

CENTRAL CONSUMER PROTECTION AUTHORITY

NOTIFICATION

New Delhi, the 13th November, 2024

WHEREAS the Central Consumer Protection Authority is empowered to regulate matters relating to violation of rights of consumers, unfair trade practices and false or misleading advertisements which are prejudicial to the interests of public and consumers. Section 18 of the Consumer Protection Act, 2019 states that the Central Authority shall ensure that no false or misleading advertisement is made in respect of any goods or services which contravenes the provisions of the Consumer Protection Act, 2019 (35 of 2019);

AND WHEREAS the Central Consumer Protection Authority has observed that the coaching institutes makes false or misleading advertisements to promote the sale of goods or service and engage in deceptive or unfair trade practices;

AND WHEREAS the Central Authority has also observed that some coaching institutes deliberately conceal important information and give false guarantee which is likely to mislead the consumers.

In exercise of the powers conferred by section 18 of the Consumer Protection Act, 2019 (35 of 2019), the Central Authority hereby makes the following guidelines to provide for the prevention of misleading advertisement in coaching sector, namely:-

- 1. Short title, commencement and application.** – (1) These guidelines may be called the Guidelines for Prevention of Misleading Advertisement in Coaching Sector, 2024.
- (2) It shall come into force on the date of its publication.
- (3) These guidelines shall apply to all forms of advertisements by any person including an endorser engaged in coaching sector.

- 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 section 2(1) of the Consumer Protection Act, 2019 (35 of 2019);
 - (c) “Coaching” includes academic support, imparting education, guidance, instructions, study programme or tuition or any other activity of similar nature but does not include counselling, sports, dance, theatre and other creative activities;
 - (d) “Coaching Center” includes a center, established, run, or administered by any person(s) for providing coaching to more than fifty students;
 - (e) “Central Consumer Protection Authority” means the Central Authority established under section 10 of the Consumer Protection Act 2019 (35 of 2019);
 - (f) “Competent Authority” means an officer notified by the appropriate government.
 - (g) “Endorser” shall have the same meaning as provided under clause 2(f) of the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022;
 - (h) “Misleading Advertisement” shall have the same meaning as defined under section 2(28) of the Consumer Protection Act, 2019 (35 of 2019);
 - (i) “Person” shall have the same meaning as defined under section 2(31) of the Consumer Protection Act, 2019 (35 of 2019);

(2) The words and expressions used in these guidelines which are not defined herein, but defined in the Consumer Protection Act, 2019 (35 of 2019) shall have the same meaning assigned to them in the Act.

3. Conditions for misleading advertisement. – Any person who establishes, runs, administers coaching center or provides coaching shall be said to be engaged in misleading advertisement, namely –

- (a) makes false claims regarding course(s) offered, duration of completion, credential of faculty, fee, course exit policy including fee-refund;
- (b) makes false claims regarding number of selection, rank in exam or success rate;

- (c) make false claims such as guaranteed selection, job security, job promotions, salary increase, success at different stages of an examination, admission to any institution or lead the consumer to believe that enrolment in coaching will ensure a good rank, high marks;
- (d) falsely represents that the services are of a particular standard or quality;
- (e) creates a false sense of urgency including falsely stating or implying the sense of urgency or scarcity showing false popularity of goods or services so as to mislead a person into making an immediate purchase or require taking an immediate action;
- (f) engages in any other unfair trade practice or misleading advertisement.

4. Obligations of every person engaged in coaching. – (1) Any person who is engaged in coaching while making an advertisement shall –

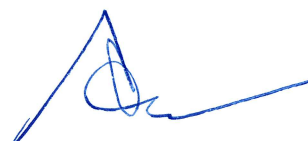
- (a) disclose important information such as rank secured, name and duration of course, whether such course is paid with the candidate's photograph;
- (b) display disclaimer and any other important information prominently. The font of disclaimer and important information in the advertisement shall be the same as that used in the claim;
- (c) accurately represent the service, facilities, resources and infrastructure of the coaching center;
- (d) truthfully represent, if applicable, that the course(s) offered are duly recognised and have the approval of a competent authority such as All India Council for Technical Education (AICTE), University Grants Commission (UGC), etc.
- (e) maintain transparency in making an advertisement;
- (f) every coaching center shall endeavour on a best effort basis to become a partner in the convergence process of the National Consumer Helpline of the Central Government.

(2) Any person who is engaged in coaching shall not use name, photographs, testimonial or videos of successful candidate in an advertisement without candidate's written consent. The consent in this regard shall be taken subsequent to the selection.

5. Guidelines not in derogation of any other laws. – The provisions of this Guidelines shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

6. Power to remove difficulties. – If any difficulty arises in giving effect to the provisions of this Guidelines, the Central Consumer Protection Authority may, make such provisions not inconsistent with the provisions of the Act as appear to it to be necessary or expedient for removing the difficulty.

7. Contravention of guidelines. – The provisions of the Act shall apply for any contravention of these Guidelines.



NIDHI KHARE, Chief Commissioner
[CCPA-1/2/2023-CCPA]