

## The problems with the HECI draft Bill

The [draft Higher Education Commission of India \(Repeal of University Grants Commission Act\) Bill, 2018](#) (HECI), aims to [replace a historical statutory body, the UGC](#); push for more government control; and stifle critical thinking on campuses. As the education system is the most potent instrument for shaping a country's future, and given India's massive youth population, reframing the education system in a manner that will reflect the government's agenda is clearly imperative for it.

No time to discuss

That the government is in a hurry to pass this Bill in Parliament is reflected in the fact that Human Resource Development Minister Prakash Javadekar gave merely 10 days to stakeholders to submit their feedback on the Bill (the last date was July 7). This is worrying and definitely not the way a massive reform such as this should be deliberated.

Mr. Javadekar argues that the draft Bill is in accordance with the government's commitment to reform the regulatory mechanism to provide "more autonomy" to higher education institutes. He believes that the HECI will cater to the changing priorities of higher education. The UGC, it is argued, is preoccupied with disbursing funds and is unable to concentrate on mentoring higher education institutes, focus on research, and implement other quality measures required in the education sector. So, the HECI will focus solely on academic matters while grants will be issued by the Ministry.

The argument is perplexing as what is expected of the higher education system as envisaged by Mr. Javadekar can very well be done by the UGC. To do so, the UGC needs to be restructured in a manner that will ensure that its autonomy is strengthened without any scope for patronage politics and political interference. However, no such restructuring has been attempted, taking into account the UGC's founding goals, achievements, shortcomings and the reasons for such shortcomings.

Instead, as the HECI draft Bill is already up on the Ministry's website, it is important to dwell upon at least six of the concerns that are being expressed by the media and by academics.

Six concerns

One, Mr. Javadekar tweeted that the transformation of the regulatory set-up is based on the principles of minimum government and maximum governance, separation of grant functions, the end of inspection raj, powers to enforce 'Saaf Niyat, Sahi Vikaas', and focus on academic quality. This is clearly a case of doublespeak. The nature of the structure of the commission and its advisory council shows that they are bound to have more "government" in decision-making processes rather than academics.

Two, sweeping powers render the HECI more authoritative than the collective strength of campus authorities. The powers and functions of the HECI trivialise the concept of autonomy, not the least because "non-compliance (of directions of the HECI) could result in fines or jail sentence." This means that the authority of the HRD Ministry will be strengthened. Also, under the new terms of engagement, universities will have to take the concurrence of the HECI before offering a course. This restricts the freedom of a university's Board of Studies. The draft Bill states: If any University grants affiliation in respect of any course of study to any institution in contravention of the provisions of the regulation/rule/recommendation issued by the Commission...the Commission... may impose a penalty on such University and/ or on such Institution which may include fine, or

withdrawal of power to grant degrees/diplomas or direction to cease operations.” If there is a threat of academic functions being usurped through this legislation, it calls for reflection.

Three, with its mandate of improving academic standards with a specific focus on learning outcomes, evaluation of academic performance by institutions, and training of teachers, the HECI is likely to overregulate and micromanage universities.

Four, the proposal to empower the Centre to remove the HECI’s chairperson and vice-chairperson for reasons including “moral turpitude” will again curtail the regulator’s autonomy, which in turn will impact the autonomy of universities.

Five, instead of allowing institutions to evolve over time based on their specific needs, focussing on homogeneous, one-size-fits-all administrative models will go against the ethos of academic freedom, diversity, and knowledge production, and will help attempts to corporatise the education sector.

Six, the move to replace the UGC with the HECI points to the Centre’s aim to restrict the role of the States in matters relating to education. Strangely, this legitimate apprehension has been articulated by only one politician, Kerala Chief Minister Pinarayi Vijayan, even though others have been voicing concerns that the Terms of Reference for the 15th Finance Commission will weaken federalism.

#### Access to education

Mr. Javadekar’s sudden decision to opt for the HECI is attributed to Prime Minister Narendra Modi’s lament in October 2017 that no Indian university figures among the world’s top 500. However, Mr. Modi’s worries are misplaced. This is because one, the bigger concern for India is that despite being a country with a huge young population, higher education remains a privilege; many do not yet have access to it, mainly because it is not affordable. Also, those who do have access attend universities to further their life chances; aiming to get their university in the world’s top 500 list is not their priority. Two, education is a continuum from lower to higher. The quality of higher education is determined by the quality of lower education, which is extremely poor, and that should be our focus. Three, despite the Modi government’s slogan, ‘Sabka Saath Sabka Vikas’, the fact is that the number of Scheduled Castes, Scheduled Tribes, and Muslims who have access to even basic education, let alone higher education, remains abysmal. The Prime Minister should concentrate his energies on improving this dismal scenario rather than lamenting about India not figuring in the world’s top universities list. Even the poorest child in India should have access to the best education that will benefit and improve his or her future. Education must serve as ladder for those in the lower rungs of society. In India there is no such ladder, and many children continue to lead a poor quality life with no access to education. Seen from this perspective, the fact that there is no reference to expand the higher education sector such that it will reach the marginalised and the poor is what is actually a “blot”. Including the excluded should be India’s goal, and reservation and affirmative action are the way forward.

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