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# COACHING INDUSTRY IN INDIA VIS-À-VIS RIGHT TO EDUCATION: A SOCIO-LEGAL STUDY

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## ABSTRACT

This article examines the emergence and expansion of the coaching industry in India through the lens of the constitutional Right to Education. It situates the growth of coaching institutes within the historical evolution of India's education system, tracing the shift from traditional pedagogical models to an increasingly competitive, examination-driven framework. The article analyses the proliferation of the coaching sector as a response to structural limitations within formal education, intensified competition for admission to elite institutions, socio-economic aspirations of families, and the broader commercialization of education. Coaching institutes are conceptualized as a manifestation of "shadow education," whose influence has further intensified with technological integration and the rapid growth of educational technology platforms, particularly in the aftermath of the COVID-19 pandemic.

The article further delineates the constitutional and statutory contours of the Right to Education in India, with specific reference to Article 21A of the Constitution, the Right of Children to Free and Compulsory Education Act, 2009, and relevant judicial interpretations. Employing the internationally recognised "4A" framework—availability, accessibility, acceptability, and adaptability—it critically evaluates the extent to which the coaching industry complements or undermines the effective realization of educational rights. Judicial developments, policy interventions such as the National Education Policy 2020, and recent regulatory initiatives are examined to identify emerging trends, regulatory gaps, and unresolved socio-legal challenges. The article ultimately provides a doctrinal and analytical foundation for assessing the compatibility of the coaching industry with India's constitutional vision of equitable and inclusive education.

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*Gurur Brahmā Gurur Viṣṇur Gurur devo Maheśvaraḥ*

*Guruḥ sākṣāt param Brahma tasmai śrī gurave namaḥ*

The Ancient Indian texts and traditions regard the teacher as the one who dispels the darkness, or someone who takes from the darkness to light. This is in itself the aim of education, to dispel the darkness, which is the animal existence and to embrace the inherent qualities which makes us humans.

Since time immemorial the *guru-shishya* tradition has been a prominent part of the Indian culture. The students used to leave their homes and reside in *gurukuls* to learn the ways of life and complete their education in the company of their teacher. This tradition was one of the most respected institutions and finds mention in almost all ancient texts. But unfortunately, the right to education as a fundamental right was monopoly of only the selected few. The education system lacked formal structure. Education was limited only up to learning the ways of life essential for the pursuance of a trade or profession. Right to education was determined by birth and the family you are born into. It goes without saying that only those from the upper strata of society had the privilege of being educated and the access to education was not widespread.

The Indian education system, characterized by its vast and diverse landscape, has witnessed a significant transformation over the past few decades. Central to this transformation is the burgeoning coaching industry, a sector that has grown exponentially in response to the increasing competition for educational opportunities and the pursuit of academic excellence. Coaching institutes have become an integral part of the educational journey for millions of students, particularly those aspiring to secure admissions in prestigious institutions and competitive examinations.

Historically, education in India was imparted through traditional systems like Gurukuls, which focused on holistic development under the tutelage of a guru. The colonial era introduced formalized education, but it wasn't until the post-independence period that the need for supplementary coaching began to surface. The establishment of prestigious institutions such as the Indian Institutes of Technology (IITs) and medical colleges heightened the competition, leading to the emergence of the first coaching centres in the 1970s and 1980s. Cities like Kota and Delhi soon became hubs for coaching, drawing students nationwide.

The Britishers presented a new form of education system in India which more or less has been adopted post-independence. When the Constitution of India was adopted in 1950, it contained the Right to Education only as a directive principle promising free and compulsory education for all under **Article 45**<sup>2</sup>. Many policy changes were made in the Indian education system over time. The Supreme Court of India recognised the *Right to Education* in the case of **Mohini Jain vs. State of Karnataka**<sup>3</sup> as being linked with the Fundamental Rights as enshrined in Part III. Then again in the case of **Unnikrishnan JP vs. State of Andhra Pradesh**<sup>4</sup>, the Supreme Court of India in a larger bench recognised the Right to education as flowing from the Article 21 of the Constitution itself. With the 86<sup>th</sup> Constitutional Amendment Act, 2002 Article 21-A was inserted in the Constitution itself guaranteeing free and compulsory education to all children from 6-14 years of age which the state shall provide ‘in such manner as the state may, by law, determine’.

**The Right to Education (RTE) Act**, enacted in 2009, marked a significant milestone in India's educational policy. It mandates free and compulsory education for children aged 6 to 14 years and seeks to eliminate barriers to accessing quality education. The Act aims to provide equitable education opportunities, addressing disparities and promoting inclusive growth. However, the rise of the coaching industry presents a complex challenge to these objectives. While coaching institutes offer specialized training that often enhances students' chances of success, they also introduce socio-economic disparities, given the high costs associated with private coaching.

With the change in the laws and policies pertaining to education in India, there has been an upsurge in the number of students opting for coaching classes. The parents and students have become more goal-oriented and those seeking admission in IITs and AIIMS are ready to spend hefty amounts of money to see their children become doctors and engineers. This is borderline obsessive behaviour on part of parents and their children are not immune from this toxic obsession either. The education-technology revolution, empowered by the internet accessibility and necessitated by COVID-19 pandemic situation has added new dimension to this situation.

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<sup>2</sup> Article 45. Provision for free and compulsory education for children- The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.

<sup>3</sup> (1992) 3 SCC 666.

<sup>4</sup> (1993) 1 SCC 645.

It has come to the fore by the recent turn of events that there is a serious dearth of regulations governing the coaching institutes. There are certain aspects pertaining to the coaching institutes- protecting students' privacy, intellectual property rights, quality assurance and accreditation, consumer protection, cyber threats and mental health of students etc. which needs to be addressed. The Department of Higher Education under the Ministry of Education, Government of India has issued guidelines in January 2024 to regulate the coaching institutes. These guidelines are concerned with the assurance of quality, maintenance of minimum standards, mental well-being of the students, fee structure, infrastructure requirements and registration etc. These guidelines have also been necessitated due to the **National Education Policy 2020**.

The coaching institutes have become an omnipresent part of the education ecosystem in India. These institutes cater to various needs, from ensuring admission in premier institutes to getting the dream job. The coaching industry, driven by the aspirations of millions of students and parents, has become a multi-billion-dollar sector.<sup>5</sup> It offers a promise of success in highly competitive examinations, creating a parallel education system that often overshadows mainstream schooling. This phenomenon has led to several socio-economic implications:

1. **Economic Disparity:** Access to quality coaching is largely determined by financial capacity, exacerbating educational inequality.
2. **Academic Pressure:** The intense focus on competitive exams fosters a high-pressure environment, impacting students' mental health and overall well-being.
3. **Quality of Education:** The emphasis on rote learning and exam-oriented preparation often undermines the holistic educational goals envisaged by the RTE Act.

The National Education Policy (NEP) 2020 emphasizes significant regulatory measures for coaching institutes in India, addressing several critical issues. The policy aims to create a legal framework to manage the unregulated growth of these institutes and enhance the overall quality of education and student welfare.<sup>6</sup> These measures are designed to standardize the coaching

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<sup>5</sup> Jinny Sharma; Anjali Mehra; Ajaz Ahmad Ganaie, "Coaching as business: exploring its growth in India", *International Journal of Sustainable Society (IJSSOC)*, Vol. 14, No. 4, 2022.

<sup>6</sup> V. Vijayalakshmi, T. Ugandhar "Problems, Obstacles, and Suggestions for Improving the Quality of Higher Education Institutions in NEP", *International Journal for Multidisciplinary Research* Volume 5, Issue 3 (May-June 2023).

industry, protect student interests, and ensure that coaching centres contribute positively to the educational ecosystem.

## 1.1 THE COACHING INDUSTRY IN INDIA

The coaching industry in India has experienced substantial growth over recent decades, driven by various socio-economic and educational factors. Research indicates that the industry, initially dominated by individual private tuition centres, has evolved into large-scale enterprises. It is explored popular perceptions of India's coaching industry, focusing on themes of exclusivity and the socio-cultural impacts of this burgeoning sector. Several studies investigate the rapid expansion of coaching centres and their effects on the formal education system.<sup>7</sup> Collectively, these studies provide a detailed overview of the coaching industry's development in India, highlighting both its opportunities and challenges.

Coaching classes in India have become increasingly popular among students due to several key factors. One significant reason is the perception of coaching classes as essential for cracking competitive entrance exams, particularly for prestigious institutions like the Indian Institutes of Technology (IITs). This "shadow education" system, as discussed by, has become integral to student life, shaping educational aspirations and outcomes. The high demand for coaching is also driven by a lack of satisfaction with mainstream educational institutions, as highlighted by Bharucha (2016), who notes that students often turn to coaching to supplement insufficient learning at colleges<sup>8</sup>. Additionally, the coaching industry has been portrayed in media as a rigorous and necessary part of academic success, which is discussed in terms of cultural narratives and societal pressures. These representations reinforce the importance of coaching, creating a compelling narrative that drives students and parents to invest heavily in these classes. Furthermore, the growing trend of globalization and cross-cultural exchanges also influences the rising demand for coaching, with students seeking to gain competitive edges in both national and international contexts.

In India, educational technology (edtech) has significantly evolved, transforming traditional education with digital tools and innovative learning methods. Research highlights the

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<sup>7</sup> J.W. Ørberg "Uncomfortable encounters between elite and "shadow education" in India—Indian Institutes of Technology and the Joint Entrance Examination coaching industry". *The International Journal of Higher Education Research* 76, 129–144 (2018).

<sup>8</sup> Jehangir Bharucha, "Popularity of coaching "classes" in India", *International Business Education Journal* Vol. 9 No. 1 (2016) 27-36

remarkable expansion of edtech companies, driven by increased demand, investor interest, and the COVID-19 pandemic, which accelerated the adoption of online education.<sup>9</sup> Scholars emphasize the role of Massive Open Online Courses (MOOCs) in addressing the need for reskilling and upskilling, especially in light of India's large youth population and the 2020 National Education Policy. Another study examines the connection between private edtech platforms and employment trends, illustrating how these platforms support the gig economy by offering flexible, platform-based educational services. Additionally, some studies have explored the integration of Artificial Intelligence (AI) in management education, underscoring the importance of incorporating these technologies to enhance student learning<sup>10</sup>. Collectively, these studies depict the dynamic and multifaceted growth of edtech in India.

The National Education Policy 2020 (NEP 2020), announced on July 29, 2020, was developed after extensive consultations with stakeholders. One of its key principles is to prioritize regular formative assessments for learning over summative assessments, which currently drive the prevalent 'coaching culture.' NEP 2020 acknowledges the current nature of secondary school exams, including Board and entrance exams, and the resultant coaching culture, highlighting its detrimental effects.

Furthermore, NEP proposes reforms to the current system of Board and entrance exams to eliminate the necessity for coaching classes. NEP recommends introducing more flexibility, student choice, and best-of-two attempts in assessments. It aims to introduce similar principles will apply to university entrance exams. These exams will focus on conceptual understanding and the application of knowledge, aiming to reduce the need for coaching.

The need to regulate coaching institutes in India has become critical due to their rapid expansion and considerable impact on the educational system. Various measures and frameworks have been implemented to oversee this sector. Regulatory bodies and policies aim to ensure the quality of education and infrastructure, as highlighted by the National Education Policy (NEP) 2020, which calls for regulatory oversight and standardization to improve educational outcomes at all levels, including coaching institutes. The interplay between elite institutions like the Indian Institutes of Technology (IITs) and the coaching industry, especially

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<sup>9</sup> Baba Gnanakumar P. and M.K. Baby, "Tracks and Trails of Ed-Tech Firms in India". *International Journal of Research -GRANTHAALAYAH*, Vol. 11 (3, Apr. 2023), pp. 128–136.

<sup>10</sup> Adavi, Krishna Akhil Kumar, and Aditi Surie. "Teachers in India and EdTech: A New Part of the Gig Economy?" *Feminist Futures of Work: Reimagining Labour in the Digital Economy*, edited by Payal Arora et al., Amsterdam University Press, 2023, pp. 157–66.

in exam preparation, underscores the regulatory challenges. Given the coaching sector's significant influence on student outcomes, there is a need to reassess shadow education regulation to ensure it supports rather than detracts from formal education.<sup>11</sup>

Concerns about private coaching centers have increased particularly in light of the growing number of student suicides, fire incidents, inadequate facilities, and questionable teaching methodologies. Despite these issues, the number of unregulated private coaching centers in the country continues to rise, largely due to the lack of any established policies or regulations. Reports frequently highlight various malpractices within these centers, including charging exorbitant fees, imposing undue stress on students, which sometimes leads to suicides, and the loss of lives due to fire and other accidents. These issues are widely covered in the media, drawing public attention and concern.

To address this issue, various state governments in India have enacted legislation within their jurisdictions. Examples include the Bihar Coaching Institute (Control & Regulation) Act, 2010 [Bihar Act 17, 2010], the Goa Coaching Classes (Regulation) Act, 2001 [Goa Act 27 of 2001], the Uttar Pradesh Regulation of Coaching Act, 2002 [UP Act no. 5 of 2002], the Karnataka Tutorial Institutions (Registration and Regulation) Rules, 2001 [under Section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995)], and the Manipur Coaching Institute (Control and Regulation) Act, 2017 [Act no. 8 of 2017]. Additionally, the Rajasthan Coaching Institutes (Control and Regulation) Bill, 2023, is currently under public review, and on September 27, 2023, the Government of Rajasthan issued guidelines aimed at reducing stress and improving the mental health of students enrolled in coaching institutes.

Judicial activism has also played a role in addressing this issue. In a Public Interest Litigation (PIL) in WP No. 456 of 2013, filed by the **Student Federation of India vs. Union of India and others**, the Hon'ble Supreme Court was petitioned on the matter, with the Ministry of Education among the respondents. The Court disposed of the PIL with the direction that, while the issue raised is important, it fundamentally falls within the realm of policy. The petitioners were advised to present the issue to the relevant authorities, who should consider it according to the law.

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<sup>11</sup> J.W. Ørberg "Uncomfortable encounters between elite and "shadow education" in India—Indian Institutes of Technology and the Joint Entrance Examination coaching industry". *The International Journal of Higher Education Research* 76, 129–144 (2018).

## 1.2 MEANING OF COACHING INSTITUTES

Coaching institutes in India are specialized educational centres that provide additional instruction and training to students outside the traditional school and university systems. These institutes have become particularly prominent due to the high competition for entrance exams for prestigious institutions like the Indian Institutes of Technology (IITs) and medical colleges. Ørberg (2018) describes these institutes as part of a "shadow education" system, where they play a crucial role in preparing students for competitive exams. They often offer structured courses, expert faculty, and intensive training programs aimed at helping students succeed in these exams. Scholars note that coaching institutes also serve as a means for upper-caste middle-class families to navigate educational inequalities, providing a perceived edge over traditional schooling. Some Studies highlight the proactive approach of these institutes in promoting their services and adapting to flexible work environments to stay competitive. The rise of coaching institutes reflects the broader trends in the Indian education sector, where there is a significant emphasis on high-stakes exams and the perceived need for specialized, focused training to achieve academic and professional success.<sup>12</sup>

The Guidelines for Regulation of Coaching Centres released by the Union Education Ministry in January 2024, define “**Coaching**” as “tuition, instructions or guidance in any branch of learning imparted to **more than 50 students** but does not include counselling, sports, dance, theatre and other creative activities”.<sup>13</sup>

As per the Guidelines “**Coaching Centres**” means and includes “a centre, established, run, or administered by any person to provide coaching for any study programme or competitive examinations or academic support to students at school, college, and university level, **for more than 50 students**”<sup>14</sup>

The term “*shadow education*” is used many times to refer to the informal in India emerged over two decades ago, though its origins can be traced back five decades or even a century in some regions. The concept, its use, and its impact on regular education have always been

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<sup>12</sup> Tanisha Bindal and Akanksha Upadhyaya, “To Study the Perception of Individual Towards Promotional Approaches by Coaching Institutes in Flexible Work Environment,” *Anusandhan- NDIM's Journal of Business and Management Research*, Vol 4 No 1 (2022).

<sup>13</sup> Clause 4(ii) Guidelines for Regulation of Coaching Centres, Department of Higher Education, Ministry of Education Government of India (January, 2024).

<sup>14</sup> Clause 4(iii) Guidelines for Regulation of Coaching Centres, Department of Higher Education, Ministry of Education Government of India (January, 2024)

debated but often overlooked compared to other educational issues. Research in this area has received less attention from educational researchers, policymakers, and stakeholders, possibly due to its undervaluation. Scholars have noted a difficulty in defining Shadow Education comprehensively. This system of out-of-school learning significantly affects students, offering alternative choices that raise concerns about educational equality. Recognizing this, the Government of India's current Education Policy emphasizes reforming secondary level assessment strategies to combat the harmful "coaching culture," which detracts from true learning by focusing excessively on exam preparation (MHRD, 2020, p. 18).

### 1.3 REASONS FOR THE GROWTH OF COACHING INSTITUTES IN INDIA

Coaching Institutes have become an integral part of daily life for learners of various levels, expanding globally in a diverse manner. The commercialization of education influences the structure, characteristics, and strategies of Shadow Education based on consumer demands<sup>15</sup>. There is no standard curriculum followed by Coaching institutions. Providers effectively tailor their offerings to family preferences through aggressive marketing and technological tools, shaping the tutoring curriculum accordingly.

The primary reasons for choosing non-formal learning platforms to supplement formal education are evident at various learning levels. The motivations for opting for Shadow Education can be understood from the perspectives of parents, learners seeking these services, and providers meeting the demand. The reasons for integrating Coaching Institutes with formal education include:

- Addressing gaps in formal education.
- Assisting learners and their parents in overcoming learning difficulties encountered in school.
- Catering to diverse learners in formal education settings where many do not receive adequate attention from teachers.

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<sup>15</sup> Achala Gupta, "A 'Shadow Education' Timescape: An Empirical Investigation of The Temporal Arrangements of Private Tutoring Vis-à-vis Formal Schooling in India" *British Journal of Educational Studies*, 70(6), 771–787

- Limited interaction with teachers in formal educational settings.
- Increasing academic competition drives learners to seek memorization techniques to improve exam performance.

Parental anxiety about academic performance increases reliance on the Shadow Education system. Early tracking, selective schooling, entrance exam preparation, and centralized competitive exam preparation at various educational levels boost the demand for Coaching Institutes among learners and parents. Shadow Education caters not only to educationally weak learners but also to high achievers. Parental education, socio-economic status, and involvement play crucial roles in the utilization of the Shadow Education system.<sup>16</sup>

## 1.4 RIGHT TO EDUCATION

Right to education is a fundamental human right affirmed by the United Nations and recognised by regional treaties and various national constitutions of the world. The Right to Education (RTE) refers to the entitlement of every individual to receive an education. This right is recognized as a fundamental human right by various international conventions, such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights. In India, the Right to Education is enshrined in the Constitution through the Right of Children to Free and Compulsory Education Act (RTE Act), 2009 and it is enshrined in the Article 21-A of the Indian Constitution and recognised in various judicial pronouncements as a fundamental right.

Education plays an immeasurable role in shaping an ideal society and individual. It is crucial for every society and nation to bring comprehensive happiness and prosperity to its citizens. The independence of India ushered in new opportunities for economic development, social transformation, and democracy, which demanded skilled and well-educated individuals. It also provided learning opportunities to those who could participate in this developmental process. In addition to the extensive formal education system in schools, informal avenues of learning from the world of work and culture rapidly expanded to enhance education dissemination in cities and towns. Participation in economic development and in the democratic life of people,

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<sup>16</sup> Abhijit Guha, "Engagement of school students in shadow education: present status in India & West Bengal" *International Journal of Advanced Research*, Vol. 1 (March, 2023).

based on adult suffrage, provided opportunities to understand and practice rights and responsibilities, fostering greater awareness and essential skills for increased productivity.

## 1.5 DIFFERENT DIMENSIONS OF RIGHT TO EDUCATION

Education is an indispensable aspect of life, distinguished by its intrinsic nature as a claim rather than a privilege, thus insulating it from being revoked like a privilege can be.

i) *The Right to Education as a Human Right*- Internationally, education is recognized as a fundamental human right, enshrined in UNESCO's constitution. This reflects UNESCO's commitment to providing equitable educational opportunities globally, urging member states to promote education without discrimination.<sup>17</sup> UNESCO advocates educational methods that foster global citizenship among children, preparing them to embrace the responsibilities of freedom.

ii) *The Right to Education as a Fundamental and Constitutional Right in India*- In India, education is a fundamental right for children aged 6 to 14 years since 2002, ensuring access without discrimination based on caste, creed, religion, sex, or place of birth<sup>18</sup>. This right is enforceable and justifiable in the Supreme Court and High Courts under Articles 32 and 226 of the Indian Constitution. Additionally, education is a constitutional right under Article 45 for children under six years and under Article 41 for those above 14 years.

iii) *The Right to Education as an Enabling Right*- Education serves not only as a fundamental right but also as an enabling right that empowers economically and socially marginalized children to overcome poverty and elevate their quality of life, fostering their development into fully realized citizens. This transformative power of education is universally acknowledged.

The assessment of the Right to Education can be effectively analysed using the 4 A's framework developed by the UN Special Rapporteur, Katarina Tomasevski. This framework emphasizes four essential pillars for making education a meaningful right: availability, accessibility, acceptability, and adaptability. Governments are urged to protect, respect, and fulfil the Right to Education under this framework, which also assigns responsibilities to other stakeholders, including parents who are a child's primary educators. According to this framework, education

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<sup>17</sup> Article 1(2)(b) of Constitution of UNESCO.

<sup>18</sup> Article 21A inserted by the Constitution (Eighty-Sixth Amendment) Act, 2002, sec. 2 (w.e.f. 1-4-2010).

should be universally available, adaptable to diverse needs, socially acceptable, and accessible to all sections of society.

The Right to Education (RTE) Act in India guarantees free and compulsory education for children aged 6 to 14 years, aiming to provide equitable access to quality education. However, the proliferation of coaching institutes in India presents a complex relationship within this legal framework. While the RTE Act aims to democratize education and ensure its universal availability, coaching institutes in India play a dual role: supplementing formal education for exam preparation but also potentially exacerbating educational disparities and adding to societal pressures. Balancing the benefits and challenges posed by coaching institutes remains a significant consideration in the context of realizing the broader goals of the Right to Education.

## 1.6 JUDICIAL DEVELOPMENTS

In the landmark case of *Mohini Jain v. State of Karnataka*<sup>19</sup>, the Supreme Court of India affirmed that the right to education is intrinsic to the right to life under Article 21 of the Constitution. The Court held that the right to life and human dignity cannot be fully realized without the inclusion of the right to education, emphasizing the State's fundamental duty to provide accessible educational opportunities for all citizens. This ruling not only impacts public education but also indirectly affects private coaching institutes by reinforcing the principles of accessibility and equality. The Court's decision underscores that educational opportunities should not be limited by socio-economic barriers, implying that private educational institutions, including coaching centers, must ensure equal access to quality education. The case serves as a critical reminder of the State's responsibility to promote an inclusive educational environment, reinforcing that education is a fundamental right essential for the holistic development and dignity of individuals.

In the landmark case of *Unni Krishnan, J.P. & Ors. v. State of Andhra Pradesh & Ors.*<sup>20</sup>, the Supreme Court of India made a pivotal ruling that significantly advanced the interpretation of the right to education within the Indian Constitution. The Court affirmed that the right to education is a fundamental right derived from the right to life and personal liberty under Article 21, extending beyond elementary education to encompass various levels of learning, with

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<sup>19</sup> 1992 SCR (3) 658

<sup>20</sup> 1993 SCR (1) 594

differing obligations on the State. It introduced a scheme to regulate admissions to professional colleges, ensuring that a certain percentage of seats in private institutions be reserved as "free seats" or at subsidized rates for students from economically weaker sections. This ruling underscored the State's responsibility to provide educational access and prevent financial barriers from hindering opportunities. The Unni Krishnan decision laid the foundation for future legal and policy advancements, including the Right of Children to Free and Compulsory Education Act, 2009, and set a precedent that impacts coaching institutes by reinforcing the need for equity and accessibility in education.

In the case of *Environmental and Consumer Protection Foundation v. Delhi Administration*<sup>21</sup>, the Supreme Court directed the State to ensure that all educational institutions, including coaching centers, provide essential facilities such as drinking water and toilets. This ruling emphasizes the importance of a conducive learning environment and highlights the responsibility of coaching institutes to offer adequate infrastructure. Although the primary focus was on schools, the Court's principles extend to coaching centers, underscoring the need for a safe and supportive educational setting. By mandating basic amenities, the judgment reinforces the broader obligation for all educational entities to adhere to minimum standards of hygiene and comfort. This approach ensures that students can concentrate on their studies without being hindered by inadequate facilities, promoting a holistic educational experience where the physical environment is integral to effective learning.

In the case of *Brilliant Tutorials Pvt. Ltd. vs. Ashwani Verma*<sup>22</sup>, the National Consumer Disputes Redressal Commission addressed unfair trade practices related to fee collection by coaching institutes. The case involved Brilliant Tutorials, which had charged fees in advance for periods extending beyond the current semester or year.

The National Consumer Disputes Redressal Commission drew on the Supreme Court's earlier ruling in *Islamic Academy of Education and Another vs. State of Karnataka*<sup>23</sup>, which had criticized the practice of demanding full course fees upfront. The Supreme Court had stated that students should only pay for the current semester or year, not in advance for multiple years.

In this case, the National Consumer Disputes Redressal Commission upheld this principle,

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<sup>21</sup> AIR 2013 SUPREME COURT 1111

<sup>22</sup> (2010 (4) CPJ 396)

<sup>23</sup> (2003 (6) SCC 697)

determining that charging fees in advance beyond the current period was unfair. The decision reinforced that coaching institutes must follow fair fee collection practices, aligning with the broader standards of the right to education and consumer protection. This ruling affirmed that coaching centers, like traditional educational institutions, must adhere to regulations ensuring equitable and transparent fee practices.

In the landmark case of *FIITJEE Ltd. vs. Dr. Minathi Rath*<sup>24</sup>, the National Consumer Disputes Redressal Commission (NCDRC) addressed significant issues related to the right to education and its implications for coaching institutes. The case involved a complainant whose daughter, dissatisfied with the quality of coaching and lack of personalized attention, left a two-year program at FIITJEE after just one year. The primary contention was the fairness of FIITJEE's policy that fees once paid were non-refundable. The NCDRC ruled that this policy was unconscionable and constituted an unfair trade practice, emphasizing that service providers, including coaching institutes, cannot charge for services not rendered. The NCDRC directed FIITJEE to refund the fees for the period the student did not attend and recommended that institutions avoid requiring full payment upfront. This decision reinforces the importance of fair practices in educational services and highlights the need for coaching centers to align their policies with consumer protection principles, ensuring that students are not unfairly burdened by fees for unsatisfactory or incomplete services.

In the case of *Avinash Mehrotra v. Union of India*<sup>25</sup>, the Supreme Court of India ruled that the right to education includes the right to a safe school environment. Following a tragic fire at a school in Madras, the Court mandated that all schools, including private institutions, must comply with fire safety standards as outlined in the National Building Code of India, 2005. The decision reinforced that the State is obligated to ensure that children are not exposed to harm while exercising their right to education, thereby integrating safety into the fundamental right to education under Articles 21 and 21A of the Constitution.

## 1.7 COACHING INDUSTRY IN INDIA VIS-À-VIS RIGHT TO EDUCATION: EMERGING TRENDS

The COVID-19 pandemic has reshaped the landscape of traditional Shadow Education systems. The integration of technology and the rise of personalized learning opportunities

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<sup>24</sup> 2012(1) CPJ 194

<sup>25</sup> (2009) 6 SCC 398

through advanced educational technologies have transformed non-formal education. Educational technology companies, commonly known as Ed-Tech firms, have emerged as supplementary education providers for learners. This represents a new dimension of the Shadow Education system, highlighted during school closures when digital learning platforms became essential for delivering educational experiences amid the health crisis. Looking ahead, the concept of Shadow Education remains contentious in educational literature, with ongoing challenges in defining its scope and impact. It typically emphasizes subject-specific educational philosophies focused on mastery of learning, supporting learners in mainstream education improvement through exam preparation and additional learning needs. Over the past two decades, global research has mapped out Shadow Education's social and educational implications, revealing diverse terms and practices worldwide such as private tutoring, after-school studies, and Ed-Tech platforms. Understanding the dynamics of private tutoring is crucial for shaping educational policies and addressing social inequalities within school systems.<sup>26</sup>

Previous research has guided in the field to explore further into the evolving dimensions of the Shadow Education system. It is imperative to examine policies and implications related to this aspect of the education system. The perspectives of stakeholders and educators on the existence and future of the Shadow Education system alongside mainstream education play a crucial role in reshaping the education system holistically. The dynamic nature of education continually influences changes in the Coaching Industry landscape. Despite being a contentious area, the Shadow Education system is not widely recognized as a factor impacting formal education learning processes. Stakeholders including parents, learners, and teachers from both formal and Coaching Industry often withhold precise information crucial for in-depth studies. Despite two decades of research, there remain undefined and overlooked aspects of Coaching Industry. There is a pressing need for policymakers, educators, and educational philosophers to establish clear boundaries and frameworks within the context of the Coaching Industry.

The legal regulations governing coaching institutes in India are primarily shaped by various educational and regulatory bodies, although specific, uniform legislation solely targeting coaching institutes is lacking. One relevant framework is the Societies Act of 1860, which many educational institutions, including coaching centres, use for governance. This act ensures

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<sup>26</sup> Neha Miglani and Patricia Burch, "Educational Technology in India: The Field and Teacher's Sensemaking", *Contemporary Education Dialogue*, Vol.16 No. 1(January,2019) 26-53.

certain operational standards and governance structures but is not tailored specifically to coaching institutes.<sup>27</sup> The coaching industry operates in a regulatory grey area, often falling under the broader educational guidelines provided by bodies like the University Grants Commission (UGC) and specific trade governing bodies for technical education. These guidelines ensure minimum resource requirements and educational standards but do not specifically address the unique aspects of coaching institutes.

The National Education Policy (NEP) 2020 introduces various regulatory measures aimed at enhancing the education system, which indirectly affects coaching institutes by promoting equitable access and high-quality education. However, the actual application and enforcement of these regulations can be inconsistent, leading to varying standards across different coaching institutes.

NEP 2020 brings several changes influencing the operations of coaching institutes in India. It stresses the importance of holistic, multi-disciplinary, and flexible education, intending to decrease the dependency on coaching institutes by improving the quality and accessibility of formal education. The policy promotes experiential learning, critical thinking, and the integration of vocational education into mainstream education. It also aims to increase the Gross Enrollment Ratio (GER) in higher education to 50% by 2035, which involves enhancing infrastructure and teacher training to achieve better educational outcomes without relying on coaching.

NEP 2020's focus on multi-entry and multi-exit options, experiential learning, and multidisciplinary approaches could lessen the reliance on coaching institutes, as the education system itself will become more responsive to individual student needs and interests.<sup>28</sup> Nevertheless, challenges such as resource limitations and the need for extensive teacher training may mean that coaching institutes continue to play a significant role in the short term.<sup>29</sup>

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<sup>27</sup> V. Thanikachalam, "Enhancing Institutional Governance Beyond the Society's Act of 1860 (Steps to Improve Autonomous Institutes' Administration through Board of Governors)" *Journal of Engineering Education Transformations-Special Issue* (January, 2016).

<sup>28</sup> Indira R. Umarji, Rashmi Patil, et al., "A framework for a curriculum to ensure minimum standard for flexible, experiential and multi-disciplinary learning towards achieving NEP-2020 goals", *Journal of Engineering Education Transformations*, Vol. 35, Issue: S1, (January, 2022) pp 221-226.