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**India's Right to Education Act:
Household Experiences and
Private School Responses**

Claire Noronha & Prachi Srivastava

2013 No. 53



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Abstract

This study aimed to shed light on the early phase of implementation of India's landmark *Right of Children to Free and Compulsory Education Act, 2009* (RTE Act), effective as of April 2010, with special attention on the role of the private sector (i.e. private unaided schools). This working paper reports on the household- and school-level results of a larger project conducted in a Delhi slum. Data in this working paper were collected between June 2011 and April 2012 by a survey of 290 households in the selected slum area, semi-structured interviews with a sub-sample of 40 households, semi-structured interviews with principals from the seven most accessed schools in the survey sample, and documentary analysis of official documents including draft versions of preceding RTE bills, the final Act, Central Government model rules, Delhi rules, and associated government orders and notices. We report results on the implementation and mediation processes in schools; experiences of households accessing schooling under the RTE Act, with a focus on their ability to access free school places under the 25 percent free seats provision; and household and school understandings of the Act and its provisions. Results indicate a considerable gap between the official articulation of the Act's provisions and its implementation in practice by schools in the study. Data also expose that fee-free "freeship" private education for households in the study, was not a reality in the early phase of the RTE Act's implementation. While the focus of our study was on the private sector and the 25 percent free seats provision, our investigation showed that this was just one facet, albeit important, of the Act. In fact, the Act necessitates fundamental changes, procedural and conceptual, to education as a whole.

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1. Introduction

This study aims to shed light on the early phase of implementation of India's landmark Right of Children to Free and Compulsory Education Act, 2009 (RTE Act), effective as of April 2010, with special attention on the role of the private sector (i.e. private unaided schools). In the interest of space, this working paper is confined to household- and school-level results of a larger project in Delhi (Noronha and Srivastava 2012). We report results on the implementation and mediation processes in schools; experiences of households accessing schooling under the RTE Act; and household and school understandings of the Act and its provisions. While the focus of our study is on the private sector and the 25 percent free seats provision, our investigation showed that this was just one facet, albeit important, of the Act. In fact, the Act necessitates fundamental changes, procedural and conceptual, to education as a whole.

1.1 Policy Context

While provisions acknowledging the right to education in principle existed long before the RTE Act, it is the first official central government legislation to fully confer this right *by law* and to extend it across the country.¹ This marks a significant shift, not only in the formal policy and legal frameworks governing education in India, but also in the way that it should be conceptualized in the Indian context. The RTE Act is the result of a long process of deliberation and public debate, causing much controversy. Commentators and activists highlight the lumbering process that led to its enactment, and point to a chain of successive bills beginning in 2004 and drafted in response to Article 21A in the 86th Constitution Amendment Act 2002 which affirms the right of every child between the ages of six and fourteen to free and compulsory education (Jha and Parvati 2010; Madhavan and Mangnani 2005). There is a strong sentiment that widespread middle-class flight from the state education sector has fuelled a persistent lack of political will to introduce serious measures to attain the goal.

The mantras of insufficient demand from disadvantaged populations and scarce resources for education are recurring themes in the education and development literature and in the Indian context. The former may be conceptualized as an instance of assumptions of “false consciousness” (Maile 2004; Woolman and Fleisch 2006) or that “poverty creates a dependent class that is entirely dependent and cannot make decisions” about schooling (Woolman and Fleisch 2006: 53). Critics of dominant Indian education discourse contend that prevailing middle-class hegemony presents disadvantaged parents as favoring child labor over education (Balagopalan 2003; Kumar 2008).

Disadvantaged groups are characterized as uninterested in schooling, unaware of its benefits, and unwilling to send their children to school rather than questioning the institutional structures that inhibit access to schooling for them (see Balagopalan 2003; Balagopalan and Subrahmanian 2003; Banerji 2000; Dyer 2010; Srivastava 2008a for

1. With the exception of the state of Jammu and Kashmir, as stipulated in Section 1(1)(2) of the RTE Act.

critiques). In line with newer research in India and elsewhere (e.g. Akyeamong and Rolleston 2013; Fennell 2013; Härmä 2009; Srivastava 2007, 2008a; Woolman and Fleisch 2006), this study found that disadvantaged parents are motivated, and are often thoughtful and anxious in making schooling decisions, but face significant institutional barriers in access even with the implementation of the RTE Act.

The second set of arguments connected to scarce resources has also been contested in the literature. While the renewed commitment to increase public spending for education to 6 percent of GDP in the Eleventh Five Year Plan approach paper (Planning Commission 2006: 57) was enthusiastically welcomed, there is little evidence to suggest that public expenditure has increased over the Plan period (2007–12) to meet this target. Tilak's (2010) analysis of the Eleventh Five Year Plan allocations finds a disturbing trend. Central government allocations to education increased only modestly from 0.58 percent of GDP in 2006–07 to 0.71 percent of GDP in 2010–11, the last year of the Plan's allocation. State governments, which typically spend more due to the financing structure of education in India, did not fare much better. Allocations increased slightly from 2.2 percent of GDP in 2006–07 to 2.6 percent in 2009–10 (Tilak 2010).²

The argument of scarce resources to explain this low allocation is difficult to justify, as both the Tenth and Eleventh Five Year Plan periods saw substantive macroeconomic growth rates of between 8 and 10 percent annually (Planning Commission 2005, 2006). As the Twelfth Five Year Plan (2012–17) was not released at the time of writing, it remains to be seen whether budgetary commitments and allocations will increase substantially in the future.

Given the aims of the RTE Act, it has been suggested that the 6 percent GDP target would be insufficient even if met, leading some to call for the need to increasingly involve the private sector (Jain and Dholakia 2009, 2010). The increased role of private and non-state actors (including NGOs) in education in India has received attention for some time. It has been met with significant discontent by critics, especially with regards to the Act's aims, which question the quality of private schooling alternatives available to disadvantaged groups and the persistent underfunding of education by the state, and raise the responsibility of the state to fulfil its obligation as a major concern (Jha and Parvati 2010; Ramachandran 2009; Sarangapani 2009; Tilak 2007).

Srivastava's (2010) analysis of the Tenth and Eleventh Five-Year Plans confirms the increased role of private and non-state actors through an undefined mechanism of public-private partnerships, referred to simply as the "PPP mode" in policy documents, and a weakened role for the state in education finance, management and regulation. This is coupled with a general malaise seen in successive proposals to increase the role of NGOs and school-based committees to monitor school performance, rather than a twinned strategy of strengthening state inspectorates, in an already highly decentralized system without appropriate checks and balances (Kumar 2008; Tilak 2007). The underlying view is that "governments find it convenient to use decentralization [and privatization] as a mechanism of abdication of its own responsibilities of educating the people" (Tilak 2007: 3874).

2. Estimates for state government allocations to education for 2010–11 were not available in Tilak's analysis.

Fuelling the debate is Section 12(1)(c) of the RTE Act, compelling all private schools to allocate 25 percent of their places in Class 1 (or pre-primary as applicable) for free to “children belonging to weaker section[s] and disadvantaged group[s]” to be retained until they complete elementary education (Class 8).³ Private schools are to be reimbursed for each child enrolled under the quota at the level of state expenditure per child or tuition fee charged at the school, whichever is less (Government of India 2009: Section 12(2)). In Delhi, this amounted to a maximum of Rs.1,190/child/month for the 2011–12 school year (Government of NCT of Delhi 2012).

Proponents claim that the free seats provision is an equity measure aimed at opening up a highly stratified school system to disadvantaged children, and also that it is the only way to achieve universal elementary education because of insufficient state sector capacity (Jain and Dholakia 2010). Critics maintain that the provision marks the most explicit institutional legitimization of the private sector in education without sufficient effort to strengthen the decaying state sector (Jha and Parvati 2010; Ramachandran 2009).

Complicating the implementation of the RTE Act are powerful private school lobbies that launched a Supreme Court case arguing that the provision impinged on their right to run their schools without undue government interference, and that the Act was unconstitutional (*India Today* 2012). At the time of writing, a Supreme Court verdict upholding the Act and its provisions had been passed after a long and contentious hearing. It is within this broader context that the RTE Act was born and is being implemented.

1.2 Research Objectives and Questions

The full study included an in-depth analysis of the RTE Act, its rules and provisions, how the Act directed local policy action, and how it was implemented and understood by government officials and local implementers in Delhi; household experiences of accessing schooling under the Act and their understandings of it; and the way it was understood and mediated/ implemented by local schools. A particular focus was how households accessed private schools and their attempts at securing places under the 25 percent free seats provision through a “freeship” as the places in the quota are known, and private school responses in this regard.

One urban slum in Delhi was selected as the field site. Delhi was chosen as the location as it is the political center of the country, one of the first sites to implement the Act, and had a preceding Supreme Court order in 2004 directing private schools allotted land at concessionary rates by the government to institute a similar quota. Thus, it was assumed that one could reasonably expect to find a mix of schools instituting and households

3. A child belonging to a “weaker section” is a child with a parent or guardian whose annual income is lower than the minimum limit specified by the appropriate government (Section 2(e), RTE Act). This is officially interpreted as children coming from “economically weaker sections” (EWSs), defined by the Ministry of Finance as incomes of less than Rs.100,000 (Indian Rupees, US\$1,607) per year. According to the Act, a child belonging to a “Disadvantaged group” is a child belonging to a scheduled caste, scheduled tribe, socially and educationally backward class or a group disadvantaged by social, cultural, economic, geographic or linguistic factors or by gender (Section 2(d), RTE Act).

availing themselves of the provision even in the early phase of implementation. The research questions framing the study were:

- What are the key provisions of the RTE Act? How are they understood by officials, schools, and disadvantaged households?
- How has the RTE Act directed policy action in the local area? How have local schools reacted to, implemented or mediated policy changes?
- What is the experience of households accessing schooling under the RTE Act? How does the experience of households accessing private schools through “freeships” (25 percent quota) compare with households accessing government schools or private schools otherwise?

Following a selected review of the literature and outlining the conceptual framework for the study (Section 2), we present an overview of the research design and methods used at the household and school levels (Section 3). Section 4 presents school and household profiles and schooling patterns, and Sections 5 and 6, the main findings regarding household experiences and school responses, respectively. We conclude with a discussion of the implications of the results (Section 7).

2. A Selected Review of the Literature

The following review, though not exhaustive, teases out some aspects of the more recent work on private schooling in India that are of relevance to our study and inform the context within which private schools are situated. In sum, results regarding private school achievement and quality are mixed, and serious concerns about the ability of disadvantaged groups to participate in the sector have been raised. The gap between the official articulation of the regulatory framework in principle and how it is mediated by private schools and institutional actors in practice is of immediate concern regarding the implementation of the RTE Act. We also briefly describe the conceptual framework guiding our analysis.

2.1 Summary of Literature on Private Schooling in India

There has undoubtedly been substantial growth in private provision in India over the last two decades. Kingdon's (2007) analysis of four National Council of Educational Research and Training (NCERT) survey figures estimates that between 1993 and 2002 nearly 96 percent of the total increase in primary enrollment in urban areas was due to the growth of private schooling.⁴ Pratham's Annual Status of Education Reports (ASER) since 2005 also show increasing trends of private enrollment in rural areas, though there is variability on the extent of private enrollment between states (e.g. Pratham 2010). Muralidharan and Kremer (2007), based on a representative sample from 20 states, found 28 percent of the population of rural India to have access to private schools in the same village.

A good number of studies on private schooling in India (e.g. De et al. 2002; Härmä 2009; Ohara 2013; Srivastava 2007; Tooley and Dixon 2006; Tooley et al. 2010) focus on the type of private provision that has emerged in the context of a well-documented malfunctioning government system (e.g. PROBE Team 1999). These studies, many on low-fee private schooling, focus on issues such as affordability, access, school management and operation structures, parental perceptions and decision making, and policy implications.

The most contentious of this work is research by James Tooley and his colleagues on "private schools for the poor" or "budget private schools." The work that has received much attention was based on a school census conducted by the researchers in "notified slums" in Andhra Pradesh. Results showed that while 59.8 percent of schools in the selected areas of Hyderabad slums were private unaided, the proportion in rural/peri-urban Mahbubnagar was smaller, at 35.4 percent, capturing 64.6 percent and 48.8 percent of student enrollments respectively. On a range of input indicators (classrooms, toilets, drinking water, etc.) and some observation of "teaching activity," these schools seemed to perform better.

4. Kingdon estimates this to be an under-representation, as unrecognized schools are not captured in official NCERT survey figures.

However, on deeper outcomes indicators, the results are less clear. They show that “in Hyderabad, boys, if they are in school, are more likely to go to private unaided school” (Tooley and Dixon 2006: 451) than government schools, and private unaided schools in Mahbubnagar had slightly more boys than girls, representative of the schooling situation more generally, indicating potential gender bias. While the researchers found a private school advantage in mathematics and English (to be expected, as many private schools were purportedly English-medium), this achievement gap narrowed when background variables were controlled for (social status, peer group, parents’ education, etc.), and disappeared in the case of Urdu language (Tooley et al. 2010). Thus, given the varied results, particularly in arguably the more important set of outcome indicators, critics (e.g. Nambissan and Ball 2010; Sarangapani and Winch 2010) wonder why these researchers uniformly maintain the argument that “private schools for the poor” are more efficient and of better quality than state schools, and the best way to meet the needs of the disadvantaged.

Pratham’s (2010) extensive national rural 2009 ASER survey covering 30 villages in every district in the country showed that once characteristics other than the type of school were controlled for (e.g. mother’s education, father’s education, private tuition, etc.), the learning differential between government and private school students fell dramatically (p. 7). There was even a negative relationship between private school attendance and local language achievement in some states (i.e. Andhra Pradesh, Madhya Pradesh and Tamil Nadu).

Muralidharan and Kremer’s (2007) results from a nationally representative survey of rural private primary schools found the mean teachers’ salary at private schools to be less than at government schools, typically one-fifth the amount. Unlike Tooley and colleagues, the researchers found that there was no significant difference in private and public school infrastructure, and “the results with state and with village fixed effects suggest that conditional on being in the same village, private schools have poorer facilities and infrastructure than the public schools” (Muralidharan and Kremer 2007: 11). Controlling for family and other characteristics reduced the private school advantage that Class 4 students had on a standardized math and language test (weighted in favour of math), but remained “strongly significant and of considerable magnitude (0.4 standard deviations on the test)” (Muralidharan and Kremer 2007: 15).

A number of other studies present a complex picture of private schooling embedded along caste, religious, gender, and poverty lines, which focuses on equity issues (De et al. 2002; Härmä 2009; Hill et al. 2011; Siddhu 2010; Srivastava 2008a), and that are of significance to this study. De et al.’s (2002) household and school survey of one district each in Haryana, Rajasthan and Uttar Pradesh found that low-fee private schools were accessed in both rural and urban areas. These schools had mushroomed due to the poor employment opportunities available to the educated and the drop in government school quality. But given low school income levels, teaching staff was poorly qualified, poorly paid, and had a high turnover. Asset ownership data confirmed that private school children came from somewhat better-off families, and this choice was relatively more favorable for boys. The most disadvantaged accessed government schools which were of comparatively lower quality on basic indicators of facilities and teaching activity. The authors concluded that improving the quality of government primary schools was critical to improving schooling for the most disadvantaged, and that of the low-fee private sector.

In her study of recognized and unrecognized private unaided primary schools in 10 villages in Uttar Pradesh, Härmä (2009) found that none of the teachers were trained, only 34 percent had secondary schooling, and they received salaries only up to one-tenth of those in government schools. When examining enrolments according to caste and religion, it became clear that while disadvantaged groups preferred private schooling similar to higher-caste groups, they were less able to access it for their children due to unaffordability. There was a “pro-male bias” in the sample with only 34 percent of girls compared to 51 percent of boys attending low-fee private schools. She thus questioned the “affordability” of low-fee private schooling, concluding that “... it is the traditionally disadvantaged in society who are being left behind in the ongoing LFP [low-fee private] schooling revolution” (p. 160).

Srivastava’s in-depth qualitative work on low-fee private schooling in Lucknow District, Uttar Pradesh showed disadvantaged parents conceptualizing the education sector as socially segmented, i.e. one where every social group has its place, covering a spectrum where the most advantaged attend elite high-fee schools and the most disadvantaged are relegated to the government sector (Srivastava 2007, 2008a). Many felt they had no choice but to access the low-fee sector, but would have been happy to access the state sector and ease the cost burden if it performed better. Motivations to access low-fee private schooling were complex, such as presumed better quality, prestige, and peer pressure. Using Hirschman’s (1970) theory of exit, voice and loyalty, the exit of the mobilized poor did not seem to perform a quality recuperating function on the state sector (Srivastava 2007; see also Fennell 2010 for similar results in Pakistan).

Perhaps the most disconcerting results were that low-fee private schools engaged in a set of corrupt practices and perverse incentives for daily school operations in contravention of official rules and quality norms (Srivastava 2008b; see also De et al. 2002; Ohara 2013; Tooley and Dixon 2005 for similar results in Delhi and Hyderabad, respectively). This “shadow institutional framework” (Srivastava 2008b) of practices included double enrollment of unrecognized school students in other recognized schools for a fee; private tuition centers functioning as secondary schools as they required less red tape to establish; and using political influence or bribery to gain recognition. Results raised serious questions about the quality baseline provided even at recognized low-fee private schools, and also about the process through which official education policy is implemented and mediated.

Ohara’s (2013) study in Delhi shows evidence that some low-fee private operators have built-in mechanisms that allow them to mediate policy through the shadow rules more easily, and with fewer transaction costs. Given the RTE Act’s directive compelling all private schools to obtain recognition within three years or face closure (Government of India 2009: Sections 18–19), Ohara warns of the possibility that the number of “falsely recognized” schools will further increase.

2.2 Concepts for Analysis

While the potential role of private schooling and the 25 percent free seats provision may be the most obviously contentious clause of the Act, we posit that the vigorous debate on this clause, and the Act more generally, is because at its heart rest fundamental concepts about education, social exclusion and processes of policy enactment and

implementation. These raise questions about how/whether the RTE Act, as any legal instrument, can address equity concerns. These concepts form the framework for the project, and in our minds, the larger issues that frame the Act's implementation. In the interest of space, only a brief review of concepts that oriented the analysis is presented here.

The conceptual framework was built on new institutional (North 1990) and latent Bourdieuan theoretical constructs, and rested on three sets of concepts. The first viewed the design and implementation of education policy and access to education as played out in a game of competing interests, bargaining power and (muted) contestation, in which education was seen as a site of "symbolic domination" (Bourdieu and Wacquant 1992). Often, contestation is quelled through the presentation of technicist policy "solutions" that are galvanized to legitimate collective action.

In the second, social exclusion was seen as the result of formal rules and informal norms and practices inhibiting access to fundamental resources and rights (Kabeer 2000). Thus, rather than viewing education exclusion as "a pathology of the poor or disenfranchized" (Macrae et al. 2003) where the excluded are seen to be the perpetrators of their exclusion, we questioned the social processes and institutions that lead to exclusion.

Finally, we assumed that the role of "unruly practices" or "the gap between rules and their implementation" (Kabeer 2000: 92) in mediating policy action by schools and institutional actors was key. We also built on the notion of the "shadow institutional framework" (Srivastava 2008b), a complex set of codified informal norms and practices assuming rule-like status, used to mediate formal macro-level education policy.

3. Design and Methods

Fieldwork was conducted between June 2011 and January 2012, with the bulk of the household- and school-level data collected between June and September 2011, and documentary analysis completed in April 2012. Data for the full study were collected through: a household survey of 290 households in one resettlement block and adjacent squatter colony in the selected slum; semi-structured interviews with 40 households drawn from this larger sample; semi-structured interviews with the seven most accessed local government and private schools; semi-structured interviews with 11 policy officials and implementers; and documentary analysis of the RTE Act and rules at the level of the Central and Delhi governments, relevant preceding bills and associated documents, and government notices and circulars. Here we present only the methods and design for the household and school levels (see Noronha and Srivastava 2012 for full study).

3.1 The Study Site

Considerations for site selection included: a recognized slum area; access to both government and smaller local private schools; and our own familiarity with NGOs in the area that could facilitate access to local residents. With the help of key informants, Karampur was selected, as it met these criteria.⁵ It had an added advantage of being relatively more mobilized than comparable locations, as local NGOs had worked on disseminating the RTE Act and assisted parents with freeship admission. Thus, we assumed that there was greater likelihood of capturing freeship households in the early phases of implementation.

Karampur's history is tied to the overall migration patterns of Delhi. From the earliest days in 1961, much of the migration has been distress migration, primarily from Bihar, Rajasthan and Uttar Pradesh. Squatter colonies grew on vacant land near drains and bridges, etc. in central Delhi. From time to time, inhabitants were relocated to areas on the periphery. These relocated slum clusters were known as "resettlement colonies." During the years 1975–77, one of the largest ever relocations was carried out, resulting in around 26 new resettlement colonies (Government of NCT of Delhi 2002). Karampur was one of them.

Thirty-five years later, Karampur comprises a number of blocks and is well-developed, with *pakka* houses and several public facilities. One block in Karampur was chosen for the sample site because it was adjacent to a squatter (*jhuggi*) colony, visibly poorer and much more congested. The squatter colony also formed part of the study site to capture a wider spectrum of households.

Blocks had long rows of back-to-back housing, mostly of two storeys, occupying 25 square yard plots, with 4-foot wide brick-paved lanes. In contrast, the squatter colony squeezed a much larger number of households onto 3 to 9 square yard plots. The semi-*pakka* or makeshift shacks often had only plastic sheets and odd wooden pieces for

5. Karampur is a pseudonym. All names appearing in interview quotes are also pseudonyms.

roofing. The narrow, winding pathways had open drains and piles of slushy garbage. Resettlement colony housing generally had piped water and toilets, while the squatter colony had public taps and a public toilet complex.

3.2 Household- and School-level Research Methods

All data collection instruments were designed by the main researchers (Srivastava and Noronha). Household-, school- and policy-level field data were collected by the main researchers with the aid of a research team. A preliminary household survey was conducted by a team trained in survey data collection. The team was also trained in appropriate qualitative research methods, data collection, and documentation procedures over multiple days prior to data collection activities, with debriefing sessions throughout the fieldwork.

3.2.1 Household Survey

We conducted a preliminary household survey to obtain a picture of socioeconomic and education profiles of the study site, and to later generate a household sub-sample with appropriate variation for semi-structured interviews. The survey was simultaneously conducted in the selected resettlement colony block (RC) and adjacent squatter *jhuggi* colony (JJC) to capture a spectrum of disadvantaged households. Every household was surveyed, but as we were interested in school participation, only those with young people between 6 and 16 years of age were selected. The questionnaire contained questions on socioeconomic status, including adults' and children's occupations, education profiles and basic household assets. The survey also documented the names of all schools attended by participants, and school fees for anyone between 0 and 18 years in the household.

The JJC survey was discontinued after a few days as private school patronage was found to be negligible. The entire resettlement block was surveyed as the fieldwork showed ample patronage of private schools there. As our initial analysis showed only four households in the RC block and JJC accessing private schools through the freeship, an additional six households in an adjacent block were surveyed by snowballing (see Table 1). Data collected from the household survey were analysed using descriptive statistics, and in tabular and graphic form.

Table 1. — *Total household survey sample*

| | No. of Households | Population |
|--------------|-------------------|--------------|
| JJC | 62 | 350 |
| RC Block 1* | 222 | 1,301 |
| RC Block 2** | 6 | 27 |
| Total | 290 | 1,678 |

Notes: * All analysis was done by grouping RC Blocks 1 and 2 together.

** Block 2 was adjacent to Block 1.

Source: Household survey field data

3.2.2 Semi-structured Household Interviews

A sub-sample of 40 households from the larger survey sample was drawn for detailed semi-structured interviews. Households were selected on the basis of maximum variation of school choice, to enable understanding on a range of perspectives on private participation and schooling experiences. The semi-structured interview sample consisted of four household groups (Table 2).

Table 2. — *Semi-structured household interview sample*

| Category | Number of households |
|---|----------------------|
| Category 1: Government schools only | 11 |
| Category 2: One or more child in local Fee Level 1 private schools* | 11 |
| Category 3: One or more child in Fee Level 2 private schools* | 8 |
| Category 4: Accessing private school(s) through freeship | 10 |
| Total | 40 |

Note: * Fee Level 1 schools charged Rs.3,600–6,000 (US\$58–96) per year at primary/upper primary level; Fee Level 2 schools charged Rs.10,000 (US\$161) or more per year at primary/upper primary level

We did not find any household accessing Fee Level 1 schools through the freeship among the 290 households surveyed. All freeship households accessed Fee Level 2 schools, usually in the upper fee band within this sub-set of schools.

The semi-structured interview schedule consisted of six parts for all households, and a seventh, for freeship households. Questions were on: decision-making and school choice processes; perceptions of school quality; schooling costs and fee concessions; parental and children’s experiences of interacting with schools; issues of voice and school responsiveness; understanding of the RTE Act’s provisions (including attempts at securing freeships); and, for freeship households, experiences of securing the freeship and of inclusion within the school. The interview schedule was piloted in a similar community, and adjustments were made.

Interviews were conducted at interviewees’ homes by two members of the research team in Hindi, lasting approximately 45–60 minutes each. The majority of respondents were mothers, though in several cases both parents responded, and in some cases, elder siblings supplemented parents’ responses. Interviews were taped and documented in detail. Data were analysed and coded in ATLAS.ti.

3.2.3 Semi-structured School Interviews

The school sample for semi-structured interviews consisted of seven schools drawn from the most frequently accessed government and private schools by survey households. Of these, four were the most frequently accessed Fee Level 1 schools in the survey (three local, and one around 1.5 kilometers away), claiming 89 percent of children attending Fee Level 1 schools in survey households. One was a Fee Level 2 school that offered freeships to 6 of the 12 freeship students in our sample (also the only Fee Level 2 school to consent to the research). Two were government primary schools, one of which was a girls’ school (in the morning shift) and the other a boys’ school (in the afternoon shift). Unfortunately, official permission to visit the integrated government secondary schools (i.e. all-through schools offering Classes 1 to 12), which were the most popular in the community overall, was denied.

The interview questions consisted of five sections for all schools and a sixth for private schools only. Questions were on: school background (establishment, management, general policies, etc.); household—school interaction; inclusion practices; perceptions, knowledge and understanding of the RTE Act and its provisions; experience of instituting the free seats provision (private schools only); and school data (e.g. enrollment, numbers of teachers, numbers of classrooms, freeship students, caste breakdown, etc.). Observations on infrastructure and teaching activities supplemented semi-structured interviews.

In most cases, visits were unannounced. Interviews lasted approximately 45–60 minutes and were conducted on school premises in Hindi by two members of the research team, one of whom was a main researcher. Interviews were recorded and transcribed, and coded in ATLAS ti. The foci for analysis were policy interpretation and implementation by schools, and school perceptions of their role in the community.

The private schools were reluctant to provide data on fee structure and salaries. Despite repeated visits and requests, these could be collected in full for only two Fee Level 1 schools, and partially for the Fee Level 2 school. The latter provided data without specifying fee structure and salaries as required. Both government schools complied. As intimated above, our household survey revealed two categories of local private schools accessed—one with an annual fee range of Rs.3,600–6,000 at primary (Classes 1–5) level (named Fee Level 1), and the second encompassing a larger variety of schools with a fee range higher than Rs.10,000 per year (named Fee Level 2). While Fee Level 1 schools were relatively less expensive than Fee Level 2 schools, in the absence of an official definition of “low-fee private” schools, they did not fall within Srivastava’s (2008b) operationalization of low-fee private schools as private unaided schools charging a monthly fee equivalent to a maximum of one day’s labour at the primary levels and two days’ labour at the secondary levels. Also, while Fee Level 2 schools charged relatively higher fees, most of them would not be considered high-fee, elite schools.

3.2.4 Document Analysis

Official documents pertaining to the RTE Act, including draft versions of preceding bills, the final Act, central government model rules, Delhi rules, and associated government orders and notices, were analyzed involving critical discourse analysis (Fairclough 2003). Questions guiding document analysis focused on tracing changes in successive articulations to key provisions in order to determine the formal policy framework in principle, with special attention to locating private schools within the Act and preceding bills.

At the school level, this was used as a basis from which to interrogate emerging insights from semi-structured school interviews on the Act’s implementation in practice; at the household-level, their actual experiences of accessing schooling; and at all levels to compare participants’ understanding of the RTE Act with official perceptions.

Some of the relevant official rules and government orders/notices (e.g. the Delhi RTE Rules and free seats provision reimbursement procedures) did not exist at the time of fieldwork. These were analyzed as and when they were issued. Thus, school-level analysis was not done retroactively but rather in accordance with information that was known to schools at the time.

4. Contextualizing Households and Schools

This section presents profiles of the seven schools in our study and survey households. We also present the schooling patterns of these households and schooling costs incurred by the sub-group of interview households.

4.1 School Profiles

Table 3 presents a summary of general school characteristics of the seven schools in our study. Fee Level 1 private schools (Schools 1–4) charged annual fees in the range of Rs.3,600–Rs.6,600 (US\$58–106), and absorbed 89 percent of children attending Fee Level 1 schools in our household survey. School 5 was a Fee Level 2 school, and was an elite school, attended by 6 of the total 12 (50 percent) children attending schools through the freeship. It did not charge tuition fees to these students, though other fees were charged (see Section 4.4). Schools 6 and 7 were a girls’ and a boys’ local government primary school, respectively, run by the Municipal Corporation of Delhi (MCD).

Table 3. — *Profile of schools in study*

| School ID no. | Management type | Year established | Year recognized | Level | Tuition fees (Rest./year) | Enrolment | |
|---------------|-----------------|------------------|-----------------|-----------------------|------------------------------------|-------------|-------------|
| | | | | | | Boys | Girls |
| 1 | Private unaided | 1995 | 2004 | Primary | 4,800–6,000 | Unavailable | Unavailable |
| 2 | Private unaided | 2000 | 2004 | Primary | 3,600–6,000 | 238 | 163 |
| 3 | Private unaided | 1998 | 2001 | Primary | 4,200–6,600 | 134 | 65 |
| 4 | Private unaided | 1984 | 1992 | Primary and junior | 3,600–6,600 | 320 | 197 |
| 5 | Private unaided | 1988 | 1991 | All-through secondary | 24,000 (nil for freeship students) | 1,496 | 1,132 |
| 6 | Local gov. | 1978 | 1978 | Primary | Nil | — | 643 |
| 7 | Local gov. | 1976 | 1976 | Primary | Nil | 264 | — |

Source: School Survey field data.

The community has long had exposure to government schooling. The two primary schools were set up in the 1970s along with the colony, and were situated within it. Schools 1–3, private primary schools, were around half a kilometer away, and were all relatively new. School 4 was about 1 kilometer away, in a slightly better-off area. School 5, the freeship school, was an all-through school in an upscale middle-class neighborhood around 3 kilometers away. Among the private schools, these latter two schools were older.

Infrastructure-wise, all except the elite school had modest facilities. Classrooms were *pakka* and had desks and benches or chairs. The two MCD government primary schools shared the same facility but were run at different times, and had different teachers and management staff. Unlike the buildings of the Fee Level 1 private schools, which were situated on much more compact premises, the government school premises were

sprawling and had a playground. Conversely, well-guarded premises were a feature of all five private schools, whereas government school gates were not guarded. This had an important bearing on experienced school quality, as household data will show. All schools had separate toilets for girls and boys, lights, fans and drinking water.

The Fee Level 2 freeship school had extravagant infrastructure with a number of two- and three-storey buildings, accessed through guarded gates, a big garden, swimming pool, games facilities and spacious classrooms. It also had a large array of activity rooms and facilities for art, music, dance, theater, computers, libraries and well-equipped science laboratories.

4.2 Household Profiles

Table 4 presents the household survey sample by asset ranking. The majority of households in the resettlement block and squatter colony fell in the “very poor” and “poor” ranks combined. However, 62.9 percent of squatter colony households fell in the very poor rank against just 12.7 percent in the resettlement block, and none of the former were in the relatively higher ranks of “average” or “better.” There was some variation among resettlement block households, with 37.7 percent in the average and 1.3 percent in the better ranks.

Table 4. — Household asset ranking (percentage)

| | RC households (%) | JJC households (%) |
|--------------------------------|-------------------|--------------------|
| Very poor | 12.7 | 62.9 |
| Poor | 48.3 | 37.1 |
| Average | 37.7 | 0 |
| Better | 1.3 | 0 |
| Total no. of households | 228 | 62 |

Source: Household survey field data

Occupationally, 55.6 percent of the squatter colony and 60.7 percent of the resettlement block working adults reported themselves as having permanent jobs in the private or government sectors, though 100 percent of those with prized government jobs were in the resettlement block. The great majority (91.5 percent) of self-employed adults (e.g. skilled workers, such as tailors, or small enterprise owners) were in the resettlement block, in contrast with a higher proportion (57.6 percent) of daily wage earners, the poorest paid and most erratic form of labor, in the squatter colony.

4.3 Household Schooling Patterns

Households accessed a variety of government and private schools. In all, the 290 survey households accessed some 44 schools. The majority of children attended Delhi Department of Education government secondary schools, almost all of which were integrated schools for primary and secondary levels. A sizeable number were also in the local MCD government primary schools.

Table 5. — School participation and reported fees

| School type | Fee reported by households | | Number of attending children | % of attending children |
|--|----------------------------|--------|------------------------------|-------------------------|
| | Mean | Median | | |
| Central School (Classes 0–12) | 3,699 | 3,340 | 8 | 1.3 |
| Government Senior Secondary (Classes 1–12; 6–10; 6–12) | 259 | 240 | 358 | 56.6 |
| MCD Primary (Classes 1–5) | 104 | 150 | 87 | 13.7 |
| Fee Level 1 Private (Classes 0–5; Classes 0–8) | 4,449 | 4,320 | 127 | 20.1 |
| Fee Level 2 Private (Classes 0–8; 0–12) | 17,127 | 13,200 | 38 | 6.0 |
| * Fee Level 2 Private EWS Freeship | 0 | 0 | 12 | 1.9 |
| Private Aided School | 2,340 | 2,100 | 3 | 0.5 |

Source: Household survey field data

Notes: Most private schools begin with one to two years of pre-school classes. This was sometimes found in government schools. Government primary schools are supposed to be fee-free.

* Freeship households reported no tuition fees. This is not the same as annual expenditure. See also Figure 2 and Table 7.

The most frequently accessed private schools were Fee Level 1 schools, and were usually within 0.5 kilometers of the study area. Fee Level 2 private schools were situated outside the study site in more middle-class areas. The more frequently accessed of these schools had fee levels around Rs.10,000 (US\$161) per year at the primary levels and often demanded a donation for admission (capitation fee).

The more expensive of these schools belonged to the elite set of private schools. The few children in our sample that attended them had, with rare exceptions, been admitted into these prized “all-through” (Classes 1–12) elite schools under the freeship and did not pay tuition fees. Fees could range from Rs.20,000 to Rs.30,000 (US\$321–482) per year at a conservative estimate, and though highly desirable to parents, were largely unaffordable to our survey sample. The 25 percent free seats provision opened up some access to the elite schooling sector, albeit to a small minority of students. However, our household interview data will show freeship access was not straightforward, favoring relatively more advantaged households, and significant schooling costs for freeship students were incurred.

Table 6 presents the schooling patterns of survey households by asset ranking. Data suggest that despite the free seats provision, the ability of these households to access private schools was severely constrained for “very poor” households, and less so for households in the highest rank under consideration (i.e. “average”). In total, 61 percent of average households chose private schools for at least some of their children, and 40 percent chose them exclusively, compared with respective figures for very poor households at just 17 percent and 10 percent.

Table 6. — *Schooling patterns by asset ranking*

| | Very Poor | | Poor | | Average | | Better** | |
|-----------------------------|--------------|---------------|--------------|---------------|--------------|---------------|--------------|---------------|
| | % Tot Sample | % Within Rank | % Tot Sample | % Within Rank | % Tot Sample | % Within Rank | % Tot Sample | % Within Rank |
| Government | 19 | 82 | 27 | 59 | 12 | 40 | 1 | 67 |
| Private | 2 | 10 | 10 | 22 | 12 | 40 | 0 | 0 |
| Mixed (Government +Private) | 2 | 7 | 9 | 19 | 6 | 21 | 0 | 33 |
| Total | 23 | 99 | 46 | 100 | 30 | 101 | 1 | 99 |

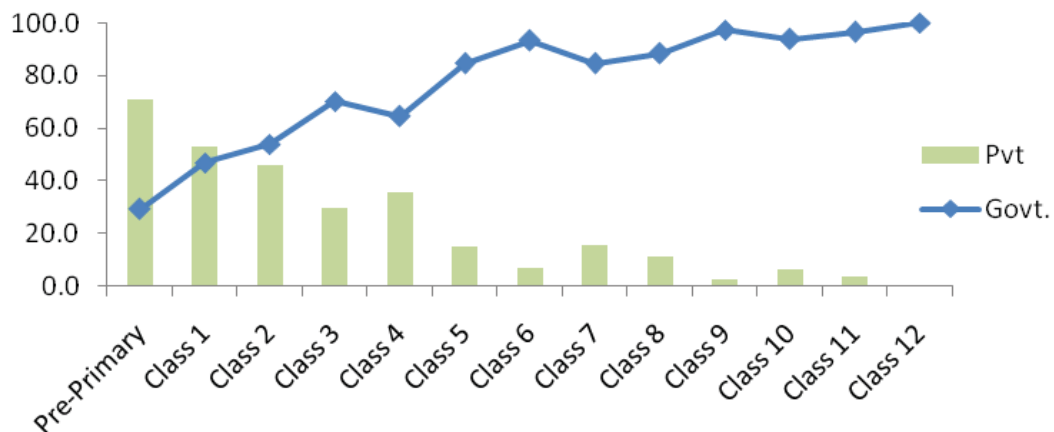
Source: Household survey field data.

Notes: Discrepancies in percentage totals are due to rounding.

* Owing to the negligible number of households in the “better” category, the results are not considered here.

Figure 1 shows private and government school access by class (grade) level for children survey households. The proportion of children attending private schools is highest in pre-primary, with a relatively stable decrease over the primary cycle (Classes 1–5) thereafter. Overall, we see that as class levels increase, so does access in government schools. Private school access is low through upper-primary/junior school (Classes 6–8) and negligible at secondary school level. Household interview data further indicate that the rise in school fees as class levels increase is a major reason for this shift.

Figure 1. — *Government and private school access by class level (%)*



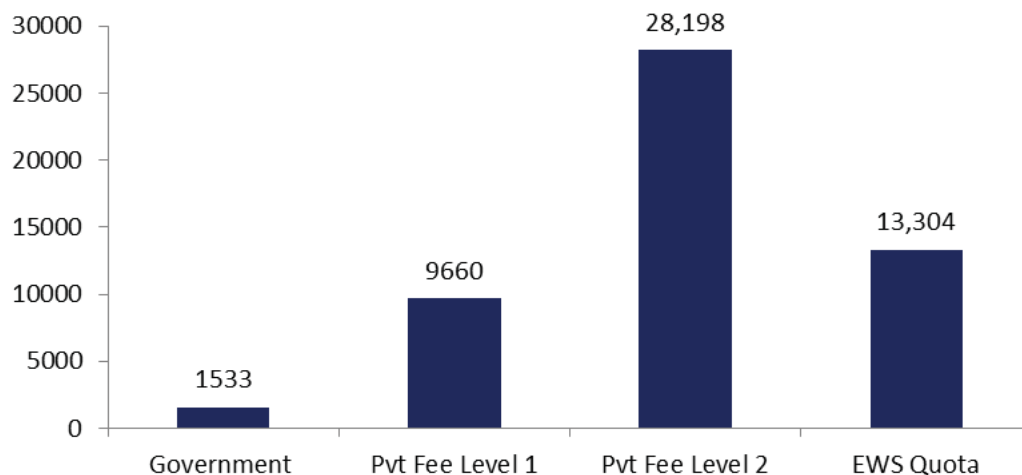
Source: Household survey field data.

4.4 Schooling Costs

Figure 2 shows per-child annual expenditure on elementary education for the sub-sample of 40 interview households. There is a large discrepancy between government and private schooling household expenditure, including for supposedly “fee-free” freeship students. The annual cost per child in private Fee Level 1 schools was over 6 times that in government schools, over 18 times in Fee Level 2 schools, and over 8

times for freeship students. Thus, it appears that despite the Act’s provisions, schooling for freeship students is not fee-free, and households are paying well above the cost to access a Fee Level 1 private school on a fee-paying basis, with the government option still the cheapest.

Figure 2. — *Per-child annual average household elementary education expenditure (Rs.) (n=39)*



Source: Semi-structured interview field data.

Table 7 expresses the same costs as a proportion of the daily wage rate for unskilled labor in Delhi at the time (Rs.6,422, US\$103 per month) and the maximum eligibility criterion for the freeship (Rs.100,000, US\$1,607 per year). It is obvious that if the choice was between the private and government schools in our study, affordability for both of these groups of anything other than government schools would be highly unlikely, as the costs presented are for just one child.

Table 7. — *Annual elementary education expenditure per child as a proportion of set income levels*

| | % unskilled labour daily wage rate (Delhi, 2011) | % EWS maximum income criterion (Rs.100,000) |
|---------------------|--|---|
| Government | 1.9 | 1.5 |
| Private Fee Level 1 | 12.5 | 9.7 |
| Private Fee Level 2 | 36.5 | 28 |
| Freeship | 17.1 | 13 |

Table 8 presents the breakdown of schooling expenditure by fees, books, uniform, transport and miscellaneous expenses of interview households. While freeship students did not pay tuition fees, transportation costs were substantial as the schools were the farthest away in the most desirable areas of good “standard.” One parent declined admission in a school that asked for the entire year’s transport charges as a lump sum at the time of admission. Private tuition and uniform costs were also higher than for other groups, and costs for books were substantial, though lower than for fee-paying Fee

Level 2 private school students. According to interviewees, no freeship school exempted students from paying for these. However, freeship households took these charges for granted, and were grateful for the tuition fee exemption.

There were at least six cases among the eight Fee Level 2 fee-paying interview households that paid a total of Rs.37,000 (US\$595) in capitation fees or “donations” at the time of admission. In another case, the Rs.10,000 (US\$161) capitation fee demanded by the school was waived with the intervention of a local MLA. Household responses suggested that in elite schools, similar to the freeship school in our sample, this amount could be up to Rs.100,000 (US\$1,607) or more.

Table 8. — Breakdown of per-child average annual expenditure in elementary education (Rs.)

| | Tuition Fee | Transport | Books | Uniform | Private tuition | Other | Total |
|----------------------------|-------------|-----------|-------|---------|-----------------|-------|--------|
| Government | 72 | 129 | 184 | 230 | 907 | 12 | 1,533 |
| Private Fee Level 1 | 4,134 | 875 | 1,564 | 809 | 2,160 | 118 | 9,660 |
| Private Fee Level 2 | 18,215 | 2,615 | 3,100 | 1,360 | 2,375 | 533* | 28,198 |
| EWS Freeship | 0 | 5,182 | 2,491 | 2,373 | 2,454 | 805 | 13,304 |

Source: Semi-structured household interview field data

Notes: Private tuition costs and transport costs have been calculated for 10 months; books and uniforms on a one-time basis; fees for 12 months.

* As explained above, there were reported cases of “donations” (i.e. capitation fees) taken at the time of admission. These are not included here.

Data on private tuition are revealing. On average, the absolute costs were substantial for students accessing all types of schools, including for freeship students. Principals at Fee Level 1 schools in our study felt that owing to their lower educational levels and lack of time to supervise students, parents accessing these schools routinely, and out of necessity, supplemented their children’s education. While in absolute terms, private tuition costs were the lowest for government school students, proportionally they were the highest, representing 59 percent of total expenditure incurred. However, responses indicate that the high proportion of private tuition expenditure for government school students was incurred for those who had transferred from private Fee Level 1 schools. Students in the household interview sample who had only ever attended government schools were generally unsupported by private tuition or incurred nominal charges.

Fee-paying Fee Level 2 private school households were generally better off than those in other categories. Typically, two sources of income were common in such households. However, among the relatively more expensive set of schools, these households did not commonly access elite schools but those with fees closer to Rs10,000 (US\$161). Furthermore, in several cases, even though these schools went up to secondary level, they were often accessed only up to upper-primary, as sustaining the high fees and costs of schooling were a challenge.

5. The RTE Act and Lived Experiences of Accessing Schooling

We now turn to data from interviews on the lived experiences of accessing schooling under the RTE Act for children from households in our study.

5.1 Household Understandings of the RTE Act

Despite active NGO campaigning in the vicinity and having households in the interview sample that had accessed schooling under the free seats provision, overall, the extent of knowledge about the Act and its provisions was limited, even among freeship households. A minority of interviewees had relatively accurate information. Among this group, one parent knew that in Delhi, the 25 percent quota had been in effect from 2004 in certain schools. This was accurate regarding the compulsion of schools allotted land at concessionary rates by the government, as directed by a 2004 Supreme Court Order. One mother, an illiterate housewife who sent her own children to government schools, had attended a street play on the Act by an NGO, where she learned some information:

I heard that all the facilities are available in school. There are toilets, separate for boys. There's clean drinking water, and food, free books, uniforms [...] For those who sort rubbish, who don't have money, education is free.

—Suman, mother, freeship household interviewee

In the comment cited above, two crucial elements of the RTE Act are highlighted—that a minimum level of provision must be available to all children and that schooling should be free, including for private school students under the freeship.

Of the 30 non-freeship households, only two had tried to obtain admission under the freeship (but failed). The overwhelming majority were not aware of it. Some interviewees complained that government initiatives for education were often launched, but parents were never properly informed of these; others felt that the Department of Education's powers were limited; and some felt that corruption would inhibit proper implementation. Furthermore, many freeship households reported that supporting the level of expenditure they incurred was tough. One felt that exemption levels should be increased as a result:

The quota for the poor should be increased. And there's also some strain on the poor because every so often there is a demand for money, like annual charges for which no receipt is given.

—Suraj, father, freeship household interviewee

This comment, as with the household schooling expenditure data above, is revealing because, in fact, Section 3(2) of the RTE Act clearly deems the right to education to be fee-free: “no child shall be liable to pay any kind of fee or charges or expenses” (Government of India 2009). This is further strengthened in the case of disadvantaged students by Section 12(c) of the Act, which outlines the 25 percent quota, and by Section 3 of the 2011 Delhi Free Seats Order (Government of NCT of Delhi 2011b), which prohibits charging any kind of fee to freeship students.

Thus, it seems that the freeship schools accessed by household interviewees interpreted the fee-free stipulation in the narrowest sense, covering only tuition fees. This may have been a deliberate mediation strategy to recoup extra income or an instance of misinterpretation. In any case, it was evident that freeship households were not (made) aware of the full extent of the provision.

5.2 Accessing Schools: Household Experiences

Here we focus on the experiences of households gaining admission in government and private schools, and freeship entry in Fee Level 2 private schools. The focus is on how the RTE Act's provisions directed admission processes in the different school types for the households in our study.

5.2.1 General Admission

Sections 13–15 of the Act specify admission processes (Government of India 2009). These include prohibiting: admission or capitation fees and screening procedures for children or parents (including testing); refusal if applicants lack documents attesting age; and denial at any time during the school year. Admission is meant to be age-appropriate (Section 4). In cases of over-subscription either for the freeship or otherwise, selection is meant to be random (Section 2(o)).

Households accessing Fee Level 1 schools claimed that admission was relatively simple, but that affordability was the biggest barrier. Though these schools asked for birth certificates and other documents, parents found them easy to provide, and schools to be flexible about timing. No one reported testing.

Fee-paying Fee Level 2 households reported that schools insisted on entry tests and documents. Parents reported that admission was often given for a class level lower than that for which had been applied, and that admission could be denied. As reported in Section 4.4 above, the large “donations” demanded at the time of admission were an additional source of anxiety for parents. Some parents were hesitant in approaching the more upmarket schools, especially at secondary level, due to their lower socioeconomic backgrounds.

No parent reported refusal by government schools. In fact, even the catchment area was not strictly enforced. Some parents accessed the reportedly better all-though secondary schools rather than MCD primary schools after one sibling enrolled. However, parents reported difficulty accessing particular government schools commended for their teaching quality, security, or English-medium instruction—attributes which, according to parents, were often combined in a single school.

The reputed *sarvodaya* government schools, established by the Delhi state government in the 1990s to provide “quality education to the children from Classes I to XII, under one roof, as is being provided in the private ... schools” (Directorate of Education 2006, cited in Juneja 2010: 21), had a lottery system and rush for seats. Several household interviewees were successful; however, the most disadvantaged, with low education levels and poor employment, seemed least likely to manage such a move to a more desirable government school.

5.2.2 Freeship Admission

Among other procedural issues, the Delhi Free Seats Order (Government of NCT of Delhi 2012b) specifies the minimum income (Rs.100,000, US\$1,607) and residency requirements (three years) (Section 2(c)); prohibits testing (Section 5) and teaching freeship students in separate shifts or charging any kind of fee (Section 3); outlines school procedures for visibly posting freeship seats and conducting lottery in cases of over-subscription (Section 4); and specifies required proof of income and residency documents (Section 6).⁶

While there was a mix of households who were able to secure freeships, unsurprisingly, in these cases, both parents were relatively better schooled, and the family had a steady if modest income and/or personal connections. There were two types of freeship household among our set—one that had managed to secure admission on their own (four households), and the other whose journey had been facilitated by an NGO or another parent who understood the process and helped respondents complete application forms (six households).

The former group were educated and relatively stable economically. This group learned of the opportunity through the newspaper, TV, and relatives, and patiently and persistently followed up the trail. Three had private sector jobs and rental income. Two among this group were fairly well off; one even simultaneously applied to different private schools as a fee-paying client, hoping to be successful at any cost. The other household head was the son of a jeweler and had an undergraduate degree. His father produced a salary certificate stating that his income was well below the limit specified. The second group had fewer assets, and lower-status jobs.

Generally, freeship parents were excited by the opportunity the free seats provision represented and went through enormous effort to gain admission. They made the rounds of neighborhood schools, generally applying to between three and nine schools, willing to repeat the process the following year if unsuccessful. Once an application was successful, they began strategizing for sibling admission.

But gaining admission under the 25 percent free seats provision was not easy. Households reported that the most difficult requirement was to obtain an income certificate, which they understood had a six-month expiry date. Households were thus told that if they were unable to secure admission at the first attempt, a fresh certificate would be required the following year. However, Section 6(a) of the Delhi Free Seats Order expressly states: “no student shall be expelled or debarred from the school in case of non-submission of above documents without the prior approval of the Director of Education” (Government of NCT of Delhi 2012b), and, further, that once admitted in a free seat, a self-declaration or affidavit by parents attesting to income is sufficient.

Although details of the process were communicated to Delhi schools, only a minority of parents were aware of them. For those familiar with the procedures, the actual process was protracted, tedious, cumbersome and costly. Some reported that private schools were evasive about admission details. Required documentation had to be ready, and

6. Any one of the following documents are considered acceptable for proof of income: certificate by a revenue officer not below the rank of Tehsildar; BPL ration card (yellow); AAY ration card (pink) (Government of NCT of Delhi 2012b: Section 6a).

many interviewees had to be ready to battle if they were unwilling to bribe, especially for the income certificate.

There were also other procedural difficulties. Private schools were reported as being unhelpful and evasive about dates for submitting forms, announcing acceptance, and about the admission lottery. Some freeship households also reported instances of private schools demanding “extra fees,” i.e. bribes, to expedite the process, and one interviewee claimed that schools deliberately misplaced applications. The following parent recounted the anxiety and tension he experienced during the process:

... there was a lot of running around. First get the forms, line up, sometimes they say, “They’re available at this time, sometimes at another time.” That’s how they behave. Then you have to go to submit the forms, line up, give the forms and documents etc. stamped by two gazetted officers, or an MLA. It seems even MLAs don’t have much sway. Maybe ministers, like in our area there’s [name of minister withheld] so I got it stamped by him and submitted it. It’s somewhat difficult.

—Vimal, father, freeship household interviewee

One interviewee, ultimately successful in securing a freeship at a school, explained how some private schools negotiated with parents to avoid accepting full fee waivers, asking them to pay whatever they could:

I completed a form for [name of school withheld]. My younger son’s name got on to the waiting list. Then they called me and said, ‘What can you give? Give half the fee amount.

—Suraj, father, freeship household interviewee

Suraj ended up accessing another private school for his sons through a freeship. He tried to protest when that school demanded an annual fee of Rs.3,000–4,000 (US\$48–64), per child, but to no avail, and this time he acquiesced. When he asked for justification, the school insisted:

... we have so many expenses, there’s this and that. I said, ‘We’ve been exempted from paying fees by the government.’ But they said, ‘No, these are the expenses for the teachers, the building.

However, some respondents expressed anxiety that the freeship was misused by the better-off. The father quoted below, a fee-paying client at a Fee Level 2 school, was particularly skeptical about the authenticity of the process:

Those who secure admissions under this quota are so rich that they can probably pay the fees for three children. I know of so many people, I won’t name names, who have a monthly income of over 100,000 or 200,000 but their children are going to school under EWS [freeship]. They should change the system and the really needy should get it. Private schools should not fill vacant seats ... ninety percent [who are actually eligible] don’t even come forward. They might be hesitant because they are less educated. Ninety-nine percent of those who are benefitting are prosperous ... loke people should think these people are paying a van [to transport their children], but how? I mean it’s all fake, just for show.

—Sanjeev, fee-paying Fee Level 2 household interviewee

As was evident in Section 4.4 above, none of the freeship households in the study were in fact fee-free, and all incurred significant costs. Nonetheless, most freeship households in the study, though perhaps not the most disadvantaged or the poorest, would likely have been unable to access Fee Level 2 schools without the freeship.

5.3 Schooling Perceptions and Experienced Realities

The following discussion presents data on how households perceived the types of school they accessed, as well as their experiences of these schools.

5.3.1 Government Schools

Security issues were raised by household interviewees as a major concern, particularly in the boys' school, where they felt security was threatened by adverse conditions in the local slum environment. In addition to poor infrastructure, interviewees were overwhelmingly negative about teaching during the boys' shifts, saying that some teachers did not regularly take classes or were not punctual. Two household interviewees reported instances of severe corporal punishment. These issues contributed to a sense of neglect in government schools, causing anxiety, irritation and anger among parents.

Though teaching in the girls' shifts was appreciated, this was overshadowed by negativity about the boys' schools, an attitude which was often projected on the boys in the slum. Parents said that the boys were "wicked" and "useless." Charu, a daily wage laborer and mother of four daughters and one son, was satisfied with the government school for her daughters, but remarked that there was regular violence and fighting in the boys' school. She thus resorted to private schooling alternatives for her son:

During the girls' shift the guards are on duty, but during the boys' shift they are bribed with money for liquor and they disappear. The boys are also hooligans so the guard doesn't say anything.

—Charu, household interviewee

Most interviewees felt that the local MCD primary schools situated within the slum were the worst compared to other government schools, particularly secondary schools. Some parents commented that the teacher—pupil ratios were far too high, and others, that that in spite of negligence in teaching, children continued to pass, implying that results were faked. In fact, some respondents complained that the RTE policy prohibiting students from failing and being held back further aggravated the problem. In the face of all this, many parents felt helpless.

However, not all government schools were reported to be dysfunctional and unsafe. A few boys' and almost all the girls' secondary schools were commended for their security arrangements and quality of teaching. This was particularly true for government schools in what were considered better localities and those that taught in English from an early class (grade). These factors were considered more important than basic facilities, as evidenced by the following comment:

I have found very good teachers. The school is good, teaching is good. The only problem is that there is no drinking water for my children, and there aren't any fans. [...] Yes, there are guards. Three guards. [...] In my opinion, it's a very good school.'

—Neera, mother, household interviewee

Another mother shared her daughter's approval of the government school that she was transferred into after having gone to a Fee Level 1 school for a few years, and felt that there was discipline and a focus on teaching:

My daughter tells me about her school, and says, “Mummy, it’s just like a private school here. We study, the teachers pay a lot of attention. They give the same kind of attention as I used to get at the private school. If you make the smallest mistake then there’s a punishment. You get a scolding.”

—Damini, mother, household interviewee

The difference in experienced realities between boys’ and girls’ government schools and associated issues of meaningful access, deserve further concentrated research in the Indian context. Current literature focuses on differentiated access for girls and boys due to societal norms, labor market opportunities, and patrilineal marriage customs, to which preference for private schooling for males has been attributed. However, it may be that internal government school conditions and external influences in disadvantaged locations aggravate these pressures, and thus enhance greater private school preference for boys. The fact that the primary schools situated within the slum were visibly vulnerable to violence and security risks also contributed to the reliance on local Fee Level 1 schools and the more favored government secondary schools.

5.3.2 Fee Level 1 Private Schools

In contrast, Fee Level 1 household interviewees felt that there were good security arrangements, strict disciplinary measures and careful teaching in the private schools they accessed. They felt that these schools provided an escape from the anxiety in government schools. However, although most parents rarely complained, as they felt teachers were committed, a few felt that disciplinary methods could be harsh in Fee Level 1 schools and based on fear. This is highlighted in the comments of two mothers accessing Fee Level 1 schools below, one of whom felt that the treatment was too harsh in private schools:

Like if sometimes the children haven’t managed to do their homework then they’re afraid to go to school because the teacher will hit them. The teachers should realize that if the child hasn’t done the work, wasn’t able to do it, they can ask another child to help them finish. So they should pay some attention to that so that the child doesn’t miss anything and they don’t have any problems later. —Madhu, mother, fee-paying Fee Level 1 household interviewee,

When the children don’t do their work, the teacher threatens them. The government school never hit the children, but private schools hit them.

—Sona, mother, fee-paying Fee Level 1 household interviewee

Nonetheless, most parents felt that children learned more in these schools as compared to government schools. Many interviewees felt that children who were transferred to government schools lost the learning achievements they might have gained. The following experience was of a disheartened father who felt his attempts to secure an education for his children failed in the case of his eldest son, whom he had transferred to a government school after completing Class 5 in the local private school:

I sent my elder son to the government school. There are no desks there, no fans, and poor teaching. Seeing the plight of the elder son, I sent my second child to private school. [...] [when we transferred him] within a year he forgot everything he learned in the private school. I spent so much money and he forgot everything when I put him in the government school. He took a test for two places [for readmission in private schools], and failed both.

—Jairam, father, household interviewee

However, there was some dissent among interviewees accessing Fee Level 1 schools and a large number of households accessing Fee Level 2 schools regarding the former's quality. Many points regarding government schools, such as high pupil—teacher ratios and limited school infrastructure were also raised regarding Fee Level 1 schools. Concerns about teachers were raised too, though of a different nature. Interviewees spoke of teachers' relative youth and inexperience, frequent turnover, and lack of qualifications, including at the two most accessed Fee Level 1 schools in our study.

The social embeddedness of schools also emerged. Some households claimed that Fee Level 1 schools attracted children from the squatter colony, since fees were comparatively lower. They claimed this led to a disruptive school environment and other negative factors such as poor hygiene.

Finally, learning outcomes were questioned. One parent claimed that all her daughter achieved was better handwriting, which she considered superficial. Three respondents said that they were looking for a higher quality school, but the government and local private schools were all too similar. As stated by the interviewee below, some criticized the quality of English teaching in Fee Level 1 schools, which was highlighted by these schools as a special feature in contrast to government schools.

It's English-medium in name only. It's not like the children know anything. What's the meaning of English-medium? That you talk to the children in English. Whatever you teach, you say it in English. That's the only way children will learn. But the children don't know how to speak, they know nothing. It's just English-medium in name.

—Girija, fee-paying Fee Level 1 household interviewee

The father below, accessing a Fee Level 2 school, spoke of Fee Level 1 schools with disdain. He wished not to dignify them with the term “private,” using “semi-private” instead, intimating that the former was reserved for what he felt were higher-quality (usually high-fee, elite) schools:

Government schools are absolutely rotten. Then there is a semi-private one here charging Rs.400, 200, 300. They are even worse because they just take money but teach absolutely nothing.

—Sanjeev, father, fee-paying Fee Level 2 household interviewee

5.3.3 Fee Level 2 Private Schools (Freeship and Fee-paying)

Fee-paying and freeship parents in Fee Level 2 schools were generally satisfied with the security arrangements and well-guarded premises, school environment, and purportedly good teaching quality, including English-language instruction. The fact that Fee Level 2 schools were located in middle-class neighborhoods also increased parents' satisfaction. Teachers were reported as being loving and encouraging, giving tokens of appreciation. Facilities were reported to be high-level, i.e. swimming pools, playroom, games, and computers (as in the elite freeship school in our study), which, according to some households, are necessary for children's enjoyment at school. In this way, there were hints that a new education discourse may emerge in particular circumstances, perhaps closer to the RTE Act's concept of “child-friendly education” (Government of India 2009: Section 29).

Parents were generally conscious that freeship admission may come at a price, that their children may be treated differently from the others in some way. More than one parent had discussions with their children about their experiences, and specifically, about

whether they were treated differently. The following couple accessed the elite Fee Level 2 school in our study (School 5) through a freeship:

I also keep asking the children if everything is alright, how do they teach, how are the facilities, everything. To make sure that it's not like anything's being done separately or that they'll do something separately with the EWS [freeship] children, you know? So the children say that everything is alright, everyone is the same.

—Payal, mother, freeship household interviewee

There is a double shift... but our children go in the morning shift. This time they're not taking the evening shift, I found out. They're reducing that now.

—Payal's husband, freeship household interviewee

Payal's husband is referring to School 5's "slum school project" (see Section 6.2.1 below), in which disadvantaged children were taught in a separate shift in the evening. This household claimed that as freeship students, their children were not segregated, but part of the main school.

Unlike households in the previous categories, freeship Fee Level 2 households did not express tension about having to change schools in the future, a major source of satisfaction. This was also because the schools they accessed were all-through schools. According to the Act, however, the freeship applies only to elementary education (i.e. Class 8). It remains to be seen how this will affect freeship households at secondary level.

There were signs of some anxiety, perhaps relating to a new environment at Fee Level 2 schools, even though the children attending them in our sub-sample were not first generation learners. There was confusion about evaluation methods in these schools. One mother reported a teacher's dissatisfaction with her son's lack of discipline in the classroom. Another mother was worried about her son's performance, which seemed to be deteriorating with increasing class (grade) levels. Her concern assumes more significance when we set it against the freeship school (School 5) principal's comments. He claimed that he had to promote students even if achievement was poor (see also Section 6.2.3).

My younger son was good in studies. And the teacher used to say, "Does your son study beforehand? He's very good." Now I don't know what happened. Does the teacher have a bad attitude, or what is it that's causing him to become weaker and weaker in his studies?

—Rani, mother, freeship household interviewee

6. School Responses to the RTE Act

All private and government school principals in the study were aware of the RTE Act and claimed to be in favor of it. However, there were bureaucratic delays in the official notification of rules and procedures. The 2011 Delhi RTE Rules specifying how the RTE Act would be implemented in Delhi were issued much later in the 2011–2012 school year (November 2011). Reimbursement procedures and amounts were only specified in March 2012, near the end of the year (Government of NCT of Delhi 2012b). However, the 2011 Delhi Free Seats Order, specifying the rules and procedures to institute the free seats provision, was issued in January 2011 in time for the 2011–12 school year. Despite the delay in notifying the Delhi Rules and certain procedures, principals mentioned receiving circulars and having meetings with the Department of Education regarding the 25 percent free seats provision in particular. Here we discuss the most immediate ways that the RTE Act affects private schools, and present data on how schools in our study implemented/mediated the provisions.

6.1 The RTE Act and the Changing Education Landscape for Schools

Results indicate that there are two immediate ways in which the RTE Act affected private schools in our study (and generally), and a third affecting both private and government schools. The first is the 25 percent free seats provision. The RTE Act extends this compulsion to all private unaided schools, whereas under the earlier 2004 Supreme Court Order, it was applicable to a small sub-section of (mainly elite) private unaided schools in Delhi who had been allotted land at concessional rates by the Delhi Development Authority.

Second is the threat of closure within three years (i.e. by 2013) of all unrecognized private schools and recognized private schools that do not meet Schedule 1 norms (Government of India 2009: Sections 18 and 19). Norms specify pupil—teacher ratio; building and infrastructure; number of instructional school days and hours; number of working hours per week for teachers; teaching and learning equipment; library; and play, games, and sports equipment (see Appendix).

Third is the way that the RTE Act has changed the pedagogical scenario, affecting private and government schools, and is perhaps the most pivotal. In addition to providing the set infrastructure and quality norms in all private and government schools, the Act legislates that children are meant to have a stress-free schooling experience (Section 29(2)(f)), a child-friendly and learner-paced mode of learning (Section 29(2)(e)), and a continuous evaluation system (Section 29(2)(h)). Children are neither meant to be held back nor failed (Section 16), and board examinations are to be eliminated during the elementary school years (Section 30(1)) (Government of India 2009).

In many ways, these provisions and others on curriculum and completion of elementary education (Government of India 2009: Sections 29–30) are the legal articulation and extension of the way in which educationists and project plans have been pushing curriculum development and reform for many years (e.g. under the District Primary

Education Programme and SSA; and by groups like Eklavya, BODH, Digantar, etc. (Blum, 2009), spurred by the problem of drop-outs from primary and upper-primary levels. Some of these efforts had already been incorporated into government schools. The real change is that this mode of curriculum delivery and reform has become mandatory under the RTE Act.

6.2 School-level Implementation and Mediation of the RTE Act

Data indicate that there were different nuances of interpretation by schools in implementing the Act. These school-level responses and mediation strategies may have results that were unintended by policy-makers, specifically regarding the inclusion of disadvantaged groups. The variations in implementation may be due to incomplete and/or delayed information, conceptual errors in interpretation, lack of preparedness for implementation, or other institutional barriers that may indicate a degree of resistance. The following describes how schools in the study understood and implemented important sections of the Act, with special reference to the 25 percent provision, infrastructure and recognition norms and curriculum issues.

6.2.1 Mediating the 25 Percent Free Seats Provision

There appeared to be overt and covert resistance by private schools in the study to implementing the free seats provision. The rationale and mediation strategies varied, ranging from non-compliance, to evasion, to reinvention of the Act and the provision. Although all private schools in the study claimed to have received government circulars, principals of Fee Level 1 schools admitted that freeship admission was negligible overall. School 1 claimed that the provision was expressly not meant for lower-fee schools like theirs, as their fees were already low, and such concessions were not possible in such schools:

Of course, I think that the EWS quota is important. The stipulation is to give free education to 25 percent of your students. Earlier these people did not comply but when the High Court order came, they were forced to take in the 25 percent. It has to be 25 percent of the total number enrolled. If four children are admitted, one has to be in the EWS category. One seat out of the four has to be kept vacant.

Are you taking such students?

No, we don't do it. Other private schools are doing it. We're educating children free of cost anyway.

—Principal, School 1

This principal attributed the 25 percent free seats provision to the earlier 2004 Supreme Court Order, and distanced his and other lower-fee schools from its applicability under the Act, not recognizing the distinction between the two. However, the three other Fee Level 1 schools claimed they had complied. Two of them claimed to have received applications under the quota, though the third said no new admissions had been made as inadequate documentation was provided by households. This latter school submitted the names of 10 children already enrolled, all falling below the poverty line, under the quota and forwarded them to the Department.

There was a lack of clarity on reimbursement processes and amounts, a legitimate issue given bureaucratic delays, particularly for schools already facing concerns of financial

viability. It is another question as to whether lower-fee schools are able to admit children on a reimbursement model with delayed pay-out, given the precarious nature of their operations, as they may not have the reserve funds to initially cover the cost of admitting additional students and meeting other provisions of the Act (e.g. hiring more and better qualified teachers; upgrading facilities, etc.).

School 5's principal, the elite freeship school, in contrast, showed a high degree of comfort with the free seats provision. As the school had been allotted land at concessional rates, he had been admitting children for some time, and did not feel it was difficult to admit 25 percent of their students under the quota. He espoused the lottery system for admission stipulated in the Act as a sound strategy, and one that he used.

However, the slum school project (see also Section 5.3.3 above), proudly introduced as a successful instructional strategy, contravenes the RTE Act. The principal claimed that these children received free meals, uniforms and books, and did not pay fees. Children from disadvantaged groups were taught in a separate shift, with separate staff, but in the same facilities in the evening. However, Section 3(b) of the Delhi Free Seats Order clearly states, "No separate or exclusive class or shift shall be arranged for imparting education to the students admitted against free seats" (Government of NCT of Delhi 2011a).

Thus, early results indicate that the potential of the free seats provision may be compromised in different ways. Schools may not comply, parents may face procedural challenges like the insistence on specific documentation, and private schools may invent new ways of maintaining social closure, such as introducing separate shifts. As household-level data above showed, school mediation of the free seats provision made accessing private schools through the freeship very difficult.

6.2.2 Operational and Recognition Norms

All schools must fulfill the infrastructure and other norms specified in Schedule 1 (see Appendix). The children in our household survey patronized a staggering 44 schools, of which at least 50 percent were smaller private schools. Almost all of these could be traced to the MCD list of recognized schools. The most frequently accessed were recognized primary schools, like the ones in our study. None of the private schools in our sample or in the immediate vicinity of our site were unrecognized.

As intimated above, the four Fee Level 1 schools had basic infrastructure, while the elite school's infrastructure was impressive. All private schools claimed complete compliance as recognized schools, but this was not necessarily accurate. For example, none had a playground, and all schools, including the elite school, were reluctant to provide data on student enrollment, staff qualifications and salaries. Informal enquiries suggest that teaching staff was largely untrained. Most Fee Level 1 schools claimed that they were paying salaries as per government scales to their teachers, though this could not be verified.

Despite these issues, none of the principals expressed any anxiety about Schedule 1 norms. Only longer-term research can show if, as in previous studies (Ohara 2013; Srivastava 2008b; Tooley and Dixon 2005), private schools are successful in maintaining their recognition status through the use of perverse incentives through administrative or political influence and bribery.

While the focus has been on private schools, it is evident from the two government schools that there is much to be done in state schools to ensure minimum infrastructure mandated under the Act. While teachers in government schools in our study were trained and drew impressive salaries, the problem of adequately trained staff in the state sector generally is acute. The well-known strategy of hiring contract “para-teachers” at lower salaries, i.e. locally available personnel, some of whom may not be adequately trained, was a stop-gap measure to expand access quickly, but is no longer viable under the Act. Finally, teacher absenteeism in government schools is a noted problem.

6.2.3 Child-friendly, Child-centered Education

During school visits, all Fee Level 1 schools were quiet, disciplined, and highly functional, with high levels of teaching activity. However, teachers used the teacher-focused chalk-and-talk method. Interviews with principals of Fee Level 1 schools and researcher observation did not suggest any change in curriculum delivery or pedagogic practice as envisaged under the Act, though these seemed better incorporated in the elite freeship school (School 5). In Fee Level 1 schools, the stress was on homework, private tuition, and tests. During observations, the government girls’ school had some level of teaching activity, but no teaching was going on in the boys’ school, where teachers were occupied by administrative tasks.

Despite lower levels of teaching activity, the rhetoric of change required in classroom processes and school approach seems to have been understood in principle by the government schools. The “continuous comprehensive evaluation” (CCE) method mandated by the Act (Section 29, Government of India, 2009) envisions a system without high-stakes testing, favoring instead summative and formative continuous assessment. The government girls’ school principal praised the simple language of the general textbooks being used, but said that teachers were concerned about the social science textbooks because of the unavoidable use of technical words that frequently had to be repeated. She also said that children were not “rote-learning parrots,” and that they need to be engaged in order to learn well.

However, as was clear from the interview at the government boys’ school, there was less commitment to CCE principles. In fact, the danger of a technicist interpretation of some of the provisions is the automatic promotion of students without sufficient attention being paid to meaningful learning processes and outcomes. For example, the boys’ school interpreted the provision prohibiting expulsion or holding students back a class (grade) as a compulsory order to pass and mark as present all children, whether or not they attended examinations:

Principal: It’s a problem for us when we have to declare results.

Interviewer: How do you assess?

Principal: ... We get orders from above [not to] fail anyone. You’re not allowed to mark anyone absent ... and their attendance should be a certain percentage. Now they’re saying that we have to pass them under any circumstances.

Teacher: The students don’t even come to sit for the exam. Even then we’re getting orders from above to pass these children. So the child who hasn’t even sat for the exam has to be passed.

—Principal, School 7 and Teacher Intervention, School 7

Principals in the study generally felt that taking away the possibility of failing a class (grade) did nothing but postpone the problem for children who do not achieve. The

government school teacher at the boys' school above further condemned the policy, feeling it resulted in meaningless advancement:

The right to education, they must get that. But then they put this condition that everyone has to be passed. I'm not in agreement with this because even someone who hasn't gained full knowledge is going to go forward. He'll go ahead but won't be able to continue.

—Teacher intervention during interview with principal, School 7

CCE is purportedly implemented by the Central Board of Secondary Education, the board followed by most elite schools, including the elite freeship school in our study, and by secondary schools run by the Delhi government. The freeship school's principal claimed to have changed teaching practice to match the CCE method, and to prefer broad-based learning to develop the full potential of a child's talents. He stated that all children have different strengths and can progress:

No test. I cancelled it. You see the beauty of this Act is I still don't believe that the child who has not [achieved a mark of] 90 percent, 60 percent cannot do anything in life. Therefore what is the harm if that child gets admission? If he does not pass Class 10 but through the education, through the other part of the education, through activities ... the confidence that child builds up—that will work. He will find his way and it is happening. The children who are not strong academically, they are still doing wonderfully. They have gone on to some vocational streams. They have the confidence to move to the people and display their powers.

Children should be given freedom. You see when CBSE has introduced the CCE—excellent. The productivity has increased. Our basic duty is to expose the talent of the child. If the child has got talent beyond academics and certain activities, then our duty is to encourage it.

—Principal, School 5

However, this optimism about a system that explores and develops the talents of every child disappeared when he considered the issue of integrating freeship students. In fact, this principal felt that the integrative model espoused in the Act was pedagogically weak. He stressed that demanding the integration of disadvantaged and advantaged children in the same classroom was harmful given the discrepancy in learning levels and background knowledge, which was a source of worry for teachers and students:

The child who is scoring 90 percent and the child who comes from a totally different background and does not even know his ABCD—at what level should a teacher teach? Even at average level, the children find it difficult to cope. Education is to build confidence in the child. It's not about providing marks.

—Principal, School 5

He contrasted this with the school's slum school project, claiming it to be a “successful experiment” as it catered to the presumed different needs, social backgrounds, and habits of these students:

I tell you they are doing much, much better. They are confident [...] the staff is very well equipped. You see these are Indians, so they know the conditions in the jhuggi jhopdi and slum area. They know ... how parents talk to their children in that area, what are their food habits, sanitation so they talk to them in their language only. They come down to that level.

—Principal, School 5

Thus, according to this principal and contrary to the spirit of the Act, presumed success rests not on minimizing the differences between different groups through inclusion, but

on an approach based on distinct social groupings. In fact, there was a strong feeling that inclusion would not work, and that segregation was doing the job much better:

Integration does not come simply by making children sit together [...] If I go to the billionaire and I sit there, what will I do? Is this integration? I must come at par with him so that I can talk with his tongue. So I first bring these children at par with the others and I find that their growth is better. I can produce IITans,⁷ doctors, engineers from that jhuggi jhopdi by this project. ... there are students which I have taken under this 25 percent quota failing in their subjects. Though I do not feel like it, I promote every child but they are failing for the last four to five years. If I take them failing up to Class 10, where will they land? In the evening school I teach them, train them, rather, especially for eight years—and no child fails.

—Principal, School 5

7. “IIT” refers to the Indian Institute of Technology, a premier, world-renowned and highly competitive body of institutes for engineering and related fields.

7. Discussion and Conclusions

As a relatively better-resourced urban slum in Delhi with an active NGO presence conducting mobilization activities related to the Act, and availability of a healthy mix of government and private schools of varying fee levels in the vicinity, Karampur represented a dynamic and relevant context for the objectives of the study. Given the newness of the Act and its implementation process, particularly at the time of fieldwork, we believed these attributes would increase the likelihood of capturing a reasonable number of schools and households with relatively good basic understandings of the Act and its provisions, and, in particular, of households accessing private schooling under the 25 percent free seats provision. Thus, Karampur was deliberately chosen as a counterfactual to the “straw man fallacy” and the pervasive skepticism in general public discourse on the viability of the Act. Approaching it in another way, similar to Mills’s (2008) suggestions on the application of Bourdieuan theoretical perspectives, we attempted to retain the possibility of the transformative potential of the Act and its provisions.

However, results show that, at least for the majority of households in this study, the early RTE Act context did not substantively change the spectrum of schools accessed by them or intra-household decisions around schooling. We were only able to find *four* households in the original sample of over 280 that benefitted from the freeship until deliberate snowballing efforts were made to grant access six more (amounting to just 3.4 percent of the sample), and none were from the poorer squatter *jhuggi* settlement. Given the relatively low socioeconomic profile and higher availability of and engagement with schools in the study site, one might have expected to find higher uptake of the freeship.

The particular lineaments of the household sample provide an unusual glimpse of the schooling options available to the community. We had parents accessing private schools in nearly three different tiers, fee-paying lower-/middle-fee school clients, fee-paying middle-/higher-fee school clients, and freeship high-fee private (in fact, reduced fee-paying) school clients, in addition to government school households. All four household groups expressed the desire for and attributed higher quality to schools in middle-class or upscale neighborhoods, government or private alike, placing elite private schools at the top of the rung.

Although all principals claimed to be well aware of the Act, there was a considerable gap between the official articulation of the Act’s provisions and its implementation in practice. Given the focus of our study, the analysis largely focused on private school responses to the 25 percent free seats provision. Results showed that private schools in the study engaged in “unruly practices” (Kabeer 2000) and employed “shadow rules” (Srivastava 2008b) to implement the provision. In this early stage of implementation, some possible mediation strategies have emerged from the data.

The first is misinterpretation (which may or may not be deliberate) and/or evasion, for example by admitting existing students under the quota; operating separating shifts; narrowly interpreting the fee-free stipulation to cover tuition fees only; or, as School 1 did, evading its implementation and attributing its applicability to higher-fee schools. It

is interesting to note that while the elite private school admitted the largest proportion of disadvantaged children under the 25 percent free seats provision in our sample, in comparison with the other private schools, it employed the most segregationist pedagogic strategy.

The second strategy may be a technicist interpretation so that the letter of the law is followed, but not its spirit. One example is the way in which the “no detention” policy was interpreted as compulsory passing of students with or without learning goals being achieved. Added to this were shadow rules surrounding admission, particularly by higher-fee schools, as reported by households, such as demands for capitation fees, particular documents, extra fees (i.e. bribes) to move the process along, and a general evasiveness about timelines for freeship applications and procedures, making these schools more difficult to access.

Some of these strategies may or may not have been deliberate, but were aggravated by a lack of clarity and timely information on certain aspects of implementing the Act and its provisions, though the Delhi Free Seats Order was issued in time for the 2011–12 school year. It may be that since the freeship reimbursement amounts and procedures are now clear, the scenario may change.

Schools charging less than or close to the monthly reimbursement maximum of Rs.1,190 (US\$19) per child in Delhi may be inclined to institute the provision to a greater extent, as for the lowest-fee schools it may help to secure a certain proportion of income where fee collection and enrollment is often precarious, though this remains to be seen. Of course, the reimbursement model assumes that schools have the upfront capital to accommodate more students while meeting other requirements (e.g. upgrading teacher qualifications and salaries), which may not be possible for the lowest-fee schools.

While cream-skimming by ability or social background is prohibited under the Act, it was the relatively less disadvantaged households that were able to avail themselves of the freeship and access purportedly better, higher-fee private schools. Freeship children came from relatively more economically stable families and had parents that were relatively better schooled. These parents showed tremendous persistence, approached a number of schools, and made contact with the “right” people (e.g. local politicians, friends and family with relevant connections, and local NGOs). In the Bourdieuan sense, these households had higher social capital and actively strategized to ensure freeship access. Data also expose that fee-free freeship private education, at least for households in our study, was not a reality in the early phase of the RTE Act’s implementation. There were substantial related costs for households accessing these schools under the 25 percent free seats provision. The cheapest option was still government schooling, which was accessed by the majority of poor and very poor households. In addition to cost barriers, the general lack of awareness of the Act and the free seats provision, the opacity of the freeship application process, timeliness of freeship announcements to applicants, importance of social networks, and household ease and familiarity with interacting with private schools (the more desirable higher-fee private schools in particular), posed significant barriers in households’ attempts at securing a free place.

Furthermore, sustained access for freeship households to these schools was contingent on household ability to pay substantial additional costs (e.g. transportation, books, private tuition, etc.). This made the freeship alternative even more expensive as compared

to fee-paying households in the study accessing local lower-/medium-fee schools. The cheapest option was still the government sector. In fact, our analysis showed that daily wage-earning households in Delhi (Rs.6,422, US\$103 per month) and those meeting the maximum income criterion for the freeship (Rs.100,000, US\$1,607 per year) would be unable to access the private sector for a sustained period, if at all, including for freeship students, if schools charged fees similar to those in our study.

The near universal admonishment by households of boys' government schools regarding legitimate security and delinquency issues requires further research. It may be that, in addition to traditional norms, labor market opportunities, and patrilineal marriage customs, these dysfunctions aggravate gender gaps in the private sector. However, we must be careful not to paint all schools in the government or private sectors with the same brush. Household interviews revealed that experiences at government and private schools were varied. While parents were appreciative of the security and commitment of teachers in private schools, there were also dissenting voices about the quality of education, particularly in lower-/medium-fee schools. Parents noted lack of adequate infrastructure, high turnover of teaching staff and the opacity of school processes as concerns.

Regarding the 25 percent free seats provision, given the heterogeneity of the private unaided sector in India, with schools ranging from modest one-room operations in rural areas to elite upscale urban schools, some with facilities rivalling small colleges in Western contexts, it is unrealistic to assume that it will be possible to level the playing field en masse, though it might be possible to provide access to a minority of the (less) disadvantaged to better schools. It is clear that there are significant social and political issues that will have to be addressed beyond the RTE Act as a legal instrument and technical framework for it to be realized in full.

References

- Akyeampong, K. and C. Rolleston (2013). “Low-fee private schooling in Ghana: Is growing demand improving equitable and affordable access for the poor?” in P. Srivastava (ed.), *Low-fee private schools: aggravating equity or mitigating disadvantage?* Oxford: Symposium Books.
- Balagopalan, S. (2003). “Neither suited for the home nor for the fields: Inclusion, formal schooling and the Adivasi child,” *IDS Bulletin* 34(1): 55–62.
- Balagopalan, S. (2004). “Free and Compulsory Education Bill, 2004,” *Economic and Political Weekly* 39(32): 3587–91.
- Balagopalan, S. and R. Subrahmanian (2003). “Dalit and Adivasi children in schools: some preliminary research themes and findings,” *IDS Bulletin* 34(1): 43–54.
- Banerji, R. (2000). “Poverty and primary schooling: field studies from Mumbai and Delhi,” *Economic and Political Weekly* 35(10): 795–802.
- Benford, R.D. and D.A. Snow (2000). “Framing processes and social movements: an overview and assessment,” *Annual Review of Sociology* 26: 611–39.
- Bourdieu, P. and L.J.D. Wacquant (1992). *An invitation to reflexive sociology*, Chicago: University of Chicago Press.
- De, A., C. Noronha, and M. Samson (2002). “Private schools for less privileged: some insights from a case study,” *Economic and Political Weekly* 37(52): 5230–36.
- Dyer, C. (2010). “Education and social (in)justice for mobile groups: Re-framing rights and educational inclusion for Indian pastoralist children,” *Educational Review* 62(3): pp. 301–13.
- Fairclough, N. (2003). *Analysing discourse: textual analysis for social researchers*, Florence, KY: Routledge.
- Fennell, S. (2013). “Low-fee private schools in Pakistan: a blessing or a bane?” in P. Srivastava (ed.), *Low-fee private schools: aggravating equity or mitigating disadvantage?* Oxford: Symposium Books
- Government of India (2009). The Right of Children to Free and Compulsory Education Act, 2009, No. 35 of 2009, 26 August 2009, New Delhi: Government of India.
- Government of National Capital Territory (NCT) of Delhi (2011a). Delhi Right of Children to Free and Compulsory Education Rules, 2011, No. DE.23(462)/Sch.Br./10/ 17–33, Delhi: Department of Education, Government of NCT of Delhi, 23 November 2011.
- Government of National Capital Territory (NCT) of Delhi (2011b). Delhi school education (Free Seats for Students belonging to Economically Weaker Sections and Disadvantage Group) Order, 2011, No.15 (172)/DE/Act/2010/69, Delhi: Department of Education, Government of NCT of Delhi, 7 January 2011.
- Government of National Capital Territory (NCT) of Delhi (2012a). Circular No. F.DE 18/11/27/2010/Plg. 2615–20, Delhi: Directorate of Education, Planning Branch, Government of NCT of Delhi.
- Government of National Capital Territory (NCT) of Delhi (2012b). *Current minimum wage*, available at: http://www.delhi.gov.in/wps/wcm/connect/doi_labour/Labour/

- Home/Minimum+Wages/ Delhi: Department of Labour, Government of NCT Delhi [accessed in April 2012].
- Härmä, J. (2009). "Can choice promote Education for All? Evidence from growth in private primary schooling in India," *Compare* 39(2): 151–65.
- Hirschman, A.O. (1970). *Exit, voice, and loyalty: responses to decline in firms, organizations, and states*, Cambridge, MA: Harvard University Press.
- India Today (2012). "Right to Education constitutionally valid, Supreme Court says," *India Today*, 12 April, available online at: <http://indiatoday.intoday.in/story/right-to-education-supreme-court/1/184057.html> [accessed in September 2013].
- Jain, P.S. and R.H. Dholakia (2009). "Feasibility of implementation of Right to Education Act," *Economic and Political Weekly* 44(25): 38–43.
- Jain, P.S. (2010). "Right to Education Act: public private partnership," *Economic and Political Weekly* 45(8): pp. 78–80.
- Jha, P. and P. Parvati (2010). "Forward," *Budget Track* (Special issue on Right to Education) 7(2/3): 1–3.
- Juneja, N. (2010). "Access to what? Diversity and participation in India's schools," CREATE Pathways to Access Research Monograph, No. 32, Brighton: Centre for International Education, University of Sussex, available at: <http://www.nuepa.org/Download/Publications/Create/PTA%202010/PTA32.pdf> [accessed September 2013].
- Kabeer, N. (2000). "Social exclusion, poverty and discrimination: Towards an analytical framework," *IDS Bulletin* 31(4): 83–97.
- Kingdon, G.G. (2007). "The progress of school education in India," *Oxford Review of Economic Policy* 23(2): 168–95.
- Kumar, K. (2008). "Partners in education?" *Economic and Political Weekly* 43(3): 8–11.
- Macrae, S., M. Maguire and L. Milbourne (2003). "Social exclusion: exclusion from school," *International Journal of Inclusive Education* 7(2): 89–101.
- Madhavan, M.R. and R. Manghnani (2005). *Legislative brief: The Right to Education Bill, 2005*, New Delhi: Centre for Policy Research, available at: <http://www.educationforallinindia.com/RighttoEducationBill2005.html> [accessed September 2013].
- Maile, S. (2004) "School choice in South Africa," *Education and Urban Society* 37(1): 94–116.
- Mills, C (2008). "Reproduction and transformation of inequalities in schooling: the transformative potential of the theoretical constructs of Bourdieu," *British Journal of Sociology of Education* 29(1): 79–89.
- Muralidharan, K. and M. Kremer (2007). "Public and private schools in rural India," Working paper, Cambridge, MA: Harvard University, available at: <http://dise.in/Downloads/Use%20of%20Dise%20Data/Karthi%20Muralidharan%20and%20Michael%20Kremer.pdf> [accessed September 2013].
- Noronha, C. and P. Srivastava (2012). *The Right to Education Act in India: focuses on early implementation and the private sector*, report submitted to the Privatisation in Education Research Initiative (PERI), Open Society Foundations, Ottawa/New Delhi: University of Ottawa/CORD.

- North, D.C. (1990). *Institutions, institutional change and economic performance*, Cambridge: Cambridge University Press.
- Ohara, Y. (2013). "The regulation of unrecognised low-fee private schools in Delhi and the Right to Education Act" in P. Srivastava (ed.), *Low-fee private schools: aggravating equity or mitigating disadvantage?* Oxford: Symposium Books.
- Planning Commission (2005). *Mid-term appraisal of the 10th Five Year Plan (2002–2007)*, New Delhi: Planning Commission, Government of India.
- Planning Commission (2006). *Towards faster and more inclusive growth: an approach to the 11th Five Year Plan*, Yojana Bhavan, New Delhi: Planning Commission, Government of India.
- Pratham (2010). *Annual status of education report (rural) 2009*(Provisional), 15 January, New Delhi: Pratham, available at: http://images2.asercentre.org/aserreports/Aser_2009_Report.pdf.
- Priyadarshini, M. and P. Sharma (2008). "Eklavya books: perceptions of select parents, teachers, and teacher educators," report, available at: http://www.srtt.org/institutional_grants/pdf/educational_titles.pdf
- PROBE Team (1999). *Public Report on Basic Education in India*, New Delhi: Oxford University Press.
- Ramachandran, V. (2009). "Right to Education Act: a comment," *Economic and Political Weekly* 44(28): 155–57.
- Sarangapani, P. (2009). "Quality, feasibility and desirability of low cost private schooling," *Economic and Political Weekly* 44(43): 43–67.
- Sarangapani, P.M. and C. Winch (2010). "Tooley, Dixon and Gomathi on private education in Hyderabad: a reply," *Oxford Review of Education* 36(4): 499–515.
- Siddhu, G. (2010). "Can families in rural India bear the additional burden of secondary education? Investigating the determinants of transition," CREATE Pathways to Access Research Monograph No. 50, Brighton: Centre for International Education, University of Sussex, available at: http://www.create-rpc.org/pdf_documents/PTA50.pdf
- Srivastava, P. (2007). "Neither voice nor loyalty: school choice and the low-fee private sector in India," Research Publications Series, Occasional Paper No. 134, New York: National Center for the Study of Privatization in Education, Columbia University, available at: http://www.ncspe.org/publications_files/OP134.pdf [accessed September 2013].
- Srivastava, P. (2008a). "School choice in India: disadvantaged groups and low-fee private schools" in M. Forsey, S. Davies and G. Walford (eds.), *The globalisation of school choice?* Oxford: Symposium Books, pp. 185–208.
- Srivastava, P. (2008b). "The shadow institutional framework: towards a new institutional understanding of an emerging private school sector in India," *Research Papers in Education* 23(4): 451–75.
- Srivastava, P. (2010). "Public-private partnerships or privatisation? Questioning the state's role in education in India," *Development in Practice* (4/5): 540–53.
- Tilak, J.B.G. (2007). "Inclusive growth and education: on the approach to the Eleventh Plan," *Economic and Political Weekly* 42(38): 3872–77.

- Srivastava, P. (2010). "Neither vision nor policy for education," *Economic and Political Weekly* 45(13): 60–64.
- Tooley, J. and P. Dixon (2005). "An inspector calls: The regulation of 'budget' private schools in Hyderabad, Andhra Pradesh, India," *International Journal of Educational Development*, 25(3): 269–85.
- Tooley, J. and P. Dixon (2006). "'De facto' privatisation of education and the poor: implications of a study from sub-Saharan Africa and India," *Compare* 36(4): 443–62.
- Tooley, J., P. Dixon, Y. Shamsan and I. Schagen (2010). "The relative quality and cost-effectiveness of private and public schools for low-income families: A case study in a developing country," *School Effectiveness and School Improvement* 21(2): 117–44.
- Woolman, S. and B. Fleisch (2006). "South Africa's unintended experiment in school choice: how the National Education Policy Act, the South African Schools Act, and the Employment of Educators Act create enabling conditions for quasi-markets in schools," *Education and the Law* 18(1): 31–75.

Appendix: Schedule 1 Norms

The following is a reproduction of Schedule 1 norms as they appear in the original 2009 RTE Act (Government of India 2009).

The Schedule (*See* sections 19 and 25)
NORMS AND STANDARDS FOR A SCHOOL

| Sl. No. | Item | Norms and Standards | |
|---------|-------------------------------------|---|---|
| 1. | Number of teachers | | |
| | (a) For first class to fifth class | Admitted children | Number of teachers |
| | | Up to sixty | Two |
| | | Between sixty-one to ninety | Three |
| | | Between ninety-one to one hundred and twenty | Four |
| | | Between one hundred and twenty-one to two hundred | Five |
| | | Above one hundred and fifty children | Five plus one head-teacher |
| | | Above two hundred children | Pupil–teacher ratio (excluding head-teacher) shall not exceed forty |
| | (b) For sixth class to eighth class | (1) At least one teacher per class so that there shall be at least one teacher each for— (i) Science and Mathematics; (ii) Social Studies; (iii) Languages. | |
| | | (2) At least one teacher for every thirty-five children. | |
| | | (3) Where admission of children is above one hundred— (i) a full time head-teacher (ii) part time instructor for— (A) Art Education; (B) Health and Physical Education; (C) Work Education | |
| 2. | Building | All-weather building consisting of— | |
| | | (i) at least one classroom for every teacher and an office-cum-store-cum-Head teacher’s room; | |
| | | (ii) barrier-free access; | |
| | | (iii) separate toilets for boys and girls; | |
| | | (iv) safe and adequate drinking water facility for all children; | |
| | | (v) a kitchen where midday meal is cooked in the school; | |
| | | (vi) Playground; | |
| | | (vii) arrangements for securing the school building by boundary wall or fencing. | |

WORKING PAPER

| Sl. No. | Item | Norms and Standards |
|---------|--|---|
| 3. | Minimum number of working days/instructional hours in an academic year | (i) two hundred working days for first class to fifth class (ii) two hundred and twenty working days for sixth class to eighth class; (iii) eight hundred instructional hours per academic year for first class to fifth class; (iv) one thousand instructional hours per academic year for sixth class to eighth class. |
| 4. | Minimum number of working hours per week for the teacher | Forty-five teaching including preparation hours. |
| 5. | Teaching learning equipment | Shall be provided to each class as required. |
| 6. | Library | There shall be a library in each school providing newspapers, magazines and books on all subjects, including story-books. |
| 7. | Play material, games and sports equipment | Shall be provided to each class as required |

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