



Prospects and Challenges of Higher Education Commission in India

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Abstract:

The National Education Policy 2020 recommended setting up the Higher Education Commission of India (HECI) as a single overarching umbrella body for higher education, excluding medical and legal education. The Higher Education Commission of India, which envisages replacing autonomous bodies like the University Grants Commission (UGC), National Council for Teacher Education (NCTE) and All India Council for Technical Education (AICTE), etc., will be set up next academic session. We shall see some of the major changes in this academic session, for example, common admission test for entrance to all central universities that are coming in 2021, the Academic Bank of Credit through which one can transfer credits from one university to another, that is also 2021, "All Universities, be it Private, State or Central, they can have competitive funding. It's like the National Science Foundation of the USA. Some addition that has added, social science also will be the part of the National Research Fund. Indian Institutes of Management Act, 2017 which reduced government representation on IIM Boards. Which Granting authorization to institutions to commence academic operations, Functions of HEC are (i) learning outcomes for courses, (ii) standards of teaching and research, (iii) evaluation procedure to measure yearly academic performance of institutions, (iv) accreditation of institutions, and (v) ordering the closure of institutions. It specifies that Award of degree or diploma, Affiliation of Institutions with Universities, Grant of Autonomy, Graded Autonomy, Eligibility Criteria for Appointment of Vice-Chancellors, Setting & Winding-up of Institutions, and Fee Regulation, etc.

Keywords: NEP-2020, HECI, UGC, NCTE, AICTE

1. Introduction

The Higher Education Commission (HEC) will be set up next year and will replace autonomous bodies like UGC, NCTE, and AICTE, according to the Ministry of Education (MoE). A top government official has confirmed that the Higher Education Commission, which is set to replace autonomous bodies like University Grants Commission (UGC) and AICTE, will be set up by the next academic year. "We shall see some of the major changes in 2021 itself. If I could list out, for example, the common admission test for entrance to all central universities that are coming in 2021, the Academic Bank of Credit through which one can transfer credits from one university to another, that is also 2021,"

An Autonomous body to get merged: the University Grants Commission (UGC), All India Council for Technical Education (AICTE), and National Council for Teacher Education (NCTE) will get merged as per the regulatory changes planned for the next academic year.

The National Education Policy (NEP) 2020, the recently approved education policy by the Union Cabinet, recommended setting up the Higher Education Commission of India (HECI) as a single overarching umbrella body for higher education, excluding medical and legal education.

Now that the Government of India has decided to set up the Higher Education Commission of India (HECI), it is time to look at the challenges ahead. It's like the National Science Foundation of the USA.

The University Grants Commission (UGC) will cease to exist. All India Council of Technical Education (AICTE) and the National Council for Teacher Education (NCTE) will continue to function. National Assessment and Accreditation Council (NAAC), Bangaluru will continue too.

The proposed Act delineates the regulatory authority and the means of fund allocation. UGC will be replaced by HECI without financial responsibility. The fund release will be directly under the control of the Ministry of Human Resource Development (MHRD). The result will be a nightmare.

MHRD is already distributing funds to IITs, NITs, IISERs, and other institutes of national importance. Distribution of funds to the central universities will be much more demanding on MHRD. State universities need funds too. UGC was doing much more than just releasing funds, albeit with limited efficiency.

2. Need of Present Scenario

The proposed draft emphasizes the functional autonomy of the universities and deemed universities and at the same time gives the regulatory body the powers to "authorize" the existing institutions to continue or close down within three years. HECI will lay down the guidelines for the award of degrees and publish the curriculum to be followed by academic institutions. One nation, one curriculum does not work. India is a diverse country and we need enormous flexibility in formulating curricula.

The proposed draft outlines what HECI would do in terms of review and the actions that it could take. An annual review is unrealistic and is likely to become a ritual. Review every five years is more realistic. The clause, "The Chief Executive and other members of Management of such institution who do not comply with the penalty imposed by the Commission shall be liable for prosecution as per procedure laid down under the Criminal Procedure Code and may be punished with imprisonment for a term which may extend up to three years" is draconian and goes against the spirit of autonomy.

In terms of numbers, India has done well in educating the masses in the last seven decades after independence, as is evident from the reports of the All India Survey of Higher Education (AISHE) published by MHRD each year. The bottom of the pyramid has been enlarged to ensure gender equity and societal inclusiveness to ensure that the socially disadvantaged are given a helping hand to move up the ladder. The next task is to improve the quality of education and infrastructure for teaching as well as research to reach the pinnacle of excellence. This requires massive input in terms of funds to improve the basic infrastructure in central as well as state institutions. Unless the quality of education and the infrastructure (laboratories) is improved at the college level and the university level, leaders of science and technology and arts and humanities will simply not emerge!

A closer look at individual institutions would reveal that the infrastructure in many state and central universities is appalling. Efforts have been made over the years to remedy the situation through the Fund for Improvement of S&T Infrastructure in Universities and Higher Educational Institutions (FIST) operated by the Department of Science and Technology, New Delhi. But the rules of the game made it clear that the funds could not be given for buildings and other basic infrastructure. Equipment grants made sure that basic equipment was available in most colleges and universities. But the improvement in the basic infrastructure has not kept pace with changing times.

As we look at developed countries would reveal that the difference in infrastructure between the top institutions and the institutes down the line is limited. Regardless of where a student joins, certain minimum quality of education is guaranteed in those institutes.

India is still a developing Nation, eager to become a developed Nation. The purpose of this Editorial is to state what is needed to be done if we wish to take advantage of the demographic dividend and emerge as a leading scientific and technological warehouse.

We need to invest heavily, not just in top institutions, but from the bottom up. Demolish/renovate old buildings (some of them have the heritage tag) and make all laboratories state of the art. Higher Education Financing Agency (HEFA) loans would not do.

Setting up Institutes of Eminence is essential, but this also requires that the basic infrastructure in the feeder institutes (read colleges and universities) is improved. Let us not forget the old dictum: quality input begets quality output. Quality faculty will ensure quality graduates and they, in turn, will ensure quality faculty input into the system. There is a convective relationship between quality students and quality faculty.

There is an urgent need to internationalize our academic institutions. We need to actively admit foreign students and appoint foreign faculty. We must make our campuses conform to global standards. Safety in the laboratories is not an option. It is a way of life. During my visits to neighboring countries, I found that they are eager to send their students to India for higher education. If they could get a scholarship, it is even better. There are scholarships available, in principle, to students from SAARC nations. But nobody seems to know how to go about applying for them.

One can make estimates of the number of funds required to improve the basic infrastructure in all academic institutions. Miracles do not happen. We need to plan and invest over some time, in a systematic manner. Very quickly the argument gets diverted into state versus center. The Centre has to ensure that funds are provided to central as well as state institutions. The taxpayer has been paying educational cess over the years. This can be made use of.

Recently, there was big news about UGC granting autonomy to many institutions. Acts and Statutes of many institutes provide autonomy to them. This has been eroded over the years. This has to be restored across the board. Autonomy is needed in the admission of students and in designing the curriculum with changing times. Institutions of national importance have used their autonomy in ensuring quality education and research over the last five decades.

Ensuring quality in academic institutions has to start with the appointment of quality educationists as Directors and Vice-Chancellors. Search cum Selection committees have been reduced to Selection Committees. Candidates are expected to apply. Many qualified and deserving candidates would simply not apply.

In many institutes, funds allocated are not utilized in time, thanks to archaic purchase procedures. The Government is fully aware of the problem with L-1 (lowest quotation). Administrators are afraid of taking decisions as they are afraid of audit objections and reference to the Central Vigilance Commission. Best practices elsewhere have to be adopted in Indian institutions in a time-bound manner, if we are serious about saving them.

In most of the Indian institutes, the research done is incremental. Colleagues should be encouraged to take risks in undertaking projects that are in frontiers of science and technology. This can happen only in an atmosphere of trust and freedom.

It is time to let society know what we are doing. There is a need to increase the outreach programs in each institute. Students from all walks of life should be encouraged to visit individual labs and institutions so that they would come back for higher studies. Many institutes find their "open house" programs a big success. Busloads of students and teachers and parents come visiting. They are curious to know what is happening in the citadels of learning. If the public is convinced, the government will have no choice except to increase funding for academic institutions.

Academic institutes are not government departments. They need to procure things and make things for effective teaching and useful research in a time-bound manner. Many institutions receive funds, but they cannot make use of them because of the archaic procedures. Purchase procedures need to be simplified.

1. The Bill repeals the University Grants Commission Act, 1956, and establishes the Higher Education Commission of India (HECI).
2. The HECI will maintain academic standards in higher education by specifying learning outcomes for courses, specifying eligibility criteria for Vice Chancellors, and ordering the closure of higher educational institutions which fail to adhere to minimum standards.
3. Every higher educational institution empowered to award degrees or diplomas will have to apply to the HECI to commence its first academic operations. The HECI also has the power to revoke permission on specified grounds.
4. The Bill sets up an Advisory Council chaired by the Union Minister of Human Resource Development now became Ministry of Education (MoE). The Council will advise on coordination and determination of standards in higher education between the center and states.

3. Key Issues and Analysis of the Proposed Commission

5. The Bill aims to promote the autonomy of higher educational institutions. However, certain provisions of the Bill do not meet this stated objective. It may be argued that instead of granting higher educational institutions increased autonomy, the Bill provides HECI with extensive regulatory control.
6. Currently, institutions offering professional courses are regulated by 14 professional councils. Of these, the Bill seeks to bring legal and architecture education within the purview of HECI. It is unclear why only these two areas are included within the regulatory ambit of the HECI and not the other fields of professional education.
7. At present, the UGC has the power to allocate and disburse grants to universities and colleges. While the Bill replaces the UGC, it does not include any provisions regarding disbursement of grants. This raises the question of whether HECI will have any role in the disbursement of grants to higher educational institutions.
8. Presently, the Central Advisory Board of Higher Education (CABE) coordinates and advises the center and states on education-related matters. The Bill creates an Advisory Council and requires HECI to implement its recommendations. This may restrict HECI from functioning as an independent regulator.

4. Highlights of the Proposed Bill of HECI

- A. In India, education is included in the concurrent list which implies that both the center and states can enact laws on it.[1] In addition, the center can determine standards for higher education institutions while states can incorporate, regulate, and wind-up universities.1
- B. Higher education is regulated by multiple authorities. The University Grants Commission (UGC) regulates universities and colleges teaching general subjects.[2] It has the power to determine and maintain standards and disburse grants. The All-India Council for Technical Education (AICTE) regulates technical education such as engineering, management, and architecture.[3] Further, institutions offering courses related to medical, legal, nursing, or teacher education are regulated by 14 professional councils such as the Medical Council, the Bar Council, and the Nursing Council.
- C. Over the years, several expert bodies such as the National Knowledge Commission (2009), the Yashpal Committee (2010), and the Committee for Evolution of the New Education Policy (2016) have suggested measures to reform higher education to address issues related to access, quality, funding, and governance. Noting that the current system is overregulated but under governed, they recommended consolidating all existing regulators under an independent regulator. This body was envisaged to perform its regulatory functions without interfering with the academic and institutional autonomy of higher educational institutions.4

In 2011, the Higher Education and Research Bill, 2011 was introduced in Parliament which sought to consolidate the regulators of all higher education under a single regulator. However, the Bill was withdrawn in 2014.

The UGC came into existence as a statutory body through the UGC Act of 1956 and was modeled along the lines of the University Grants Committee of the UK. The British panel was scrapped in 1989 after seven decades of existence, while the UGC continued to be around with the primary task of both fundings and supervising the standards of higher education in India. Along the way, it lost the plot, and among other things, failed to adapt to changes in the education sector, brought about by increasing liberalization and globalization. Even as there has been a rapid rise in the number of universities over the last six decades — from roughly 30 universities in 1956 to nearly 670 in 2015 — there has also been the problem of falling educational standards, which the UGC failed to address many academics, including Amrik Singh who authored the book, *Fifty Years of Higher Education in India* (which was published in 2003), believe that the term ‘Grants’ in the UGC name led to much confusion, with the UGC authorities concluding that their primary task was to disburse funds and not so much as to oversee quality.

In the recent past, the government has undertaken various measures to promote autonomy in the sector, for instance:

- a. Passage of the Indian Institutes of Management Act, 2017 which reduced government representation on IIM Boards, and allowed the Board to appoint the Director,
- b. UGC regulations on granting graded autonomy to universities, and autonomous status to colleges,
- c. Government declaring six Institutions of Eminence which will have greater autonomy in admitting foreign students, fixing fees, and recruiting foreign faculty. The draft of the Higher Education Commission of India (Repeal of the University Grants Commission Act, 1956) was released on June 27, 2018. The Bill repeals the University Grants Commission Act, 1956.

5. Composition of the Higher Education Commission

The HECI will consist of 14 Members, a search committee will recommend names to the central government for the post of Chairperson, and Members of the HECI. The Search Committee will consist of five members including the Cabinet Secretary (Chairperson), Higher Education Secretary, and three eminent academicians. For the appointment of the Vice-Chairperson and the members of the HECI, the Search Committee will include the Chairperson of the HECI as well.

For the post of the Chairperson and the Vice-Chairperson, the Search Committee will recommend names of persons who are citizens of India and those who have been: (i) professors for at least ten years, or (ii) eminent administrators with proven capacity for institution building.

Members of the HECI include (i) the Chairperson, (ii) the Vice-Chairperson, (iii) Three Secretaries of the Central Government, (iv) Two Chairpersons of All India Council of Technical Education and National Council for Teacher Education, (v) Two Chairpersons of Accreditation Bodies, (vi) Two Vice-Chancellors of Universities of Academic Excellence, (vii) Two serving professors of universities, and (viii) an experienced person from the industry.

6. Comparison Between Current Regulatory Framework and Proposed Bill

The National Knowledge Commission (NKC) (2009) and the Yashpal Committee (2010) have made recommendations for the reform of higher education. However, most of their recommendations have not been included in the Bill. In the table below, we compare the 2018 Bill with the UGC Act, 1956, and recommendations made by the expert committees.

7. Role of Advisory Council

The Bill sets up an Advisory Council chaired by the Union Minister of Human Resource Development. The Council will render advice on issues concerning: (i) coordination between the central government and state governments, and (ii) determination of standards in higher education.

Presently, the Central Advisory Board of Higher Education (CABE) coordinates and advises the center and states on education-related matters. However, the regulatory bodies such as the UGC and AICTE are not legally bound to follow the recommendations of the CABE. The Bill makes it mandatory for the HECI to take steps to implement the advice rendered by the Advisory Council. This may restrict HECI from functioning as an independent regulator.

8. Basic Structures

The Bill seeks to establish the Higher Education Commission of India (HECI). It repeals the University Grants Commission Act, 1956.

Coverage: The Bill will apply to 'higher educational institutions which include universities set up by Acts of Parliament or state legislatures, institutions deemed to be a university, and colleges. It excludes institutions of national importance.

In addition to general subjects, the HECI will determine and maintain standards of legal and architecture education, while the Bar Council and the Council of Architecture will limit their role to specifying standards of professional practice.

9. Functions of the Higher Education Commission

The HECI will recommend ways to promote the autonomy of higher educational institutions and ensure the maintenance of academic standards in higher education. It will specify norms for (i) learning outcomes for courses, (ii) standards of teaching and research, (iii) evaluation procedure to measure yearly academic performance of institutions, (iv) accreditation of institutions, and (v) ordering the closure of institutions.

Further, the HECI may specify norms for:

- (i) Granting authorization to institutions to commence academic operations,
- (ii) Award of degree or diploma,
- (iii) Affiliation of Institutions with Universities,
- (iv) Grant of Autonomy,
- (v) Graded Autonomy,
- (vi) Eligibility Criteria for Appointment of Vice-Chancellors,
- (vii) Setting & Winding-up of Institutions, and
- (viii) Fee Regulation.

The first vertical of the Higher Education Commission of India (HECI) would be the National Higher Education Regulatory Council (NHERC). It would be functioning as the common and single-point regulator in the higher education sector consisting of teacher education. However, it would exclude medical and legal education. The second vertical of HECI will be National Accreditation Council (NAC). It would be a meta-accrediting body. The accreditation of all the institutions will be based mainly on basic norms, public self-disclosure, good governance, and outcomes. This accreditation will be carried out by an independent ecosystem which will be supervised by NAC.

The third vertical of HECI according to New Education Policy 2020 will be carrying out funding and financing of colleges and varsities. The fourth vertical of the Higher Education Commission of India (HECI) would be the General Education Council (GEC). It will frame expected learning outcomes for

higher education programs which are also referred to as 'graduate attributes'. The GEC will formulate a National Higher Education Qualification Framework (NHEQF).

10. Conclusions

Decentralize and deregulate higher education; appoint able leaders as Directors and Vice-Chancellors; give them training in academic administration and financial management; provide adequate funds; come up with user-friendly GFR for academic institutions; keep decisions of academic institutions outside the microscopic purview of the Government and Judiciary. Autonomy is essential in all aspects: autonomy in recruitment, admission, curriculum, and functioning.

India's strength is its diversity. There is a need to diversify the structure to meet the aspirations of the students from various backgrounds. There is no need for everybody to become an engineer or a doctor. The country needs scientists, sociologists, philosophers, economists, historians, artists, linguists,... It will be a pity if all academic institutions become IITs.

Teaching and research have to go hand in hand. For practical reasons, colleges will continue to focus on teaching, but research has to become an integral part. University departments may focus on research, but without undergraduates, research will not flourish.

Continuous evaluation of students is essential. Continuous evaluation of the faculty is needed too. Bodies like NAAC need to become independent to ensure strict evaluation of institutions.

MOOCS and Swayam cannot be a substitute for classroom teaching. They can supplement. If the availability of quality material is the key factor, MIT courses available online should have raised the standards across the globe. NPTEL could have raised the standards across the country. But that did not happen. Therefore, there is a need to ensure quality in every aspect of higher education.

At a time when India's economy is among the fastest-growing in the world, the education system needs to complement it by producing a skilled and educated workforce that can accentuate this economic growth. Therefore, new policies need to be transformative and progressive in their approach. While the current HECI Bill rightfully segregates a regulator's funding and quality control aspects, a lot more thought needs to go into ensuring its efficacy in the current education scenario. India has a relatively low enrolment rate of 25.8 percent in higher education.

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