

(क) विदेशी उच्चतर शिक्षण संस्थान का परिसर इन नियमों का पालन करने में विफल रहता है या उनका उल्लंघन करता है;

(ख) उसकी गतिविधियाँ या शैक्षणिक कार्यक्रम भारत के हित के विरुद्ध हैं।

(ग) वह आवेदन के समय पर दिए गए वचन का पालन करने में विफल रहता है;

(घ) वह इन नियमों के तहत अनुमत संचालनों के अलावा, अन्य संचालन में संलग्न है; और

(ङ) कुछ भी प्रतिकूल पाया जाना, तथ्यों का दुरुपयोग और उन्हें छुपाना।

(12) **न्यायालयों का क्षेत्राधिकार:-** इन विनियमों के संबंध में किसी भी विवाद के मामले में, भारत में न्यायालयों के पास अनन्य क्षेत्राधिकार होगा।

(13) **निर्वचन:-** (1) यदि इन विनियमों के उपबंधों के संबंध में कोई प्रश्न उठता है तो आयोग उस प्रश्न का विनिश्चय करेगा।

(2) आयोग के पास इन विनियमों को लागू करने के बारे में किसी भी संदेह, कठिनाई या विसंगति को स्पष्ट करने की शक्ति होगी।

(3) इन विनियमों के प्रावधानों की व्याख्या से संबंधित किसी भी विवाद के मामले में, आयोग उसे केंद्र सरकार के निर्णय के लिए निर्दिष्ट कर सकता है।

प्रा. मनिष र. जोशी, सचिव

[विज्ञापन-III/4/असा./535/2023-24]

UNIVERSITY GRANTS COMMISSION NOTIFICATION

New Delhi, the 7th November, 2023

F. No. 1-1/2023(IC-FHEI).—Whereas the University Grants Commission has initiated several measures for the internationalization of the higher education system in India. The University Grants Commission notified the guidelines on Internationalization of Higher Education in the year 2021, which included provisions like setting up an office for International Affairs and Alumni Connect Cell in the universities;

Whereas, to foster academic collaboration between Indian higher educational institutions and foreign higher educational institutions, the University Grants Commission (Academic Collaboration between Indian and Foreign Higher Educational Institutions to offer Twinning, Joint Degree and Dual Degree Programmes) Regulations, 2022 were notified on 2nd May, 2022; Whereas, a regulatory framework allowing the entry of higher-ranked foreign universities, for the internationalization of Indian higher education as envisaged in National Education Policy, 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. And whereas there is a need to facilitate the entry of foreign higher educational institutions into India.

Now, therefore, in exercise of the powers conferred by clause (j) of section 12 read with clauses (f) and (g) of sub-section (1) of section 26 of the University Grants Commission Act, 1956 (3 of 1956), the University Grants Commission hereby makes the following regulations, namely:-

- Short title, application, and commencement.**-(1) These regulations may be called the University Grants Commission (Setting up and Operation of Campuses of Foreign Higher Educational Institutions in India) Regulations, 2023.
 - They shall apply to the campuses of Foreign Higher Educational Institutions seeking approval under these regulations to conduct certificate, diploma, degree, research and other programmes at the undergraduate, postgraduate, doctoral and post-doctoral levels.
 - They shall come into force from the date of their publication in the Official Gazette.
- Definitions.**-(1) In these regulations, unless the context otherwise requires,-
 - “Act” means the University Grants Commission Act, 1956 (3 of 1956);
 - “Campus” means a campus set up in India by a Foreign Higher Educational Institution to conduct certificate, diploma, degree, research and other programmes at undergraduate, postgraduate, doctoral and post-doctoral levels duly approved under these regulations;

- (c) “course” means one of the units which comprise a programme of study;
- (d) “fees” means all fees, including tuition fees and developmental charges, by whatever name called, payable by the students enrolled for the course or programme;
- (e) “Foreign Higher Educational Institutions” includes both a University or an Educational Institution in a foreign country duly recognized and established or incorporated in any manner such as Trust or Society or Company or Statutory Body or other legal forms in the country of its origin, and is duly authorized to offer academic and research programmes at the undergraduate or higher levels, within and outside its jurisdiction, as the case may be;
- (f) “Programme” means a study programme leading to the award of a certificate or diploma or degree by a campus of a Foreign Higher Educational Institution approved under these regulations.

(2) The words and expressions used in these regulations and not defined, but defined in the Act, shall have the same meaning respectively assigned to them in the Act.

3. Eligibility.—(1) The Foreign Higher Educational Institution intending to establish campuses in India shall fulfil any of the following criteria at the time of application, that—

- (a) it should have secured a position within the top five hundred in the overall category of global rankings at the time of application, as decided by the Commission from time to time; or
- (b) it should have secured a position within the top five hundred in the subject-wise category of global rankings at the time of application or should possess outstanding expertise in a particular area, as decided by the Commission from time to time.

(2) In the case of two or more than two Foreign Higher Educational Institutions intending to collaborate to establish campuses in India, each Foreign Higher Educational Institution should meet the eligibility criteria.

4. Procedure for approval.—(1) In case the Foreign Higher Educational Institution intends to set up more than one campus, it shall make a separate application to the Commission under the procedure laid down in these regulations.

(2) Upon fulfilment of the eligibility criteria, the Foreign Higher Educational Institution shall apply online to the Commission along with the non-refundable processing fee, as decided by the Commission from time to time.

(3) The Foreign Higher Educational Institution shall upload the following documents alongwith the application on the University Grants Commission portal, namely:—

- (a) permission by the Governing Body or Board, by whatever name called, for establishing campuses in India;
- (b) information on the proposed location, infrastructural facilities, fee structure, academic programmes, courses, curricula, availability of faculty and financial resources for setting up and operations of campuses in India, and any other details that may be sought;
- (c) an undertaking to the effect that—
 - i. the quality of education imparted by it in its Indian campus is similar to that of the main campus in the country of origin; and
 - ii. the qualifications awarded to the students in the Indian campus shall enjoy the same recognition and status as if they were conducted in its home jurisdiction, that is, they shall be recognized in the country of origin of the Foreign Higher Educational Institution and shall be equivalent to the corresponding qualifications awarded by the Foreign Higher Educational Institution in the main campus located in the country of origin.

(d) the latest Accreditation or Quality Assurance report from a recognized Body; and

(e) any other document as specified in the application portal.

(4) 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.

(5) The Standing Committee shall assess each application on merit, 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.

(6) In case the applicant is a Foreign Higher Educational Institution possessing outstanding expertise in a particular area, the Standing Committee shall consider its strengths, outstanding contribution, research

capacities, institutional history, institutional prestige and influence, and professional recognition within the areas, among others.

- (7) The recommendations of the Standing Committee shall be placed before the Commission within a period of sixty days from the date of receipt of the application, complete in all respects.
- (8) Based on the recommendations of the Standing Committee, the Commission may within a period of sixty days, initially grant in-principle approval and issue a Letter of Intent to the Foreign Higher Educational Institution to set up campuses in India within two years from the date of approval.
- (9) The Commission may reserve the right to give an extension, if required, on a case-to-case basis.
- (10) The applicant Foreign Higher Educational Institution shall convey its readiness for the commencement of its academic operations to the Commission and the Standing Committee shall examine the readiness of the campus and give its recommendations.
- (11) The Commission shall consider the recommendations of the Standing Committee and issue approval to the Foreign Higher Educational Institution, within a period of sixty days, for commencing the operation of a campus in India with or without conditions.

5. Admission and fee structure.-(1) The campus of Foreign Higher Educational Institution may evolve its admission process and criteria to admit domestic and international students.

- (2) The Foreign Higher Educational Institution shall decide the fee structure, which shall be transparent and reasonable.
- (3) The Foreign Higher Educational Institution shall make available the prospectus on its website at least sixty days before the commencement of admissions, including fee structure, refund policy, number of seats in a programme, eligibility qualifications, and admission process.
- (4) Based on an evaluation process, the Foreign Higher Educational Institution may provide full or partial merit-based or need-based scholarships from funds such as endowment funds, alumni donations, tuition revenues and other sources.
- (5) The Foreign Higher Educational Institution may give tuition fee concessions to students who are Indian citizens.

6. Appointment of faculty and staff and other related provisions.-(1) The Foreign Higher Educational Institution shall have the autonomy to recruit faculty and staff from India and abroad as per its recruitment norms.

- (2) The Foreign Higher Educational Institution may decide the qualifications, salary structure, and other conditions of service for appointing faculty and staff. However, the Foreign Higher Educational Institution shall ensure that the qualifications of the faculty appointed shall be at par with the main campus in the country of origin.
- (3) The Foreign Higher Educational Institution shall ensure that the international faculty appointed to teach at the Indian campus shall stay in India for at least a semester.

7. General conditions.-(1) The Foreign Higher Educational Institution shall not admit students and collect fees unless duly approved under these regulations to set up its campus in India.

- (2) The Foreign Higher Educational Institution shall ensure that the education shall be imparted in a similar manner in aspects like curricula, pedagogy, assessment and other aspects, as that of the main campus in the country of origin.
- (3) The programme shall not be allowed to be offered in online or in Open and Distance Learning modes. However, lectures in online mode not exceeding ten per cent. of the programme requirements may be allowed.
- (4) The Foreign Higher Educational Institution shall seek prior approval from the Commission before starting any new programme through the University Grants Commission portal.
- (5) The qualifications offered in the campus of the Foreign Higher Educational Institution in India under these regulations shall be awarded under the name and seal of the Foreign Higher Educational Institution in the country of origin.
- (6) The qualifications awarded to the students in the Indian campus shall enjoy the same recognition and status as if they were conducted in its home jurisdiction, that is, they shall be recognised in the country of origin of the Foreign Higher Educational Institution and shall be equivalent to the corresponding qualifications awarded by the Foreign Higher Educational Institution in the main campus located in the

country of origin.

- (7) The qualifications awarded under these regulations shall be equivalent to any corresponding degree awarded by the Indian Higher Educational Institution for all purposes, including higher education and employment, with the following stipulations, namely:-
 - (a) there shall be no further requirement of seeking equivalence from any authority; and
 - (b) 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.
- (8) The Foreign Higher Educational Institution shall present their adequacy of financial and other resources required for establishing and operating its campus in India.
- (9) The Foreign Higher Educational Institution shall have the physical, academic and research infrastructure and facilities required to conduct its academic and research programmes in its campus in India.
- (10) The Foreign Higher Educational Institution shall not offer any such programme of study which is contrary to the standards of higher education in India.
- (11) The operation of Foreign Higher Educational Institution 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.
- (12) Cross-border movement of funds and maintenance of Foreign Currency Accounts, mode of payments, remittance, repatriation, and sale proceeds, if any, shall be in accordance with the provisions of the Foreign Exchange Management Act, 1999 (42 of 1999) and the rules and regulations made thereunder.
- (13) The Foreign Higher Educational Institution shall ensure that in case of receipt or utilization of foreign contribution by any person, compliance of the Foreign Contribution (Regulation) Act, 2010 (42 of 2010) and the rules and regulations made thereunder.
- (14) In case a Foreign Higher Educational Institution desires to receive or utilize donations from any foreign sources, it has to obtain prior permission of the Central Government and shall comply with the provisions of Foreign Contribution (Regulation) Act, 2010 (42 of 2010).
- (15) The Foreign Higher Educational Institution shall abide by any other conditions specified by the Commission and the Government of India from time to time.
- (16) The Foreign Higher Educational Institution 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.
- (17) The Foreign Higher Educational Institution may enter into a joint venture with Indian higher educational institutions or Indian company.
- (18) However, the Foreign Higher Educational Institution campus in India shall have its independent campus with the physical, academic and research infrastructure and facilities required to conduct its academic and research programmes.
- (19) The Foreign Higher Educational Institution shall undergo a quality assurance audit and submit the report to the Commission.

8. Annual report and maintenance of accounts.-(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.

- (2) The annual report shall be made available on the website of the Foreign Higher Educational Institution or its campus.
- (3) The Foreign Higher Educational Institution shall submit an audit report annually to the Commission certifying that the operations of the Foreign Higher Educational Institution in India are in compliance with the Foreign Exchange Management Act, 1999 (42 of 1999) or the Foreign Contribution (Regulation) Act, 2010 (42 of 2010) and the rules and regulations made there under or any other applicable Act or laws or rules or regulations or guidelines and relevant State laws or rules or regulations or policies in this regard.

9. Safeguarding the interest of the students.-(1) The Foreign Higher Educational Institution shall not discontinue any course or programme or close the campus without the prior approval of the Commission.

- (2) In the case of a course or programme disruption or discontinuation or closure of the campus, the parent entity shall be responsible for providing an alternative to the affected students, including reallocation to the course or programme.

(3) The Foreign Higher Educational Institution shall have a mechanism to address students' grievances. In case, the Foreign Higher Educational Institution fails to redress the grievances, the students may appeal to the commission for redressal of their grievances.

10. Power to visit.-The Commission shall have the power to visit the campus and examine its operations to ascertain the infrastructure, academic programmes and overall quality and suitability.

11. Prohibition on setting up and operation of campuses of Foreign Higher Educational Institutions in India.-(1) No Foreign Higher Educational Institution shall set up and operate any campus in India without the prior approval of the Commission.

(2) No Foreign Higher Educational Institution shall offer any programme in India without the prior approval of the Commission.

(3) The Commission shall cancel or suspend or withdraw the approval issued to Foreign Higher Educational Institution or take such other action as it may deem fit after recording reasons therefor, at any time in the event of any of the following, namely:-

(a) the campus of the Foreign Higher Educational Institution fails to adhere to or has violated these regulations;

(b) its activities or academic programmes are against the interest of India;

(c) it fails to abide by the undertaking given at the time of application;

(d) it engages in operation other than the one permitted under these regulations; and

(e) in case of any adverse finding, misappropriation and suppression of facts.

12. Jurisdiction of Courts.- In case of any dispute with respect to these regulations, courts in India shall have exclusive jurisdiction.

13. Interpretation.-(1) If any question arises regarding the provisions of these regulations the Commission shall decide that question.

(2) The Commission shall have the power to clarify any doubt, difficulty, or anomaly about implementing these regulations.

(3) In case of any dispute concerning the interpretation of the provisions of these regulations, it may refer the same for the decision of the Central Government.

Prof. MANISH R. JOSHI, Secy.
[ADVT.-III/4/Exty./535/2023-24]