Threat to Federalism in Agricultural Education

Why in news?

The Kerala High Court set aside the appointment of the Vice-Chancellor of the Kerala University of Fisheries and Ocean Studies (KUFOS).

What are the reasons?

- The court upheld the academic qualifications of the Vice-Chancellor but ruled that the appointment violated the procedures in the University Grants Commission (UGC) Regulations of 2018.
- The court listed two specific violations:
    1. the search committee recommended a single name and not a panel of three names; and
    2. in the search committee, the State government included the Director-General of the Indian Council of Agricultural Research (ICAR) instead of a nominee of the UGC.

Why is this judgment worrying?

- Given the history of agricultural education in India, the judgment is deeply worrying on at least two counts.
- It weakens the principle of federalism in higher education by dismantling the role of State governments in the establishment and functioning of State Agricultural Universities.
- It raises an existential threat for the facilitator of agricultural education in India - the ICAR - by creating a false equivalence between
    1. The university system under the UGC and
    2. The agricultural university system under the State governments.

What is the constitutional position?

- The evolution of agricultural education in India after independence dovetailed the exclusive role bestowed by the Constitution to the States in the management of agriculture.
- In the Constituent Assembly (1949), T.T. Krishnamachari rejected suggestions from some members that the Union government must play a central role in agriculture.
- Thus, agriculture was included in the List-II (State List) in the Seventh Schedule of the Constitution.
- In the Constitution of India, 'Education' () was included in the Entry 25 of List-III (Concurrent List).

  Entry 25 of List-III reads, "Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I".

- In List-III, there is no mention of 'agricultural education', which is distinct from "technical",

"medical" and "university" education.
- But, in List II, agricultural education was attached to the occupied field of agriculture.

Entry in State List	Particular
Entry 14	Agriculture, including agricultural education and research
Entry 15	Veterinary training and practice
Entry 21	Fisheries

- Legal implication of the exclusion of agricultural education from Entry 25 of List III is that it cannot be subject to Entries 63 to 66 of List I.
- Yet, the pivot of the Kerala High Court's judgment is that Entry 66 of List I provides the basis for the applicability of UGC Regulations 2018 and

Entry 66 of List I reads: "Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions".

Is the issue between the UGC and the ICAR new?

- The poor applicability of Entry 66 of List-I is the reason why agricultural universities have historically been facilitated by the ICAR, even when they were governed by Acts passed in the State Assemblies.
- In the UGC Regulations of 2010, Para 1.1.1. read thus: "For teachers in the Faculties of Agriculture and Veterinary Science, the norms/ Regulations of Indian Council of Agricultural Research shall apply".
- The ICAR has had a unique legal status.
- After independence, the Department of Agricultural Research and Education (DARE) was set up in 1973 in the Ministry of Agriculture.
- The major functions of DARE were to facilitate agricultural research and education, coordinate between the Centre and the States, and attend to matters related to the ICAR that was established in 1929.
- The Secretary to the Government of India in DARE was concurrently designated as the Director-General of ICAR.
- In 1983, the Supreme Court of India ruled in P.K. Ramachandra Iyer v. Union of India that "ICAR is almost an inseparable adjunct of the Government of India having an outward form of being a society"

What is the authoritative role of States?

- In the past, when the ICAR desired to bring about some uniformity in the administration of agricultural universities, it did not take recourse to a one-size-fits-all legislation in Parliament.
- Instead, it chose to send a Model Act for Agricultural Universities in India to the State governments and let them decide on whether to accept or reject it.
- So, there was never an ambiguity within the ICAR system over the authoritative role of State governments.
- But, the Kerala HC judgment has sought to substitute the role of the ICAR with the UGC's regulations, which are applicable solely to institutions listed in Entry 25 of List III.

What did the recent judgment do?

- Despite the exclusion of agricultural education from Entry 25 of List III, the judgment has arbitrarily thrust the power of Entry 66 of List I on all agricultural/veterinary/fisheries universities in India.
- As a result, Entry 14 of List II stands thoroughly undermined.
- The judgment also threatens to jeopardise the ICAR's ongoing efforts to ensure a minimum level of uniformity in agricultural education in the country, including in the appointment of Vice-Chancellors.
- The Model Act stipulates the constitution of the search committee for Vice-Chancellors with three members:
    1. the Director-General of ICAR;
    2. one nominee of the government; and
    3. one nominee of the Chancellor.
- But the HC judgment has made the presence of an ICAR representative invalid and necessitates its replacement with a UGC representative.

The ICAR must unequivocally and publicly state that agricultural education is not a part of Entry 25 in List III but of Entry 14 in List II, and hence it cannot be subjected to the powers of Entry 66 in List I.

Reference

1. The Hindu | The threat to federalism in agricultural education

SHANKAR IAS PARLIAMENT
Information is Empowering