

# A Concept of Borderless Higher Education: Coronation of Neo Capitalistic Values

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## Introduction

The General Agreement on Trade in Services (GATS) came into force in 1996. Education has been identified as one of the 12 services for global trade. These include Business, Communication, Construction and Engineering, Distribution, Education, Environment, Financial, Health, Tourism and Travel, Recreation, Transport and Others. The free trade scheme as envisaged under GATS will guarantee that academic institutions or other education providers would be free to (a) export and import degree, diploma (b) award degrees, diplomas and certificates with minimal restrictions (c) invest in overseas educational institutions (d) employ instructors for their ventures and (e) set up educational and training programmes through branches, franchisee, distance and online learning technologies without control. GATS has classified the Supply of Services into the following four categories.

1. Cross Border Supply consisting of distance education, on-line education and virtual universities
2. Consumption Abroad which refers to student going abroad for studies
3. Commercial Presence which is made up of establishment of branches, franchise and twinning relationship abroad
4. Presence of Natural Persons, which is made up of teachers, researchers, scholars and other resource persons

In addition to these GATS has formulated a scheme called Central Products Classification (CPC) which classifies the products into Primary Education, Secondary Education, Higher Education, Adult Education, and other education. GATS has two categories of rules which apply, for most part, to trade in all services. The second category is rules applicable to national commitments in specific service sectors.

## The Indian Situation

Thinking from an Indian or third world perspective, the traditional view of education is

that it is non-tradable. The government has funded education through domestic resource mobilization. But by 90s the budgetary allocation for education, especially to tertiary education has dwindled and this naturally boosted the private players to seek some space. The public expenditure on education is only three percent of the GNP and particularly only 0.37 percent of GDP is spent on higher education in India. Some view that FDI in higher education can be of some help but this is also viewed with some apprehensions. Although India's total national higher education enrolment is the world's third-largest at around 12.8 million, the country lags behind in relative terms accommodating just 11 percent of eligible people. The total number of colleges and universities in India is very large (about 22,500), but with an average of just 600 students in each the system remains highly unviable.

## Borderless Education

The concept of borderless education is referred to describe the educational provisions that cross the conventional boundaries of time, space and geography. Middlehurst (2002) identifies the borders as given below:

1. Levels and types of education, such as further and higher education, vocational and academic education, adult and continuing education; in some cases this represents a genuine effort to create seamless life-long learning opportunities;
2. Private and public, for-profit and not-for profit education: combining "public good" and "private gain" organizational structures and forms of provision;
3. State and country boundaries, for example, between business and the public sectors and higher education, creating new corporate universities, transnational consortia as well as joint ventures and strategic alliances;
4. Boundaries of time and space in the creation of virtual learning environments, online learning programmes and e-universities.

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*In the same paper, he provides insight into the aspects of barriers especially in relation to "Crossing national borders." According to him, "barriers include national legislation and higher education policies, visa and customs' regulations, telecommunications laws and costs, intellectual property rights and the quality assurance arrangements of different countries. Reducing these barriers is a declared aim of the World Trade Organisation through negotiations on the General Agreement on Trade in Services. Various mechanisms are used to achieve a reduction in barriers, many of which are relevant to UNESCO's goals – sharing of information, common vocabularies, templates and formulae to aid transparency, reciprocal recognition, codes of practice and conventions which formalise agreements.*

### **The Foreign Educational Institution (Regulating of Entry and Operations) Bill 2010**

The Foreign Educational Institution (Regulating of Entry and Operations) Bill 2010 aims at regulating the entry, operation and standards of Foreign Education Providers (FEPs), providing quality assurance, preventing commercialisation, protecting students from fly-by-night operators and promoting educational tourism. The major provisions are as follows:

1. Submit an application, for being recognized and notified as a foreign education provider under this Act, to the Registrar and such application be duly endorsed by the concerned Embassy or High Commission in India of the country in which such institution is established or incorporated and has been offering educational services in that country:
2. Allow Foreign Education Providers, with 20 years of experience, in providing educational services which can maintain a corpus fund of 50 crores to set up off-shore campuses in India
3. A foreign education provider shall ensure that the course or programme of study offered and imparted by it in India is, in conformity with the standards laid down by the statutory authority, and is of quality comparable, as to the curriculum, methods of imparting education and the faculty employed or engaged to impart education, to those offered by it to students enrolled in its main campus in the country in which such institution is established or incorporated.

4. A foreign education provider shall, out of the income received from the corpus fund, utilize not more than seventy-five per cent of such income for the purposes of development of its institution in India and the remaining of such unutilized income shall be deposited into the corpus fund.
5. No part of the surplus in revenue generated in India by such Foreign Education Provider, after meeting all expenditure in regard to its operations in India, shall be invested for any purpose other than for the growth and development of the educational institutions established by it in India.
6. Every foreign education provider shall publish prospectus, with its contents and pricing giving details of programme of study, fee, seats, eligibility, qualification, faculty, infrastructure, syllabus, campus discipline, etc. before expiry of sixty days prior to the date of the commencement of admission to any of its courses or programmes of study
7. Notwithstanding anything contained in this Act, the Central Government may, by notification, on the recommendation of the Advisory Board constituted under sub-section (2), having regard to the reputation and international standing of foreign educational institution and such other criteria as may be prescribed, exempt such institution from operation of any of the foregoing provisions, other than sub-section (3) of section 5 and section 8.
8. If the Commission is of the opinion that it shall not be in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or sensitivity of location of the foreign educational institution or any other such reason to permit a foreign educational institution to operate in India, either independently or in collaboration or partnership or in twinning arrangement with any educational institution situated in India, it shall submit a report to the Central Government in this regard, and the decision of the Central Government thereon shall be final.

### **Assumptions and apprehensions**

The Bill necessitates a thorough discussion over its relative merits and demerits. The nation as such is brought to a focus point and henceforth

higher education system will have to open up itself with the players either competing among themselves or co-operating for common cause. The foreign education providers have already started functioning in one form or the other. As per a study conducted by AIU in 2006, more than 500 FEPs from 30 different countries were advertising in India for course recruitment in their home campuses. In 2008, 156 FEPs were operating in India with 90 universities, 20 colleges and 46 training institutions. By June 2010, more than 440 institutions had advertised for recruiting students from India. Only 04 institutions have their institutions in India, 35 are collaborations and 47 of them are twinning programmes (Sharma: 2010). The case of Sylvan International University (SIU) which promoted the South Asia International Institute (SAII) in Hyderabad may be noted. Though it attracted students from 19 states for various undergraduate engineering programmes in 2003 with a tuition fee of Rs.1,31,500 per annum, it closed down its operations within one year. Similarly in Singapore the experience of University of New South Wales (UNSW) from Australia was no different.

Many dissenting voices of assumptions and apprehensions on this issue have already been expressed and a few are outlined. The National University of Educational Planning and Administration consultative meeting (NUEPA 2009) says that

1. By allowing the foreign universities in India, there is no guarantee that outward mobility of students will fall down.
2. By allowing the foreign universities in India, there is no guarantee that programmes in India will be cheaper than the programmes delivered abroad.
3. Foreign universities do not necessarily provide quality education.
4. Foreign universities will not necessarily operate under brick and mortar model. They will charge heavily for collaborative programme for curriculum, teaching and other guidance.
5. Foreign universities will be least interested in setting up branch campuses

**Similarly questions given below are to be discussed:**

1. Will foreign providers help us in achieving the goal of 30 percent GER in 2020?
2. If the FEPs are not permitted to take the profit to their country what interest will they have in setting up universities here?
3. The criteria of excellence in one country may differ from country to country and in that case how is it possible to define 'world class'?
4. Can world class universities replicate the excellent models in our context as per the provisions of the bills?
5. How can we ensure top level faculty participation from FEPs?
6. How can research facilities and industry collaboration be worked out as per Indian needs?
7. If dilution of standards happens what provisions can be invoked to cancel the presence of these?
8. What provisions in the bill can stop the FEPs to accommodate rich but low quality students from entry if fee is the only criteria?
9. How do basic criteria of reservation of socially backward be ensured?
10. What criteria will ensure the quality of the newly sanctioned FEP in India?

**Certain positive benefits that can be assumed are:**

1. Shifting the paradigm from the conventional delivery systems and more professional outlook;
2. Competitiveness in market along with some great institutions in India and opening up them to face new challenges and new expectations thereby coming out of inherent lethargy;
3. Possibility of 'localising' the needs in various areas of research and development so that greater skill sharing might be possible;
4. Can restrict the mobility of students moving abroad to some extent.

As is evident the apprehensions easily outweigh the possible benefits.

## Conclusion

This paper has sought to look into the issues that are emerging in higher education in India with the opening up of educational sector to world market and to draw attention to some of the consequences that arise out of it. The studies presented here will further our collective understanding of the issues discussed.

Higher education in India is growing in complexity through frequent ramifications related to regulations and rules. The question here is should we see the binary distinctions between education for 'public good' or 'private gain' as an anachronism or should we identify intricate means of preparing the quarantine to avoid an impasse in this matter. The choice is ours but the future is that of our children.

## References

- Agarwal, Pavan (2010). "Internationalisation of Indian Higher Education" *University News* Vol. 48 No. 37 September 13-19.
- Behara, Ajay Kumar (2010). "Foreign University Campuses in India: The Talk of the Town" *University News* Vol. 48 No. 38 September 20-26.
- Bushan, Sudhanshu (2010). "Foreign Education Providers in India" *University News* Vol. 48 No. 37 September 13-19.
- [http://portal.unesco.org/education/en/files/7413/10342626060gf6\\_middlehurst\\_document.doc/gf6\\_middlehurst\\_document.doc](http://portal.unesco.org/education/en/files/7413/10342626060gf6_middlehurst_document.doc/gf6_middlehurst_document.doc)
- Kurup, M.R. (2004). "Free trade in Education: GATS simplified for discussion at grassroots level" *University News* Vol. 42 No. 20 May 17-23.
- Middlehurst, R. (2002). 'The developing world of borderless higher education: markets, providers, quality assurance and qualifications'. Division of Higher Education. [http://www.unesco.org/iiep/virtualuniversity/media/document/Ch3\\_Middlehurst.pdf](http://www.unesco.org/iiep/virtualuniversity/media/document/Ch3_Middlehurst.pdf)
- Powar and Bhalla (2006). Foreign Providers of Higher Education in India: Implications and Options. Dr D Y Patil University, Pune and Edupro Foundation. Section for Access, Mobility and Quality Assurance, UNESCO, <http://www.unesco.org/education/studyingabroad/index.shtml>
- Sharma, Kavita. A. (2010). "Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010: A Limited Enterprise" *University News* Vol. 48 No. 37 September 13-19.
- Sibal, K (2010). The Foreign Educational Institution (Regulating of Entry and Operations) Bill, 2010, Bill No. 57 of 2010, New Delhi.



A child without education is like a bird without wings.

*Chinese Proverb*

