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## SC Decision on UGC Guidelines on Conduct of Examinations

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### Why in News

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The Supreme Court ruled that the **states are empowered** under the **Disaster Management Act, 2005 (DM Act)** to override **University Grants Commission (UGC) exam guidelines** in order to protect human lives amid the **Covid-19** pandemic.

However, it held that universities and other institutions of higher education **will have to conduct the final-year exams** and **cannot promote students** on the basis of internal assessment or other criteria.

### Key Points

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- **Background:** The UGC had directed that final year examinations of Universities must be conducted by September-end in online or offline mode. However, the **Maharashtra and Delhi governments employed the DM Act, 2005** to cancel the examinations due to Covid-19 to which **the UGC objected**.

- **Judgement:**

- In case of a disaster, the priority of all authorities under the **DM Act** is to immediately combat the disaster and contain it to **save human life**. Saving the life of human beings is given paramount importance.
- However, the powers of the States under the DM Act **do not extend to promoting students** on the sole basis of their internal assessment without taking exams.
- In future, if any State found it impossible to conduct the exams by the deadline given by UGC and wanted to postpone them, it could **apply to the UGC**, which would **consider the request and decide** at the earliest.
- Also, the States and universities **cannot dismiss UGC guidelines** as being merely advisory. They were necessary for the determination of standards in institutions of higher education and were **obligatory for universities**.

The **UGC (Minimum Standards of Instruction for the Grant of the Master's Degree through Formal Education) Regulations, 2003**, categorically requires universities to adopt the guidelines.

- The court also rejected the argument that compelling attendance by holding physical examination is a **violation of the 'Right to Life' under Article 21**.
  - It pointed out that the revised guidelines take into consideration the fact that the number of Covid cases are rising.
  - They were based on the recommendations of the **R.C. Kuhad Expert Committee**. They provided three modes of examination - pen and paper, online and blended (both physical and online). A "special chance" was also given to students unable to take the exams.
  - The R.C. Kuhad Expert Committee recommended that **exams should be held for Terminal Semester Students** while the **Intermediate Semester Students should be graded based on internal assessment** of the present and previous semester. It also suggested the **constitution of a Covid-19 cell in every university**.

### **University Grants Commission (UGC)**

- It came into existence on 28<sup>th</sup> December, 1953 but became a **statutory organization** of the Government of India by the **UGC Act, 1956**, under the **Ministry of Education**.

- The UGC`s mandate includes:
  - Promoting and **coordinating** university education.
  - Determining and maintaining **standards of teaching, examination and research** in universities.
  - Framing **regulations** on minimum standards of education.
  - **Monitoring** developments in the field of collegiate and university education; **disbursing grants** to the universities and colleges.
  - Serving as a **vital link** between the Union and state governments and institutions of higher learning.
  - **Advising** the Central and State governments on the measures necessary for improvement of university.

## Way Forward

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- The performance in examinations contributes to **merit, lifelong credibility, wider global acceptability and better future prospects** to the student. However, the **digital divide** that exists in the country must be taken into account while going for online conduct of examinations.
- The **Ministry of Education must proactively intervene** in the appointments of final year students who have not been able to appear for the examination and come out with **policies to defer the requirement of degree certificates for job appointments.**

**Source: TH**