

The UGC Directive on Autonomous Colleges

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Higher education in India is facing a twin danger today. One is its commoditization, by which is meant not just the fact that higher education itself is becoming a commodity but also that the products of higher education, i.e. those in whom higher education is “embodied”, are also becoming commodities, in the sense of simply having their worth assessed both by themselves and by others in terms equivalence to a certain sum of money, the amount that they can command on the market.

Commoditization makes the products of higher education self-centred individuals without any social sensitivity, and prepares them only for employment by globalized capital (whether or not they actually get such employment). They not only get completely detached, as a sociological entities, from the problems of the common people, but also become incapacitated to look at the prevailing social system critically, from an “outside” or epistemically “exterior” perspective, which could make clear to them its oppressiveness and its absurdities.

The second danger to higher education in India today is its communalization; and since communalism is closely intertwined with casteism in our country, both representing an attitude of mind that is imbued with contempt for the oppressed and the marginalized, the communalization of higher education goes hand in hand with a strengthening of caste prejudices.

The communalization of higher education actually meshes well with commoditization. The self-centred individuals designed for the market that commoditization produces, not only carry over the prejudices that they may have imbibed early (since they lack any critical perspective), but even strengthen these prejudices (since in a society where persons are judged by the money they have, the marginalized and the oppressed, such as the minorities, are looked upon with contempt).

This trend towards commoditization has gathered fresh momentum under the present Modi government, and a recent UGC directive on autonomous colleges is an important step in this direction. It envisages the creation of autonomous colleges which would have substantial freedom in the matter of admissions, curricula and the fees they charge. This means that the kind of racket which has prevailed in a rampant manner in the so-called “self-financing professional colleges” with their “capitation fees” and “management quotas” will now be generalized to the higher education sector as a whole.

This autonomy in the matter of fixing fees, which would necessarily entail a jacking-up of fees, would exclude vast numbers of students belonging to deprived economic backgrounds from institutions of higher education, unless they are willing to take large student loans; and if they take such loans, then, given the mass unemployment that prevails in our country and is likely to worsen even for skilled personnel in the context of the world capitalist crisis, a large number of them will be unable to pay back the loan, leading to mass suicides, as in the case of the peasants. Indeed this very prospect will deter them from taking loans and hence prevent them from accessing higher education altogether. The idea of a fee-based education system is

fundamentally inimical to democracy. Yet the UGC directive on autonomous colleges is pushing the country precisely towards this.

But this is not all. While pushing for autonomous colleges, the UGC is simultaneously suggesting that funding by State governments to such colleges should continue as before. The State governments in other words are being asked to fund institutions over whose admission policy, curricula and fee-structure they have absolutely no say; and they are being asked to do so by a Central organization which has arrogated to itself the right to dictate terms to them. The UGC directive in short is not just a push towards the privatization and commoditization of higher education; it simultaneously represents a centralization of powers in the realm of higher education.

Such centralization of course has been going on for quite some time. The pushing of education on to the “concurrent list” of the Constitution was a major step in this direction, because of which, unlike in the original Constitution, the word “education” simply does not figure anywhere in the “State list” today.

Two further developments have reinforced this tendency towards centralization of powers. The first is the assuming by bodies of the central government, created no doubt by Acts of parliament, of the powers of the parliament itself.

Consider the present instance. When an item is placed in the “concurrent list”, what it means is that while state governments can legislate on the subject, any central legislation on it over-rides state legislations. Now, if the Parliament had enacted a law on autonomous colleges, then that would have had over-riding authority over whatever state laws exist at present (though even parliament cannot compel state governments to continue providing funds to such colleges, i.e. cannot legislate on state finances). But the present UGC directive is a mere executive order which invokes the 1956 UGC Act that set up this institution, to assume for itself the power to over-ride State laws, even though that original Act did not give the UGC any such specific powers.

The UGC directive in short pushes the definition of the “concurrent list” way beyond what the Constitution envisaged. It no longer means merely that a central legislation enacted on a particular subject, will over-ride state laws; what it is now supposed to mean is that an executive directive by any particular body set up under a central legislation can also over-ride State laws. This amounts to saying that because the UGC was set up by an Act of parliament, it can substitute for the parliament itself, in the domain where it operates, for all time to come.

The second development in this area is that on matters relating to education, no matter what the Constitutional niceties, the Centre used to consult with the State governments. This is no longer the case, as is clear from the fact that the present UGC directive has been issued without any consultations whatsoever with State governments. The UGC directive in short combines two distinct obnoxious tendencies: a fillip towards commoditization together with a push towards centralization.

The Left has always been strongly opposed to both these tendencies. In fact the LDF government in Kerala in 2006 was the first state government to have enacted legislation to regulate the admissions, fees, and appointment procedures in unaided

professional colleges in the state, something which the UGC till then had not thought of doing, and which the UGC of that time wanted to emulate.

That legislation alas foundered on an altogether different issue: since a large number of the unaided professional colleges in Kerala were Church-controlled, the Courts ruled that the legislation violated the rights of minorities, guaranteed under Articles 29 and 30 of the Constitution to run their own educational institutions. The Court verdict of that time, it should be noted, did not deny the capacity of the state government to regulate aided educational institutions, whether minority or non-minority; nor did it deny the capacity of the state government to regulate unaided non-minority educational institutions. It only objected to the state government's regulating unaided minority institutions, and this was in conformity with the verdict of a seven-judge Constitutional bench of the Supreme Court in 2006 itself in the "Inamdar Versus the State of Maharashtra" case.

In fact, State laws regulating the conduct of aided educational institutions already exist in Kerala, and the present UGC directive over-rides these state laws. The idea of the executive order of an institution not directly answerable to the people superseding the laws enacted by a popularly-elected legislature of a state is fundamentally antithetical to democracy. The UGC directive in short is fundamentally anti-democratic.

Once such practices, which are meant anyway to promote a repugnant tendency towards commoditization, are allowed to pass, they have a habit of consolidating and strengthening themselves. Riding roughshod over state governments in one sphere emboldens the Centre to do so in other spheres as well, and also to keep doing so to an ever-increasing extent.

It becomes important therefore for all democratically-minded people to oppose the manner, not to mention the substance, of the UGC directive; and, no matter how recent court verdicts on this issue may be interpreted, to legally challenge the idea of a central government body, not the parliament itself, over-riding laws enacted by elected State legislatures, for this violates the tenets of federalism which is a part of the "basic structure" of the Constitution.

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