Vision for Foreign Universities in the National Education Policy 2020: A Critique

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Vision for Foreign Universities in the National Education Policy 2020: A Critique

Palash Deb[1]

> ***"…selected universities e.g., those from among the top 100 universities in the world will be facilitated to operate in India. 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".***
>
> National Education Policy 2020, pp. 39.

1 INTRODUCTION

Internationalization of Indian higher education is one of the stated aims of the National Education Policy (NEP) 2020. The NEP seeks to promote internationalization in many different ways. For instance, it envisions Indian universities as large, multidisciplinary centres of education that will impart high-quality holistic education through cutting-edge courses and internationally relevant curricula that will be able to attract a large number of students from abroad. By providing an educational experience of global standards at a relatively low cost, India will re-establish its long-lost position as the Vishwa Guru. The NEP also aims to provide greater mobility to Indian students who might want to visit, study at, transfer credits to, or carry out research at institutions abroad. Indian universities will be encouraged to set up campuses abroad, research collaborations and student exchanges will be facilitated, and credits acquired in a foreign university will count towards an Indian degree.

Perhaps most importantly, foreign universities (FUs) will be allowed to enter and operate in India. This paper critiques the NEP decision to allow FUs into India. Since the NEP is a framework document, its need for brevity means that it could only take a telescopic view of the issue. This paper builds on the NEP framework to offer a more granular, microscopic view of the myriad implications

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of the FU entry decision, and the concomitant challenges in implementation. The rest of the paper proceeds as follows. It starts by discussing the context and background, and the role FUs can play in the Indian context. It then focuses on the kind of FUs to be invited and the likely challenges they will face. The global regulatory background is then discussed, followed by a critique of the unique regulatory and other issues relevant to the Indian context, the potential concerns with FU entry, and the Chinese experience with FUs. The final section discusses and concludes.

2 CONTEXT AND BACKGROUND

The NEP decision to allow FUs into India follows a fairly long debate on this matter. Back in 2007, the UPA-1 government had introduced a bill in Parliament to regulate the entry and operation of FUs in India. A revised version of the bill, titled "Foreign Educational Institutions (Regulation of Entry and Operations)", was introduced in 2010 during the UPA-2 regime. Although it was an important step in allowing FU entry in India, the bill was somewhat heavy on regulations. Among other provisions, the bill required FUs to maintain a corpus fund of Rs. 50 crore and imposed restrictions on the repatriation of surplus. With the dissolution of the 15th Lok Sabha, however, this bill eventually lapsed.

According to earlier news reports, the NDA government, despite some initial work done by the Niti Ayog, was initially reluctant to revive the UPA 2-era legislation but later came around to the idea. An early indication came in the 2020 Budget which stated the government's intent to encourage foreign direct investment (FDI) and external commercial borrowings (ECB) in the education sector, although the declaration stopped short of allowing FUs to set up full-fledged campuses in the country.

Before the NEP 2020 was passed, the Confederation of Indian Industry (CII) had also recommended FU entry. It had suggested that foreign institutes investing in India should be allowed to repatriate profits to their home country, and also that private universities should be permitted to host FUs on their campuses. The idea of opening special economic zones for educational institutes, to be called Knowledge Cities, also seemed to be under the consideration of the government.

Currently, there are only some programmatic collaborations or twinning arrangements with FUs, but such FUs cannot grant degrees. For example,

Virginia Tech offers certificate courses that combine classroom lectures with online instruction, Duke University has an office in Bangalore to strengthen exchange programs and research collaborations with partnering Indian institutes, Middlesex University has offices in India whose main aim is to attract Indian students to their programs offered in the UK, and so on.

3 PERCEIVED ROLE OF FUs

Although the NEP's vision for FUs raises many questions and doubts, speaking by and large, the recommendation to let in FUs is a step in the right direction, for the following reasons.

3.1 Economic / fiscal rationale

According to the Open Doors study conducted by the Institute of International Education (IIE), in the US alone there were about 133,000 Indian students in the 2014/15 academic year who contributed $3.6 billion to the US economy. This number went up to $5 billion in 2015/16 (for around 166,000 students), and to $6.5 billion in 2016/17 (for around 186,000 Indian students).

According to the 2019 Open Doors Report, foreign students contributed $44.7 billion to the US economy in 2018/19. Although exact numbers are not available, with about 202,000 Indian students comprising 18 percent of the foreign student population in the US in 2018/19, we can tentatively put their spending figure at $8 billion (18 percent of $44.7 billion) for that academic year. But these numbers are just for the USA. Considering all countries, there were about 750,000 Indian students studying abroad in 2018, with the top five countries being USA, Canada, Australia, Saudi Arabia and United Arab Emirates.

An ASSOCHAM-Yes Institute joint study estimated that Indian students spent, across all countries, a total of $20 billion in 2017. This study was based on an estimate of 600,000 Indian students studying abroad. Extrapolated to the current estimate of 750,000 students, Indian students studying abroad spent in the region of $25 billion in 2018/19 (of which they spent about $8 billion in the US). This is roughly 50 percent of India's total Foreign Direct Investment (FDI) inflows of $49 billion in 2019, and nearly five times India's higher education budget of about $5.5 billion (Rs. 38, 317 crore) in 2019.

What is of greater concern is that with an estimated 88.5 million senior secondary students (that is, those aged between 14 and 18 years) in India today, and about 35 million students in higher education, the money spent on getting foreign degrees is actually set to rise over the coming years, as getting admission in quality colleges and universities in India becomes increasingly difficult. University representatives from Australia, the UK, US, and Canada also seek to proactively recruit students from India, many of them self-financed, as universities abroad continue to cut down on scholarships and fellowships. Besides, these numbers do not account for the long-term costs of brain drain, with many Indian students going abroad opting to permanently settle there.

Finally, with not many foreign students studying in India, there is also a huge opportunity cost associated with lost revenues from potential foreign students. Therefore, although a section of Indian students will still go abroad even if FUs are allowed to operate in India, in the overall scheme of things, FU entry will improve access, build domestic capacity, improve student choice, and vastly reduce foreign exchange outflows while potentially increasing inflows.

3.2 Cultural Rub Off

If a few dozen quality FUs enter India over the next decade, one of the main benefits might well be cultural. Let me explain. Speaking by and large, the Indian higher education system today is highly centralized, standardized, and often politicized, and many Indian universities seem to be caught in a time warp. Many university leaders have never attended a FU, and fewer have taught in one, and therefore they have little direct acquaintance with higher education abroad. Many regulations in this over-regulated sector are archaic, faculty quality and shortage are perennial concerns, infrastructure in most Tier 2 and Tier 3 universities need immediate upgrade, and generally there is an absence of the culture that makes great universities what they are. That culture could be many interrelated things: healthy intellectual discourse where dissenting voices are not muffled, academic autonomy, little hierarchy, leadership vision, faculty dedication and pride in their jobs, student engagement, focus on competitiveness and innovation, and so on. However, they all eventually speak to a certain quest for excellence in research, teaching, and administration.

If quality FUs set up campuses in India, or enter into joint ventures with Indian universities, it will help our university leaders, faculty, and

students benchmark against global standards and best practices, and learn about global ways of doing things. Interactions with academics and officials from FUs might also help our government policy-makers see things from different perspectives. Admittedly, any cultural change is a gradual process and the rub off effects on our universities may take time to materialize. But eventually the higher levels of interaction made possible by the presence of FUs in their backyard should push our universities towards a culture of openness, competitiveness, research orientation, and innovation.

3.3 Developing a Research Ecosystem

The diffusion of this campus culture could be seen in an even broader context. Thus, we might expect rub off effects on our national research laboratories, many of which are still bound by a slothful, inertial culture. For instance, scientists from CSIR or ICAR may now have greater opportunities to collaborate with science and technology faculty members from FUs operating in India, and through them connect more easily to other foreign faculty, global funding bodies, or start-ups. While collaboration happens even now, geographical proximity can help build personal networks (e.g., through short-term, two-way lateral movements between FUs and research labs) that could take such partnerships to newer levels. The broad idea is to engage FUs, Indian universities, research labs, and the industry to create an inter-connected Research & Development (R&D) ecosystem that can promote indigenous innovation and technology development. The government should also take a proactive role to facilitate research collaboration among these various parties.

https://www.clri.org/DepartmentDetails.aspx?D=17

3.4 Creating an Education Hub

Having FUs in India will also reinforce the NEP's vision of making India a Vishwa Guru where foreign students will come to study. Right now, except for a few well-known campuses, hardly any foreign students come to India, and even when they do, the applications are primarily from certain specific countries (e.g., African countries or SAARC countries). Indian university campuses thus lack the essential cosmopolitan character. If FUs can help create a safe, enabling campus environment, provide access to quality faculty preferably with international qualifications or some other international exposure, and award globally-recognized degrees, and do all this at say fifty percent of the cost of a US or European degree, India might in the medium to long-run become a hub of global education. The Cross-Border Education Research Team (C-Bert) at the State University of New York at Albany defines an education hub as "a designated region intended to attract foreign investment, retain local students, build a regional reputation by providing access to high-quality education and training for both international and domestic students, and create a knowledge-based economy.

An education hub can include different combinations of domestic/ international institutions, branch campuses, and foreign partnerships, within the designated region." It then lists the following major global education hubs: United Arab Emirates, Abu Dhabi, Dubai (including Dubai Knowledge Park / Dubai International Academic City, Dubai International Financial Centre – for business education, Dubai Healthcare City – for medical education, Dubai Silicon Oasis – for technological research), Bahrain, Kuala Lumpur Education City, Iskandar (Malaysia), Singapore's Global Schoolhouse, Education City (Qatar), Republic of Panama – City of Knowledge, and Jeju Global Education City (South Korea). Allowing FUs to enter will enable India to develop into a futuristic education hub attuned to our specific needs.

4 WHICH FUs DO WE WANT?

The NEP recommends that only selected FUs will be invited to operate in India, and illustrates its notion of selectivity by referring to only those FUs that feature in the top 100 in the global university league tables. This is a problematic proposition, for many reasons.

4.1 Multiple Rankings

To start with, it is not clear which ranking list the NEP has in mind. This is important, as there are more than twenty global university league tables. The most popular of these are The Times Higher Education World University Rankings, The Academic Ranking of World Universities compiled by the Shanghai Jiao Tong University, and The Quacquarelli Symonds (QS) World University Rankings. Other notable rankings include the US News and World Report, the U-Multirank that allows users to generate their own rankings based on their preferences, and the Ranking Web or Webometrics Ranking developed by the Cybermetrics Lab. These rankings differ widely in the parameters they use (such as research output or reputation among academics and employers) and the weights they assign to the various parameters. As a result, although there are several universities that are common to every top 100 list, different rankings may have different combinations of universities in their top 100.

4.2 Limitations of Rankings

Also, as has been well-documented by scholars, university ranking lists have several limitations, and they are not necessarily good yardsticks to measure university performance. Rankings can be opaque and based on perception. They often use easily measurable metrics, such as student-faculty ratio or graduation rates, which can be easily manipulated by university officials. Teaching is often not given the same importance as research, while publishing research papers in the top journals can become an end in itself, often entirely ignoring the need for social relevance.

4.3 Adopting a Flexible Approach

Perhaps the most important implication of following a rigid ranking criterion is that very few of the top universities may be interested to open branch campuses in India. Yet, we need a sizeable number of FUs if such universities are to make any impact. Thus, the NEP's recommendation is infeasible. While our target in the long run will be to attract the very best FUs, at the start we could instead look to attract other large, research-intensive universities which, although not at the top of the heap in terms of rankings, are nevertheless well-recognized the world over. If we were to strictly stick to the 'top 100' criterion, it will exclude many well-known universities.

Just taking a recent Times Higher Education's global university ranking, we find that the following universities, among many others, are outside even the top 200: University of Iowa, University of Massachusetts, Wake Forest University, University of Surrey, Simon Fraser University, Boston College, Temple University, Tulane University, University of Texas at Dallas and the Indian Institute of Science. And the actual list of notable exclusions is much longer. Some universities ranked even in the 601-800 bracket in the Times global rankings have high quality standards. Baylor University, for example, is a selective, research-focused university in Texas with a long history (established in 1845). This is because, unlike in India, the variance in academic standards within the US or UK university system is much smaller.

We must also remember that different universities are set up with different goals, and this can determine their rankings. For example, in California, while the University of California (UC) system comprises research-intensive universities that feature highly in global rankings, universities in the California State University (CSU) system focus on teaching (mostly at the undergraduate level), something less valuable in determining rank. However, even universities in the CSU system have highly-qualified and competent faculty members, with PhD degrees from some of the best global universities. So, the CSU universities may, for instance, act as excellent complements to the 'Teaching-intensive universities' (i.e. universities that place greater emphasis on teaching but still conduct significant research) envisaged by the NEP. Besides, given the NEP's focus on multidisciplinary and holistic education (with a focus on the liberal arts) in colleges and universities, we should also welcome liberal arts colleges like Amherst College or Williams College, even though they cannot be ranked using the same parameters we use for large, research-intensive universities. Finally, many world-class institutions, such as the Max Planck Institute, do not participate in any global university rankings. To sum up, a rigid rankings-based approach to FU entry must be replaced with a more flexible and customized approach.

5 LIKELY CHALLENGES FOR FUs

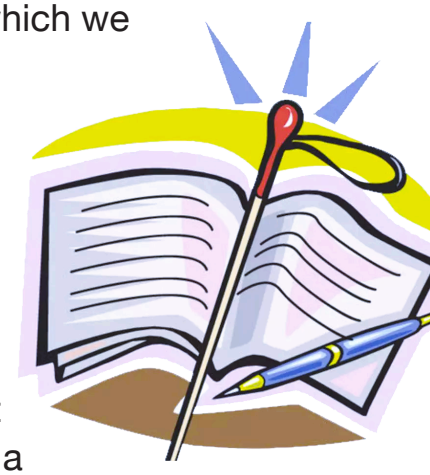
While framing the detailed regulatory guidelines for FU entry and operation, one must keep in mind that even if the ranking criterion is relaxed, any cross-border expansion presents a FU with significant operational challenges. FUs entering a foreign country face a lot of challenges. To begin with, FUs face the risk of reputation loss if their brand is over-extended. They also face the risks of making large upfront investments, that too in a foreign country where they have to cope with differences in culture and language, laws and regulations, mode of doing business, and so on. Finding good faculty is always a challenge.

In general, FUs operating in India may find it difficult to attract established scholars based in the US or Europe even if they offer higher salaries – as our experiences with Nalanda University in Bihar and South Asian University in New Delhi show – and the best bet for FUs will be to hire quality local faculty, as well as attract recent PhD graduates and younger faculty members, primarily of Indian origin, from abroad. Till that happens, FUs may need to incentivize their home country faculty and staff in a way that they are motivated to move between international campuses, which, of course, is easier said than done.

Early on, the FU leadership will need to demonstrate their commitment to the project (e.g., via some financial investments in physical infrastructure) to earn the trust of the host government and local partners. There are also likely to be ongoing challenges. For example, a FU entering via the joint venture mode must manage the communication interface with the local partner, ensure proper task allocation, negotiate revenue sharing arrangements, decide on control arrangements such as representation on the Institute's Governing Body, etc. Broadly, FUs will also need to ensure equivalence in terms of curriculum and pedagogy, facilitate student mobility across campuses, ensure an equal commitment to research in the host country campus, maintain a smooth relationship with the local government and the community without yielding to undue pressures or resorting to corrupt means, and so on.

Besides, while financial stability and incentives are important for FU survival and success, at the same time they need to tread a fine line as they cannot afford to come across as overly money-minded. These, and other contingencies that may arise, are likely to pose significant operational challenges for any FU, and therefore require long-term commitment at the highest levels of the FU home country leadership.

Given these challenges, we now discuss regulatory and other measures that we need to undertake to attract FUs to India. We first provide the global regulatory background, and then suggest possible ways in which we can attract FUs to India.



6 REGULATORY BACKGROUND

6.1 GATS Modes

In general, delivery of any educational program can be conceptualized in terms of the General Agreement on Trade in Services (GATS) framework. The GATS is a multilateral, legally enforceable agreement that regulates international trade in services. Current country commitments under the GATS encompass four modes for the supply of educational services[2]

- GATS Mode 1 (the 'cross-border' mode) encompasses distance and online learning where the provider and the recipient remain in their home country and the program is delivered remotely. A case in point is Massive Open Online Courses (MOOCs), a disruptive technology with high potential to be a game-changer in the higher education market.
- In GATS Mode 2 (the 'consumption abroad' mode) the recipient of the educational service moves to the provider's country in order to access delivery (e.g., Indian students going to foreign countries, and vice-versa).
- In GATS Mode 3 (the 'commercial presence' mode) the provider sets up a base in the recipient's country. In its early forms, this would include franchising and also some validation arrangements (i.e., studying in one institution for a degree that is awarded by another). This also includes permanent campuses set up by a FU in the recipient's home market. Examples include campuses set up by the University of Nottingham in Malaysia and China, Monash University in Malaysia and South Africa, Liverpool University in China, University of Adelaide in Singapore, Cornell University, Carnegie Mellon University, and Northwestern University in Qatar, etc. In the private sector, Kaplan has entered China by acquiring shares in ACE Education (now Kaplan ACE), a company which delivers higher education preparatory programs.

[2] https://www.wto.org/english/tratop_e/serv_e/cbt_course_e/c1s3p1_e.htm

- Finally, GATS Mode 4 (the 'presence of natural persons' mode) involves temporary movement of teachers and other educational personnel to the recipient's home market. This model is often used to teach courses like the EMBA. These four modes are also presented in Table 1.

6.2 National Regulatory Approaches

Given these four modes for trade in services, including education, different countries have adopted different models for the regulation of transnational education. Verbik and Jokivirt, in studies conducted in 2005 and 2015, identify the following regulatory frameworks across various countries. Note that these categorizations are based on assessments made by these authors in 2015, and a country's regulatory environment might have changed since then. However, this framework still provides a bird's-eye view of the diverse governance mechanisms countries employ to regulate transnational education.

- The first model is where there are no regulations at all, with no restrictions on the provider in setting up educational institutions in the recipient's country (e.g., France).
- The second model is a liberal model wherein certain minimum conditions are to be met by the FU for operating in the recipient's country (e.g., Norway).
- The third model is the moderately liberal model available in Australia and Singapore, where licensing, accreditation (in some cases), and fulfillment of certain norms laid down by the host country are mandatory. This category is diverse, ranging from compulsory registration to formal assessment of academic criteria.
- The fourth one is a transitional model that is moving from a more liberal to a more restrictive regime (e.g., India).
- The fifth is also a transitional model, but it involves moving from a more restrictive to a more liberal regime (e.g., South Korea).
- Finally, the sixth and last model is the very restrictive model, which can be further sub-divided into (a) restrictive regulations concerning permission to operate (e.g., Bulgaria), and (b) recognition for qualifications obtained through transnational provision is virtually impossible (e.g., Greece).

Table 2 summarizes these regulatory categorizations.

7 REGULATORY AND OTHER ISSUES CONCERNING FUs

India needs to move towards a more liberal model in which only the minimum restrictions will be put on FU operations. The relevant regulatory and other issues involved are discussed below.

7.1 Financial Incentives

Admittedly, the best global universities, which include both public and private universities, are not-for-profit organizations. However, some modification to this model is needed to properly incentivize the better FUs to come and operate in India. Because several FUs (e.g., in the UK) are cash-strapped, one of their main incentives to enter India will be financial. Broadly, FUs should be allowed to charge fees they think appropriate for their courses, and they must also have the leeway to repatriate a portion of their net earnings, say fifty percent, back to their home country campus, while the other fifty percent will need to be reinvested in infrastructure development of their campus in India, scholarships for poorer students or research scholars, community development, etc.

This is all the more important because in many foreign countries, like China, Qatar, UAE, and Singapore, international branch campuses (IBCs) of FUs also benefit from investments by host countries, with a local university or a city usually becoming the IBC sponsor. Examples include New York University (NYU) in Abu Dhabi which was set up in 2007 and is funded by the UAE government. NYU Shanghai was set up in 2012 as a collaboration between New York University and East China Normal University, with funding from the city of Shanghai and the district of Pudong. Yale-NUS, a liberal arts college, was set up through collaboration between Yale University and the National University of Singapore.

Sometimes, private stakeholders in host countries underwrite FU expenses. Thus, the non-profit Qatar Foundation has established local campuses of several FUs. These include Virginia Commonwealth University, Texas A&M University at Qatar, Carnegie Mellon University Qatar, Georgetown University School of Foreign Service in Qatar, HEC Paris in Qatar, and University College London Qatar. All these FUs are located in Education City, in Doha, which is the larger campus of the foundation. In India, on the other hand, it is highly unlikely that state

governments, city governments, universities, or other local stakeholders will be willing or able to sponsor FUs.

We therefore need to think about other financial incentives in terms of fees and profit repatriation, as mentioned earlier. The upside is that higher fees will force FUs to provide value for money (e.g., high-quality faculty and courses, excellent job placements, etc.), as otherwise the market will correct that anomaly because students who can afford to study in a FU branch campus in India will, by and large, also be able to afford to study abroad or opt for well-known private universities in India. In other words, the market will correct the anomaly if exorbitant fees are charged by the FU branch campus.

7.2 Governance Autonomy

The NEP's suggestion that FUs be given a special dispensation regarding regulatory, governance, and content norms on par with other autonomous institutions of India, falls short of what FUs are likely to demand if they are to enter India. That is because our so-called autonomous institutions are not fully autonomous, and therefore if we are to attract quality FUs, we must give FUs greater autonomy than is currently given to institutions like IITs and IIMs. It is common knowledge that the best universities the world over are autonomous, faculty-governed institutions that operate in regulatory environments that are usually far less restrictive than what we find in India. If we are looking at FUs to take the lead in fostering creativity and innovation through excellence in research and teaching, we must provide them an enabling academic environment.

In particular, FUs should have academic autonomy subject to a few simple regulations that we discuss later. This means that FUs should be able to independently decide such matters as course content, student admissions policy, faculty matters, granting of degree, and the overall governance structure. Such autonomy should be given to both greenfield entrants and joint ventures that FUs set up with Indian universities. For instance, when it comes to student admissions, FUs should not be subject to the regulations regarding caste-based reservations. FUs should also have the freedom to introduce the US-style 'tenure' system. Such a system of tenure, that emphasizes academic freedom and voluntary retirement, will be very different from the rather loose concept of faculty tenure that has been suggested by

the NEP, and which is currently already in practice in many Indian HEIs.

To hire the best talents, FUs should also be able to pay academic salaries that are comparable to global faculty compensation standards, with faculty members paid differentially based on merit and market demand. Similarly, FUs should decide their own promotion norms, which must be tied to faculty scholarship and teaching rather than the number of years of service. Likewise, FUs should be able to employ foreign faculty members with little procedural hassle.

7.3 Flexible Approach to Incentivizing FUs

A standardized ranking criterion may be replaced by a decentralized, flexible approach that classifies FUs trying to enter India into three or four categories in terms of their attractiveness, and incentives for the FU (e.g., quicker approval processes, preferential access to land, etc.) can be determined based on this categorization. While the FU's global rank in major league tables could be one criterion for categorization, other criteria might be the FU's primary mission (whether it is research or teaching focused), the mode of entry (see Table 3 for the various entry modes) and the associated investments promised by the FU, the courses that the FU intends to offer, and the location where the FU chooses to set up its campus. For instance, FUs seeking to start liberal arts or social science courses, or PhD programs in the science and technology, or even vocational courses that can enable better skilling in targeted areas of skill deficiency, may in general be better incentivized. On the other hand, if FUs are already able to charge what fees they want, there is no need to additionally incentivize FUs that solely offer revenue-generating courses such as MBA or Executive MBA.

Likewise, greater incentives may be offered to FUs willing to set up their campuses in Tier 2 and Tier 3 cities, or those establishing full-fledged branch campuses that require significant upfront commitments. There are wide intra-university differences in the rankings of various courses (for example, the Public Administration program at Syracuse University's Maxwell school is frequently ranked #1 in the USA, although Syracuse itself currently ranks around #53), and therefore a FU bringing in its most sought-after program might be better incentivized. This approach is also feasible in terms of the number of cases to examine, because FU applications for entry into India is likely to take time to gain momentum.

7.4 Adopting a More Liberal Model

The regulatory vertical (i.e., National Higher Education Regulatory Council, or NHERC) and the accreditation vertical (i.e., National Accreditation Council, or NAC) within the overarching regulatory body proposed by the NEP, the Higher Education Commission of India (HECI), might be tasked with the job of categorizing FUs. The only concern is whether NHERA and NAC have the requisite capacity and expertise to assess individual FU proposals to enter, in case FU entry and incentives are decided on a case by case basis instead of following standardized international rankings. One solution is that the proposed NHERA and NAC might have a specialized division addressing the unique needs relating to the entry, accreditation, and regulation of FUs. Such a division could also be empowered to arbitrate in any dispute involving a FU and its various stakeholders.

7.5 Role of States

Although education falls under the Concurrent List, it will be too risky for the FUs if state governments start having separate laws within their respective jurisdictions. Therefore, there should be a single national law guiding the entry and operation of FUs in India, and this law shall supersede any conflicting law passed by a state. In an ideal scenario, states should be vying with one another to provide the best terms to the FU they wish to attract. These incentives may include providing land at very reasonable prices, facilitating joint ventures of FUs with state or private universities, and helping FUs tie up with local industry wherein corporates may consider partially or fully sponsoring some of the FU's capital expenditures (maybe as part of their CSR activities).

7.6 Mode of Entry

There are many ways FUs can enter. They could follow a franchising model (in which the awarding institution authorizes an affiliate to grant degrees) or have twinning / articulated / validation arrangements (these could involve studying at both the partner institution and the award-granting FU, or even entirely studying at the partner institution in the recipient's country, and are common in countries like Singapore and Malaysia).[3] However, for the goals of FU entry to be realized, preference must be given to FUs that demonstrate deeper commitment by either establishing branch campuses as subsidiaries, or by setting up joint ventures with local universities. Taking help of Indian-origin academics

[3] A 2017 study by Knight and McNamara, under the aegis of the British Council, the German Academic Exchange Service (DAAD), and the German Federal Ministry of Education and Research, lays down a succinct classification framework outlining two major approaches to the provision of transnational education. This framework is outlined in Table 3.

To attract FUs to India, we must take advantage of the fact that there is a very large body of Indian-origin academics who are in senior faculty and leadership positions in FUs. Indian missions abroad might use their good offices to proactively approach the FU leadership. That being said, given the many challenges of setting up a foreign campus, the FU leadership is only likely to give its nod if the project promises stable financial returns and offers scope for market expansion without any loss of reputation. We therefore need to provide the right incentives through an appropriate regulatory framework that can attract FUs and facilitate their entry.

7.7 Need for Transparency

While FUs should by and large have financial and academic autonomy, there should a few, simple restrictions. For instance, it must also be ensured that students and their families are not misled by false claims made by a FU. To ensure this, the FU regulator must mandate all FUs to fully and publicly disclose all relevant information that will enable students to make an informed choice. These disclosures could be more onerous than for Indian universities, and should include, among others, audited financial statements (including funds invested, funds repatriated, operating cash flows, fees, other sources of income such as those from consulting), infrastructure facilities, faculty to student ratio, faculty qualifications and experience, faculty salaries, admissions

criteria, job placement records, etc. There should also be strong disincentives and grievance redressal mechanisms put in place for incomplete or wrong disclosure.

7.8 Offering Specific Courses

As argued earlier, FUs bringing in courses that contribute to our scientific or other socio-economic goals should be incentivized. This approach towards incentivizing FUs could be complemented with regulatory measures in terms of specific courses to be offered. In particular, FUs could be asked to start, within a certain time after starting operations, PhD programs in key areas of science or technology which they might already be offering in their home country. Multinational companies today operate cutting-edge global research centres in India – like General Electric's John F Welch Technology Centre in Bengaluru, or IBM's research labs in Bengaluru and New Delhi – and there is no reason why FUs cannot similarly invest in their research programs. Scaling up will of course happen only over a certain period of time, but it should eventually contribute towards building a research ecosystem that contributes to national development.

8 POTENTIAL CONCERNS

8.1 Commercialization and Privatization

Another concern is that FU presence will contribute to increased commercialization and privatization of Indian higher education. It is true that FUs in India will largely cater to the needs of students who can afford it financially. The point, however, is that our higher education system is already highly commercialized. Even without FUs, financially well-off students will either go abroad or study in one of the many private Indian universities, which already account for about three-fourths of total student enrolments. Private university fees are generally higher across courses, and this fee difference with public universities is even higher for professional courses. Besides, private universities, although not-for-profit in theory, often actually charge 'capitation fees' that are not accounted for, or sell the 'management quota' seats for money.

If anything, with the entry of FUs, a section of students who would have gone abroad will stay back, although, admittedly, many others who

want the foreign experience or plan to settle abroad will still opt to study in a university outside India. Besides, if FUs charge high fees in general but are bound by regulation to set aside funds for a sufficient number of scholarships for poor, meritorious students, as was proposed earlier, it will mitigate some of the inequity. One must admit that a few dozen FUs will not substantially improve overall access to higher education for under-represented groups, but FUs will still fulfill other roles. Their main role will be to provide the much-needed competitive differentiation among universities where standardization is the current norm, which in turn should promote meritocracy and excellence in terms of the quality of students, teachers, and the administration. In sum, the role of FUs will be to solve the 'quality' rather than the 'quantity' problem of higher education in India.

8.2 Elitism

Another implication of allowing FUs to operate in India will be the emergence of an academic elite. Elitism, like privatization, is a pejorative term. However, it cannot be denied that the best global universities are in some sense quite elitist. In fact, intellectual snobbery, up to a certain point, may actually be desirable if Indian institutes are to compete with the world's best. Indian Institute of Science, Indian School of Business, and Ashoka University are cases in point. We need more of these institutes in India if we are to develop a world-class academic environment that could, for example, produce Fields Medal, Turing Award, or Nobel Prize winners, develop the latest cure for a disease, or nurture the fledgling start-up environment through university-industry collaborations. In that sense, with the right policy in place, FUs can complement the strengths of the best Indian public and private institutions.

8.3 Fairness Considerations

How fair is all this to Indian universities, and should we not provide them a level playing field? The answer depends on the kind of Indian university we are talking about. If we are talking about the best Indian institutes that seek to compete with the world's best, we certainly must give them autonomy at par with the FUs. When it comes to other universities and institutes, the degree of autonomy granted should depend on their grade determined by considering factors such as their potential for excellence and their ability to take on the higher responsibilities that come with greater autonomy. Such institutes must, however, continue

to fulfill their social obligations (e.g., reservations) and accept some government regulations (e.g., regarding course fees), particularly if they accept government grants. In other words, while these institutes (depending on their classification) must be given greater autonomy than now on various matters, they must also balance this with broader socio-economic obligations. Thus, there should be graded autonomy for HEIs, with highest autonomy given to Indian HEIs in the top-tier, to enable them to compete effectively with the FUs.

8.4 Poaching Faculty

One potential concern is that FUs will lure the best faculty in Indian HEIs with higher pay and better working conditions. To reflect on this, one needs to point out that with other, more attractive, career options increasingly available, the best students in India typically do not choose an academic career, and the few who do, usually migrate to greener pastures abroad. Part of this is certainly because faculty pay in India is low compared to faculty pay abroad, let alone corporate pay packages. But pay, while important, is never the main consideration for serious scholars. Often, more intangible factors come into play: the general lack of a research environment in many Indian universities, politics and nepotism in faculty recruitment and promotion, a hierarchical university culture, and so on.

In this context, quality FUs with adequate financial and academic autonomy will be able to attract quality talents to academia. While in the short-run this may lead to poaching of the best faculty members from Indian universities, in the medium-run this will position a FU teaching job as a desirable career option for gifted students, and also force top Indian HEIs to compete by sweetening their offers (e.g., through liberal research grants, chair professorships, cash for publications, etc.) even if they have to remain within the rigid framework of government pay scales. FUs offering the right employment terms might also be able to attract talented NRI faculty members desirous of returning to India. Therefore, faculty poaching may be a blessing in disguise.

9 THE FU EXPERIENCE IN CHINA

9.1 Quest for Excellence

A brief look at the Chinese experience illustrates some of the opportunities and challenges in inviting FUs to India. Even as a section of our scientists claim the existence of airplanes or test-tube babies in ancient India, and our policy-makers debate the issue of faculty quotas in Indian HEIs, China, with its focus on meritocracy, has surged ahead in developing world-class universities by undertaking excellence initiatives such as Project 985, Project 211, C9 League, and the Double First Class University Plan. It has also focused on attracting the best Chinese academics working abroad, by offering them world-class facilities and pay, through schemes such as the Thousand Talents.

The Chinese higher education reform process has been characterized by four key components: commercialization, decentralization, expansion, and marketisation. There are good colleges in every Chinese province. China spends about 2.1 percent of its GDP on R&D, compared to about 0.65 percent for India. Its research output in terms of the number of papers is phenomenal, and it is trying hard to catch up on the quality aspect as well. The Chinese university system, that includes FUs, is producing medium-and-high skilled workers, and in two talent categories – R&D, and marketing and sales. Such workers also cost much less than comparable employees from the US. This, along with China's world-class manufacturing ecosystem (e.g., the Pearl River Delta region) and the large domestic market comprising about a billion Mandarin speakers, are helping Chinese companies like Huawei develop strong innovation capabilities.

9.2 FU Joint Ventures

Initially, partnerships between Chinese and foreign universities were encouraged to enable the transfer of expertise in both research and teaching. Collaboration in course delivery helped Chinese universities better understand FU pedagogies, quality assurance systems, and curriculum development. China has since 2003 opened more than 2000 joint ventures (JVs) between Chinese and foreign universities. Well-known universities like NYU, Duke, and UC-Berkeley have established campuses in Shanghai, Kunshan, and Shenzhen respectively in partnership with Chinese universities. Most of these campuses offer

smaller graduate programs in focused areas. Duke Kunshan University, for example, focuses on chronic disease and environmental and global health (although a few other programs are also offered), while the Tsinghua-UC Berkeley Shenzhen Institute offers courses in information technology and data science, as well as precision medicine and healthcare. More recently, Wesleyan University, a prominent liberal arts college, has been exploring the possibility of opening a campus in China in collaboration with a Chinese university and a Chinese company who have expressed interest in Wesleyan's film studies program, while Cambridge University and Peking University are in talks to launch a business school partnership in South China, one that could later be expanded to other subject areas.

The JVs through which these FUs operate are set up as independent legal entities that are 51 percent owned by the local partner and 49 percent by the FU. Some of these JVs have their own campus (e.g., New York University Shanghai and University of Nottingham Ningbo), while others (e.g., University of Pittsburgh's tie-up with Shanghai Jiao Tong University) operate from the Chinese university's campus. More importantly, as noted earlier, a local university or city government often becomes the international branch campus sponsor. Thus, as part of the partnership between Duke University, Wuhan University, and the city of Kunshan, the municipal government has leased the Duke Kunshan University campus (comprising 200 acres of land) to the university at no cost for the first ten years and has also paid for the construction of the buildings. Duke will share the operational costs with Kunshan for six years, after which the joint commitment may be renewed. The third partner, Wuhan University, will play a governance and educational role, but have no financial stake in the venture.

These FUs can grant their own degrees, or enter into degree-granting exchange programs with the partner university abroad. FUs often fly in their own faculty who volunteer or agree to spend a few semesters abroad, but also complement this by hiring faculty members internationally. For example, UM-SJTU Joint Institute (JI), an equal-partner institution founded in 2006 by the University of Michigan (UM) and Shanghai Jiao Tong University, has faculty members from China, the United States, Canada, Poland, Germany, France, and many other countries. A complete list of FU branch campuses operating in various countries is provided by the Cross-Border Education Research Team

(C-Bert) at the State University of New York at Albany. This list, last updated in January, 2017, mentions 38 branch campuses set up by FUs in China, with US institutions having the highest number of campuses at fourteen, followed by the UK with eight campuses, and France with three. Following the classification framework presented in Table 3, many will, however, argue that most of these universities are, strictly speaking, 'joint universities' rather than 'international branch campuses'.

9.3 Moving towards Overregulation

Recently, however, the Chinese academic environment for FUs has been showing a growing tendency towards greater control by the Communist party, with party secretaries being appointed on the board of trustees. This has led to a curtailment of academic freedom and resulted in Chinese regulators closing down a fifth of the partnerships, apparently for reasons of poor quality and financial mismanagement. But it appears more likely that these universities were actually closed to stop the spread of western thoughts and ideologies among Chinese students. Another aim is to exercise control over the broader narrative about China. This provides India an opportunity we must seize on.

10 CONCLUSION

Today, India has one of the youngest populations in the world, with an average age of about twenty-nine. This has meant a rise in the demand for higher education, and the Gross Enrolment Ratio, which was 25.2 % in 2016, is expected to climb to 30% by the end of 2020. According to the All India Survey of Higher Education Report 2016-17, India has 35.7 million students enrolled in universities and colleges across the country. There are 864 universities, including central universities, state universities, private universities, deemed universities, etc., in addition to more than 40,000 colleges and nearly 12,000 stand-alone institutions (like the IITs, IIMs, ISI, IIEST, NITs, etc.). However, this growth in numbers masks the acute lack of quality of a very large number of Indian higher educational institutes (HEIs).

Apart from some IITs, IIMs, some specialized institutions, and some other central, state, and private universities – which together probably add up to a few dozen institutions that cater to the needs of a small percentage of the student population – the large majority of Indian HEIs do not measure up to any conceivable global academic benchmark. It is in this context that the NEP's decision to allow FUs to set shop in India assumes importance.

Higher education in India faces multiple dilemmas and contradictions. These dilemmas arise because of the many legitimate yet conflicting goals of higher education, mainly pertaining to issues of quantity, equity, and quality. Thus, there are tensions between excellence and equity, expansion and quality, public and private, and so on. Because education is seen largely as a public good, the lion's share of higher education financing is still done by the government. Yet government funds are not unlimited, and this results in conflicting goals. The solution is to increase the size of the funding pie. This can best be done by exploring non-government and even unconventional sources of higher education funding. In the US, for example, even a state university gets only about 25% of its funds from the State, and the rest of the money is raised through fees, endowments, and consultancy. In India, while private education providers have entered higher education in a big way, there is immense scope to tap other funding sources like corporate donations via CSR activities of companies. In international collaboration efforts like Nalanda University or South Asian University, the Indian government has been the main source of financing, something that may not be feasible or desirable in the case of entering FUs.

If FUs still decide to come to India, it should help address critical issues in India's higher education, such as quality, internationalization, competitiveness, and innovation. Today, companies like GE are looking at 'reverse innovation' models in which quality products are developed in developing economies like India at a much lower cost, and exported back to developed countries like the USA (i.e., 50% of the product at 15% of the cost). Yet, if patents are any indication of innovation, India patent filings are way lower than countries like the US and China.

There are many reasons for the low levels of innovation in Indian universities and research labs. One reason is standardization. Instead of developing local models that are unique to a particular university, we have standardized structures and processes that promote uniform thinking, low experimentation, and reduced tolerance for diversity. It also encourages faculty members to publish in low-quality or even predatory journals that help them get promotion by focusing only on the number of publications and the number of citations received, without really doing any worthwhile research. Also, strict hierarchical governance in Indian universities does not encourage faculty members to take a contrarian view. Therefore, the entry of FUs must be seen as part of a larger bouquet of reforms in the higher education sector in India.

Entry of FUs must also be complemented by rapid and full implementation of several other initiatives – bringing in the best foreign teachers (who may not be persons of Indian origin) by allowing Indian HEIs to offer them permanent positions and higher salaries, encouraging research partnerships between Indian and foreign universities (e.g., on the lines of the joint doctoral program between IIT Kharagpur and the University of Alberta, Canada), identifying a string of regional universities with potential for excellence and broadly giving them financial and academic freedom, making it easier for foreign faculty members and students to obtain visas, and so on.

Thus, entry of FUs will complement a scheme like Global Initiative of Academic Network (GIAN) that seeks to bring renowned international faculty members to India for short periods. It is also in tune with other schemes such as 'Education Quality Upgradation and Inclusion Programme' (EQUIP), a five-year action plan to bring about transformational changes in the higher education sphere (with internationalization as a key thrust area), and the Scheme for Promotion of Academic and Research Collaboration (SPARC) that encourages research collaboration with foreign universities.

Today, internationalization is driven by a host of factors on both the demand and supply sides: the growing demand for higher education in an increasingly knowledge-based economy, the emergence of a global labor force, marketization, increased competition, rapid advancements in technology, the need to augment quality and increase global reputation, and so on. It is therefore imperative, in view of the recommendations regarding FUs in the NEP 2020, that the Indian government is able to put in place the right regulatory and governance framework that will facilitate the entry and operation of FUs.

TABLE 1: Modes of Supply of Educational Services under the GATS

Modes of supply	Description	Examples
Cross Border supply (mode 1)	The provision of a service where the service crosses the border (does not require the physical movement of the consumer)	• Distance education • Virtual education institutions • Education software • Corporate training through ICT delivery
Consumption Abroad (mode 2)	Provision of the service involves the movement of the consumer to the country of the supplier	• Students who go to another country to study
Commercial Presence (mode 3)	The service provider establishes commercial facilities in another country in order to render the service	• Local university or satellite campuses • Language training companies • Private training companies (e.g. Microsoft, CISCO, etc.)
Presence of Natural Persons (mode 4)	Persons travelling to another country on a temporary basis to provide service	• Professors and researchers working abroad

Source: OECD document (see the 'References' section)

TABLE 2: Typology of National Regulatory Frameworks for Transnational Higher Education

Model	Regulations	Examples of Countries
1. No regulations	There are no special regulations or control of foreign providers, which are free to operate without seeking permission from the host country	Austria, Czeck Republic, Denmark France, Indonesia, Laos, Malta, Mexico, Nigeria, Panama, Portugal, Russia, Serbia, Sri Lanka
2. Liberal	Foreign providers must satisfy certain minimum conditions prior to commencing operations (e.g. official recognition in the home country)	Argentina, Bahrain, Estonia, Finland, Latvia, Lithuania, Netherlands, New Zealand, Norway, Peru, Romania, Slovenia, Sweden, Switzerland, the UK
3. Moderately liberal	The importing country is actively involved in licensing and (in some cases) accrediting transnational providers. This model requires that foreign institutions gain accreditation or other formal permission by the host country (e.g. Ministry of Education) prior to commencing operations. This category is diverse, ranging from compulsory registration to formal assessment of academic criteria. Requirements are generally straightforward and non-burdensome.	Australia, Bangladesh, China, Egypt, Hong Kong, Hungary, Israel, Jamaica, Kuwait, Pakistan, Singapore, Vietnam
4. Transitional: Moving from liberal to more restrictive	A more restrictive regulatory framework is gradually being introduced. Changes in legislation can include: compulsory registration and/or accreditation through the national system in order for foreign institutions to be allowed to operate and/or for their degrees to be recognized; requirements to establish a presence in the country; criteria for collaboration between domestic and foreign institutions, etc.	India, Malaysia (although the latter is ambiguous. For example, stricter regulations for collaborative provision between domestic and foreign providers are being introduced, but there are signs that the requirements for foreign branch campus developments will become less demanding)

5. Transitional: Moving from restrictive to more liberal	New legislation aimed at removing restrictions for foreign institutions wishing to operate in the country is being introduced. The new guidelines usually follow a period where regulations have practically ruled out transnational provision. In some cases, restrictions are only lifted in specified areas (e.g. South Korea). In others, the changes in regulations apply to the entire country (e.g. Japan).	Japan, South Korea
6. Very restrictive		
6a. Restrictive regulations concerning permission to operate	The government or another authoritative higher education body imposes strict requirements on foreign providers. Such institutions may be required to establish a physical presence in the country (i.e. franchised provision is not allowed), only institutions/programmes accredited by the host country's agency are authorized, and/or foreign providers must change their curricula to be in line with domestic provision, etc.	Bulgaria, Cyprus, South Africa, United Arab Emirates
6b. Recognition for qualifications obtained through transnational provision is virtually impossible	The government does not recognize foreign qualifications obtained through transnational provision. Foreign institutions wishing to grant recognized degrees must become a part of the national system (although that option may not be straightforward).	Belgium (Francophone), Greece

Source: Verbik and Jokivirt, The Observatory on Borderless Higher Education, 2005; 2015 (see the 'References' section)

TABLE 3 : Common Transnational Education (TNE) Classification Framework for International Programme and Provider Mobility (IPPM)

Two major approaches to TNE provision – independent and collaborative

Independent TNE provision	Collaborative TNE provision
The foreign sending Higher Education Institution (HEI)/provider is primarily responsible for the design, delivery and external quality assurance of their academic programmes and qualifications being offered in another country.	A foreign sending HEI/provider and host country HEI/ provider work together on the design, delivery and/or external quality assurance of the academic programmes.

Six categories of IPPM

1. Franchise programmes

Description: The foreign sending HEI/provider has primary responsibility for the design, delivery and external quality assurance of academic programmes offered in host country. The qualification is awarded by a sending HEI. Face-to-face, distance and blended education can be used.

Commonly used terms: import/export, validation, foreign, non-local, international private programmes

2. International branch campus

Description: A satellite bricks and mortar campus established by foreign sending HEI in host country. Sending parent institution provides curriculum, external quality assurance, and awards the qualification. Face-to-face, distance and blended education can be used.

Commonly used terms: satellite, private international, offshore campus, portal campus

3. Self-study distance education

Description: Foreign sending distance education provider offers academic programmes directly to host country students. No local academic support available. Qualification, curriculum and external quality assurance offered by foreign sending HEI.

Commonly used terms: fully online education, open university, MOOCs, pure distance education

4. Partnership programmes

Description: Academic programmes in host country/ies are jointly designed, delivered and quality assured through collaboration between host and sending country partners. The qualification(s) can be awarded by either or both host and sending country HEIs in the form of single, joint or double/multiple degrees. Face-to-face, distance and blended education can be used.

Commonly used terms: joint/double/multiple degrees, twinning programmes

5. Joint university

Description: An HEI co-founded and established in host country involving both local and foreign sending HEI/ providers who collaborate on academic programme development and delivery. Qualifications can be awarded by either or both host and sending country HEIs. Face-to-face, distance and blended education can be used.

Commonly used terms: co-developed, bi-national, co-founded, multinational, joint ventures universities

6. Distance education with local academic partner

Description: A foreign distance education HEI/provider offers programmes to host country students in collaboration with a local academic partner. Curriculum can be jointly developed and the qualification awarded by foreign HEI or by both partners. External quality assurance provided by foreign sending HEI/provider or both partners.

Commonly used terms: online or distance education with reference to local academic partner

Source: Knight & McNamara (2017) (see the 'References' section)

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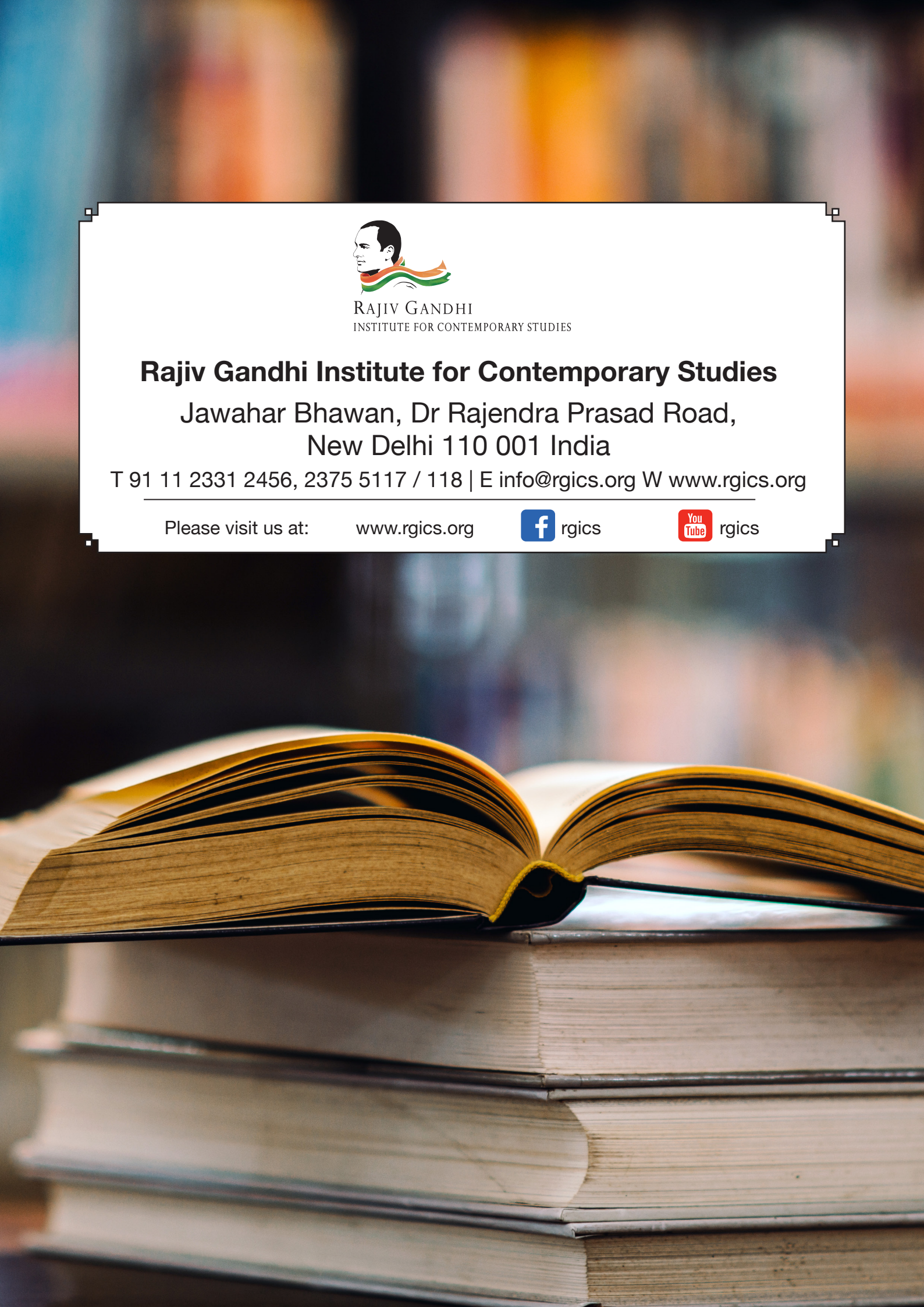

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