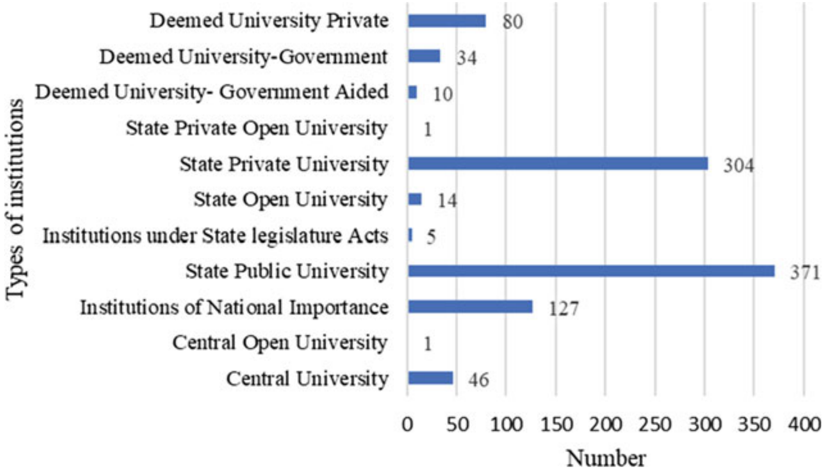


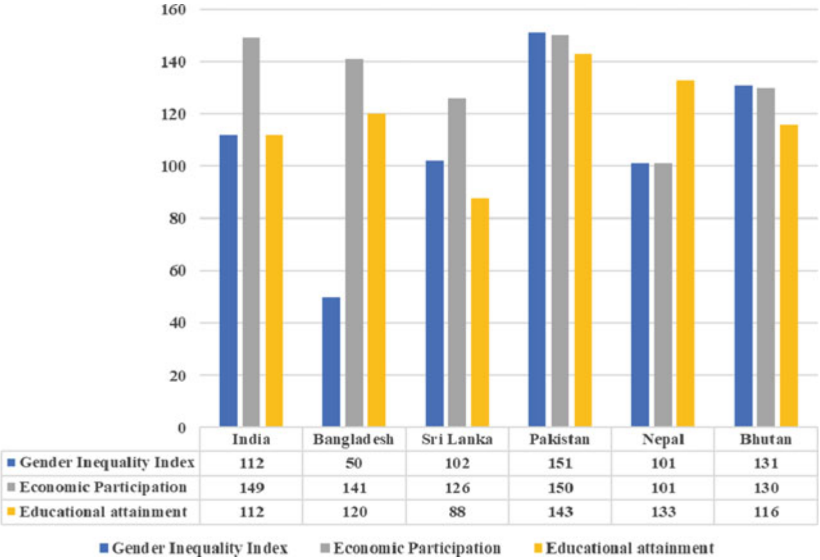
Fig. 9.2 Number of universities and HEIs in India (*Source* Constructed by author from AISHE 2019)

993 universities, 16 universities are exclusively for women (AISHE 2019: 1) (Fig. 9.2).

Indian marginalized communities in respect of inclusion in higher education can be categorized as based on four parameters: gender; religion, caste and ethnicity, disabled population. Let's analyse participation of individuals from these communities in India's higher education. For our purpose inclusion will be accounted for, based on three variables: enrolment in HEIs; recruitment and overall representation.

Gender

Women do not constitute a minority in India but remain mostly at the periphery of development in the patriarchally dominated society. A look at the Gender Development Index (GDI) in India 2020 compared to other South Asian countries (Fig. 9.3) gives us a sense of where Indian women stand compared to their South Asian counterparts in terms of empowerment, educational and economic attainment and gender-empowerment. Interestingly, India ranks fourth with its gender inequality at 112 which is much higher than neighbouring Bangladesh, Nepal and Sri Lanka, with gender inequality index of 50, 101 and 102, respectively. While in terms



	India	Bangladesh	Sri Lanka	Pakistan	Nepal	Bhutan
■ Gender Inequality Index	112	50	102	151	101	131
■ Economic Participation	149	141	126	150	101	130
■ Educational attainment	112	120	88	143	133	116

Fig. 9.3 Gender Development Index for South Asian Countries 2020 (*Source* World Economic Forum Global Gender Gap Report 2020)

of educational attainment India is below Bangladesh, Pakistan, Nepal and Bhutan (WEF 2020, see Fig. 9.3). The statistics of women in economic participation remains high in India and Pakistan, followed by Bangladesh but what the data of World Economic Forum does not highlight is the kind of economic participation and jobs women are involved in. Most women in India participate in the economy but are underpaid, overworked and mostly occupy jobs in the unorganized sector with no social security. This shows the poor educational attainment based on gender-development highlighting that even after 70 years of independence, the condition of Indian women in respect of education remains abysmally low. If this is the position of women's education, where does she stand in higher education sector of India, in terms of enrolment, recruitment and representation? Data shows that women enrolment has been quite high in the postgraduate degree and Masters of Philosophy levels which should have meant that more women are recruited as teachers in educational institutions.

Contrarily, women barely occupy fifty per cent of teaching posts and their number in accordance to their social identity is sketchy. If we see both Tables i.e., 9.1 and 9.2, one could infer that higher educational qualification does not necessarily translate to women getting employment. There can be two reasons: one, many women do not apply for jobs as they are educated essentially to enable them to find better-educated husbands with economic standing. Second, women are not equally recruited in higher educational institutions compared to men. Here it is imperative

Table 9.1 Women enrolment in India's higher educational programmes (2011–2018)

Years	*Diploma*	*PGD*	*UG*	*PG*	*M. Phil*	*PhD*
2011–12	30	25	45	45	55	40
2012–13	29	26	46	49	55	42
2013–14	25	45	47	51	56	40
2014–15	29	44	47	50	57	41
2016–17	30	43.3	47.3	55	57.5	42
2017–18	32	46	48.1	55	57.5	42.6
2018–19	33.2	45.91	49	55	57	43.82

UG-Undergraduate; PGD-Postgraduate Diploma, PG-Postgraduate degree, M. Phil-Masters of Philosophy

Source Constructed by the author with inputs from All India Survey on Higher Education (2011–2019)

Table 9.2 Distribution of women teachers per 100 males in various social categories 2011–2018 (India)

Year	*General*	*SC*	*ST*	*OBC*	*PwD*	*Muslims*
2011–12	64	52	61	63	48	51
2012–13	64	53	63	62	45	52
2013–14	64	53	62	62	42	51
2014–15	63	52	61	62	49	48
2016–17	68	53	65	64	43	53
2017–18	72	56	66	68	39	56
2018–19	73	57	68	68	37	57

SC-Scheduled Castes, ST-Scheduled Tribes, OBC-Other Backward Classes, PwD-Persons with Disabilities

Source Constructed by the author with inputs from All India Survey on Higher Education (2011–2019) to highlight that, women are not homogeneous group and their religious and caste identities impact their educational opportunities. In this manner, women not only suffer dual-discrimination[5] as many scholars have argued, but sometimes women face triple or multilayered discriminations i.e., as women vis-à-vis men in society: lower caste or minority women vis-à-vis upper caste women, lower caste women vis-à-vis lower caste men and also if a woman is disabled (physical or mental impairment) she may face aggravated discrimination. This layered discrimination cuts across the category of women in India which can be analysed using the conceptual methodology of 'intersectionality' or 'inter-locking technologies' (Crenshaw 1991; Davis 1998; Barnartt and Altman 2013; Paik 2014).

Gross-enrolment ratio of male to female students in higher education (age group 18–23 years) i.e., 26.3 and 26.4 per cent, respectively (AISHE 2019: 19). This presents a more or less equal enrolment ratio for women and men but if we see the distribution of women according to their social category, the picture is very different (Fig. 9.4). Women enrolment in India for general category is 26.4 per cent while it stands at 23.3 and

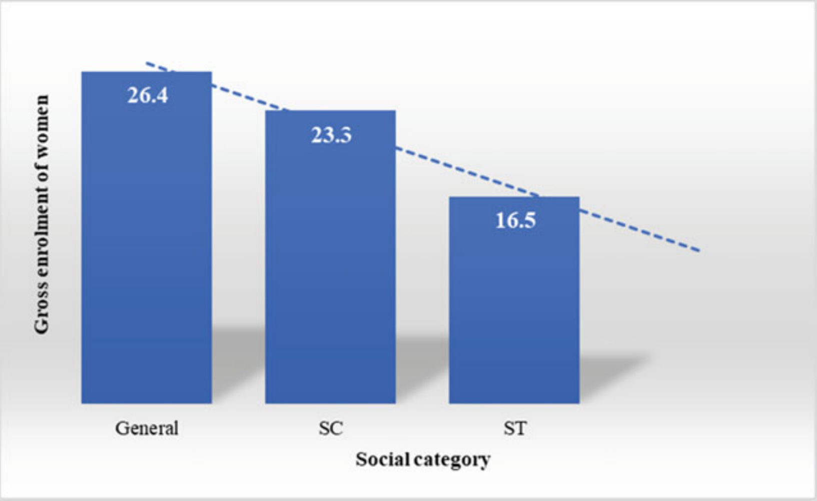


Fig. 9.4 Gross enrolment of women from different social categories (*Source* Constructed from data of AISHE 2018–2019)

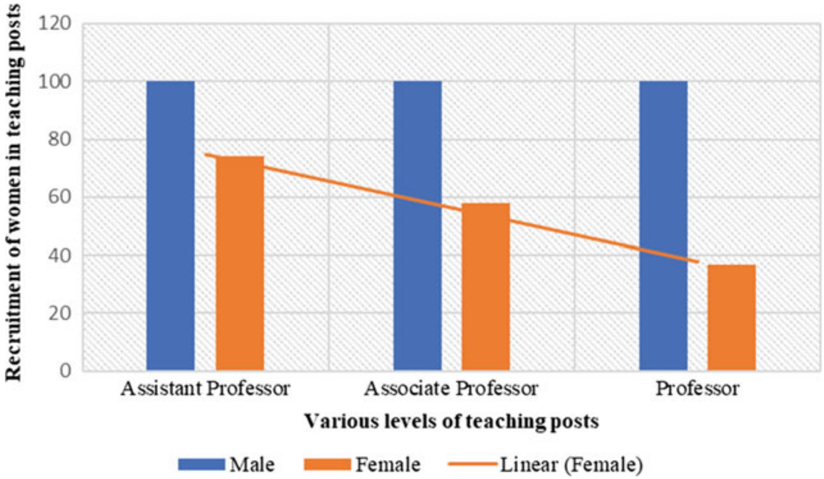


Fig. 9.5 Gender-wise distribution of teaching posts in Indian universities (females per 100 males) (*Source* Reproduced from data in Figure 24 in AISHE 2019)

16.5 per cent for those belonging to SCs and STs. Alongside there also remains regional disparity in terms of women enrolment in various states in India.

The data on gross enrolment shows that enrolment percentage of male to female in higher education institutions is at par. It is the recruitment of women in higher positions where the picture becomes divergent (Table 9.2). If we focus on recruitment at university levels for the positions of Assistant Professors, Associate Professors and Professor ranks, women representation is highly skewed (Fig. 9.5). Hence, going back to the Gender Inequality Index (Fig. 9.3), one can infer that high educational attainment does not necessarily reduce discrimination against women in matters of appointment and promotion in teaching posts in Indian universities.

Caste-Tribe Based Marginalized Communities: SCs, STs and OBCs

India follows a system of reservation for the individuals belonging to the SCs, STs and Other Backward Classes (OBC). Reservation for SCs and STs was debated and discussed in the Constituent Assembly[6] constituted for drafting independent India's constitution. While the reservation for the OBCs is a comparatively recent addition, accorded only in mid-1990s, the reservation policy in India has been instrumental in opening up educational institutions and employment for those belonging to the SCs, STs and OBCs categories. The Central Educational Institutions Reservation Act 2006 (CEIR passed on January 2007) sanctions reservation of seats in admission in higher educational institutions as 15, 7.5 and 27 per cent for SCs, STs and OBCs, respectively (CEIR Act 2006). The minority educational institutions established under clause (1) of Article 30 of the Indian constitution are exempted from following the reservation provisions set out by the Act (Fig. 9.6).

India has made steady progress in terms of enrolment of individuals belonging to socially economically marginalized communities since its independence in 1947. But still it has a long way to go, if India wants to achieve the target set by the UN Vision 2030 and Sustainable Development Goal 4's claims of inclusive and equitable quality education for all. The gross enrolment of SCs, STs and OBCs remains extremely low compared to general category candidates. Among the social categories: OBCs are around 28.5 per cent, SCs around 14.89 per cent and STs

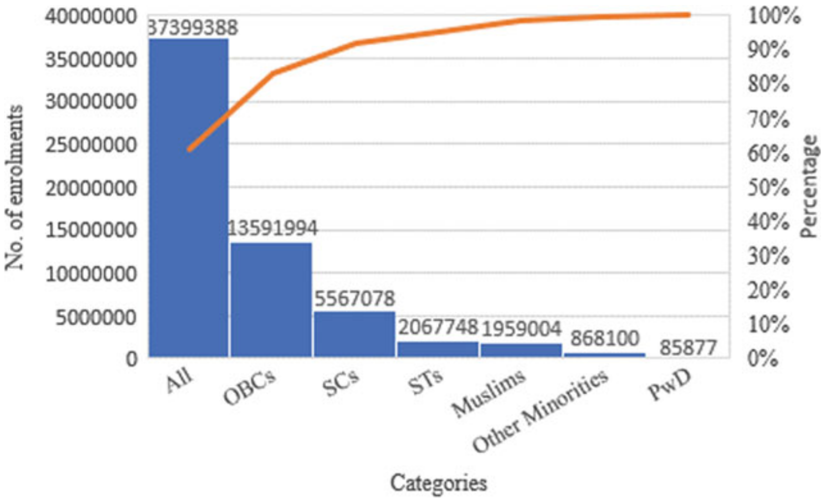


Fig. 9.6 Total enrolment according to social category in India 2019 (*Source* Constructed by author from data in Tables 14 and 15 AISHE 2019)

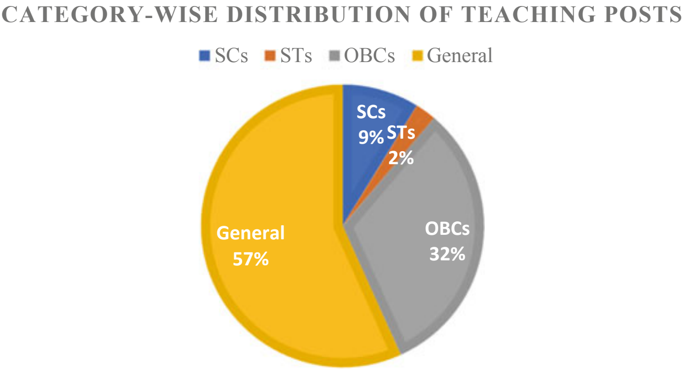


Fig. 9.7 Category-wise Distribution of teaching posts in Indian higher educational institutions (*Source* Reproduced from figure 20 AISHE 2019)

around 5.53 per cent. These figures put a question on the efficacy of the reservation policy and its implementation at all-India level. Recruitment at the SCs, STs and OBCs at various levels of higher education is very low (Fig. 9.7).

If the number of faculty belonging to the marginalized communities in universities and HEIs in India is low especially for the SCs and STs, it essentially puts the finger on whether reservation provisions in recruitment is followed to the letter. While the reserved seats in teaching posts are not always fulfilled according to quotas assigned, the condition of recruitment in non-teaching posts in HEIs remains mainly unchanged (Fig. 9.8).

Minorities: Religious and Linguistic

Muslims are the major religious minority in India with 14.23 per cent (Census of India 2011). Even though India has the largest number of Muslim citizens and a perception regarding their deprivation and lower educational status has existed since independence, it was only in 2006 that a High-level Committee was appointed by the then Prime Minister Dr. Manmohan Singh, to conduct a systematic national-level study on the social-economic and educational status of Muslim community in India. This committee was headed by Justice Rajinder Sachar and its report is known as the Sachar Commission Report of 2006. The literacy rate of

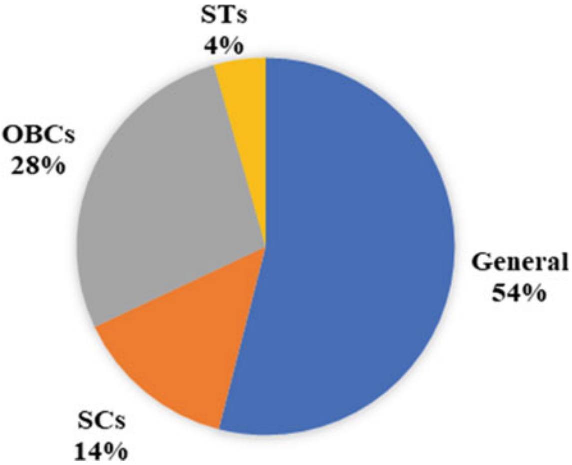


Fig. 9.8 Category-wise distribution of non-teaching staff in HEIs (*Source* AISHE 2018–2019. Ministry of Human Resource Development. Govt. of India)

Muslim community in 2001 was 59.1 per cent far below the national average of 65 per cent (Sachar Committee Report 2006: 52). If we see the age-wise literacy rate among Muslims, as this data gives a better estimate for individuals in higher education sector, the proportion of literates by population in the age group of 23 years and above was 46.1 per cent while age group 18–22 years stands at 70 per cent (Sachar Report: 54). While the recent 2019 data from AISHE stated that Muslims accounted for 5.23 per cent of total student enrolment (Fig. 9.6) in higher education in India and Muslim females are far less than Muslim men (AISHE 2019: 14), hence, the Muslims are even below the SC and ST communities in matter of student enrolment at all-India level (Fig. 9.9). Evidently, recruitment of members of the Muslim community in teaching and non-teaching positions is visibly low. At all-India level about 5.4 per cent teachers are Muslims and their distribution is very disparate with Kerala having the largest percentage of Muslim teachers among Indian states, followed by Telangana, West Bengal, Uttar Pradesh and Karnataka (AISHE 2019: 20). Recruitment of Muslims in teaching posts in universities and HEIs is comparatively better than the STs but much lower than the SC population (Fig. 9.10).

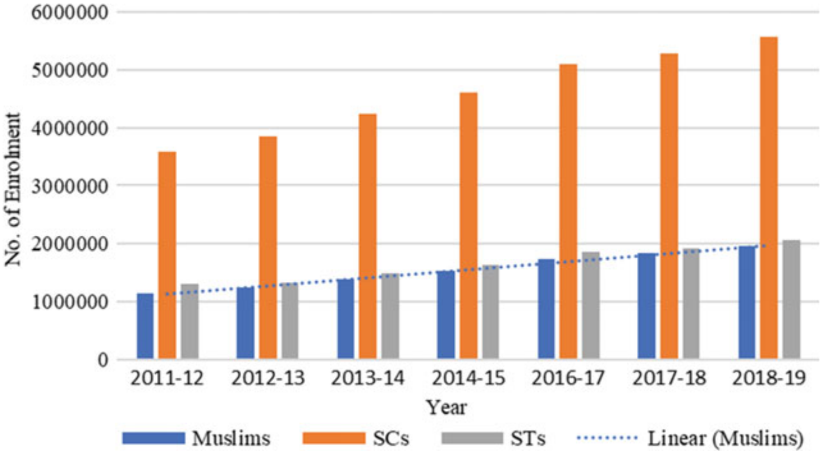


Fig. 9.9 Gross enrolment of Muslims compared to SCs and STs (*Source* Constructed by author from data from AISHE 2011–2019)

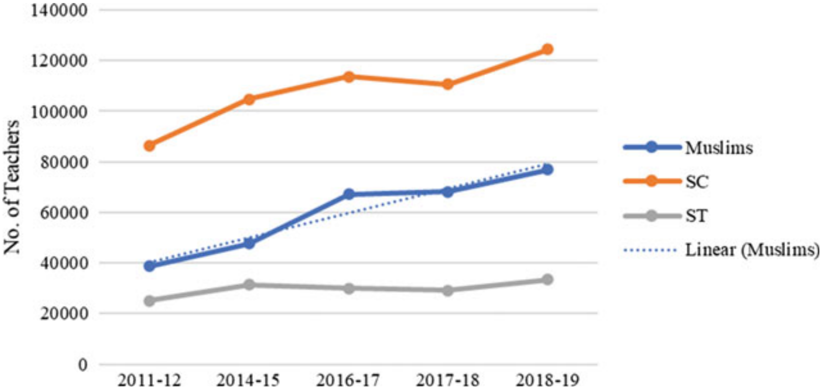


Fig. 9.10 No. of Muslims in Teaching posts compared to SCs and STs (*Source* Constructed by author from data from AISHE 2011–2019)

Linguistic minorities in India: India is one of the most linguistically diverse countries in the world, ranking fourth after Papua New Guinea, Indonesia and Nigeria (Greenberg's Linguistic Index 2021). Articles 29 and 30 of the Indian constitution guarantee the right of cultural-linguistic minority communities to establish educational institutions to protect and preserve their language. Many minority communities have established schools and colleges which are in turn affiliated with the Central Board of Secondary Education or the state and national universities (for detailed discussion on minority education institutions, see Chapter 3). Linguistic minority in India is a difficult category to be categorized as none of the spoken languages in India are spoken by more than 50 per cent population, making all languages spoken in India as minority language. Hindi, having largest number of speakers, is spoken by roughly 42 per cent people in India, which makes all languages minority languages depending on which level one takes as the marker i.e. national, state, district, etc. India is linguistically reorganized into constituent states, where the majority language has been recognized as the official language. The Eighth Schedule of the Indian Constitution is termed as the language schedule and languages included in this schedule are called scheduled languages (till date 22 languages are placed in the Eighth Schedule). The second category of languages are the non-scheduled languages, spoken by more than 10,000 persons (100 such languages) and then third are non-recognized languages which includes most languages spoken by tribal population of India. Although there exists state-wise data on linguistic minority educational institutions and students, there is no national-level data on the linguistic groups to which students and teachers at the higher educational institutions belong to. Due to non-availability of language-specific data of students and teachers this section will not analyse data on enrolment and recruitment at HEIs in India, rather there will be a discussion on the plight of 'tribal languages' which are disparately spread across the country, with number of speakers ranging from as less as 100 to as many as 10,413,637 for Bhili language (Census of India 2011: 8).

According to the UNESCO World Atlas of Languages in Danger of Disappearing (UNESCO 2009), India ranked at the top with 197 of its languages under various degree of danger of extinction or disappearance (Table 9.3).

To address this issue the University Grants Commission of India laid down guidelines for setting up of Centres for the Preservation and Promotion of Endangered Languages under the XII Plan (UGC 2014). Under this scheme, funding was granted and posts in teaching and non-teaching staff were sanctioned. The UGC has established 9 Centres for Endangered Languages at—Tezpur University, Rajiv Gandhi University, Sikkim University, Indira Gandhi National Tribal University, Central

Table 9.3 Distribution of endangered languages in India as per number of speakers

Degree of vitality	*Data not available*	*0–5000*	*5000–10,000*	*10,000–20,000*	*20,000–50,000*	*50,000–100,000*	*Above 100,000*	*Total*
Vulnerable	4	3	3	6	22	10	33	81
Definitely endangered	5	24	3	6	6	5	13	62
Severely endangered	1	6	–	–	–	–	–	07
Critically endangered	03	28	04	04	02	01		42
Extinct								05
Total	13	61	10	16	30	16	46	197

Source: *Constructed by author from UNESCO Atlas 2010.* http://www.unesco.org/culture/languages-atlas/en/atlasmap.html

University of Jharkhand, Guru Ghasidas Viswavidyalaya, Central University of Karnataka, Central University of Kerala and Visva Bharati (UGC 2018: 5). Students belonging to the linguistic minority communities do face hurdles in higher education institutions where the medium of instruction mainly remains English and/or Hindi although many public-funded central universities have established Linguistic Empowerment Cells to assist students who do not have fluency in the medium of instruction and English to equip them with linguistic skills to compete and enter academia as researchers and faculty members. There is still dearth of infrastructure and staff with linguistic repertoire in various tribal languages to assist and teach minority languages and/or translate reading material.

Usage of tribal languages as medium of instruction has been tried out in India by the state governments of Odisha and Andhra Pradesh under the Multi-lingual Education Programme (MLE). Material in tribal languages was facilitated through various intermediary bodies, and important among them is the National Multilingual Resource Consortium (NMRC) funded by the UNICEF under the Zakir Hussain Centre for Educational Studies of Jawaharlal Nehru University. The objective of this flagship programme was to develop resources for tribal mother-tongue-based multi-lingual education (Mohanty et al. 2009). The Mother-Tongue-Based MLE developed initially in Odisha under the guidance of Prof. Pattanayak, has since been significant in reducing drop-out rates among the tribal students (Pattanayak 1981). One hopes that the national government in keeping with the NEP 2020's vision of multilingualism and linguistic diversity of India (NEP 2020: 5, 4.11), takes cue from these already existing organizations with requisite experience, and bring together a network of similar individuals and organizations as well as the community in facilitating the objective of tribal mother-tongue as medium of instruction.

Disabled, Differently Abled to Divyang

Disability studies' scholars argue that disability has become a contentious term containing physical, psycho-social and sensory impairments while historically disability has been synonymous to inability and limited enjoyment of legal rights (Ghosh 2016: 2). Regular usage of the term 'disability' implies a negative connotation—variation from physical norm while the medical interventions define disability as limitation of functioning. This definition aim at restoring the disabled person to normality, as reduction of the ability to perform in the 'normal' modes and at 'normal' levels needs to be remedied (Ghosh 2016: 2). Though disability has varied meanings physical, social, psychological and motor skills, all persons with disabilities commonly experience a participation disparity (Bhattacharya 2016: 41). A significant barrier in building an inclusive society is the terms of 'social categorization' itself as it creates binary of 'Us-Them and Self and Other, what Anita Ghai calls 'othering' (Ghai 2015: 300). Disparity and difference often translate into discrimination, marginalization and exclusion from the social whole. The disabled person understood as the 'other' often creates a process of alterity which needs to be understood as exclusion (Ghai 2015: 300–301). Sharon Barnartt and Altman suggest that intersectionality can provide an alternative framework for studying disability as it unravels and enables to bring about the invisible and complex multi-layeredness of discrimination suffered by people with disability (Barnartt & Altman 2013), while Ranjita Dawn asserted that the social model with its emphasis on more humane approach is more appropriate to study disability, conjoined with domination, power and identity (Dawn 2021).

The term disability had undergone a shift from disability to differently abled to the recent Indian version '*divyang*' (divine body or part) coined by Prime Minister Mr. Narender Modi and first time officially used in the Railway Budget of 2016 (Pisharoty 2016). This change in nomenclature in official and legal instruments faced criticism by disability scholars and activists under the National Platform for the Rights of Disabled, who argued that exclusion and marginalization cannot be addressed by using a patronizing term such as *divyang* invokes sympathy underlined by charity (Trivedi 2019). Yet, on the insistence of the Indian government, the term *divyang* has gained prominence in most legal-official documentation.

In India there are three main legislations which form the backbone of Disability policies i.e., Rehabilitation Council of India Act 1992; Persons with Disability (PWD) Act 1995 and the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability Act 1999. Of these the PWD Act 1995 is significant as it provides for equal opportunities, protection of rights and full participation in education, employment and creation of barrier-free environment and social security (NPPD 2006: 3). According to this Act 'disability' means blindness, low-vision, leprosy-cured, hearing impairment, locomotive disability, mental retardation and mental illness (PWD Act 1995: 6).

Education has been identified as an effective means for socio-economic empowerment of PWD people. The Indian state in accordance with Article 21A of the Indian Constitution along with Section 26 of the PWD Act provides for free and compulsory education for all children up to the age of eighteen. Before the PWD Act, it was the National Policy on Education (NPE) 1986 which was the first to bring up the issue of including students with disability on grounds of equality. It stated that the "objective should be to integrate physically and mentally disabled people with the general community as equal partners, to prepare them for normal growth and to enable them to face life with courage and confidence" (NPE 1986: 114). Two more, national-level initiatives are essential to mention here: (1) The Integrated Education of the Disabled under the District Primary Education Programme started in mid-1990s (World Bank 2009: 58); (2) Sarva Shiksha Abhiyan, the flagship programme under Government of India with its zero-rejection policy, along with the 93rd Amendment of 2005 have also been instrumental in facilitating, "greater access to higher education including professional education to a larger number of students belonging to the socially and educationally backward classes of citizens or for the SCs and STs has been a matter of major concern, which includes the PWD (Constitution of India 93rd Amendment Act 2005).

According to the 2011 Census, India has 2.21 per cent population with disabilities in various age-groups, which is a marginal increase from 2.13 per cent in 2001 census (Census of India 2011). For our purpose of investigating inclusion of PWD in higher education, we will focus on the total percentage of disabled population in the age-group of 20–29 years which comprises 1.97 per cent. Further the percentage of males to female in the age group of 20–29 years is 2.22 and 1.70, respectively (Table C-20, Census 2011). In this respect the PWD Act is an imperative national policy, informing that government (at various levels) must (*a*) ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years; (*b*) endeavour to promote the integration of students with disabilities in the normal schools; (*c*) promote setting up of special schools in Government and private sector for those in need of special education, in such a manner that children with disabilities living in any part of the country have access to such schools and (*d*) to equip the special schools for children with disabilities with vocational training facilities (Govt. of India 1995: V). Furthermore, it impresses on government and local authorities to conduct research for designing and developing new assistive devices, teaching aids; to set up teachers' training institutions to develop trained manpower for schools for children with disabilities; to prepare a comprehensive education scheme providing for transport facilities, supply of books and that the educational institutions to provide amanuensis to students with visual handicap (Govt. of India 1995: Sections 26–35). Various scholarships, fellowships and financial-research support are provided by the Ministry of Social Welfare and Empowerment, Minority Affairs and Ministry of Human Resources (renamed as Ministry of Education) for students with disabilities. The PWD Act directs the government to ensure that 3 per cent vacancies in Central, state and local government institutions are reserved for individuals with disabilities and of these at least 1 per cent is reserved for persons with hearing, seeing and locomotive disability (Govt. of India 1995: Chapter VI).

Coming to student enrolment of PWDs in HEIs in India (Fig. 9.11), one must be informed that there exist incongruities regarding the number of people with disabilities in India (World Bank 2009: 9). The Census data, National Sample Survey, school-based records show further discrepancies in the number of people especially children with disabilities (Dawn 2021: 119). The All-India Survey on Higher Education 2019 showed

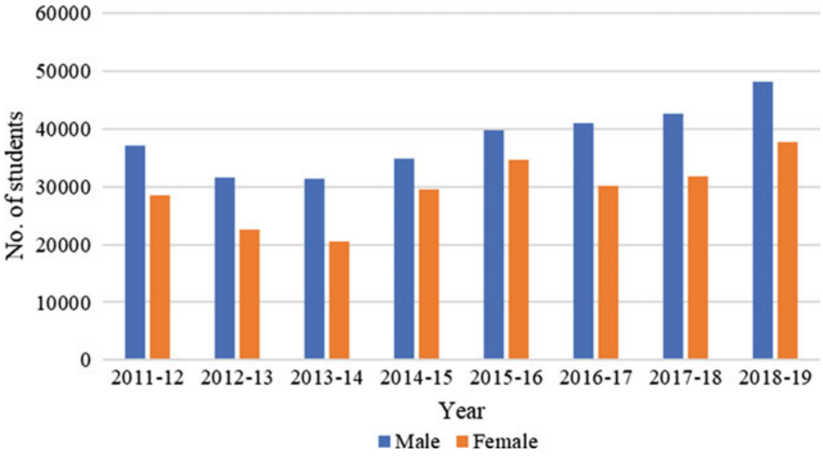


Fig. 9.11 Student enrolment with disabilities in HEIs in India (*Source* Constructed by author from data from AISHE 2011–2019)

that there are more male PWD students enrolled as compared to females between 2011 and 2019 (Fig. 9.11). This can be as disabled males constitute a larger percentage of disabled population than women in the age-group of 20–29 years as stated earlier. In terms of recruitment at HEIs, there is a huge gap between male and female recruitment at teaching posts (Fig. 9.12). For a comparative data of disabled teachers in various categories i.e., SCs, STs, Women, PWDs, OBCs, etc., see also Table 9.2.

Legal mechanisms are an important step for people with disabilities to get access to simple things which others take for granted but are not sufficient. A shift in policies from welfare and charity to equalization of opportunities and rights can be witnessed in India, especially since the 1990s (Karna 2001: 300) This is remarkable from earlier times when disability was treated as a problem or even as a 'national problem' (Bhatt 1963). Disablement is the social-construct and it is not the physical-mental disability of individuals that restricts their fuller participation as members of society rather the way the society is build (Brisenden 1986: 176 as quoted in Karna 2001: 295).

From the perspective of higher education, Jay Timothy Dolmage rightly argues that it was in higher education that a certain type of

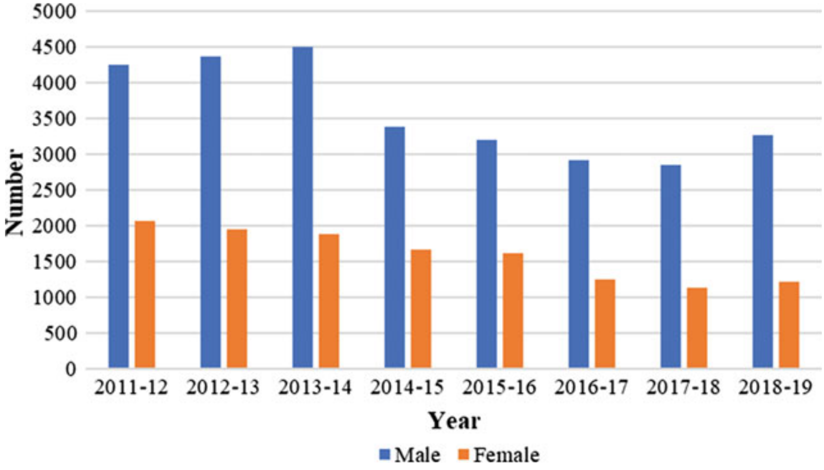


Fig. 9.12 No. of PWD Teachers in India HEIs (*Source* Constructed by Author from AISHE 2011–2019)

'ableism' was created and maintained and since disability studies have emerged out of an atmosphere of higher education in which ableism has a very powerful hold, it cannot shed its biases. Hence, academia cannot overwrite the work of activists (Dolmage 2017: 6). He further brings in the linguistic usage within academia of able-bodiedness as academia and universities accredit hyperability—understood as 'ableism' i.e. to value ability like a demand to overcome disability, leading to structures of discrimination cemented in society and academia (Dolmage 2017: 7). Such rendition of disability vis-à-vis ability then robs individuals with disabilities of their power and agency. Diminishing them simply to the state of being specimen to study or materials to be researched and not as researchers or experts. Mostly disabled individuals in academia are under-employed or remain unemployed, and even when they are employed in HEIs, they face biases in terms of promotions and assignments and equal treatment (Dolmage 2017: 178). Scholars have also asserted that if disability is treated like diversity, it may open up space for multicultural classrooms where disability does not connote negative approach but is more acceptable (Myers et al. 2013: 32). Some also feel that advocacy based on 'becoming allies' may lead to major attitudinal shift in the way we view disability (Myers et al. 2013: 69).

Transgenders

The Supreme Court of India in a landmark judgement in 2013 recognized the 'hijras' as third gender or transgenders and that all people belonging to the transgender community must enjoy all fundamental rights as citizens of India (SC 2014 NALSA vs Union of India). Moreover, it directed the state and Central governments to take steps to treat the transgenders "as socially and educationally backward classes of citizens and extend all kinds of reservation in admission to educational institutions and in public appointments, and ordered the government to provide transgender people with quotas in jobs and education in line with other minorities" (Business Standard 2020). The matter of reservation for transgenders was discussed but not passed in legislation due to opposition especially from the OBCs (Business Standard 2020). The Transgender Persons (Protection of Rights) Bill (TPR) was passed in November 2019, which prohibits discrimination in matters of education and employment while directing the governments to provide more inclusive education (TPR 2019). This Act draws flak from critics due to its silence on two fundamental issues: First, reservation and any direction on employing transgenders into services while it prescribes punishment for begging, which makes this act a double-edged sword for them. Second, about punishment and sexual assault on transgenders (Insights Editor 2020).

Census of India 2011 counted the transgenders first time in the census history of India. According to 2011 census, transgenders population stands around 4.9 lakhs. The distribution of transgenders across India is regionally disparate with Uttar Pradesh accounting for 28 per cent of total transgender population with the literacy rate of 57.06 per cent (Nagarajan 2014). Though discrepancies remain in datasets, as the 2018 Report of the Kerala Development Society, conducted on behalf of National Human Rights Commission, suggests that there are around 90 lakh transgenders in India but they live in secret (Chauhan 2018). The transgenders suffer humiliation and violence even at the hands of their parents and merely 2 per cent of the entire transgender population lives with their parents (Chauhan 2018). There is no separate account of transgender data in higher education institutions, as they are mostly clubbed within the category of 'other minority'. Possibly in the coming census the transgenders will be counted as a separate category and will be included in the annual reports on higher education in India.

NEP 2020 AND HIGHER EDUCATION IN INDIA: A CRITICAL ANALYSIS

India passed the National Education Policy (NEP) in July 2020 which is the blueprint for the country's progress plan in the field of education in the new millennium. The NEP document is seemingly holistic keeping with the United Nations' Vision 2030 and the Sustainable Development Goal 4 on inclusive education for all. The ambitious objectives of the NEP 2020 are worthy of consideration aiming for India:

> to have a world-class education system by 2040 with equitable access to the highest quality education for all learners regardless of social-economic background and aligning this the aspirational goal of 21st century education (SDG 4) while building into it India's traditions and value systems. (NEP 2020: 3)

Part II of the NEP 2020 titled 'Higher Education', lays out the future plan for India's higher education and university system. This part contains ten sections (NEP 2020: Sections 9–20), some of the appreciable proposals with regard to HE–a. reiterates the importance of HE in promoting human and societal well-being and developing India in accordance with its constitutional ethos of liberty, equality, justice and fraternity; b. that HE must form the basis of knowledge creation and innovation, contributing to the economy (NEP 2020: 9.1.1). For the successful fulfillment of these goals, the NEP 2020 identifies various issues and problems within the existing HEI structure (Fig. 9.13).

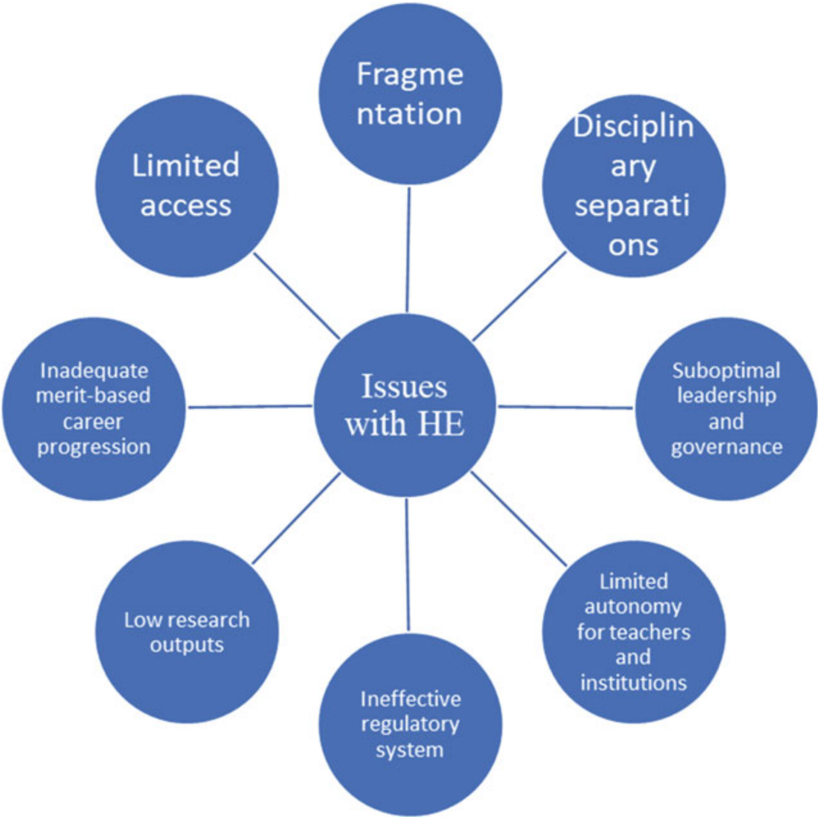

Fragmentation
Limited access
Disciplinary separations
Inadequate merit-based career progression
Issues with HE
Suboptimal leadership and governance
Low research outputs
Limited autonomy for teachers and institutions
Ineffective regulatory system

Fig. 9.13 Problems within existing HEI structures identified by NEP 2020 (*Source* Constructed by author from NEP 2020: Section 9.2)

To address the inadequacies within India's HE, the NEP 2020 then, envisions a complete overhaul and re-energizing of the HE system to overcome these challenges and deliver high-quality education with equity and inclusion (NEP 2020: 9.3). Towards such an end, it recommends the development of multi-disciplinary colleges and universities in every district; revamping curriculum and pedagogy; integrity of faculty and institutional leadership and autonomy; governance of HEIs by independent boards; increased access, equity and inclusion. It also advocates for the establishment of a new body called the National Research Foundation to fund research and provide seed-grants. A significant point to note here is the NEP's recommendation of a tier-system i.e. autonomous degree-granting colleges, research-intensive universities and teaching-intensive universities (NEP 2020: 10.3). Such a tier-system draws heavily from the Federation of Indian Chambers and Commerce of India-Vision 2030 for Indian higher education which in turn is premised on the Clark Kerr's Plan of California 1960 (also known as the California Master Plan for Higher Education). The Clark Kerr's Plan became a "colossal success in matters of excellence while not so successful in matters related to equity and access to higher education. Rather led to a system with resemblance to the caste-system wherein a students' social strata dictated where they would end up in the tiered-system of HE" (Kaur and Singh 2019). The objective of excellence is welcome in HE but in a country with social-economic hierarchies cutting vertically and horizontally, one is left confused whether the policy emphasis on excellence will be paralleled with equality of opportunity and providing inclusion to all students belonging to lower caste/class ensured.

There are seeming anomalies between the NEP 2020's recommendations and actions of the Central government. Utmost is the issue of vacant teaching posts in HEIs in India. To the question raised by MP Kapil Moreshwar Patil on 10 February 2021, seeking the exact status report of vacancies in teaching and non-teaching posts in Indian universities, education Minister of India, Dr. Pokhriyal answered that: out of a total number of 18,246 sanctioned teaching posts and 34,928 non-teaching posts, 6688 and 12,323 remains vacant, respectively (Lok Sabha 2021). This comes to 36.65 per cent vacant teaching posts in central universities alone and one is not aware of the exact vacancies at other universities. How can the NEP's path of innovation, creation of new knowledge, inclusive pedagogy and curriculum be attained when teachers are so scarce and even out of those hired, most are contractual teachers with no job-security?

Equally significant is the issue of finance allocated to higher education sector in India, with the NEP recommending 6 per cent of Gross Domestic Product (GDP) for education, a constant recommendation made since the first NPE 1968. Respective governments have not been able to allocate even 5 per cent GDP to the higher education sector. The government of India has committed towards development of higher education in India comparable to the world standards with the aim of reaching gross enrolment ratio (GER) to 50 per cent by 2035 in HE, which stood at 26.3 per cent in 2018 (NEP 2020: 10.8). The government's sincerity to achieve this goal does not get reflected by the budget it allocated to HE, where the projected demand was Rs. 58, 250.9 crores while the actual allocation made was Rs. 39,446.5 crores, a shortfall of Rs. 18,784.42 crores in 2020–2021 (Rajya Sabha 2020: 313 Report, 2.1). While in the annual budget of 2020–2021 HE got Rs. 39,466 crores, in 2021–2022 it was reduced to 38,350.65 a reduction of Rs. 1115 crores. Some of the schemes which were adversely affected was the education scheme for girls' secondary education which was drastically reduced from 110 crores in 2020–2021 to mere 1 crore in 2021–2022 (Indian Express 2021: 1st February). The Parliamentary Standing Committee on Human Resource Development in India noted that the allocation for Central Universities is not adequate given their infrastructure, student enrolment and faculty and recommended the government to pay serious attention to the growth and development of this sector, given its need to serve the society (Rajya Sabha 2021: 2.11). Although the government of India increased the budget allocation for schemes such as: World-class institutions, Rashtriya Uchhatar Shiksha Abhiyan (National Higher Education) which have seen a big increase in budget allocation 2021–2022, there were major cuts in the heads under Higher Education Financing Agency (HEFA) and improvement in salary scale of college and university teachers (Policy Research Survey 2021). If HE has to be innovative and create new knowledge, teachers and faculty members must be appointed and given the infrastructural as well as secured job-environment to focus on research, for India to become attractive for HE across international spectrum. World-class institutions require world-class faculty while not discriminating the India-educated teachers.

The National Education Policy 2020 does not devote any chapter specifically to gender or women. The simple coalesce of all marginalized, minorities, transgenders and women under the category of Socio-Economically Disadvantaged Groups (SEDGs) seems puzzling as since India's independence, categorization of marginalized population into SCs, STs, OBCs, Women, Muslims, Christians and Sikhs (religious minorities) and Disabled, have played a significant role in matters of reservation of seats in higher educational institutions and universities in admission and recruitment in teaching and non-teaching posts. Such was the practice following the constitutional rationale of reservation quotas at the rate of 15 per cent for SCs, 7.5 per cent for STs and 27 percentage for OBCs (CEI Reservation for Admissions Act 2006) while 3 per cent seats are to be reserved for individuals with disabilities. One is left to wonder what the actual thought of the central government behind this conjoining is and the reason behind the usage of a new terminology of SEDGs without any discussion in Parliament or State assemblies.

The NEP 2020 chapter 6 titled as Equitable-Inclusive Education reiterates the objective of achieving an equitable and inclusive education where every child will have equality of opportunity to learn, join and participate in the learning outcomes. Chapter 6 along with chapter 14 of NEP 2020 discusses SEDGs as a whole and specifies certain additional actions to be adopted by governments at different levels as well as the HEIs (Table 9.4).

Let's now focus on some of the important recommendations of NEP 2020 regarding HE.

1. Special Educational Zones*:* The identification of certain districts with a high proportion of the population belonging to under-represented groups (URGs, this the document doesn't clarifies who constitute URGs, there may be variation in different regions) and establishment of Special Education Zones (SEZs) in these geographical regions is a new addition (NEP 2020: 26). This may actually solve the issue of accessibility of good institutions in remote areas where students face trouble in commuting long distance. In elaborating SEZs, the draft NEP 2019 explained that to curb the inequitable distribution of development across regions and states, such districts termed as SEZs will be supported with extra funding and infrastructure. This seems to be a welcome move in a country with disparate intra-state and inter-state development.

Table 9.4 Steps to be taken by the governments and HEIs in India as per NEP 2020

Steps to be taken by Government	*Steps to be taken by the HEIs*
Earmark suitable Government funds for the education of SEDGs	Mitigate opportunity costs and fees for pursuing higher education
Set clear targets for higher GER for SEDGs	Provide more financial assistance and scholarships to socio-economically disadvantaged students
Enhance gender balance in admissions to HEIs	Conduct outreach on higher education opportunities and scholarships
Enhance access by establishing more high-quality HEIs in aspirational districts and Special Education Zones containing larger numbers of SEDGs	Make admission process and curriculum more inclusive
Develop and support high-quality HEIs that teach in local/Indian languages or bilingually	Increase employability potential of higher education programmes
Provide more financial assistance and scholarships to SEDGs in both public and private HEIs	Develop more degree courses taught in Indian languages and bilingually
Conduct outreach programmes on higher education opportunities and scholarships among SEDGs	Ensure all buildings and facilities are wheelchair-accessible and disabled-friendly
Develop and support technology tools for better participation and learning outcomes	Develop bridge courses for students that come from disadvantaged educational backgrounds
	Provide socio-emotional and academic support and mentoring for all such students through suitable counselling and mentoring programmes
	Ensure sensitization of faculty, counsellor, and students on gender-identity issue and its inclusion in all aspects of the HEI, including curricula
	Strictly enforce all no-discrimination and anti-harassment rules
	Develop Institutional Development Plans that contain specific plans for action on increasing participation from SEDGs, including but not limited to the above items

Source NEP 2020 14-4.1 and 14.4.2

But the government does not propose how these SEZs will be integrated with the mainstream university system or how the students belonging to these SEZs will be encouraged to get absorbed in HEIs in matters of recruitment. Without this planning for integration and building a network of connecting the institutions in the SEZs with other more developed regions, these SEZs may become isolated units in disadvantaged and underdeveloped regions. The objective of higher education policy should be to build a network of institutions where students from underrepresented communities are included in the prestigious and well-known institutions and not to build pockets of institutions based on socio-economic disadvantages which may lead to more isolationism and marginalization of the underrepresented in the mainstream.

2. Gender Inclusion Fund: Noting that women cut across all the underrepresented groups, the NEP 2020 recognizes how being a girl and belonging to SEDGs amplifies their exclusion. It highlights on the need for quality education for girls and recommends that the policies and schemes designed to include students from SEDGs should be especially targeted towards girls in these SEDGs (NEP 2020: 26). In keeping with this spirit of addressing exclusion, the NEP recommends the formation of a 'Gender Inclusion Fund' especially for girls and transgenders, whereas, as discussed earlier in this chapter, the funding for girls' education has been drastically cut in the budget 2021–2022. While the policy gives elaborate recommendations, the question to be asked is what is the ground reality and how does the Indian state plans to reduce gender-inequality? This brings us to the link between education and employment or paid work by women. Gender inequality is associated with social norms and power relations between men and women (HDR 2019: 152). In this aspect, the NEP's intentions are good but no consolidated plan is recommended nor initiated to lessen the social inequality gap between men and women. The NEP 2020 doesn't mention gender-audits, neither relevant changes in curricula to challenge patriarchal norms of the society have been spelled out, although it does mention need to change in pedagogy and to make it inclusive. It is one thing to aim for inclusion and another to initiate steps towards it. The NEP 2020 falls short of this. It nowhere documents any suggestion about curbing patriarchy. In fact, the term, patriarchy doesn't feature even once in the whole document. There is a

stark silence on discrimination, sexual abuse and violence faced by women in the Indian society. There is no mention for conducting of workshops and integrative programmes for boys and girls regarding sexuality, dignity of body and respecting the other genders. The budget 2021–2022 has seen a massive deduction of funds for girls' education from 110 crores to 1 crore, questioning the government's intention about girls' education (Indian Express 2021: 1st February).

3. National Research Foundation: The NEP recommends the establishment of a National Research Foundation (NEP 2020: 9). The different organizations meant for funding research such as the Indian Council for Social Science Research (ICCSR), Indian Council for Historical Research (ICHR), Indian Council for Philosophical Research (ICPR), Council of Scientific and Industrial Research (CSIR), etc. are to function independently while the NRF will carefully coordinate with science and engineering research. In turn, the NRF will be governed independently of the government by a rotating board of governors (NEP 2020: 17.19–17.11). Is the absence of social sciences, languages and humanities in research in NRF, inadvertent?
4. 64 kalas (arts) or Liberal Arts: Emphasizing the ancient tradition of universities in India such as Taxila and Nalanda which had international reputation (NEP 2020: 11.1), the NEP 2020 policy aims to bring back "the knowledge of many arts", keeping with Indian traditions. Such an aim is a good move but caution must be exercised that there is no contradiction between such a goal with internationalization of HE (NEP 2020: 12.7) being another aim of NEP 2020, as in the international system of HE with its predilection on specializations, how the liberal arts will not be subsumed as subsidiary disciplines within the natural-chemical sciences.
5. The plan for environmental, value-based and global citizenship education is a very timely recommendation and so is the emphasis on multi-disciplinarity. In keeping with this objective, the NEP 2020 prescribes the setting up of model-universities called Multidisciplinary Education and Research Universities (MERUs) at par with the IITs and IIMs (NEP 2020: 11.11). What goes amiss is the question of what will be the future of the already existing network of universities which could be upgraded rather than setting new universities, why not provide essential infrastructural funds for

improvement of such universities which have been functioning for many years and do have experienced staff.

6. The Institutional Development Plan (NEP 2020: 12.3) is an ambitious policy recommendation for integrating academic plans within institutions for curriculum development and high-quality imparting of teaching. With the embedded institutional hierarchies between science and humanities, the policy does not give a balanced view as to what will be the future of liberal arts. The field of education is not a level-playing ground with sciences occupying the position of priority in funding, recruitment, training and infrastructure while faculties of languages and Humanities getting a step-motherly treatment. This coupled with attitude of education administrators and political leaders stressing on STEM while neglecting Humanities as the discipline for the intellectually weak students, questioning the utility of learning minority languages and disciplines such as History, Political Science, Sociology, Philosophy, Classics and Theology have resulted in acute cost-cutting to these departments in universities. Terming this as 'war against humanities', Alex Preston noted that in the name of educational reforms, what has happened is facilitating 'corporate-colonization of academia', in which the humanities and languages are the worst sufferers, being categorized as 'unprofitable', 'impractical and 'outdated' (Preston 2015).
7. The NEP 2020's focus on teachers' education and training is much appreciated with its emphasis on diverse pedagogical aspects and knowledge of Indian languages, tribal traditions and so on. Equally significant is its recommendation on curbing the corrupt practices within training institutions, aiming at credibility and integrity of the teaching profession (NEP 2020: 15.1–15.3).
8. While elsewhere the NEP stresses that it seeks to remove structural barriers and hierarchies within the HE system in India, paradoxically, it suggests a highly structural vertical system of regulatory agencies (NEP 2020: 18.2–18.10). The Higher Education Commission of India is at the head with four verticals i.e. National Higher Education Regulatory Council- for teachers' education, legal and medical education regulations. The National Accreditation Council is a 'meta-accrediting body', primarily based on basic norms, public self-disclosure and governance. But it does not spell out these criterions clearly as to what is meant by basic norms, etc. The third and fourth institutions are the National Education Grants Council

and General Education Council, carrying out funding and financing higher education and framing learning outcomes, respectively. The NEP goes on to justify such a colossal organizational revamping by suggesting that, "such an architecture will ensure the principle of functional separation and eliminating conflicts of interest" (NEP 2020: 18.8).

9. Commercialization of education: This aim is precarious as the NEP mentions that private educational institutions will need a disclosure as 'not for profit' and private philanthropic institutions will be encouraged through progressive regime of fees determination. This seems to be paradoxical to the idea of private-institutions which treat education as a commodity. Such an idealistic ream seems that the policy-makers are not aware of ground realities where the private institutions charge at times more than 100 per cent of their public-funded counterpart.

What is startling in the NEP 2020 is it seems to be a road-map of changing HE from a public-good in India, with the Central government's policy of rapid privatization and receding public-funding to central and state universities. In such a situation, it remains to be seen how the objectives of the NEP 2020 will embark its vision of inclusive curriculum and classrooms.

Concluding Remarks

Contemporary India has witnessed an unprecedented attack on universities and institutions of higher education in India but in recent times, this has reached 'new' heights i.e., the objective can be termed as *lynching public universities*. This is 'new' because the zeal towards privatization, contractual jobs for academic faculty, interference in curricula, method of teaching, push towards digitalization and digitalization without proper infrastructure, increasing fees are some of the drastic changes that Indian universities were experiencing for the past two decades. But the recent avidity and political vehemence to strangulate Indian universities have been momentous. Some may argue that change of guards in the state, especially a marked shift in ideological beliefs of the government necessitates a rigorous process of reconstruction of university spaces, demanding not only evident restrictions rather reaching the point of strangulation of these spaces by culling debate, dissent, discussion and dignity, the very oxygen supply essential for the existence of the spirit of universities. This 'newness' makes it ineluctable to investigate and to revisit the antediluvian question regarding the objective of university at a time when everything is commodified. The result of the mass slaughter of social welfarism coupled with unscrupulous capitalist onslaught gravely affecting chances of employment, equal opportunity, public education and health facilities to political apathy towards environmental concerns, refugee problems and growing statelessness has resulted in a wave of protests and strikes around the world. In October 2019, teachers across the USA walked out of their classes demanding better resources and working conditions for teachers. This was followed by the call for strike by university teachers in the UK against 'industrial action and proposed changes in the university superannuation scheme'. In Chile, students protested against hiked fare of metro in Santiago by evading the payment of metro tickets and travelling free. Hongkong witnessed high tension and violence as students are protesting for democracy. The movement which began against the extradition bill in July 2019 became a trigger for demands for fuller democracy of Hongkong. Earlier in 2016, students and teachers were arrested for protesting against military operations against Kurdish militants.[7] Young students in Thailand, Mexico, Sudan, Middle East, Nigeria, India, Philippines, Brazil came out to voice their concerns on environment and climate changes with political leaders in most countries driving the economy towards rapid privatization and shunning their responsibility to the citizens of their countries for clean air, water, food, medical facilities and a pollution-free environment.

The authoritarian onslaught on equal citizenship and minorities rights coupled with the rise of state-coercion against citizens dissent has been challenged by collective-action, resistance and protests against state-centralization, non-democratic policies, atrocities and encroachment of rights including Blacks, women, minority communities, LGBTQIs, intellectuals, human-right activists, students and teachers. So much so that 2019 has been aptly termed as the 'year of street protests' by the Washington Post. This situation of discontentedness experienced slight drawback due to the Covid 19 pandemic which took the entire globe by surprise, leading to cubs by the state on any protests, meetings of people and demonstrations as they might lead to an outbreak of the Covid infection. Yet it is remarkable that people came out to protest against the murder of George Floyd making Black Lives Matter, a global protest on social media. The COVID 19 pandemic has provided a safety shield for state highhandedness and heavy surveillance on academic freedom in the name of safety measures for the efficacious handling of the pandemic (Chesley 2020; Gertsmann 2020; Lau 2020; National Herald 2021; The Wire 2020).

University Unrests in India-Raison D'etre: Inclusion and Commitment to Democracy

India has been experiencing one of the strongest students protests since the national emergency in 1975. Students across the country have been protesting against the right-wing attack on rational-secular and democratic education and curriculum. The trigger was the suicide by a Hyderabad university student Rohit Vemula belonging to lower caste (Dalits) in January 2016. The suicide led to students all over India protesting against caste-discrimination and intimidation in Jawaharlal Nehru University including the students' union president were slapped with sedition charges. From 2016 Indian higher education has witnessed unprecedented attack on democratic discussion, critical thinking, free knowledge-exchange, so much so that dissenters of the state's undemocratic exclusionary policies have been termed as 'anti-nationals'. The Bhartiya Janata Party led national coalition government has passed certain laws which are a direct negation to India's constitution which guarantees equal rights to all its citizens irrespective of caste, class, religion, place of birth and sex. One can identify two fundamental legislations which goes against the constitutional ethos of 'unity in diversity' and the inclusiveness of India's pluralism, i.e., the Citizenship Amendment Act (CAA) 2019 which aims at providing citizenship to people from Afghanistan, Pakistan and Bangladesh facing persecution due to religion i.e., if they are Hindus. This Act is now a law which have been passed by both the Houses of Parliament. The CAA is claimed to be a negation of Article 1 of the Indian Constitution which confers citizenship irrespective of religion, place of birth, caste, sex, race and creed.

What started as a protest movement by students agitating against fee hike, cut down of state funds, administrative authoritarianism and anti-academia, metamorphosized into a nation-wide movement with the police attacks in Jamia Milia Islamia, a Muslim majority central university in December 2019. This got precipitated into anti-CAA movement with the CA bill becoming law. Although the CAA is the immediate reason of agitation against the present right-wing government, university system in India has been suffering from various state-induced attacks since the past few years. The Indian state under the present political coalition has waged a continuous war against universities especially the central universities like Jawaharlal Nehru University, Delhi University, Hyderabad University, Film Institute of Pune, Jadavpur and Jamia Milia Islamia. The students and faculty have been protesting against state violence unleased on peaceful protesters raising voices against the repressive undemocratic policies of the state. Universities across India have witnessed fee hike, diminishing retirement benefits, contractual service, non-recruitment of permanent faculty and research staff, cutting expenditure on basic infrastructure and rapid privatization of public-funded institutions.

All these developments are not sudden but have escalated under the present regime. There has been a strategic plan to destroy public-funded universities and pave the way for complete privatization without state being held responsible for providing funds for higher education. In such a situation where the elected national government washes its hands-off social justice mechanism and the constitutional commitment to equality of opportunity for the marginalized and peripheral communities, one can just imagine the blow these communities will experience when faced with profit-oriented privatized university system.

It is also imperative to join the dots between India's democratic functioning with its policy of inclusion and equality which has seen a setback. The fusion of nationalist fervor with hatred against dissenting voices in India has had an adverse impact on India's democratic standing with her global ranking lowered by ten points from 41 in 2018 to 51 in 2019. India has been termed as a case of 'flawed democracy' due to its regressive policies and curtailment of civil liberties (Democracy Index 2019: 26–27). The recently published V-Dem Democracy Report 2020 predicted that "India is on the verge of losing its status as democracy due to severe curtailment of media, civil society and opposition" (V Dem Report 2020: 13). India also figures among the top-ten among the most autocratizing countries in the past decade (VE Dem 2020: 16). Keeping with this democratic backsliding, India came down three ranks in the Global Inclusiveness Index from 2019 to 2020, standing as 111th rank, below Nepal, Brazil and Turkey. The Inclusiveness Index is a global report on inclusivity measuring exclusion of marginalized groups using six domains of out-group violence, political representation, income inequality, anti-discrimination laws, rates of incarceration and asylum policies vis-à-vis gender, LGBTQ, people with disabilities, racial, ethnic and religious subgroups (Menendian et al. 2021: 5 and 13). The question remains that how can India bring together the contradictory goals of inclusion, non-discrimination and equality in a state rapidly speeding towards diminishing democratic accountability, centralization and curbs on freedom of speech.

NOTES

1. http://www.yourarticlelibrary.com/education/university-education-commission-1948-49-in-india/44856.
2. Government of India (1963) *The Report of the University Education Commission*. Volume I. Manager: Government of India Press, Delhi. Pg. 41.
3. https://www.ugc.ac.in/page/Mandate.aspx.
4. University Grants Commission (Government of India) portal *Genesis*, https://www.ugc.ac.in/page/Genesis.aspx.
5. For a discussion on dual discrimination and race, see Almquist, E., & Wehrle-Einhorn, J. L. (1978). The doubly disadvantaged: Minority women in the labor force. In: A. Stromberg & S. Harkness (Eds.), *Women working*. Palo Alto, CA: Mayfield Publishing Co; Altman, B. (1982). Disabled women: Doubly disadvantaged members of the social structure? Presented at the *American Sociological Association Annual Meeting*, San Francisco; CA; Nina Burleigh (1988) Black Women Lawyers Coping With Dual Discrimination. *American Bar Association Journal*. 74(6).
6. For a detailed discussion on reservation in the Constituent Assembly and meritocracy see Anurag Bhaskar (2021) Reservations, Efficiency and the Making of Indian Constitution. *Economic and Political Weekly*. Vol. 56(19); Rochana Bajpai (2000) Constituent Assembly Debates and Minority Rights. *Economic and Political Weekly*. Vol. 35(21–22); Shefali Jha (2002) Secularism in the Constituent Assembly Debates, 1946–1950. *Economic and Political Weekly*. Vol. 37(30).

7. For details, see the following links: https://www.bbc.com/news/world-us-canada-50233474; https://www.theguardian.com/uk-news/2019/nov/05/university-strike-could-affect-over-a-million-students-says-union; https://www.theguardian.com/education/2018/apr/13/uk-university-strike-action-to-end-after-staff-vote-to-accept-offer; https://www.newsclick.in/chilean-students-hop-turnstiles-protest-against-transportation-fare-increase; https://edition.cnn.com/asia/live-news/hong-kong-protests-live-nov-18-intl-hnk/index.html; https://www.reuters.com/article/us-turkey-security/turkish-academics-students-protest-against-post-coup-purges-idUSKBN12Y17S.

References

All India Survey of Higher Education (2011–2019) *Ministry of Human Resource Development*. Delhi: Government of India.

Barnartt, Sharon N. & Barbara M. Altman (2013) *Disability and the Intersecting Statuses*. UK: Emerald Group Publishing Limited.

Bhatt, Usha (1963) *Physically Handicapped in India: A Growing National Problem*. Bombay: Popular Book Depot.

Bhattacharya, Tanmoy (2016) Diversity at Workplace and Education in Nandini Ghosh (ed) *Interrogating Disability in India: Theory and Practice*. India: Springer.

Business Standard Web Team (2020) Transgenders in India May Soon Get Reservation in Education Under OBC Quota. *Business Standard*. 19th November. https://www.business-standard.com/article/current-affairs/transgenders-in-india-may-soon-get-reservation-in-education-under-obc-quota-120111900334_1.html. Accessed on 1 April 2021.

Census of India (2011) *Language: India, States and Union Territories (Table C-16)*. Office of the Registrar General of India. New Delhi. https://www.censusindia.gov.in/2011Census/C-16_25062018_NEW.pdf.

Central Educational Institutions Reservation Act (2007) The Central Educational Institutions (Reservation in Admission) Act 2006. Ministry of Law and Justice. 4th January. *The Gazette of India*. New Delhi: Government of India.

Chauhan, Neeraj (2018) Left alone: Just 2 Percent of Trans People Stay with Parents. *Times of India*. 13th August. https://timesofindia.indiatimes.com/india/left-alone-just-2-of-trans-people-stay-with-parents/article-show/65380226.cms. Accessed on 12 April 2021.

Chesley, Kate (2020) Academic Freedom Questions Arise on Campus over COVID-19 Strategy conflicts. *Stanford News*. 30th October. https://news.stanford.edu/2020/10/30/academic-freedom-questions-arise-campus-covid-19-strategy-conflicts/.

Constitution of India (2005) Ninety Third Amendment Act. *Indianconstitution.in*. https://www.indianconstitution.in/2017/09/93rd-amendment-in-constitution-of-india.html.

Crenshaw, Kimberle (1991) Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color. *Stanford Law Review*. Vol. 43(6): 1241–1299.

Davis, Angela Y. (1998) *Women, Race and Class*. New York: Vintage Books.

Dawn, Ranjita (2021) *The Social Model of Disability in India: Politics of Identity and Power*. India: Routledge.

Democracy Index (2019) A Year of Democratic Setbacks and Popular Protests. *The Economist Intelligence Unit*. http://www.eiu.com/Handlers/WhitepaperHandler.ashx?fi=Democracy-Index-2019.pdf&mode=wp&campaignid=democracyindex2019. Accessed on 15 September 2020.

Democracy Report (2020) "Autocratization Surges—Resistance Grows". *V-Dem Institute Varieties of Democracy*. https://www.v-dem.net/media/filer_public/de/39/de39af54-0bc5-4421-89ae-fb20dcc53dba/democracy_report.pdf. Accessed on 19 October 2020.

Deshpande, Satish (2016) Higher Education: An Uncertain Policy Process. *Economic and Political Weekly*. Vol. 51(35): 37–40.

Desikan, Subhashree (2015) Will the GATS Close on Higher Education? *The Hindu*. 30th December. https://www.thehindu.com/opinion/columns/will-the-gats-close-on-higher-education/article8042337.ece.

Dolmage, Jay Timothy (2017) *Academic Ableism: Disability and Higher Education*. Ann Arbor: University of Michigan Press.

Gertsmann, Evan (2020) How the COVID 19 Crisis Is Threatening Academic Freedom and Democracy Across the Globe. *Forbes.com*. 12th April. https://www.forbes.com/sites/evangerstmann/2020/04/12/how-the-covid-19-crisis-is-threatening-freedom-and-democracy-across-the-globe/?sh=20537ce34f16.

Ghai, Anita (2015) *Rethinking Disability in India*. India: Routledge.

Ghosh, Nandini (2016) *Interrogating Disability in India: Theory and Practice*. India: Springer.

Government of India (1995) *The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act*. Legislative Department. Government of India. https://legislative.gov.in/actsofparliamentfromtheyear/persons-disabilities-equal-opportunities-protection-rights-and-full.

Greenberg Linguistic Index (2021) Which Countries Have the Most Languages. *Ethnologue*. 16th edition. https://www.ethnologue.com/guides/countries-most-languages.

Human Development Report (2019) *Beyond Income, Beyond Averages, Beyond Today: Inequalities in Human Development in the 21st Century*. New York: UNDP.

Indian Express (2021) Education gets 93,224 Crores-8100 Crores More Than Revised Estimates. *Indian Express*. 1st February. https://indianexpress.com/article/education/budget-2021-22-education-gets-rs-93224-cr-rs-8100-cr-more-than-revised-estimates-7170372/. Accessed on 20 May 2021.

Insights Editor (2020) Transgender Persons (Protection of Rights) Act, 2019. *Insights on India*. 14th January. https://www.insightsonindia.com/2020/01/13/transgender-persons-protection-of-rights-act-2019/. Accessed on 1 April 2021.

Iqbal, Yanis (2020) Commercialisation of Education. *Economic and Political Weekly*. Vol. 55(4).

Jha, Praveen & Pooja Parvati (2020) National Education Policy, 2020: Long on Rhetoric and Short on Substance. *Economic and Political Weekly*. Vol. 55(34).

Karna, G.N. (2001) *Disability Studies in India: Retrospect and Prospects*. New Delhi: Gyan Publishing House.

Kaur, Seerat & Gurprakash Singh (2019) Public Values and the NEP. *Economic and Political Weekly*. Vol. 54(34).

Kumar, Krishna (2019) Vision without Basis. A Fanciful Education. *Economic and Political Weekly*. Vol. 54(37).

Lau, Joyce (2020) Academic Freedom and Covid 19 in China. *Insidehighered.com*. 28th May. https://www.insidehighered.com/news/2020/05/28/china-concerns-grow-about-academic-freedom-and-covid-19.

Lok Sabha (2021) Question List. Session V- 29-01-2021 to 13-02-2021. *Seventeenth Lok Sabha*. http://164.100.24.220/loksabhaquestions/qhindi/173/AS112.pdf. Accessed on 15 May 2021.

Menendian, Stephen, Elsadig Elsheikh & Samir Gambhir (2021) 2020 Inclusiveness Index: Measuring Global Inclusion and Marginality. *Othering & Belonging Institute*. University of California, Berkeley. https://belonging.berkeley.edu/inclusivenessindex.

Ministry of Education (1986) *National Policy on Education*. Delhi: Government of India. https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/npe.pdf.

Mohanty, A K., Panda, M., Skutnabb-Kangas, T. & Phillipson, R (2009) *Multilingual Education for Social Justice: Globalising the Local*. New Delhi: Orient Blackswan.

Myers, Karen A., Jaci Jenkins Lindburg & Danielle M. Nied (2013) *Allies for Inclusion: Disability and Equity in Higher Education*. ASHE Higher Education Report. California: Wiley Periodicals Inc.

Nagarajan, Rema (2014) First Count of Transgenders in Census: 4.9 lakh. *Times of India*. 30th May. https://timesofindia.indiatimes.com/india/First-count-of-third-gender-in-census-4-9-lakh/articleshow/35741613.cms.

National Education Policy (2020) *Ministry of Human Resource Development*. Delhi: Government of India. https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf.

National Herald (2021) Historians and AHA Voice Concern at India's Bid to Curb Academic Freedom. *National Herald*. 6th February. https://www.nationalheraldindia.com/india/historians-and-aha-voice-concern-at-indias-bid-to-curb-academic-freedom.

National Policy for People with Disabilities (2006) *Ministry of Social Justice and Empowerment*. New Delhi: Government of India. http://www.disabilityaffairs.gov.in/upload/uploadfiles/files/National%20Policy.pdf.

Paik, Shailaja (2014) *Dalit Women's Education in Modern India: Double Discrimination*. New York: Routledge.

Pattanayak, D (1981) *Multilingualism and Mother Tongue Education in India*. Delhi: Oxford University Press.

Pisharoty, Sangeeta Boruah (2016) Use of 'Divyang' Is Regressive and Patronising, Say Persons with Disabilities. *The Wire*. 1st March. https://thewire.in/rights/use-of-divyang-is-regressive-and-patronising-say-persons-with-disabilities.

Policy Research Studies (2021) *Demands for Grants 2021–22 Analysis-Education*. Legislative Research. https://prsindia.org/files/budget/budget_parliament/2021/DFG%20Analysis%202021-22%20-%20Education.pdf.

Preston, Alex (2015) The War Against Humanities at Britain's Universities. *The Guardian*. 29th March. https://www.theguardian.com/education/2015/mar/29/war-against-humanities-at-britains-universities.

Rajya Sabha (2020) Parliamentary Standing Committee on Human Resource Development. 313 Report (Demand No. 59) of the Department of Higher Education. *Rajya Sabha Secretariat*. New Delhi: Parliament of India. https://rajyasabha.nic.in/rsnew/Committee_site/Committee_File/ReportFile/16/144/313_2021_1_16.pdf

Sachar Committee Report (2006) *Social, Economic and Educational Status of the Muslim Community of India: A Report. Prime Minister High-level Committee*. Cabinet Secretariat: Government of India. https://www.minorityaffairs.gov.in/sites/default/files/sachar_comm.pdf.

Sengupta, Papia (2016) Revisiting India's Language-in-Education Policy: Need for a Holistic Approach. *Indian Journal of Political Science*. Vol. LXXVII(1): 39–48.

The Wire (2020) Scholars at Risk Report Details Bleak State of Academic Freedom in India. *The Wire*. 25th November. https://thewire.in/education/scholars-at-risk-report-academic-freedom.

Transgender Persons Protection of Rights Act (2019). Ministry of Law and Justice. 5th December. *The Gazette of India*: Government of India.

Trivedi, Divya (2019) The Disabled March for Their Rights. *The Frontline*. 26th November. https://frontline.thehindu.com/dispatches/article30085420.ece!

United Nations Educational and Scientific Cultural Organisation (2009) *UNESCO Atlas of the World's Languages in Danger*. http://www.unesco.org/languages-atlas/.

University Grants Commission (2014) Guidelines for Setting up Centres for Preservation and Promotion of Endangered Languages. *UGC XIIth Plan*. https://www.ugc.ac.in/pdfnews/3124670_centres-fro-preservation.pdf.

University Grants Commission (2018) *Annual Report 2017–2018*. UGC Delhi: India. https://www.ugc.ac.in/pdfnews/5595965_UGC-ANNUAL-REPORT-English-2017-18.pdf.

World Bank (2009) *People with Disabilities in India: From Commitments to Outcomes*. Human Development Unit South Asia Region.

INDEX

A
Alam, Arshad, 68
Aliah University, 76, 77
Amin, Samir, 6
Ananthan, B., 87, 91

B
Bajpai, Rochana, 183
Bamon, T.K., 87, 88
Behl, Natasha, 10
'belongingness', 3, 101, 141
Bhambra, Gurminder, 5
Blacks, 180
Butler, Judith, 139, 145

C
Census of India, 70, 159, 162, 166, 170
The Central Educational Institutions (Reservation in Admission) Act 2006, 158
Cohen, Cathy J., 11
Cummins, J., 92

D
Dawn, Ranjita, 165, 167
Democracy Index, 182
Democracy Report, 182
Deshpande, Satish, 10, 151
Dolmage, Jay Timothy, 168, 169

E
Eaton, Richard M., 69
Eurocentrism, 5, 6

F
Foucault, Michel, 26, 144
Frank, Andre Gunder, 6

G
Geetha, V., 82
Ghai, Anita, 165
Ghosh, Nandini, 164, 165
Giroux, Henry A., 11
Government of India, 17, 35, 70, 78, 98, 108, 166, 183

© The Editor(s) (if applicable) and The Author(s), under exclusive license to Springer Nature Singapore Pte Ltd. 2022

P. Sengupta (ed.), *Critical Sites of Inclusion in India's Higher Education*,
https://doi.org/10.1007/978-981-16-8256-8

Gramsci, Antonio, 10
Guha, Ranajit, 10
Gupta, Nilanjana, 73

H
Henderson, Emily, 138, 139
Hodkinson, Alan, 8
hooks, bell, 130, 139
Howie, Gillian, 138
Human Development Report (HDR), 176

I
Illaiah, Kancha, 82
Inclusiveness Index 2020, 182
Indian Express, 173, 177
intercultural, 3, 90

J
Jaya, A.C.N, 87, 89
Jha, Shefali, 183
John, Mary E., 133

K
Karna, G.N., 168
Kaur, Seerat, 172
Kerry, Carolle, 135
Khanna, Akshay, 137
Kidwai, Saleem, 137
Kumar, Krishna, 138, 151

L
LGBTQIA+, 13, 15, 134–137, 141–144
Lok Sabha, 172

M
Mahajan, Gurpreet, 17
Marcuse, Herbert, 7
Mayavan, L., 90
Menendian, Stephen, 183
Menon, Nivedita, 134
Mignolo, Walter, 6
mob-lynching, 179
Moore, Ashley, 11
Myers, Karen A., 169

N
Nagalia, Shubhra, 138–140
Nagarajan, Rema, 170
Nair, Janaki, 133
Nair, Padmaja, 72, 73
National Council for Educational Research & Training (NCERT), 82, 84–86
National Education Policy (NEP), 16, 17, 140, 151, 170, 174
National Policy for People with Disabilities (NPPD), 165

P
pedagogy, 11, 12, 15, 16, 87, 92, 136, 137, 139, 140, 172, 176
Pinar, W.F., 11

R
Rajya Sabha, 173
Ramanathan, Vaidehi, 82
Raz, Joseph, 9
Riaz, Ali, 68
Rousseau, Jean Jacques, 2, 3
Roy, K., 27

S
Sachar Commission Report, 159
Sen, Amartya, 2, 86
Sengupta, Papia, 11, 12, 16, 150

Shah, Mohammad, 69
Sharma, Satish K., 10
Shukla, Surabhi, 135, 136

T
Tauchert, Ashley, 138
Transgender, 140, 143, 169
Trivedi, Divya, 165

U
United Nations' Vision 2030, 170
University Grants Commission (UGC), 150, 162, 183
UN Sustainable Development Goal, 170

V
Vanita, Ruth, 134, 137
Verma, Vidhu, 17

W
Walsh, E. Catherine, 6
West Bengal, 14, 68–77, 160
World Bank, 6, 166, 167

Y
Young, Iris Marion, 7, 180