

Email

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भारत सरकार
Department of School Education & Literacy
Ministry of Education
Government of India

D.O. No.1-56/2021-DIGED

Dated: 28th December, 2021

Subject: Advisory to citizens regarding use of caution against Ed-tech Companies,

Dear Stakeholders,

Given the pervasive impact of technology in education, many Ed-Tech companies have started offering courses, tutorials, coaching for competitive exams, etc. in an online mode. To promote their courses, these Ed-Tech companies make high claims in their advertisements to attract students, parents etc. In this background, the parents, students and all stakeholders in school education have to be careful while deciding on opting for online content and coaching being offered by a host of Ed-Tech companies.

2. In order to help the students, parents and other stakeholders to carefully evaluate the courses, tutorials, coaching by the Ed-Tech companies, Ministry of Education has formulated an advisory to citizens regarding the use of caution against Ed-tech Companies. The advisory consists of:

- Do's and Don'ts to be followed by various stakeholders of education ecosystem.
- E-commerce Regulations & Redressal System.
- The general rules of ASCI's Code for Self-Regulation in advertising
- Free e-learning content/textbook/initiatives of the Government that may also be explored before the purchase of content.
- Grievance redressal portals.

3. In this regard, it is requested to take cognizance of the letter and disseminate the advisory in regional languages to the citizens.

Best wishes

Anita Karwal
(Anita Karwal)

25 To,

1. All ACS/PS/Secretaries of Education department of States/UTs.
2. Chairperson, CBSE.
3. Director, NCERT.
4. Commissioner, KVS.
5. Commissioner, NVS.
6. Chairperson, NIOS.

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<https://pib.gov.in/PressReleasePage.aspx?PRID=1784582>

Advisory to citizens regarding use of caution against Ed-tech Companies

Given the pervasive impact of technology in education, many ed-tech companies have started offering courses, tutorials, coaching for competitive exams, etc. in an online mode. In this background, the parents, students and all stakeholders in school education have to be careful while deciding on opting for online content and coaching being offered by a host of Ed-tech companies. The decision has to be well considered with several Do's and Don'ts. Most importantly, the offer of free services that are promised by some companies has to be carefully evaluated. It has come to the notice of the Department of School Education and Literacy that some ed-tech companies are luring parents in the garb of offering free services and getting the Electronic Fund Transfer (EFT) mandate signed or activating the Auto-debit feature, especially targeting the vulnerable families.

Following are some do's and don'ts which the stakeholders of the education ecosystem may follow:

Do's

1. Avoid Automatic debit option for payment of subscription fee: Some ed-tech companies may offer the Free-Premium business model where a lot of their services might seem to be free at first glance but to gain continuous learning access, students have to opt for a paid subscription. Activation of auto-debit may result in a child accessing the paid features without realizing that he/she is no longer accessing the free services offered by the ed-tech company.
2. Do read the terms and conditions before acknowledging the acceptance of learning software/device as your IP address and/or personal data may be tracked.
3. Ask for a tax invoice statement for the purchase of educational devices loaded with contents/app purchase/Pendrive learning.
4. Do a detailed background check of the ed-tech company that you want to subscribe to.
5. Do verify the quality of the content provided by the ed-tech companies and make sure that it is in line with the syllabus and your scope of study and is easily comprehensible by your child.
6. Do clarify all your doubts/questions regarding the payment and content before investing any amount for your child's learning in any ed-tech company.
7. Activate parental controls and safety features on the device or in the app or browser as it helps restrict access to certain content and limit spending on app purchases.
8. Help your child understand that some features in education apps are used to encourage more spending. Talk to them about possible marketing strategies used by Ed-tech companies and the consequences.
9. Look for student/parent reviews online on the ed-tech company for any registered grievance and marketing gimmicks. Also, provide your suggestions and reviews which may be beneficial for others.
10. Record the evidence of spam calls/ /forced signup for any education packages without complete consent for filing a grievance.

11. Go through the child safety guidelines mentioned in the PRAGYATA guidelines by the Ministry of Education before using any ed-tech platform. (https://www.education.gov.in/sites/upload_files/mhrd/files/pragyata-guidelines_0.pdf)

Don'ts

1. Do not blindly trust the advertisements of the ed-tech companies.
2. Do not sign up for any loans of which you are not aware.
3. Do not install any mobile ed-tech applications without verifying the authenticity.
4. Avoid credit/debit cards registration on apps for subscriptions. Place an upper limit on expenditure per transaction.
5. Avoid adding your data like emails, contact numbers, card details, addresses etc. online as the data may be sold or used for later scam attacks.
6. Do not share any personal videos and photos. Use caution against turning on the video feature or getting on video calls on an unverified platform. Keep your child's safety at the utmost priority.
7. Do not subscribe to unverified courses because of their false promises.
8. Do not trust the "Success stories" shared by the ed-tech companies without proper check as they might be a trap to gather more audience.
9. Do not allow purchases without parental consent. To avoid in-app purchases; OTP based payment methods may be adopted as per RBI's guidelines.
10. Do not share your bank account details and OTP number with any marketing personnel. Beware of cyber fraudulent.
11. Do not click on links or open any attachments or pop-up screens from sources you are not familiar with.

The legal provisions for e-commerce firms are being reiterated here for information to citizens who are consumers of EDTECH services.

E-commerce Regulations & Redressal System:

Consumer Protection (E-Commerce) Rules, 2020 were notified by the MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (Department of Consumer Affairs) vide NOTIFICATION New Delhi, dated 23rd July, 2020

<https://consumeraffairs.nic.in/sites/default/files/E%20commerce%20rules.pdf>

At present, Ed-tech companies have seen rapid growth thereby increasing the number of students/teachers subscribing to their learning platform. The increasing number also means that platforms must be careful about the claims made regarding the services offered. It is very much evident that the Ed-tech companies which may be considered e-commerce entities have to comply with the Rules to prevent any untoward liability in the future and need to establish a dedicated mechanism in place to check for compliance with the law.

1. No e-commerce entity shall adopt any unfair trade (marketing) practice, whether in the course of business on its platform or otherwise.
2. No e-commerce company shall falsely represent itself as a subscriber and post reviews about its products or misrepresent the quality or the features of any educational content and its learning tools.
3. Every e-commerce entity shall endeavour on a best effort basis to become a partner in the convergence process of the National Consumer Helpline of the Central Government.
4. All Ed-tech companies are supposed to have a grievance officer and the name and contact numbers, and designation of the grievance officer who must be resident in India, to ensure compliance with the provisions of the Act or the rules made thereunder for grievance redressal or for reporting any other matter; to be displayed on the platform or website and ensure that the grievance officer acknowledges the receipt of any consumer complaint within forty-eight hours and redresses the complaint within one month from the date of receipt of the complaint.
5. No e-commerce entity shall manipulate the price of the products/courses offered on its platform in such a manner as to gain unreasonable profit by imposing on consumers any unjustified price having regard to the prevailing market conditions, the essential nature of the course, any extraordinary circumstances under which the course is offered, and any other relevant consideration in determining whether the price charged is justified; and discriminate between subscribers of the same class or make any arbitrary classification collecting their personal data/breaching privacy through unfair means affecting their rights under the Act.
6. Every e-commerce entity shall only record the consent of a consumer for the educational product offered on its platform where such consent is expressed through an explicit and affirmative action, and no such entity shall record such consent automatically, including in the form of pre-ticked checkboxes.
7. Every e-commerce entity shall effect all payments towards accepted refund requests of the consumers as prescribed by the Reserve Bank of India or any other competent authority under any law for the time being in force, within a reasonable period, or as prescribed under applicable laws.

Further to complying with the general rules of ASCI's Code for Self-Regulation in advertising, the advertisements of Educational Institutions including the Ed-tech companies and Programs shall comply with the following guidelines:

1. The advertisement shall not state or lead the public to believe that an institution or course or program is official, recognized, authorized, accredited, approved, registered, affiliated, endorsed or has a legally defined situation unless the advertiser can substantiate with evidence.
2. (a) An advertisement offering a Degree or Diploma or Certificate which by law requires to be recognized or approved by an Authority shall have the name of that Authority specified for that particular field.
(b) In case the advertised Institution or Program is not recognized or approved by any mandatory Authority but is affiliated to another Institution, which is approved or recognized by a mandatory Authority, then the full name and location of the said Affiliating Institution shall also be stated in the advertisement.
(c) The name of the Affiliating Institution, as indicated in 2(b), shall not be less than 50% of the font size as that of the advertised Institution or Program in visual media such as print,

internet, hoarding, leaflet, prospectus etc., including television. In audio media such as radio or TV the name of the Affiliating institution (if applicable), must be stated.

3. The advertisement shall not state or lead the public to believe that enrolment in the institution or program or preparation course or coaching classes will provide the student with a temporary or permanent job, admissions to institutions, job promotions, salary increase etc. unless the advertiser can submit substantiation to such claim. In addition, the advertisement must carry a disclaimer stating 'past record is no guarantee of future job prospects.' The font size of the disclaimer should not be less than the size of the claim being made in the advertisements.
4. (a) Advertisement shall not make claims regarding extent of the passing batch placed, the highest or average compensation of the students placed, enrolment of students, admissions of students to renowned educational institutes, marks and ranking of students passed out, testimonial of topper students, institution's or its program's competitive ranking, size and qualification of its faculty, affiliation with a foreign institution, Institute's infrastructure, etc. unless they are of the latest completed academic year and substantiated with evidence.
(b) Advertisement stating competitive rank of the institution or its program shall also provide full name and date of the publication or medium which released the rankings.
(c) Visual infrastructure of the Institution shown in the advertisement shall be real and exist at the time of the advertisement's release.
(d) Testimonial of toppers in an advertisement shall be from students who have participated in the testimony program, exams or subject only from the advertising institute.
(e) An advertisement stating the number of passing out students placed for jobs shall also state the total number of students passing out from the placed class.

Government initiatives that may also be explored before the purchase of content:

Free e-learning contents/textbooks/digital labs/ for all classes have been made available online ensuring quality and access for all by the Ministry of Education, its autonomous organisations, and all States/UTs which may be effectively used for learning and can be accessed here (but not limited to).

- <https://diksha.gov.in/>
- <http://www.olabs.edu.in/>
- <https://swayam.gov.in/>
- <https://www.nios.ac.in/>
- SWAYAM PRABHA TV Channels for class 1 to 12-
<https://www.swayamprabha.gov.in/index.php/schooledu>
- Official Learning portals/apps of the States/UTs

To Report any Untoward Incident, May please use the following links:

- <https://ascionline.in/>
- <https://consumerhelpline.gov.in/>
- <https://pgportal.gov.in/>

+91 77100 12345 is the Whatsapp number of ASCI for registering complaints
