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Foreign Universities in India

An Analysis on the Criticisms



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Introduction

Is the arrival of foreign universities to India really a negative development? Of course there could be reasons both for and against. But ultimately, it wouldn't be as harmful or alarming as it is portrayed, especially if the challenges are converted into opportunities. If handled carefully, both India and the world can benefit by making the discourse on knowledge more fruitful. At least, it could be said that it is too early to oppose the development. Nevertheless, the decision has received criticisms on different grounds, from various ideological standpoints. This brief doesn't take any particular position on what the government should or shouldn't have done but takes the criticisms of the government's position seriously, while critiquing them at the same time. It attempts to expose the limits to these criticisms, and argues that they do not give cause for the government to reconsider their decision. This brief does not make predictions about the consequences of the decision. Rather it attempts to think about how to 'transform' some of the prevailing situations so that they could be made productive.

Brief Background

In January 2023, the University Grants Commission (UGC) published draft guidelines permitting Foreign Higher Education Institutions (FHEIs) to establish campuses in India. The concept is not completely new; there were similar attempts to introduce regulations for the entry of FHEIS in 1995, 2006, and 2010. The last attempt by the UPA government failed in parliament as it faced opposition from other parties. However, this time it has led to more serious discussions in the country. Unlike the

previous attempts, which were dropped due to lack of support, this time the idea is compatible with the broader National Education Policy (NEP) and has received more attention.¹

Unlike the new regulation, earlier attempts did not contain promises that India would provide FHEIs with autonomy over academics, admissions, governance, remuneration etc. For instance, in earlier drafts under the UPA, there was a prohibition on repatriation of funds to the parent institutions abroad. In the new guidelines this restriction has been removed.² Although the new guidelines offer no financial or infrastructure support, certain foreign universities have responded rapidly.

Discussions on the FHEI guidelines increased recently when the Government announced that two Australian government universities – Deakin University and the University of Wollongong – would be the first international educational institutions to establish campuses in GIFT City, Gujarat. Dharmendra Pradhan, India’s Minister of Education made the announcement on 1st March 2023 in the presence of Jason Clare, Australia’s Minister for Education and former Australian cricketer, Adam

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- 1 John J Kennedy “Allowing foreign universities in India: Pros and cons”. Deccan Herald. <https://www.deccanherald.com/supplements/dh-education/allowing-foreign-universities-in-india-pros-and-cons-1186099.html> (Accessed March 29, 2023). To quote from the report “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.” See in UGC Draft (Setting up and Operation of Campuses of Foreign Higher Educational Institutions in India) Regulations, 2023 https://www.ugc.ac.in/pdfnews/9214094_Draft-Setting-up-and-Operation-of-Campuses-of-Foreign-Higher-Educational-Institutions-in-India-Regulations-2023.pdf (Accessed March 29, 2023).
 - 2 Ritika Chopra “Foreign universities in India: Earlier bids stalled, why this one most ambitious”. The Indian Express. <https://indianexpress.com/article/explained/foreign-universities-ugc-norms-earlier-bids-stalled-why-this-one-most-ambitious-8364293/#:~:text=There's%20also%20no%20requirement%20for,at%20least%20Rs%2050%20crore.> (Accessed March 29, 2023).

Gilchrist.³ Later on March 9th during an event organised by Deakin University, Australia's Prime Minister Anthony Albanese announced that Deakin would be the first foreign university to establish a branch in India.⁴ The move has taken India-Australia bilateral relations to new heights.

According to the UGC Chairman, "India has a huge human capital, I am sure FHEIs are looking to tap into this potential." On similar grounds, Iain Martin, Vice Chancellor of Deakin University said that "Our aim is to open up global jobs for Indian students".⁵ One of the major goals of the government is preventing the 'brain drain' of Indian students travelling abroad to pursue higher education.⁶ Many students who travel abroad for education attempt to find a job and settle there, eventually dropping their Indian citizenship, and adopting the citizenship of the destination countries. However, the UGC chairman says that the FHEI guidelines are not intended to reverse the outflow of students from India, but rather to give opportunities for students who want foreign education within India.⁷

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- 3 Jagriti Chandra "Two Australian public universities to set up campuses in GIFT City". The Hindu. <https://www.thehindu.com/news/national/two-australian-universities-to-set-up-campus-in-gujarats-gift-city-dharmendra-pradhan/article66567555.ece> . (Accessed March 29, 2023).
 - 4 ANI reports "Deakin University will be the first university to establish an international branch campus in India: Prime Minister Anthony Albanese" <https://www.aninews.in/news/business/business/deakin-university-will-be-the-first-university-to-establish-an-international-branch-campus-in-india-prime-minister-anthony-albanese20230309162015/> (Accessed March 29, 2023).
 - 5 Vikram Chaudhary "Interview: 'We'll open global jobs for Indian students', Prof Iain Martin, VC, Deakin University". Financial Express. <https://www.financialexpress.com/education-2/interview-well-open-global-jobs-for-indian-students-prof-iain-martin-vc-deakin-university/3006744/> (Accessed March 29, 2023).
 - 6 As per the data given by MoS in Ministry of Education there is a 68% increase in the number of Indian students going abroad for higher studies in the year 2022 (750,365 students in 2022 as against 444,553 in 2021). See in Arindam Mukherjee "Why more Indians are going abroad for higher education". India Today. <https://www.indiatoday.in/india-today-insight/story/why-more-indians-are-going-abroad-for-higher-education-2338217-2023-02-22> (Accessed March 29, 2023).
 - 7 Anuradha Mishra "Two Australian universities to set up campuses in Gujarat; Modalities of FHEIs in India explained by UGC Chairman". News on Air. <https://newsonair.com/2023/03/03/two-australian-universities-set-up-campus-in-gujarat-modalities-of-fheis-in-india-explained-by-ugc-chairman/> (Accessed March 29, 2023)

An increase in economic growth is also expected as a result of foreign investment in the education sector. By inviting FHEIs, the government also aims to enhance India's role as an international educational hub, particularly for the South Asian region.⁸ For instance, The Bhutan live has already reported on the good news for Bhutanese students who can access world-class education without bearing the cost of travel and staying far away from their country.⁹ India could thus obtain soft power benefits too.

That being said, the move has received criticism from different perspectives. The major criticisms made against the government's move are dealt with in the next section. The responses this brief gives to those criticisms do not take the form of any predictions as to the likely trajectory of the initiative, but it makes suggestions regarding the approaches to be taken to prevent any undesirable situations from arising. This brief points out some loopholes in the criticism against the UGC guidelines and some *possible* implications of the government's decision that *could* benefit India, *if handled* carefully by the government, bureaucrats, and the academic world.

An Introspection Into the Criticisms

Criticism 1: Gives False Aspiration

One major criticism against the new FHEI policy alleges that it is a gimmick that gives false aspirations to people. The critics predict that no major institution will set up their campuses in India. They ask in a pessimistic

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- 8 However the VC of Deakin university has clarified that "To start with, it will be only Indian students, and later on maybe students from South Asian nations. There will definitely be student exchange between Australian campuses and International Branch Campus (IBC)." See Vikram Chaudhary "We'll open global jobs for Indian students", Prof Iain Martin, VC, Deakin University". Financial Express.<https://www.financialexpress.com/education-2/interview-well-open-global-jobs-for-indian-students-prof-iain-martin-vc-deakin-university/3006744/> (Accessed March 29, 2023)
- 9 ANI Reports "Foreign universities coming to India, a boon for Bhutanese students". ANI. <https://www.aninews.in/news/world/asia/foreign-universities-coming-to-india-a-boon-for-bhutanese-students20230228023713/> (Accessed March 29, 2023)

sense, would institutions like Harvard, Stanford, Yale, and Princeton be interested in starting campuses in India? They do have relevant data to back up and validate their pessimism, from the Cross-Border Education Research Team (C-BERT) database (2020), that says,

“There are 37 countries which have “imported” FHEIs (306 campuses overall), of which the largest number of campuses are in China (42), UAE (33), Singapore (16), Malaysia (15) and Qatar (11). In China, barring NYU Shanghai, none of the other FHEIs come from top-ranked global universities. There are a few but they are either joint centers (like Tsinghua-UC Berkeley Shenzhen Institute, University of Michigan-Shanghai Jiao Tong University Joint Institute etc.) or universities set up in collaboration with existing Chinese universities (for example Duke-Kunshan University). In Malaysia too, not a single FHEI is ranked above 100 in the world university ranking.”¹⁰

The criticism, which is heavily based on C-Bert data, emphasises that only a handful of major institutions have set up campuses abroad. The critics therefore anticipate that, similarly, no major universities in the world will open up their campuses in India. Sharing this view, former HRD Minister, Kapil Sibal observes that, “...of the 42 universities in China, the only known university of some global standing is NYU Shanghai, which has set up a campus.”¹¹ As of now only a handful of top-tier universities have opened up off-shoot campuses outside their countries, opines another vocal critique of the new policy, academician Pratap Bhanu Mehta. It is true that except for a few exceptional cases such as NYU, Abu Dhabi not many top universities have campuses in foreign countries.

10 Deepanshu Mohan “Foreign Universities Regulations Reflect Modi Government’s Indifference To Higher Education”. The Wire. <https://thewire.in/education/foreign-universities-india-govt-indifference> (Accessed March 29, 2023).

11 Kapil Sibal “Push for foreign universities in India will favour the rich”<https://www.newindianexpress.com/opinions/2023/feb/27/push-for-foreign-universities-in-india-will-favour-the-rich-2551201.html> (Accessed March 29, 2023).

However, universities are not like start-ups or industries, where you need them in plenty for employment generation. Even a handful would suffice, considering that FHEIs are not going to take over the entire domestic university system, but would instead join them. Now what are the expectations of the critics from a FHEI? Should it always be top ranked? To expect the world's top 50 universities to come to India was never a hope that the UGC guidelines gave to the students. It was never a claim made by the Indian government either! This appears as a case of straw-man argument because of which academic Pratap Bhanu Mehta went on to castigate the UGC as the University 'Gimmicks' Commission.¹²

A reasonable concern still remains, about foreign universities that are of almost equal to or less than the quality of Indian universities. In fact, within weeks after such criticisms, the first announcement about a university establishing its International Branch Campus (IBC) shook these assertions. Deakin University may not be a Harvard, Cambridge or Yale, but it is certainly ranked among the top 1% of universities in the world according to the Shanghai Ranking.¹³ It is ranked top in the world for Sports Science¹⁴ and is ranked around 30 in the world in other fields, including Education and Nursing.¹⁵

12 Pratap Bhanu Mehta wrote an article titled 'The Gimmicks Commission' where he shared his concerns for the UGC guidelines. See in Pratap Bhanu Mehta "UGC guidelines on foreign universities: The University Gimmicks Commission". *The Indian Express*. <https://indianexpress.com/article/opinion/columns/ugc-guidelines-foreign-universities-in-india-pratap-bhanu-mehta-opinion-8367022/> (Accessed March 29, 2023).

13 Shanghai Ranking or ARWU is among the three most popular university rankings along with QS World University Rankings and Times Higher Education World University Rankings. Deakin University is often Ranked around 200 in their rankings. See in Shanghai Ranking "2022 Academic Ranking of Universities" <https://www.shanghairanking.com/rankings/arwu/2022> . (Accessed March 29, 2023).

14 See in Shanghai Ranking "2022 Global Ranking of Sport Science Schools and Departments" <https://www.shanghairanking.com/rankings/grsssd/2022> (Accessed March 29, 2023).

15 See in "QS World University Rankings by Subject 2020: Nursing" <https://www.topuniversities.com/university-rankings/university-subject-rankings/2020/nursing> (Accessed March 29, 2023) and "QS World University Rankings by Subject 2020: Education and Training" <https://www.topuniversities.com/university-rankings/university-subject-rankings/2020/education-training> (Accessed March 29, 2023)

India is certainly not the first country to invite FHEIs. Both those countries that have and do not have top ranked universities domestically already have such regulations. Even if a university that falls in the 200-300 rankings range were to set up in India, it would still meet the aspirations of and open up possibilities for many students from India and its neighbouring countries. Many students from South Asia feel that there are few academic institutions that meet global standards in the region, because of which they have to travel to far off universities, which also amounts to brain drain from their respective countries.

Criticism 2: A Vishwaguru Shouldn't do this!

This broad criticism is forward looking and backward looking at the same time. It says that, for India to become 'Vishwaguru', it cannot outsource Indian education to international universities.¹⁶ The advocates of this view feel that the government decision contradicts the NEP 2020s stipulation that "India will be promoted as a global study destination providing premium education at affordable costs, thereby helping to restore its role as a Vishwa Guru".¹⁷ But what the critics miss is the following.

First of all, India being a Vishwaguru is not merely imagined through ideas that are outflows from universities. Rather they are based on particular wisdom that is inherited from traditions (parampara) over generations without any break. Even today, many people from foreign countries take the effort to come to different parts of India to study Indian traditions, be it Ayurveda, Yoga, meditation, music, dance, rituals, martial arts, Vedanta, Buddhism and other Sastras etc. This is despite the fact that India did not

16 C Raj Kumar "UGC proposal: Why India should not outsource higher education to foreign universities". The Indian Express. <https://indianexpress.com/article/opinion/columns/ugc-proposal-why-india-should-not-outsource-higher-education-to-foreign-universities-8371425/> (Accessed March 29, 2023)

17 Jagdish Batra "Entry of foreign universities in India can be a game changer". Times of India. <https://timesofindia.indiatimes.com/blogs/cultural-inputs/entry-of-foreign-universities-in-india-can-be-a-game-changer/?source=app&frmapp=yes> (Accessed March 29, 2023)

spread its 'soft power' like the West, popularised through the means of colonialism, like the English language and education. Additionally, this knowledge transmission happens without active marketing, conventional admission processes, fees structure or lucrative placements offered by these living traditions.

Of course, universities (both Indian and foreign) can study them and accommodate such thinking into their curriculum. In the contemporary world, universities also have an important role to play in creating access to Indian culture for the Western minds. However, universities and traditions have distinct places to engage and methods to practice. In other words, universities cannot take over the traditions and their inherited knowledge, their epistemic way of knowing and mode of teaching, also vice versa. So the worry of India losing its status of being a 'Vishwaguru' and maintaining its indigeneity need not be the major concern for any modern educational institutions, even though the NEP is enthusiastic about it.¹⁸ Certainly there are ways in which these institutions and individuals can contribute to study and preserve these inherited knowledge traditions of India.

Secondly, the decision to invite foreign universities puzzles many as it is the same nationalist government that often refers to India's glorious past, where Nalanda, Taxila, Vikramshila, etc, had once attracted foreign students, but is now inviting foreign universities to India. This criticism is pregnant with a lot of presumptions on the 'ancient' and 'modern' conceptions of a university. It's true that according to day to day conventions, we call Nalanda a 'university' just as we call Hinduism a 'religion'. But were they really 'universities' in the way modern universities function, in their priorities, concerns or any other aspects?

18 NEP 12.8 says the following "India will be promoted as a global study destination providing premium education at affordable costs thereby helping to restore its role as a Vishwa Guru." See in "National Education Policy 2020" https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf

The historical circumstances that led to the creation of universities in the West and their adaptation to the rest of the world cannot be underplayed. The ancient and modern ‘universities’ are comparable (if not relatable) as far as talking about ways of studying and teaching are concerned. But the modern conception of universities, which have a Western origin rooted in Protestant Christianity, Humboldtian concept was never an alternative for ancient knowledge centers, like Nalanda or Taxila.¹⁹ It is true that India, like the rest of the world in modernity, has received the Western conception of the university, instead of the conceptions of knowledge centers from its ancient past. The question is not whether to discard the modern conception of the university just because it is Western, but its relevance to the contemporary world has to be understood within certain premises, considering the context of its historical origin and its continued dependency on certain frameworks.²⁰

Keeping that argument aside, the university is the place where influential global ideas are produced in the contemporary globalised world. Given the context where knowledge is exercised as ‘power,’ whether the move to invite foreign universities to India handicaps the growth of Indian universities is a valid concern. However, from the standpoint of ideas and theories, there is hardly any difference between ‘domestic’ and ‘foreign’ universities. Modern universities around the world (India is no exception) derive and reproduce frameworks and theories primarily from the Western world. That way many domestic universities are ‘domestic’ only in a physical or geographical sense. In that case, the arrival of a foreign university to India should not make any difference to the prevailing conflict over ideas.

19 For instance see, *The Rise of the Research University: A Sourcebook*. United States: University of Chicago Press, 2017 and Narahari Rao. “Concept of University” *Pragmata: Journal of Human Sciences*, Vol. 2. Issue 2, June 2014, pp. 13-25. <http://journal.tumkuruniversity.ac.in/>

20 However, India can certainly begin to think about alternative university models that can inherit the Indian traditional concept of a knowledge centre like Taxila. Such unique models can even attract students from abroad. India may think of maintaining an indigeneity and sense of seclusion, over such unique native models.

It is foreseeable that there will be an increased level of competition, which would make Indian universities become more alert and grow by competing according to international standards. The guidelines mention that the quality of education imparted by an FHEI on its Indian campus should be at par with that of the main campus in the country of origin.²¹ Though many Indian Vice Chancellors didn't welcome the UGC decision, some (though not all) VCs of private universities in India have welcomed the initiative citing 'healthy competition', which would benefit them as well.²²

Along with improving domestic universities in such a competitive atmosphere, Indian universities can make their way to other countries to eventually start their campuses abroad. Especially in emerging areas like Indian Knowledge Systems (IKS), Ayurveda, and other areas where India holds a niche expertise, starting Indian campuses abroad can pave the way for communicating Indian ideas globally. Without letting foreign universities set up, India will not be in a position to negotiate with other countries to let qualified Indian private universities have their footprints abroad. Already some of the Indian universities like Manipal and BITS run their campuses in Dubai, as Amity does in London.²³ Though they are aimed at Indian or South Asian students, the future potential for them to attract students from different countries and diasporas cannot be underestimated. More Indian universities could join this league in the future. How can India maintain a protectionist attitude by not letting foreign universities set up, when India's own ambitious universities already

21 See General Conditions 7.2 and section on Appointment of Faculty and Staff and Other Related Provisions. UGC Draft (Setting up and Operation of Campuses of Foreign Higher Educational Institutions in India) Regulations, 2023 https://www.ugc.ac.in/pdfnews/9214094_Draft-Setting-up-and-Operation-of-Campuses-of-Foreign-Higher-Educational-Institutions-in-India-Regulations-2023.pdf (Accessed March 29, 2023).

22 "Entry of foreign varsities in India will lead to healthy competition Private Universities' VCs". *The Week*. <https://www.theweek.in/wire-updates/national/2023/01/09/del38-foreign-campuses-pvt-varsities.html> (Accessed March 29, 2023).

23 Prachi Raturi Misra "Indian universities overseas: a growing trend". *Financial Express*. <https://www.financialexpress.com/archive/indian-universities-overseas-a-growing-trend/502685/> (Accessed March 29, 2023).

have campuses abroad and expect more in the future?

Criticism 3: Freedom for Foreign, Chains for Indian

Pratap Bhanu Mehta observes that more than 30% of universities listed in the above-mentioned C-Bert Data receive funding from their respective home governments.²⁴ He adds, "...the better the institution, the more subsidy it requires." He goes on to ask the pertinent question, "Can India justify subsidising top-tier foreign institutions with public money?" However, this allegation on subsidising foreign institutions by ignoring domestic institutions is based on data about situations abroad. As of now, the UGC guidelines do not mention any provision for providing subsidy to FHEIs. Rather they mention full or partial need-based scholarships that may be provided by the FHEI from funds, such as endowment funds, alumni donations, tuition revenues and other sources, based on an evaluation process.²⁵

The demand for greater autonomy to Indian universities is a concern that many educational institutions voice.²⁶ This concern is valid and it would remain whether or not foreign universities come to India. If FHEIs are going to receive more autonomy than domestic universities, it will only expose the problem in the existing system. Maybe, the domestic universities would then be in a legitimate position to demand more autonomy from the government pointing to the special treatment given to the foreign

24 Pratap Bhanu Mehta "UGC guidelines on foreign universities: The University Gimmicks Commission". The Indian Express. <https://indianexpress.com/article/opinion/columns/ugc-guidelines-foreign-universities-in-india-pratap-bhanu-mehta-opinion-8367022/> (Accessed March 29, 2023).

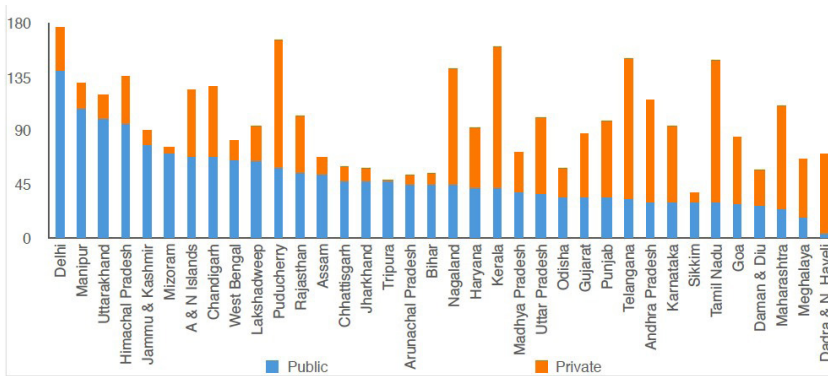
25 See Clause 5.4 in the UGC Draft (Setting up and Operation of Campuses of Foreign Higher Educational Institutions in India) Regulations, 2023 https://www.ugc.ac.in/pdfnews/9214094_Draft-Setting-up-and-Operation-of-Campuses-of-Foreign-Higher-Educational-Institutions-in-India-Regulations-2023.pdf (Accessed March 29, 2023).

26 For instance, C Raj Kumar "UGC proposal: Why India should not outsource higher education to foreign universities". The Indian Express. <https://indianexpress.com/article/opinion/columns/ugc-proposal-why-india-should-not-outsource-higher-education-to-foreign-universities-8371425/> (Accessed March 29, 2023)

universities. As of now, the lack of autonomy and the unwanted regulations imposed on universities is an independent problem, which requires a separate discussion, although the arrival of FHEIs could spur a movement in the direction of greater autonomy for all.

Criticism 4: Favours the Rich

Would the FHEIs be accessible to segments of the population who are not rich? Since these universities have the autonomy to handle admission procedures, they wouldn't be compelled to have any special reservations considering caste, class, economic status, religion, etc. But then again, isn't this applicable to any private university in India? They are also not compelled to reserve seats and they are also mostly accessible to the elite class.



Source: NSSO 71st Survey Round (2014); the states/UTs have been arranged in decreasing order of distribution of students in public institutions.

The figure given above shows a spatial distribution of students in public and private institutions in different states. More students attend private institutions in states with higher per capita incomes and more private investments in higher education (such as Kerala, Tamil Nadu, Maharashtra, and Gujarat, among others), whereas states with lower per capita incomes and little investment in higher education are heavily reliant on public

institutions (funded by either state or Union governments, or both). As per this data, Prof. Deepanshu Mohan, Associate Professor at Jindal School of Liberal Arts and Humanities opines that due to the absence of public investment in quality higher education which is affordable and accessible to all, private universities provide services to those who can pay higher fees. According to him, "...this creates higher excludability and rivalry among those who are willing to seek higher education".²⁷ The cause of worry is that the foreign universities regulations would only add to this existing inequality. The question to ask is, will this gap worsen or deepen with the arrival of FHEIs just because of the fact that they are 'foreign'? If yes then how? Or will they exist as any other private universities in India?

One of the major critics of the foreign universities regulations in this regard is Kabil Sibal. He says that, "foreign universities will cater not to the needs of education but discourage the rich from sending their children abroad by providing such facilities at home".²⁸ The underlying presumption of this statement is that obtaining education abroad is different from educational needs. It also presupposes that going abroad for higher studies are aspirations not only for the students who come from financially sound backgrounds. This decision might also cater for the aspirations of middle class students, who can avail international education with limited resources in their home country.

According to Sibal, "Such campuses will tend to serve the interests of those students who can afford to take admission. Besides, the course curriculum will no longer cater to the needs of the Indian economy but will be oriented towards the requirements of the developed world." One could also question

27 Deepanshu Mohan " Foreign Universities Regulations Reflect Modi Government's Indifference To Higher Education". The Wire. <https://thewire.in/education/foreign-universities-india-govt-indifference> (Accessed March 29, 2023).

28 Kapil Sibal "Push for foreign universities in India will favour the rich"<https://www.newindianexpress.com/opinions/2023/feb/27/push-for-foreign-universities-in-india-will-favour-the-rich-2551201.html> (Accessed March 29, 2023).

how far the needs of the 'Indian economy' could be detached from the criteria set by the developed world. How do we expect the education sector alone to stand out, untouched by market forces, which affect everything else? The 'Commodification of Education' is a popular concern, but it is also important to remember that 'education for education's sake' is an ideal that is far away from the modern concepts of education which have developed in tandem with the Industrial revolution. If education is not commodified, why would we expect the same institutions to bring in placements on the other hand?

Pratap Bhanu Mehta is also critical about the fact that the guidelines allow "repatriation of money to the home institution."²⁹ The guidelines mention that 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 rules under the Foreign Exchange Management Act (FEMA) 1999.³⁰ But what is to be noted is that arguably, unlike previous attempts, this time India has been able to attract foreign universities because it enables them to repatriate funds. While Mehta expresses his pessimism on one hand that no major universities are going to come, on the other hand he is critical about the clause that facilitates or induces the coming of major institutions.

Both Mehta and Sibal have similar ideas to solve the crisis by endlessly funding the domestic institutions in order to bring them to world-class facilities. While Mehta says it requires continual reinvestment, which is

29 Pratap Bhanu Mehta "UGC guidelines on foreign universities: The University Gimmicks Commission". The Indian Express. <https://indianexpress.com/article/opinion/columns/ugc-guidelines-foreign-universities-in-india-pratap-bhanu-mehta-opinion-8367022/> (Accessed March 29, 2023).

30 See Clause 8.3 in the UGC Draft (Setting up and Operation of Campuses of Foreign Higher Educational Institutions in India) Regulations, 2023 https://www.ugc.ac.in/pdfnews/9214094_Draft-Setting-up-and-Operation-of-Campuses-of-Foreign-Higher-Educational-Institutions-in-India-Regulations-2023.pdf (Accessed March 29, 2023).

not derived from fees alone,³¹ Sibal says, “...the government should be committed to financing public universities in a big way...”³² Providing endless, unconditional funding for higher education institutions for a country like India, considering the nature of its economy, people’s priorities, population, etc., is unlikely.

An optimistic read of the UGC guidelines provides hope for full or partial need-based scholarships, which may be provided by the FHEI from funds, such as endowment funds, alumni donations, tuition revenues and other sources, based on evaluation process.³³ The amount of funds these institutions could mediate and draw to India in the form of scholarships, cannot be underestimated. The critiques ignoring this aspect of the guidelines while they refer to accessibility to the common man is hard to fathom.

However, the criticism regarding accessibility is grounded in the fact that the UGC guidelines allow the foreign universities to decide the fee structure, which they state should be *transparent* and *reasonable*. The exact meaning of the words transparent and reasonable may be ambiguous. What is reasonable according to foreign standards might not be reasonable in the Indian setting, even for many ‘rich’ Indians. Given the fact that the

31 In Mehta's Words, “This reform will apparently allow for the repatriation of money to the home institution. Now here is the blunt truth about universities. If you want to build a top-class university in India, it will have to integrate teaching and research. This is a financial black hole requiring continual support not derived from fees alone. Any private institution that is for profit that seeks to skim money off education can never build a world-class university since a top-class university requires continual reinvestment. Now, what kind of an institution looks to repatriate “surpluses?” The same kind that in India seeks profit.” See in Pratap Bhanu Mehta “UGC guidelines on foreign universities: The University Gimmicks Commission”. The Indian Express. <https://indianexpress.com/article/opinion/columns/ugc-guidelines-foreign-universities-in-india-pratap-bhanu-mehta-opinion-8367022/> (Accessed March 29, 2023).

32 Kapil Sibal “Push for foreign universities in India will favour the rich”<https://www.newindianexpress.com/opinions/2023/feb/27/push-for-foreign-universities-in-india-will-favour-the-rich-2551201.html> (Accessed March 29, 2023).

33 See Clause 5.4 in the UGC Draft (Setting up and Operation of Campuses of Foreign Higher Educational Institutions in India) Regulations, 2023https://www.ugc.ac.in/pdfnews/9214094_Draft-Setting-up-and-Operation-of-Campuses-of-Foreign-Higher-Educational-Institutions-in-India-Regulations-2023.pdf (Accessed March 29, 2023).

guidelines also seek to ensure quality of education and faculties, how would we expect them to offer the same service for a fee reasonable to the Indian students?

The guidelines also have prevented FHEIs from offering programmes online, which would have been a cheaper option. Although there is certainly a clarification required in this regard,³⁴ That is different from the demand to scrap the whole idea.

Criticism 5: ‘Liberal’ Education and the ‘National Interest’ Clause

The criticism that ‘Wokeism’ has crippled liberal arts is well known. Many wokeist positions are not new, but are old notions reproduced in a new form, merged with activism. Indian-American author Rajiv Malhotra, has been a vocal critic of Western Universalism and Wokeism in liberal education. A major part of his recent book, *Snakes in the Ganga* talks about the same. He points out that if we adhere to wokeism, then the resultant description of Indian society would be incorrect and far from reality. To many critics like Malhotra, the decision to invite foreign universities to India would also mean these problematic theories would come to India.³⁵

Firstly, ‘foreign’ universities should not always mean ‘Western’ or USA. There are many top class universities in Asian countries like Japan, with

34 However the UGC chairman has responded to clarify the same in the following way, On the subject of fees, the Chairman says the FHEIs who wish to set up campuses here will have to keep it moderate as per the paying capabilities of Indian students, unlike the exorbitant fees required abroad. Still, for the students who might not be able to pay the moderated fee, the Commission has included a clause in its draft regulation that 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.” See in Anuradha Misra “Two Australian universities to set up campuses in Gujarat; Modalities of FHEIs in India explained by UGC Chairman”. NewsonAir <https://newsonair.com/2023/03/03/two-australian-universities-set-up-campus-in-gujarat-modalities-of-fheis-in-india-explained-by-ugc-chairman/> (Accessed March 29, 2023).

35 Rajiv Malhotra shared his concern in his talk at Vivekananda International Foundation (VIF) See in Vimarsh. 2023. “The Seven Tectonic Forces undermining India - How to Confront and Defeat them”. VIF YoutubeChannel, March 3, 2023. <https://www.youtube.com/watch?v=fCPclu7Ydm8> (Accessed March 29, 2023).

whom India has deep cultural relations, and they could be invited to India to offer programmes in the social sciences. It is not as though Japanese universities are free from any Western colonial frameworks. But considering India's shared cultural experiences with Japan, collaboration on social science research would have its own merits. It might be also reductive and a generalisation to say that the entire Western social science ecosystem is radicalised through Wokeism, though it is a seemingly growing culture, especially in the USA.

Secondly, Malhotra himself agrees that problematic Western theories are influencing Indian academic spaces, intellectual and bureaucratic circles already. This is happening without the presence of any foreign university in India. With that same logic, preventing foreign universities from entering India would not mean preventing their influences on Indian scholarship. Rather, with the coming of these universities to India, we may get to develop opportunities for people to have a closer look at their theories and examine the larger Western culture. Hosting foreign universities in India and internationalising its higher education on humanities should lead to having such mature interactions. However, to ensure that such mature interactions happen, India should be careful when they choose universities, schools of thought and scholars from foreign universities. Therefore, it could be demanded that the government needs to be transparent on what criteria they will set to choose Social Science schools from abroad. A separate attention to criteria in selecting Social Science schools could be considered.

It is true that India or any culture could never invest centuries and large amounts of money to examine the West, as Western culture has examined the world, particularly India.³⁶ If India has one major drawback, it is the

36 TRAUTMANN, THOMAS R. "Does India Have History? Does History Have India?" *Comparative Studies in Society and History* 54, no. 1 (2012): 174–205. <http://www.jstor.org/stable/41428712>.

lack of knowledge about Western Culture. This unfamiliarity amounts to a great vulnerability for Indian social sciences. Prof. Balagangadhara argues that one of the major impacts of colonial consciousness is that we have the false impression that we know the Western culture.³⁷ Whatever we feel we know about the Western culture is nothing but descriptions of what the West has spoken about themselves. It could be argued that this lack of knowledge about Western culture coupled with self-centrism and seclusion make India more vulnerable in the contemporary world of ideas. The problem is doubled when our descriptions about ourselves, and our language of responding to colonial descriptions, are also influenced by centuries old Western notions about ourselves. As a result, India has not produced an influential social theory of value based on its own traditions.

Considering our times, we would be able to build valuable social science theories only if we could begin to know Western culture (which has a global impact) and relate it with our traditions productively. In other words, we need to study Western culture against the background of Indian culture.³⁸ Creating ‘alternative’ social sciences in seclusion without any global engagement, by merely calling it ‘Vedic’ or ‘Hindu’ Liberal Arts, would not lead us to produce an influential school of thought globally.³⁹

Any productive engagement with the West for India to know about Western culture must be encouraged. Any room for engagement with these foreign universities and social sciences could be directed in such a way that it doesn’t seclude India. If at all social science programmes are to be started in these foreign universities, India must ensure that it paves the way

37 See the section ‘Why Understand Western Culture?’ in S.N Balagangadhara and Sarika Rao, *What does it mean to be ‘Indian’?* Notion Press, 2021.

38 Ibid.

39 It is to be noted that the West has produced Liberal arts or humanities which have influenced globally, without any attribution of ‘West’, ‘English’ or ‘Christian’ as its prefix. One could even ask, if it had any such labels would it have had the level of global reception or impact it has left?

for such quality interaction and rigorous research endeavours. However, if Indian scholarship does not learn how to speak about its traditions to the contemporary world, based on its cultural experience, it would lead to the usual problems like paving the way for the dominant Western universities (in India or outside) to act as an umpire to decide upon India's cultural questions.

Thirdly, the UGC guidelines mention that the FHEIs:

- Shall not offer any such programme of study, which jeopardises the national interest of India or the standards of higher education in India.
- 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.

Many have raised issues saying that terms like 'national interest' are abstract and there are no ways to measure it. Few academicians like Abha Dev Habib of Delhi University have raised concerns as, "Suppose there is a course on caste tomorrow or something about Mughal rulers glorifying Akbar, will that be considered against national interest?"⁴⁰ On the other hand, many other scholars like Prof. Srikanth Kondapalli, School of International Relations, JNU argued that the clause on national interest is a practice followed even in developed countries, so there is nothing unusual about it. He also clarified that, "There must be a discussion on what it entails — and I am sure there will be a discussion. Foreign universities will want clarity on what this means for them. However, that being said, I don't think the

40 Kritika Sharma "If it ain't in 'national interest', can't teach it — UGC's foreign university rules stump academics". The Print. <https://theprint.in/india/education/if-it-aint-in-national-interest-cant-teach-it-ugcs-foreign-university-rules-stump-academics/1301530/> (Accessed March 29, 2023)

clause has been added to ban something, it's more to protect."⁴¹

In today's world, when there is free flow of ideas and information, there are limitations to prevent or censor ideas, whether coming from India or abroad. The ideas that are on the academic table, which are based on academic questions must be also dealt with academically. Wherever the limits are crossed, the government would be in a legitimate position to intervene, as long as the government is able to inform, articulate and justify the action to the majority of the Indian population, who have not sold their brains to any rigid ideologies. On this issue, as of now, there are no reasons to think that the government can intervene with domestic universities, in ways which cannot be done with FHEIs. As of now there are no reasons to think of a situation where a FHEI teaches a syllabus that supports another partition or disintegration of Indian states and the Indian government stands completely helpless. The chances of the government executing censorship under the garb of 'national interest' and anticipating the government's inability to control deliberate misrepresentation of India are two mutually opposing exaggerations on the same point. Though a clarification could be demanded, these criticisms are as such incapable of directing the government to revise their decision.

Conclusion and the Future Scope of the Study

The FHEIs can be potentially productive for India and the world, if handled carefully by both parties. The implications of the FHEIs coming to India can only be ascertained based on how the Indian government, bureaucracy, and academic community will engage with these institutions further. To ensure that they overcome the challenges and create opportunities, FHEIs must be continuously reviewed, and they should receive active collaborations from other Indian institutions. Therefore, for now, it is important to have

41 Ibid.

a closer understanding of the major criticisms that are raised against the UGC guidelines. This brief suggests that the same concerns raised as FHEIs enter India could be resolved by their smooth functioning in the country, which also depends on how carefully India engages with FHEIs in the future.

Some criticisms point out the existing loopholes in the education system at the administrative level, while others talk about the social imbalances the decision can create. Some are also concerned about whether this would make Indian scholarship and its ambitions vulnerable. Questions are also raised about whether this would further fuel the fire of ongoing wrong descriptions about India and the spread of harmful ideas, many of which are produced by universities abroad. While these criticisms could be considered something to be mindful of in the process, arguably, they are not substantial enough to vilify the UGC guidelines at the moment. This brief attempted to respond to such criticisms by pointing out their limitations by not discarding them. It also tried to explain how such challenges could be overcome if they are made into opportunities.

Though it was beyond the concern of this brief, it is also important to discuss that, while we analyse what benefits and negative impacts India would receive and how, it is also important to discuss what the parent universities and their respective home countries would benefit from opening their branches in India. This needs to be studied and spoken about so that there is a balance in such collaboration; otherwise, it would appear and be promoted as though India is receiving a one-sided favour. Indian contribution to FHEIs and their home countries, apart from being a host, could be in terms of scholarship or knowledge transmission, economic and human resource aspects, other diplomatic privileges, etc. The future scope of this study would also be to explore what UGC and the Indian government could work on to ensure that contributions from India are in tandem with the benefits India receives through these FHEIs.

About the VIVEKANANDA INTERNATIONAL FOUNDATION

The Vivekananda International Foundation is an independent non-partisan institution that conducts research and analysis on domestic and international issues, and offers a platform for dialogue and conflict resolution. Some of India's leading practitioners from the fields of security, military, diplomacy, government, academia and media have come together to generate ideas and stimulate action on national security issues.

The defining feature of VIF lies in its provision of core institutional support which enables the organisation to be flexible in its approach and proactive in changing circumstances, with a long-term focus on India's strategic, developmental and civilisational interests. The VIF aims to channelise fresh insights and decades of experience harnessed from its faculty into fostering actionable ideas for the nation's stakeholders.

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