Education Sector Hotline

January 13, 2021

INSTITUTION OF EMINENCE REGIME – MORE AUTONOMY GIVEN, FOREIGN CAMPUSES PERMITTED, ONLINE EDUCATION LIBERALISED

- *Institutions of Eminence Deemed to be Universities ("**IoE**") can go global and establish off-shore campuses*
- *IoEs can set up off campus centres within India*
- *IoEs can enter into arrangements/agreements with private parties for the establishment, maintenance and operation of off campus centres*
- *Online degree programmes can be offered without prior regulatory approvals*

INTRODUCTION

The IoE regime was introduced specifically to enable Indian institutions/ universities to break into the top 500 (and eventually top 100 of world institutions rankings and also to facilitate global recognition of Indian universities.[1] IoEs enjoy significantly more autonomy in terms of their curriculum, fee structure, faculty, course structure, admissions, collaborations with foreign universities, etc., compared to other institutions.

A background of what IoEs are, their significance and key provisions from the regulations can be found here: '*INSTITUTE OF EMINENCE: INCHING TOWARDS WORLD CLASS EDUCATION IN INDIA*[2].

The University Grants Commission ("**UGC**") has recently amended the UGC (Institutions of Eminence Deemed to be Universities) Regulations, 2017 ("**IoE Regulations**"), as applicable to private institutions.[3] The amendments are of special significance given that they further echo the resolve to grant full autonomy to private institutions which have been conferred IoE status. This is being done, by permitting Off Campus Centres and Off-Shore Campuses of IoEs, as well as allowing them to offer online courses within a programme and online degree programmes without any quantitative restrictions or prior approvals.

KEY HIGHLIGHTS

1. Off-shore Campus

The amendment defines "*Off-shore Campus*" as a centre of the IoE, approved by the Government, and situated beyond its Campus outside India[4].

IoEs can set up new Off-shore Campuses with the prior approval of the Ministry of Education ("**MoE**"). They would, however, need a no-objection certificate from the Ministry of External Affairs ("**MEA**") and the Ministry of Home Affairs ("**MHA**"). The norms and standards of the Off-shore Campus in relation to courses, admission criteria, curriculum, examinations and evaluation must be the same as those of the main campus. The IoE is also required to disclose 'all the information about [its] Off-shore Campus' on its website.

The functioning of the Off-shore Campus is subject to the review of an Empowered Experts Committee ("**EEC**"). If the EEC is not satisfied subsequent to its review, it may recommend discontinuation of the campus to the Central Government.

Allowing IoEs, India's top-notch institutes, to set up campus in foreign jurisdictions is a positive step to make 'education' from India visible overseas and attract foreign student interest towards India. It will also help in developing more cross-border collaborations with foreign universities and research collaborations as well.

As opposed to the establishment of an Off-campus Centre, there is no detailed process or timeline prescribed for the application for an Off-shore Campus. This needs to be addressed, to add certainty to timelines and processes.

2. Off-Campus Centres

The amendment defines "*Off-campus Centre*" as a centre of the IoE, approved by the Government, and situated beyond its Campus within India[5].

The amendments now permit an IoE to set up multiple centres in India, outside its main campus, subject to a maximum of one (1) such campus in an academic year, and three (3) campuses in five years. The IoE is required to submit to the MoE a detailed project report containing its 10-year strategic vision plan and a 5-year rolling implementation plan with details related to admissions, faculty recruitment, finances, etc. The application will be examined by the UGC, the EEC as well as the MoE. The approval of the MoE is subject to IoE fulfilling certain requirements within five (5) years, *inter alia* including the minimum teacher-student ratio, minimum student enrolments, number and types of programmes, and infrastructure requirements.

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The Off-campus Centre is also required to obtain approval from the relevant statutory body (such as the Bar Council of India or National Medical Commission) for its programmes and comply with the norms and standards of the UGC and the relevant statutory body, as applicable to the main campus. There is a requirement of disclosing 'all the information about the Off-campus Centre' on the IoE's website as well. The EEC has the power to review the functioning of the Off-campus Centre and recommend discontinuation if it is not satisfied with its performance. In such a case, the IoE will be required to seek affiliation of the Off-campus Centre to the relevant state university.

This is a great step as allowing IoEs to set up centres across the country will help more students gain access to IoE's quality education.

3. Arrangement for establishment and operation of an institution

The amendments have permitted IoEs to enter into an arrangement/agreement for the establishment or operation of an institute if such an arrangement/agreement is permitted by any Central Act or rules/regulations thereunder.

The application procedure is similar to that of the Off-Campus Centre (except *inter alia* the fulfilment of certain requirements within five (5) years as mentioned above). The campus established as a result would be treated as an Off-Campus Centre of the IoE as long as such arrangement/agreement remains valid under the law. Further, the campus will also be subject to the standard of audit and disclosure as a not-for-profit entity as the IoE.

IoEs can also enter into an arrangement/agreement for practical training of students of a skill oriented vocational course if approved by the UGC or any other statutory body.

This provision thus permits outsourcing of establishment and operations of an Off-Campus Centre of IoE. It is a significant provision since it gives the ability to IoEs for collaborations with private service providers for the IoE Off-campus Centre.

4. Online Programmes

IoE Regulations, notified in 2017, did not have any specific provisions permitting degree programmes in online mode by IoEs. This was primarily because India's first regulation permitting online degree programmes was notified in 2018. Subsequently, the online regulations were overhauled in 2020 and replaced by the UGC (Open and Distance Learning Programmes and Online Programmes) Regulations, 2020[6] ("**Online Regulations**"), which subjected online degree programmes to be offered by IoEs to prior regulatory approvals. This resulted in an anomaly given the nature of flexibility and autonomy IoEs have and that the IoE Regulations permitted offering of distance education without prior regulatory approval.

The amendments now permit IoEs to offer courses in online mode, without any approvals. However, such offerings must be in accordance with the minimum standards prescribed by the UGC. This relaxation is also applicable to Government-owned IoEs. Further, the amendments also allow IoEs to offer courses online, as part of their programmes, without any cap[7]. If it is a pure online course, the degree/ certificate should mention that it was obtained by way of an online programme. This is consistent with the requirements under the Online Regulations as well.

5. Relaxation in faculty requirement

The faculty for the purpose of teacher-student ratio now includes regular faculty, adjunct faculty, overseas faculty, visiting faculty, contractual faculty and industry faculty among others.[8] However, 60% of the faculty should be regular/permanent. Also, 60% of permanent/ regular faculty requirement should not breach the 1:10 teacher-student ratio at any point in time. The 60% permanent faculty requirement is aimed at maintaining stability in the staff of the IoE. However, the remainder 40% is not a small number and gives flexibility to IoEs to engage different kind of faculty, depending on course requirement. Such 40% faculty can also be engaged on part-time or rotating basis.

CONCLUSION

These amendments are welcome and provide much needed additional autonomy and flexibility to IoEs. The ability to explore foreign jurisdictions is also welcome as it will increase the sharing of best practices and more importantly next practices. The autonomy granted to IoEs is also likely to inspire other Indian institutions to strive for IoE level of excellence, in the hope of more flexibility and autonomy. This will hopefully give impetus to healthy competition amongst institutions in India. The pandemic has accelerated the way in which we live and learn. These changes in the IoE framework can have a lasting impact throughout the education sector in India and hopefully trickle down to the bottom of the pyramid.

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You can direct your queries or comments to the authors

[1] In 2019, the Government of India recommended a total of 20 institutions for conferring the status of IoE, out of which 10 were public institutions and 10 were private institutions – See https://pib.gov.in/newsite/PrintRelease.aspx?relid=193016 (last visited on January 12, 2021).

[2] Available at https://www.nishithdesai.com/information/research-and-articles/nda-hotline/nda-hotline-single-view/article/institute-of-eminence-inching-towards-world-class-education-in-india.html?no_cache=1&cHash=46f4ea47ac169599ac28311d315de643 (last visited on January 12, 2021).

[3] Available at: https://www.ugc.ac.in/pdfnews/1789815_IoE-Regulation(Deemed)-Jan2021.pdf (last visited on January 12, 2021).

[4] Regulation 2.13 of IoE Regulations, as amended in 2021.

[5] Regulation 2.12 of IoE Regulations, as amended in 2021.

[6] See https://www.ugc.ac.in/pdfnews/221580.pdf (last visited on January 12, 2021).

[7] Earlier, as per Regulation 11.2.4 of the IoE Regulations, IoEs could offer online courses as part of their programme subject to a limit of 20% of any programme.

[8] Regulation 4.2.7 of IoE Regulations only included regular faculty, adjunct faculty and long-term faculty for calculating the teacher-student ratio.

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