ACADEMIC FREEDOM, INSTITUTIONAL AUTONOMY AND INSTITUTIONALISING ACCOUNTABILITY: A REFLECTION ON THE NATIONAL EDUCATION POLICY 2020

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Abstract

A series of reforms have been mooted in the National Education Policy (NEP) 2020 to rejuvenate the Indian higher education system. It appears that overhauling of the entire structure of regulatory intervention is crucially dependent on giving autonomy to the students, teachers and universities. An examination of the NEP through the lens of the faculty would reveal how the role and performance of the professoriate have been assessed in the overall diagnosis of the challenges facing the Indian higher education system. This paper discusses the concept of autonomy of the teachers as well as of the university and how the issue of institutionalisation of accountability has been dealt in the NEP. This paper critically examines two fundamental policy recommendations, one, the proposal to raise public funding to 6 per cent of GDP for the education sector as a whole and two, to curb commercialisation and encourage philanthropy in higher education. The way entire architecture of regulatory intervention has been designed, it seems that a quasi-market for higher education is to be constructed to foster competitiveness both within the higher education institution and within the higher education system. However, this attempt to construct the market will essentially circumscribe the autonomy of the institutions and the teachers contrary to what the NEP advocates. The paper concludes by addressing the question whether the proposed higher education reform smacks of neoliberalism.

Keywords: Academic freedom, Accountability, Education Policy or National Education Policy, Institutional autonomy, Neoliberalism, Regulation.

I. Introduction

The policy recommendations mooted in the National Education Policy (NEP) (GoI, 2020a) seek to usher in a major structural transformation in the Indian higher education sector to deal with the emerging challenges arising out of rapid advancement of technology, skill mismatch in the job market and rising demand for higher education in a globalising world. Despite being the third largest in the world, the quality of higher education has continued to remain a major concern. Even though many committees and commissions have been constituted and some of the policy recommendations implemented, this NEP assumes critical significance at this juncture.

Although a series of reforms have been suggested in the NEP, it appears that overhauling of the entire structure of regulatory intervention is crucially dependent on giving autonomy to teachers and universities (NEP 9.3). This article seeks to understand the rationale behind higher education reform as envisaged in the NEP from the perspective of teachers in relation to the larger issue of university autonomy in the state–university governance system. An examination of the NEP through the lens of the faculty would also reveal how the role and performance of the professoriate have been assessed in the overall diagnosis of the challenges facing the Indian higher education system.

We begin with the assessment of the higher education system as made by the NEP.[1] We follow it up with a discussion of the concept of teacher autonomy, or what we refer to as academic freedom and accountability, and how the issue of institutionalisation of accountability has been dealt with in the policy discourse. Given this background, we highlight the architecture of regulatory intervention as proposed in the NEP, and its implications for the issue of autonomy of teachers and the institution. We end with the question whether the proposed higher education reform smacks of neoliberalism.

II. Problems Facing Indian Higher Education

The Indian higher education sector has witnessed rapid growth, fuelled particularly by the increasing participation of the private sector in recent years. However, quality has continued to remain elusive, defying the typical neoliberal rationale for marketisation and increased private sector participation. Arguably, in the face of inadequate budgetary support and rising gross enrolment ratio (GER), delivery of quality higher education would have been possible

to a large extent only with efficacious reform of university governance.[2] However, this is not to deny the existence of pockets of excellence, both in the set of public funded and private funded higher education institutions (HEIs). Therefore, with poor quality of education along with rising cost of studying, a mere growth in the GER to around 27 to 28 per cent at present signifies very little.

The fragmentation of the vast higher education sector has been identified as one of the main reasons behind the suboptimal functioning of the higher education sector. Inefficient resource mobilisation at the institutional level, suboptimal scale of operation, and suffocation of academic activities due to compartmentalisation and regulatory restrictions have made the higher education sector inflexible and constrained, devoid of life and energy. Universities are not vibrant as they suffer from poor governance and weak leadership. The regulatory policies have failed to deliver because 'Too much has been attempted to be regulated with too little effect' (GoI, 2019: 205).

Amidst this stifling ambience, teachers lack enthusiasm. Despite increases in salary and the setting up of Human Resource Development Centres (HRDCs), the DNEP observes that the level of faculty motivation has been far below the desirable level (GoI, 2019: 256–57). It is true that faculty might have felt constrained due to poor infrastructure, temporary and ad hoc appointments, unfilled vacancies, heavy and unequal distribution of teaching load—mostly at the undergraduate level—and complete lack of autonomy in teaching and curriculum design. These structural deficiencies and micro management have suppressed the faculty's inherent propensity to innovate, resulting in demotivation and eventual dissipation of energy. The DNEP points out unhesitatingly that setting the target of academic output for faculty as required by UGC regulations has resulted in substandard research publications, particularly in fake journals. Since regulation is an imperative in academic affairs, the important policy question is the nature and extent of regulatory intervention.

Unfair and subverted appointment processes for faculty have further dented the morale and motivation of the academic community, resulting in poor performance of the HEIs. Seniority and not performance has been the major criterion for faculty promotion (GoI, 2019: 258). At the same time, doing justice to the ground reality in Indian higher education, the DNEP takes note of the fact that political interference has rendered a serious blow to the autonomy of the

university. The prevalence of corrupt practices, particularly in financial matters, has raised doubts about the way the institutions are governed, and, in particular, the manner in which core activities of teaching and research are carried out.

While discussing the quality of higher education, the policy draft has made a scathing attack on the unscrupulous behaviour and incompetence of university leaders. The DNEP observes that 'A shockingly high proportion lack the ethical standards, institutional commitment and public spiritedness that is a must to lead any education institution' (GoI, 2019: 310).

This resonates in Chandra (2017: 299) as he argues, 'Autonomy is the *sine qua non* of excellence in higher education; it ranks above even resources'. As pointed out by Sundar (2018), despite autonomy being granted to the Institutions of Eminence (IoEs) and under the system of Graded Autonomy (GoI, 2018), the Indian higher education system has been strangulated both in terms of imposition of regulatory interventions and curtailment of freedom of speech. Apoorvanand (2018) illustrates how restrictions imposed on free voices emanating from the university have challenged the idea of a university and the purpose of higher education.

III. Academic Freedom

We have been witnessing the transformation of universities from traditional ones which, till the 19th century, upheld the sanctity of academic freedom, to research oriented universities in the 20th century, and to the managed and entrepreneurial university of this 21st century. In this transition, academic freedom of teachers in the conventional sense, a hallmark of academia, has suffered serious dilution as universities have come under pressure to respond to the market signals and ensure compliance with the state's regulatory interventions and societal demand.

Academic freedom, an iconic concept, is a philosophical cornerstone of the academy (Austin and Jones, 2016). The pursuit of free enquiry defines the core mission of a university. The long-term interests of society are best served when the enquiry in the university is unfettered and uninhibited, free from all external interferences (Bruneau, 2015; Lüde, 2015), unlike politics and the market which have inherent tendencies to be concerned with only short-term interests. Being a site of research, new ideas and criticisms continue to emerge in universities.

Questioning is inculcated in teaching–learning and research. Criticism of state policy and mobilisation of public opinion by universities are often abhorred by the state, even in a democracy. The need for universities to participate in public discourse imposes dual demands as 'universities are both involved and withdrawn, serving and criticising and needing and being needed' (Berdahl, 1990: 169, as quoted in Burke, 2004: 4–5).

The Humboldtian idea of three major freedoms—the freedom of teaching, the freedom of learning and the freedom of research—and the unity among these can be invoked to conceptualise what is meant by academic freedom (Lüde, 2015: 183). The broader notion of academic freedom should also include freedom of speech and the legal protection that the faculty and the university enjoy in a country context. Mostly in the context of North America, academic freedom is conceived of as freedom to voice concern and criticise the state (Austin and Jones, 2016; Bruneau, 2015). If a substantial portion of university grants has to depend on university performance, or if the grants are channelised through the students in the form of education vouchers, academic freedom in contrast with input-based funding gets circumscribed. Privileging a university with the grant of financial autonomy is actually a deterrent for institutional autonomy, as academic activities are designed perforce to ensure cost recovery from teaching and research (Pritchard, 2015).

Academic Freedom and University Autonomy

Since university performance depends crucially on the performance of faculty and students, academic freedom has to be understood within the larger context of the governance structure of the university involving the state and the market. Bowen and Tobin (2015: 201) quote Finkin and Post (2009) to emphasise the linkage between independence of thought and professional responsibilities 'which include the obligation to adhere to professional norms and to discipline those who fail to do so', and conditioning of academic freedom by the requirements of the university. University autonomy does not necessarily guarantee academic freedom because it depends on faculty involvement in the governance structure of the university, university leadership, and the pursuit of the university's mandate which demands that faculty exert themselves accordingly. If a university had the autonomy with no pressure either from the market or from the state with full support from public funding, the university's academic output would have been determined by the academic freedom

exercised by the faculty in their academic engagements. This is tantamount to a bottom-up approach in the determination of university output. If university performance is assessed by an accreditation agency and/or a ranking agency, national or global, or if the university faces the market forces perforce, academic freedom in thought and utterances may remain, but not in terms of academic engagement. This is because the faculty would be required to engage in their teaching and research keeping in mind the compelling targets of the universities. This is typically the case with a world-class university competing globally, which requires a university to perform in accordance with the ranking parameters and their respective weightages (Chattopadhyay, 2019).

As mentioned before, academic freedom cannot be disassociated from the issue of accountability and university autonomy. We need to understand the unique set of challenges encountered in the course of pursuing academic freedom posed by the typicality of a university governance structure. A university is a complex organisation with multiple levels of functioning with various channels of interactions within these levels, as well as with the external environment. The hierarchical power along the vertical is relatively weak as the power of authority stands diffused because of the exercise of autonomy of the faculty who are considered to be experts in their respective fields of specialisation across departmental levels. Compared to most institutions, HEIs have horizontal authority structures with a high proportion of senior staff, which makes the process of consensus building a difficult proposition. That is why academic freedom and arguments for open science run parallel with participatory governance (Bruneau, 2015: 221). But the optimal degree and spheres of faculty involvement in university governance remain ambiguous (Bowen and Tobin, 2015: 147).

Institutionalising Accountability in the University System

Academic freedom and the demand for accountability are two sides of the same coin; the important issue is who is accountable to whom, for what purpose, for whose benefit, by which means and with what consequences (Burke, 2004). Clark's Triangle (Clark 1983), consisting of academic oligarchy, state authority and the market forces located at the three corners of the triangle present different possibilities and different modes of coordination and cooperation among these three entities. Regulation of academic activities and the functioning of HEIs seek to institutionalise accountability which is embedded in every instrument of

public policy (Hénard and Mitterle, 2010). As argued by Trow (1996), accountability can be broadly classified into two categories, internal and external. Accountability measures can be viewed as located along a spectrum beginning at the left with internal accountability, i.e., self-conscience, which is followed by the peer groups, and veering towards different measures of external accountabilities to the right of the spectrum. The purpose of governance reform essentially through regulation and funding has been to push the faculty and the universities towards external accountability from the state and the society to the students and finally to the market.

Against this background, we now look at the factors behind the policy shifts witnessed the world over and examine to what extent this is reflected in the NEP.

IV. Policy Shifts

This policy shift in higher education can be viewed and explained in terms of two concepts of efficiencies: technical and allocative. The former pertains to the reform of university governance, while the latter refers to the construction of a quasi-market for higher education to operate under the supervision of a regulatory authority (Chattopadhyay, 2009). This policy shift entails a transition from internal accountability to the various forms of external accountability with concomitant transformation in the scope and forms of academic freedom.

 Society began to exhibit restlessness to unravel the 'black box' of the university system in order to take stock of the 'value for money'. These pressing needs were bolstered by the neoliberals' approach to university reform, which is that academic freedom is generally abused by self-interest driven teachers, resulting in suboptimal performance of faculty, and consequently poor performance of universities (Olssen, et al., 2004). Kehm (2014) points out two very important factors which are also responsible for policy shifts. These are the difficulties associated with standardisation of research output, and an absence of a well-defined educational production function which seeks to describe and relate the input and output of the universities. This emphasis on technical efficiency in the use of resources is an attempt to render the input–output relationship of a university stable and definable. Monitoring teachers would therefore require quantification of faculty output and its standardisation with a proxy for excellence as assured by new public management (NPM), a form of governance reform which has gained currency the world over. There are mainly two

components of NPM: quantification of output without which accountability measures cannot be installed, and the introduction of an audit culture which seeks to evaluate faculty performance (Marginson, 2008).

Prioritising one failure over the other, the government or the market

The entire debate on higher education policymaking can be seen as a tussle between which failure is more significant and insurmountable—government failure or market failure.

Neoliberals ignore market failure because they believe the sources of market failure can be addressed by effective and targeted policy intervention. Their advocacy for market construction is based on their faith reposed on the market as an institution to ensure efficient allocation of resources, both at the individual level as well as at the macro level.

In India, poor governance of public funded HEIs is indeed true for the majority (Chandra, 2017). Neoliberals locate the source of university failure in the self-interest driven behaviour of teachers which manifests mostly in shirking and suboptimal effort. They advocate construction of a regulated quasi-higher education market to achieve allocative efficiency to be supported by NPM-type governance reform for two reasons. One, a market-like ambience fosters competition, which becomes compelling for universities and faculty to deliver their best and achieve efficiency in the use of resources and deliver quality in the process. Two, market gives choices to the participants and upholds the principle of sovereignty, both for the students as well as the HEIs.

Critics of the neoliberal approach on the other hand argue that government failure can be overcome through increased public funding to ensure a 'level playing field' for the HEIs, institutional autonomy, and a shared governance structure based on trust and cooperation. The opponents of the neoliberals believe that teachers are essentially trustworthy and motivated if they are empowered and liberated from their workplace constraints. Market failure is a serious problem because it results in suboptimal funding and an uncertain impact on quality, as exemplified by the Indian higher education scenario. Most importantly, market makes education inaccessible to the socio-economically disadvantaged in society. Further, in the neoliberal world, as a university is run more like a factory and education gets commodified, the very purpose of education is undermined and devalued.

Despite this contention, policymakers the world over have shown a clear preference for the neoliberal approach because overcoming government failure is projected to be more daunting than facilitating marketisation and privatisation. It pays for political reasons to argue for embracing the market. While fiscal constraint is ubiquitous, there do exist good public funded HEIs where teachers are driven by high self-esteem and zeal, irrespective of competition and incentives. This is how academia should be.

V. Regulation, Quality and Academic Freedom in the Indian Context

One important question we need to address is why did UGC regulations fail to produce quality publications even though the number of publications increased, as is evident from the proliferation of poor quality fake journals as pointed out by the DNEP (GoI 2019: 262). Was it because of the very template of the Performance Based Appraisal System (PBAS) as encapsulated in the UGC regulations, or was it because of the suboptimal effort on the part of teachers to produce quality publications? It is expected in academia that teachers and students should have high moral and ethical standards. It is also important to see how the conception of what is good and ethical is taken into account by teachers and students who are not only *homo economicus,* but are also 'manipulatable' by the neoliberal policymakers to ensure the efficaciousness of their policy intervention (Olssen, et al., 2004).

NPM, self-determination and the concept of 'agency freedom'

The design of the UGC regulations, arguably, is akin to the NPM (Chattopadhyay, 2016). The NPM seeks to invoke corporate managerial principles in performance evaluation of faculty, which constitutes a core of university governance. Differential valuation of various types of research and other academic activities achieve standardisation of a select set of academic activities. Incentivised pay packages and performance/output based funding nurtures competitiveness in academia. This system of accounting and embracing the culture of audit tends to circumscribe academic freedom. Although the purpose is to improve performance, its impact on quality remains uncertain. However, the definition of quality is contextual and it depends on how the concept of quality is defined by the concerned agency.

Marginson (2008) argues that the NPM interferes with self-determining freedom, which is essential for path-breaking academic activity and 'radical-creative imagination'. This marker of good quality research remains unrecognised and undervalued under the NPM. He uses

Amartya Sen's concepts of 'agency freedom', 'freedom of power' and 'freedom of control' to unravel the linkage between academic freedom and the NPM with focus on quality. Agency freedom requires an independent identity and a will to act on behalf of the agent. Freedom of control refers to overcoming the constraints faced by faculty, and freedom of power empowers faculty to set the target in accordance with their conception of what is good; which can be an end in itself with little or no connection with well-being, as is often the case in the academic world (Marginson, 2008: 277–78).[3]

The NPM, with its insistence on accounting and auditing, leads to mitigation of freedom as control. It restricts agency freedom as the academic is required to conform to the NPM template in addition to the compliance with accountability requirements. Excessive regulation in terms of micro-management, non-conducive academic ambience and deficient infrastructure in a bureaucratic set up are generally the constraints faced by teachers. In the absence of a healthy and thriving peer culture, and instances of subversion in the process of selection and promotion of faculty, the concept of what is good often gets distorted and diluted. Whether teachers have the freedom of power in colleges and universities and a willingness to exercise agency freedom to realise their full potential is a big question.

Policy rationality based on capability

Bhushan (2019) argues that the focus of policymakers should be on empowering faculty and removing the constraints they face to help them realise their agency freedom. Invoking Sen's distinction between 'capability' and 'functioning', Bhushan (ibid.) argues that fixing accountability, as the policymakers seek to do, is meaningless due to inadequate and weak capabilities of the teachers. Therefore, policymaking based on bureaucratic rationality and technology fails to deliver in the absence of adequate support for capability formation. He argues that 'The challenge that a large higher education system such as ours faces today is to develop a bridge of trust and co-operation between the state and the community of teachers' (ibid.: 216).

Power of policy discourse and subjectivisation

Sharma (2018) examined faculty behaviour in a study of public funded universities under the PBAS-API as encapsulated in the UGC regulations (GoI, 2016). The faculty showed a propensity to indulge in fabrication and unethical practices depending on the university

culture, which is informed by how peers and university authority understand and define quality. Teachers under the NPM evolve by moulding their behaviour to becoming self-regulating, calculating, governable subjects by internalising the rationality of the government, what is called 'governmentality' in a Foucauldian framework.[4] The neoliberal policy discourse generates power, which is not a repressive force, but a productive means to produce certain relationships between teachers and the institutions.

In an insightful book, Berg and Seeber (2016) pitch for slowing down to focus more on deliberations by discarding speed for the sake of scholarship. They state, 'We need time to think, and so do our students. Time for reflection and open-ended inquiry is not a luxury but is crucial to what we do' (ibid.: x). Faculty in the best universities in Canada, Australia, Europe and the USA are under severe stress, physical and mental, to publish (Bok, 2013: 331–35; Berg and Seeber, 2016: 6–7). The target set for faculty in the best universities is publication in only top-ranking journals to ensure quality work. The signals emitted by the university authority for what constitutes quality determine the ways in which the NPM or some versions of it are enforced. It can be surmised that the level of trust the university reposes in faculty within the governance system goes down commensurately with a fall in the ranking list. This is how the discourse exercises power on the faculty and makes them subjects.

Straight-jacketing of policy reform and delivery of quality

The PBAS template which amounts to standardisation involves straight-jacketing of regulatory intervention because it ignores diversity in the faculty community, differences across disciplines and the university mandates (Das and Chattopadhyay, 2014).

An analysis of the API (Academic Performance Indicators) can throw some light on the proliferation of fake journals. The computation of the API allows for several possible ways to score the requisite number of points. Each path involves different levels of costs in terms of the time teachers can allocate and the uncertainty they face. Constrained by time and capability, a teacher chooses a particular combination of academic activities to maximise score even well beyond the minimum number of points required by the API template. Publication in good and reputed journals takes time with high rates of rejection, comparatively speaking.[5] The instrumental rationality manifests in terms of a high propensity

to choose the path with minimum time costs, given capabilities which are generally associated with poor quality publications.

VI. The NEP proposal for reconfiguration of the Regulatory structure

Based on the diagnosis of the deficiencies in the Indian higher education system, the central theme of the entire policy framework hinges, as expected, on the issue of autonomy of teachers and universities, and the institutionalisation of accountability within the university and across universities in the higher education system as a whole.[6]

The Higher Education Commission of India (HECI) (NEP 18.3) will be the overarching institution to coordinate the functioning of a set of four institutions for four important dimensions of policy intervention for the HEIs, blurring the divide between public and private, general and professional, and centre and states. These are the National Higher Education Regulatory Council (NHERC), the National Accreditation Council (NAC), the Higher Education Grants Council (HEGC), and the General Education Council (GEC).[7]

In view of the inefficacy of the erstwhile regulatory intervention, the NHERC will regulate in a 'light but tight' manner with focus on good governance and transparency in financial probity (NEP 18.3). The National Assessment and Accreditation Council (NAAC) will be renamed NAC, which will be a 'meta-accrediting body' to be entrusted with the responsibility of developing an eco-system of accreditation agencies in view of the large size of the Indian higher education system (NEP 18.4). The HEGC (NEP 18.5) will assume the onerous responsibility of allocation of grants based on the requirements of the HEIs to be determined by their institutional development plans (IDPs). To ensure fair and equitable distribution, a set of indicators may have to be developed later by the HEGC. The fourth institution is the GEC, whose responsibility will lie with the learning outcomes and quality of education (NEP 18.6) to set academic standards. Professional bodies the like Indian Council of Agricultural Research (ICAR) and the National Council of Teacher Education (NCTE) will operate like Professional Standard Setting Bodies (PSSBs) as members of the GEC. The task of the GEC will be to formulate a National Higher Education Qualification Framework (NHEQF) to synchronise with the National Skill Qualification Framework (NSQF) for seamless integration of vocational education into higher education. This would require setting up of a framework to facilitate credit transfer and equivalences through NHEQF.

Proposed system of university governance and university accountability

The HEIs will be made accountable on the basis of their IDPs, which will be made public for transparency and public accountability. The IDPs would reveal the university's plan to achieve educational and research outcomes, quality of those outcomes, financial and human resource development plans, designing of course curriculum and adoption of innovative practices (NEP 12.3, 13.6). The HEIs will have to compete for funds for research to the National Research Foundation (NRF) (GoI, 2019: 269–70) and the HEGC. A fast-track tenure system will be instituted to reward select faculty for achieving excellence in their academic engagements, which will be based on predetermined criteria to incentivise and encourage. This will be a clear deviation from the existing system as the DNEP lamented the absence of incentives for faculty who demonstrated outstanding performance. This would require the HEIs to have the liberty to deviate from the recommended pay scale as approved by the UGC.[8]

The question is how these policy recommendations would affect the conduct of teaching and research by the faculty or their academic freedom, which is considered to be the hallmark of academia.

VII. Autonomy of the teacher and the institutions under the proposed system

The concept of teacher and institutional autonomy as defined and envisaged in the NEP appears to be a chimera. What is so distinguishing about the IDPs is that faculty would collectively decide to deliver within a period of time a certain quantum and quality of output. In a way, this is an example of self-determination by faculty, as opposed to the typical neoliberal managerial practices where the faculty are required to conform to the template designed by the regulatory authority. The PBAS-API mandates scoring minimum points during a period of time but with flexibility. But once decided, the IDPs would become binding for faculty. The release of funds by the HEGC would be made contingent upon the IDPs and their realisation. If this proposal is accepted, it would mark a departure from the existing system. This is a bottom-up approach at the formative stage, and once it is approved it will be an imperative on the part of faculty to deliver as per their assurances as incorporated in the formulation of the IDPs.

The faculty perforce will take into account while planning their future activities and deliverables that financial support from the HEGC will be ultimately determined in a highly competitive situation, as all the HEIs compete for funds given the perennial budget constraint. The faculty will not, therefore, have the necessary freedom in a broader sense. Teacher autonomy will remain restricted to what they want to do rather than in terms of the quantification of their academic output.

The university community and the university leader, the Vice-Chancellor, will be reporting to the Board of Governors (BoG). The assessment of university performance will remain vested with the NAC. There are two kinds of grading: the binary accreditation (BA) and the graded accreditation (GA). If an institution fails to live up to the promises made in the IDP by 2030, the institution will be shut down, the DNEP alerts and indicated by the NEP (GoI, 2019: 328; NEP 18.4). In addition, the HEIs have to compete for research grants to the NRF. This is crucial as research output determines the performance of a university.[9]

Academic freedom under the IDP

The conceptualisation of autonomy in the DNEP as '..the freedom to innovate, to compete, to cooperate, to govern more locally, to optimise resources given one's direct local knowledge of circumstances and opportunities, to break silos, and to excel' (GoI 2019: 204) is closer to the notion of 'agency freedom'. As discussed earlier, self-determination by faculty would depend also on 'freedom as power' and 'freedom as control'. Since the formulation of the IDP is a collective endeavour, the teachers' 'freedom as control' and 'freedom as power' would depend on the context, academic culture and assertiveness of the university leadership. As stressed by Bhushan (2019), building the capabilities of faculty should be a prerequisite for exercising 'agency freedom'. Exercise of academic freedom defined in terms of independence of thoughts and utterances requires a culture, tolerance of the state, and a healthy and vibrant ambience. As Sundar (2018) and Apoorvanand (2018) have pointed out, this is sadly missing in the case of India.

The NEP suggests (NEP 13.6) a parallel fast-track system of faculty promotion in recognition of high-impact research and excellence achieved by some faculty. This is typical of NPM, which is a clear deviation from the existing system. It will create divisions within the faculty

and erode collegiality, because faculty will be differently treated depending on their 'high impact research' which is difficult to conceive for humanities and social sciences.

As Bruneau (2015) argued, merely asking faculty to furnish details of their performance is not to constrict their academic freedom. The neoliberal attack to erode academic freedom begins with an emphasis on the issue of efficiency, effectivity and the imposition of the concept of what quality is. Conceptualisation of quality by the NAC and the influence of ranking parameters adopted by the Quacquarelli Symonds (QS) and Times Higher Education (THE) will affect faculty behaviour in their conduct of research and its dissemination.

The institutions will be given freedom in academic, administrative and financial matters to pursue their mandates in an unfettered manner. Although the institutions will be subject to compliance requirements of the regulatory interventions by the institutions as proposed, the salience of freedom remains important and vital in the proposed system.

Students' sovereignty

The proposal to set up the Academic Bank of Credits (ABC) (NEP 11.9) and promotion of online courses (which was raised from 20 per cent to 40 per cent of the credits per semester) which can be opted for from the platform SWAYAM, was notified a couple of days after the NEP was unveiled (GoI 2020b). Online courses such as MOOCs give students more freedom to choose courses from e-learning platforms with the additional flexibility of earning credits over an extended period of time. This has the potential to infuse competition in the market by expanding students' choices, which will surely impact the autonomy of teachers and the institutions. This may lead to compromising the rigour of courses and scholarship as students may choose easier options to earn credits and increase grades. This can restrict the scope for realising the vision of a university department. The issue is not one of denial of freedom to students. Instead, the issue is whether courses will be chosen with the purpose of maximisation of grades and/or minimisation of efforts at the expense of learning and scholarship, and how much freedom the students can be bestowed with. Nixon, et al. (2011) observe this in the context of the UK. If universities are funded directly by the HEGC based on the IDP, the impact on teachers' autonomy will remain comparatively limited.

The role of Leadership

The emphasis on leadership in the NEP is an admission of the fact that the HEIs will be operating in a competitive scenario, nationally and globally, where universities are to be led by the Vice-Chancellor. The 'executivisation' of university administration implies strengthening the hierarchical structure and concomitant dilution of faculty autonomy at the horizontal level. Stress on leadership is understandable as the HEIs are made accountable to the NAC and other institutions like the HEGC in a highly competitive situation where even exercise of 'agency freedom' would remain circumscribed.

VIII. Academic freedom and external accountability

As mentioned earlier, the NEP recommends that the nature of regulatory intervention would be 'light but tight'. The basic approach is to focus on only a few aspects of a university's functioning, including transparency in financial probity and various university processes involved. This approach to regulation has to be analysed in the context of the prevalent scheme of Graded Autonomy (GoI, 2018) which seeks to categorise HEIs into three categories depending on their NAAC score and/or world ranking. Category-I institutions, being the top performing ones, are being assured a considerable amount of autonomy, whereas Category-III HEIs have been placed under the strict enforcement of regulations ostensibly to ensure best utilisation of their resources, human and financial, and to curb abuse of freedom to do better.[10] Category II represents a blend of regulation and autonomy. It remains to be seen to what extent Category I HEIs capitalise on the freedom assured in the scheme of Graded Autonomy.

IX. Is the policy shift indicative of a neoliberal approach

The recommendations made by the NEP for reform of university governance are largely in line with the neoliberal vision. The neoliberal elements appear in the form of two major recommendations. We have argued above that while IDP is not a typical NPM, it is close to it in terms of intent and impact on autonomy of teachers and institutions. The rationale for setting up a regulatory framework is similar to the construction of a higher education market advocated by neoliberals. However, this market construction is a state engineered market with two important qualifications. One, there is an assurance to augment the budget for

higher education, and two, there is encouragement of private participation, preferably with a philanthropic motive with admonishment of commercial practices.

The proposed system will be a state engineered competitive one where the HEIs will have to compete for funds, including for research. Although private and public funded HEIs will be regulated at par, there will be no provision of funding for the private. Enhancing students' choices and increasing reliance on online education both within the country and outside will add to the competitiveness of the market which will soon become a matter of significance for the HEIs. The accountability mechanisms proposed in the form of IDPs are very strong. The system of accreditation led by NAC will eliminate the under-performers because of the possible adoption of binary accreditation (NEP 18.4).

Assurance for enhanced public funding

The proposal is to increase government budgetary support for education as a whole by one percentage point every year, from the prevailing allocation of 10 per cent of government expenditure to 20 per cent in a span of 10 years (GoI, 2019: 406-407). The NEP reiterates the importance of realising the target of 6 per cent of GDP for the education sector (NEP 26.2). There are indications that only the select IoEs will get additional financial support from the government, and for the rest, budgetary support may remain unchanged as Category I HEIs are being pushed to be financially independent and explore HEFA and other sources. The HEIs are also being encouraged to approach HEFA to borrow for investment which would require only the capital amount to be repaid. As noted, the concept of financial autonomy in relation to the larger issue of university autonomy is misleading because of the inevitable clash between compulsions of cost recovery and compulsions of free and quality academic engagement. It is unlikely that public funding for higher education will witness a rise in the near future given the Covid-19 pandemic and its impact on the economy and fiscal health of the country.

Curbing of commercial practices

There is a clear message to the private sector that commercial practices are best avoided as they are detrimental to the attainment of quality and what education and universities stand for (NEP 18.2). The NEP (GoI, 2019: 404–05) urges enhancing private funding through corporate social responsibility and promoting philanthropic contributions. This is indicative

of the apprehension of unleashing the forces of market to drive the higher education system towards realisation of the mythical concepts of efficiency and quality. The big question is whether transparency in financial probity and monitoring by the regulatory institutions will effectively curb commercial practices. Manipulation of accounts is resorted to with impunity in the privately funded higher education system to siphon out profits (Chattopadhyay, 2009).

The fact that the NEP could afford to advocate for a different type of neoliberal state–university governance system is because of their assumption that budgetary support can be augmented over the next 10 years.

X. Conclusion

This article has examined how academic freedom and university autonomy have been conceptualised to play a critical role in the NEP to rejuvenate the Indian higher education system. We have argued that the policy shifts as suggested by the NEP have neoliberal elements in the form of target setting for universities and construction of a regulated quasi-market for higher education. However, the NEP has strongly favoured increased public funding, phasing out of commercial practices, and granting autonomy to faculty only at their base level of academic engagement. The advocacy for autonomy for faculty and the HEIs has to be understood within the overall state–university governance system as proposed. In practice, this will restrict the scope for autonomy of both teachers and institutions in contrast to what has been envisaged by the NEP. The scope for experimentation and innovation in curriculum design and pedagogy for offering courses online is limited keeping in view wide variation in the academic background of the student attendees, their contexts and requirements. The envisioning of higher education restructuring has to be assessed in the context of the ineffective regulatory interventions in university affairs, low faculty motivation, inadequate funding and political interference. This article has argued why the neoliberal form of governance reform need not necessarily guarantee quality unless faculty are empowered to realise their goals, and their constraints are removed or even substantially mitigated. It is equally true that academic freedom comes with professional responsibilities which needs collective reflection by academia to do justice to the freedom that faculty long for. The proposed increase in public funding is crucial to ensure a 'level playing field' for the public HEIs before they embark on their journey in the new system. With growing reliance

on online education post-Covid-19 in the country and across the border, and with permission for foreign direct investment and external commercial borrowing in higher education as announced in the Union Budget for 2020–21, the Indian higher education sector is geared for greater private participation.

Notes

[1] In the diagnosis of the challenges facing the Indian higher education system and envisioning of the policy, the NEP is broadly similar to the Draft National Education Policy (DNEP) 2019. One major addition in the NEP is the proposal to invite the top 100 universities of the world.

[2] Kapur and Mehta (2017) argue that the three objectives of containment of cost or budgetary support for higher education; achieving quality; and ensuring expansion of the sector, what they call 'trilemma', cannot be fulfilled simultaneously. However, governance reform is the only way out of this impossibility which ensures the best possible utilisation of resources given the cost to deliver quality.

[3] This is juxtaposed with the neoclassical view of 'well-being', which requires a choice-making individual to assess costs and benefits of each choice she makes. But fulfilment of this concept of well-being requires exercise of 'agency freedom' by an active individual who is constrained by time, money and capabilities. She has to exercise freedom of power to achieve what she intends to.

[4] The concept of 'governmentality' adds a very important dimension to understanding the relationship between autonomy and accountability, where teachers become governable subjects under the power of the neoliberal policy discourse (Olssen, et al., 2004; Marginson, 2008)

[5] Rejection rates range between 80 to 90 per cent in leading journals in the sciences and social sciences because of the rigorous review process (Bok, 2013: 330).

[6] This is echoed in Chandra (2017: 291) who writes, '...universities in India are unable to demand accountability *because* they do not provide autonomy'.

[7] The proposed four institutions under the HECI are supposed to be independent verticals to avoid conflict of interest and concentration of power. But since all the aspects are non-separable in the case of education, the scope for negotiation by the HEIs will remain limited, and pursuit of goals may be hindered if all the four dimensions are at cross purposes for an HEI. It is also not clear in what manner the HECI will intervene and coordinate.

[8] Under the policy of Graded Autonomy, there is an indication that Category I institutions will have the necessary freedom to introduce incentives in the pay packages of faculty.

[9] The NEP has argued for three types of HEIs: research-intensive, teaching-intensive and autonomous degree-granting colleges. While doing research is of crucial importance for research-intensive universities, it can be important for the other two as well, depending on their future plans to transit to the first type.

[10] The universities are categorised mainly as follows: Category I: NAAC score of 3.5 and above or in the top 500 of world ranking universities as per the QS and THE. Category II: NAAC score between 3.01 and 3.49. Category III: Neither I nor II as above. Featuring in the National Institutional Ranking Framework (NIRF) as a criterion for classification has been discontinued with the revised policy (GoI, 2018).

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