

Private Universities in Bangladesh: *An Analysis of the Legal and Functional Dimensions*

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Introduction

Higher educational institutions like universities play an important role in the development of human resources for any country. Since independence, public universities has been playing important role in providing skilled human resources for Bangladesh. The rapid growth of population in the country has compelled the government to denationalize many sectors for providing maximum benefit to the citizens. Like other sectors, government has taken the policy to open the door of education for private sector.

There are many ways to develop human resources for overall development of a country. Education is considered one of the important processes to make a country's citizens as competent human resources. The government of the developing country like Bangladesh cannot alone afford expenses to provide higher education to the maximum citizens of the country. The private universities in Bangladesh are the products of this reality. The functions as well as activities of the private universities have a legal premise. How far the legality is followed? Answer of this question is important to make the private universities effective and efficient. This paper tries to explore private universities' functions as an alternative educational sector in providing higher education in Bangladesh has been following their legal bonds. In this paper, the discussion of higher education has also given emphasize as higher education is the pivot of emerging the idea of private university in Bangladesh. The context of The Private University Act 1992 gives birth of private universities in Bangladesh to facilitate higher education in Bangladesh.

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Main objective of this paper is to analyze the functions of the private universities from legal point of view. Other objectives of the study are : (i) to look into the context of private universities in Bangladesh; (ii) to analyze the Private University Acts promulgated and revised in different times which are the legal premises of private universities in Bangladesh. (iii) to analyze management and administrative control of private universities and (iv) to find out quality control measures of private universities in providing higher education.

Content analysis and historical methods have followed in this paper. The areas of this study concerning the role of private universities established under Private University Act 1992. Data have been driven from secondary sources.

Higher Education : Conceptual Issues

Higher education is education that is provided by universities, vocational universities, community colleges, liberal arts colleges, technical colleges, and other collegial institutions that award academic degrees, such as career colleges (http://en.wikipedia.org/wiki/Higher_education, retrieved on 26/09/2009). Since 1950, Article 2 of the first Protocol to the European Convention on Human Rights obliges all signatory parties to guarantee the right to education. At world level, the United Nations' International Covenant on Economic, Social and Cultural Rights of 1966 guarantees this right under its Article 13, which states that "higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education".

Post-secondary or tertiary education, also referred to as third-stage, third level education, or higher education, is the non-compulsory educational level following the completion of a school providing a secondary education, such as a high school, secondary school, or gymnasium. Tertiary education is normally taken to include undergraduate and postgraduate education, as well as vocational education and training. Colleges and universities are the main institutions that provide tertiary education (sometimes known collectively as tertiary institutions). Tertiary education generally results in the receipt of certificates, diplomas, or academic degrees.

Higher education includes teaching, research and social services activities of universities, and within the realm of teaching, it includes both the *undergraduate* level (sometimes referred to as tertiary education) and the *graduate* (or *postgraduate*) level (sometimes referred to as graduate school). Higher general education and training generally takes place in a university and/or college. Such education is based on theoretical expertise. Higher general education might be contrasted with higher vocational education, which concentrate on both practice and theory. A university is an

institution of higher education and research, which grants academic degrees; including Bachelor's degrees, Master's degrees and doctorates in a variety of subjects. However, most professional education is included within higher education, and many postgraduate qualifications are strongly vocationally or professionally oriented, for example in disciplines such as social work, law and medicine.

In Bangladesh higher education refers to university and university-college level education. These are comprised of undergraduate, graduate and postgraduate programmes in a wide range of discipline. The disciplines include humanities, social science, commerce, business and the sciences, technical, medical, agriculture and nursing education and teachers' training (UGCB, 2006:4).

Context of Higher Education in Bangladesh

Until 1921, the University of Dhaka was established, the management of higher education of East Bengal (which is today's Bangladesh) rested with the University of Calcutta. The University of Dhaka was set up as a teaching university which was residential in nature. In 1947, when India was partitioned and East Bengal became a province of Pakistan, the University of Dhaka was given an additional affiliating role. The university continued to play that role up until the National University was set up (1992) which took up its affiliating functions (UGCB, 2006:1).

The University of Dhaka was, for a long time, the only institution of higher learning in Bangladesh. Then in 1953 a second university at Rajshahi was set up. Subsequently a few more universities were established: Chittagong, Jahangirnagar, Bangladesh Agriculture University (BAU) and Bangladesh University of Engineering and Technology (BUET) before the country's independence in 1971. Between 1971 to 2005, 16 more public universities were established and Acts for further new universities have been passed recently. Of these 6 are under construction. Until 2005, 54 private universities have also been set up. Of the 21 functioning public universities, 6 are General Universities, 5 Engineering Universities, 3 Agricultural Universities, 1 Medical University, 4 Science and Technology Universities, 1 Affiliated University (National University), and 1 an Open University (UGCB, 2006:1).

Structure of Higher Education and their Management

In Bangladesh higher education is provided under five major types. Like, 1) General Education; 2) Science and Technology and Engineering Education; 3) Agricultural Education; 4) Medical education; and 5) Distance Education. Initially there are two stair of higher education – Bachelor's degree and Master's degree. A 3 years bachelor's degree is offered in pass-

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course which requires 2 years for obtaining Master's degree. There are also 4 years honors course in Bachelor degrees which require 1 year for Master's degree (UGCB, 2006:4) After completion of Master's degree pupils may get opportunity of further higher studies; like M.Phil. and Ph.D.

Ministry of Education is the highest policy making body while UGC is the main administrative agency headed by chairperson with some members to regulate and coordinate plans and programmes of different public and private universities. The private university stream of tertiary education in the country has to be accountable ultimately to UGC. Formally, UGC defines a number of administrative, financial and other parameters to the universities - both public and private. The universities have autonomy (by the parliamentary acts) to work within the UGC-given parameters. Quality assurance and equivalency and other similar aspects are supposed to be taken care of by the UGC.

A mix of autonomy granted to universities and loose control by the government characterizes management of higher education system in Bangladesh. There are universities operate under the 1973 order approved by an act of parliament. Other public universities are set up under respective acts of parliament. While all private universities are set up under the Private University Act of 1992. There are three tiers of management in public universities. Senate is the top echelon, which is the legal body of public university. The next body is Syndicate which is the highest executive body and then there is a academic council which look after academic matters, students' admission, examination, graduations, creation of teaching positions and so on. The Vice Chancellor acts as chairperson of all these three bodies. The governing body or board of governors or trustees mainly governs private universities.

Context of Private Universities in Bangladesh

Bangladesh was one of the few developing countries to consider the option of a non-state (private) university in the nineteen eighties. The idea to allow different non-profit philanthropic organizations to establish fully-fledged universities was first mooted in the first-half of 1981 (USTC, 2000) by the highest level state functionaries. Due to socio-political upheavals in the 1980s, it took almost a decade for the actors (both state functionaries and the potential entrepreneurs) to make this concrete in terms of a parliamentary act 1992.

The system of private universities is a relatively new concept in Bangladesh. Due to the ever-growing demand of educational institutions at the university level and the fact that the existing public universities could not meet the need, the Government of Bangladesh passed the Private Universities Act in 1992. Starting off with a handful, the number of private

universities has grown rapidly and stands at 54 to date, compared to the 21 universities in the public sector. Part of the reason of course is the fact that we have one of the fastest-growing populations in the world, considering the growth of our population from 45 million in 1971 to the current 145 million in a span of just 35 years.

There are various reasons why private universities have become so popular in Bangladesh. The reasons can be categorised as follows:

- a) Insufficient number of higher education institute in Bangladesh;
- b) Education as a prospective business sector;
- c) Global phenomena of commercialization education and increasing demand of professional degrees;
- d) Expansion of business sectors which require more business and information technology graduates as well as experts;
- e) There are political context of opening private universities. In Bangladesh it is clear that the BNP led government for the first time initiated private universities in 1992. BNP's political belief is liberal economy as well as privatization. Alike other sectors; BNP government did open the venue of education for private investors.

Among the various factors that govern a person in choosing an institution for higher study, the most dominant one is the availability of the desired major or program. The fact that the number of seats in the esteemed public universities in a given program (say BBA) is very limited, students these days tend to opt for a lesser known institution rather than study some subject which apparently does not have any prospect in the long run. Private Universities have capitalized on this situation by limiting the studies to a few disciplines (BBA, MBA, Computer Science, Engineering, Medicine, etc.), which are very much in demand in the job market.

According to a University Grants Commission report, the standard of education in most of the public universities is not up to the mark due to reasons including student politics, irregular and interrupted classes and examinations, unsatisfactory teacher-student ratio, etc. On the other hand, all these problems are completely non-existent in the private universities of Bangladesh. Prior to the introduction of private universities, students not being able to get a 'seat' in the esteemed public universities had very few options left to them. Some of them went abroad to study the majority of them going to India and few to USA, UK, Australia, etc. Eventually, our country had to suffer from losing huge amounts of hard-earned foreign currency and also the brain-drain factor to a large extent. The private

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universities have directly helped in saving foreign currency as well as brain drain. Large amounts of scholarships are also available for students with brilliant academic results. However, private universities still remain to be popular amongst the students with financial constraints. More need-based scholarships should be given to the students to give opportunities to a higher number of deserving candidates.

At that time the public universities in Bangladesh could not accommodate a huge number of students passed out in higher secondary examination. A huge number of students could not be accommodated in public universities having required qualifications because of the limited seat capacities in public universities. On the other hand, the courses offered in most of the public universities were not seemed to be job market oriented. Moreover, the guardians had not felt secured to send their wards to the public universities having serious turmoil and chaos. The universities could not follow the academic calendar to finish graduation and post graduation degrees that created session jam. These entire prime reasons motivated government and private entrepreneurs to establish private universities in Bangladesh.

Legal Premises of Private Universities in Bangladesh

The government recognized and appreciated the initiatives taken, in the early nineties by a group of educationists to establish private universities. After due examine of their proposals, the government felt the necessary of enacting a legal framework under which private universities could work. On 5 November 1992, the first private university titled as North South University, which was granted to the charter to offer degree level courses. The Private University Act (PUA) of 1992 stipulated five major conditions to set up a private university. They were:

1. a deposit of Tk. 10 million as security money in interest-bearing government bonds;
2. to start with a minimum of two faculties;
3. having stated in a rented premise, the university must move to its own campus by the end of the fifth year. It should own a land area of five acres;
4. programmes and courses to be offered must be approved by the UGC before students are admitted;
5. five percent of enrolled students are to be granted free studentship to allow poor but meritorious students;

The seventh parliament (July 1986-July 2000) during Awami League regime amended the PUA 1992 in 1998. It raised the amount of deposit

money to Tk. 50 million and teachers salary scales and fees from students to be made public. The UGC has proposed some amendments of PUA 1998 and forwarded it to the Ministry of Education, which is yet to be approved. As of November 2007, the number of government approved private universities increased to 54. But as per the recommendation of the UGC three private universities permission have been cancelled that result present number of private universities are 51. Today 51 private universities are contributing to higher education under University Grants Commission (UGC)¹. The students of these private universities spend huge amount of money but its return is unknown. In this paper, I will try to know their getting private universities services for social and national obligation and its benefit etc.

The latest act of private universities (Bangladesh Gazette, December 30, 2008,) has been promulgated on December 30, 2008 replacing Private University Act 1992 with due modification. The following are some fundamental excerpts of the Private University Ordinance 2008:

Article 3 (1) is marked for establishment and management of private university. This provision as usual restricts to establish any private university without the certificate of the concerned authority. According to this provision no graduate, post graduate and any other diploma or certificate would be allowed to provide under any foreign university. Article 3(2) also restricts any private university to be a profit making institution. Provision 3(3) allows the private universities to be a statutory private organization. Private universities can be run on adhoc basis after fulfilling some criteria. These criteria includes; having a Board of Trustee, sufficient number of class rooms, library, laboratory facilities, etc. The proposed private universities must have at least 25000 square feet rented or own space; at least three faculties and minimum 5 crore taka reserved fund in any schedule bank. Among other provisions for being permanent the notable one is to have at least one acre land in Dhaka and Chittagong metropolitan areas and two acre land in other areas in the name of the university. Article 10 of the Ordinance cites some as the university authority which are mandatory to constitute. These are: Board of Trustee, Syndicate, Academic Council, Faculty/School, Institute, Syllabus Committee, Finance Committee, Faculty Recruitment Committee and Disciplinary Committee. Article 13 also mentions to have some officials titled as: Vice-Chancellor, Pro-Vice-Chancellor, Treasurer, Deans/Directors, Registrar, Controller of Examination, Head of the Department, Director (Student Welfare), Director (Finance), Director

¹. "The Daily Prothom Alo", 19th May 2003, Dhaka.

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(Planning and Development), Public Relation Officer and Librarian. These provisions of the latest Private University Ordinance (2008) are the key legal premises of the private universities in Bangladesh.

Functional Aspects of Private Universities in Higher Education

In this study, the role of private universities to contribute to higher education in Bangladesh has tried to assess. There are some factors which help to maintain higher education. The factors are university management, student enrolment process, student evaluation method, teachers' recruitment method, number and quality of teachers, and their motivation (salary, promotion), other facilities for students like classroom, library, laboratory and equipments, extra curricular activities, etc.

Management of Private Universities

Almost all the private universities in Bangladesh have had a two-tier management structure. Usually the top echelon is called *Board of Governors (BOG) or Trustees of the sponsoring foundation*. The BOG or the Trustee appoints a chairperson for itself. It is a policy decision body which encompasses decisions for development, long-term financing, and the overall management of the university. The second tier deals with the academic management of academic programmes of the universities. The Vice-Chancellor acts as the chief of this tier. The Vice-Chancellor is generally supported by Pro-Vice chancellor, Treasure, Deans of the Faculties, Registrar, Chairperson/Heads of the disciplines and other managerial people from their respective capacities.

Financing of Private Universities

As per the Private University (Amendment) Act 1998 the university is to have a deposit of tk. 10 million as security money in interest-bearing government bonds. Beside this some private universities raise fund under the *Trustee or Board of Governors*. But fees from students are the major and continuous source of funds of all the private universities in Bangladesh. All of the private universities are self financed. And also produce a surplus. The rate of profit at times are more than 40 percent (Alam et.al.2007). The profits are reinvested as *energetic input*. This input is used for physical improvement of the university. Following the Private Universities Act each university is to provide commercial audit of accounts by a firm of chartered accountants.

Students and Teachers in Higher Education

More than one million students have been studying at higher education level (UGCB, 2006:5). The 54 private universities with their limited

infrastructural and other supports have significant contribution in higher education. The following table shows in details only the students enrolled in the year 2004-05:

Table 1: Students enrolled in different category of universities (in the year 2004-05)

<i>Nature of Universities</i>	<i>Students enrolled</i>	<i>Percentage (%)</i>
Public Universities	112,430	10.90%
National University	773,492	74.90%
Bangladesh Open University	84,271	08.10%
Private Universities	62,856	06.10%
Total	1,033,049	

Courses Offered and Students-Teachers Ratio

The private universities in general offer technical courses which have found commercially viable. In this area Computer Science and Engineering, Business Administration dominate the private universities in the first half of 1990s. Side by side Architecture, Civil Engineering, Pharmacy, Electronic, Information Technology etc. also have significant job opportunity and taught in private universities. In recent days some disciplines of social science and arts could have made space in private universities' teaching. Law, English, Development Studies, Economics, Education etc. have also been teaching specially in Post-graduate level. The student-teacher ratio in private universities is healthy and it is found constant over the years. A BANBEIS source of Bangladesh Education Statistics (2003) depicts that in 1997 in 16 private universities had total 5,668 students and 636 teachers. The student-teacher ration stood 9:1. In 2003 in 52 private universities the total number of students and teachers were 46,080 and 4,543 respectively. The student-teacher ratio was 10:1. It is congenial for a good academic atmosphere. The private universities have also opportunities to hire expert teachers from reputed public universities. From the same sources of BANBEIS (2003) found that in 2003 in 52 private universities out of total 4,543 teachers 1,781 were from reputed public universities which is almost 40 percent of the total faculty staff. The table 2 shows more details.

Table 2: Faculty staff stands in private universities in Bangladesh (in the year 2003)

<i>Faculty Staff</i>	<i>Full Time</i>	<i>Part Time</i>	<i>Total</i>
Professor	457	542	999
Associate Professor	235	291	526
Assistant Professor	444	282	726
Lecturer	1,427	433	1860
Others	199	233	432
Total	2,762	1781	4543

Role Analysis of Private University

Role and contribution of private universities in higher education would be justified by two broader aspects. One is quantity of input and out put that is the number of students these universities get as input and make them as out put. Secondly, quality of processing these inputs to final products. The internal management, logistic supports, faculty quality and strength, library facilities, availability of well equipped lab etc. contribute to quality of processing output.

Quantity and Quality of inputs of inputs

As shown private universities in Bangladesh collectively can admit only 6.10% of the total students passed in HSC in 2004-05 session. This is very insignificant.

Usually, the best students try for admission in public universities. The choice of public universities also varies from pupils to pupils depending on desired subjects and location too. But The University of Dhaka, BUET etc are always in the top priority among the students for admission. Table 1 demonstrates that only about 6 percent students get enrolled in private universities. Who are those six percent students? Generally, they are among those who could not be admitted in their desired public universities in desired fields. It is to mention that all of the rejected students from admitting into public universities do not have that much pecuniary condition to go to private universities. So, the qualities of inputs of private universities are inferior to the inputs of public universities. But these inferior quality students are to study the toughest subjects those are usually offered in private universities. This is one of the important reasons about what the outputs coaxed out from private universities are in questioned.

Faculty Staff

The numbers of faculties are well in ratio to students. There are some universities like North south University, Independent University of Bangladesh, East West University, and BRAC University etc possess fairly qualified faculty staff. Private Universities' faculty members give more time to the departments and students than the faculties of public universities. The faculties' salary also becomes a great motivational factor for them. Moreover the working environments in private universities are in general congenial.

Prospects of the Graduates of the Private Universities

What do the graduates do after being passed out from the universities? Answer to this question is very important to draw the role of private universities in Bangladesh. Government machinery has yet to make any statistical report regarding the placement of private universities graduates. A report of Independent University of Bangladesh (IUB, 2004) has made a report that in the year 2000-2001 about 66 percent of the graduates from private universities were absorbed in salaried jobs. Another 12 percent were involved in self-employed activities. Most of the salaried employees were mainly in private sectors' job. And their average income levels were significantly higher than those of the private universities' graduates except the graduates from IBA of Dhaka University.

Conclusion

It has been important to assess private universities' legal and functional dimension for the sake of higher education from quality education perspective. The legitimacy of functioning the private universities in Bangladesh can provide better quality education. The existing disorder in private university sectors can be solved by following the rules. If it is the quality of private universities; functions would go beyond question. Quality encompasses a wide range of phenomena. Quality input is not as much concern as the process of taking of inputs. Another important aspect is the evaluation method. In private universities the examination evaluation methods are in serious question. It is felt to have an 'accreditation council' as a process of state mechanism to look after the quality matter of the private universities. The private universities always cannot encourage the quality students because of its high range of tuition fees and financial requirements. Private universities infrastructural condition is also a bit barrier to provide quality education. Though they are to move into their own campus before ending of their fifth year, most of the universities could follow it. This study found that the vision and mission of settling private universities are yet to be fulfilled.

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