

The HEERA conundrum

The Central Government (CG) plans to dissolve the All India Council for Technical Education (AICTE) and the University Grants Commission (UGC) and replace them with a single body, tentatively titled Higher Education Empowerment Regulation Agency (HEERA). According to statements made by the Human Resource Development Minister, having a single statutory body for higher education will simplify and consolidate the mass of regulations and compliances that currently operate in the sector.

Background

Policy analysts and experts have been advocating replacement of AICTE and UGC with a more efficient regime for a long time. The National Knowledge Commission (NKC), which was constituted in 2005 under the chairmanship of Sam Pitroda to recommend reforms in the education sector, found that there was a multiplicity of regulators prescribing standards and minimum norms for higher education institutions. This meant that the barriers to entry for new higher education institutions were high and often overlapped with each other, leading to confusion and disorganisation. Accordingly, NKC recommended creation of an Independent Regulatory Authority for Higher Education (IRAHE), which would function at an arm's length from all concerned stakeholders, accord degree-granting status to universities, set standards for higher education and award licences to accreditation agencies.

Further, the Yashpal Committee, constituted in 2009 with the mandate of advising on "renovation and rejuvenation of the education sector", identified a need for a "drastic overhaul" of the higher education system. The committee concluded that if higher education was to be seen as an integrated whole, the governance of professional education could not be separated from that of general education; there ought to exist a "single, all-encompassing higher education authority", which could regulate the sector on a pan-India basis.

Considering the above, the CG's initiative for introduction of a single independent regulator in the higher education space is welcome. Details regarding the HEERA proposal are being ironed out. The National Institution for Transforming India and the Ministry of Human Resource Development are in the process of drafting both a formal proposal to introduce HEERA, and the legislation which would govern HEERA (HEERA Law).

Powers of UGC

At present, the UGC has two primary responsibilities: (a) providing funds to educational institutions; and (b) coordinating, determining and maintaining standards in institutions of higher education.

An indicative list of the functions covered under UGC's mandate is set out as follows: promoting and coordinating education in universities, determining and maintaining standards for teaching, examination and research in universities, framing regulations on minimum standards for education, disbursing grants to universities and colleges, liaising between the CG, State governments and higher educational institutions, and advising the CG and State governments on possible policy measures to improve higher education in India.

Powers of AICTE

AICTE is a professional council constituted by the CG to govern technical education in India. AICTE's objectives include: promoting quality in technical education, planning the co-ordination

and development of the technical education system and regulation of technical education and maintenance of norms and standards for technical education in India.

Necessity

The jurisdiction of AICTE and UGC often tends to overlap. Given that UGC governs universities and prescribes minimum standards for higher education, and AICTE performs similar functions for the stream of 'technical education', there are many cases where institutions fall under the domain of both UGC and AICTE, for example, a college affiliated to a university which is recognised by the UGC may also be called upon by AICTE to obtain its approval. This is where the problem of multiplicity arises leading to lack of clarity over which regulations to conform to.

It appears that often the idea of conforming to two sets of norms set out by both regulatory bodies can be a huge barrier for setting up of nascent institutions. Even for existing institutions, overlapping and complex regulations make regulatory compliance burdensome.

The multiple sets of rules and sub-regulations prescribed by UGC and AICTE, unfortunately, seem to have acted as a deterrent to the development of premier educational institutions. There has long been a need for change in the regime governing higher education in India. Industry players opine that there has been little room for business development in the area, while state authorities lament the difficulty they have faced in enforcing overlapping, often labyrinthine compliances. Further, the separation between the standards governing technical and non-technical education is seen as unnecessary and illusory.

Clearly there is a need to smoothen existing procedures and ensure their efficient enforcement. It is in this light that the CG has proposed to bring HEERA into existence. The introduction of a unified regulator would minimise administrative delays and remove jurisdictional ambiguity. Sponsoring bodies of institutes of higher education would no longer be required to approach multiple authorities for clearances, which is likely to promote ease of development of institutions of higher learning. Furthermore, HEERA is expected to have sharper teeth than the extant AICTE and UGC: the HEERA Law is likely to empower HEERA to take strict penal action against defaulting institutions. Thus far, both private players and governmental authorities seem pleased with the idea of a single, unified regulator to govern the higher education space.

However, these sentiments are in most part contingent on stakeholders' expectations regarding the manner in which HEERA will function on the ground, once formalised. In the immediate future, one could expect more complexity in an already complex sector once the interim reform measures by way of amendments to prevailing higher education regulations are announced.

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