
RECLASSIFYING ED-TECH: ALIGNING AI-DRIVEN PLATFORMS WITH RTE

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ABSTRACT

In this article, it is discussed whether Ed-Tech platforms that undertake core pedagogical activities traditionally the prerogative of physical schools ought to be treated as an educational institution in the Right of Children to Free and Compulsory Education Act, 2009, in the context of constitutional and judicial interpretation. The analysis takes a functional and purposive approach, in that the substantive pedagogical role carried on by an entity should govern education law and not the physical form. The article also suggests a rights-based regulatory model based on functional classification, quality assurance in education, protection of child data, and the responsibility of AI-mediate learning systems where the goal is to make digital education regulation comply with the constitutional requirement involving Article 21A.

Keywords: Learning Establishments, Educational Technology Regulation, Right of Education (RTE), Pedagogy Supported by Algorithms, Artificial Intelligence Systems, Digital Learning Environments.

1. INTRODUCTION

Ed-Tech platforms are currently taking on a central role of teaching and learning, assessing, as well as learning analytics. Even though they are increasing in the provision of formal education, these platforms are not subject to the statutory provisions of recognised schools under the Right of Children to Free and Compulsory Education Act, 2009¹. Such a regulatory gap presents a serious legal issue: can objects that have an educative functioning be excluded of the education law simply because of their digital nature? The present paper discusses the legal framework of Ed-Tech platforms using constitutional, statutory, and judicial interpretation, and offers a functionalist regulatory framework that is consistent with Article 21A².

2. CONCEPT OF EDUCATION INSTITUTIONS UNDER INDIAN LAW

There is no single, unified definition of an educational institution in Indian law, The Constitution acknowledges the education as the activity that is constitutionally protected and puts the positive duty of the State to guarantee the access to the organized learning³. In the interpretation of the law, judicial precedent has always been biased towards a functionalist interpretation in the view that an educational institution is characterized by the progressive and methodical delivery of instruction and not only by physical facilities. A University according to Section 2(f) of the University Grants Commission Act, 1956⁴, is the institution established or incorporated through a Central, State or Provincial Act and therefore gives prominence to statutory recognition and the authority to grant academic degrees. Section 2(h) of the All India Council of Technical Education Act, 1987 is used to define a technical institution as an institution providing programmes of technical education, but this definition is based on the type and not mode or place of instruction⁵. Likewise, Section 10(23C) of the income tax act of 1961 acknowledges institutions whose role is to conduct education matters. The philosophy of free and compulsory education is also manifested in the Right of Children to Free and Compulsory Education Act, 2009. Section 2(n) defines a school as a recognised institution through which elementary education is provided, but in fact, the statutory framework places an emphasis upon the curriculum standards, teacher

¹ Government of India. (2009). Right of Children to Free and Compulsory Education Act, 2009. Ministry of Law and Justice, New Delhi.

² Unni Krishnan J.P. v. State of Andhra Pradesh, (1993) 1 SCC 645 (Supreme Court of India).

³ Constitution of India. (1950). Articles 21 and 21A.

⁴ University Grants Commission Act, 1956.

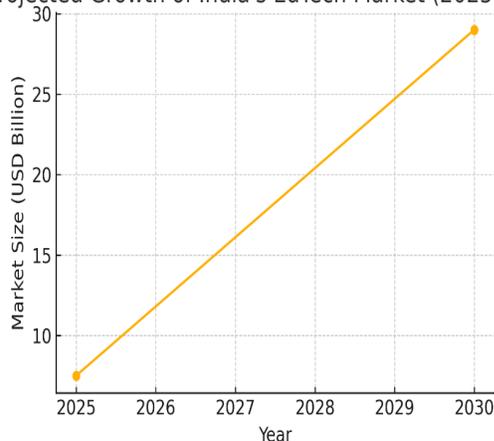
⁵ Government of India. (1987), All India Council for Technical Education Act, 1987.

qualification, pupil to teacher ratio and learning outcomes, which implicitly defines educational institutions in terms of pedagogical role rather than physical appearance⁶.

3. Emergence of Ed-Tech platforms in India

India's education system is undergoing significant transformation as digital learning technologies start to reshape traditional teaching methods. Beyond the conventional textbook approach, EdTech platforms have broadened access to customized, self-directed learning experiences, enabling students to engage with gamified content, interactive simulations, and adaptive digital resources. By 2030, the Indian edtech market is expected to grow from its current valuation of Rs. 64,875 crore (US\$7.5 billion) to Rs. 2,50,850 crore (US\$29 billion). This study by IBEF, shows how expanding middle-class ambitions, growing digital adoption, and the cultural trend towards online learning continue to fuel growth despite recent financial slowdowns and governance concerns⁷. Despite growth potential, access to digital education remains uneven, especially Tier-II and Tier-III regions.

Projected Growth of India's EdTech Market (2025-2030)



4. FUNCTIONAL COMPARISON BETWEEN ED TECH PLATFORMS AND RTE REGULATED SCHOOL

Indian jurisprudence has always taken a functional and not a structural approach on the topic of what constitutes an educational institution. In *T.M.A. Pai Foundation v. The Supreme Court, in State of Karnataka* (2002) stated that an institution is characterized by the

systematic and ongoing delivery of instruction, and not by the presence of traditional physical infrastructure. This practical argument permits varying methods of instruction, such as digital, hybrid, and remote, to be viewed in the wider legal interpretation of education⁸.

It is against this backdrop that Ed-Tech platforms are more and more taking the functions of RTE-governed schools: curriculum based teaching, systematic lessons, learning tests, and long-term

⁶ Right of Children to Free and Compulsory Education Act, 2009, Section 2(n).

⁷ India Brand Equity Foundation (IBEF). (2025). Indian Ed-Tech Industry Report.

⁸ *T.M.A. Pai Foundation v. State of Karnataka*, (2002) 8 SCC 481 (Supreme Court of India).

instructor-student interaction. Though the RTE Act was written with physical schools in mind, its substantive requirements, namely, alignment of curriculum, measurement of learning outcomes, and teaching continuity, bears a direct relation to the working practices of the big Ed-Tech vendors. Courts have strengthened this pragmatic perception through judicial precedents; In *Annamalai University v. The Supreme Court* also explained that the nature of education is not determined by the physical location, which also applies to the digital form of education (AICTE, 2009)⁹. With litigation in the pandemic era, it was also stated that online learning is a constitutionally valuable element of Article 21A. Such platforms cannot be seen as the supplemental services within the Indian law, which is based on the purpose-oriented approach; instead, they perform the essential education duties that can receive normative and regulatory attention to educational establishments.

5. Algorithmic Governance and AI-Mediated Learning in Ed Tech Platforms

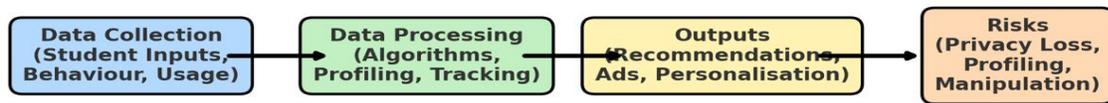
The subsequent expansion of the use of artificial intelligence (AI) in Ed-Tech platforms has profoundly changed the character of the delivery of digital education. Modern Ed-Tech systems are more and more based on adaptive learning engines, automated tutoring systems, algorithmic lesson ordering and real-time learning analytics to customise instruction and assess student performance. Such AI-based processes are no longer restricted to passive content delivery, but they indeed imitate central pedagogical processes that have been traditionally attributed to formal educational institutions, such as delivery of instruction, testing, remediation, and tracking of progress¹⁰. AI systems continuously collect and process student data to personalize instruction. Such automated decision making enables platforms to decide the speed, flow and sophistication of learning content, and thus, apply pedagogical discretion, which was once the preserve of trained teachers¹¹. This long-lasting process of instruction-assessment feedback is a close reflection of the educational operations that are considered in the learning outcome base framework of the Right of Children to Free and Compulsory Education Act, 2009, even though it does not involve any physical classroom. The Ed-Tech platforms operate through data collection, algorithmic processing and automated outputs. This data-algorithm-output architecture shows that the informational effects of the AI systems can not be separated of their regulatory effects.

⁹ *Annamalai University v. All India Council for Technical Education*, (2009) 4 SCC 590 (Supreme Court of India).

¹⁰ Holmes, W., Bialik, M., & Fadel, C. (2021). Ethics of artificial intelligence in education. *International Journal of Artificial Intelligence in Education*, 31(2), 1–20.

¹¹ Ferguson R. (2019). Ethical challenges for learning analytics. *Journal of Learning Analytics*, 6(3), 25–30.

These risks are compounded by the lack of legally assigned standards controlling the transparency of algorithms, their explainability, and human control. The predictive learning analytics and automated testing have an overt effect on academic paths, through which students and their parents can find no viable way to question or appeal. This lack of transparency negates some of the educational principles of justice and responsibility especially in cases where AI tools might recreate bias or promote engagement-based measures at the expense of pedagogical quality¹². Concerning education of children, the rights of privacy, dignity, and non-discrimination have a direct implication.



The comparative regulatory trends support the opinion on the need to expose education mediated by AI to a greater extent of control. According to the European Union Artificial Intelligence Act, AI systems applied in the education sector, such as those that are utilized to perform student assessment and monitoring are categorized as high-risk applications and thus have to comply with stringent requirements pertaining to transparency, accountability, and human control¹³. The comparative regulatory trends support the opinion on the need to expose education mediated by AI to a greater extent of control. According to the European Union Artificial Intelligence Act, AI systems applied in the education sector, such as those that are utilized to perform student assessment and monitoring are categorized as high-risk applications and thus have to comply with stringent requirements pertaining to transparency, accountability, and human control. Likewise, the UNESCO Beijing Consensus on Artificial Intelligence and Education points out that educational technologies do not have to supersede teachers, but instead support the quality of pedagogy, empower them to provide education and promote equity and inclusion¹⁴. Those global

¹² Wachter, S., Mittelstadt, B., & Floridi, L. (2017). Why a right to explanation of automated decision-making does not exist in the GDPR. *International Data Privacy Law*, 7(2), 76–99.

¹³ European Union. (2024). *Artificial Intelligence Act, Regulation (EU) 2024/1689*.

¹⁴ UNESCO (2019), *Beijing Consensus on Artificial Intelligence and Education*.

formats are indicative of a new agreement, whereby it is the algorithmic control of learning outcomes, as opposed to the institutional form of the provider, which prompts regulatory oversight.

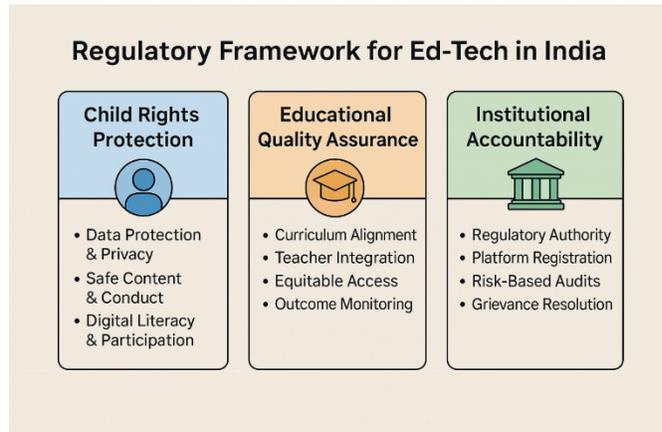
Based on this, AI-based Ed-Tech is not neutral technological intermediaries. In the circumstances where algorithms influence pedagogical choices, assessments of learning, and have a significant impact on how students learn, they exist within the governance space that requires legal responsibility. Introduction of AI in education therefore requires a re-model of regulation that anticipates the in-the-future, child-based protection, and meaning learning, as opposed to merely using the time-tested boundaries between bricks and screens.

6. Towards a Framework for Classifying Ed-Tech as Educational Institutions

The increasing pedagogical contributions of the Ed-Tech platforms need a legal framework that would bring the digital education into harmony with Article 21A of the Constitution and the RTE Act, 2009. There is a brief framework that may be based on three pillars:

(i) Child Rights Protection:

Child-centric constitutional principles of dignity, privacy and safety have to be adhered to by Ed-Tech platforms. Article 21A and the RTE Act imagine education as a child-friendly process and a non-exploitative process, which is applicable to the digital learning environment as well.



The UN Committee on the Rights of the Child compels States to control the work of the private digital education providers to avoid the misuse of data, surveillance, and profiling of children by the information through the use of General Comment No. 25 (2021)¹⁵. The Digital Personal Data Protection Act, 2023 in India strengthens this responsibility with the requirement for greater protection and consent of the parents on behalf of the children¹⁶.

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(ii) Educational Quality Assurance:

In cases where Ed-Tech platforms are used to deliver curriculum-based instruction, minimum standards of pedagogy in accordance with the Right of Children to Free and Compulsory Education Act, 2009 should be used. These are conformity to NCERT/SCERT curricula, use of qualified instructors and results-based assessment. The National Education Policy 2020 contributes to the controlled and scientific use of educational technology by the institutional review processes as the National Educational Technology Forum¹⁹. The higher-impact Ed-Tech systems, especially those based on AI-driven assessment or customised learning systems need to be placed under transparency requirements, human controls, and grievance-redress mechanisms to make sure that digital education builds up, but not diminishes, the constitutional promise in Article 21A.

7. Conclusion

The constitutional and statutory interpretation of the Indian constitution has been in favour of the functional meaning of education which is concerned with the type of instruction and not with its physical manifestation. However, the fact that Ed-Tech platforms are still not integrated into the

¹⁵ UN Committee on the Rights of the Child. (2021). General Comment No. 25 on Children's Rights in the Digital Environment. United Nations, Geneva.

¹⁶ Digital Personal Data Protection Act, 2023.

¹⁷ UN Committee on the Rights of the Child. (2021). General Comment No. 25 on Children's Rights in the Digital Environment. United Nations, Geneva.

¹⁸ Digital Personal Data Protection Act, 2023.

¹⁹ National Education Policy, 2020.

RTE structure shows that there is a misalignment between the legal doctrine and education practice.

This exclusion has great constitutional implications. It undermines the enforceability of Article 21A, contributes to educational inequality, and subjects children to uncontrolled data practices and algorithmic decision-making. With the growing salience of international and comparative structures in recognising the importance of regulating digital education in terms of its functional effects, it seems often that the institution-focused approach adopted by India is increasingly outmoded. There is an urgent necessity of a right-based, functional regulatory system. An Ed-Tech governance matching child-rights protection, educational quality standards, and institutional accountability would make sure that technological innovation empowers, and not weakens, the constitutional right to free, equitable and quality education to all children.