Education Regulatory and Legal Update: Year 2021 in A Wrap

Article By:

Aniruddha Majumdar

The year 2021 has been one of the most significant ones for the Education sector in India in recent times, both from a regulatory and industry perspective. Since late 2020 and all the way through 2021, the Government of India has been clear in its vision to make the country a global education hub, and has taken numerous concrete measures to that effect.

For instance, there have been conscious steps to liberalize and internationalize higher education. These are not only aimed at encouraging collaborations in learning and research, but also to make learning more accessible and flexible. These measures have stemmed from the National Education Policy, 2020 ("**NEP**") – a vision statement of the government to reform the entire education sector in India in the coming few years. Most of the regulatory reforms are focused on a *'light but tight'* regulation approach. While some reforms streamline approval processes and are aimed at removing regulatory bottlenecks, others are aimed at giving more flexibility to institutes in decision making, without the need of prior approval from the regulators. There is also a lot of impetus on use of technology, alternative teaching methods, and vocation-based learning, which opens doors for many new models of working in education sector in India.

We also saw the traditional K-12 adjusting to changes in learning and teaching pattern. To a great extent, K-12 moved online in 2020 and 2021 and since then trends suggest that hybrid learning is the way of the future.[1] Many schools have launched their own e-platforms or have tied up with existing platforms to supplement traditional learning[2].

All these developments have also led to significant investments in the EdTech space, with upGrad, Eruditus and Vedantu entering the Unicorn club in 2021.[3] NDA has been involved in many such spotlight deals as well.[4] Some EdTech entities have also announced plans to go public, which is a great boost for the education sector overall.[5]

Realizing the important role that EdTech has been playing in education, the industry itself is taking steps to self-regulate, ensure good practices in the industry, and be more customer friendly to fulfil the true aim of education.[6] The industry also stands to benefit from the regulatory changes in the EdTech space in China, which we believe will not be repeated in India (you may read our views here). Some EdTech platforms have also joined hands with the government or launched their own not-for-profit campaigns to educate from school level onwards.[7]

In this update, we have discussed some of the key legal and regulatory updates from 2020 to 2021.

1. UGC REGULATIONS ON ONLINE AND OPEN AND DISTANCE LEARNING PROGRAMMES

In a progressive move for online education in India, the University Grants Commission[8] ("**UGC**") notified the UGC (Open and Distance Learning Programmes and Online Programmes) Regulations, 2020[9] ("**UGC Online and ODL Regulations**") in September, 2020. Prior to these regulations, there was always a distinction made by the regulators between online[10] and open and distance learning[11] ("**ODL**") mode of imparting education. While programmes in ODL mode were permitted under various regulations earlier[12], programmes conducted entirely in online mode were only permitted by the UGC in 2018.[13] These regulations had several regulatory requirements and processes which had to be complied with, in order for Indian universities and institutions-deemed to be universities[14] (collectively, "**HEI**") to offer an online programme.

Separate regulations for online and ODL mode often caused confusion, given that ODL and online modes do overlap to some extent. With education moving completely online due to the pandemic, the UGC streamlined the regulations on online and ODL mode. This culminated in the UGC Online and ODL Regulations which now regulate both online and ODL formats of imparting education by universities and institutions deemed to be universities in India.

What kind of programmes can be offered in online or ODL mode?

The regulations enable HEIs to offer full-fledged degree and diploma programmes through online and ODL mode, except certain prohibited programmes. These prohibited programmes include programmes in the disciplines (including allied domains) of engineering, medical, and para-medical disciplines, architecture, law, agriculture, hotel management, and other programmes which are not permitted to be offered through online and/or ODL mode by any statutory or regulatory body. Research-based programmes such as M.Phil. and Ph.D. are also prohibited to be offered in these modes.

However, if the concerned statutory or regulatory body permits any of the aforementioned programmes to be offered in online and/or ODL mode, the UGC may permit offering such programmes through an order. For instance, the All India Council for Technical Education ("**AICTE**") has approved the offering of certain technical education programmes in online mode. We have discussed this in detail in section 3 below.

Who can offer the programmes in online or ODL mode, and how?

As per the UGC's Online and ODL Regulations, universities and institutions-deemed to be universities which fulfil certain scoring / ranking criteria in India can offer programmes in online and ODL mode. Further, certain high-ranking / high-scoring HEIs[15] have even been permitted to offer up to three undergraduate and ten postgraduate online programmes without any prior approval of the UGC.[16] Such HEIs are only required to file an application with the UGC along with the prescribed documents for the relevant programme proposed to be offered by them in an online mode.

The regulations also contain detailed provisions on the application and approval process for offering online programmes and various compliance requirements in terms of infrastructure and human resources requirements, disclosure of information, etc. The application is completely online and is required to be made at least three months prior to the commencement of the academic session

(which is in January or July of every calendar year) of the programme intended to be offered.

Four-quadrant approach and partnerships

Online programmes are required to follow the four-quadrant approach[17] which primarily involves audio and video content, self-instructional material, discussion fora, and online assessment. The principal responsibility to offer the course, developing curriculum, appointment of faculty, award degrees, etc. is of the HEI. This is clear under various provisions of the UGC Online and ODL Regulations as well, which require disclosures regarding personnel who prepared the curriculum, details of faculty, etc. to be made on the HEI's website. However, given the flexibility of the four-quadrant approach, there is an ability for HEIs to tie up with content providers, even foreign HEIs, and industry for various content partnerships. An HEI can also source up to 40% of its e-learning material[18] from external sources so long as they are approved by the relevant HEI's statutory bodies.

Online platforms for programme delivery

The UGC Online and ODL Regulations provide that the online programme must be offered through the Government's SWAYAM platform, or any other platform which is approved by the UGC. Since HEIs may not have their own platform, and may not always want to use the Government's SWAYAM portal, this opens avenues for HEI collaboration with private platforms.

Takeaways

Although the UGC Online and ODL Regulations are focused on Indian HEIs going online and offering degrees to students, the regulations give flexibility to Indian HEIs with curriculum development, delivery as well as use of platform and other technical and support services as per their liking, with some regulatory checks in place. Courses offered by Indian HEIs are thus accessible to a much larger number of students, especially those who cannot afford to attend physical classes or are keen on continuing education. Indian HEIs now also have the potential of partnering with both domestic and foreign entities for content license (as long as they work within the four-quadrant approach), and include it as part of their curriculum. They can also look at MOOC platforms for sourcing available content. The option to partner with platform or content providers also remains open to be explored.

2. GREATER SCOPE FOR COLLABORATION WITH INSTITUTIONS OF EMINENCE[19]

Institutions of Eminence ("**IoE**") are a special category of institutions which enjoy significantly more autonomy in terms of their collaborations with foreign universities, curriculum, faculty, etc., compared to other HEIs.[20] The IOE regime was introduced specifically to enable certain top Indian institutions / universities to break into the top 500 (and eventually top 100 of world institutions rankings) and also to facilitate global recognition of Indian HEIs. In 2019, the Government of India recommended a total of twenty institutions for conferring the status of IoE, out of which ten were public institutions and ten were private institutions.[21]

The UGC amended the UGC (Institutions of Eminence Deemed to be Universities) Regulations, 2017 ("**IoE Regulations**") as applicable to private institutions, in January 2021.[22] The amendments were of special significance given that they resolved certain legal lacunae and granted further autonomy to private IoEs, especially in terms of courses in online mode and arrangements with service providers.

Key provisions introduced by the amendments

No approvals required for offering completely online degree programmes: With the amendments, both private and Government IoEs can offer degree courses in online mode without any prior approvals from the UGC/AICTE. There is also no cap on the number of programmes can that be offered by an IOE in a completely online mode.

Off-shore campuses: IoEs can also set up new off-shore campuses with the prior approval of the Ministry of Education of India. This will certainly help IoEs to expand their footprints internationally.

Takeaways

Given the reputation that IoEs have as premier institutions in India, they can certainly be the first partnering choice for both domestic platforms, as well as foreign HEIs / platforms considering opportunities in India. The flexibility IoEs enjoy with decision-making can result in deals being done with both speed and ease, which is always preferable while establishing presence in a new country.

As IoEs will commence expanding in other jurisdictions, they may need local partner support, which could result in inking interesting structuring and collaboration cross-border opportunities. The potential popularity of IoEs overseas would benefit foreign HEIs, when they partner with IoEs, in India, as they could turn out to be bankable partners for the foreign HEIs' expansion plans in India.

Since IoEs enjoy complete autonomy with course offerings, content development, method of delivery, etc., in addition to their credibility and reputation, they are ideal partners for platforms service providers as well, who are interested in offering courses from Indian HEIs online to a global audience.

3. **AICTE'S GUIDELINES FOR ONLINE AND OPEN AND DISTANCE LEARNING[23]**

As discussed in point 1 above, the UGC does not permit technical programmes to be offered in online or ODL mode, unless approved by the sectoral regulators. The AICTE, which is the regulatory authority for technical education courses in India, recognised the importance of online learning and notified the AICTE (Open and Distance Learning Education and Online Education) Guidelines, 2021[24] ("**Guidelines**").

Under the Guidelines, certain technical education courses can be offered online. These are in management and allied areas, computer applications, artificial intelligence and data science in the engineering & technology domain, logistics, and travel and tourism.

The Guidelines have to be read in conjunction with the UGC Online and ODL Regulations and the eligible HEIs must comply with the various requirements under the UGC regulations for infrastructure, faculty, curriculum and other requirements. Largely, the Guidelines follow the scheme of the UGC and ODL Online Regulations in terms of eligibility criteria for HEIs and other matters. This means that institutions offering permitted technical programmes have the ability to offer programmes in partnership with the industry, platforms, etc., as we discussed under point 1 above.

Importantly, the AICTE has stated that all applications in respect of an academic year will be approved by or before April 30 of the calendar year in which the academic year commences. Hence,

a concrete timeline for the approval process provides much needed certainty to HEIs seeking to offer online programmes. Further, students can be admitted twice a year as per the approved intake for each course, which offers greater intake capacity to the institutes.

Takeaways

This will be of interest for both platform service providers and foreign HEIs who are focused on partnering with Indian HEIs for permitted technical courses.

4. INTRODUCTION OF THE ACADEMIC BANK OF CREDITS SCHEME[25]

The UGC notified the UGC Establishment and Operation of Academic Bank of Credits in Higher Education) Regulations, 2021 ("**ABC Regulations**") in August, 2021.[26] The ABC Regulations *inter alia* provide for the establishment of an Academic Bank of Credits ("**ABC**") which will facilitate the recognition and transfer of credits earned by students, amongst various HEIs. The aim of the ABC Regulations is to enable students to "*choose their own learning path to attain a Degree or Diploma or Post Graduate diploma or academic qualification, working on the principle of multiple entry-multiple exit* ("**MEE**") *as well as any-time, any-where, and any-level learning*". To supplement these regulations, the UGC has also released guidelines on the implementation of MEE in academic programmes offered in HEIs ("**ABC Guidelines**").[27]

The ABC Regulations and ABC Guidelines are revolutionary in the context of how higher education in India has conventionally operated. The ABC Regulations introduce learning flexibility and a system of earning and redeeming credits which, albeit prevalent in several other countries, evaded India. Students can now pursue a combination of courses and earn credits in each of these, in order to attain a degree / qualification of choice. This can be done through availing MEE options in HEIs, based on preference, convenience or necessity.

In terms of functioning, the ABC will be a national-level online facility for promoting flexibility of curriculum framework and interdisciplinary or multidisciplinary academic mobility of students across HEIs in India. It is proposed to function similar to a commercial bank with students as account-holders. Hence, the ABC will provide services such as credit accumulation, credit transfer, and credit redemption through the opening, closure and validation of academic bank accounts.

In order for a HEI to be part of the ABC scheme, the ABC has to register such HEIs as per the ABC Regulations. Only HEIs which fulfil certain ranking / scoring criteria (including IoEs) are eligible to be registered with the ABC under the ABC Regulations. HEIs can take their decisions with respect to the curriculum content, educational technologies to be used for the courses offered, course timing, continuous evaluation methods, attendance and novel methods of assessment. This will indeed be a great enabler for the HEIs.

The way the ABC Regulations are worded offer interesting collaborations and new opportunities. Firstly, ABC is meant to be inclusive for all types of modes, and would include various existing and futuristic teaching-learning models. While online learning is an option, it may also include credits obtained in assessments for theoretical or practical assessments, if the same are offered as separate credit courses. There is also a focus on vocational courses to be merged with mainstream education. In addition to regular courses, HEIs will have the flexibility to offer a set of courses which are only for the purpose of the ABC scheme.

Takeaways

This is a value adding proposition for both domestic and foreign HEIs and platforms. Since Indian HEIs now have the ability to offer flexible course structures in a variety of ways and in various disciplines, including but not limited to online, vocational, on-ground training, research etc, and accord credits for it, this could potentially lead to different models of collaborations, such as industry-institution-platform partnerships, being inked together. For e.g., the expertise and reputation of foreign HEIs in various subjects can potentially be used to supplement subject-specific courses existing in Indian HEIs. Of course, the principal lead and onus of each programme will be of the HEI, as is the diktat of Indian education regulations.

5. **GUIDELINES ON INTERNATIONALIZATION OF HIGHER EDUCATION IN INDIA**[28]

In order to further boost collaborative arrangements between Indian and foreign HEIs, the Government of India released guidelines on Internationalisation of Higher Education in India ("**IHE Guidelines**").[29] These IHE Guidelines encourage Indian HEIs to undertake strategic reforms aimed at (i) forming twinning arrangements with foreign HEIs for offering various programmes; (ii) enabling credit transfers between Indian and foreign HEIs; (iii) aligning the curriculum, faculty and infrastructure of Indian HEIs with global standards; (iv) adopting a global citizenship approach; and (v) enhancing technological capabilities and undertaking newer forms of programmes such as Massive Open Online Courses.

While the aim of the IHE Guidelines is primarily to raise the quality of education in India and instil useful skillsets in students, the role of foreign HEIs in achieving the goal of internationalization of higher education has been expressly recognized and encouraged. These guidelines are yet another statement of intent by the Government in pursuance of its aim to encourage foreign participation into the education space and an increase in flexibility in the modes of education that are available to students.

6. **PROPOSALS IN THE PIPELINE**

Allowing foreign universities to open campus in India

The National Education Policy, 2020 ("**NEP**") proposes to allow the top 100 universities of the world to open a campus in India. The legislative framework to take this forward is expected to be put in place soon. It is also contemplated that such universities will be given special dispensation regarding regulatory, governance and content norms on a par with other autonomous institutions of India. This is a much-anticipated policy change, and the government seems keen to take this forward. However, in our view, allowing just 100 top universities of the world to open a campus in India may be too little, too late (you may read our views on this issue here[30]).

Proposed regulations on academic collaboration arrangements between Indian and foreign HEIs

The UGC released the draft UGC (Academic Collaboration between Indian and Foreign Higher Education Institutions to offer Joint Degree, Dual Degree and Twinning Programmes) Regulations,

2021 ("**Draft Collaboration Regulations**")[31]. Among other things, the Draft Collaboration Regulations lay down various kinds of arrangements that Indian and foreign HEIs can enter into, such a joint degrees, dual degrees and twinning arrangements. Once enacted, these regulations will be a game changer and will open avenues for further collaborations between Indian and foreign HEIs.

7. GOVERNMENT OF INDIA'S ADVISORY ON EDTECH

The Ministry of Education of the Government of India had recently issued an "*Advisory to citizens regarding use of caution against Ed-tech Companies*".[32] This is an advisory to students, parents and other stakeholders of the EdTech ecosystem with respect to use of EdTech platforms. The advisory is a public awareness measure, and we have listed some of the do's and don'ts from the advisory in the table below.

Do's
1. Avoid automatic payments for subscription fees
2. Read terms and conditions before accepting use of software/device
3. Conduct background check on platform before enrolment - read reviews, verify quality of content provided
4. Activate parental controls & safety features on devices used by children, read child safety guidelines[33]
5. Ask for tax invoice statement on purchase of educational service
6. Make others aware of spam/false marketing being used by companies

Don'ts
1. Do not sign up for loans without being aware
2. Do not share personal videos and photos
3. Do not fall prey to false promises, success stories or advertisements by companies
4. Do not save personal data online like emails, phone number, card details
5. Do not allow purchases without parental consent
6. Do not share bank account details
7. Do not click on links from unfamiliar sources

The advisory reiterates the laws and regulations that EdTech entities should adhere to, such as the E-Commerce Rules, 2020. It emphasizes that EdTech platforms should not adopt false or unfair marketing practices, should ensure they have robust grievance redressal mechanisms, should take affirmative consent from consumers for products offered online, should not manipulate prices for unreasonable profits, etc. It also states that Advertising Standards Council of India's Code for Self-Regulation in Advertising should be followed for advertising in the education sector.

8. SELF-REGULATION BY EDTECH ENTITIES

As per recent reports, fifteen EdTech companies such as Byju's, upGrad, Simplilearn, and Unacademy have set up an autonomous body called the India EdTech Consortium to adopt a code of self-regulation to address concerns regarding misleading advertisements, misleading payment structures, ethical sales practices, etc., in the EdTech industry.[34] A two-tier grievance redressal mechanism has also been proposed to be established. The consortium has stated that it wishes to ensure that their operations are conducted with transparency and with consumer interest in mind.

Take away

An important step towards consumer welfare is for EdTech platforms to comply with the laws of the land. While there are numerous education-specific laws in India (including those enacted by various states), most of these may not apply to EdTech platforms. However, there are various other laws which may impose compliance requirements on EdTech platforms, and the impact of these is required to be evaluated on a case-to-case basis. For e.g., most EdTech platforms would come within the ambit of an "e-commerce entity" under the E-Commerce Rules, 2020[35], and accordingly be required to be compliant with the rules (see our analysis here). Similarly, EdTech platforms which act as intermediaries would need to comply with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.[36] There are other laws such as data protection that apply not only to EdTech platforms but to many other education sector enterprises (our analysis is available here). In addition, new technology such as blockchain is being increasingly implemented for education, and may result in novel legal issues and compliances, a review of which can be found here.

Hence, just like other new age industries such as OTT and online gaming, there are laws already in place (some of which are discussed above) which will apply to EdTech as well. In such a situation, enacting new laws may not achieve any end. It is indeed heartening to see that the EdTech industry has taken proactive steps towards self-regulation similar to the gaming and OTT industry where stakeholders have formed bodies such as the All India Gaming Federation and the Digital Media Content Regulatory Council. Such authorities have the potential to keep all stakeholders in check and ensure consumer welfare at large.

WHAT NEXT?

Several policy changes are taking place in education sector in India ever since the Government of India released the NEP. It is indeed an interesting space to watch. We are hopeful that the liberalised and light touch regulatory regime will open doors for further growth, internationalisation of education and investment in education in India. This would encourage domestic and foreign players to flourish in the country – each operating with the aim of promoting education, developing skills and creating a better educated world for the future.

FOOTNOTES

[1] See https://www.zee5.com/zee5news/intelligencemonitoredtech2021.pdf (Last visited on January 12, 2022).

[2] See https://economictimes.indiatimes.com/tech/startups/schools-partner-with-edtech-startups-in-droves-as-new-normal-sets-in/articleshow/83814467.cms (Last visited on January 12, 2022).

[3] Byju's had become a decacorn in 2020 while Unacademy had become a unicorn in 2020 (See https://www.businessinsider.in/business/startups/news/india-now-has-four-edtech-unicorns-byju-unacademy-eruditis-upgrad/articleshow/85300757.cms; https://www.livemint.com/companies/news/vedantu-raises-100-mn-at-1-bn-valuation-is-india-s-fifth-edtech-unicorn-11632914134807.html) (Last visited on January 12, 2022).

[4] An illustrative list of such deals are as follows:

(i)   advising on investments by GGV Capital, Coatue Management and Tiger Global Management in Vedantu,

(https://www.legallyindia.com/private-equity-venture-capital/bharucha-nda-cooleys-act-on-extended-24m-series-c-for-vedantu-innovations-20200221-11198);
(https://www.vantageasia.com/vedantu-investment-law-firms/);

(ii)   representing Hong Kong based hedge fund Steadview Capital in their Series D investment round in Unacademy, (https://www.inventiva.co.in/stories/edtech-startup-unacademy-raises-50m-funding-led-by-steadview-capital-others/)

(iii)   representing Nexus Ventures, Omidyar Network and Owl on Byju's acquisition of WhiteHat Jr, (https://economictimes.indiatimes.com/industry/services/education/kkr-set-to-buy-eurokids-chain-for-rs-2000-crore/articleshow/70668277.cms?from=mdr)

(iv)   acting as legal, education regulatory & IP counsel to I-Nurture Education Solutions Private Limited in the structuring of the joint venture with Galileo Global Education France Sas, (which is the largest higher education company in France and Europe) (https://timesofindia.indiatimes.com/city/bengaluru/gelilleo-studialis-partners-with-indian-firm-to-launch-campus-of-excellence-in-bengaluru/articleshow/56420554.cms).

[5] See https://economictimes.indiatimes.com/tech/startups/upgrad-eyes-ipo-in-next-24-months/articleshow/88246196.cms; https://inc42.com/buzz/edtech-giant-byjus-in-talks-for-ipo-through-spac-deal/ (Last visited on January 12, 2022).

[6] See https://economictimes.indiatimes.com/tech/startups/edtech-draws-up-a-code-of-conduct/articleshow/88842361.cms?from=mdr; https://the-ken.com/edsetgo/the-lesson-in-indias-attempt-to-regulate-edtech/ (Last visited on January 12, 2022).

[7] For e.g.,
see https://www.indiatoday.in/education-today/news/story/west-bengal-govt-partners-with-edtech-company-to-drive-digital-learning-career-development-programmes-1880924-2021-11-26; https://economictimes.indiatimes.com/tech/startups/byjus-niti-aayog-partner-to-provide-free-education-in-112-districts/articleshow/86291074.cms; https://www.expresscomputer.in/news/rajasthan-government-partners-with-convegenius-to-strengthen-digital-learning-initiatives-in-all-schools/76906/; https://www.business-standard.com/article/technology/whitehat-jr-joins-ngo-cry-to-help-kids-make-real-life-mobile-apps-121061500413_1.html; https://www.thehindubusinessline.com/news/education/unacademy-signs-mou-with-tripura-govt-to-help-girl-students-prepare-for-defence-exams/article36893915.ece (Last visited on January 12, 2022).

[8] The UGC was set up under the UGC Act, 1956 to make provisions for the co-ordination and determination of standards in universities. Its mandate includes: (i) Promoting and coordinating university education; (ii) Determining and maintaining standards of teaching, examination and research in universities; (iii) Framing regulations on minimum standards of education; (iv) Monitoring developments in the field of collegiate and university education; (v) Disbursing grants to the universities and colleges; (vi) Serving as a vital link between the Central and State Governments and institutions of higher learning; and (vii) Advising the Central and State Governments on the measures necessary to improve university education.

[9] Available at https://www.ugc.ac.in/pdfnews/221580.pdf (Last visited on January 3, 2022).

[10] As per Regulation 2(u) of the UGC Online and ODL Regulations, "Online Mode" means "*a mode of*

providing flexible learning opportunities by overcoming separation of teacher and learner using internet, e-Learning Materials and full-fledged programme delivery through the internet using technology assisted mechanism and resources".

[11] As per Regulation 2(v) of the UGC Online and ODL Regulations, "Open and Distance Learning Mode" means "*a mode of providing flexible learning opportunities by overcoming separation of teacher and learner using a variety of media, including print, electronic, online and occasional interactive face-to-face meetings with the learners or Learner Support Services to deliver teaching-learning experiences, including practical or work experiences*".

[12] For e.g., see University Grants Commission (Open and Distance Learning) Regulations, 2017 available at https://deb.ugc.ac.in/pdf/ODLRegulations2017.pdf (Last visited on January 13, 2022).

[13] See https://www.nishithdesai.com/SectionCategory/33/Education-Sector-Hotline/12/42/EducationSectorHotline/4851/1.html.

[14] Section 3 of the UGC Act, 1956, defines "Institutions Deemed to be Universities" as follows: "*the Central Government may, on the advice of the Commission, declare by notification in the Official Gazette, that any institution for higher education, other than a University, shall be deemed to be a University for the purposes of this Act, and on such a declaration being made, all the provisions of this Act shall apply to such institution as if it were a University within the meaning of clause (f) of section 2.*"

[15] The HEI must have a National Assessment and Accreditation Council (NAAC) score 3.26 and above or rank in Top-100 in University category of National Institutional Ranking Framework, at least twice in three preceding cycles (at the time of application).

[16] As many as seventy HEIs have been recognised by UGC which do not require prior UGC approval for commencing an online programme as per the UGC Online and ODL Regulations (See https://www.ugc.ac.in/pdfnews/2108859_Public_Notice_of_New_Entitled_HEIs.pdf; https://www.ugc.ac.in/pdfnews/9913544_Online-Entitled-Final-List-19-08-2021.pdf; https://www.ugc.ac.in/pdfnews/9951145_SEC-FINAL-LIST--27-10-2021.pdf; https://www.ugc.ac.in/pdfnews/4960901_DEB-SEC-FINAL-LIST-11-11-2021.pdf (Last visited on January 7, 2022). IoEs have also been exempted from obtaining an approval entirely for offering online programmes, as discussed below.

[17] The four-quadrant approach comprises of the following:

(a) Quadrant-I is e-Tutorial; which shall contain: Video and Audio Content in an organized form, Animation, Simulations, video demonstrations, Virtual Labs, etc, along with the transcription of the video.

(b) Quadrant-II is e-Content; which shall contain; self-instructional material (digital Self Learning Material), e-Books, illustrations, case studies, presentations etc, and also contain Web Resources such as further references, Related Links, Open source Content on Internet, Video, Case Studies, books including e-books, research papers and journals, Anecdotal information, Historical development of the subject, Articles, etc.

(c) Quadrant-III is the Discussion forum for raising of doubts and clarifying the same on real time basis by the Course Coordinator or his team.

(d) Quadrant-IV is Assessment, which shall contain; Problems and Solutions, which could be in the form of Multiple Choice Questions, Fill in the blanks, Matching Questions, Short Answer Questions, Long Answer Questions, Quizzes, Assignments and solutions, Discussion forum topics and setting up the FAQs, Clarifications on general misconceptions.

[18] As per Regulation 2(j) of the UGC Online and ODL Regulations, "*"e-Learning material" means and includes contents in the form of structured course material, as a part of one or more courses in the Online Programme, in digital format delivered through Learning Management System, which is inter alia self-explanatory, self-contained, self-directed at the learner, and amenable to self-evaluation, and enables the learner to acquire the prescribed level of learning in a course of study, but does not include text-books or guide-books; as defined in these regulations"*.

[19] A detailed analysis of the amendments is available at: https://nishithdesai.com/SectionCategory/33/Education-Sector-Hotline/12/42/EducationSectorHotline/4844/1.html.

[20] A detailed analysis of the IoE regime is available at https://www.nishithdesai.com/SectionCategory/33/Education-Sector-Hotline/12/42/EducationSectorHotline/4845/1.html.

[21] See https://pib.gov.in/newsite/PrintRelease.aspx?relid=192458 (Last visited on January 3, 2022).

[22] Available at https://www.ugc.ac.in/pdfnews/1789815_IoE-Regulation(Deemed)-Jan2021.pdf (Last visited on January 3, 2022).

[23] NDA's detailed analysis is available at https://www.nishithdesai.com/SectionCategory/33/Research%20and%20Articles/12/42/42/4688/1.html.

[24] Available at https://www.aicte-india.org/sites/default/files/aicte-odl-online-guidelines-2021.pdf (Last visited on January 7, 2022).

[25] See https://www.nishithdesai.com/SectionCategory/33/Research%20and%20Articles/12/42/42/4830/1.html.

[26] Available at https://www.ugc.ac.in/pdfnews/9327451_Academic-Bank-of-Credicts-in-Higher-Education.pdf (Last visited on January 7, 2022).

[27] Available at https://www.ugc.ac.in/e-book/GL%20Multipe%20Entry%20Exit/mobile/index.html (Last visited on January 7, 2022).

[28] See https://www.nishithdesai.com/SectionCategory/33/Research%20and%20Articles/12/42/42/4814/1.html.

[29] Available

at https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/int_he.pdf (Last visited on January 7, 2022).

30 See https://www.nishithdesai.com/SectionCategory/33/Education-Sector-Hotline/12/42/EducationSectorHotline/4432/1.html.

31 Draft available at: https://www.ugc.ac.in/pdfnews/4258186_Draft-UGC-Academic-Collaboration-with-Foreign-HEIs-Regulations-2021.pdf (Last visited on January 7, 2022).

32 Available at https://pib.gov.in/PressReleasePage.aspx?PRID=1784582 (Last visited on January 3, 2022)

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