

DRAFT

University Grants Commission (Setting up and Operation of Campuses of Foreign Higher Educational Institutions in India) Regulations, 2023

Preamble: In line with the recommendations of the National Education Policy (NEP), 2020, the University Grants Commission (UGC) has initiated several measures for the internationalisation of the higher education system in India. UGC notified the Guidelines on Internationalisation of Higher Education in 2021, which included provisions like setting up an Office for International Affairs and Alumni Connect Cell in the Universities. To foster academic collaboration between Indian Higher Educational Institutions (HEIs) and foreign HEIs, “UGC (Academic Collaboration between Indian and Foreign Higher Educational Institutions to offer Twinning, Joint Degree and Dual Degree Programmes) Regulations, 2022” were notified in the Gazette on 2nd May, 2022.

NEP 2020 has envisioned that “top universities in the world will be facilitated to operate in India.” For this, “a legislative framework facilitating such entry will be put in place, and such universities will be given special dispensation regarding regulatory, governance, and content norms on par with other autonomous institutions of India.” A regulatory framework allowing the entry of higher-ranked foreign Universities, as envisaged in NEP, 2020, will provide an international dimension to higher education, enable Indian students to obtain foreign qualifications at affordable cost, and make India an attractive global study destination. These Regulations aim to facilitate the entry of foreign higher educational institutions into India.

Accordingly, in the exercise of powers conferred by clauses (f) and (g) of sub-section (1) of section 26 and clause (j) of section 12 of the University Grants Commission Act, 1956, the University Grants Commission hereby makes the following Regulations, namely:

1. SHORT TITLE, APPLICATION, AND COMMENCEMENT:

- 1.1. These Regulations shall be called the University Grants Commission (Setting up and Operation of Campuses of Foreign Higher Educational Institutions in India) Regulations, 2023 (hereafter referred to as the Regulations).
- 1.2. These Regulations shall regulate the entry and operations of Foreign Universities/ Institutions in India to conduct undergraduate, postgraduate, doctoral, post-doctoral, and other programmes and award degrees, diplomas, and certificates in all disciplines.
- 1.3. These Regulations shall come into force from the date of publication in the Gazette of India.

2. DEFINITIONS:

- 2.1. "Act" means the University Grants Commission Act, 1956, as amended from time to time;
- 2.2. "Campus" shall mean a campus set up by a foreign higher educational institution in India to conduct undergraduate, postgraduate, doctoral, post-doctoral, and other programmes and research;
- 2.3. "Commission" means the University Grants Commission, established under section 4 of the Act;
- 2.4. "Course" means one of the units which comprise a programme of study;
- 2.5. "Fees" means all fees, including tuition fees and developmental charges, by whatever name called, payable by the students enrolled for the course(s) / programme (s) of study;
- 2.6. "Foreign University" means a University, duly recognised and established or incorporated in any legal manner (such as Trust/ Society/ Company/ Statutory/ other legal forms) in the country of the foreign University and is duly authorised to offer academic and research programmes at the undergraduate or higher levels, within and outside its home jurisdiction;
- 2.7. "Foreign Educational Institution" shall mean an educational institution in a foreign country duly recognised and established or incorporated in any legal manner (such as Trust/ Society/ Company/ Statutory/ other legal forms) in the country of the foreign educational institution not covered under Clause 2.6, but is duly authorised to offer academic and research programmes at the undergraduate or higher levels, within and outside its home jurisdiction;
- 2.8. "Foreign Higher Educational Institutions" shall include both Foreign Universities and Foreign Educational Institutions as enumerated in 2.6 and 2.7;
- 2.9. "Statutory/ Regulatory Body" means a body established or incorporated under a Central Act of India to regulate standards of general and professional programme (s) of study and award of degrees in its area of concern.

3. ELIGIBILITY:

No Foreign Higher Educational Institutions (FHEIs) shall set up campuses in India without the approval of the UGC.

The FHEIs intending to establish campuses in India shall fulfil the following criteria at the time of application:

- 3.1. If the applicant is a foreign university, it should have secured a position within the top 500 of overall / subject-wise global rankings, as decided by the Commission from time to time;
- 3.2. In the case of a foreign educational institution, the applicant should be a reputed institution in its home jurisdiction.

4. PROCEDURE FOR APPROVAL:

- 4.1. Upon fulfilment of the eligibility criteria, the FHEI shall apply online to the University Grants Commission along with the non-refundable processing fee, as decided by the Commission from time to time.
- 4.2. The following documents are to be uploaded along with the application on the UGC portal:
- Permission by the Governing Body or Board, by whatever name called, for establishing campuses in India;
 - Information on infrastructural facilities, availability of faculty, fee structure, academic programmes, courses, curricula and financial resources for setting up and operations of campuses in India, and any other details that may be sought;
 - In the case of a course or programme disruption or discontinuation or closure of the campuses, details of the alternative arrangements to safeguard the interests of the affected students, including reallocation to the course or programme;
 - An Undertaking to the effect that-
 - (i) the quality of education imparted by it in its Indian campus is at par with that of the main campus in the country of origin,
 - (ii) the qualifications awarded to the students in the Indian campus shall be recognised and treated as equivalent to the corresponding qualifications awarded by the Foreign Higher Educational Institutions in the main campus located in the country of origin for all purposes, including higher education and employment;
 - The latest Accreditation / Quality Assurance report from a recognised Body;
 - Any other document as specified in the application portal.
- 4.3. The Commission shall constitute a Standing Committee to examine matters related to the Setting up and Operation of Campuses of Foreign Higher Educational Institutions in India. This Committee shall assess each application on merits, including the credibility of the educational institutions, the programmes to be offered, their potential to strengthen educational opportunities in India, and the proposed academic infrastructure, and make recommendations thereof.

- 4.4. The recommendations of the Standing Committee shall be placed before the Commission within 45 days from the date of receipt of the application, complete in all respects.
- 4.5. Based on the recommendations of the Standing Committee, within 45 days, the Commission may initially grant in-principle approval and issue a Letter of Intent to the FHEI to set up campuses in India within two years from the date of approval. The Commission reserves the right to give an extension, if required, on a case-to-case basis.
- 4.6. The applicant FHEI may convey its readiness for the commencement of its academic operations to the Commission. The Standing Committee shall examine the readiness of the campus and give its recommendations.
- 4.7. The Commission shall consider the recommendations of the Standing Committee and issue a notification, within 45 days, for commencing the operation of a campus in India with or without conditions. The permission shall be granted initially for a period of ten years. The FHEI shall pay the Commission an Annual Fee (second year onwards) as decided by the Commission from time to time.
- 4.8. The applicant FHEI shall apply to the Commission for renewal of the operations of the campus at least one year before the expiry of the approved period. The FHEI shall apply online to the Commission along with the non-refundable processing fee, as decided by the Commission from time to time. The Commission shall grant the renewal for a further period of ten years.
- 4.9. The decision of the Commission shall be final.

5. ADMISSION AND FEE STRUCTURE:

- 5.1. The campus of Foreign Higher Educational Institutions may evolve their admission process and criteria to admit domestic and foreign students.
- 5.2. It shall decide the fee structure, which should be transparent and reasonable.
- 5.3. The Foreign Higher Educational Institutions shall make available the prospectus on its website at least 60 days before the commencement of admissions, including fee structure, refund policy, number of seats in a programme, eligibility qualifications, and admission process.
- 5.4. Based on an evaluation process, full or partial need-based scholarships may be provided by the FHEI from funds such as endowment funds, alumni donations, tuition revenues and other sources.

6. APPOINTMENT OF FACULTY AND STAFF AND OTHER RELATED PROVISIONS:

- 6.1. The Foreign Higher Educational Institutions shall have the autonomy to recruit faculty and staff from India and abroad as per its recruitment norms.
- 6.2. It may decide the qualifications, salary structure, and other conditions of service for appointing faculty and staff. However, the FHEI shall ensure that the qualifications of the faculty appointed shall be at par with the main campus of the country of origin.
- 6.3. It shall ensure that the foreign faculty appointed to teach at the Indian campus shall stay at the campus in India for a reasonable period.

7. GENERAL CONDITIONS:

- 7.1. The Foreign Higher Educational Institution shall not admit students and collect fees unless duly approved under the present Regulations to set up its campus in India.
- 7.2. It shall ensure that the quality of education imparted by it in its Indian campus is at par with that of the main campus in the country of origin.
- 7.3. The programmes offered under these Regulations shall not be allowed in online and ODL mode.
- 7.4. The qualifications awarded to the students in the Indian campus shall be recognised and treated as equivalent to the corresponding qualifications awarded by the Foreign Higher Educational Institutions in the main campus located in the country of origin.
- 7.5. The qualifications awarded under these Regulations shall be equivalent to any corresponding degree awarded by the Indian Higher Educational Institution with the following stipulations:
 - (i) there shall be no further requirement of seeking equivalence from any authority; and
 - (ii) the degree shall have all benefits, rights, and privileges as obtained in the case of a degree awarded by an Indian Higher Educational Institution ordinarily.
- 7.6. It shall have adequate financial and other resources for establishing and operating its campus in India.
- 7.7. The Foreign Higher Educational Institutions should arrange for adequate physical infrastructure in terms of built-up space for their academic programmes.
- 7.8. The Foreign Higher Educational Institutions shall not offer any such programme of study which jeopardises the national interest of India or the standards of higher education in India.

- 7.9. The operation of Foreign Higher Educational Institutions shall not be contrary to the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency, or morality.
- 7.10. The Foreign Higher Educational Institutions shall abide by any other condition (s) prescribed by the Commission and the Government of India from time to time.
- 7.11. All activities shall be in accordance with the applicant FHEI's mission, vision, and objectives.
- 7.12. The Foreign Higher Educational Institutions shall not act as a representative office of the Parent Entity to undertake promotional activities for their programmes in their home jurisdiction or any other jurisdiction outside India.
- 7.13. It shall undergo a quality assurance audit and submit the report to the Commission at the time of an extension.

8. ANNUAL REPORT AND MAINTENANCE OF ACCOUNTS:

- 8.1. The Foreign Higher Educational Institution shall submit to the Commission an annual report, giving details of programmes offered, the number of students admitted and passed out, and qualifications awarded.
- 8.2. The annual report should be made available on the website of the FHEI or its campus.
- 8.3. Cross-border movement of funds and maintenance of Foreign Currency Accounts, mode of payments, remittance, repatriation, and sale of proceeds, if any, shall be as per the Foreign Exchange Management Act (FEMA) 1999 and its Rules.
- 8.4. An Audit Report shall be submitted annually to the Commission certifying that the operations of the FHEIs in India are in compliance with FEMA 1999 and Rules/ Regulations thereunder; any other applicable Act/ Laws/ Rules/ Regulations/ Guidelines and relevant State Laws/ Rules/ Regulations/ Policies.

9. SAFEGUARDING THE INTEREST OF THE STUDENTS:

- 9.1. The Foreign Higher Educational Institution shall not discontinue any course or programme or close the campus without the Commission's prior approval.
- 9.2. In the case of a course or programme disruption or discontinuation, the parent entity shall be responsible for providing an alternative to the affected students.
- 9.3. The FHEI shall have a mechanism to address students' grievances. However, the students may appeal to the Commission if the FHEI does not redress the grievances.

10. RIGHT TO INSPECT:

The Commission shall have the right to inspect the campus and its operations at all times to ascertain the infrastructure, academic programmes and overall quality and suitability.

11. CONSEQUENCES OF VIOLATION:

The Commission shall impose a penalty and/or suspend/withdraw approval at any time in the event of the following:

- The campus of the Foreign Higher Educational Institution has failed to adhere to or has violated these Regulations;
- Its activities or academic programmes are against the interest of India;
- It has failed to abide by the undertaking given at the time of application;
- It engages in operation (s) other than the one (s) permitted under these Regulations;
- In case of any adverse finding, misappropriation and suppression of facts.

12. INTERPRETATION:

12.1. The Commission shall decide any question as to the interpretation of these Regulations, and its decision shall be final and binding in the matter;

12.2. The Commission shall have the power to clarify any doubt, difficulty, or anomaly about implementing these Regulations;

12.3. Any disputes in relation to the setting up and operation of the campuses of Foreign Higher Educational Institutions shall be governed by Indian law.
