

Edu Sector Access Perspectives on education, skill and employment



Contents

Foreword: Education Sector Team	3
Face to Face: Interview with Mr. T.V. Mohandas Pai, Chairman, Manipal Global Education Services	4
D Expert: Deloitte's Expert Viewpoint	9
Industry Updates	17
• Recent Tax Updates	17
• Regulatory Updates	18
Sectorial Nuggets	20
Glossary	22
About Deloitte Education Practice	23



Foreword

Welcome to the third edition of **Edu Sector Access** - Perspective on education, skill and employment. The education sector continues to be high on the Government's reform agenda and a series of measures taken in the last quarter is a clear testimony of the urgency shown in improving the situation. From an industry perspective, it is heartening to note that the reforms are not limited to one segment but are spread across all segments including distance education.

The last quarter has witnessed a flurry of regulatory developments in the higher education sector. In a landmark judgment, the Supreme Court has determined the contours of AICTE's power vis-à-vis technical education being imparted in colleges affiliated to universities. The ODL system in higher education, which presently caters to about 4 mn students, witnessed a major transition in terms of the regulatory authority. Further, there have been recent reports in the press stating that MHRD and UGC are in the process of finalising the regulations for entry of foreign educational institutions. This is in response to the lack of clarity on passage of the Foreign Education Bill. It is expected that these regulations are expected to be notified in July 2013. We have been regularly updating our clients on all of these major developments, through our knowledge center, which have also been captured in this newsletter.

In the last two editions of our newsletter, we have presented the opinions of senior representatives from Government on various aspects of skill development and higher education. Our interaction provided an insight into the achievements of the past reforms and ideology behind some of the future reforms. In this edition, we have tried to bring in the industry perspective by meeting Mr. T. V. Mohandas Pai, Chairman, Manipal Global Education Services, which is one of the leading private sector companies in the Indian education sector.

The Manipal Group has a strong presence in skills and training, higher education and assessment amongst others. Mr. Pai, who shifted from an illustrious career at Infosys, is regarded as one of the most eminent personalities in the Indian education sector.

The technical education sector has over the years played a vital role in the socio economic set up of our country as it equips the youth with skills required to be gainfully employed. Whilst the number of institutions imparting technical education has grown manifold since Independence, their growth rate has significantly decreased recently due to a number of issues with respect to restrictive regulations, recruitment of students, shortage of quality faculty etc. Further, given the recent landmark judgment in this sector the challenges seem to have further compounded. In this backdrop, this edition presents an article authored by Deloitte experts providing an overview of this sector, the challenges, market attractiveness for private/foreign players and future reforms.

We are also pleased to inform that CII has nominated Rohin Kapoor, a senior member of the Deloitte Education sector team, to be a part of its National Committee on Higher Education for the year 2013-14. The committee will focus on advising CII's National Council on all matters related to higher education and play a pivotal role in bridging the gap between industry and academia.

We hope you would find this issue insightful just like our previous two editions. We would be pleased to receive your feedback and subscription requests on ineducation@deloitte.com.

Happy Reading!

Deloitte Education Sector Team

Face to Face

The education sector in India has been recognised as a sunrise sector for private investment owing to its massive size and unparalleled growth opportunity. The Manipal Group is regarded as one of the most respected private sector companies catering to the demands of education sector. Over the course of time, the Group has established a major presence in higher education in India and overseas with significant presence in skills and training and assessment market. We had the pleasure of meeting Mr. T.V. Mohandas Pai, Chairman, Manipal Global Education Services, recently to seek his opinion on the changing landscape of the Indian education sector and future plans of the Manipal Group.

Excerpts of the interview are given below:

Q1: You were at the helm of affairs of one of India's most successful companies for about 17 years and played a significant role in its success. What were your key motivation factors for shifting to the education sector?

I have spent 17 very good years at Infosys and it was a great experience. I consider myself lucky for three important reasons. Firstly, I worked with and witnessed the rise of a great company, which transformed India. A company with about 500 people and ₹15 crore in revenue, market value of \$100 mn grew to around 140,000 people, when I left, with a market value of about \$ 30 bn and revenues of ₹35000 crore. Secondly, I saw the rise of an industry. In 1994, when I joined Infosys, the industry's exports ranged between \$ 200-250 mn and in the last year revenues of \$ 70 bn has been registered. I participated in the industry's growth, worked with the ministries and regulators on varied policies and saw the evolution very closely. This now employs almost 3 million people.

In the next five years, even if the industry registers a growth of 10% per annum, it will have the largest number of IT professionals in the world, overtaking even the US. This is the jewel in the crown for India. Lastly, I saw the transformation of a country. In 1991 when India opened to the outside world we saw the advent of liberalisation. Infosys is the child of liberalization and globalisation in India. From 1994 to 2013 the country has grown manifolds at over 7% per annum, the fastest growth phase in our history. We are now a \$ 2 trillion economy and the third largest in the world in PPP terms. Last 20 years have been very exciting for the Indian economy from a growth perspective. All this has led to both personal and professional growth for me. I received many awards, drafted policies,

changed regulations, reformed systems, worked on investor protection, financial reporting, disclosure, foreign exchange finances, etc. it was an exhilarating experience to be at the heart of such transformation.

And then, I asked myself what should I do now? I wanted to do bigger things that impact society in a positive manner. So I decided to step aside and do something else. I have always been very fascinated by education because I strongly believe that it is the core input for any country's growth and prosperity. What is the reason behind the United States' leading position? Well, I think it is the university education there. If you look at Great Britain, Oxford and Cambridge played a great role in make it dominate the world. They determined intellectual practices across the world for industry, science and technology. So you need to work on the higher education of a country, if you want to ensure sustained growth. In Infosys, I headed the Education and Research group which ran the largest corporate University in the world and our campus at Mysore produced more high quality software engineers every year than any country in the world barring the US and China. So I decided to work in higher education.

Right now we are working on creating five universities in the not-for-profit sector. They will be on the lines of the University of California system, where we aim to train 100,000 students when complete. The first University has started in Jaipur. These will be focused on academic excellence, we aim to give a world-class and holistic learning experience to students.

Q2: There have been discussions on the increasing role of private sector in strengthening the higher education in India. In fact, the Planning Commission, in its approach paper to the 12th five year plan, has advocated the need to re-visit the current 'not for-profit' approach of the Government in higher education in a pragmatic manner to ensure quality without losing focus on equity. In this backdrop, how do you see the role of private sector evolving in the future? What is your opinion on the "not for-profit" approach in this sector?

I think the country should focus its policies around the students and their needs. They should have access to high quality education and become empowered in terms of being able to afford the fee. They should have flexibility in terms of choosing their courses so that they can choose what they are good at. They must be encouraged to pursue research. Policies must be made to meet these requirements of the students.

Institutions should not be created as per government wishes or to generate employment opportunities for the teachers or to project development in a backward area by establishing a university... these are not the right approach to establish an institution. The idea must be to support what the students want. Now, it does not matter whether the needs are being met by establishing a for-profit or not-for-profit institution. These gaps in our thinking have led to proliferation of huge empires in education, which are primarily seen as a hub of huge profits by people who substantially belong to the political class and who hold out as not for profit entities. Quality and equity is not their key concern, which further impacts the entire system. Barring a few honest private sector entities, most have ventured into education to make huge profits. Many Institutions are demanding large sums of money against blocking assured seats in medical and engineering education.

The question is - why are such practices proliferating? The demand is huge against scarce sources. There are policy gaps and certain authorities/individuals, at the helm of decision-making, see it as an easy catch. So institutions and policies must be made to address student needs and empower them with the ability to afford quality education, get scholarships and become able professionals.

Hence it should not matter whether Higher Education is for profit or not for profit so long as students get quality education, have choices of subjects, flexibility in courses and are empowered through scholarships by the State. We need to create a system where universities compete for the best students and there is adequate capacity for all. For this the ownership structure of the University should not matter as much as what it offers.

Q3: As you rightly pointed out India has been able to engage the world post liberalization. India has stood out in terms of capability through its IT industry. But if you look at the reforms, they are not specifically focused on education, so what in your view should be done to reform the education sector.

In 1950, just three years after Indian independence, if you were to look at the top 200 universities of the world, you would have definitely had Madras University, Calcutta University, Mumbai University, Mysore University and MS University, Baroda. At that time these were very well-established and were world-famous. Today, 60 years later, even after so many reforms and policies, none of these universities figure in top 500 universities in the world. One of the



Deloitte Team in conversation with Mr. T.V. Mohandas Pai

major reasons is lack of autonomy enjoyed by these universities. Monopolistic concentration of all policies and regulations with the government has limited the scope of their growth. Be it the course structure, staff salaries or even nomenclatures for that matter, everything is being dictated by the government. The universities simply have no freedom or an incentive to grow. So in the last 60 years what we have developed is an inappropriate policy make-up, which has very little consideration for quality education. After so many years of independence, we have just 22% youngsters in the age group of 18 to 24 years doing their college education. So the biggest reform for the universities would be to grant them complete autonomy in all academic pursuits, administrative and financial matters. In order to ensure inclusion of students from very low economic backgrounds, the government must step forward to pay their fee and in case of students coming from families with an annual income of less than ₹4.5 lakhs, the government must pay scholarships.

The autonomy of the institution will lead to a situation wherein they would compete for students and not force students to settle for a bad college because of the affordability factor or shortage. Take the IITs for instance. Almost 500,000 students compete for 10,000 seats. Does that imply that 490,000 students are incompetent? You are making them failures at the very beginning of their careers. What stops us from creating 100,000 seats of an IIT caliber? It will not dilute the IIT brand because it is the students who have made the brand. I agree that the teaching is good, the faculty is good, and they conduct good research. But the exceptional output of IITs is due to the high quality

input. Now high quality of input has also gone into IITs because to get into IITs, you need to go to the coaching mandis of Kota, Kanpur, Hyderabad or Bangalore, where you go and prepare for one or two years and within that span you are actually brain-dead, as pointed out by Dr. C.N.R. Rao. This is hurting creativity and innovation.

This kind of system is also driving talent out of the country. Today you have 270, 000 students studying overseas. So the starting point of the reform is to change the strategy behind funding. The need is to fund the student, not institution. Allow new institutions to come up freely, compete for the students, giving students the choice, and then you will soon see a different system.

Q4: The state government has recently approved establishment of a number of private universities in Karnataka. In your opinion, what kind of impact will such a move have on the higher education landscape in the state? Further, what steps need to be taken by the state government to address the concerns surrounding access, affordability and quality in the higher education sector?

I fully support the step because adding to the number of universities will make the scenario competitive. In this case, the universities will compete to attract the students. And once they compete to attract the students, they will make sure that the fee structure is reasonable, the faculties are good, placements are encouraging and all the facilities are in place. Today state universities are failing. Look at the Bangalore University – which has 600 to 650 colleges under affiliation. The registrars have conflicts with the vice chancellors, the research standards are poor, curriculum is outdated, the output is not qualitative and the entire atmosphere is politicised. Nowhere in the world can one university run 600 to 650 colleges. We are talking about the future of 325,000 students. The university also doesn't want to give autonomy to many institutions. The focus here is not the contribution made to the society but its own existence.

So creating new Universities will improve choice for students.

Q5: Quality of the faculty is another key area of concern. What are your thoughts about it?

Entire world is facing the dearth of qualitative faculty. In India, we are confused about what does good quality of faculty imply. Firstly we have to understand that all 675 odd universities cannot be research universities. Most of

them are teaching universities. Any university has two basic functions – the creation of knowledge through research and dissemination of knowledge through teaching. Research requires a different kind of set-up, labs and mindset. And let us accept that everyone cannot have it. So even if we have 10% research universities, it is overwhelming. If we have 5% research universities, it is fantastic.

Now the remaining 90% or 95% are teaching universities. So what is it that you need for a teaching university?

For a teaching university, you need a good curriculum, which is regularly upgraded by a competent group of faculty and researchers. Second is pedagogy. So how was teaching done in ancient times? Well, there was a guru and several shishyas and teaching was a dialogue between them. The gurus taught the shishyas, who further asked questions, and there was an exchange of ideas. So a dialogue is essential for good teaching. There have to be questions and answers and that is how one's mind opens up and leads to newer ideas. The British education, on the other hand, introduced the concept of a monologue, where a teacher comes, shares notes and the students take notes. There is no critical analysis or use of the mind. That is why the pedagogy has to change. Pedagogy has to be more about dialogue than monologue; more about inquiry than rote learning, more about doing, more about projects, about applications etc.

Another aspect is the availability of knowledge. Earlier it was limited to books but now we have a new phenomenon called the internet. The knowledge is readily available, that too, free of cost. Earlier the students had to go through entire sets of book to find answers to their questions. They may be right or wrong but today, answers to all questions can be found on the internet. There are hundreds and thousands of people finding answers to your questions. The traditional source of dissemination and availability of knowledge is now associated with the web.

So, the question is how does one deal with this league of tech-savvy students? The pedagogy has to be changed to a project-oriented or a case study-oriented approach as the thrust should be to make the students inquisitive to learn more. In order, to enhance the interest levels of the students, the faculty has to teach differently. So first you change the process of funding education, then the pedagogy and finally the faculty.

Due to rapid growth, there is a need to grow faculty at 7-8% every year, which is not possible. So there have to be use of technology, use of online education learning technologies. There is a need to leverage technology to transcend geographical boundaries. The faculty should be well-incentivized and there should be adjunct faculty from the industry.

Today industry is showing increased interest in education as the quality of their output is dependent on the quality of input. So an industry-inclusive academic mechanism has to be created. In addition there is also a need for a massive part-time M.Tech. and Ph.D. programme. The idea is to increase the number of postgraduates and doctorates without disturbing their professional careers. They should be encouraged to pursue research, the faculty should be treated with respect so that an entire, supportive ecosystem is created and in next 10 to 15 years the problem can get addressed.

Q6: There has been a lot of discussion on the Foreign Education Bill, 2010, which upon becoming a law would allow entry of foreign institutions to set up campuses in India and award degrees. Some of the foreign institutions have also expressed their reservation to certain conditions specified in the Bill such as, maintaining a minimum corpus of \$ 11 mn, reinvestment of surplus, etc. In your opinion, would this legislation be able to address some of the challenges just mentioned by you?

I support the entry of foreign universities to the country. However, some decision-makers are still uncertain about it. They think that entry of foreign universities will dilute the country's cultural ethos but that is not the case.

Today everybody has access to whatever is Western via internet. Children know much more than what we can imagine. I think the government must encourage some of the leading universities to come and impart education in India and give the students the desired degree. They must be allowed a competitive level-playing field. The government can surely support the students by way of scholarships but the foreign universities must be given the freedom to decide the fee structure and appoint faculties as per their will to support their programmes.

The reason behind not allowing foreign universities is also to protect the interests of existing institutions and not the students. Apart from holding back the 270,000 students studying abroad, the idea is to attract another 400,000 to come to India and earn a degree, thus making India a centre for global education. Instead of merely allowing 4500 engineering colleges many

of whom do not impart proper education, it is better to open up, allow foreign universities and facilitate students by way of scholarships to have access to quality education.

Look at China's model, for instance. They have set up 1000 good residential universities, each catering to 25 to 30 thousand students. In 10 years they will emerge as knowledge superpowers because of the huge infrastructure. I think we must liberalise so that the students have freedom to access quality education. Unfortunately, in India a controlling mindsets dominates rather than the interests of students.

Q7: We understand that you are heading the vision group for higher education in Karnataka to provide consultation on steps to be taken to reform higher education in the state. In your opinion, how can the Government facilitate this exponential growth?

We submitted the report. As I mentioned earlier there is a lot of power play and there are many vested interests. And to change these mindsets, it will take time. It is the first time in India that a report is prepared keeping students first and is asking what exactly do they want?

We were also deliberating on the next Education Commission for India in Delhi. The idea is to set forth the vision for 2030 keeping in view what India be in 2030. India by then will be a \$ 10 trillion economy. So the education system for that time has to be envisaged to sustain that growth. Secondly, students should be kept at the heart of all policy making and thirdly the report should be written by people substantially in their 40s so that a new outlook is available.

Q8: The Government has formulated a National Skill Development Policy, which aims to skill about 500 million people by 2022. Do you think this target as over ambitious given the current infrastructure of skill development sector in the country? How can the private sector contribute in meeting this target?

I have been associated with various skill development initiatives in the states of Karnataka, Gujarat and Rajasthan, etc. Skill development means the ability to learn by doing. In order to foster it, we need amendments in the Apprentice Act. Despite the huge amounts spent by the government, we have not witnessed any major breakthroughs. Make it easy for the companies to take apprentices; do not put too many conditions on them and make sure that there is no exploitation of people. At the moment engaging an apprentice in a company is difficult and could lead

to criminal action. They have to open up the system to encourage industry to take apprentices without any fear. That is the fundamental issue of skill development.

Q9: Many companies have started adopting it as a part of their CSR activities, what are your thoughts about it?

Many companies are adopting it as a part of their CSR initiatives, which is a promising trend. The companies must be given the right to issue certificates. Certain state governments think that only government registered institutes must issue certificates but they are not concerned about the quality of input given by them. In most of these institutions, the courses are out dated and the faculty is still adopting traditional methodology, which finds hardly any relevance in the technology-driven market. So the industry must be roped in. Today State university degrees too have lost their value, especially for the private sector. So we need a fresh approach.

Q10: Recently the Finance Minister said that there is a ₹10,000 incentive for students who do their skills training through a government-approved skills programme. So do you think it will have an impact?

Marginally because getting government approval for anything is difficult and has costs. When I was at Infosys, the Government approached us and said that we must have reservations for students from the backward classes. We told them that we only hire on merit but they insisted on ensuring inclusion of backward classes. So we put ₹1.5 crores in a scheme, wherein we took 100 such engineers and gave them a rigorous seven-month long training and the result was that almost all of them got jobs. This shows that lack of good quality input prevents them from having good jobs, not their socio-economic background. So we ran the course for another year and then approached the ministry for a grant to our institutional partner. They did give one but getting money out of the government was tough as the system is broken. So, I am a little skeptical about government-run courses.

Q11: You are the chairman of the 'Indian Centre for Assessment and Accreditation' (ICAA), the country's first private accreditation body. What is the reason behind setting up this private accreditation body?

I am the chairman of a private sector body which is coming out with an accreditation methodology because right now there are only two agencies for accreditations. I think India should have four or five of them. Private bodies should also be given the power of accreditation. At the end of the day an accreditation is about public perception. CRISIL has a value because people have a faith in its rating. Fortunately state and central governments have come to realise that they need to liberalise as a central control is impossible.

Q12: Manipal Group is one of the largest education providers in the country having its footprints predominantly in higher education and skill development space. The Group has grown exponentially in the last few years and has established significant global presence. Could you please share with us the vision of the Group?

Manipal currently has 7 universities and we aim to raise the number to 10 or 11. We want to build a chain of universities with global operations and be amongst world's top 100 in terms of the total impact. Manipal has got the highest research publications for any private, non-government university. We want to improve the research facilities, we want to improve the pedagogy, introduce a school of philosophy and humanities, etc.

Q13: Given the changed scenario of the Education sector, how do you envision the role of organizations like Deloitte and other global consulting firms?

What Deloitte can do is to work with India's top 500 universities and create a vision or master plan to develop their quality and their ability to attract and place students. Conduct a SWOT analysis to help them pursue the journey to excellence. Traditionally run model of the universities lack managerial capabilities. This is where companies like Deloitte can step in and help them formulate a pragmatic road to success.



KR Sekar
Deloitte Expert

Technical Education in India

Overview

A progressive higher education sector plays an overarching role in economic growth and development of a nation. India, being one of the largest networks of higher education system in the world, comprises more than 600 universities and over 33,000 colleges, offering education and training facilities in almost all aspects of human creativity and intellectual endeavor. With an annual enrolment of over 21 mn students¹, India has one of the largest higher education systems in the world.

The institutional framework of higher education system in India consists of universities established by an act of the Parliament (central universities) or state legislature (state universities), deemed-to-be universities (institutions that have been accorded the status of a university and have the authority to award their own degrees through central government notification), institutes of national importance (prestigious institutions accorded this status by the Parliament), Institutions established under the State Legislative Act, colleges affiliated to various universities (both government-aided and un-aided) and professional and technical institutions amongst others. This article provides an overview and status of technical education system in the country.

Technical education, in terms of its relevance and importance, enjoys a higher footing in the education system as it equips people with appropriate knowledge and skills to be gainfully employed either in an organisation or on their own. The most prestigious institutions of the country - the IITs/IIMs are globally recognised for producing some of the best technical minds in the field of engineering and management. However, except these islands of excellence most of the other technical institutions are facing numerous challenges, with respect to funding and governance,



Rohin Kapoor
Deloitte Expert

¹ Twelfth Five Year Plan (2012-2017) - Social Sectors

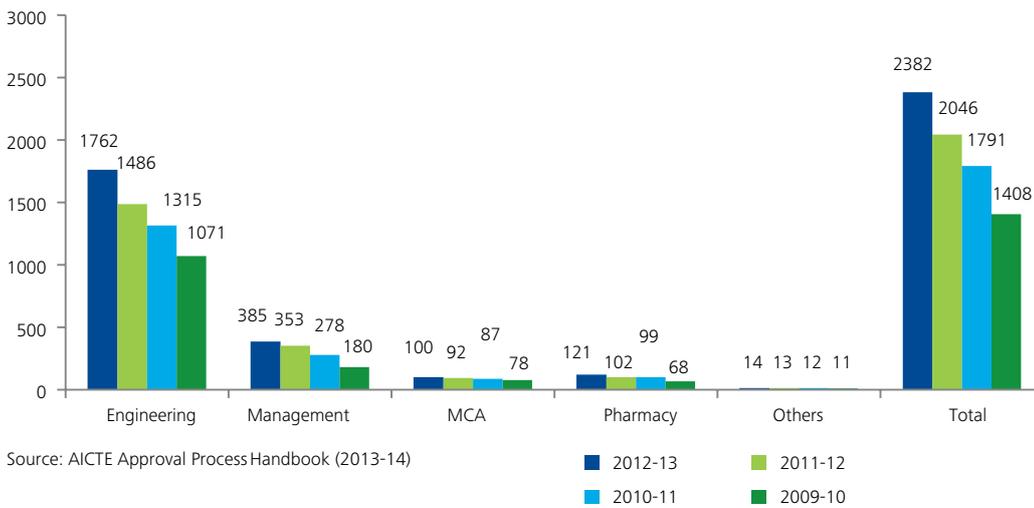
which have been analysed below.

Since Independence, the technical education system in India has witnessed an unprecedented growth, both in terms of increase in the number of institutions and level of enrolments. One of the key reasons for this exponential growth has been the growing demand of career-oriented courses to meet the demands of a growing economy. The number of technical institutions has increased from 87 in 1947 to over 13,000 in 2012². The total intake capacities of these institutions have also increased significantly. However, in the recent past

a number of engineering and business institutes have also approached the government to obtain approval for closure as a result of poor occupancy rates. The following diagram provides an account of the growth in the intake capacity of approved technical courses during the last four years:

The engineering and the management programs have been the most popular amongst the students resulting in a higher capacity creation in these domains. The private sector institutions account for a large percentage of the total enrollments.

Figure 1: Growth of intake in AICTE approved institutions (Figures in '000')



² AICTE Approval Process Handbook (2013-14)



Regulatory framework

The education sector as per the Indian Constitution falls under the concurrent list making it both a central and state subject. The role of the central government is primarily to define the standards and norms governing technical education, whereas, the state government is responsible for ensuring compliance. The All India Council for Technical Education (AICTE), established under the AICTE Act, is the central regulator for technical education. The term 'technical education' has been defined to include courses in engineering technology, architecture, town planning, management, pharmacy and applied arts and crafts.

AICTE has been entrusted with the responsibility of coordination and determination of standards of education being imparted by technical institutions, excluding universities. It grants approval for establishing new technical institutions/campus, introduction of new courses and change in intake capacity. It also prescribes conditions for course curriculum, admission criteria, commencement of new course, salary of teachers, duration of courses etc. Further, in order to ensure quality and transparency in technical education the council has set up, under its aegis, the National Board of Accreditation (NBA). The board is responsible for assessment and accreditation of technical institutes,

which at present is voluntary. However, it is expected to be made mandatory in the future. The table given below provides an overview of institutional set up of technical education in India.

Table 1: Overview of institutional set up of Technical Education

	Particulars
AICTE	<ul style="list-style-type: none"> • Central body formed under an act for: <ul style="list-style-type: none"> – Planning, formulation and maintenance of norms and standards – Quality assurance through accreditation – Funding in priority areas – Monitoring and evaluation – Maintaining parity of certification and awards – Ensuring coordinated and integrated development and management of technical education in the country.
Technical Education	<ul style="list-style-type: none"> • Includes courses like engineering technology, architecture, town planning, management, pharmacy and applied arts and crafts
Executive Committee	<ul style="list-style-type: none"> • It is the highest body set up by AICTE through which it discharges its functions.
Regional Committee	<ul style="list-style-type: none"> • Four regional committees have been set up by AICTE to advise and assist the Council to look into all aspects of planning, promoting and regulating technical education within the region.
Board of Studies	<ul style="list-style-type: none"> • The functions of the Board of Studies is to advise the Executive Committee on academic matters falling into the area of its concern including norms, standard, model curricula, structure of course etc. • Following Board of Studies have been set up by AICTE: <ul style="list-style-type: none"> – Board of Vocational Education – Board of Technician Education – Board of Architecture – Board of Hotel Management and Catering Technology – Board of Information Technology – Board of Management Studies – Board of Pharmaceutical Education Board of Post Graduate Education and Research in Engineering and Technology – Board of Town and Country Planning – Board of Undergraduate Studies in Engineering and Technology
Accreditation Agency	<ul style="list-style-type: none"> • NBA has been established for the purpose of periodic evaluation of technical institutions & programmes as per specified norms and standards specified by AICTE • The accreditation in technical education is a voluntary exercise
Key regulations	<ul style="list-style-type: none"> • AICTE (Grant of Approvals for Technical Institutions) Regulations, 2012 <ul style="list-style-type: none"> – Conditions for obtaining approval for setting up a new technical institution or introduction of new technical course – Minimum land and infrastructure requirements • AICTE Approval Process Handbook (2013-14): <ul style="list-style-type: none"> – Detailed procedure for seeking AICTE approval – Prescribe norms for different programs such as minimum duration of program, admission criteria, faculty student ratio etc.

Increasing role of private sector

In the last few years, the private sector has achieved dominance in technical education owing to inadequate financial commitment of the Government in meeting the demands of the growing population. The public expenditure on technical and higher education has been about 1% of the country's GDP, which is abysmally low as compared to other developing nations. This has led to an exponential growth of private sector especially in programs such as engineering and management, which provide scope for charging high fees.

As per recent estimates, the higher and technical education market in India is expected to grow at a compounded annual growth rate of 25% during 2010-15 and is expected to reach a size of \$57 bn in the next 2 years. Further, the share of private sector in terms of total enrollment has grown from 33% in 2001 to 59% in 2012.

Figure 2: Number of private higher & technical education institutions

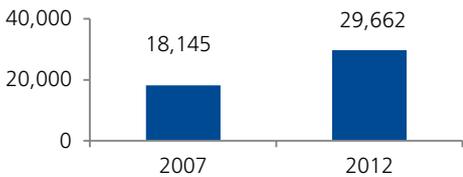


Figure 3: % age share of private sector in higher & technical education institutions

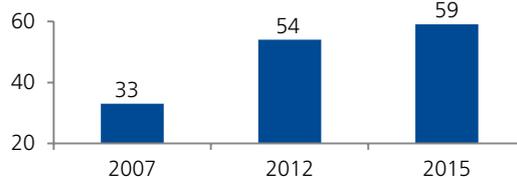
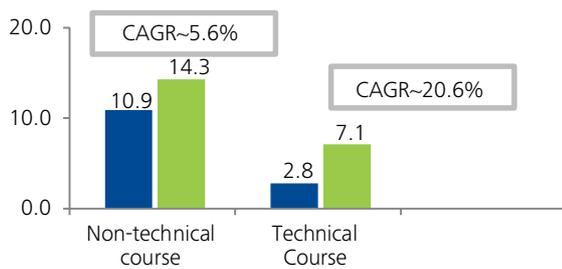


Figure 4: Growth in higher and technical education enrolments (Mn People)



Source: Higher Education in India, FICCI Report, 2012 and Twelfth Five Year Plan (2012-2017) - Social Sectors

Figure 4 indicates an increase in enrolment in higher and technical education between 2007 and 2012. Although, the growth in demand of non-technical courses, in terms of enrolments, has been a decent 6%, the growth in case of technical programs has been almost four times at 21%. This shows the growing preference of students to pursue programs in technical education and hence the urgent need for introducing reforms in the sector.

Opportunities for private/foreign investors in technical education

Even with the above average growth in the higher education sector, the country's GER still lags at 18% compared to the world's average of 26%. This implies a huge growth potential for private and foreign investors. Some of the opportunities for investment are given below:

- Establishing new technical institutes/campuses
- Twinning/technical collaborations with existing institutions
- Establishing teacher training institutes
- Promoting companies to provide ancillary services such as design of course curriculum, facility management, recruitment, marketing, hostels, transportation etc
- Finishing schools to provide soft skills training to students in order to improve their employability

The enactment of Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010, will permit foreign education providers to establish their campuses in India and offer courses in higher & technical education.

Key challenges

India has a daunting task of ensuring decent employment opportunities for its growing workforce, which makes it imperative to have a sound technical education system in the country. Given the financial constraints of the government, the private sector has been playing and is expected to continue to be in dominant position in terms of student enrollments. However, on the contrary a number of private institutions are also facing a number of challenges, which are adversely affecting their performance and forcing closure. Some of these issues are highlighted below:

Lack of autonomy

The technical education in India is often criticised for being over-regulated with AICTE exercising control over administrative and operational aspects such as admission policy, duration of programs, eligibility conditions, fixation of fee, salary of teachers, intake capacity, infrastructure requirements etc. These conditions leave virtually no autonomy with private institutions to offer programs as per global standards through innovative pedagogy.

Regulatory issues

There is a considerable amount of ambiguity with respect to regulations. The applicability of regulations to colleges affiliated to universities, standalone technical institutions offering certificate, instead of degree/ diploma programs, which are of lesser duration as provided for in the AICTE regulations and many more have been a matter of debate and controversy. Similarly, the provisions governing course curriculum, fees, admission tests etc. have again resulted in a number of challenges for the existing institutions. Although, some of these matters have been sorted out legally, they still lead to an environment of uncertainty both for the students and technical institutions. These conditions have also acted as a deterrent for genuine education providers from foreign countries.

Quality

The quality of graduates being produced by technical institutes has been a matter of significant debate in the recent past. As per a study by Nasscom, only 25% of engineering graduates are readily employable in the IT industry. Further, as per NAAC about 62% of the universities and 90% of the colleges were rated average or below average on specified quality parameters.

One of the primary reasons for poor quality education system has been attributed to the lack of qualified faculty and the inability of the educational system to attract and retain world class teachers. Further, the use of archaic pedagogical methods and inflexibility to absorb modern curricula has also depleted the quality levels. The role of the regulator also attains importance in order to ensure quality education for the students. We believe the focus needs to shift from just being an approving authority to becoming an overarching body for determination and implementation of standards in the system.

Conflict of authority

Education being on the "concurrent list" has resulted into multiplicity of regulators and regulations, which sometimes are in conflict of each other. The untidy state of affairs of the higher and technical education in the country is also highlighted in the Yashpal Committee Report. The report observes that: "there is very little co-ordination among the statutory bodies in respect of degree durations, approval mechanisms, accreditation processes, etc. It sometimes leads to very embarrassing situations in which we find two regulatory agencies

at loggerheads and fighting legal cases against each other.”

To quote a recent example, the UGC has been vested with the powers to determine the standards of education for universities and affiliated colleges in India, whereas, AICTE has been given similar mandate with respect to technical institutions. There has been a lack of clarity on the jurisdiction of UGC vis-à-vis AICTE in case of technical programs offered by colleges affiliated to universities. Although, the AICTE Act specifically excludes universities from the regulatory ambit of AICTE, however, there is no mention of affiliated colleges. A recent apex court judgment has determined the contours of powers of AICTE with respect to technical education in colleges, which is covered in detail in the next section.

Recent developments

The technical and higher education has witnessed some major regulatory developments lately, which primarily aim to sort out some of the pressing challenges faced by the sector. A brief synopsis of these developments is given below:

Supreme Court decision on the powers of AICTE

The Supreme Court has in the matter of Association of Management of Private Colleges vs AICTE & ors bearing civil appeal no. 1145 of 2004 and in Adaikalamath College etc. vs. AICTE & ors bearing civil appeal nos. 5736-5745 of 2004 laid down certain important principles governing technical education system in the country. The court held that AICTE's role with respect to colleges affiliated to universities, offering technical programs, is restricted to just advisory and recommendatory and is not of an approval authority. The AICTE can provide suggestions to the UGC for defining and maintaining standards of technical education in the colleges but can't directly regulate these colleges.

The judgment is expected to have a far reaching impact on technical education system in the country as UGC, with no prior experience of regulating technical programs, will now share the powers of AICTE. As per a recent directive issued by UGC to all universities, a complete ban on further affiliation to colleges offering technical education has been enforced as it is stated that UGC is in the process of drafting regulations for such programs.

Further the court has also held that 'MBA' is not a technical program as defined under the AICTE Act and thus falls outside its purview. This will again result in ambiguity as the judgment does not provide clarity on whether just MBA, which is a degree program, fall outside AICTE's ambit or whether more popular programs such as post graduate diploma in management will also no longer require AICTE's approval. As per press reports, the Government is in the process of amending the AICTE Act to include affiliated colleges and courses such as MBA/PGDM under AICTE's ambit.

Compulsory Accreditation

In an attempt to raise the quality of higher education in the country, UGC has notified regulations, which make accreditation mandatory for all higher education institutions (other than technical institutions). This seems to be a positive move as it aims to meet the crying demand of ensuring quality in education. As per our discussions with the Government, the technical institutions under AICTE will soon be brought within the ambit of mandatory accreditation. A bill aiming to achieve a similar objective is presently awaiting approval of the parliament.

Reforms in the pipeline

The quality and not the quantity in technical education has become the prime focus of the Government as a number of surveys have shown the lack of employability of graduates passing out of the technical institutes. Further, with the growing influence of the private sector there is an urgent need to ensure transparency and prohibiting unfair trade practices. In order to meet some of these objectives, the Government has articulated the following reforms:

The National Accreditation Bill

The National Accreditation Regulatory Authority for Higher Educational Institutions Bill, 2010, aims to make accreditation mandatory for every technical and higher education institute (other than agricultural institutions). Each program being conducted by these institutions will have to be accredited by an agency duly registered under the bill.

The bill also seeks to set up a regulatory authority called National Accreditation Regulatory Authority for Higher Educational Institutions for registering and monitoring accreditation agencies. The bill is certainly a step in

the right direction as it aims to achieve quality by encouraging a spirit of positive competition amongst the institutions.

Prohibition of Unfair Practices in Technical Education Bill

The Prohibition of Unfair Practices in Technical Educational Institutions, Medical Educational Institutions and Universities Bill, 2010, aim to prohibit certain unfair practices in technical/medical institutions and universities in order to protect the interest of students. The unfair practices, which have been specifically covered under the bill, include charging capitation fees/donations for admitting students, non-issuance of receipts in respect of payments made by students, admission to professional programmes of study through non-transparent admission processes, low quality delivery of education services and false claims of quality of such services through misleading advertisements amongst others. The Bill provides a fine of upto ₹ 50 lakh for some of these offences.

The bill is expected to induce transparency by mandatory disclosure of correct information on website. It is also expected to eliminate any scope of discretion with the institute to manipulate the admission process.

Higher Education and Research Bill, 2011

The Higher Education and Research Bill, 2011, aims to establish an overarching regulatory body,

National Commission for Higher Education and Research (NCHER), responsible for coordination and determination of standards of higher education. The NCHER seeks to subsume the powers vested in the UGC, the AICTE and the NCTE. With the setting up of NCHER, the controversy with respect to overlapping of jurisdiction between different regulators shall be put to rest.

Way forward

While there has been an impressive growth of technical education system in the country, a lot more needs to be done as we strive to attain the tag of becoming the “Knowledge Economy” of the world. The key challenges highlighted above need to be looked at in a pragmatic manner to usher in reforms. The recent set of reforms proposed by the Government reflects the positive intent to transform the sector however efficient implementation needs to be ensured to achieve the desired results.

In addition, the Government should make a deliberate effort to put in place a clear framework for private sector participation in technical education given the huge investment requirements of the sector and the limited government resources. All these efforts can go a long way in reaping rich dividends from our favorable demographic profile.

Industry Updates



Recent tax updates

CIT v. Children's Education Society³

The taxpayer, a society registered under the Karnataka Societies Registration Act, 1960, was formed with the object of promoting, establishing and maintaining all types of educational institutions. During the assessment proceedings the Assessing Officer denied exemption under Section 10(23C) (iii ad) of the Income-tax Act, 1961 ('the Act') on the ground that the total receipts had exceeded the specified limit. On appeal, the High Court observed that each educational institution managed by the society was a separate and independent entity controlled under various statutes for various purposes. Further, explaining the provisions, the Court held that what has to be construed is the aggregate annual receipts of each of the educational institution and hence the Society's income was exempt from tax.

M Star Charitable Society v. CIT⁴

The taxpayer, a society was established with various objects including conducting coaching and training classes. The Commissioner refused registration under section 12AA (3) of the Income-tax Act, 1961 ('the Act'). On appeal, the Tribunal, drawing reference from earlier judicial pronouncements, observed that all kinds of acquiring knowledge would not come within the meaning of 'education'. What 'education' connotes in section 2(15) is the processing of training and developing the knowledge, skill, mind and character

of students by normal schooling. Thus there should be a systematic instruction to the students by way of normal schooling. Mere coaching classes may provide some kind of knowledge to the students, but that kind of acquisition of knowledge through coaching classes cannot fall within the meaning of education as provided in section 2(15). Since the taxpayer is conducting coaching classes, it cannot be treated as a charitable institution.

Re: Chirec Education Society⁵

The taxpayer, a society was formed by members of a company to run a school which was being run by the said company. Under agreements with the said company, the taxpayer agreed to royalty to the company for the use of the brand 'Chirec' and also for the infrastructure, tangible and intangible benefits created by the said company. The Assessing officer, denied exemption of the income to the society under section 11 of the Income-tax Act, 1961 ('the Act') on the ground that the society the profit derived from the educational activity was being distributed to the company, which could be considered as a diversion of the funds of the taxpayer to the company and hence the provisions of section 13(2)(g) of the Act would be applicable. The High Court held that the payment of royalty was necessary to secure the use of the trade name and the infrastructure of the company and hence was entitled to the benefit of section 11 of the Act.

³ [2013] 34 taxmann.com 285 (Kar)(HC)

⁴ [2013] 32 taxmann.com 239 (Cochin - Trib.)

⁵ [2013] 354 ITR 605 (AP) (HC)

Regulatory updates

Supreme Court defines contours of AICTE power

The Supreme Court has in the matter of Association of Management of Private Colleges vs. AICTE & ors bearing civil appeal no. 1145 of 2004 and in Adakalamath College etc. vs. AICTE & ors bearing civil appeal nos. 5736-5745 of 2004 laid down certain important principles governing technical education system in the country. The court held that AICTE's role with respect to colleges affiliated to universities, offering technical programs, is restricted to just advisory & recommendatory and not of an approval authority. The AICTE can provide suggestions to the UGC for defining and maintaining standards of technical education in the colleges but can't directly regulate these colleges. The Court has also held that 'MBA' is not a technical program as defined under the AICTE Act and thus falls outside its purview.

Impact Assessment: The judgment is expected to have a far reaching impact on technical education system in the country as UGC, with no prior experience of regulating technical programs, will now share the powers of AICTE.

Further, the ruling states that 'MBA' is not a technical course as defined under the AICTE Act, which is expected to result in ambiguity as the judgment does not provide clarity on whether just an MBA, which is a degree program, falls outside AICTE's ambit or whether more popular programs such as post graduate diploma in management will also no longer require AICTE's approval.

IGNOU dissolves the DEC

The IGNOU has vide its notification dated 1st May 2013 dissolved the DEC, which was responsible for regulating the ODL system in the country. Consequently, the MHRD has vested the responsibility of governing ODL system in the UGC and AICTE as envisaged in their respective Acts. The UGC is currently in the process of framing regulations on the ODL system. As an interim measures, the UGC has vide its notification dated 17th June 2013 adopted the 'Guidelines on Minimum Requirements for Recognition of ODL Institutions' framed by erstwhile DEC. These guidelines shall cease to in force with effect from date of coming into force of proposed UGC regulations on ODL system.

UGC (Grievance Redressal) Regulations, 2012

- The UGC has notified regulations which provide mechanism for redressing grievance of aggrieved students by Higher education Institutions (HEI) in admission and matters connected thereto
- These regulations apply to all HEIs in India viz. Central and State Universities, all colleges and Institutions declared as deemed to be university under the UGC Act
- All HEIs are under an obligation to publish, before expiry of 60 days from commencement of admission, a prospectus inter alia containing the following for information of persons intending to seek admission and general public:
 - each component of the fee, deposits and other charges payable
 - number of seats approved by the appropriate statutory authority
 - conditions of eligibility including the minimum and maximum age limit
 - educational qualifications specified by any statutory authority
 - process of admission and selection of eligible candidates applying for such admission
- Each university to appoint an ombudsman for redressal of grievances of students
- In case of a college, the vice chancellor of the affiliating university to constitute a Grievance Redressal Committee consisting of 5 members of an individual college or a group of college depending upon the location of colleges
- Any failure to comply with the order of ombudsman or Grievance Redressal Committee by HEI would result into penalty like withdrawal of grant by UGC, withdrawal of affiliation etc.

Impact Assessment: The regulations are a result of increased incidents of manipulation in admission process and misleading advertisements by some of HEIs in their attempt to fill seats. The regulations on the one hand prohibit the HEIs against any foul play; on the other hand, it provides the aggrieved students with a remedy to approach the Ombudsman / Grievance Redressal Committee against any delinquent institution.

UGC notifies the 'Promotion of Equity in Higher Educational Institutions Regulations, 2012'

- The UGC has notified regulations which aim to facilitate level playing field to all students pursuing higher education, and to prohibit the HEIs and constituent of HEIs from discriminating students on the basis of caste, creed, religion, language, ethnicity, gender and disability
- These regulations apply to all HEIs in India viz. central and state universities, all colleges and Institutions declared as deemed to be university under the UGC Act
- The regulations cast upon an obligation on HEIs to take following measures against discrimination of students:
 - Safeguard the interest of the students without prejudice to their caste, caste, creed, religion, language, ethnicity, gender and disability.
 - Eliminate discrimination against or harassment of any student in all forms and provide measures for its eradication
- The HEIs to prohibit all persons/authorities of HEIs from harassing / victimizing any student

Impact Assessment: The incidents of discrimination against students on the basis of their background and various other reasons are often seen in educational institutions especially in the HEIs. The regulations are expected to put an end to such menace by providing equal opportunity to all students irrespective of their caste, religion etc. The outcome of the intended objective would, however, depend on how well the regulations are implemented by HEIs.

Foreign universities will have to be non-profit making entities

TNN Jun 22, 2013

The MHRD and UGC are stated to have formalised the rules for establishment of campuses of foreign universities/educational institutions in India. The rules, which are expected to be notified in July, provide that the Indian campus of a foreign educational provider would be permitted as a non-profit making legal entity. Some of other key conditions proposed under the regulations, which is yet to be made public, are highlighted below:

- Only top 400 universities as per Times/QS ranking will

be permitted to set up campus

- Requirement to maintain a corpus of at least ₹ 25 crores (\$4 million) for each campus
- Maximum of four campuses allowed to be opened by a foreign educational institution
- Restriction on utilisation of income for development purposes

Impact Assessment: This is an attempt to provide an alternative means for entry of foreign universities, to set up an Indian campus, given the delay of about three years in passage of foreign education bill. Although, a copy of the proposed regulations are yet to be made public however it seems that the Government is paving way for entry of top global institutions only and inducing investment by reducing the minimum corpus amount from \$ 11 mn, as contemplated under the foreign education bill, to \$4 mn under these regulations. This is definitely a step in the right direction to provide access to world class education to Indian students at affordable costs.

UGC issues public notice on power of universities

- In wake of various advertisements published in newspapers offering opportunities for award of university degrees through various franchise programs and other means by private institutions, the UGC has issued a public notice clarifying the powers of universities including the private universities under the UGC Act and regulations made thereunder
- The key excerpts of the public notice are given below:
 - A state university can act only within the territorial jurisdiction allotted to it under its Act and in no case beyond the territory of the state of its location
 - The private universities and deemed universities cannot affiliate any college or institution for conducting courses leading to award of its diplomas, degrees or other qualifications
 - No university (whether central, state, private or deemed) can offer programme through franchising arrangement with private coaching institutions even for the purpose of conducting courses through distance mode
 - A private university shall be a unitary university and may be permitted to open off campus centres and study centres after 5 years of its coming into existence subject to compliance of condition laid down under the regulations made in that regard by the UGC

Sectorial Nuggets

Government Sets-Up the National Skill Development Agency

PIB, 7th June 2013

Pursuant to the Union Cabinet approval, the Government has constituted the NSDA by subsuming the NCSD, the NSDCB and the Office of the Adviser to the PM on Skill Development. The NSDA will coordinate and harmonize the skill development efforts of the Government of India and the private sector to achieve the skilling targets of the 12th Plan and beyond. NSDA will be an autonomous body chaired by a person of the rank and status of a Cabinet Minister supported by a Director General and other support staff.

While the central ministries and NSDC will continue to implement schemes in their remit, the NSDA will develop and monitor an overarching framework for skill development, anchor the NSQF and facilitate the setting up of professional certifying bodies in addition to the existing ones.

Accreditation system for CBSE schools

TNN, 26th May, 2013

The CBSE is set to announce accreditation process to ensure quality benchmarks in its affiliated schools. It would be mandatory for each school to apply for the accreditation and get through it in the next 3 years. The same would be announced after the pilot accreditation process in 40 schools started with 12 agencies to ascertain their efficiency is over.

The accreditation will be made on seven broad parameters including scholastics, co-curricular, infrastructure, human resources, leadership, finance management and feedback from stakeholders.

India to develop community colleges on American pattern

DNA, 26th June, 2013

India to implement the US concept of community colleges to make sure that its workforce is trained to meet newer challenges. It has been stated that India would fine tune the concept to suit its requirements. Visualising skill development to be an integral part of the country's education system, Union HRD Minister Pallam Raju said based on the US' experience of community colleges; India has embarked to develop to such institutions here.

MHRD constitutes National Testing Agency for uniform entrance examination

India Education Review, 31st May 2013

The MHRD is planning to create a special purpose vehicle to take the concept of National Testing Agency (NTA) forward. The purpose of setting up the NTA is to eliminate the multiplicity of entrance examination by formulating a uniform entrance examination for admissions in different branches of higher learning.

Internships mandatory for all engineering students

TNN, 24th May 2013

In an attempt to enhance their employability level, the AICTE has made it mandatory for all engineering students to undergo internships. The initiative is said to be part of the NEEM. For this purpose, the AICTE would be coming up with a plan to register external agencies who can liaise with industry to get internships for students.

National perspective plan for technical education on the anvil

PTI, 11th May 2013

The AICTE plans to launch a National Perspective Plan for technical education by which the pattern and requirements of courses and seats would be decided by collecting data from states. AICTE is stated to have sent a circular to state governments to send their perspective plans, so that a National plan could be brought out.

This is expected to help AICTE sanction colleges and courses according to the needs of the region and states, so that there would not be any closure of colleges and wastage of sanctioned courses.

CBSE schools to offer skill development courses from class IX

TNN, 6th May 2013

The CBSE has decided to introduce skill development in schools from class IX onwards as it will prepare students to handle challenges of the job market with ease. The CBSE is stated to have asked the affiliated schools to start skill development vocational courses. For this purpose, the CBSE has shortlisted some institutes which offer special training programmes for skill development and the schools are expected to tie up with these institutes.

The students studying in CBSE-affiliated schools to be given a choice to opt for these competency-based skill courses along with the general academic subjects in order to enhance their skills in their chosen field.

IL&FS Education to invest ₹450 cr to open 50 'model schools'

Live Mint, 7th May 2013

IL&FS Education and Technology Services Ltd. , which has been shortlisted by MHRD to open the schools under PPP model, plans to invest about ₹450 crore to open 50 model schools over the next couple of years. The proposed investment will mark the first big venture of IL&FS group in formal education although it already provides vocational skills training and education process outsourcing services.

Bihar plans for skill development of 1 crore people by 2016-17

PTI, 2nd June 2013

The Bihar Government has set a target of skilling 1 crore people in the state by 2016-17. A decision to this effect was taken at a meeting of Human Resources Development Mission presided over by Chief Minister. For this purpose, 20 universities in the state would be made centres of excellence for the purpose. Also, a future roadmap to be put in place in the next two months to achieve the target.

Big corporate houses set to open degree colleges; AICTE to decide soon

India Education Review, 9th April 2013

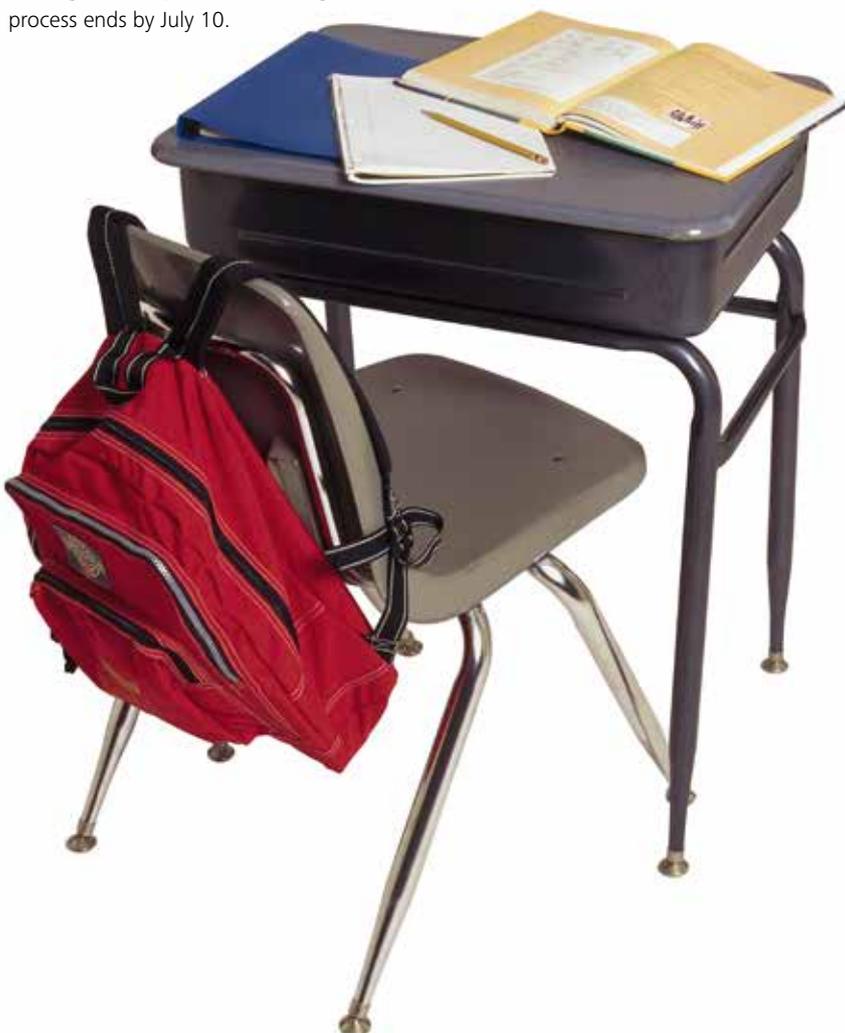
The AICTE has decided to allow big private corporate groups to start engineering degree colleges from the academic year, 2013-14. AICTE has so far received applications from four corporate groups namely, Madras Cements, Bharat Forge, TechMahindra and a company from Jharkhand for starting degree colleges.

The chairman of AICTE has been quoted saying that - "We want industries to participate in the process of delivering quality education. We genuinely feel that the industry should participate more than they are doing now. An initiative like this is a step in that direction. It will facilitate introduction of best practices of the industry,"

Private universities find more takers as Delhi university fails to increase seats for undergraduate courses

The Economic Times, 5th July 2013

The demand-supply gap for undergraduate courses in DU has seen an increase in number of applications by the private universities and institutes in the region. This year, about 2.5 lakh students are estimated to have applied for 54,000 seats, while the admission process is still going on. As a result, demand in private universities has been growing manifold. For instance, at Amity University, the number of applications is expected to touch 2 lakh this year, compared with 1.5 lakh in 2012. It has increased its total number of seats to 12,500 this year. Sharda University too has witnessed a seen a similar trend. The reasons for this trend could be many, although a clear picture will emerge once the admission process ends by July 10.



Glossary

AICTE	All India Council of Technical Education
CBSE	Central Board of Secondary Education
CII	Confederation of Indian Industry
CSR	Corporate Social Responsibility
DEC	Distance Education Council
DTTIPL	Deloitte Touche Tohmatsu India Private Limited
DU	Delhi university
GDP	Gross Domestic Product
GER	Gross Enrolment Ratio
HEIs	Higher Education Institutes
IGNOU	Indira Gandhi National Global University
IIM	Indian Institute of Management
IIT	Indian Institute of Technology
IT	Information Technology
MBA	Masters of Business Administration
MHRD	Ministry of Human Resource Development
NAAC	National Assessment and Accreditation Council
NASSCOM	National Association of Software and Services Companies
NBA	National Board of Accreditation
NCSD	National Council on Skill Development
NEEM	National Employability Enhancement Mission
NSDA	National Skill Development Agency
NSDCB	National Skill Development Coordination Board
NSDC	National Skills Development Corporation
NSQF	National Skills Qualifications Framework
ODL	Open and Distance Learning
UGC	University Grants Commission
US	United States of America

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