

CCPA-1/2/2023-CCPA
Central Consumer Protection Authority

In exercise of the powers conferred by sub-clause (1) of sub-section (2) of section 18 of the Consumer Protection Act 2019 (35 of 2019), it is proposed to issue Guidelines for Prevention of Misleading Advertisement in Coaching Sector.

2. A committee was constituted on 08th December 2023 to deliberate upon the issue of misleading advertisement in the coaching sector. Central Consumer Protection Authority conducted a stakeholder consultation on “Misleading Advertisement in Coaching Sector” on 08th January 2024. All committee members were requested to submit their input on the Misleading Advertisement in the Coaching Sector.

3. Based on suggestions received from the committee members and various other stakeholders, draft Guidelines for Prevention of Misleading Advertisement in Coaching Sector have been framed and attached herewith.

4. The Central Authority seeks views/comments/suggestions of the public on the proposed Guidelines which may be forwarded through email. Draft Guidelines for Prevention of Misleading Advertisement in Coaching Sector are attached as Annexure-A.

5. Views/comments/suggestions on the proposed Guidelines may be sent within 30 days (by 16th March 2024) by email to com-ccpa@gov.in

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CENTRAL CONSUMER PROTECTION AUTHORITY

NOTIFICATION

F. No. CCPA-1/2/2023-CCPA - (Reg). — In exercise of the powers conferred by section 18 of the Consumer Protection Act, 2019 (35 of 2019), the Central Consumer Protection Authority hereby issues the following guidelines to provide for the prevention and regulation of misleading advertisement in coaching, namely:-

1. Short title and commencement. — (1) These guidelines may be called the Guidelines for Prevention of Misleading Advertisement in Coaching, 2024.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. Definitions. – (1) In these guidelines, unless the context otherwise requires,-

a. “Act” means the Consumer Protection Act, 2019 (35 of 2019);

b. “Advertisement” shall have the same meaning as defined under Consumer Protection Act, 2019(35 of 2019);

c. “Coaching” means tuition, instructions or academic support or learning programme or guidance provided by any person.

d. “Central Consumer Protection Authority” shall mean the authority established under section 10 of the Consumer Protection Act 2019 (35 of 2019);

e. ‘Misleading Advertisement’ shall have the same meaning as defined under Consumer Protection Act, 2019 (35 of 2019);

f. “Person” means an individual and includes a group of persons or a body corporate, or a trust, firm or society or an institution.

(2) The words and expressions used in these guidelines but not defined, and defined in the Act, shall have the same meaning as respectively assigned to them in the Act.

3. Application — These guidelines shall apply to all advertisements regardless of form, format or medium.

4. Conditions for Misleading Advertisement — Any person who engage in coaching shall be considered to be engage in a misleading advertisement if it employs any of the following practices –

- a. Conceal important information related to name of the course (whether free or paid) & duration of course opted by successful candidate or any other important information which can influence a consumer's decision to choose their services.
- b. Make false claims regarding success rates, number of selections, or rankings of students in any competitive exam without providing verifiable evidence.
- c. Falsely represent that students' success is solely attributable to the coaching, without acknowledging the individual efforts of the students. Clearly state the extent of the coaching involvement in their success.
- d. Create false sense of urgency or fear of missing out that may heighten anxieties amongst students, or parents.
- e. Any other practices that may mislead consumers or subvert consumer autonomy and choice.

5. Obligations of every person engaged in coaching —(1) Every person who is engaged in coaching shall—

- a. Disclose following information with successful candidate photo:-
 - i. Rank secured by successful candidate.
 - ii. Name of course opted by successful candidate.
 - iii. Duration of course opted by successful candidate.
 - iv. Whether such course is paid or free.
- b. Put disclaimer/disclosure/Important information at a prominent and visible place in the advertisement. The font of disclaimer/disclosure/Important information in the advertisement shall be the same as that used in the claim/advertisement.
- c. Accurately represent the facilities, resources and infrastructure available to students in the advertisement.
- d. Avoid cherry-picking exceptional cases to create a skewed impression of success.
- e. Maintain transparency and truthful representation in their advertisement.

f. Provide accurate, verifiable information about their services in the advertisement.

(2) Every Person who is engaged in coaching shall not—

a. Use names, photos, testimonial or videos of successful candidate in advertisement without successful candidate's express consent.

b. Make false claims which includes 100% selection or 100% job guaranteed or guaranteed preliminary/main or guaranteed admission to institutions or false testimonials of successful students or fake reviews.

c. State or lead the consumers to believe that enrolment in coaching will guarantee the student a rank, high marks, temporary or permanent job, admissions to institutions, job promotions, salary increase, etc. unless the coaching is able to substantiate to such effect.

d. Falsely represent that the services are of a particular standard/quality.

e. Mislead or make exaggerated claims about faculty credential.

f. Falsely represent that the courses or certificate offered have recognition and/or approval of competent authority.

6. Guidelines not in derogation of other laws — Where an advertisement is regulated under any other law for the time being in force or the rules or regulations made thereunder, the provisions contained in these guidelines shall be in addition to and not in derogation of, such regulation in other laws.

7. Interpretation — In cases of any ambiguity or dispute in interpretation of these guidelines, the decision of the Central Consumer Protection Authority shall be considered final.

8. Contravention of Guidelines — The provisions of the Act shall apply for any contravention of these guidelines.