

ISSN: 2582-6433



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed 6th Edition

VOLUME 2 ISSUE 7

www.ijlra.com

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Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration.10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



methodology and teaching and learning.

Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research

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INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

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RIGHT TO EDUCATION AS A FUNDAMENTAL RIGHT

AUTHORED BY - ISHU RAJ

INTRODUCTION

According to the projection of the United Nations Population Division, currently young people between ages 15-24 constitute 18 percent of world's population at 1.1 billion and the world is very close to reach the peak of historically highest youth population (Lam, 2007). These young people, across the globe, especially in developing countries, where the population density and growth is also highest, face unprecedented challenges in their capacity to access public resources and family resources, stemmed from waves of cultural and economic globalization. Most critical issues for youth development are poverty, health practices, gender biases, education, employment, social responsibilities and good citizenship, juvenile delinquency etc (World Youth Report, 2003). Demand of skilled workers in the knowledge economy has created hindrance for a large portion of world youth, especially in developing countries, where higher education system has not been able to realize sufficient 'value addition' in terms of enhancing the employability in the new age labor market. Noteworthy point is that, today's youth find themselves in an era, where for the first time in the modern civilization, purely economic value of higher education has reached an unprecedented proportion. According to UNESCO, "higher education is no longer a luxury; it is essential to national, social and economic development". Educational reforms, therefore, are more intrinsically tied up with and can have stronger influence on the youth employment opportunities than ever before. Even more pertinent issue is that, while numbers and analyses show that the standard and accessibility of elementary and primary education have improved for most of the developing countries for the last two decades yet that success story has not led to a consequential fruition, as expected from a complete education, in terms of enhancing the employment opportunity or poverty reduction through self-reliance for today's youth. The complex inter-relation between educational policies, pedagogical methodologies and job/labor market dynamics, therefore, presents us with many interesting facets, which are worth analyzing for identifying decisive pathways for the development of today's youth, who are going to be the primary labor force of tomorrow's world.

RIGHT TO HIGHER EDUCATION:

Although the right to primary education enjoys broad recognition in human rights law, the human right to higher education is not as fully recognized. There has still been a debate on whether entering higher education is a luxury or a right in society.

On the one hand, higher education remaining as a paid service facilitates the learning experience of the students. Initially, students attending private institutions gain a great access to a wide variety of learning facilities and unique learning experience. Since these universities are fully funded by tuition and extra fees, they offer excellent facilities and resources to support students' learning process. From well-equipped classrooms, multiple sport facilities to even field trips, they are all at the students' disposal. Therefore, inspiring individuals stand a high chance of discovering their interests, strengths and weaknesses; as well as enriching their hand-on experience and soft skills. Furthermore, private colleges' professors are also more dedicated and passionate, in comparison to their counterparts in the public universities. The large sum of tuition attracts highly qualified professors with a high level of knowledge and degrees; who will not only bring significant motivations to engage young learners, but also build tight-knit relationships with them. In fact, according to a Fraser Institute study in 2007, professors working in private universities are more passionate and dedicated to their students¹.

On the other hand, despite the above-mentioned benefits of private institutions, I still reckon that the right to higher education is an integral part of the right to education. Firstly, only by recognizing higher education as a human right, will poor students with intellectual capacity and ability have an opportunity to attend advanced education. It has been reported by the Washington Post in 2018 that costs at many universities for bachelor and master are estimated to be between \$50,000 and \$70,000 a year, while the median household income is only \$59,039, indicating the luxury of accessing higher education. As a result, many potential students are deprived of opportunities to enter universities and colleges due to such exorbitant payments; thus, losing chances of brightening their prospects. The action of providing higher education as a human right does social justice to every inspiring individual who enjoys advanced education regardless of economic backgrounds. Additionally, this law adjustment provides nations with a higher quality labor force. It is the support from the government that

¹ Prasad, M. (2005). Autonomy and Commercialization of Higher Education. *Social Scientist*, 33(11/12), November-December, 43-48.

helps increase the number of people participating in advanced education and training, who are believed to become a part of the skilled workforce generating a considerable level of productivity; hence, boosting the nations' overall economy. In conclusion, I believe that although charging higher education creates a better educational environment for the privileged, the recognition of higher education as a human right still brings greater benefits in terms of doing social justice to the poor and training a larger number of skillful workforces².

CHALLENGES OF PRESENT HIGHER EDUCATIONAL SYSTEM IN INDIA

Since we have got independence, we are facing challenges to establish a great and strong education system. Various governments came and gone. Off course they tried to establish new education policies in the system, but this is very sad to dictate that they were not sufficient for our country. Still we are facing a lot of problems and challenges in our Education System . India recognises that the new global scenario poses unprecedented challenges for the higher education system. The University Grants Commission has appropriately stated that a whole range of skills will be demanded from the graduates of humanities, social sciences, natural sciences and commerce, as well as from the various professional disciplines such as agriculture, law, management, medicine or engineering.

India can no longer continue the model of general education as it has been persisting in for the large bulk of the student population. Rather, it requires a major investment to make hum an resource productive by coupling the older general disciplines of humanities, social sciences, natural sciences and commerce to their applications in the new economy and having adequate field based experience to enhance knowledge with skills and develop appropriate attitudes³.

Responding to these emerging needs, the UGC stated: "The University has a crucial role to play in promoting social change. It must make an impact on the community if it is to retain its legitimacy and gain public support". It seeks to do so by a new emphasis on com m unity-based program m es and work on social issues. Concepts of access, equity, relevance, and quality can

² Hauptman, A.M. (2002). Measuring Market Reliance and Privatization. *International Higher Education*, 27, Spring, 10-11.

³ Gupta, A. (2004). Divided Government and Private Higher Education Growth in India. *International Higher Education*, 35, Spring, 13-14.

be operationalised only if the system is both effective and efficient. Hence, the management of higher education and the total networking of the system has become an important issue for effective management. The shift can occur only through a system is approach to change as also the development of its human resource, and networking the system through information and communication technology.

There are many basic problems facing higher education in India today. These include in adequate infrastructure and facilities, large vacancies in faculty positions and poor faculty thereof, low student enrolment rate, outmoded teaching methods, declining research standards, unmotivated students, overcrowded classrooms and widespread geographic, income, gender, and ethnic imbalances. Apart from concerns relating to deteriorating standards, there is reported exploitation of students by many private providers. Ensuring equitable access to quality higher education for students coming from poor families is a major challenge. Students from poor background are put to further disadvantage since they are not academically prepared to crack highly competitive entrance examinations that have bias towards urban elite and rich students having access to private tuitions and coaching. Education in basic sciences and subjects that are not market friendly has suffered.

Research in higher education institutions is at its lowest ebb. There is inadequate and diminishing financial support for higher education from the government and from society. Many colleges established in rural areas are non-viable, are under-enrolled and have extremely poor infrastructure and facilities with just a few teachers. A series of judicial interventions over the last two decades and knee-jerk reaction of the government – both at the centre and state level and the regulatory bodies without proper understanding of the emerging market structure of higher education in India has further added confusion to the higher education landscape in the country. There is an absence of a well-informed reform agenda for higher education in the country. A few efforts made now, and then are not rooted in the new global realities based on competition and increased mobility of students and workforce⁴.

Time to time system influenced with new challenges and government taken a major role to build the system. But there are many challenges always faced by the government. Some of the

⁴ Washer, P. (2007). Revisiting Key Skills: A Practical Framework for Higher Education. *Quality in Higher Education*, 13(1), April, 57-67.

leading challenges before the higher education system are continuous upgradation of curriculum to keep in pace with rapid growth of science and technology; globalisation and the resultant challenges from the international universities; grooming of many private institutions without any method of ensuring maintenance of quality and standard; need for adequate funding to meet the demands of various novel innovative programmes; developing a meaningful and purposeful inter-face between the universities, National Research Laboratories, industries, government and society, etc. ICT in higher education policy may not be able to completely overcome all these challenges though it may play a role in information and resource sharing.

There are so many people in various parts of the country which are still out of reach. This is when we have emphasized more on our education programs and made our system reachable to all areas. The government has to rethink these areas to implement more policies. Money also plays a vital role for the education system which needs to be unique for all globally recognized syllabus and curricula. Take a look at our constitution which says that this is the responsibility of central and state government to build good education system. For that we need to have funds⁵. But despite there was a large expenditure on the funds every year on Education where the fund goes and our system remains intact.

Central government prepares policies and plans while responsibility of State government is run those policies on ground. The standard education facilities are higher in the states which are much richer. There is a need to change such defects from the country's education system which only can be influenced by increasing funding and providing better facilities to students. But we know there is always an increase in the funds for the education system but never implemented in that area. So we have to work in this area. The government tries to make different policies which are implemented but quality is never checked. The majority of the funds goes in the pockets of officials working for this. There is a vast need to improve the quality and standards.

The time now is to modernize our education system so that our country can get much more technically graduated people which can help our country to developed state. Today's youth always try to go foreign for their higher education as they have much better facilities and quality of their system . Can't we get that quality here itself? We must stop this brain drainage

⁵ ibid

so as avoid students to run away from country. Our governments are trying for various challenges faced but no one is doing well for that. Government came and goes but system remains intact⁶.

Higher education is extremely diverse, and the challenges and issues faced by higher education institutions are just as diverse. The process of education is not merely digesting books. It is also about doing several co-curricular and extra-curricular activities that give a broader meaning to life in general and education in particular. I believe that opportunities for such holistic development are not enough in India. Facilities for the same are lacking or not easily accessible in India. Even where facilities exist, there is a lack of information about the same⁷.

There is a lack of universities and institutes for education, but one most important fact is that the quality of education is absent in higher education. There are very few teachers, and their knowledge is very insufficient. Most of the teachers are making money with tuition. I have seen many places where their tuitions. The teachers do not have proper knowledge of the subject and resources to student community are very poor. Students do not have any student-ship ethics, they just want marks in the subject and they study only to grab jobs. There is no creativity in students. Our top-class students are hard worker but not innovative. They are not capable enough to produce new technology. There is a great need to revolution in higher education. These are just some challenges which should cover all the aspect in the present scenario of education, and we have to implement hard on them.

SUGGESTIONS FOR IMPROVING QUALITY OF HIGHER EDUCATION.

There are some suggestions and Expectations from Government, Industry, Educational Institutions, Parents and Students for improving quality of higher education⁸

1. Towards a Learning Society- As we move towards a learning society, every human activity will require contributions from experts, and this will place the entire sector of higher

⁶ Couturier, L. (2002). Humanizing the Spectre of the Market. *International Higher Education*, 27, Spring, 11-13.

⁷ *ibid*

⁸ Gupta, A. (2004). Divided Government and Private Higher Education Growth in India. *International Higher Education*, 35, Spring, 33-64.

education in sharp focus. Although the priorities, which are being assigned today to the task of Education for All, will continue to be preponderant, the country will have to prepare itself to invest more and more on higher education and, simultaneously, measures will have to be taken to refine, diversify and upgrade higher education and research programmes.

2. Industry and Academia Connection- Industry and Academia connect necessary to ensure curriculum and skills in line with requirements. Skill building is really very crucial to ensure employability of academia to understand and make sure good jobs (keeping in view knowledge + skills+ global professional skills good jobs).

3. Incentives to Teachers and Researchers- Industry and students are expecting specialized courses to be offered so that they get the latest and best in education and they are also industry ready and employable. Vocational and Diploma courses need to be made more attractive to facilitate specialized programs being offered to students. Incentives should be provided to teachers and researchers to make these professions more attractive for the younger generation.

4. Innovative Practices- The new technologies offer vast opportunities for progress in all walks of life. It offers opportunities for economic growth, improved health, better service delivery, improved learning and socio-cultural advances. Though efforts are required to improve the country's innovative capacity, yet the efforts should be to build on the existing strengths in light of new understanding of the research innovation-growth linkage.

5. To mobilize resources- The decline in public funding in the last two plan periods has resulted in serious effects on standards due to increasing costs on non-salary items and emoluments of staff, on the one hand, and declining resources, on the other. Effective measures will have to be adopted to mobilize resources for higher education. There is also a need to relate the fee structure to the student's capacity to pay for the cost. So that students at lower economic levels can be given highly subsidised and fully subsidised education.

6. Coming of Information Age- The world is entering into an Information Age and developments in communication, information and technology will open up new and cost effective approaches for providing the reach of higher education to the youth as well as to those

who need continuing education for meeting the demands of explosion of information, fast changing nature of occupations, and lifelong education. Knowledge, which is at the heart of higher education, is a crucial resource in the development of political democracy, the struggle for social justice and progress towards individual enlightenment.

7. Student- Centered Education and Dynamic Methods- Methods of higher education also have to be appropriate to the needs of learning to learn, learning to do, learning to be and learning to become. Student-centered education and employment of dynamic methods of education will require from teachers new attitudes and new skills. Methods of teaching through lectures will have to be subordinate to the methods that will lay stress on self-study, personal consultation between teachers and pupils, and dynamic sessions of seminars and workshops. Methods of distance education will have to be employed on a vast scale.

8. Public Private Partnership- PPP is most essential to bring in quality in the higher education system. Governments can ensure PPP through an appropriate policy. University Grants Commission and Ministry of HRD should play a major role in developing a purposeful interface between the Universities, Industries and National Research Laboratories (NRLs) as a step towards PPP. Funding to NRLs by the government should ensure the involvement of institutions of higher education engaged in research activities to facilitate availability of latest sophisticated equipment. There has been some effort both by the government and the private education institutions to develop the teaching staff at various levels. However, this needs to be intensified with appropriate attention to all the aspects related in order to prepare a quality and sufficient number of educational staff. Such efforts need a very serious structuring for the research base institutions. We have to be optimistic that private-public partnership and the Industry interface will take place in the field of education at all levels, and particularly in the backward regions, which is the need of the hour. To achieve excellence, we thus need to create a real partnership between government, educators and industry— Partnerships that can provide our high- tech industries with skilled workers who meet the standards of their industry.

9. To Provide Need Based Job- Orient ed Courses- All round development of personality is the purpose of education. But the present-day education is neither imparting true knowledge of life and nor improving the talent of a student by which one can achieve laurels in the field one is interested. So, combination of arts subjects and computer science and science

and humanities or literature should be introduced so that such courses could be useful for the students to do jobs after recruitment in some companies which would reduce unnecessary rush to higher education. The programmed must be focused on graduate studies and research and developing strategies and mechanism s for the rapid and efficient transfer of knowledge and for its application to specific national and local conditions and needs. Meritorious doctoral students should be recognized through teaching assistantships with stipends over and above the research fellowships. Finally, based on knowledge only vision of the future life and work can be had; based on this vision only a broad ambition can be fixed for oneself; and based on this ambition only one can lead interesting life doing satisfying job to do remarkable achievements in some field in the world.

10. International Cooperation- Universities in India have been a primary conduit for the advancement and transmission of knowledge through traditional functions such as research, innovation, teaching, human resource development, and continuing education. International cooperation is gaining importance as yet another function. With the increased development of transport and communication, the global village is witnessing a growing emphasis on international cooperation and action to find satisfactory solutions to problem s that have global dimensions and higher education is one of them.

11. Towards a New vision- India realizes, like other nations of the world, that humanity stands today at the head of a new age of a large synthesis of knowledge, and that the East and the West have to collaborate in bringing about concerted action for universal upliftment, and lasting peace and unity. In this new age, great cultural achievements of the past have to be recovered and enriched in the context of the contemporary advancement so that humanity can successfully meet the evolutionary and revolutionary challenges and bring about a new type of humanity and society marked by integrated powers of physical, emotional, dynamic, intellectual, ethical, aesthetic and spiritual potentialities.

12. Quality development- Quality depends on its all functions and activities: teaching and academic programs, research and scholarship, staffing, students, building, facilities, equipments, services to the community and the academic environment. It also requires that higher education should be characterized by its international dimensions: exchange of knowledge, interactive networking, mobility of teachers and students and international

research projects, while considering the national cultural values and circumstances. The level of education and knowledge being imparted by many colleges...is not up to the mark. Instead of concentrating on quantity, these institutions should concentrate on quality. The approach of doctoral research in social sciences needs to be more analytical and comparative and be related to society, policy, and economy. A study conducted on Social Science Research Capacity in South Asia (2002) showed that the share of the Indian universities in the special articles published in the Economic and Political Weekly was only about a 25 percent. This too was dominated by only three universities, namely Jawaharlal Nehru University, University of Mumbai & University of Delhi.

13. World Class Education- Indian government is not giving priority to the development of Standard in education. India should aspire for the international standard in education. Many national universities like in the USA, UK, Australia, etc. allow studies in higher education for foreign students in their countries and through correspondence courses as well. In the same way India Universities of world class education can also offer courses of studies to foreign students taking advantage of the globalization process. To achieve that goal, it should adopt uniform international syllabus in its educational institutions.

14. Personality Development- Finally, education should be for the flowering of personality but not for the suppression of creativity or natural skill. In the globalized world opportunities for educated people are naturally ample in scope. As a result, business process outsourcing (BPO) activities have increased competition in the world trade leading towards the production of quality goods and their easy availability everywhere in the world market. That is the way the world can be developed for peace, prosperity and progress by able and skillful men.

15. To increase Quantity of Universities- We need more universities because we are more in number, and the present number of universities is too less. On 13th June 2005 Government of India constituted a high-level advisory body known as National Knowledge Commission (NKC) to advise the PM about the state of education in India and measures needed to reform this sector. It was headed by Sam Pitroda and submitted its report in November 2007. NKC has recommended setting up 1500 universities by 2015 so that gross enrollment ratio increases to 15 percent. It has also called for establishing an Independent Regulatory

Authority for Higher Education (I RAHE) to monitor the quality of overall higher education in India.

16. Examination Reforms- Examination reforms, gradually shifting from the terminal, annual and semester examinations to regular and continuous assessment of student's performance in learning should be implemented.

VARIOUS STEPS TAKEN BY GOVERNMENT

Enhanced focus on entrepreneurial, communication, and inter-personnel skill development⁹: Emphasis on essential behavioral, communication, and entrepreneurial skills in classroom education is almost missing in India while these 'soft skills' continue to get the highest priority on the list of employers. And undoubtedly, acquirement of these skills helps an individual not only in the job sector but also to be successful in social interactions and to practice good citizenship. Simple but highly effective measures could be:

- a) teaching students about basic economic principles, constitutional laws, and social decrees and encouraging them to question the validity and applicability of the same,
- b) training young students in interpersonal communication through idea presentation, group discussion on their favorite topic, group-based simple project demonstration, group and personal essay contests, etc.,
- c) encouraging and rewarding students for independent thinking and problem-solving attitude and discouraging rote-learning tendency.

Increased public spending on informal, distance, and vocational education¹⁰: For empowering youth from economically, socially or logistically disadvantaged areas or families (who has a high likelihood of being unable to avail formal education), greater emphasis on informal education should be placed. Distance education (in the form of E-learning, postal correspondence courses) can be a useful tool to educate youth in remote rural locations. Polytechnic institutes and craftsman training centers should be set up in greater numbers and existing ones should be upgraded with requisite material support. Recently, a study by National

⁹ Chattopadhyay, S. (2009). The Market in Higher Education: Concern for Equity and Quality. *Economic and Political Weekly*, 44(20), July, 18, 53-61.

¹⁰ *ibid*

Council for Applied Economic Research (Shukla, 2006) found that television is an overwhelmingly important source of information for Indian youth (and also for adults). This powerful and ubiquitous media can be utilized to create an information network which educate youth about career opportunities and modalities (for example information about public service job examinations, educational loan, self- financed small business initiative loan, basic usage of computers and electronic media and accessories, etc.)

Integrated counseling, evaluation, and career guidance initiatives¹¹: Public or private institutes alike, the necessity of proper guidance to the student for helping him/her choosing right career need not be over-emphasized. This process should begin at the pre-selection phase of a professional course and should continue throughout. The young mind, which is being educated, has a right to know the purpose of that very education in a practical world scenario and counseling could be that window through which he/she sees the educational exercise in its fuller perspective. This practice can be implemented in an integrated framework, involving multiple institutions to set up an umbrella body for advising students on multidisciplinary career perspectives. In a deregulated academia, this integrated approach can be all the more effective to help discrete centers of education and learning to contribute in a holistic manner to the greater cause of youth development. Integrated evaluation process (for example a common skill test across the country in a particular field leading to a certification) will help immensely the discrete bodies of the deregulated academia to self-evaluate their quality of instruction. Standardization of universal evaluation method will also give much confidence to the industrial employer in hiring a young graduate.

¹¹ Chattopadhyay, S. (2009). The Market in Higher Education: Concern for Equity and Quality. *Economic and Political Weekly*, 44(20), July, 18, 73-81.

CONCLUSION AND SUGGESTION

In conclusion, I believe that although charging higher education creates a better educational environment for the privileged, the recognition of higher education as a human right still brings greater benefits in terms of doing social justice to the poor and training a larger number of skillful workforces.

After independence, there has been tremendous increase in institutions of higher learning in all disciplines. But with quantitative growth has it been able to attend to the core issue of quality. India is today one of the fastest developing countries of the world with the annual growth rate going above 9%. In order to sustain that rate of growth, there is need to increase the number of institutes and also the quality of higher education in India. To reach and achieve the future requirements there is an urgent need to relook at the Financial Resources, Access and Equity, Quality Standards, Relevance and at the end the Responsiveness

According to Prime Minister of India Dr. Manmohan Singh 'The time has come to create a second wave of institution building and of excellence in the fields of education, research and capability building'. We need an educational system that is modern, liberal and can adapt to the changing needs of a changing society, a changing economy and a changing world. The thrust of public policy for higher education in India must be to address these challenges. However, one university can't make much difference. If the government welcomes more such initiatives, the future will be ours. We will be able to match and compete with other countries and the dream of being the world's greatest economy won't be difficult to achieve.