

15 -ാം കേരള നിയമസഭ

13 -ാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നം ഇല്ലാത്ത ചോദ്യം നം. 3608

12-03-2025 - ൽ മറുപടിയ്ക്ക്

യു.ജി.സി.യുടെ കരട് നയം

ചോദ്യം		ഉത്തരം	
ശ്രീ. രാഹുൽ മാങ്കട്ടത്തിൽ		ഡോ. ആർ. ബിന്ദു (ഉന്നതവിദ്യാഭ്യാസ-സാമൂഹ്യനീതി വകുപ്പ് മന്ത്രി)	
(എ)	<p>വൈസ് ചാൻസിലർ നിയമനത്തിൽ ഉൾപ്പെടെയുള്ള വ്യവസ്ഥകൾ ഭേദഗതി ചെയ്ത യു.ജി.സി.യുടെ കരട് നയത്തിൽ സംസ്ഥാനം ഏതൊക്കെ കാര്യങ്ങളിലാണ് വിയോജിപ്പ് അറിയിച്ചിട്ടുള്ളത് വിശദാംശം വ്യക്തമാക്കുമോ; ഈ വിഷയത്തിൽ നടത്തിയ കത്തിടപാടുകളുടെ പകർപ്പ് ലഭ്യമാക്കുമോ ?</p>	(എ)	<p>2025ലെ കരട് യു.ജി.സി. റെഗുലേഷനിലെ വിവിധ ക്ലോസുകളിന്മേലുള്ള സംസ്ഥാന സർക്കാരിന്റെ വിയോജിപ്പ് 03.02.2025 ലെ കത്ത് പ്രകാരം യു.ജി.സി-യെയും കേന്ദ്ര വിദ്യാഭ്യാസ വകുപ്പിനെയും അറിയിച്ചിട്ടുണ്ട്. (വിശദാംശങ്ങൾ അനുബന്ധമായി ചേർക്കുന്നു). കരട് യു.ജി.സി റെഗുലേഷൻ അവതരിപ്പിച്ചപ്പോൾ തന്നെ ഉന്നത വിദ്യാഭ്യാസ മന്ത്രി യൂണിയൻ സർക്കാരിലെ വിദ്യാഭ്യാസ മന്ത്രിയ്ക്ക് ഇത് സംബന്ധിച്ച് കത്തെഴുതി. കൂടാതെ തെലുങ്കാന ഉപ മുഖ്യമന്ത്രി ശ്രീ. ഭട്ടി വിക്രമാർക്ക മല്ലു കർണാടക വിദ്യാഭ്യാസ മന്ത്രി ഡോ. എം. സി. സുധാകർ, തമിഴ് നാട് വിദ്യാഭ്യാസ മന്ത്രി ഡോ. കോവി ചെഴിയൻ, കേരളത്തിന്റെ പ്രതിപക്ഷ നേതാവ് ശ്രീ. വി.ഡി. സതീശൻ, മന്ത്രിമാർ, എം.എൽ.എ. മാർ, വിവിധ രാഷ്ട്രീയ നേതാക്കന്മാർ, വിദ്യാഭ്യാസ പ്രവർത്തകർ, വിദ്യാർത്ഥികൾ എന്നിവരെ പങ്കെടുപ്പിച്ച് സംഘടിപ്പിച്ച ദേശീയ കൺവെൻഷൻ ബഹു. മുഖ്യമന്ത്രി ശ്രീ. പിണറായി വിജയൻ ഉദ്ഘാടനം ചെയ്തു.</p>

സെക്ഷൻ ഓഫീസർ



Respected Sri Dharmendra Pradhan,

I write to place on record Kerala Government's objection to the UGC's draft regulation, 2025 which can be seen only as an attempt to derail the state government's efforts to revamp higher education in the state as well as an attempt to undermine the country's federal character. This is not to denigrate the Union Government's constitutional right to bring in new legislation regarding higher education which is a subject in the concurrent list, though using UGC with its limited mandate to regulate higher education with specific reference to measures for maintainance of standards in higher education to make regulations that undermine the state legislature and its power to make rules especially since the state universities have been established and funded by the state government.

The notable incursion on the state's capacity to legislate is the long section on the appointment of vice chancellors. Unlike previous regulations, the draft regulation entrusts the whole process to the chancellor, and even decides on the structure of the search-cum-selection committee, eschewing the fact that UGC Regulation 2013 had upheld the provisions of the state acts and UGC Regulation, 2018 had remained non-committal except in the case the UGC Chairman's nominee. The draft regulation also subtly contradicts the state's bill legislating the power to constitute and manage a search-cum-selection committee in accordance with the provisions of UGC Regulations, 2018. I may also take this opportunity to remind you that this bill, along with a set of other legislation, is currently under the consideration of the Hon. Supreme Court.

Equally detrimental to public interest are the changes envisaged in the provisions related to the appointment of teachers and other academic staff.

The draft regulation states that the selection committee shall consider one or more qualifications in Indian language, publication of books in Indian language may be credited; notable contribution to the field shall be used as a criterion for selection. UGC also made "notable contributions" as one of the mandatory criteria for the direct recruitment to the posts of associate professor and professor and also for CAS promotion to those posts. These are difficult to quantify and might lead to legal complications and allegations of irregularities or bias in appointments. The selection committee can also decide whether a publication is peer reviewed or not, giving another chance to bias. The relaxation in academic qualifications in the selection process of Vice Chancellors and even assistant professors will ultimately lead to dilution of academic quality and standards.

The structure of the selection committee for college appointments prescribed in clause 4.2 appears to contradict clause 3.17. While clause 4.2 suggests a college-specific recruitment process, it conflicts with clause 3.17, which empowers the state government to conduct recruitment according to its established rules in colleges. The Kerala Public Service Commission is a constitutional body that undertakes recruitment to government colleges. Appointments in corporate management colleges are made from a common ranked list prepared by a selection committee constituted as per relevant UGC regulations. In two separate clauses, the Regulation approves both processes and thus paves the way for future litigation.

These obvious aberrations in the regulation warrant immediate reconsideration of the same. I request you to consider revoking the draft regulation with immediate effect.

Sincerely,



Dr R. Bindu.

Sri Dharmendra Pradhan

Hon. Minister for Education, Government of India



GOVERNMENT OF KERALA

Higher Education (C) Department

No-HEDN-C3/11/2025-HEDN

03-02-2025, Thiruvananthapuram

From

The Principal Secretary to Government

To

The Secretary, Higher Education,
Ministry of Education, Government of India,
122-C, Shastri Bhawan, New Delhi - 110001

The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg, New Delhi-110002

Sir,

Sub: Higher Education Department-Draft UGC Regulation 2025 -
Comments forwarding of - reg

Ref: Letter number F. 6-1/2025 (Regulations Feedback) dated
06/01/2025

Kindly find enclosed the feedback from the Government of Kerala on the draft UGC (Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education) Regulations 2025 notified vide letter under reference cited, for due consideration.

Yours Faithfully,


C. A. AYAN
ADDITIONAL SECRETARY

For Principal Secretary to Government.

Observations of Govt. of Kerala on draft UGC Regulations, 2025

1. Constitutionality of the Draft Regulations, 2025:

(A) The constitutional vision before the Union Parliament was only for setting general standards and not on control of state universities established under plenary (legislative) power of competent legislatures.

According to the Constitution's Seventh Schedule, under List I, entries 63, 64, 65 and 66, the Union Parliament is given certain powers while Entry 32 of List II confers powers on state legislatures regarding incorporation and regulation of universities. In addition, Entry 25 of List III grants the Union Parliament and State legislatures the authority to enact legislation governing all aspects of education, including technical, vocational, and medical.

Entry 63 of List I confers Parliamentary power to make laws relating to universities like Delhi University, Banaras Hindu University and other Central Universities, while Entry 64 deals with institutions of scientific/ technical education/ institutions of national importance which may be financially supported by the Union Government either wholly or in part. Entry 65 gives the Union Government the authority to create agencies through parliamentary legislation and establish scientific or technical institutions as well as professional, vocational, or technical training institutions, while Entry 66 gives the Union Government the broad authority to set standards for institutions of higher education, research, or scientific and technical institutions.

Entry 66, thus, is the cause of the establishment of regulatory bodies such as the University Grants Commission (UGC), and the All India

Council of Technical Education (AICTE) which oversee and supervise technical and higher education. Other coordinating agencies like Bar Council of India, Nursing Council etc are established as per the mandate under Entry 66. Thus, it is clear that States are also vested with the responsibility of regulating HEI's such as Universities, while the determination of standards is vested with the Union Government.

The fundamental question is whether in the guise of setting standards of higher education, Draft UGC Regulation, 2025 which is a subordinate legislation made by the executive has an overarching effect on the functioning of state universities which are established by the plenary power of competent state legislatures.

2 . Article 254 of the Constitution speaks about repugnancy or inconsistency of a Parliamentary legislation with State legislation in the concurrent list. It states that in case of repugnancy Parliamentary law shall prevail. Article 254 however is not about inconsistency between a State legislation and a subordinate legislation of the Union Government. Hence the justification that UGC Draft 2025, shall prevail over any state legislation is wrong; and it is also dangerous as it can be invoked to centralize any legislative field, not just education.

Draft UGC Regulations, 2025 is a subordinate legislation i.e., a law made by an executive or statutory body. It is not made by a legislative body. The applicability of Article 254 is only to inconsistency between central and state legislation regarding subjects in the concurrent list. Therefore, the following aspects may be noted:

- a. A subordinate legislation made as a part of parliamentary legislation cannot supersede a state legislation made by a competent state

legislature. Here Article 254 does not apply.

- b. UGC Draft Regulation is not a Central Law. An executive crafted law cannot and must not supersede legislative enactments.
- c. Entry 32 of List II confers power on state legislatures regarding incorporation and regulation of universities. Hence the regulation of State Universities is still with the state legislature or government. However, for laying down general academic standards of HEI's, UGC can make regulations, but not to the extent of taking over the regulation of State Universities which is exclusively within the state legislative power.
- d. The UGC Act 1956 also states (Chapter III, 12) that the steps taken by the UGC for maintaining standards have to be in consultation with universities or other bodies concerned, and not unilaterally prescribed (while at best asking for feedback that can be ignored with impunity). Draft UGC Regulations, 2025 therefore exceed the UGC's own legal jurisdiction. (The fact that this may have also happened in the past is no justification for its happening now).

3. Autonomy of State Universities:

Entry 66 of List I speaks about the standard setting exercise to be undertaken by Parliament. The Draft Regulations of 2025 was made by virtue of Section 26 (e) and Section 14 of UGC Act 1956. It may be seen that the power given to UGC in this regard is limited to teaching, research etc. However, this power has been extended by the Draft UGC Regulations 2025, to the appointment of Vice Chancellors, who happen to be not only the academic but also the administrative heads of state Universities. The states are given the power to incorporate and regulate universities under Entry 32 of List II based on the regional, socio-demographic requirements. The UGC under the guise of standard setting

is thus attempting to thwart the autonomy of universities created to suit their regional requirements. The respective legislation passed by the competent state legislature based on the purpose for which the University was established have laid down the criteria for selection of Vice Chancellors; the Draft UGC Regulations have stripped this constitutionally conferred powers on State legislature and also the statutorily conferred powers on the Universities to manage their affairs. Hence Draft UGC Regulations 2025 constitute an intrusion on the institutional autonomy of universities.

4. The Draft UGC Regulation, 2025 overrides the parent UGC Act 1956 and therefore unconstitutional:

Section 26 read with Section 14 of the UGC Act 1956, only confers powers with regard to defining qualification that should ordinarily be required of any person to be appointed as a member of the teaching staff in Universities and Colleges. Provisions regarding the appointment of VC's are not within the competence of UGC. Therefore, Draft Regulations are Ultra vires the parent UGC Act.

5. UGC Draft Regulations are an Intrusion on Federal Principle of the Constitution:

The UGC Draft Regulations 2025, strip the power of the states to regulate universities established and funded by them which is a constitutionally conferred power. This is a clear violation of federalism which is a basic feature of the Constitution. The UGC's attempt to extend its reach to state universities is an assumption of power which it does not possess.

6. Specific observations on Certain Provisions of Draft Regulations:

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UGC Draft Regulations, 2025

Comments

Clause 3.8

Notable contributions in at least four of the nine areas mentioned are made into a minimum qualification for consideration by the selection committee for recruitment and promotion of university & college teachers.

- These areas may be considered plus points in cases where candidates are otherwise equally proficient, but *there is absolutely no reason to make them a minimum qualification, for that would exclude many excellent potential teachers and researchers from applying.*
- Most of the nine areas have to do with getting money from outside for the university. Academically excellent persons should not be expected to become money-gatherers. Insisting on such minimum qualifications betrays a corporate-driven agenda to the detriment of original academic work.
- Most of the parameters are difficult for applicants to attain at the entry level, especially with the massive proliferation of pay-by-hour guest lecturer appointments whose teaching experience is otherwise also not counted.
- These “notable contributions” will prove difficult especially for candidates from different regions, given the disparity in resources and uneven development of educational infrastructure in our country.

	<ul style="list-style-type: none"> • "Notable Contributions" are not quantifiable and therefore may lead to legal complications. • Teaching which is the main task in a university is not given the weightage that it deserves.
<p>Clause 3.13</p> <p>On acquiring M.Phil. and/or Ph.D. Degree before and after the appointment to the teaching positions.</p>	<ul style="list-style-type: none"> • The motivation to do research and post-doctoral degrees is scuttled by this provision. • Since the mandatory qualification for promotion under the Draft Regulations 2025 is Ph.D and when faculty takes leave and goes for it, the condition that the period so taken would not be considered as qualifying service is unfair and unacceptable since if leave is not counted, the concerned teacher will not engage either in meaningful research or meaningful teaching. This affects both the quality of teaching and research.
<p>Clause 5.6</p> <p>Clause 5.6.3</p> <p>3. If the assessment is between 1st January and 30th June of a year, promotion shall be granted from 1st July of the year.</p>	<ul style="list-style-type: none"> • This provision creates two time slots during which the promotion will be granted after assessment by the Selection Committee. This appears to fix solely two dates from which the promotion would

<p>4. If the assessment is between 1st July and 31st December of a year, promotion shall be granted from 1st January of the following year.</p>	<p>take effect. Such pre-fixed promotion timelines have the propensity for financial loss and unnecessary, further delays in promotions as well as legal complications.</p>
<p>Clause 9.0.</p> <p>Professor of Practice:</p> <p>HEIs may engage experts/ professionals/ practitioners from industries/other professions for teaching and research. The engagement of the Professor of Practice will be exclusive of the sanctioned posts. The number of Professors of Practice in a HEI, at any point in time, should not exceed 10% of the sanctioned posts in a HEI.</p>	<ul style="list-style-type: none"> • There would be a growing trend of intervention of private businesses and corporates in the academia and within the existing university governance model, if implemented. • Also, this clause may be considered as a divisive strategy of creating yet another layer of faculty members who cannot be easily organized on wider concerns of the teaching fraternity. • People outside the academia may come in as visiting scholars but not as faculty.
<p>Clause 10.0</p> <p>Minimum Qualifications, Experience, Accomplishments, Selection Committee, and Selection Procedure for the Appointment of Vice-Chancellor in Universities.</p> <p>10.1. A distinguished person possessing high</p>	<ul style="list-style-type: none"> • Appointment of VC's: <p>1 UGC usurps powers in areas not spelt out in the Parent Act: UGC Act 1956, does not spell out anything about appointment of VC's. However, the VC is an executive head of the University. He/ She being an administrative head performs administrative functions primarily and</p>

academic qualifications and demonstrated administrative and leadership capabilities, strong alignment to constitutional values, strong social commitment, belief in teamwork, pluralism, ability to work with diverse people, with a flair for innovation and a global outlook in higher education, along with the overall vision of the institution and abilities to manage complex situations with a minimum of ten years of experience as (i) a Professor in an HEI or (ii) at a senior level in reputed research or academic administrative organizations or (iii) at a senior level in industry, public administration, public policy and/or public sector undertakings, with a proven track record of significant academic or scholarly contributions, shall be eligible to be appointed as Vice-Chancellor.

10. 1. iii "The Chancellor/Visitor shall constitute the Search cum Selection Committee comprising three experts.....

1. iv. The following shall be the constitution of the Search cum Selection Committee.

a) *a nominee of the Visitor/Chancellor, who shall be the Chairperson of the Search cum*

therefore UGC has no role in their appointment as it is a function not involving teaching or research wherein academic standards as specified in Section 26 of UGC Act are involved.

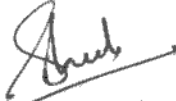
- State government is stripped off its role regarding the constitution of search and selection committee of VC's.
- Those with no teaching/ University experience/ Research experience can be qualified to be selected as VC which is bound to damage the functioning of the Universities.
- Industrialists with 10 years of experience who may have no essential connection with the HEI's and whose interest is basically the promotion of corporate interest can be selected as VC; this is bound to have long term serious adverse consequences.
- No essential qualification of an Industrialist is being prescribed, which provides way to the corporatisation of higher education.
- In the composition of Search and Selection Committee the state government is given no role. The Chancellor who is a

<p><i>Selection Committee. b) a nominee of the Chairman, University Grants Commission. c) a nominee of the apex body of the university such as Syndicate/ Senate/Executive Council / Board of Management/ Equivalent Body of the University.</i></p>	<p>representative of Central Government is made the final arbiter for a university which is established and funded by the state. What is more, the central government is given a decisive say in the selection of VCs of state universities: in the Search Committee two of the three members are nominees of the Chancellor and the UGC Chairman, both of whom are central appointees. Excluding state governments and giving a decisive role to the central government in the choice of state university VCs is a clear violation of the tenets of federalism.</p>
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Summary

The Draft UGC Regulations, 2025 constitute an assault on the rights of states. This is most clearly visible in the matter of selecting Vice Chancellors in state-run universities. The guidelines give the Governor-cum-Chancellor the power to appoint the three-member Selection Committee in which the Chancellor's nominee will be the Chairperson and two members will be indirect central appointees. The power to establish and supervise state universities rests with the state governments, as per the Constitution's Seventh Schedule. The UGC's role should be limited to coordinating and setting standards for higher education and that too "in consultation with universities". The Draft Regulations not only sideline the role of state governments, which contribute around 80% of the funding for state universities, but they also undermine the democratic functioning of universities. They contain objectionable provisions that propose appointing

Vice-Chancellors from the private sector, and from commercial backgrounds, instead of prioritising academic expertise within universities. This, could lead to further commercialisation of higher education and erode its integrity, ultimately undermining academic freedom and critical thinking. Hence, there is an urgent need to withdraw these Regulations and to introduce a fresh set of guidelines in consultations with State governments, and all stakeholders in higher education.


Omeshwar B. B. B.