

AUTONOMY IN EDUCATION

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1. Introduction

1.1 On 30TH March 2016, The Prime Minister took a series of decisions regarding education state of the nation, in a meeting with Niti Ayog and HRD top brass. The meeting emphasised on outcomes, be it school or higher education. Emphasis was also laid on equality and quality in education. The prime minister was said to be unhappy with the functioning of UGC, AICTE etc. Later, the Minister of HRD gave out the national objectives of Education which will ensure "inclusiveness, quality, accessibility and affordability". Working in this direction, in the first week of June, this year, the government came out with the proposal of abolishing UGC, AICTE etc. and creating a new body tentatively named Higher Education Empowerment Regulation Agency (HEERA).

1.2 National objective of education, as stated by the hon'ble minister, is a noble objective. In fact, such objective is universal. Tomorrow, HEERA may turnout to be real 'heera' (diamond) in the field of education if its powers and functions are properly defined. Since the contours of the body as well as the draft law to back it are currently being worked out by the government and the NITI Aayog, it will be well worth the effort to go into the history of various commissions and their recommendation (despite the fact that many of the recommendations were ignored due to vested interests.)

2. Points that Merit Consideration

2.1 Autonomy in education

2.1.1. A University Education Commission was appointed on 4th November, 1948, having Dr. S. Radhakrishnan as its Chairman and nine other renowned educationists as its members. The terms of reference, inter alia, included matters relating to means and objects of university education and research in India and maintenance of higher standards of teaching and examining in universities and colleges under their control. In the report submitted by this Commission, in paras 29 and 31, it referred to autonomy in education which reads as follows:-

"University Autonomy. — Freedom of individual development is the basis of democracy. Exclusive control of education by the State has been an important factor in facilitating the maintenance of totalitarian tyrannies. In such States institutions of higher learning controlled and managed by governmental agencies act like mercenaries, promote the political purposes of the State, make them

acceptable to an increasing number of their populations and supply them with the weapons they need. We must resist, in the interests of our own democracy, the trend towards the governmental domination of the educational process.

Higher education is, undoubtedly, an obligation of the State but State aid is not to be confused with State control over academic policies and practices. Intellectual progress demands the maintenance of the spirit of free inquiry. The pursuit and practice of truth regardless of consequences has been the ambition of universities. Their prayer is that of the dying Goethe: "More light," or that Ajax in the mist "Light, though I perish in the light.

xxxxx xxx xxx The respect in which the universities of Great Britain are held is due to the freedom from governmental interference which they enjoy constitutionally and actually. Our universities should be released from the control of politics. Liberal Education. — All education is expected to be liberal. It should free us from the shackles of ignorance, prejudice and unfounded belief. If we are incapable of achieving the good life, it is due to faults in our inward being, to the darkness in us. The process of education is the slow conquering of this darkness. To lead us from darkness to light, to free us from every kind of domination except that of reason, is the aim of education."

- 2.1.2 There cannot be a better exposition than what has been observed by these renowned educationists with regard to autonomy in education. The aforesaid passage clearly shows that the governmental domination of the educational process must be resisted. Another pithy observation of the Commission was that state aid was not to be confused with state control over academic policies and practices. The observations referred to herein above clearly contemplate educational institutions soaring to great heights in pursuit of intellectual excellence and being free from unnecessary governmental controls.
- 2.1.3 The above stand regarding autonomy in education has been accepted as the **Fundamental Policy** of law in the famous TMA Pai Foundation case by the constitutional bench of the Supreme Court of India.
- 2.1.4 From examination of Acts of various education related bodies/ councils, it appears that the parliament places strong reliance upon the report of Kothari Commission (1964-1966), which shows that such bodies created only for non-university education. The report emphasizes upon the importance of education and autonomy of the university.

Various such councils have assumed powers to grant licence/ permit / quota and created inspector raj in educational institutions.

2.1.5 The national objective of education system is to provide inclusive quality education and learning opportunities for all at affordable cost which ensures that a learner eventually turns out as good human being imbued with moral and ethical values and is equipped with adequate employment skills (self employment or job) - thus ready to contribute to Gross National Income through any sector- agriculture, manufacturing, service or the education sector itself.

2.1.6 In any education system there are only four stakeholders:-

- (a) The learner who wishes to acquire knowledge/ skill in accordance with his/ her aptitude and capability.
- (b) The parents who have to spare the child from domestic chores and finance the expenses of the learner.
- (c) The teacher who has to guide the learner.
- (d) The employer who would provide employment to the learner if he/ she has acquired the skill/ knowledge required for the job.

2.1.5. It is the above stakeholders alone who should decide what to study and how long/ how much to study to acquire a particular level of skill. There is no room for anybody else to dictate what to study and how long to study and what level of knowledge/ skill is required for a particular job. Let the learner decide what to study in accordance with his/ her aptitude, and let the learner decide, depending upon her capability and time available, as to how long he/ she will take to acquire the required level of skill/ knowledge.

2.2. Abolition of all so called “Regulatory bodies”

2.2.1. After the UGC was established for the limited purpose of co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions, over the next few decades, a number of bodies were set up with the pious intention of guiding and helping the universities in their role of seekers

of truth. However, each regulator, instead of assisting the universities or educational institutions, assumed the role of "Inspectors" on their own and started dictating their whims and fancies. This resulted in a peculiar situation where on one hand, university passouts are not found suitable for employment by the industry while on the other hand, industry suffers from shortage of trained manpower.

- 2.2.2. It is known to all that on putting an end to licence, permit, quota and inspector raj in the industry, resulted in excellent growth with better quality of products. Market forces and competition are the most effective natural regulators free from any type of corruption. This will help in expansion of quality education and achieve the objective of making education inclusive.
- 2.2.3. It may not be out of place to refer to the corrupt practices brought out in the Ninety-second Report of the Committee on the Functioning of Medical Council of India by Department-related Parliamentary Standing Committee on Health and Family Welfare.
- 2.2.4. Latest glaring example of ill effects of regulators is the recent national Eligibility cum Entrance Test (NEET) conducted for medical education. More than 11 lakh aspirants appeared for the test. Out of these, over six and half lakh candidates have qualified for admission in various institutions providing medical education. However, due to regulatory hurdles only about 60 thousand students can get admission. Rest will not be able to get medical education only because of the licence raj that has "sanctioned" only 60 thousand seats. **Is it fair to the young aspirants?** If all restrictions are removed, each aspirant of medical education will find a place to get such education ensuring accessibility and equality. This will not only satisfy the aspirations of the youth but also help in reducing the acute shortage of doctors in the country.
- 2.2.5. It is, therefore suggested that, as a first step, all bodies like UGC, ACTE, NCTE, MCI, BCI, PCI etc should be scrapped immediately. HEERA or the proposed National Education Commission should function as a one point promoter for education. Thereafter, let educational institutions, especially, the universities have complete autonomy as envisaged in the constitution of India. Entry 44 of List 1 (Union List) in seventh Schedule of Article 246 of the constitution has not empowered even the parliament to interfere in the autonomy of the

universities. **The best regulator in any field is the market.** Let the market forces decide who is good, who is bad and who is indifferent. Eventually, it will be the survival of the fittest. Therefore, the tendency of interfering with / restricting autonomy of educational institutions should be desisted.

2.3. Miscellaneous Recommendations

- 2.3.1. Use of latest modes of learning like Information and Communication Technology, elearning, ebooks, Massive Online Open Courses etc should be encouraged.
- 2.3.2. In order to let the learner move at his/ her pace, On-Demand- Examinations should be encouraged. It is prevalent in most developed countries.
- 2.3.3. Mobility of learners from one institution to another or from one region to another should be made simpler by doing away the requirement of transfer certificates or migration certificates etc.

3. CONCLUSION

The National education objective of achieving inclusiveness, quality, accessibility and affordability is a very noble objective. Autonomy of educational institutions; especially of universities (which are fountain of knowledge, research and seekers of truth) is necessary to let these institutions function freely and fearlessly. After all, quality can be ensured and delivered only if stake holders are given freedom to function. Putting an end to licence, permit, quota and inspector raj will provide adequate accessibility while market forces will ensure quality and affordability by ensuring survival of the fittest.

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Sub: Information under RTI Act 2005 (ID No. 3217)

Sr.

With reference to your application ID No. 3217 dated 14.6.10 on the subject cited above in the connection it is informed that

- ✓ 01. As per record available with the office, the working area of the said society is All India Basis.
- ✓ 02. As per Society Registration Act - 1860, Registrar has no power to interfere the internal matter of the society and every society has to follow its own rules and regulation and prevailing laws.
03. No legal opinion/advice can be given under the preview of RTI Act
04. As above at S. No 3

In case you are not satisfied with the reply you may file an appeal with First Appellate Authority with Office of the Addl. Commissioner of Industries (F & S), Room No. - A 1 - 001, Udyog Sadan, 419 FIE Patparganj Ind. Area, Delhi-92. For more details, you are welcome to visit the office on any working day.

Yours faithfully


Dy. Commissioner of Industries (F&S)
PIO/APIO



Notification No. P.26/4/52 C.C.
Bharat Sarkar/Government of India
Grih Mantralaya/Minister of Home Affairs

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New Delhi, the 20th September, 1952

Subject: Recognition of the Examinations.

According to the Ministry of Home Affairs, Government of India, Notification No. F. 26/4/52 C.C. dated 20th September, 1952 issued in consultation with the Union Public Service Commission that in case of Degree/Diploma awarded by Boards and Universities in India which are incorporated by one act of Central or Part A/Part B State Legislature in India, no formal orders recognizing such Degree or Diploma need be issued by Government.

Such Degree/Diploma should be recognized automatically for the purpose of employment.

Sd/-
(Harish Chandra)
Under Secretary to the Govt of India