

பொதுப்பள்ளிக்கான மாநில மேடை

State Platform for Common School System – Tamil Nadu (SPCSS-TN)

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To

Date: 05.05.2026

**The Hon'ble Chairperson,
Joint Parliamentary Committee on
Viksit Bharat Shiksha Adhishtan Bill, 2025,
Parliament Annexe, New Delhi – 110 001**

Respected Madam,

Sub: SPCSS – TN Submission before the JPC examining the VBSA Bill, 2025

Ref: 1. Viksit Bharat Shiksha Adhishtan Bill, 2025

2. SPCSS-TN Comments on the Draft HECI (Repeal of UGC Act) Act, 2018 dated 05.07.2018
3. SPCSS-TN appeal to the Parliamentarians dated January 3, 2026

SPCSS-TN submits the following for the kind consideration of the Joint Parliamentary Committee (JPC) entrusted with the task of examining the Viksit Bharat Shiksha Adhishtan (VBSA) Bill, 2025.

- A. The State Platform for Common School System – Tamil Nadu (SPCSS-TN) is a body of educationists and education activists actively engaged in the campaign for the establishment of a fully State-funded Common School System based on neighbourhood schools. This campaign aims for the effective realization of the right to equitable access to education for all at all levels, which is the aspiration of the freedom movement, the vision of the Constitution of India, and the obligation of the State as mandated in Article 41 of the Constitution of India.
- B. SPCSS-TN through the letter dated 05.07.2018 addressed to the then MHRD, explained how the then HECI Bill violated the Constitution of India and appealed to the Hon'ble Minister, MHRD (Ministry of Education) to withdraw the same and strengthen the UGC.
- C. The same Bill with new nomenclature and with no provision for granting funds to the State Government Universities, Government and Government aided colleges was introduced in the Lok Sabha on December 15, 2025.
- D. SPCSS-TN appealed to the Parliamentarians on January 3, 2026, the birthday of Savithriba Phule, and explained how the said Bill violated the Constitution of India and requested the Parliamentarians to ensure that the Bill be withdrawn, since the Parliament has no power with regard to incorporation, regulation and winding up of Universities - the subject that is placed in the State list under Schedule 7 of the Constitution of India.
- E. The Bill is now being examined by the JPC. We understand that there is no Public hearing and only officials of the Government departments and higher education institutes were invited and heard.
- F. SPCSS – TN makes the following submission for the kind consideration of the JPC.

I. THE VBSA Bill, 2025 is against the Vision, Mission and the Provisions of the Constitution of India. The BILL, prima facie, is in gross violation of Article 246 of the Constitution of India. It alters the basic structure of the Constitution of India:

1. The architects of the Constitution of India were very clear in identifying subjects that are components of culture and state-specific, and they placed all those subjects in the State List. Education is one such subject. Thus, education was originally in the State List. It is pertinent to note that education was later moved to the Concurrent List, not the Union List. The Union was given the responsibility of coordination and determination of standards in higher education.
2. The **Seventh Schedule** of the **Constitution of India**
 - **The Entry 44 of List I** – Union List reads as follows: *“Incorporation, regulation and winding up of corporations, whether trading or not, with objects not confined to one State, **but not including universities.**”*
 - **The Entry 32 of List II** – State List reads as follows: *“**Incorporation, regulation and winding up of corporation, other than those specified in List I, and universities; unincorporated trading, literacy, scientific, religious and other societies and associations; co-operative societies.**”*
 - **Entry 25 of List III** – Concurrent List reads as follows: *“Education, including technical education, medical education and universities, **subject to the provisions of entries 63, 64, 65 and 66 of List I; vocational and technical training of labour.**”*
 - **The Entry 66 of List I** – Union List reads as follows: *“**Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions**”.*
3. A careful reading of Entry 44 of List I and Entry 32 of List II, read with Entry 25 of List III and Entry 66 of List I, makes it clear that incorporation, regulation, and winding up of universities is a subject, placed in the State List. Education, although placed in the Concurrent List, is subject to Entry 66 of List I. This makes it clear that the power granted to the Union Government is limited only to the coordination and determination of standards. The power to regulate or winding up of universities is not vested with the Union Government.
4. It is pertinent to note that State Government Universities are established by an Act of the respective State Legislature, in accordance with the provisions of Entry 32 of List II in the Seventh Schedule, under Article 246 of the Constitution of India
5. The statement of objects and reasons does not mention the provision of the Constitution of India under which the VBSA Bill, 2025 is drafted. It is stated that “after due consideration of the vision of the NEP, 2020, analysis and suitable adaption of the global best practices in the field of higher education, it is proposed to introduce a legislation, namely, the *Viksit Bharat Shiksha Adhishthan Bill, 2025* in Parliament.”
6. The NEP 2020 presents a challenge to the Constitution of India by failing to recognize the powers of State Governments. Furthermore, the policy, lacking a firm assurance of government funding for education, risks weakening government-funded institutions. By allowing unrestricted private entry, including foreign entities, the policy will ultimately lead to the total commercialization of education.

7. The *Viksit Bharat Shiksha Adhishthan* Bill, 2025 provides for the constitution of a *Viksit Bharat Shiksha Adhishthan* along with the three Councils, namely, the *Viksit Bharat Shiksha Viniyaman Parishad* (the Regulatory Council), the *Viksit Bharat Shiksha Gunvatta Parishad* (the Accreditation Council) and the *Viksit Bharat Shiksha Manak Parishad* (the Standards Council).
8. Section 10. (1) of the VBSA Bill, 2025 states as follows: “With effect from such date as the Central Government may, by notification, appoint, there shall be established a Regulatory Council to be known as the *Viksit Bharat Shiksha Viniyaman Parishad*, which shall function as the common regulator of higher education in India.”
9. The Parliament has no power to enact a legislation on a subject placed under the State List in the Seventh Schedule. The Regulation of the universities is a State Subject. The VBSA Bill, 2025 is a clear violation of the Constitution of India.
10. On 25th November 1949, while summing up the debates on the Draft Constitution of India, the Chairman of the Drafting Committee Babasaheb Dr. B. R. Ambedkar stated as follows:

“The basic principle of Federalism is that the Legislative and Executive authority is partitioned between the Centre and the States not by any law to be made by the Centre but by the Constitution itself. This is what Constitution does. The States under our Constitution are in no way dependent upon the Centre for their legislative or executive authority. The Centre and the States are co-equal in this matter. It is difficult to see how such a Constitution can be called centralism. It may be that the Constitution assigns to the Centre too large a field for the operation of its legislative and executive authority than is to be found in any other Federal Constitution. It may be that the residuary powers are given to the Centre and not to the States. But these features do not form the essence of federalism. The Chief Mark of federalism as I said lies in the partition of the legislative and executive authority between the Centre and the Units by the Constitution. This is the principle embodied in our Constitution. There can be no mistake about it. It is, therefore, wrong to say that the States have been placed under the Centre. Centre cannot by its own will alter the boundary of that partition. Nor can the judiciary.”

11. The VBSA Bill, 2025 alters the boundary of that partition. The Bill overrides the assurance given by the Chairman of the Drafting Committee and the trust of the Constituent Assembly. It is a direct assault on the basic structure of the Constitution of India.
12. The Bill proposed for coordination and determination of standards, in effect, not only allows the Union Government to regulate universities but also facilitates the winding up of universities. The Bill is a colourable exercise of power; it takes cover under Entry 66 of List 1 to enforce legislation that Parliament has no power to enact, in accordance with Entry 32 of List II and Entry 44 of List I.

II. State Government Universities: Their Legacy and Contribution to national development:

13. Calcutta, Madras, and Bombay Universities are the oldest universities in India, established in 1857. After Independence, they were administered by the respective state governments. States in India have established universities in accordance with the need and availability of resources. All state government universities are established through state legislation and are governed in accordance with the provisions of the respective state act. Apart from the universities, professional, arts, and science colleges are established by the state governments and are affiliated with the state government universities according to the jurisdiction of the university.

14. State universities and colleges, especially in states like Tamil Nadu, were established to achieve the objective of social justice. The reservation policy of the state government, highly subsidized fees, and special provisions for women's education helped the State of Tamil Nadu in the task of universalizing higher education.
15. The State Governments are not just architects and guardians of the State Universities and Colleges; they fulfill the Constitutional obligation to ensure equitable access to higher education. Over 80% of students who receive higher education in India are from State Government Universities. For the past seventy-five years, State Government Universities have provided experts in various fields and played a significant role in the development of science and technology, thereby contributing to the overall industrial and economic development of India. It is a known fact that students of State Universities also play a significant role in leading establishments all over the world. In the process, State Governments have gained expertise and possess immense knowledge to administer higher educational institutions with best practices and high standards.
16. The NEP 2020 failed to recognize the role of the State Universities in the development of India, and the VBSA Bill, 2025 projects that only a centralized regulatory council will be able to ensure high standards in higher education. On the contrary, the centralization of regulation and one-size-fits-all standardization and accreditation process will only weaken the State Universities and result in the privatization of education.
17. The NEP 2020 clearly indicates that the government will not fully fund education. Furthermore, the VBSA Bill, 2025, vests regulatory authority in the Union Government while leaving the financial responsibility with the State Governments. Without adequate funding, state government universities cannot compete with private and foreign universities allowed to recover costs and repatriate surpluses. This enabling environment allows foreign institutions to generate revenue within India and transfer it abroad.
18. The Regulatory Council will have the power to regulate all colleges and universities throughout India, including those owned and administered by state governments. It may grant autonomy or university status to any college without notifying its affiliated university or consulting the state government.
19. In granting permission to foreign or private universities across India, the respective State Governments will have no role. This poses a great challenge in both cultural and social spheres, where human values will suffer and Constitutional goals may never be achieved.
20. The State Governments, over the past seven decades, have taken measures to fulfill various provisions of the Constitution of India and achieve the goal of securing to all Indians justice, social, economic and political; equality of status and opportunity; and the assurance of the dignity of the individual and the unity and integrity of the nation.
21. The VBSA Bill, 2025, deprives the States of all rights in the higher education field; the States will be reduced to the position of implementing agents. This stands in stark contrast to the promise made in the Constituent Assembly. The State Governments are being punished for upholding constitutional values.

III. The VBSA Bill, 2025 is a threat to academic freedom and campus democracy:

22. The Standards and Accreditation Councils act as a double-edged sword, functioning like scissors on the throat of academic freedom. While the VBSA Bill, 2025 claims to constitute a 'Viksit Bharat Shiksha Adhishthan' to facilitate universities and other higher educational institutions (HEIs) becoming independent, self-governing entities, the provisions of the bill stand in direct opposition to genuine institutional autonomy, particularly the academic autonomy of universities.
23. The Standards Council under the Commission will determine what to teach, how to teach, and what the outcomes should be. The Accreditation Council will grant accreditation only if universities strictly adhere to these standards, and any violation may result in the withdrawal of accreditation. Once the accreditation is withdrawn, the degrees granted by the universities will not be valid.
24. Outcome-based education, vocational skilling while undergoing a degree course, and a thrust on the Indian Knowledge System are aimed at creating a cult that will remain subservient to those in power. Such a policy or law, if allowed to be implemented in India, will be an Indian version of McCarthyism.
25. The ideology of the executive of the day should not be forced upon everyone without question. Teachers and students in universities are better-informed individuals, capable of deliberating and challenging the establishment when policies act against the common good or the best interests of the nation. When students and teachers are not allowed to discuss these issues, the public remains uninformed, and ill-informed groups are always ready to disturb the peace.
26. Teachers and students will have no freedom to discuss anything not part of their curriculum. Even out of academic interest, they cannot critically evaluate government policies and programs. All actions will be strictly monitored; any violation of the prescribed syllabus or any commentary not directly connected to the course of study will not be tolerated.
27. There will be no space for exercising democratic rights; the formation of teacher and student unions may not be allowed, and affiliation with any political party or ideology not in agreement with the executive of the day will not be tolerated.
28. The VBSA Bill, 2025, is fundamentally against academic freedom and the democratic spirit.

IV. Mandate of the Constitution of India for Viksit Bharath (Developed India):

29. **Article 41 of the Constitution of India** reads as follows:
“Right to work, to education and to public assistance in certain cases. The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of underserved want.”
30. During the Pre-Republic period, while drafting the Constitution of India, a section of people apprehended that the newly formed State would lack the economic capacity to provide education for all as a fundamental right. The leaders involved in drafting the Constitution were dismayed by arguments against placing the Right to Education under fundamental rights. Consequently, they applied their minds to devise a mechanism to address this apprehension.

31. According to those raising this objection, the State currently lacks the economic capacity. However, that economic capacity will not remain static. There should be no difficulty in providing education as a fundamental right once the economic capacity develops. The architects of the Constitution of India, placed critical entitlements under the heading 'Directive Principles of State Policy'. The expectation is that, as the State's economic capacity develops, it will move such provisions to the category of Fundamental Rights.
32. By claiming developed status or legislating for a 'developed India', the government admits that the state possesses the necessary economic capacity to fulfill its constitutional duty. According to its own admission, this requires the State to recognize education and work as fundamental rights, as directed by the Constitution of India.
33. The VBSA Bill 2025 claims that the VBSA is for Developed India – Viksit Bharat. When the Government declares India is developed, it is mandatory that education is granted the status of a Fundamental Right at all levels.
34. The Union Government, on one hand, claims that India is developed, yet on the other, fails to provide full funding for education and allows private entities to operate higher education institutions.
35. Right to Education means the right to get admission at any level without economic or social impediments. This right mandates fully subsidized education at all levels for all people
36. Either the assertion of a 'Viksit Bharat' is false, or the Executive of the Day is unwilling to govern the nation in accordance with the provisions of the Constitution of India. Both scenarios imply a violation of the Constitution. Therefore, the VBSA Bill, 2025, is unsustainable. Without clarification on the actual status of India's economy—whether it is developed, developing, or under-developed—a Bill aimed at establishing an education commission for a developed India cannot be allowed to be placed for discussion in Parliament.

V. The Hon'ble Supreme Court with regard to the Directive principles of State Policy:

37. The Hon'ble Supreme Court of India, in its landmark judgment dated 30th July 1992 in *Miss Mohini Jain vs. State of Karnataka and Others*, considered the question: "Is there a 'right to education' guaranteed to the people of India under the Constitution?"
38. In order to appreciate the point posed by the Court, the Court considered it necessary to refer to the Preamble and various provisions of the Constitution of India. The Court said, "The preamble promises to secure to all citizens of India 'Justice, social, economic and political' 'liberty of thought, expression, belief, faith and worship'. It further provides 'equality of status and of opportunity' and assures dignity of the individual." The Court further referred to Articles 21, 38, 39(a) (f), 41 and 45 of the Constitution of India.
39. The Court further held, "It is no doubt correct that "right to education" as such has not been guaranteed as fundamental right under Part III of the Constitution but reading the above quoted provisions cumulatively it becomes clear that the framers of the Constitution made it obligatory for the State to provide education for its citizens."

40. The Court emphasized the obligation of the Government to provide Education as a Fundamental Right. It said, *“Article 41 in Chapter IV of the Constitution recognizes an individual's right "to education". It says that "the State shall, within the limits of its economic capacity and development, make effective provision for securing the right.....to education". Although a citizen cannot enforce the directive principles contained in Chapter IV of the Constitution but these were not intended to be mere pious declarations. We may quote the words of Dr. Ambedkar in that respect:*

"In enacting this Part of the Constitution, the Assembly is giving certain directions to the future legislature and the future executive to show in what manner they are to exercise the legislature and the executive power they will have. Surely it is not the intention to introduce in this Part these principles as mere pious declarations. It is the intention of the Assembly that in future both the legislature and the executive should not merely pay lip service to these principles but that they should be made the basis of all legislative and executive action that they may be taking hereafter in the matter of the governance of the country" (C.A.D. Vol. VII p.476.).

The directive principles which are fundamental in the governance of the country cannot be isolated from the fundamental rights guaranteed under Part III. These principles have to be read into the fundamental rights. Both are supplementary to each other. The State is under a constitutional mandate to create conditions in which the fundamental rights guaranteed to the individuals under Part III could be enjoyed by all. Without making "right to education" under Article 41 of the Constitution a reality the fundamental rights under Chapter III shall remain beyond the reach of large majority which is illiterate. This Court has interpreted Article 21 of the Constitution of India to include the right to live with human dignity and all that goes along with it.”

41. Quoting various other judgments the Court held, *““Right to life" is the compendious expression for all those rights which the Courts must enforce because they are basic to the dignified enjoyment of life. It extends to the full range of conduct which the individual is free to pursue. The right to education flows directly from right to life. The right to life under Article 21 and the dignity of an individual cannot be assured unless it is accompanied by the right to education. The State Government is under an obligation to make endeavour to provide educational facilities at all levels to its citizens. The fundamental rights guaranteed under Part III of the Constitution of India including the right to freedom of speech and expression and other rights under Article 19 cannot be appreciated and fully enjoyed unless a citizen is educated and is conscious of his individualistic dignity. The "right to education", therefore, is concomitant to the fundamental rights enshrined under Part III of the Constitution. The State is under a constitutional-mandate to provide educational institutions at all levels for the benefit of the citizens. The educational institutions must function to the best advantage of the citizens. Opportunity to acquire education cannot be confined to the richer section of the society.”*

42. The Hon'ble Supreme Court has categorically stated that the State is obligated to endeavour to provide educational facilities at all levels. Yet, the VBSA Bill, 2025 stands in direct contrast to the Constitution of India and the judgments of the Supreme Court of India. The Government of India must withdraw this Bill and take concrete measures to declare the Right to Education a Fundamental Right at all levels for all people.

VI. Closing Remark:

The JPC constituted to examine the VBSA Bill, 2025 should hold public hearings;

- a) to discuss the VBSA Bill, 2025, in the context of Article 41 of the Constitution of India, as the Bill seeks to establish an education commission for Viksit Bharath (Developed India).
- b) to discuss VBSA Bill,2025, in the context of Article 246 of the Constitution of India
- c) to discuss VBSA Bill, 2025 in the context of Article 14, 15, 16, 19, 21, 29, 30 and 46 of the Constitution of India

VII. Prayer:

- i. **The SPCSS–TN urges the JPC examining the VBSA Bill, 2025, to consider the facts presented and be pleased to advise the Government of India to withdraw the Bill, as it alters the basic structure of the Constitution and disregards various constitutional provisions.**
- ii. **The SPCSS-TN urges the JPC examining the VBSA Bill, 2025, to consider the facts presented with regard to Article 41 of the Constitution of India and be pleased to recommend to the Government of India to provide education for all at all levels as a Fundamental Right.**

P. B. Prince Gajendra Babu
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