

AICTE Regulations For Entry And Operation Of Foreign Universities In India Imparting Technical Education, 2003

UNION OF INDIA

India

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AICTE-REGULATIONS-FOR-ENTRY-AND-OPERATION-OF-FOREIGN-UNIVERSITIES IN INDIA IMPARTING TECHNICAL EDUCATION, 2003

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AICTE Regulations For Entry And Operation Of Foreign Universities In India Imparting Technical Education, 2003 Published vide Notification in the Gazette of India, Extra, Part 3, Section 4, dated 6.5.2003.

1688.

Notification No.F. 37-3/Legal (vi) 2003, dated 3.4.2003.- In exercise of the powers conferred under clause (b), clause (f) clause (g) and clauses (n), (o) (p) of Section 10, read with Section 23 of the AICTE Act, 1987 (52 of 1987), the Council hereby makes these regulations with following broad objectives for regulating entry and operation of foreign universities/ institutions imparting technical education in India.Objectives:-(a)To facilitate collaboration and partnerships between Indian and foreign universities/institutions in the filed of technical education, research and training;(b)To systematize the operation of Foreign Universities/ Institutions already providing training and other educational service including that of coaching of students, in India leading to award of degree and diploma in technical education, either on their own or in collaboration with an Indian educational institution or with a private educational service provider, under any mode of delivery system such as conventional/formal, non-formal and distance mode;(c)To safeguard the interest of student's community in India and ensure uniform maintenance of norms and standards of AICTE;(d)To enforce accountability for all such educational activities by foreign universities/institutions in India;(e)To safeguard against entry of non-accredited universities/ institutions in the country of origin to impart technical education in India;(f)To safeguard the nation's interest and take punitive

1. Short title and commencement.-

These regulations may be called the AICTE Regulations for Entry and Operation of Foreign Universities in India imparting Technical Education, 2003.

2. These regulations shall come in force on the date of their publication in the Official Gazette.

Applicability:-These regulations shall cover and apply to:-

1. Foreign universities/institutions interested in imparting technical education in India leading to award of diplomas and degrees including postgraduate and doctoral programmes.

2. Indian university/institution and/or private educational service provider interested in imparting technical education leading to the award of degrees/diplomas of a foreign university through collaborative arrangements.

3. The existing collaborative agreements/arrangements with Foreign Universities/Institutions offering technical education in India.

4. Any other educational activity carried out in India, in any manner, by the foreign universities/institutions, as may be decided by the Council to bring such activities under these regulations.

On commencement of these regulations no foreign university/institutions shall establish/operate its educational activity in India leading to award of diplomas/degrees including postgraduate and doctoral without the expressed permission/approval of the Council. Definitions:-Unless the context otherwise requires:-(a)AICTE means the All India Council for Technical Education established under Section 3 of the AICTE Act (52 of 1987) by the Parliament for co-ordinated development of technical education in the country.(b)NBA means the National Board of Accreditation, authorised body under AICTE Act to accredit programmes of technical education imparted by universities /institutions in India and recommend recognition/de-recognition of institution or the programme.(c)All other words and expressions used herein and not defined above L. at defined in the AICTE Act shall have the meaning as assigned to it in AICTE Act (52 of 1987). Procedure for Registration:-

- 1. Any application to AICTE by a Foreign University/Institution seeking to operate in India either directly or through collaborative arrangement with an Indian University/ Institution or a private educational service provider must be accompanied by a no objection certificate issued by the concerned Embassy in India. The missions of the concerned countries shall be required to certify genuineness of the educational institutions of their respective countries willing to offer study programmes in India.**
- 2. The concerned Foreign University/ Institution shall submit a Detailed Project Report (DPR) to AICTE along with application in a prescribed form, giving details regarding infrastructure facilities, facilities available for instruction, faculty, prescribed fee, courses, curricula, requisite funds for operation for a minimum period of three years and other terms and conditions of collaboration, if any along with relevant details.**
- 3. AICTE shall after receiving the application along with DPR, acknowledge the receipt of the application. The proposal shall then be processed internally and any deficiency shall be communicated and additional documents, if any required, shall be asked for.**
- 4. Once the AICTE is convinced that proposal is complete in all respects, a standing committee nominated by the Council shall consider the proposal and invite presentation, if warranted.**
- 5. On the recommendations of the Standing Committee, the Chairman, AICTE shall nominate an Expert Committee to visit the institution and assess the compliance of minimum Norms and Standards in respect of infrastructural and instructional facilities to start programmes of technical education and training.**
- 6. The Council shall consider the recommendations of the Standing Committee and the Expert Committee in regard to the quality of education, overall merit of the proposal, credibility of the programme provider of the foreign country vis-a-vis the institution intending to start the programmes in India and decide conclusively on the application regarding grant of approval or otherwise for registration.**

7. AICTE shall issue a certificate of registration containing therein the intake fixed for each programme to the concerned educational institution/university declaring its eligibility to perform the prescribed functions and the names of such universities/institutions shall automatically stand included in the list of registered/approved university/ institution by the AICTE in their relevant list.

8. The registration so granted shall be valid for a specified period during which AICTE may review the progress made and periodically inform the concerned agencies about the results of such a review. After expiry of the said period, the AICTE may extend the registration or withdraw the registration or impose such other conditions for extension, as it may consider appropriate.

9. During the period of operation the institution shall be treated on par with other technical institutions in India and shall be governed by all the rules, regulations, norms and guidelines of AICTE issued from time to time.

Conditions for Registration:-

1. Proposal from the foreign universities/ institutions shall be considered under these regulations provided that they themselves established operation in India or through collaborative arrangements with either an Indian institution created through Society /Trust Act or the relevant Act in India or with a private educational service provider registered as such in India. No franchisee system shall be allowed under these regulations.

2. Accreditation by the authorised agency in parent country with higher grades where grading is available shall be the pre-requisite condition for any Foreign University /Institution to start its operation for imparting technical education in India.

3. An Indian Technical Institution interested in collaborating in the field of technical education, research or training with a Foreign University/Institution must be an affiliated institution of university in India or a deemed university having adequate infrastructure for imparting technical educational programmes. It shall be desirable for such Indian institution to have acquired accreditation of its programmes by NBA of AICTE or shall be in a position to do so at the earliest possible. However, this clause of accreditation shall not

be applicable for a Denovo institution or new project proposals.

4. The foreign university /institution shall furnish an undertaking declaring therein that the degrees/ diplomas awarded to the students in India shall be recognised in the parent country and shall be treated equivalent to the corresponding degrees/ diplomas awarded by the university/ institution at home.

5. The educational programmes to be conducted in India by foreign universities/ institutions leading to award of degrees, diplomas, shall have the same nomenclature as it exists in their parent country. There shall not be any distinction in the academic curriculum, mode of delivery, pattern of examination etc. and such degrees and diplomas must be recognised in their parent country.

6. All such foreign university /institution which is registered in India for imparting technical education leading to award of degrees and diplomas shall have recognition at par with equivalent Indian degrees, subject to the fulfilment of criteria laid down at Clause 7 below.

7. The proposal from foreign university seeking equivalent of technical courses/programmes at degree, diploma or postgraduate level for mutual recognition of qualifications for the purpose of imparting such course in India under collaborative arrangements or otherwise shall be considered by AICTE through its Standing Committee on Equivalence or such other mechanism as may be decided. In case such equivalent has already been established by AIU or any recognised Government body, the same may be accepted by AICTE for the purpose provided those are not in dispute.

8. Indian Institutions affiliated to an Indian University and willing to offer programmes of foreign universities leading to award of degrees and/or diplomas must have prior concurrence of the concerned affiliating university.

9. It shall be the responsibility of the concerned foreign university/institution to provide for and ensure that all facilities are available, the academic requirements are laid down and announced prior to starting of the programmes.

10. Any course/programme which jeopardises the national interest of the country shall not be allowed to be offered in India.

11. The fee to be charged and the intake in each course to be offered by a foreign university/institution leading to a degree or diploma shall be as prescribed by the AICTE, giving due hearing to the concerned foreign university/ institution.

12. Educational innovations including experimentation with different modes of delivery by a foreign university/institution shall only be allowed provided such a system is well established either in their parent country or in India.

13. The foreign university/ institution shall have to declare in advance the detailed guidelines for admissions, entry level qualifications, the examination pattern and grading and there shall not be major deviations with the prescribed procedures in their parent country, vis-a-vis in India.

14. It shall be the responsibility of the concerned foreign university/institution offering programmes in India to get their AICTE approved centres, accredited by NBA soon after two batches have passed out from such centres. The study centres /institutions of collaborating private educational service providers which impart technical education leading to the award of a degree/diploma of a foreign university shall be considered as a centre of the foreign university/institution, even though the management may be provided by the Indian education service provider.

15. The foreign university/ institution shall be bound by the advice of AICTE with regard to admissions, entry qualification and the conduct of courses /programmes in technical education, as may be communicated to them from time to time.

16. For any dispute arising out of implementation of these regulations, arbitration authority shall be the Secretary, Department of Education in the Central Government of India and the legal jurisdiction shall be the Civil Courts of New Delhi only.

17. AICTE may prescribe any other condition for registration, if it is expedient to do so in the overall interest of the technical education system in the country.

18. The existing Indian institutions having academic collaboration with Foreign University for grant of degree/diploma will be facilitated to seek AICTE's approval and obtain affiliation with Indian university system with an aim to integrate such institutions with the mainstream of technical education system in India.

19. The foreign universities/ institutions already operating in India in various form shall have to seek fresh approval from AICTE within six months from the date of issuance of this notification or before commencement of ensuing academic session, whichever is earlier and shall be governed by the regulations and guidelines of AICTE.

Punitive Measures and Conditions for Withdrawal.-

1. If a foreign university/ institution fails to comply any of the conditions contained in the above regulations and/or consistently refrains from taking corrective actions contrary to the advice of the AICTE, the AICTE may after giving reasonable opportunity to the concerned university/institution through hearing or after making such inquiry as the Council may consider necessary, withdraw the registration granted to such university/institution to offer their degrees, diplomas in India and forbid such foreign university/ institution to either open Centres or enter into any collaborative arrangement with any University/ Institution in India or with a private educational service provider.

2. The AICTE shall also inform the concerned agencies including Ministry of External Affairs, Ministry of Home Affairs, RBI of such decisions and advise these agencies to take any or all of the following measures:

(a) Refusal/ withdrawal for grant of visa to employees /teachers of the said foreign university / institution. (b) Stop repatriation of funds from India to home country. (c) Forbid the advertisement of said university/ institution in print or visual media. Withdrawal.- Once the registration of a Foreign University/ Institution is withdrawn, the Council shall make attempts in co-ordination with concerned State Government to re-allocate the students enrolled into such programmes to other approved institutions of the Council. The foreign university/ institution in such cases, shall have to return the entire fee collected from such students to the allottee institutions in which such students

are accommodated. Such foreign institutions shall not be allowed to open any other centre/institution or enter into a collaborative arrangement in India. Animal Reports.- The foreign university /institution shall submit an annual report giving details of the number of students admitted, programmes conducted, total fee collected amount transferred to parent country, investment made, number of students awarded degree, diploma and any such information that AICTE may ask for. Interpretation.- If any question arises as to the interpretation of these regulations the same shall be decided by the AICTE. The AICTE shall have power to issue any clarifications to remove any doubt, which may arise in regard to implementation of these regulations.