

Private universities: Balancing the debate

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PRIVATE universities have suffered sustained criticism over the last few years. While the state of the sector has warranted scrutiny, the criticism has, until now, been quite imbalanced. A recent editorial in a Bangla daily, for example, exhorted that all private universities should operate at an international standard. While this is indeed a laudable goal, the critics are forgetting that this is a young sector where the institutions are not even remotely supported by their government and society in the manner of their international counterparts. Rather than decrying private universities for not living up to unrealistic ideals, it is better to examine the sector, its successes as well as shortcomings, and propose balanced solutions.

The real issues facing this sector may be discussed with reference to four factors: Academics and curricula; funding and fees; campus and facilities; and, founders and governors.

Academics and curricula

Vice-Chancellors may come from a mainly academic background, but in this role their knack for enterprise management will be vastly more important than their scholarly one. This is true worldwide, especially for private universities, and even truer in a condition like ours. The sad truth is that there are few senior academics in Bangladesh who have the requisite managerial ability, because the public universities where they spent most of their working lives did not require them to hone such skills.

So, the government should make it easier for private universities to hire qualified foreigners as VC's. Also, the



18-year experience rule for Pro-VC's should be relaxed, so that dynamic young Bangladeshis with sufficient experience from abroad can come back and step into this role.

In terms of teaching staff, Bangladesh simply does not have enough qualified faculties to staff all the private (or, for that matter public) universities. The government should put in place a plan to graduate potential faculties in greater numbers, including allowing the better private universities to grant MPhil's and PhD's.

In view of this severe talent shortage, a proposed new law to restrict part-time faculties to no more than 20% of total faculties at private universities is also not helpful. In most private American universities, including those dominating the top 20 slots in most reputed global rankings, anywhere from one-third to one-half of all teaching staff, including teach-

ing assistants, are part-timers (called "adjunct").

In the matter of curricula, private universities have actually introduced many positive innovations to tertiary education in this country, which was lacking in public universities. This speaks of the benefits of a diverse tertiary landscape.

The UGC's current system of passing a syllabus, for example, by sending it to an "expert," usually a public university veteran, ties private universities to the whims of individuals with very different views and priorities. This is grossly limiting and unfair to academics in the private universities.

The UGC also forbids even the tiniest changes to a syllabus without their permission. Such draconian and unhelpful rules need to be relaxed and modified to enforceable and meaningful limits. Encouragingly, the new leaders of UGC seem to be

thinking with a more open mind than was ever the case in the recent past.

Funding and fees

Contrary to what most critics would like to believe, even if all the boards of private universities were staffed only with enlightened academics or civil society types, a majority of them would still face quality crunch due to sheer lack of capital (among other reasons).

Private universities usually flourish in an environment of large-scale government, corporate and philanthropic funding, which is quite absent in our culture. This leaves these fledgling institutions no choice but to rely on tuition fees.

There is a great deal of wailing about the alleged high fees of private universities. The real cost per student for a four-year degree at our public universities (based on posted budget and market value of assets) is actually no less than that of the better private universities. If the government paid the private universities equivalent subsidies, they too could then offer proportionately reduced fees.

Also, strikingly, a majority of them charge much less than most private English medium schools on a monthly basis. In light of these facts, the allegation of high fees seems to be either misinformed or populist pandering.

The government is in the right to demand that all private universities be run as non-profit institutions, meaning producing no personal gains for its governors or any other members. The UGC has smartly asked for audited financial reports from now on. But, to insist that these institutions be non-profit and, at the same time, to impose tax on them is frankly a preposterous contradiction.

Nowhere in the world do non-profits pay taxes. Why, in this country alone, must we have to make cases long settled globally? An immediate repeal of this policy is vital to the long-term viability of this sector.

Campus and facilities

A frequent criticism of private universities is that none of them has managed to move to a permanent five acre campus stipulated by the law. From a legal point of view, most of them are in breach of the rule, and the UGC was right to show-cause them recently. The UGC, and even higher authorities, would do better to review the very wisdom of the law.

I studied for seven years at New York University during my doctoral work. NYU is a private university with an endowment in the billions of dollars – yes, billion, not million! – and an enrollment of 30,000 students, the majority of them undergraduates. Yet, NYU has no green campus nor any playing fields of its own, and certainly not in the city. Located as it is in the heart of a metropolis such as Manhattan, how can it?

NYU's campus consists of dozens of buildings of varying sizes, mostly not built for this purpose, scattered over many city blocks, and jostles with commercial and residential operations on commercial and semi-residential streets. This kind of set up is not only true for NYU, but also for a majority of the modern universities in the major metropolises of the world.

No one in those cities or countries claims that these institutions are cheating their students for lack of a green campus. The five acre rule is also illogical on other counts. Why a fixed five acre requirement?

Within a few years the biggest universities in this sector will come to enroll 20-30,000 students, while a

few will strategically restrict themselves to 2-3,000. Does it make sense for both types of universities to have a five acre campus? It would make more sense to have square footage ratio requirement. Private universities should be allowed 15 years to develop a one acre campus in the capital, two acres elsewhere.

Meantime, commercial buildings with adequate parking in the city should be acceptable as campus buildings, as they are all over the world. The campus buildings should, however, be required to be custom-designed and dedicated, meaning not shared with other types of operations.

The funds required to build a five acre campus, especially within the first five years, will actually be an utter waste of valuable resources in our context. It would be far better to adopt some realistic and graduated campus requirements and actually enforce them, and to use the saved resources to build up other facilities library, labs, IT, faculty training, etc.

Founders and governors

Reports portray the governors of private universities as villains, who are supposedly singularly responsible for all the ailments of this sector. Never mind that without their hard earned seed money, even the best in this sector would never come into existence at all.

Obliviousness to the saliency of this point stems in great part from the fundamental anti-investor mindset of our society. Admittedly, a great many of them lack proper understanding of how to run such institutions. But, many who started out in this vein have already corrected their attitudes, and most others would probably do the same under a proper

regulatory and competitive environment.

Whatever the shortcomings of the governors in this early stage of growth and learning, to think that the sector can do without them is naively willful, yet we are about to promulgate laws intended to do precisely that. Out of the 25 seats in the proposed Accreditation Council, allocations have been made for all manners of stakeholders, including outsiders, but not a single one for governors.

Can anyone conceive of another sector where, in this age of participatory governance, a critical stakeholder can be so egregiously shut out? The government should review this provision immediately, and make room for at least three governors at this table of 25.

Another law mandates that vice-chancellors be heads not only of academic councils but also of governing councils. This may be the single most misguided new law. Even VC's need to be answerable to someone.

If they head the Governing Council, then whom would they report or answer to? Governing boards or councils in most international universities, like in the US and UK, are headed by a non-academic trustee (indeed, often a businessman in America), and the VC (or, the president in America) answers to this board. Making VC's the head of both councils completely removes this structure of checks and balances.

I was recently at a round table discussion in which a renowned public university faculty was lamenting the lack of accountability among public university professors, and praising the opposite scenario in most private universities. Effectively, he attested to the fact that academics

in our culture have not been able at all in holding each other accountable. The non-academic boards at private universities, despite their heavy handedness at times, can serve critical balancing functions.

Nothing can be more damaging for our fledgling private university sector than laws that try to recreate them in the image of our dysfunctional public universities. Governors and academics are not an either/or option for this sector.

The law must encourage and allow them both to play their due roles, and not try to remove one from the picture altogether. The government must re-think its attitude toward critical stakeholders like the founders and governors, and (re)engage with them in a more positive manner.

There is absolutely no alternative to a more balanced dialogue, one that is fully informed, both of global standards and trends and also of local constraints. The government is best positioned to lead a dialogue among all critical stakeholders.

The media, too, can take up more informed reporting, instead of only trying to scapegoat an identified target. The sector is too important and too full of promise to be sacrificed to momentary or partisan hysteria.

The government, more than anyone else, must be careful not to give excessive credence to the criticisms of the false friends of this sector, but reach out to all the real stakeholders who can ultimately determine its fate.

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Mercy, forgiveness and honour

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AS a judge and magistrate I was trained not to prejudice any event. I have tried to live up to that basic training till now. But I see and hear prejudgements of all varieties. Those who make them must be bold and special individuals. I am but an ordinary mortal.

During the liberation war of Bangladesh the then prime minister, Mr. Tajuddin Ahmed, for whom I have always had the highest respect and admiration, once narrated an incident relating to a war in the southern region (Deccan) of India which was ruled by a Muslim lady. When her soldiers and advisers, facing imminent defeat at the hands of an invading army, advised her to negotiate for peace, she had replied: "Better death than infamy!" Mr. Ahmed added that, since then, this has become a quote for those who are honourable people who do not rush for compromises at the first

available opportunity.

I was reminded of this recently. A heavyweight political leader, who was the secretary general of his party, minister, MP, etc., reportedly asked for mercy from the state authorities, citing poor health and the alleged misdemeanour of his party boss.

He obviously chose not to follow the course of the dowager queen of Bijapore, Chand Sultana, referred to by Mr. Tajuddin Ahmed. Well, everybody makes his own choice. The person in question, who is now in custody on charges of corruption, misconduct and abuse of power, is no ordinary mortal. He had earlier, before 1/11, thundered that he would topple the elected government within a given timeframe.

Ultimately, that turned out to be empty boasting, but many innocent people lost their lives in the confrontations and violence following this empty threat. Through unethical manipulations and bland sycop-

hancy, he had marginalised the top leadership of his party who were honourable and competent politicians in their own right, among the founding fathers of Bangladesh.

But now he seems like a straw man all dust and begging for mercy/forgiveness from the relevant authority citing his innocence, like a school kid, and blaming his leader. We have to go back to history again.

After the end of the Second World War, at the Nuremberg trials, the Nazi accused generals, their quislings and abettors all pleaded not guilty, citing the orders of the Fuhrer to justify their heinous and abominable crimes. None was spared by the tribunal which decreed: "Illegal and immoral orders are not to be obeyed. If one disagrees, he meets the same fate as the original criminal."

This milestone verdict has stood the test of time, and is followed in all civilised countries as a basic guidepost in criminal justice. I will get back

to our subject presently, but there is something else I want to mention in this connexion.

In 1969, I was a member of a military tribunal set up under Martial Law in the district of Hyderabad in Pakistan. The tribunal was headed by a colonel, and the other member was a major. Having been trained in law under the British and Greco-Roman systems, I always presumed that the accused persons were innocent, and that the prosecution had to prove their guilt beyond all reasonable doubt. But my other two colleagues nearly always found the accused guilty on presumption of guilt, like in the French criminal justice system.

The colonel often displayed displeasure at my notes of dissent. He once told me: "You have a grey pen. Say yes, sometimes, even if for the sake of change." The colonel also explained to me the difference between a court of law and a court of justice.

According to him, the normal courts are courts of law in which the process is more important than the determination of guilt. The witnesses, the evidence, circumstantial evidence, motives, alibi etc. get a lot of weightage in the final determination of guilt/innocence.

In military courts, which he termed courts of justice, the end justifies the means, which are not so important according to the colonel. The guilty must be punished that was the only objective for setting up such courts. I have no disagreement with the objectives, but how to make sure that an innocent person is not being framed in a society which is full of imperfections, lies and deceptions? But I respected the colonel.

After a while I decided to quit, and we parted as friends. But I have thought about the episode for many years, and now I believe that the court, whether of law or justice, will find the truth eventually. Hence, there is no need to panic or make

pre-emptive moves like the person under discussion here seems to have done. He should also have remembered the Nuremberg trials.

Now to get back to the individual who is seeking mercy, citing the wrong reasons. I would consider him a person of no account, thoroughly immoral, disloyal, opportunistic and self seeking, a man completely lacking in dignity and honour, who had never had any lessons in basic ethics; who does not even understand the real meaning of mercy and forgiveness. Someone like Usman Soomro of Sind, for example. To blame one's leader of failure, inadequacy, impropriety, or corruption is extremely childish and mischievous behaviour, in addition to being totally unethical.

Great individuals like Mahatma Gandhi, Nelson Mandela, Mother Teresa, Rigoberta Menchu Tum et al, would ask for mercy and forgiveness for the fallen ones, for the sick and the maimed. They would never

blame another person for their own omissions or commissions. They would take full responsibility for their own actions. Hence, they are such great global role models.

The person I am discussing here would have done well to take a leaf or two from their diaries before bringing himself to such pathetic, abysmal depths of human decadence. It also shows that he has no faith in our justice system (courts of law/justice as the case may be) or in his own innocence. A lot of people have been interned recently. They are important individuals. They were ministers, law makers, business leaders, elite, public officials, municipal officials, ordinary citizens et al.

I never make any comments on matters which are under trial or subjudice. And I will make none here either. But, I must say that the mercy plea of Mr. N (let us call him that for the sake of keeping the discussion objective) is not only bizarre, in bad

taste, and poorly drafted, but also self-defeating.

He has lost more friends and gained nothing as a result. He has also failed to truly malign his leader for whom respect and sympathy must have gone up across the board.

My teacher, Mr. Ashutosh Mukhopadhyaya, of Graduates' High English School in Dhaka, had advised me in 1957 to have mercy and forgiveness for the fallen ones. I do not want to term Mr. N a fallen one yet, but I do have prayers for him. Only, no respect. Heights of greatness are scaled only by the truly great, and not mere pretenders and apologists.

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Nuclear friends in need

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THE continuing uncertainty over the implementation of the historic civil-nuclear cooperation agreement between India and the US casts a pall over a fledgling strategic relationship between the world's two largest democracies. It was India's nuclear weapons test in 1998 that thrust India into the US strategic agenda and started a dialogue that has blossomed into a closer relationship. It would be ironic if disagreement over the implementation of the treaty now set back relations.

Since the early 1990s, the center of gravity in US foreign and security policy shifted from Europe to Asia, especially with the rise of Chinese power. The values-based partnership between India and the US is derived from the increasing importance of Asia and a convergence of interests that took shape in the decade after the collapse of the Soviet Union.

India's world-view after it became independent in 1947 was shaped by its anti-colonial history, nonalignment between the world's two major blocs, determination to remain preeminent in its immediate neighborhood, and poverty, which in practice limited India's international impact.

India today sees itself as a major regional power on its way to becoming a major world power and the US as the key external friend who can help it realise its global ambitions. Economic expansion India's trade and investment and securing its

energy supplies has become a major driver of its foreign policy. Over the past 15 years, the change in both tone and substance of US-India relations has been revolutionary.

Once India and the US internalised the significance of the end of the Cold War, both sides set about building a bilateral infrastructure for a working partnership in a changed world, largely built on the economic foundations of trade and foreign direct investment: Two-way trade rose from \$11.6 billion in 2001 to \$27 billion in 2005. Foreign direct investment rose from \$1.7 billion in 2000 to \$6.6 billion in 2005.

With such common interests, it is a priority for both the US and India that Asia develop in peace and that no single power dominate the continent. Though this argument is seldom articulated by either government, India and the US have quietly worked to integrate Asia politically and economically.

Both obviously think of China in this context, but neither is interested in creating an anti-Chinese alliance: For both, the objective is to encourage peaceful relations between China and the rest of the region.

Historically, the US and India had radically different perspectives on security. The US opposed India's nuclear policy, especially after the 1998 test of an explicitly military nuclear device. India saw the Indian Ocean as its own "security space," and looked with a jaundiced eye on other powers, including the US, maintaining a regular military pres-

ence there.

Ironically, the nuclear test provided the occasion for India and the US to have their first serious discussion about respective strategic perspectives and what would make the world a safer place. This dialogue ultimately did not change either country's fundamental approach to nuclear proliferation. But it did lead the US to accept that it must deal with India as a nuclear power.

It also led both countries to recognize a common interest in preventing the spread of nuclear-weapons technology. The test set the stage for changes during the 21st century: the simplification of US procedures for exports of non-nuclear high technology that India wanted to buy and the agreement making possible India-US civil-nuclear cooperation, which had been off limits for nearly 30 years. The US Congress passed legislation authorising the agreement, and the understanding now makes its way through a multi-layered implementation process.

This agreement has caused heartburn both in the US and India and, if implemented, will lead to major adjustments in the nonproliferation institutions that the US painstakingly built over the last 40 years.

Still, the agreement should be supported for two reasons: First, removing India from the list of "nuclear outlaws" is an essential step in securing India's energetic participation in preventing the spread of nuclear-weapons technology.

Second, the US could not have developed a real partnership with



India one that could stabilise Asia and strengthen the region's democratic orientation without breaking the nuclear taboo.

Indian objections to the nuclear agreement stem from political oppo-

sition of "left parties," allied with the government but historically suspicious of the US, as well as the nuclear-power establishment, who reject any constraints on India's freedom of action on the nuclear

front.

Ironically, one of the strong foundations of the US-India partnership their adherence to a democratic system also brought complications, none clearer than in

the implementation process of the nuclear agreement. Neither nation understands the workings of the other's institutions particularly well.

The US is caught off balance by vehement debate in India's parliament. The separation of powers under the US Constitution, not to speak of the dynamics of divided government, is equally mysterious to Indian politicians.

There was ample opportunity to observe this when Congress considered the nuclear legislation: The Indian government and India's op-ed writers grappled with the fact that a Republican president could not simply invoke parliamentary discipline and convince congressional Republicans to pass the legislation as the White House wanted it written.

Both nations have different views about how their common democratic heritage should affect foreign policy. For Americans, it is natural to want to advance democracy. For India, however, democracy is not necessarily a product suitable for export.

Democratic institutions are a source of great pride, deeply ingrained in how Indian government, politics and society work, yet one aspect of India's anti-colonial history that remains strong is its passionate commitment to maintaining and respecting national sovereignty. India not only resists external interference, but is reluctant to make a public issue of other countries' systems of government.

Still, after decades of little common ground on security issues, India and the US have begun to

develop military-to-military relations that are routine with other countries. They signed framework agreements on defense relations in 1995 and 2005.

They regularly carry out military exercises of increasing complexity. India's military-supply arrangements are also shifting: Israel is now its second largest foreign supplier, and US suppliers bid to supply combat aircraft and other major military systems.

The US and India have plenty of work to do expanding trade and ensuring security cooperation, as well as implementing agreements on high-technology and civil-nuclear cooperation.

Both nations need to develop the institutions to integrate Asia and the world. Candid dialogue is needed as both deal with a rising China, diplomacy with Pakistan and challenges posed by Iran. Differences in knee-jerk reactions demand extra effort from both countries to understand each other's sensitivities.

Meanwhile, the two societies are likely to become increasingly interconnected, with more business ties and student exchanges. This connectedness and a common commitment to democracy will become a force multiplier. This may not create foreign policy, but makes the climate in which policy is made.

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