

Standing Committee Report Summary

The Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010

- The Standing Committee on Human Resource Development submitted its 237th Report on 'The Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010' on August 1, 2011. The Chairperson was Shri Oscar Fernandes.
- The Bill seeks to regulate the entry and operation of foreign educational institutions seeking to impart higher education. The Committee recommended that the Bill be passed after incorporating its suggestions. It also wanted a note from the Ministry with reasons for not including any recommendation of the Committee.
- The Bill includes institutions providing medical education. The Committee was of the opinion that there needs to be specific safeguards for students and other stakeholders given that medical education falls in the service domain.
- The Committee suggested that recommendations made by the CNR Rao Committee be considered. They include: (a) giving short-term approval followed by long-term approval after performance review; (b) initial approval only for institutions who are accredited in their own country; (c) discouraging franchising or off-shore study centres; and (d) safeguards against poaching of faculty from Indian institutions.
- The Committee recommended that the experience of countries which already have foreign institutions be analysed. Conditions such as entry by invitation, and mandatory accreditation in the home country can be adopted. The Committee said mandatory accreditation could act as a qualitative criterion for allowing entry to a foreign institution.
- The Committee was of the opinion that an independent regulator was required to monitor foreign institutions with regard to curriculum, fee, faculty, salary structure etc. There should be norms for the quantum of fees to be charged and the percentage of fees to be refunded.
- The Bill empowers the central government to exempt any foreign institution from conforming to certain provisions. Terming such a provision discriminatory, the Committee recommended that this provision be deleted from the Bill.
- The Committee recommended modification in the definitions of "Commission" and "Registrar" to include higher education regulators such as AICTE, MCI etc.
- The Committee suggested that reservation policy for SC/ST/OBC students be the same as in private institutions.
- Given the sidelining of basic sciences and humanities courses over professional courses, the Committee recommended that the feasibility of allowing foreign institutions for specified courses be explored. It also suggested that the Ministry conduct a survey to assess the number of seats in various courses. This would help determine the demand and supply trend in the sector.
- The Bill does not require foreign institutions offering certificate courses to register as a "foreign educational provider". Such institutions only have to submit a report to UGC as per regulations. The Committee felt this would go against interest of students and recommended that this provision be deleted.
- The Committee recommended that information about a twinning programme (a joint programme between a foreign and Indian institution in which students can complete part of the course in the foreign campus) be included in the prospectus. Also, the requirement for corpus fund be relaxed for institutions offering twinning programmes and for smaller institutions.
- The Committee recommended that there be a provision that disallows foreign institutions from offering courses which may adversely affect the sovereignty and integrity of India.
- The Bill does not allow repatriation of surplus fund of the foreign institutions. The Committee felt that it may prove to be a deterrent to prospective foreign institutions. It advised the government to devise some incentives so that these institutions can use the surplus in India itself.
- UGC can recommend withdrawal of recognition of an institution. The management, teacher, or students can make a representation against the proposed withdrawal. The Committee suggested that instead of allowing such a representation after the UGC's recommendation, the Bill should allow the students, teachers etc to approach the UGC while it is examining the matter.

- The Committee was of the view that uniform penalties should apply, regardless of whether the institution is Indian or foreign.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research ("PRS"). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.

