

A RESEARCH INTO THE FUNCTIONING OF THE REGULATORY BODIES IN HIGHER EDUCATION

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Abstract

The paper examines the complexities and contradictions in the governance of higher education in India, particularly concerning University-affiliated Teacher Education Colleges. Despite clear definitions of higher education and statutory regulations set by bodies like the University Grants Commission (UGC) and the National Council for Teacher Education (NCTE), discrepancies in implementation persist. Issues include non-adherence to UGC-prescribed qualifications, lack of NET/SLET requirements, inconsistent pay scales, and administrative control of teacher education colleges by state secondary education departments rather than higher education authorities. Conflicting regulations from UGC and NCTE create ambiguity regarding compliance, leading to ad hoc appointments, compromised academic standards, and poor coordination among regulatory bodies. The paper highlights the urgent need to clarify the roles, responsibilities, and accountability of statutory and regulatory bodies to ensure quality and uniformity in teacher education and higher education institutions across India.

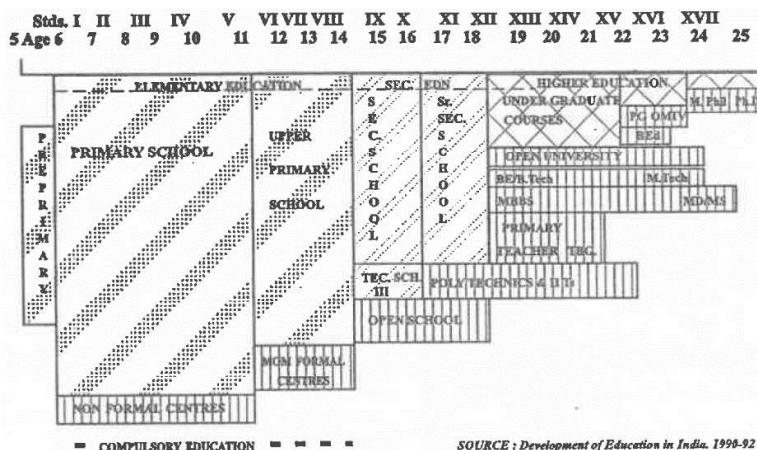
Keywords: *Higher Education, Teacher Education, UGC, NCTE, Regulatory Bodies, Qualifications, NET/SLET, Academic Standards, Governance.*

The first sentence on the link <http://www.knowledgecommission.gov.in/focus/higher.asp> on the web site of the Knowledge Commission is as follows: "Higher education in India refers to education beyond school (class 12)."

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The term 'Higher Education' shouldn't suffer from any ambiguity but the fact of the matter is that it suffers and suffers very seriously and chronically in India. To a lay man also all formal education beyond +2 levels comes under the 'Higher Education' and this is what it ought to be but in reality the things are not like that. This situation also gives rise to the perceived ambiguities in the roles of the statutory and regulatory bodies like the University Grants Commission (UGC), the National Council for Teacher Education (NCTE), etc. On the official web site of the Ministry of Human Resource Development (MHRD), Government of India the following diagram is available that portrays the structure of education in India.

STRUCTURE OF EDUCATION IN INDIA



(Downloaded from <http://www.education.nic.in/strchar1.html>)

From the diagram it is also amply clear that the teaching for the degrees like B.Ed. and M.Ed. falls in the domain of the Higher Education but in Rajasthan all the University affiliated Teachers' Colleges come under the administrative control of the Secondary School Education Department and not the Higher/College Education. This was the case even before 1995 when another statutory and regulatory body known as the National Council for Teacher Education (NCTE) came on the scene.

The teachers in these Colleges are neither appointed as per the UGC Norms and Regulations nor are paid the UGC pay scales. They are also neither appointed as per the NCTE

norms. No NET is required for the teachers of these Colleges. SLET in Education is not even conducted in Rajasthan. These teachers also don't attend the Refresher and the Orientation Courses organized by the UGC through its Academic Staff Colleges.

The issue is under whose jurisdiction should the functioning of the University affiliated Teachers' Colleges fall when the two statutory and regulatory bodies both framed by the Acts of Parliament come out with dichotomous rules and regulations. A corollary to this question is another question: Are the State Governments free to have their own ways in quite a contradiction to what the UGC and/or the NCTE say/s?

The UGC vide its letter D.O. No. F.1-52/97(CPP-II) dated 7th June 1999 came out with SPECIFICATION OF DEGREE (its available on UGC's website i.e. www.ugc.ac.in). Its first sentence is, **"As per Section 22 of the UGC Act, a "Degree" means, a degree which is specified by the University Grants Commission by notification in the official gazette."** The Appendix I of this letter states the degrees of B.Ed., M.Ed, and Ph.D. (Education) as the degrees specified by the UGC. The teachers involved in the teaching for the UGC specified degrees can only come under the Higher Education because the UGC deals with only the Higher Education and not the Secondary Education.

This happens when the UGC vide its Circular No. F.3-3/2000(PS) of July 17, 2003 states: "No person shall be appointed to a teaching post in University (or) in any of the institutions including constituent or affiliated Colleges recognized under Clause (f) of the Section 2 of UGC Act, 1956 (or) in an institution deemed to be University under Section 3 of the said Act in a subject if she/he does not fulfil the requirements as to the qualifications for the appropriate subjects as prescribed by the Commission".

As per D.O.No.F.1-1/2002(PS) Exempt of 14th June, 2006 of the UGC the Commission in its meeting held on 11.6.2006 approved the second amendment in UGC Regulations for minimum qualifications for appointment and career advancement of teachers in Universities and Colleges incorporating the recommendations given in the Interim Report of the Committee constituted by MHRD under the Chairmanship of Prof. Bhalchandra Mungekar, Member, Planning Commission, New Delhi, to review the National Eligibility Test conducted by UGC.

As per this Notification:

"NET shall remain the compulsory requirement for appointment as Lecturer for those with post-graduate degree. However, the candidates having Ph.D. degree in the concerned subject are exempted from NET for PG level and UG level teaching. The candidates having M. Phil degree in the concerned subject are exempted from NET for UG level teaching only."

(ii) They shall apply to every university established or incorporated by or under a Central Act, Provincial Act or a State Act, every institution including a constituent or an affiliated college recognized by the Commission, in consultation with the university concerned under Clause (f) of Section-2 of the UGC Act, 1956, and every institution deemed to be a university under Section 3 of the said Act.

(iii) They shall come into force with immediate effect.

Readers' attention is drawn to the marked bold in the above notification. Now following is the qualification as decided by the NCTE on 21 July 2006 and published in the Gazette of India Extraordinary Part - III Section-4.

Lecturer:-

(i) M.Ed / M.A. (Education) with minimum 55% marks and B.Ed

or

Master's degree in a school subject with minimum 50% marks and M.Ed / M.A. (Education) with 55% marks and B.Ed

(ii) Two years' school teaching experience is desirable.

NOTE: (i) Apart from the qualification prescribed above for lecturer, the candidates shall have to qualify NET/SLET qualifications or alternative qualifications thereto as prescribed by UGC from time to time before the commencement of the academic session 2009-2010.

(a) Navigating question is that even if this dichotomy is allowed to survive another BIG l58UE is that how before 21 July 2006 the NCTE, the Universities, the Colleges. and the State Governments allowed non NET/SLET qualified and non-M.Phil. and non-Ph.D. individuals to get appointed in the B.Ed. Colleges.

(b) Can the NCTE come out with a set of qualifications which are in direct contradiction to what the UGC prescribes? Which regulatory body's norms shall prevail? Whose norms and regulations shall the Universities follow or adhere to at the time of giving affiliations to the B.Ed. Colleges?

This issue becomes even more complicated when the preamble of the UGC regulation says, "They shall apply to every university established or incorporated by or under a Central Act, Provincial Act or a State Act, every institution including a constituent or an affiliated college recognized by the Commission, in consultation with the university concerned under Clause (0 of Section-2 of the UGC Act, 1956, and every institution deemed to be a university under Section 3 of the said Act.

Are these Colleges not affiliated colleges? My teacher of English grammar always told me that in contracts and other legal documents, shall is often used with third-person subjects to refer to obligations and duties. All UGC regulations make it obligatory for the affiliated Teachers' Colleges also to follow the provisions of the regulations but the English grammar always fails when the Teachers' Colleges in Rajasthan are taken into account.

The same Norms and Standards of the NCTE say:

(a) The academic staff of the institutions (including part-time staff) shall be paid such salary in such scale of pay as may be prescribed by the UGC/University from time to time, through account payee cheque or as per advice into the bank account of employee specially opened for the purpose. The supporting staff shall be paid as per the UGC/State Government/Central Government pay scale structure."

Now, how is it that a provision which dilutes the qualifications of the teachers have at once been followed while the just quoted provision from the same Norm pertaining to the pay and salary structure as the per the UGC prescription has still not been followed.

While the UGC prescribed qualifications remain as they had been notified on 14 June 2006, the NCTE has just come out with a fresh set of qualifications for the Lecturers in the Teachers' Colleges. These new qualifications being quoted below create more distance from and chasm between the UGC prescribed qualifications and the NCTE prescribed qualifications:

"Lecturer:-

Master' s Degree with M.Ed

Or

Master's Degree with B.Ed (having 55% marks)

Note:-

Ph.D. / M.Phil (preferably Ph.D. in Education/ Educational Planning and Management) shall be given special weightage.

Candidates having B.Ed degree of two years duration shall be given special weightage."

The readers themselves can note the points of departure in the above qualifications from the qualifications prescribed by the UGC. Anyone who does not even possess the Master's Degree in Education i.e. M.Ed. is now eligible to be a Lecturer in any University Department or an affiliated college. Everyone also knows that to qualify NET/SLET or to do an M.Phil. or a Ph.D. in the subject concerned one must possess the Master's Degree in the subject concerned.

It is the Universities which confer or grant Degrees to the students and the Universities are supposed to follow the UGC regulations. The cardinal question or issue is whether the Universities can grant degrees to such students whose teachers do not possess UGC stipulated qualifications and are also not paid as per the UGC pay-scale regulations.

The existing state of affairs has created a very bizarre situation so much so that it reflects a total disregard for the apex court. In the judgment given by the Hon'ble Supreme Court of India on a PIL filed by Prof. Yashpal and Ors. in the case of Chattisgarh's Private Universities the sanctity of the Norms and Regulations of the UGC have been reiterated and the Court even goes to the extent of saying that :

(Para 30 of the judgment): ".....Proper standard of teaching cannot be achieved unless there are adequate infrastructural facilities in the campus like classrooms, libraries, laboratories, well-equipped teaching staff of requisite caliber and a proper student teacher ratio. For this purpose, the Central Government has made a number of Rules in exercise of powers conferred by Section 25 of UGC Act and the Commission has also made Regulations in exercise of power conferred by Section 26 of the UGC Act and to mention a few, UGC

Inspection of Universities Rules, 1960, UGC Regulations 1985 regarding the Minimum Standards of Instructions for the Grant of the First Degree, UGC Regulations, 1991 regarding Minimum Qualifications for Appointment of Teachers in Universities and Colleges, etc. The UGC with the approval of the Central Government and exercising power under Section 22(3) of the UGC Act has issued a schedule of degrees which may be awarded by the Universities....."

So not appointing the teachers in these Colleges as per the UGC Regulations, no requirement of any NET, no UGC pay-scales to these teachers (on the contrary the pay- scales for these teachers are the pay-scales the teachers get in schools), no mandatory requirement for these teachers to attend the Refresher and the Orientation Courses, and the administrative control of these University affiliated colleges by the authorities of schools - Does all this not go to prove that (and I again quote from the judgment from para no, 30) it "has the effect of completely stultifying the functioning of the University Grants Commission in so far as these Universities are concerned." (Please read by replacing the word 'Universities' by the word 'colleges').

Take for instance another very bizarre situation arising out of the peculiar sort of functioning of these two so-called statutory bodies.

The Times of India (July 10, 2006) on its page 11 i.e. TIMES NATION had carried a Notification issued by Maharshi Valmiki College of Education, Geeta Colony, Delhi-31. It is a College of the Govt. of NCT of Delhi. This Notification in fact was a corrigendum in the qualifications announced earlier for the posts of Lecturer in Education (Methods of Teaching Hindi, Economics, Physics, Chemistry, History, Sanskrit). This Notification then had been issued in light of the new or revised qualifications as announced by the UGC in its Notification of 14th June 2006. The Notification as it had appeared in the TOI is as follows:

"Reference Advertisement dated 31.03.06 in daily "Times of India" for six different posts of Lecturer in Education (Methods of Teaching Hindi, Economics, Physics, Chemistry, History, and Sanskrit)."NET shall remain the compulsory requirement for appointment as Lecturer for those with Post-graduate degree. However, the candidates having Ph.D. Degree in the concerned subject are exempted from NET for PG level and UG level teaching. The candidates having M.Phil. Degree in the concerned subject are exempted from NET for UG

level teaching only.¹¹ Those who have not applied earlier may do so within seven (7) days of the publication of this notice.¹¹

Now, this Notification was not in consonance with the then Norm laid down by the National Council for Teacher Education (NCTE) but was in consonance with the UGC Notification. The NCTE Norm did not stipulate any requirement for a Ph.D., or an M.Phil., or a NET/ SLET.

The moot question is: Whose rules, norms and regulations must a College of Education recognised by the NCTE follow - NCTE's or UGC's - especially in a situation where there are contradictions in the rules, norms and regulations?

Another instance of adhocism in the Higher Education is that different Universities in Rajasthan have their own different interpretations of the term 'Consistently Good Academic Record'. Similarly, there are Universities which do not follow NCTE regulations pertaining to the eligibility of the students for doing B.Ed. so while a B.Com. cannot do B.Ed. in Delhi he/she is eligible to do the same in other States. This all happens when the words like "determination, maintenance and coordination of the standards of the higher education across the country" are often heard as the prime responsibility of the UGC, NCTE, and the AICTE. With their presence around with so much of diversities and dichotomies in all the aspects of so-called Higher Education the time is really ripe to give a rethink on the justification of their existence.

The Nation needs to know their respective roles in coordinating and maintaining the standards of the Higher Education across the country. As the things stand today, there seems no evidence that any job of coordination and maintenance of the standards of and in the Higher Education in India is being carried out by these so called "statutory and regulatory bodies".