

Education Sector Hotline

September 14, 2018

INDIA'S NEW REGULATIONS FOR ONLINE COURSES AND PROGRAMMES

- The University Grants Commission ("UGC") has introduced regulations to recognize degrees, diplomas and certificates offered by Universities and Institutions deemed to be Universities in an online medium, to students in India.
- The key objective of these regulations is to ensure easy access to education to students, including working professionals.
- As per the regulations, only non-technical courses can be offered online. Online Courses or Programmes in the field of engineering, law, medicine, dental, pharmacy, nursing, architecture, physiotherapy, applied arts cannot be offered through the online mode.
- Only those courses or programmes same as or similar to courses or programmes which have been offered in regular mode (i.e. classroom teaching) or in distance learning mode and for which atleast one batch has passed out can be offered through the online mode.
- Online Courses or Programmes can only be provided after obtaining permission from the UGC.

INTRODUCTION

With the advent of technology and the easy access to the internet, online mode seems the natural way to ensure access to education to students across India. Recognizing this, and with an aim to increase the enrollment ratio in higher education in India, the UGC has now recognized the validity of degree, diplomas and certificates offered through online mode of education under its University Grants Commission (Online Courses or Programmes¹) Regulations, 2018 ("Online Education Regulations").

The Online Education Regulations apply to a University² and an Institution deemed to be a University³.

Only non-technical courses can be offered online. Hence, courses or programmes in the field of engineering, law, medicine, dental, pharmacy, nursing, architecture, physiotherapy, applied arts or any such courses or programmes are not recognized under the Online Education Regulations. Further, any course or programme which requires a practical or a laboratory course(s) as a part of its curriculum can also not be offered through the online mode.

KEY ASPECTS OF THE ONLINE EDUCATION REGULATION

A. Eligibility Criteria for obtaining recognition for offering Online Education

For the purpose of obtaining recognition to offer online education, the Higher Education Institutes⁴ ("HEI") should meet the following key criteria:⁵

- The HEI should:
 - have been in existence for at least five years;
 - have a minimum score of 3.26 on a 4 point scale by the National Assessment and Accreditation Council ("NAAC");
 - be in the Top-100 in overall category in the National Institutional Ranking Framework ("NIRF") for at least two years during the previous three years.Points (b) and (c) are however not applicable to government Open University⁶ till the NAAC, NIRF or similar accreditation system are made available for such Open University.
- An HEI can offer the Online Course or Programme only in those disciplines in which it has been offering the same or similar course or programme in regular mode (i.e. classroom teaching) or in open and distance learning mode and after at least one batch has been passed out.
- The HEI can offer the Online Course or Programme subject to it obtaining approval by the appropriate statutory authorities or bodies of the HEI such as the UGC.
- The HEI should have demonstrated capability for developing and production of Online Courses and Programmes having access to SWAYAM⁷ or other platform for learner authentication (i.e. integration with AADHAAR or other government recognised identity for Indian students and passport for foreign students), learner registration, a payment gateway and a learning management system.
- The HEI should have the ability to conduct examinations either using technology enabled online tests or through proctored examination⁸ (i.e. examination under physical supervision).

B. Application and Approval

An eligible HEI can make an application to the UGC as per the process detailed in the Online Education Regulations.

Research Papers

Unmasking Deepfakes

October 25, 2024

Are we ready for Designer Babies

October 24, 2024

Opportunities in GIFT City

October 18, 2024

Research Articles

Acquirers Beware: Indian Merger Control Regime Revamped!

September 15, 2024

Navigating the Boom: Rise of M&A in Healthcare

August 23, 2024

Navigating The Change in Shareholding and Management Rule for Non-Banking Financial Companies in India: A Practical Perspective

August 22, 2024

Audio

Renewable Roadmap: Budget 2024 and Beyond - Part I

August 26, 2024

Renewable Roadmap: Budget 2024 and Beyond - Part II

August 26, 2024

Renewable Roadmap: Budget 2024 and Beyond - Part III

August 26, 2024

NDA Connect

Connect with us at events, conferences and seminars.

NDA Hotline

Click here to view Hotline archives.

Video

"Investment return is not enough"
Nishith Desai with Nikunj Dalmia (ET Now) at FI18 event in Riyadh

October 31, 2024

Analysing SEBI's Consultation Paper

The application is *inter alia* required to be supplemented with:⁹

- i. approval of the statutory bodies under The University Grants Commission Act, 1956 or the memorandum of association governing the HEI for offering the course or program through the online mode;
- ii. proof of availability or appointment of adequate staff, infrastructure and technology; and
- iii. expected leaning outcomes from the Online Course or Programme.

Pending the approval of the application to offer online education, no HEI can offer or admit students to offer the Online Course or Programme.

The approval granted can be renewed every two years. Further, to ensure adherence to the Online Education Regulation requirements, the UGC may periodically or at any time based on any information received from any person, review the performance of the HEI (through its expert committee). In case the renewal is not granted or the HEI is found ineligible under the Online Education Regulation requirements, the HEI is given an opportunity of being heard and present their case. If permission is not granted, the HEI cannot offer the Online Course or Programme from the forthcoming academic year. If the HEI is aggrieved by an order of the UGC, may file an appeal against such an order within 30 days of the order.¹⁰

C. Operation of Online Courses or Programmes

The HEIs which are given recognition may operate Online Course or Programme from the next academic session. Some of the key conditions under the Online Education Regulations for offering online education are as follows:

- i. The Online Course or Programme should be delivered through the SWAYAM portal or any other learning platform after the same is verified and approved by the expert committee of the UGC.
- ii. The online learning should have a four quadrant 'approach', namely, tutorials, e-content, web resources and self-assessment.
- iii. Apart from the actual course or programme delivery, other components such as counseling process, online application processing and fee payment should also be provided through online mode.
- iv. The duration of the Online Course or Programme should be as below:
 - a. For a Certification: The Online Course or Programme should be of minimum of six months' duration and would have a minimum twenty credits.
 - b. For a Diploma: Online Course or Programme should be of minimum of one year duration and would have minimum forty credits.
 - c. For a degree: The Online Course or Programme should for the same duration and for the same credits as specified by the UGC under Choice Based Credit System (CBCS).
However, the maximum duration for completing the Online Course or Programme should be double the minimum duration of the course or programme or as laid down by the UGC from time to time.
- v. The HEI can provide one or more academic sessions each year which begin either in July/August or January/February each year.

OUR TAKE ON THE ONLINE EDUCATION REGULATIONS

The notification of the Online Education Regulations has opened the doors of premier educational institutions to all those who could not attend them earlier due to time or territorial restrictions or limited seats for courses. Further, these regulations are a great boon for working professionals as they can continue education, without leaving their jobs. This provides them much needed flexibility for skill upgradation.

Another important aspect of the regulation is that it has paved a new pathway for software and technology companies, curriculum development ventures, and EdTech models, who can now work with the HEIs to deliver Online Course or Programme. Thus, these regulations will give a further boost to the fast growing Tech and Edtech and sector and enhance the use and development of different platforms, similar to SWAYAM.

As per these regulations, courses or the programmes can be offered online only if they have been provided/ similar courses or programmes have been provided in the class room mode or through the distance learning mode earlier as well, and from which at least one batch has passed. While this is being done to ensure that quality education is maintained, it also restricts the ability of a HEI to introduce absolutely new courses or programmes only through the online mode, till it offers the same in regular mode. Thus, as a next step, the government should consider allowing institutes of a repute to offer new age programmes online to students in online mode without the requirement to first offer them offline.

Since the Online Education Regulations currently do not extend to programs offered by the foreign education institutions in India, courses or programmes offered directly through the foreign education institutions from outside India are still unregulated. However, as a next step, government should consider recognizing online degrees and diplomas granted by reputable foreign institutes in India.

With the government broadening its horizons to accelerate the growth and quality of education in India, Online Education Regulations is a welcome move, as it gives validity and authenticity to the online degree, certificate and diploma programmes or courses. This is relieving for the students. Further, the regulations are drafted in a manner which provides flexibility to institutes in the manner in which they wish to offer the programmes or courses. This balancing act between student and institute's interest is definitely progressive, and will be an impetus for the further growth and liberalization of education sector in India.

— Pooja Kapadia, Aarushi Jain & Vivek Kathpalia

You can direct your queries or comments to the authors

¹ Regulation 2(q) of the Online Education Regulation defines 'Online Course or Programme' to mean the Course or Programme of studies which are delivered through online mode leading to award of a Certificate or Diploma or Degree by an approved Higher Educational Institution and recognised under these Regulations;

² Section 2(f) of the UGC Act, 1956 defines "University" to mean a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, and includes any such institution as may, in consultation with the University concerned, be recognised by the Commission in accordance with the regulations made in this behalf under this Act.

³ Section 3 explains "Institutions Deemed to be Universities" to mean The Central Government may, on the advice of the Commission, declare by notification in the Official Gazette, that any institution for higher education, other than a University, shall be deemed to be a University for the purposes of this Act, and on such a declaration being made, all the provisions of this Act shall apply to such institution as if it were a University within the meaning of clause (f) of section 2.

⁴ Regulation 2(k) of the Online Education Regulations defines 'Higher Educational Institution' to mean a university covered under clause (f) of section 2 and an institution deemed to be a university under section 3 of the Act, which is imparting higher education or research therein by means of conducting regular classes or through Open and Distance Learning systems or through online education system.

⁵ Regulation 4 of the Online Education Regulation

⁶ Regulation 2(n) of the Online Education Regulations defines 'Open University' to include a University which imparts education through distance education or Open and Distance Learning mode using different modes of Information and Communication Technology;

⁷ SWAYAM (Study Webs of Active Learning for Young Aspiring Minds) means the learning management system as specified in the UGC (Credit Framework for online learning courses through SWAYAM) Regulation 2016

⁸ Regulation 2(r) of the Online Education Regulation defines 'Proctored Examination' to mean the examination conducted under the physical supervision of approved neutral person who ensures the identity of the test taker and the integrity of the test taking environment.

⁹ Regulation 6 of the Online Education Regulation

¹⁰ Regulation 12 of the Online Education Regulation

DISCLAIMER

The contents of this hotline should not be construed as legal opinion. View detailed disclaimer.

This Hotline provides general information existing at the time of preparation. The Hotline is intended as a news update and Nishith Desai Associates neither assumes nor accepts any responsibility for any loss arising to any person acting or refraining from acting as a result of any material contained in this Hotline. It is recommended that professional advice be taken based on the specific facts and circumstances. This Hotline does not substitute the need to refer to the original pronouncements.

This is not a Spam mail. You have received this mail because you have either requested for it or someone must have suggested your name. Since India has no anti-spamming law, we refer to the US directive, which states that a mail cannot be considered Spam if it contains the sender's contact information, which this mail does. In case this mail doesn't concern you, please unsubscribe from mailing list.