

ALL INDIA PEOPLE'S SCIENCE NETWORK (AIPSN)

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18 Jan 2023

To
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Sub: Response on the draft FHEI regulations from UGC
Ref: Yr Lr F.No 1-3/2022(NEP) dt 5 Jan 2023

Based on the request in your above referred [letter](#) from the UGC site, please find attached the response from AIPSN on the [draft University Grants Commission \(Setting up and Operation of Campuses of Foreign Higher Educational Institutions in India\) Regulations, 2023](#)

Do acknowledge the receipt of this document.

Look forward to having all the inputs received made available publicly.

AIPSN calls upon UGC to abandon this draft regulation to setup and operate campuses of foreign higher educational institutions in India and instead initiate an open discussion with the stakeholders in India to enable the higher education system in India to first function properly to achieve that Education Ambedkar wanted: "Education is what makes a person fearless, teaches him the lesson of unity, makes him aware of his rights and inspires him to struggle for his rights".

Yours sincerely

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A Network of 40 People's Science Movements working in 25 states

18 Jan 2023

All-India Peoples Science Network

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

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The response from AIPSN is given in two parts: a) Procedural inconsistencies and b) Long term deleterious impacts

A. Procedural inconsistencies

1. **A democratic exercise has once again been hijacked and made a mockery of in a process that has become familiar.** Force a bill, act, ordinance, directive or regulation without any discussion to plead that it is good for the nation. This has happened, to mention a related few instances, in the case of NEP, UGC ABC, STIP and others. The same has now also happened with this UGC FHEI draft regulations being put up on 5th Jan 2023 on the UGC website with the last date to respond as 18th Jan 2023.

2. The question naturally arises **what is the urgency? There has to be more time given.** As it is a scheme that is meant for students, **the students need to be involved in the discussion.** The time could be given till 30th April 2023 and then the responses can be made public before a new draft is circulated.

3. There is no possibility of postal response. **The online and internet access in India is not uniform across the country and in different social strata.** Sufficient time is needed for postal responses also from students and others to respond offline also.

4. It is surprising that **UGC has chosen a gmail id for soliciting responses rather than use an official government email id or website for the responses.** If UGC does not have this capability even, how is it going to interact with the FHEIs? **Or is it an indication that this process will be outsourced to a private party?**

B. Long term deleterious impacts

5. **The entry of FHEIs will make higher education more elitist** – increase the costs and reduce the access and quality of higher education that will be available to the socially and economically marginalized. It will lead to further commercialization of the higher education system.

6. **The draft regulations violate social justice.** There is no mention even of Reservations and the FHEIs are given a free run in the appointments of faculty and staff as Clause 6.1 says “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.”

7. **There is no provision for Reservation in the student admissions.** Clause 5.4. only says “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.” Moreover the FHEIs are given a free run in fixing the fees as mentioned in Clause 5.1

and 5.2 “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.”

Effectively socially and economically marginalised sections will not be able to get the benefits. The entry of FHEIs will further increase the access divide between the privileged from the historically and socially underprivileged.

8. Clause 5.3 states “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.”

Without getting the approval of UGC publishing the prospectus is favouring the FHEIs to fix their fees as high as is possible. FHEI is considered as like our new HEIs.

9. 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.

Since students may join on the basis of the foreign faculty and if they leave the students may be affected. This is also unreasonable. The foreign faculty must be retained till the students’ requirements are met.

10. Clause 3.1 and 3.2 of the draft regulations states:

“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.”

There are [several](#) overall and subject-wise global rankings of Universities. Which of the ones is UGC talking about here? Saying that “as decided by the Commission from time to time” only suggests the room for favouritism and undue influence. Clause 3.2 provides a large leeway for accommodating foreign educational institutions as there is no objective way to decide “reputed institution in home jurisdiction”. Moreover, there is much [debate](#) about rankings’ interpretation, accuracy, and usefulness. The expanding diversity in rating methodologies and accompanying criticisms of each indicate the lack of consensus in the field. Further, it seems possible to game the ranking systems through excessive self-citations or by researchers supporting each other in surveys. UNESCO has questioned whether rankings “do more harm than good”, while acknowledging that “Rightly or wrongly, they are perceived as a measure of quality and so create intense competition between universities all over the world”. So clause 3.1 and 3.2 merely end up as fig leaves to give an air of quality to the FHEIs that are only intent on making money in India from Indian students.

11. Clause 4.1 talks of “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;”. This is reiterated in Clause 7.2 and 7.4 “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. 7.4. 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.”

The question arises how will the “at par” and “equivalence” be determined and enforced. What happens if it is found that these are not there as in the undertaking given. We have a history of private educational institutions that are nothing but glorified shops selling qualifications and with no serious action being taken on them for their violations. **It will be only the students and the families of the students that will pay the price and suffer for the violations.**

12. Clause 7.5. says “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.

The equivalence must not only be in India but also in other countries as is available when degree is from its parent country.

13. Clause 4.3 mentions “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.”

There is no specification of what will be the constitution of the Standing Committee. Will it involve representatives of student and teachers organisations? Will the civil society groups be represented? What is the level of openness and transparency that will be guaranteed in the constitution and functioning of the Standing Committee?

14. Clause 7.7 glibly talks of “The Foreign Higher Educational Institutions should arrange for adequate physical infrastructure in terms of built-up space for their academic programmes.”

We know how many private universities operated and still operate from houses and shops. Many a time courses are offered without adequate infrastructure. How can the “adequate” referred to in this clause be decided and implemented? **It should be defined on the basis of number of courses and students as surety to the students. Otherwise in effect, most FHEIs will come on fishing expeditions and wind up shop if not profitable.**

15. **The worst crime in the Indian context against the marginalised sections that higher education has to empower is the regulation in effect allows for open profiteering in education.** Previously under the garb of “non profit” the private higher educational institutions used to make money from students and their families. Now as Clause 8.3 tells “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.” The FHEIs do not even have to put back the profits into India for education or other social purposes. They are allowed to send the profits out of the country. This amount will ultimately become more than the so-called drain of foreign exchange by students going abroad for studies.

16. *AIPSN calls upon UGC to abandon this draft regulation to setup and operate campuses of foreign higher educational institutions in India and instead initiate an open discussion with the stakeholders in India to enable the higher education system in India to first function properly to achieve that Education Ambedkar wanted: “Education is what makes a person fearless, teaches him the lesson of unity, makes him aware of his rights and inspires him to struggle for his rights”.*

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