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Response to MHRD Draft Bill for repeal of UGC Act 1956 & setting up HECI (Higher Education Commission of India).

For the last 60 years the UGC was taking decisions related to allocation of funds, deciding course structure, monitoring quality and giving clearance for setting up new campuses. But now, as has become common practice, MHRD Minister Prakash Javadekar has *tweeted* that “In a landmark decision, a draft Act for repeal of #UGC & setting up #HECI (Higher Education Commission of India) has been prepared,” in accordance with the “commitment of the government” to reform the regulatory mechanism to provide “more autonomy” to higher education institutes to “promote excellence” and “facilitate holistic growth of the education”.

The MHRD Note further proclaims that “Government, under the leadership of Prime Minister Narendra Modi has embarked a process of reform of the regulatory agencies for better administration of the higher education sector.”

What are the changes sought to be introduced through the proposed Bill, which the Minister incorrectly refers to as an Act even though it has not been placed before or passed yet by Parliament?

- HECI will not determine, allot and disburse grants to Institutions of Higher Education (IHE); these will be directly handled by the MHRD;
- All new courses will henceforth have to be approved by HECI;
- HECI will have the powers to shut down and initiate criminal action against IHE that fail to act according to its decisions;
- HECI will be advised by an overarching Advisory Council with Minister and Secretary MHRD as Chairperson and Vice-Chairperson respectively and its ‘advice’ will be “implemented” by HECI;
- Overriding the specific Central and State Acts establishing universities and the other related legislations of states, the HECI Bill, if passed, will legislate on a concurrent subject thereby encroaching on the rights and powers of the state governments and jeopardising constitutional federalism. According to the Article 246 read with Entry 32 of List 2 and Entry 44 of List 1 in the Seventh Schedule of the Constitution of India, the “Incorporation, Regulation and Winding up of a University is an exclusive domain of the State Government” and the Union Government cannot legislate on these matters.

The direction of the changes is significant. **On the one hand the HECI will have punitive powers to ‘discipline’ IHE, and on the other hand the Central government’s role in the composition and the day-to-day functioning of the HECI will be enormously increased.**

The UGC was established as an autonomous, statutory body which was appointed by Central government but government’s role was specifically restricted and the contribution of working academics (“at least 4”) was ensured among its 10 members. 4 members were to be drawn from different fields of experience or from “the learned professions”. One-half of these were not

to be officials with either central or state governments. 2 officials would be members as “representatives of the central government”. The Chairperson was specifically not to be an official of either the central or a state government.

HECI has 14 members. The UGC Act’s stipulation regarding non-official status of the Chairperson has been removed although it has specifically been stated that the Chairperson can be an “Overseas Citizen of India”. The HECI’s Chairperson, and Vice-Chairperson will be appointed by a search-and-selection committee comprising the Cabinet Secretary and the HRD Secretary. HECI’s 12 other members will include officials from the various “stakeholder ministries”, Chairpersons of AICTE and NTE, two serving Vice Chancellors (who need not be academics but can be drawn from the bureaucracy and even the armed forces), an industrialist (no representatives from other “learned professions”), and only two professors.

Central government’s control is further enhanced by allowing it to remove members of HECI before the completion of their term. UGC members could not be removed by the central government before their term was completed.

And finally, the Advisory Committee’s composition, advisory power and frequency of meeting (twice a year as opposed to HECI’s one a year) exposes the proposed routine interference of the Central government in the functioning of HECI.

When this is placed in the context of the withdrawal of the power to clear and disburse grants from the HECI and transferring this to the MHRD, it becomes abundantly clear that HECI will act as a rubberstamp for the Central government and will gravely threaten the autonomy that IHE have under the UGC Act. HECI will in effect be an instrument through which what happens in the academic world would be decided by government officials answerable to their political masters, and nominees close to the government of the day.

Despite the fact that the UGC itself has been gradually handing over its own independence under pressure from the government over the past two decades, it is important that, given the UGC Act, the academic community and teachers and students unions have been able to resist and struggle against interference from ruling governments and ideologies.

If the HECI Bill is passed the Central government will centralize, consolidate and monopolize control over the academic life of the country and over IHE.

How will HECI, controlled by the Central government and its appointees, and lacking any say whatsoever in granting and disbursing of funds have the ability to ensure efficiency?

The very process by which academic ‘reforms’ are being undertaken is completely non-transparent and anti-democratic. Since 2016, the Central government has been unable to present its New Education Policy before the country so that its approach to education in general and higher education in particular can be publicly known and debated. **Orders emanating from Prime Minister’s Office (PMO) and the officials of his appointees in the Niti Aayog are converted into circulars and imposed on the education system without adequate analysis and preparation and without providing time for discussion and implementation.**

HECI is being empowered to specify “learning outcomes” and not just course structures. These “outcomes” are focused on providing “skills” required by the market and for getting jobs. Higher Education cannot be restricted to such narrow goals. The Draft HECI Bill speaks of ‘Merit alone’ – a concept which is based on market needs and is unable to define ‘merit’ in ways that can enable the

appreciation and enhancement of the diverse experience and potential of the deprived sections so that education is seen as a way to achieve the emancipation of socially and educationally backward sections. A 'market' oriented concept will only help the elite to retain their hold over Higher Education and thus strengthen the status quo.

Education has historically meant a socio-cultural process that unfolds the creative and human potential of children and youth in the larger and collective interest of the society and, instead of maintaining status quo, plays a transformative role to fulfill the goals of the country's Republican Constitution - Liberty, Equality, Social Justice and non-discrimination – and to promote the social values of secularism and socialism of the Constitution.

Even the UGC's efforts towards framing model syllabi as guides for all colleges/universities across the country – under the guise of a Choice Based Credit System (CBCS) – have been shown to be inadequate, given the disparate conditions and infrastructures of learning in widely divergent local contexts. To say that students must learn only a specified X and Y by the first year, for example, is to remove from the classroom situation all material references to or historical indices of privilege and discrimination. To argue that SC/ST/OBC students, with their histories of deprivation, must achieve the same "learning outcomes" as those coming from metropolitan contexts of privilege is not only to argue against the very logic of reservation in public institutions but also to deny the very nature of the learning process itself by pre-determining what will, and what will not, count as knowledge and merit. This standardized 'merit' of the privileged classes will force out the living dynamism from the search for knowledge. It will replace the diversity and innovativeness of experience with an anemic homogeneity and impose dull routine on the education system rather than encouraging the adventure of learning.

However, this is clearly only one-side of the picture, given the steps that the PMO inspired Central government has been taking. In particular, the recent 'decision' to "grant autonomy" to selected IHE, points in a completely different direction. Even as the HECI rules with an iron hand over public institutions of higher education, it will grant complete freedom to private institutions, and leave them absolutely free of all regulation. Institutions can be supremely "autonomous" as long as they raise their own funds and initiate a huge privatization of higher education at the expense of the students and the faculty.

This neo-liberal 'reform' pattern slavishly follows the dictates of the WTO-GATS to turn higher education into a 'tradeable service' and knowledge into a 'commodity' to be sold to the highest bidder. Since 2000, following the Ambani-Birla report, a number of Central government appointed committees have advocated the abolition of the UGC in favour of a commission that is controlled by the Market and by the Central government so that the interest of investors in education are promoted, but the students, faculty and society at large are the losers.

HECI is the means for dividing higher education, in a manner that has already destroyed school education into a range of private commercial institutions that sell education as a commodity on the one hand, and on the other would be institutions that would get their restricted funding (if our experience of vicious cuts in budgetary funds is anything to go by) from the government, but where no "deviant" ideas, no critical thinking, no independent thought, would be allowed to emerge.

Neo-liberalism does not mind students believing that Darwin was wrong, that ancient India had plastic surgery and airplanes in pre-historic times. The 'logic' of Hindutva is no hinderance to them as long as those who subscribe to it "open up" an education market to be exploited by national and international finance capital and train low-paid workers with the skills to serve international capital. What it

minds is creative, critical and independent thinking.

Neo-liberalism and Hindutva ideology of the present regime are both opposed to critical, independent thinking and create any excuse to suppress it through political intervention and violence within the universities and against public intellectuals in society.

The exclusion of the bahun and other marginalized sections of society from higher education is certainly a consequence of the mindset behind the establishment of the HECI. However, as the rampaging `lynch-mobs', which even the present government is unable to control after unleashing them, show that what is even greater is the threat to society as a whole, to a reasoned harmony and life of dignity in which all sections can be served by a government that truly wants development for all.

For all its weaknesses and its recent self-destruct action in passing the Grant of Graded Autonomy to IHE to privatize, the UGC needs to be corrected and strengthened in its autonomous functioning to expand and further improve public-funded higher education for all India's youth. The strategy of replacing it with a Central government controlled HECI that is hell-bent on privatizing higher education for a few and indoctrinating the mass of students in irrationality must be reversed immediately as a grave threat to the very concept of India for which the Indian people fought against and defeated British colonialism.

The legacy of Bhagat Singh, of Phule and Ambedkar and of the those who fought for freedom cannot be bartered to the neo-liberal gods of international finance capital in order to cling to power as the present Central government and the ruling party appear to be doing.

शिक्षा नहीं कोई कारोबार, है यह जनता का अधिकार

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