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GUIDING THE WAY: MOE'S GUIDELINES FOR COACHING CENTER REGULATION

INTRODUCTION

Regulation of private coaching centers in India has been an indistinct part of public discourse since the year 2015.[1] Poor facilities, lack of safety measures, malpractices, and inadequate infrastructure are only tip of the iceberg. In the past few months however, the *modus operandi* of private coaching centers has come under severe public and government scrutiny due to rising number of fire incidents and reported cases of student suicides in these coaching hubs.

Today, private coaching centers remain largely unregulated except for a few state-specific legislations. On 16 January 2024, the Ministry of Education (MoE) released the '*Guidelines for Regulation of Coaching Center*' (Guidelines) which, amongst other things, call for the state governments and union territories (UT) to take a closer look at the functioning of coaching centers.

Key highlights of the Guidelines are set out below:

SCOPE OF 'COACHING' AND 'COACHING CENTER'

'Coaching' has been defined to mean tuition, instruction or guidance to *more than 50 students* at a time, in any branch of learning except sports or creative activities. 'Coaching centers' include centers providing coaching to *more than 50 students* for any study program or competitive examination to students at school, college, and university level.

REGISTRATION REQUIREMENTS

To run a Coaching center, a person is required to obtain prior registration from the competent authority within whose local jurisdiction such Coaching center is situated.[2] Where there are multiple branches of the Coaching center, each such branch is treated as a separate Coaching center requiring separate registration with the competent authority.

Existing Coaching centers must comply with the registration requirement within a period of 3 months from the date of implementation of the Guidelines.

The Guidelines do not state a validity period for the registration once obtained, and it has been left for the appropriate government having jurisdiction to decide the period of validity of the registration certificate.

COMPLIANCES REQUIRED

Noteworthy compliances required by a Coaching center as per the Guidelines are as follows:

a) Disclosure of up to date details of the following on its website: i) fee structure, ii) refund policy, iii) qualification of tutors, iv) courses / curriculum offered, v) duration of completion, vi) hostel facilities, if any. These details should also be communicated by way of a prospectus, which along with any notes or other material should be supplied free of charge to prospective and enrolled students. Coaching centers should also have in place an 'easy exit policy' and a counselling system for the students. The Guidelines also state that the tuition fees charged must be "fair and reasonable", though it does not provide for any parameters to determine such fairness and/or reasonableness.

b) The Guidelines also aim to address the long-standing issue of poor infrastructure and lack of basic facilities at privately operated coaching centers, by laying out that i) minimum of 1 sq. m. area should be allocated for each student, ii) applicable fire safety codes, building safety codes and other standards should be adhered to (including obtaining a fire NOC), iii) first aid kits and medical assistance /

[1] The Supreme Court in its order dated 3 February 2017 in *Student Federation of India v Union of India* (Writ Petition Number 456 of 2013) recorded that the regulation of private coaching companies / institutes is important, however such regulation is a policy matter.

[2] In the Guidelines, 'competent authority' means an officer notified by the appropriate government, i.e., Central Government, state government or union territory government having appropriate jurisdiction. In most state-specific legislations governing coaching centers, such authority is a district level administrative officer.

treatment facility should be available to the students, and iv) classrooms should be well-lit and well-ventilated.

c) The Guidelines also seem to have registered the need to focus on students' mental well-being by requiring that i) there shall be no enrolment of students below the age of 16 or before completion of their secondary school examination, ii) Coaching centers ensure weekly off for students and no assessment test / exam on the day after weekly off, iii) class timetable to be suitably spaced out to allow students to relax and recuperate, iv) co-curricular activities be organized for enhancing cognitive abilities, and v) counselling be provided to students with deteriorating educational performance. The Guidelines have also laid out a 'framework for mental health promotion' requiring involvement of relevant stakeholders and varying degree of intervention depending on the concern.

d) The 'competent authority' within whose local jurisdiction a coaching center is situated has been empowered with such powers as are available to civil courts under the Civil Procedure Code 1908. Complaints filed before the competent authority by or against the coaching center are to be disposed of within 30 days from the date of complaint. In case of violation of any of the provisions of the Guidelines, the competent authority is also empowered to impose a penalty of INR 25,000 (first offence) and INR 1,00,000 (second offence). Subsequent offence(s) may also lead to revocation of the registration.

COMMENTS

Education, including universities, institutions of higher education, vocational and technical training, is a matter of concurrent list under Schedule VII of the Constitution of India. While MoE has released the Guidelines, it has also underscored the role of governments of states and union territories in actual and effective regulation of private coaching centers.

While the Guidelines attempt to set out a roadmap for future legislation, it will be noteworthy to see how various state / union territory governments incorporate these at the local level. Certain states such as Bihar, Uttar Pradesh, Goa etc., where some form of regulation has been in effect since a few years, have failed to achieve the purpose for which such regulations were enacted, and in certain instances do not account for the practical and operational aspects of running a coaching center business. These existing regulations need to be re-examined with a view to address the needs of not just the students and aspirants, but also other stakeholders such as business-owners and tutors.

A more detailed study of existing local regulations and their approach towards regulating the coaching culture in India, deeper legal analysis of the Guidelines vis-a-vis the principles set out in the National Education Policy 2020, and the impact thereof on ease of doing business will follow.

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