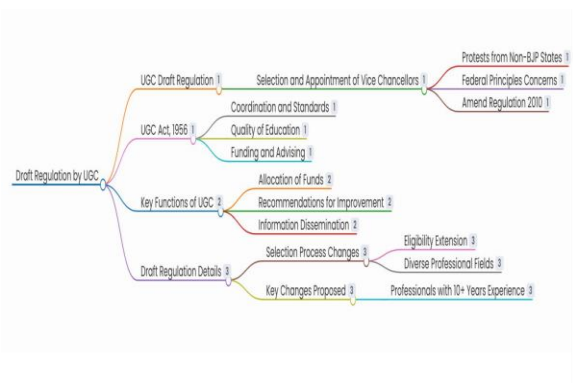


## Current Affairs 21<sup>st</sup> January 2025 by Saurabh Pandey Sir



### Draft Regulation by UGC

The recent draft regulation proposed by the University Grants Commission (UGC) regarding the selection and appointment of vice chancellors has ignited a firestorm of protests, particularly from non-BJP state governments. These protests are rooted in concerns that the regulation undermines the federal principles enshrined in the Constitution of India. As the UGC seeks to amend Regulation 2010 to broaden the pool of candidates for vice chancellor positions, the implications for university governance and academic standards are being fervently debated. Background of the UGC Act The University Grants Commission Act, 1956 was established to ensure coordination and the determination of standards in Indian universities. The UGC is tasked with maintaining the quality of education through various means, including funding universities

and advising governments on educational standards. Its mandate is clear: to promote and coordinate university education, uphold standards, and determine qualifications for teaching staff.

### ● Key Functions of the UGC

- Allocation of funds for the development of universities
- Recommendations for improvement of university education
- Collection and dissemination of information related to higher education

**Details of the Draft Regulation** The crux of the controversy lies in the proposed changes to the selection process for vice-chancellors. Traditionally, candidates were required to have a minimum of 10 years as a professor. The new draft regulation seeks to extend eligibility to professionals from diverse fields, including public administration and industry. Key Changes Proposed: Inclusion of professionals with over 10 years of experience in relevant fields Potential impact on academic integrity and governance This shift has raised eyebrows and questions about the qualifications necessary for such a

pivotal role in the educational framework

**State Governments' Reactions** The draft regulation has prompted immediate backlash from multiple state governments, particularly those not aligned with the BJP. Protestors argue that the UGC's actions represent a centralized overreach into state governance, violating the principles of federalism. **Key Arguments from State Governments:** The regulation undermines state authority over educational institutions. Concerns about the dilution of academic standards through non-academic appointments. Calls for the withdrawal of the regulation to uphold constitutional values

**Legal Implications and Constitutional Concerns** The legality of the UGC's draft regulation poses significant questions. Critics highlight that the UGC Act does not explicitly grant the commission the authority to dictate the qualifications or selection processes for vice-chancellors. **Relevant Legal Precedents:** The Bombay High Court stated that the qualifications for vice-chancellors fall under state legislation, not UGC purview. The Supreme Court of India upheld the UGC's regulations but did

not clarify the extent of its authority over state laws. As the legal landscape evolves, the intersection of educational governance and constitutional law remains a focal point of contention.

### Future Perspectives

The ongoing protests signal a critical moment for university governance in India. As state governments rally against the draft regulation, the UGC faces pressure to reconsider its approach.

#### ● Potential Outcomes

- A reevaluation of the regulation to align with federal principles
- Increased dialogue between the UGC and state governments to foster cooperative governance
- Possible legal challenges that could redefine the UGC's role in university appointments

**The Evolving United States-India Relationship** The relationship between the United States and India has transformed into a crucial strategic partnership, especially since the Clinton administration set the stage for a new direction in the 1990s. This partnership has grown stronger over the years, driven by shared interests in economic growth, regional

security, and democratic values.  
Historical Context

The Clinton Administration's Role Back in the 1990s, the Clinton administration recognized the potential of a strong U.S.-India relationship. This was a time when both nations were looking to redefine their roles on the global stage. The groundwork laid during this period has blossomed into a partnership that is now seen as vital for both countries

Current Strategic Partnership Bipartisan Support Today, there is broad bipartisan consensus in the U.S. to further strengthen ties with India. This support is not just political; it reflects a genuine understanding of the mutual benefits that can arise from a closer relationship. Shared Interests The convergence of interests in economic growth, regional security, and democratic values has created a fertile ground for collaboration. Both nations are keen on fostering a partnership that can withstand the test of time

### The India-Middle East-Europe Economic Corridor (IMEC)

Overview of IMEC Announced in 2023, the IMEC agreement represents an ambitious vision to create an integrated network that spans three

vital regions. This corridor aims to enhance trade connectivity and reduce transportation costs while promoting deeper economic integration among participating countries, including India, the U.S., and several European nations. Goals and Objectives The primary goals of IMEC include developing efficient transportation routes, establishing cross-border electricity and hydrogen pipelines, and enhancing digital communication. This initiative is not just about trade; it's about creating a robust economic corridor that benefits all involved

Conceptual vs. Concrete While IMEC is a promising concept, it remains more conceptual than concrete at this stage. Achieving its lofty goals will require extensive planning and cooperation among all participating nations. Investment and Political Will Each nation have involved faces a complex calculus of investment, political will, and economic strategy. The corridor demands substantial infrastructure investments, which can often compete with other national priorities. The Role of Participating Nations France's Unique Approach Countries like France have taken significant steps to engage with IMEC. President Emmanuel Macron has

appointed a special envoy, Gérard Mestrallet, to lead this initiative, recognizing its economic potential.

Engagement from the UAE and Saudi Arabia The UAE and Saudi Arabia have also shown strong support for IMEC, understanding the role it can play in advancing relationships with the West. Their leadership is crucial for the successful implementation of this corridor. Economic Advantages for India Reducing Trade Costs IMEC promises substantial economic advantages for India, particularly in reducing trade costs and transforming maritime logistics. This strategic network can help India strengthen its diplomatic ties with West Asian and European countries. Environmental Implications Moreover, IMEC has the potential to impact the earth's climate health positively. India is emerging as a significant player in green hydrogen development, collaborating with international partners to create a sustainable energy future.

### Future Prospects

The Role of U.S. Leadership The Trump administration's role in facilitating the Abraham Accords has been instrumental in creating the diplomatic conditions necessary for IMEC. Looking ahead, the future of

IMEC will depend on continued U.S. leadership and engagement. The Importance of Diplomatic Relations The warm personal relationship between President Trump and Indian Prime Minister Narendra Modi could play a significant role in the ongoing relations and the success of IMEC.

### Conclusion

In conclusion, the United States-India relationship has evolved into a vital strategic partnership that holds immense potential for both nations. The IMEC initiative represents a transformative opportunity to enhance economic cooperation and regional stability. As we look to the future, the success of this corridor will depend on the commitment and collaboration of all participating nations

### The Crisis in the Indian Judicial System

The Indian judicial system is facing a significant crisis that threatens the very foundation of justice delivery. With backlogs and vacancies at alarming levels, the effective and timely delivery of justice is becoming a distant dream for many. Importance of Timely Justice Justice delayed is justice denied, right? This age-old adage rings especially true in the context of the Indian judicial system. When people have to wait years for

their cases to be heard, it not only affects their lives but also erodes their faith in the system. Current State of Backlogs As of January 1, 2025, approximately 60 lakh cases are pending across all High Courts in India. This staggering number is a clear indication that something needs to change, and fast! Statistics on Vacancies To make matters worse, 371 out of 1,122 sanctioned posts across the High Courts remain vacant. For instance, the Allahabad High Court is operating at just 50% of its total sanctioned strength. This is a recipe for disaster

The Impact of Backlogs on Justice Delivery The consequences of these backlogs are dire. Not only does it lead to delays, but it also puts immense pressure on the judges who are left to handle an overwhelming caseload. Erosion of Public Faith As millions wait for justice, their faith in the judicial system is eroding. When people feel that their grievances are not being addressed, it creates a sense of hopelessness and distrust. The Burden on Judges Judges are now compelled to take on more cases than they can handle, which adversely impacts the quality of justice. How can one expect a judge to give their full attention to a

case when they are juggling dozens of others?

### The Role of the Collegium

The Collegium system, responsible for judicial appointments, has seen a slight uptick in recommendations in recent years. However, it still falls short of addressing the growing number of vacancies.

### Recommendations and Appointments

While the pace of recommendations has improved, it hasn't kept up with the number of retirements and the increasing filings. This mismatch is a significant hurdle in the quest for timely justice. The Gap Between Retirements and Appointments The gap between retirements and appointments is widening, leading to a backlog that seems insurmountable. This is where immediate remedial steps and reformative measures come into play

### The Need for Reform

To tackle this crisis, we need to look at the constitutional provisions that could help. Articles 124(3)(c) and 217(2)(c) are crucial in this context. Article 124(3)(c) and Article 217(2)(c) These articles allow for the appointment of 'distinguished jurists'

as judges. However, Article 124(3)(c) remains unutilized, and Article 217(2)(c) has been repealed without any clear reason. The Concept of Distinguished Jurists The idea of appointing distinguished jurists is not new. It could be a game changer in addressing the current vacancies and backlogs. Why not tap into the wealth of knowledge that exists in academia? Learning from Global Practices Many countries, such as the United States and Poland, have benefited from appointing jurists or law professors to judicial positions. This practice has enriched their judicial systems.

Countries Benefiting from Jurist Appointments By allowing academics to serve as judges, these countries have seen a more dynamic and informed judiciary. It's time for India to consider this approach seriously. Bridging the Gap To bridge the gap between the actual strength and the sanctioned strength of courts, we need to take decisive action. Compliance with Collegium Recommendations The government must comply with the Collegium's recommendations within a strict timeframe. Delays in appointments only exacerbate the problem. Invoking Article 217(2)(c) Reintroducing and invoking Article 217(2)(c) to appoint

distinguished jurists could help fill existing vacancies and bring fresh perspectives to the bench. Conclusion In conclusion, the Indian judicial system is at a crossroads. By addressing the issues of backlogs and vacancies urgently, we can restore faith in the system and ensure that justice is delivered effectively and timely. The time for action is now!

Draft UGC Regulation Tamil Nadu is currently facing a significant leadership crisis in its state universities, with six institutions lacking a Vice-Chancellor (VC). This situation has raised eyebrows and sparked debates about governance, autonomy, and the legal frameworks that govern these educational institutions. Current Situation Vacant Vice Chancellor Positions The absence of VCs in these universities is not just a minor administrative hiccup; it's a glaring issue that affects the overall functioning of these institutions. A VC plays a crucial role in steering the university's academic and administrative policies, and without one, the universities are left in a state of limbo. Duration of Vacancies Some of these posts have been vacant for several months, while others have remained unfilled for over a year. This prolonged vacancy has led to a



deterioration in university administration, causing delays in staff appointments and the awarding of degrees.

### The Disagreement Governor's Stance

- The crux of the issue lies in a disagreement between the Governor, who acts as the ex-officio Chancellor of state universities, and the State government.

- The Governor insists on including a nominee from the University Grants Commission (UGC) in the search committee for selecting VCs, as per Regulation 7.3 of the UGC Regulations, 2018.

**State Government's Position**

- On the other hand, the State government is adamant about adhering to the respective State University Acts, which typically require the search committee to consist of nominees from the Chancellor, the syndicate, and the Senate. The government opposes UGC involvement, fearing it would erode state autonomy in university governance.

**Legal Complications**

**Supreme Court Rulings**

The situation has been further complicated by conflicting Supreme Court rulings. One set of judgments supports the Governor's stance, asserting that UGC regulations are

mandatory and can override State University Acts in cases of conflict. Conversely, another setback the State government, stating that UGC regulations are merely recommendatory for State universities. UGC Regulations and State Autonomy The controversy has intensified with the UGC's Draft Regulations, 2025, which are perceived as further eroding state autonomy. This legal tug-of-war has created a leadership vacuum that is detrimental to the functioning of universities.

### The Broader Context: Similar Issues in Other States

- This isn't just a Tamil Nadu issue; states like Kerala and Punjab are also grappling with similar leadership vacuums in their universities.

- The lack of leadership has led to serious administrative challenges, affecting the quality of education and governance.

**Constitutional Questions**

**Delegated Legislation vs. Plenary Laws**

At the heart of this dispute is a constitutional question: can delegated legislation framed by the Union Government and its agencies override the provisions of plenary State laws? This question is crucial for

understanding the balance of power between the Centre and the States

Judicial Precedents Key Supreme Court Cases

- Article 254(1) of the Constitution addresses conflicts between central and State laws, stating that if a State law is repugnant to a central law, the central law prevails.

- The Supreme Court has consistently upheld this interpretation, emphasizing that delegated legislation cannot override plenary laws

The UGC's Overreach Shifting Regulations

- The UGC's approach has been inconsistent over the years, with regulations regarding VCs changing multiple times.

- This inconsistency raises questions about the UGC's motives and whether it is genuinely focused on improving academic standards or merely exerting administrative control.

**Conclusion** ● The ongoing impasse in Tamil Nadu's state universities highlights a critical need for clarity in the legal frameworks governing higher education.

- A definitive ruling from the Supreme Court is essential to restore

normalcy and ensure that the delicate balance of powers between the Centre and the States is maintained.