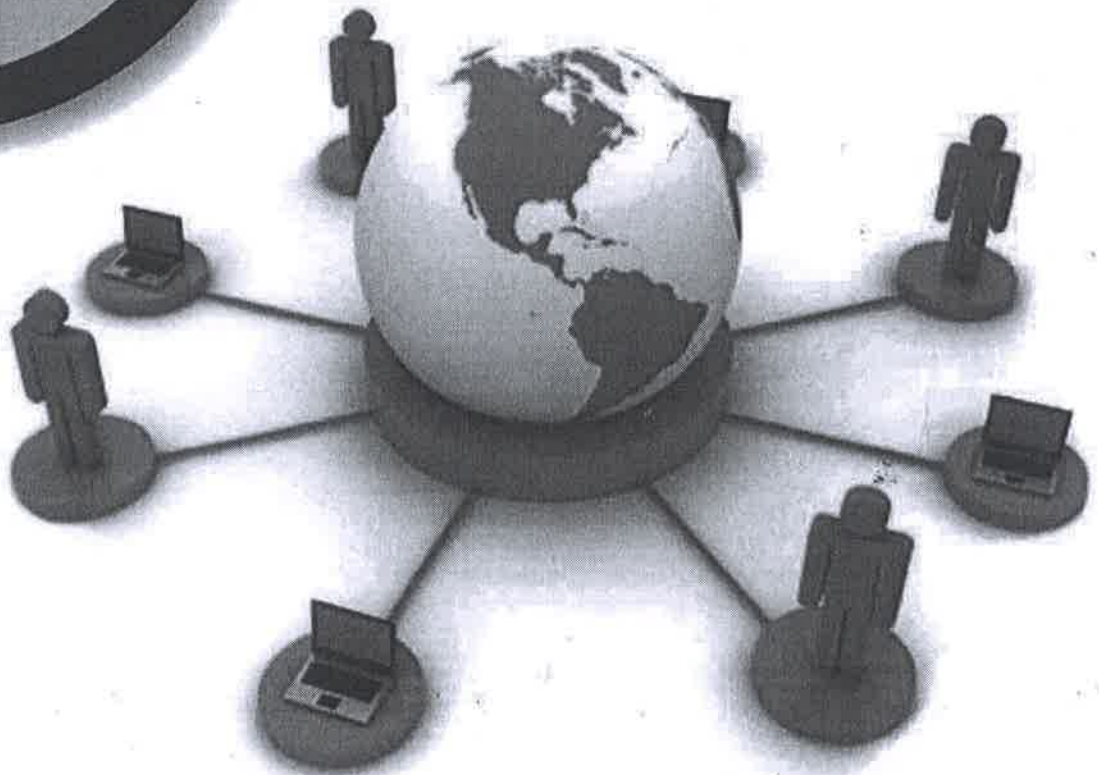


# ICT FOR ORGANIZATIONAL EFFECTIVENESS

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# Sterling

Institute of Management Studies

Principal  
Arts, Commerce & Science  
400706

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**Coordinator, IQAC**  
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Commerce & Science  
Nerul - 400 706.



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Nerul, Navi Mumbai - 400706



# Issues & Challenges faced in the Courts with the Usage of ICT

Dr. Sumathi Gopal

Asst. Professor

Sterling College of Arts, Commerce & Science, Nerul Navi Mumbai.

## Abstract:

The biggest issues faced by judiciary in the country are to reduce the delay in the court process and remove the backlog of cases. The use of ICT court is 'environmentally friendly', but also it ensures quick disposal of existing cases. Digitalization of court is a broad term which includes records and court process. Use of ICT should be normally free of charge for the litigants and accessible without restriction. A proper regulation of digitalized court system should ensure that only appropriate authorities are capable of making necessary changes, such as any necessary amendments or uploading court orders, in the portal with a view to preventing online fraud. It will bring changes in legal battle which is currently lacking with the use of filing paper in the court. It will take time before the entire court system becomes digital. Use of ICT is one time investment cost & the recurring cost can be reduced. Once it is digitalized it will bring great relief to the litigants at one click.

**Key Words:** ICT, Digitalization, Eco friendly, Litigant, Portal, Court, Relief

## Introduction

The biggest issues faced by judiciary in the country are to reduce the delay in the court process and remove the backlog of cases. The judiciaries in most countries however face similar problems. Cost, delay and complexity in the court system were identified in the UK as the major problems with civil justice process in 1997, which eventually resulted in the subsequent reforms and the overture of the Civil Procedure Rules (CPR), 1997. The use of ICT in court is 'environmentally friendly', but also it ensures quick disposal of existing cases. Digitalization of court is a broad term which includes both records and court process. As part of the ICT process, the court documents, if hand-written or computer composed have to be scanned and produced in a portal, which should be password secured in case of private and confidential information.

The benefit of ICT can be enjoyed by litigants only if the online citation is taken by the courts as reliable source as any other references or records.. The implementation of the order shall also be executed by the appropriate authorities on the basis of the order posted in the portals. For example prison authority who should be able to release a prisoner based on the order found online portal. No fee shall be charged for using ICT records and accessible without restrictions or interventions. Digitalized court system should ensure that only court authorities can make necessary changes, and uploading court orders, in the portal with a view to preventing online fraud.

As far as use of ICT process is concerned, it should be user friendly & litigants should be able to without much difficult in filing of cases and submitting e-documents. This will reduce the use of papers in lawyer's chambers and court offices. This will consequently increase efficiency and reduce delay and complexity.

Witness depositions may be recorded and in cases of urgency video recording of witness testimony may be admitted. This will fill the time gap of witness summoning, rendering the disposal of cases quicker. In addition, the case filing and management process, if found online through a digitalized system, will become more transparent and automatic, thereby reducing the possibility of individual adverse influences on a particular case & disposal of the case will be quick.

ICT implementation will bring massive turnaround practice in legal battle. This will require speedy & uninterrupted internet

connection throughout the courts and appropriate training for the judges and staffs for the new system. Since India is a multilinguistic country it will be difficult at the inception to make everyone familiar with the digitalized court system, for the idea is relatively new and requires technical knowledge; also cost involved will be very high..

It is indeed a matter of great success that the use of ICT in Bangladesh has already started, while many western countries are still in the process of transformation to the digital model. The daily 'cause list' of both High Court Division and Appellate Division cases can now be found in the website of Supreme Court of Bangladesh together with the judgment and orders in the same place, allowing litigants and lawyers to access the requisite materials themselves. It will take time before the entire court system becomes digital. Once it is digitalized it will bring great relief to the litigants by pressing one button.

## Aims and Objectives of the Research Paper

- To analyze response of Indian judiciary to use ICT in court'
- To compare the position of pending matter before & after introduction of ICT in court
- To suggest remedial measures to improve disposal of the matters quickly

## Need for the study:

A lot of information, however, has to be made public for the better access to justice and facilitate the litigation process and outcome. This can be ensured by uploading every court order in the respective portals or websites. Search terms should not be confined to case numbers and may extent to contents of the documents including the names of the parties to a particular case. Thus the court records must be scanned, indexed, catalogued, archived and at times hyper-linked in order to navigate through the available materials.

## Scope of the Study:

The study will classify information of respondents, awareness about ICT court room & usage of the e-Courts portal, economic cost (direct & indirect), availability of infrastructure mentioned under the project components, quality of services, problems and challenges, feedback on computerization of courts and suggestions for further improvements.

## Research Methodology:

The study is based on the secondary data through Committee report, journals & News papers

## Analysis & Findings on the basis of secondary data:

- The court should designate the advocates & litigants to file their fresh petitions/ suits & pending case related documents. Use of ICT will help the litigants to file papers without many hurdles & will enable the litigant to submit their petitions & assisting in filing the documents at ease.
- There can be separate portal for criminal & civil case. Similarly a separate counter can be maintained by respective court for civil & criminal suits. The officer in-charge will help the litigants in filing through digitalization.
- "All the documents filed here will be scanned to prepare a digital record. The copy of documents submitted will then be sent to the respective court. For new cases, the case number will be allotted digitally.

Earlier, each advocate had to visit the respective court and file all the documents, which were in physical form. The storage of these documents was a challenge for the court

Coordinator, IQAC  
NCRD'S Sterling College of Arts,  
Commerce & Science,  
Nerul - 400 706



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Nerul, Navi Mumbai



administration.

5. To know the next dates fixed by the presiding officer, the advocates had to keep visiting the court.
6. Digital copies of the documents be maintained, the centralized system will also update details about the next date of hearing and the nature of documents submitted on the court website. This can be viewed by the lawyers without having to visit the respective courtroom to know the next hearing date.
7. The litigants pan card & Adharcard must be linked for the verification purpose.

#### Benefits of e-Courts

Allows electronic monitoring of court-wise case pendency and other key monitoring parameters with reference to courts. Greater control over management of cases leads to faster disposal of cases and reduction in pendency.

Decrease in the time and effort on daily operational activities and a reduction in the movement of litigants to courts.

Efficient and effective service delivery in consonance with access to justice for all, ensuring fast and fair trials.

Citizen can avail of services at the Judicial Service Centre or access the information through the Web at any time and from anywhere.

#### Government Initiatives

In an effort to expedite justice delivery, the Government is planning to digitize all of the 15,000 subordinate courts across the country. This reform would not only provide judgments and track proceedings online, but also act as a check on unwarranted adjournments allowed by judicial officers. Information like the next date of hearing, submission of number of witnesses, past proceedings, etc. will be capable of being accessed from any part of the globe. All judgments are to be made available online latest by 6 pm on the same day, similar to the practice followed in the Supreme Court and all high courts. "All old cases, pendency and those disposed of are being updated in the data grid. Already data entry of four Crore cases have been completed and uploaded of which details of 1.6 Crore cases are available online as they have been connected with the national data grid." Delhi, Madhya Pradesh and Gujarat are yet to be connected with the national grid because the software used by them is different from the ones used by the national data grid. These were the first states to have started computerization.

The Government has planned connect all legal service authorities with the national grid in the second phase of this e-courts project. This is one of the initiatives in discharging the matter quickly, as well as easy access of related information

#### Initiative taken by the court in India: Delhi High Court gets e-court system in India

**New Delhi:** In an attempt to speed up the legal process, the Delhi High Court (HC) has introduced the first e-courtroom in India. This is also an eco-friendly move by the HC to replace paper files with a sleek LCD screen and a touch screen handbook. Many paper files in the court of Justice S Ravindra Bhatt have now been digitalized and judges can directly access them on a display monitor. The court aims to digitalize all the documents within a couple of years, the pilot project went on smoothly on day one. On the first day, 33 cases were listed in which around 18 were disposed of within the first two hours, which would have normally taken the whole day. The LCD touch screen was used by the judge to make corrections and certified the copy using his digital signature.

Currently, the court has digitalized approximately 3 Crore papers pertaining to various cases. It is also considering recording the statement of witnesses through video-conferencing to avoid procedural delays. Due to the use of ICT even if the litigant is abroad with the help of Skype examination in chief & cross

examination can be conducted. This saves the time of the advocates as well as the litigants. Advocates need to carry only a USB device or CD regarding the case, which is much easier for lawyers & Counsels who appeared in the e-court. However, there were some who still preferred to use paper files, which is an option given to them before they get used to accessing the data on their digital devices.

#### Conclusion:

Trained personnel should be hired on a permanent basis. There should be an option for entering the case number, so that the registration number and the case number do not mismatch. Dot matrix printers should be replaced by copier machines. The main suggestions include improvement in infrastructure, recruitment of technical manpower, rigorous and continuous training, power back-up, and discontinuation of the parallel mode of work. The supply of computers in all related rooms in a court complex beyond courtrooms should be made available. It would help integrate the judiciary system which, in turn, would be able to provide services in an efficient and cost-effective manner. The litigants without computer knowledge also require guidance at the judicial service center. According to the litigants, the entire computerized system should be easy enough to be handled by the common people. An SMS service for case-related information may also be promoted among litigants. The future of the e-Courts project would be such that a litigant would become able to file a case from home.

#### Recommendations:

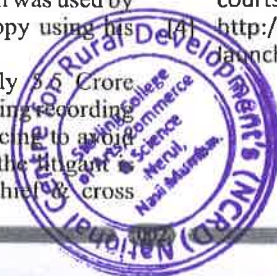
- It is expected that better quality of infrastructure along with appropriate training to the associated staff would significantly improve the quality of service delivery in the Indian judiciary.
- To assess e-Courts, it is important to get feedback from judicial officers on their awareness of computerization in court complexes in addition to different components of computerization in courtrooms.
- It is important to get the suggestions on further modifications of the Case Information System and the specialized software installed.
- Concerned personnel should be trained to use the software so that the system runs successfully

#### Limitations of the Study:

This study is based only on the basis of the secondary data & not primary data. So the findings & suggestion is recommended on the basis of the available information

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*(Signature)*

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Commerce & Science  
Nerul - 400706.



# THE EMERGENCE OF NEW PRIVATE HIGHER EDUCATIONAL INDUSTRY

Prof. Adarsh Mitra Verma

Sterling college of Arts Commerce and Science, Nerul Navi Mumbai

## Abstract

The purpose of this research is to throw the light on the overall system of higher education and the emergence of private higher educational industry. The reasons for emergence of private higher educational industry have been mentioned in this research paper. The advantages and disadvantage have also been written in the paper.

Since we all know that Higher education system plays important role for the country's overall development including industrial, social, economic, political, etc. Privatization of higher education was initiated in 1991 with the initiation of the Liberalization, Privatization and Globalization (LPG) Policy.

Indian higher education system is the second largest in the world after USA. Privatization of higher education in India has introduced new policies and programs to increase more employments, Privatization of higher education in India has positive and negative impacts on education and society outcomes and income opportunities and achieve economic development at Regional, State wise, National and International levels. The prime objective of this paper is to present the emergence of privatization in present higher education in India and also to analyze the impact of privatization in higher education. Besides, in this paper, some suggestions for privatizing the higher education were prescribed.

## Introduction

A well developed and equitable system of higher education that promotes best quality learning as consequences of both teaching and research is central for success in the emerging knowledge economy. So, our government is responsible for providing higher education accessible to all as per constitutional rights. But Indian higher education system is always facing several challenges. The challenges of global competitiveness have been added to other demanding tasks such as equity, quality, and access to all in the face of a resource crunch. To overcome with these problems, our Indian government has resorted to privatization of higher education system. Privatization of higher education system has the potential to improve the quality of education as well as other relative factors.

## Higher Education in India

Education of a child starts at 5 years of age. It comprises of 10 years of primary or elementary and secondary stages, 2 years of higher secondary stages, 3 years' bachelor degree, 2 years of master degree and at least 3 years beyond master degree for a Ph.D. According to National Education Policy -1986, this is known as 10+2+3 system. After 10+2+3 The Higher Secondary Education starts.

Higher education includes teaching, research, exacting applied work and social services activities of colleges and universities. It is widely recognized that higher education promotes social and economic development by enhancing human and technical capabilities of society. Technical change and institutional change is key components of development. The primary role of higher education is increasingly to transform students by enhancing their knowledge, skills, attitudes and abilities while simultaneously empowering them as life logical and reflective learners and facilitating these changes by incorporating all of the various demographics of the population.

Coordinator, IQAC

NCRD'S Sterling College of Arts,  
Commerce & Science

Nerul - 400 700.

## Objectives of the Study

The objectives of the present study were as follows

1. To find out the positive and negative impacts of higher education
2. To analyze the emergence of higher education.

## Emergence of the Privatization of Higher Education in India

The private sector has emerged in Indian scenario due to following responsible factors.

1. **Need for competitive efficiency:** Main justification for privatization rests heavily on the grounds of efficiency to promote a more competitive economic environment. Operation of public sector enterprises is considered inefficient. It is believed that private ownership and control are more efficient in terms of resource allocation and work.
  2. **Policy shifting:** According to Article 45 of the constitution of India, there should be free and compulsory education for all children between the ages of 6-14 years. So focus has shifted to elementary education. As a result, the involvement of the state in higher education has been reduced.
  3. **Financial burden on government:** Higher education in India is in financial stress. The state/government can no longer bear the financial burden of public enterprises. Current spending on education in India is not more than 3.5% of GDP. The center itself concedes that the minimum should be 6%. Very little is being spent on higher education. This compares unfavorably with the international level, especially when compared with countries such as South Africa, which invests eight per cent of GNP on education. Therefore, there is a need to evolve policy through which private resources are mobilized
  4. **Rapid growth in population:** India has a population of nearly one hundred and thirty five crores. In order to provide to a large number of people more private institutions are needed. To fulfill the demand for higher education of young people in the country privatization of higher education is needed.
  5. **Rapid growth of school education:** Growing number of schools naturally pushed the demand higher education which the 204 government is not able to provide; therefore, demand for privatization of higher education is the need of the hour.
  6. **Fulfilling the need for skilled manpower:** There is very little initiative from the public sector due to limited freedom. Private institutions are free to initiate modern and advanced courses in order to fulfill the demand for subjects which facilitate economic development of the nation. The demands of the market and the times can be fulfilled. For this privatization is needed.
  7. **Reduction in corruption:** In order to control the corruption in the government sector, private sector is much needed. Privatization stops the corruption to some extent and brings about some discipline. As a result, there will be capacity utilization.
- Desire for autonomy:** Privatization of higher education will provide autonomy to institutions and



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there will be less dependency on the government. This will remove political interference in areas of administration, management and finance.

9. **Synergy for information based economy:** In the present times there is a need for interaction between UGC, academic institutions of higher learning, industry, R&D institutions and funding agencies. This could be achieved by a synergy process wherein they will be partners in various activities, complementing each other in reaching their visions, objectives and goals. This can be achieved through private participation.
10. **Greater responsibility with the recipients of education:** Over the years education has been considered as a free public good thereby devaluing education. Privatization of education where the recipient will bear the full cost will help bring greater responsibility in them. As a consequence, students are likely to demand greater efficiency and quality in teaching.
11. **Technological developments:** Information revolution has been brought about and strengthened due to technological developments such as microchips, genetics, communications, robots, lasers, growth of satellite TV and computer technologies. Due to limited resources public sector cannot meet the demands of the industry and other sectors of economy. Thus private sector should undertake to train manpower in technology and respond to market demands.
12. **Demand side pressure:** Government System is unable to cope with increase in enrolment because they must raise money from the tax payers. In this condition, private provision is the only way in which education system can grow in response to increase demand.
13. **Paradigm shifts:** In India is steadily shifting to a fast track of economic and industrial development, which has led to several paradigm shifts in Higher education.
14. **Entry of Foreign Universities:** Foreign Direct Investment (FDI) is important tool of globalization. As government lack of funds FDI is allowed into higher education. The foreign universities are expected to bring the quality infrastructure in teaching, research as well as physical infrastructure this will attract large scale foreign investments into India and also to an extent reverse brain drain. However, the government will have to create a level playing field for all institutions and also ensure that other factors are considered. Their entry should also increase the qualities in research areas and so on, rather than focus on undergraduate programs.

#### Impact of Privatization of Higher Education in India.

The privatization of higher education has both positive as well as negative impact.

##### A. Positive impact of Privatization of Higher Education

1. **Reduced distance of educational institutions:** Privatization of higher education increases the number of educational institutions in rural and urban areas. So, the distance is decreased between educational institutions and residential place of students.
2. **Easy access to high education:** To get higher education has become easy due to privatization number of educational institutions, that is, colleges and universities are increased. Again different methods of communications are developed so that teaching and

learning process can be done anywhere and anytime.

3. **Relief of financial burden:** Privatization of higher education decreases the financial burden of the state and the central governments on higher education
4. **To provide of quality education:** Better quality higher education can also be provided by private sector. As we know, government is facing acute shortage of funds and grants given by government for higher education has been cut on a drastic scale and on the other side demand of higher education is increasing, then only feasible way is privatization of education. So this is the major factor responsible for it.
5. **Shaping the curriculum in accordance to global, national and local needs:** Privatization of Higher Education will definitely expose the students and teachers to international education standards thereby throwing better opportunities for employment on a global basis as well as national and local basis. It also will lead to greater reach to rural areas through the on-line education systems in the long run. The teachers are of the opinion that though higher salaries may be the norm in the short period but in the long run it will stabilize and rationalize.
6. **Better employment:** Privatization of higher education causes the generation of employment opportunities to the graduates, post- graduates, researcher and trainees in different fields. Generation of employment and income opportunities to educated youth is positive impact of privatization of higher education in the Indian labour market.
7. **Join any course, irrespective of merit:** Privatization not only increase the number of higher education institutions but also helps the students to join any courses irrespective of their merits. So, administration is made according to their fiscal capacity not on intellectual ability. This is the present status in most of the private educational institutions in the Indian society.
8. **Free from political intervention:** Private sectors are almost independent of political interventions. According to Honorable Supreme Court, unaided professional institutes are autonomous in their administration and decisions. But they have to follow necessary guidelines notified by regulating agencies regarding admission, examination, recruitment of staff etc.

##### B. Negative Impact of Privatization in India: Privatization has also negative impacts on higher education and society-

1. **Education a Business:** At higher education level, Mushroom Colleges have grown rapidly. Such colleges are becoming the center for selling degrees. After paying money, you need not attend the classes. Such institutions are more in professional courses like Engineering, Pharmacy, Education and Management courses. Due to this, employers get low wages. So government should check these kinds of colleges in control.
2. **High Cost of Education:** In higher education the privatization always increases the cost of education. The authority collects different fees to increase its income. This situation is beyond the fixed capacity of poor and middle class income groups.
3. **Inadequate infrastructure:** The infrastructure facilities in the self- financed college and university is inadequate and poor. Most of the colleges do not have separate buildings, especially for staff and library,



no proper class room, no technological devices etc. Moreover, basic facilities such as drinking water, hygienic toilet and equipped laboratories are not available in many colleges which affect the learning environment and other related objects.

4. **Poor Faculty:** The main object behind privatization of higher education is said to be quality improvement, this object is not fulfilled. In majority of educational institutions quality compromise is observed. Their staff is not properly qualified and provides services for fewer sums. By using such staff such institutions earn considerable amount of profit but in return do not provide better quality education.
5. **Violation of right to education:** Privatization of higher education has resulted into violation of right to education. It has created a big problem in our country.
6. **Disparity in access to higher education:** There are four kinds of disparity in higher education are visible in India: gender disparity, geographical disparity, minority-majority based disparity, and disparity based on economic class. The above mentioned disparities in access to privatization of higher education.
7. **Capitation fees:** Capitation fee refers to an illegal transaction whereby an institution that provides educational services collects a fee that is more than what is approved by regulatory norms. In the context of Indian law, a capitation fee refers to the collection of payment by educational bodies not included in the prospectus of the institution, usually in exchange for admission to the institution.
8. **Exploitation:** Private institutions also exploit the teachers and professors by paying those amounts which are not according to the amount specified by regulating agencies like UGC etc. This may lead to slackening in the efforts of teachers and professors and may finally result in the fall of standard of education.
9. **Lack of Quality Education but restless work:** The private educational institutions do not provide the education of better quality. Here one thing which is to be noted that right to education flows directly from right to life under article 21, and right to life means right to live life of better quality and with dignity. So this quality compromise in private educational institution is violating right to education.
10. **Focus on quantity:** Private sectors have their focus on quantity and not on quality. This is the reason that quality of higher education is degrading. It is justified that due to the privatization number of private professional institutes has increased and it is no doubt required to cope up with growing needs but this has been at the cost of quality.

### Recommendations & Suggestions

1. **Monitoring by state:** Privatization of higher education cannot be opposed totally. State may allow Private institutions to provide education but such institutions should be subject to control of state. Whenever any constitutional right including right to education is violated by such institutions state should intervene in it.
2. **Change the business mind:** It must be kept in our mind that to provide education is not a business, but it is a noble service, and so private sector educational institutions should be regulated.
3. **Control the number of private institutions:** State by suitable legislation should fix the criteria regarding the number of private educational institutions. State's control over it, services to be provided by them etc.

4. **Mandatory accreditation:** All private colleges and universities are mandatory accreditation by NAAC to improve the best quality of their provisioning services. institutions should also take affirmative action's to help to weaker sections to get the better quality education. State can make it compulsory by suitable legislations.
6. **Micro-planning:** Area-based planning for inter institutional networking and utilization of resources for reduction in cost of provisioning of services by public and private sector education institutions.
5. **Adequate infrastructure:** Those private institutions which are in existence for the sake of name only, the institutions which are engaged in corruption and those who do not provide better quality education must be closed. If aforesaid measures are taken there will be proper control of state over private educational institutions, public sector can provide better quality education to all persons belonging to every level in society and private educational institutions will do their best in the field of education. It will prevent the privatization of education from being converted into capitalism. Ultimately the main object behind imparting education can be fulfilled.
6. **Fees structure:** Autonomy for private colleges should be granted to improve relevance of education with built-in safeguards and transparency in regard to fixation of student fees, staff service conditions, and admission of students.

### Conclusion

The private initiative in education, especially higher education is not new to India.

Some of the leading universities like Banaras Hindu University (BHU) and Aligarh Muslim University (AMU) came up with the efforts, dedication and financial support of community and since Providing free and compulsory education to all is a basic duty of government and it cannot be neglected. So government has to invest more and more funds in development of primary education. A huge cut in expenditure on higher education by government is the direct be formed which assure quality and transparency and prevent profiteering. There is an emergence need to regulate quality but not growth of supply. There is also a fact that private investors would not run an institute a loss. If a private sector educational institute cannot at least recover its costs, it would be closed down. At the least, private institutions must be allowed to be commercial i.e. they must be allowed to break - even or make a small fair profit. If they are allowed to do so transparently, there would be no need to disguise their profit and the institute will not compromise with quality. To ensure access to higher education by weaker section of society, government has to increase public expenditure on higher education. On the whole, an improvement in the standards of education could be achieved through a balanced relationship between public and private sector. Although there are many drawbacks of privatization of higher education in India, it is sure to improve the present educational system.

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