

Re-examine the draft higher education bill

The replacement for a 60-year-old institution requires careful consideration for it to become truly viable

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The Higher Education Commission of India (Repeal of University Grants Commission Act) Act 2018 has envisaged the establishment of a new regulatory body that will regulate higher education in India. The larger objective of establishing the Higher Education Commission of India (HECI) is to empower the new commission to focus on promoting academic standards and excellence, while delinking the financing of higher education from the commission's mandate. This is a sincere effort on the part of the Centre to re-energise the higher education sector. Last week, minister of state for HRD, Satya Pal Singh, said in Parliament that the ministry received 7,529 suggestions and comments from educationists, stakeholders and public on the Bill and the ministry is making the necessary changes to the Bill based on the comments received.

Here are some of the aspects of the draft legislation that need reconsideration

Scope of the mandate of the HECI: The HECI will be limiting when it excludes so many institutions and regulatory bodies from the scope of its jurisdiction. Our experience of creating separate regulatory structures to govern different aspects of higher education has been disastrous as it gives enormous scope for abuse of powers, confusion in compliance, arbitrary use of discretion, lack of transparency and significant transaction costs for enforcing regulations. HECI needs to recognise that the functioning of discipline-based regulatory bodies have a direct and inextricable relationship to the functioning of higher education institutions in India. The functioning of discipline-based regulatory bodies such as the All India Council for Technical Education (AICTE), Medical Council of India (MCI), Pharmacy Council of India (PCI) and

several other professional regulatory bodies have a significant impact on the governance of universities in India. This is particularly significant given that one of HECI's stated objectives is to promote "uniform development of quality of education in higher educational institutions".

The role of the states: One of the less discussed aspects of reforms in the regulation of higher education relates to the under representation of the states in higher education policy making. The principles of federalism demands that states need to be involved in all aspects of policy making, regulation and governance of higher education institutions. State higher educational institutions constitute major part of higher education landscape in India. The HECI cannot achieve what it envisages to achieve, without a dialogue between the stakeholders from the states and from the Centre. There is a need to establish a consultative mechanism, which would have strong representation from states. It should include not only the members from the state higher education councils, but also from state higher education sector, at large.

Composition of the HECI: The most important aspect of the HECI is the composition of the commission. However, the appointment of members of the search-cum-selection committee to appoint the members of the HECI needs a thorough re-examination. In fact, we need to learn from the lessons of the functioning of some of our more effective commissions. The Election Commission of India (ECI) is a good example of how autonomy, independence, along with adequate powers and functions for a commission can make it effective. The HECI must be envisaged as an independent and permanent commission comprising five or six persons with a chairperson and vice-chairperson, but all of them should be full members and full time staff of the commission. Regardless of the number of members of the commission, 60% of its members including the chairperson and the vice-chairperson ought to be academicians and university leaders; 30% of the members may represent the government, including the education secretary being an ex-officio member of the HECI; and 10% could be in the form of business or industry presence.

The HECI is a promising and sincere effort to seek reforms in the higher education regulatory architecture of India. The replacement for a 60-year-old institution requires careful consideration for it become a truly viable institution.

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