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One Regulator, Many Doubts: The VBSA Bill and Institutional Autonomy

 **THE HINDU**

12 July 2026 ·

SOCIAL ISSUES ·**GS2**

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THE LIFT LINE

When the institutions that regulation was meant to help are the first to ask to be excused from it, the problem is rarely their arrogance and usually the design of the regulation.

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

The Viksit Bharat Shiksha Adhishthan Bill, 2025, proposes to fold the University Grants Commission, the All India Council for Technical Education and the National Council for Teacher Education into a single Commission with Centre-appointed leadership and wide powers, including powers of supersession and penalty. The Bill is under examination by a Joint Parliamentary Committee. India's most successful public higher-education brands, the IITs and the IIMs, have sought explicit exemption from its regulatory and penalty framework. That request is the story: a reform sold as simplification is being read by its intended beneficiaries as centralisation.

GS Paper 2: government policies and interventions in education; issues relating to the development and management of the social sector; **statutory** (<https://ujjyari.com/vocab/statutory/>) and regulatory bodies; Centre-State relations in a Concurrent List subject.

For **Prelims**, hold the specifics: education moved from the State List to the **Concurrent List** (<https://ujjyari.com/terms/concurrent-list/>) by the 42nd Amendment (1976); Entry 66 of the Union List (coordination and determination of standards in institutions of higher education); Entry 25 of the Concurrent List (education, subject to Entry 66); the UGC Act, 1956; the AICTE Act, 1987; the NCTE Act, 1993; the Indian Institutes of Management Act, 2017, which gave the IIMs unusual board-level autonomy; and the National Education Policy, 2020, which proposed the Higher Education Commission of India as an umbrella regulator with four

verticals and promised regulation that is “light but tight”. For **Mains**, argue that regulatory unification is desirable but must be paired with structural insulation from executive control, or it simply relocates the problem.

BACKGROUND AND CONTEXT

India’s higher-education regulation has long been a museum of overlapping mandates. A single engineering college could answer to the UGC for degrees, the AICTE for technical approvals, a State university for affiliation and a State government for land and fees. Compliance became an end in itself, and the regulators drifted from setting standards to granting permissions. The NEP 2020 diagnosed this correctly and proposed a single umbrella body, the Higher Education Commission of India, with separate verticals for regulation, accreditation, funding and academic standards, precisely so that the entity that funds an institution is not the entity that inspects it.

The VBSA Bill inherits the diagnosis but not the discipline. It merges the three regulators, which is the easy half of the NEP idea, while concentrating appointment and supersession powers in the Union executive, which is the half the NEP explicitly warned against. Legal and medical education stay outside, governed by their own statutes, so the promised single window is in any case partial. The IITs and IIMs, which already operate under dedicated legislation and have earned autonomy through demonstrated performance, see little upside and a visible downside.

THE CORE ARGUMENT / ISSUE

Simplification is not the same as centralisation

Merging three bodies reduces the number of gates. It does not, by itself, reduce the discretion exercised at each gate. If the merged Commission’s chairperson and members are appointed by the Union government and the Commission can supersede institutional decisions or impose penalties, then the number of masters has fallen from three to one, but the power of the single master has grown. Institutions have historically feared arbitrary regulation more than they have feared plural regulation.

Autonomy is the input, not the reward

The argument that autonomy should be earned through accreditation scores inverts the causal chain. The IITs and IIMs did not become excellent and then receive autonomy; they were given operational freedom in faculty recruitment, curriculum and governance, and excellence followed. A framework that lets a Centre-appointed Commission review or override academic decisions removes the very input that produced the outcome the country is proud of. Academic freedom, the right to teach, research and dissent (<https://ujjayari.com/vocab/dissent/>) without administrative retaliation, is not a privilege of elite campuses; it is the condition of a serious university anywhere.

DESIGN QUESTION	NEP 2020 PROMISE	VBSA BILL AS DRAFTED	CONSEQUENCE
Number of regulators	One umbrella body, four verticals	One Commission, three councils	Simplification achieved in part
Separation of funding and regulation	Explicitly separated	Not clearly separated	Conflict of interest persists
Appointment of leadership	Independent search process	Centre-appointed heads	Executive influence rises
Institutional autonomy	Graded autonomy, light-but-tight	Supersession and penalty powers	Autonomy becomes revocable
Coverage	All higher education	Excludes law and medicine	Single window is incomplete

The federal question

Education sits in the Concurrent List, and States run the overwhelming majority of universities and colleges. Entry 66 of the Union List gives the Centre authority to coordinate and determine standards in higher education, and that is a real and constitutionally sound basis for a national regulator. But standard-setting is not the same as day-to-day control of institutions the States fund and govern. Several States have already read the Bill as an **encroachment** (<https://ujiyari.com/vocab/encroachment/>). A national regulator that is seen as an instrument of the Union executive rather than a neutral standards body will invite non-cooperation, and non-cooperation in a Concurrent List subject is fatal to implementation.

HOW TO THINK ABOUT THIS (ANALYTICAL FRAME)

Ask two separate questions of any regulator, and never let them collapse into one. First, is the architecture simple? Second, is the discretion constrained? A reform can score highly on the first and disastrously on the second, and the VBSA Bill is currently accused of exactly that. The transferable rule for the exam: good regulation reduces the number of gates and the arbitrariness at each gate. When institutions with the strongest reputations ask to be left outside a new framework, treat it as a diagnostic signal about the framework's design, not as elite special pleading, and ask what constraint on discretion would make the exemption request unnecessary.

THE DIAGRAM IN WORDS

Fragmented regulation (UGC + AICTE + NCTE, overlapping mandates) -> NEP 2020 prescription: single umbrella body with separated verticals, light-but-tight regulation -> VBSA Bill: merger achieved, but Centre-appointed heads + supersession and penalty

powers -> perceived shift from standard-setting to executive control -> IITs and IIMs seek exemption; States cite Concurrent List encroachment -> required correction: independent appointments, funding separated from regulation, graded autonomy, Entry 66 confined to standards

WAY FORWARD

- ❶ **Insulate the Commission's leadership.** Appoint the chairperson and members through an independent, multi-stakeholder search-cum-selection committee with State and academic representation, so the regulator is not an extension of the ministry.
- ❷ **Separate funding from regulation.** Deliver the NEP's vertical separation in law, so that the body which disburses grants cannot also inspect, penalise and supersede, and the conflict of interest that hollowed out the UGC is not reproduced.
- ❸ **Codify** (<https://ujiyari.com/vocab/codify/>) **graded autonomy instead of exemption.** Write statutory autonomy for institutions meeting transparent performance and accreditation benchmarks, so that the IITs and IIMs do not need to sit outside the law and other institutions have a visible path to the same freedom.
- ❹ **Respect the federal balance.** Confine the Commission to coordination and standard-setting under Entry 66, leave institutional governance to the States and their universities, and build a formal consultation mechanism with State governments before the Bill is finalised.

PYQ LINKAGE AND PRACTICE

UPSC regularly asks about the governance of higher education, the autonomy of statutory bodies, the implementation of the NEP and Centre-State friction in Concurrent List subjects. This editorial connects those themes to a live Bill and to the constitutional question of how far Entry 66 reaches.

Practice question: “Regulatory unification in higher education is necessary, but it must not come at the cost of institutional autonomy and federal balance.” Critically examine with reference to the Viksit Bharat Shiksha Adhishthan Bill and the vision of the National Education Policy, 2020. (250 words, 15 marks)

Sources: *The Hindu* (<https://www.thehindu.com/>), *PRS Legislative Research* (<https://prsindia.org/billtrack/the-viksit-bharat-shiksha-adhishthan-bill-2025>)

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