

New twist to rigmarole

WOULD ONE FLOP WARRANT ANOTHER? WITH THE UNION LAW MINISTRY NOW QUESTIONING FORMER HRD MINISTER KAPIL SIBAL'S INITIATIVE TO FOSTER COLLABORATIONS WITH FOREIGN UNIVERSITIES, YOU JUST NEVER KNOW, WRITES DEBAMEETA BHATTACHARYA

Following Delhi University's flop of a Four-Year University Programme, the Union ministry of human resource has come in for flak. A step initiated by HRD minister Kapil Sibal to allow foreign institutions to set up campuses in India and issue degrees is now being questioned by the Union law ministry. It has raised several questions on a set of draft rules of the University Grants Commission under the HRD ministry to allow foreign institutes to operate as not-for-profit entities.

All this began in September 2012 where the UGC (Promotion and Maintenance of Standards of Academic Collaboration between Indian and Foreign Educational Institutions) Regulations 2012 had been notified in the Gazette of India under which, foreign institutions accredited with top grades in their countries could pool resources with those in India

having at least B-grade accreditation from the National Accreditation and Assessment Council. Every collaboration had to be approved by the UGC.

The key condition of the FEI was that a college had to be ranked among the top 500 in the world to enter into an academic collaboration with an Indian institution — and this clause had been dropped from Regulations 2012. However, under the regulations, no foreign university could set up institutions independently in India.

According to the regulations, students enrolled in an Indian institution would be bestowed with Indian degrees but certificates carrying the logos of both Indian and foreign institutes. Partnering institutions were free to share faculty and study resources and students could

visit the campus of a partnering university — but for a brief period.

At the time, the UGC never had any framework to facilitate collaboration between Indian and foreign institutions. According to a report by the Association of Indian Universities, 600 foreign institutions have tie-ups in this country, all of which had been approved by the UGC.

According to the AIU report, the number of foreign education providers has gone up from 144 in 2009 to 631 in 2010 and the figure is going up alarmingly every year. Over 400 foreign institutions have been operating from their home campuses through a liaisoning office in India and providing mostly distance education. Such institutions may now not be able to function as the regulations do not allow operations through a franchise or liaisoning mode.

The UGC was supposed to furnish details of all approved collaborations on its website and ask students not to seek admission in unapproved team-ups. The All India Council of Technical Education had put in place regulations for collaboration between institutions offering technical education. But the res-

(Establishment and Operation of Campuses of Foreign Educational Institutions) Regulations 2012. With the Foreign Education Providers' Bill stuck in Parliament, overseas institutions are unable to set up campuses as there is no legal framework to allow for their operation. Under the draft UGC rules, only those foreign institutions that figure among the top 400 in the world will be allowed to set up shop. This will be based on rankings published by Times Higher Education, Quacquarelli Symonds or the Academic Rankings of World Universities by Shanghai Jiao Tong University.

But the law ministry has asked whether a foreign university can set up base here and offer degrees in the absence of a specific law enacted by Parliament. The UGC Act does not have provisions to allow such varieties and their degrees, law ministry officials said in a follow-up report.

Former UGC secretary RK Chauhan said the higher education regulator had initiated a similar move in the 1990s, but the HRD ministry had rejected the proposal citing the UGC Act. "The ministry had turned down the UGC proposal in 1990s when it had prepared similar regulations. I do not understand how they are doing the same thing now," Chauhan said.

However, sources in the HRD ministry now headed by Sibal's Congress colleague M Pallam Raju defended the fresh move. They argued that under the draft rules, the degrees awarded by overseas institutes in India would be treated as foreign qualifications that shall be subject to equivalence accorded by the AIU for further study or government jobs.

"The degrees to be offered by the FEIs will be treated as foreign degrees, not Indian. The students will have to seek equivalence certificates from the AIU in the same way that those from foreign universities (who study abroad) do now," an HRD ministry official said. The law ministry has raised another issue — penalties for rule violations by foreign institutions. The UGC draft rules nail a penalty of anything between Rs 50 lakh and Rs 1 crore. The penalty under the UGC Act for Indian institutions is only Rs 1,000. The law ministry has cited this and asked how fines could be raised to such high levels for overseas entities. The HRD ministry official, however, said an amendment was planned in the UGC Act to remove the inaptness. UGC chairperson Ved Prakash declined comment on the objections.

The law ministry has made reservations in spite of two other wings of the government — the Department of Industrial Policy and Promotion under the Union commerce ministry and the Department of Economic Affairs in the Union finance ministry — supporting the overall plan.



Under question: Former HRD minister Kapil Sibal.

ponse has been negligible over the last eight years. Only seven foreign institutions had collaborated with domestic ones under these regulations, a council official said.

A PTI report on 31 December added a new twist to the tale. It said rules framed as a Bill to permit overseas universities had been hanging fire in Parliament since 2010 because of the lack of consensus among parties. Sibal was HRD minister when the process of framing the UGC rules and allowing such entities began last year. But the law ministry he now heads doesn't seem persuaded by the UGC