



**Graduate School of Development Studies**  
**Implementing Clause 12 of the Right to Education Act**  
**2009 in Udaipur District of Rajasthan, India: Letting**  
**Disadvantaged Children Down?**

A Research Paper presented by:  
**Bharat Kumar Nayak**  
(India)

in partial fulfilment of the requirements for obtaining the degree of  
**MASTERS OF ARTS IN DEVELOPMENT STUDIES**

Specialization:  
**[Public Policy and Management]**  
**(PPM)**

Members of the examining committee:

Dr. Sylvia I. Bergh [Supervisor]  
Dr. Jos Mooij [Reader]

The Hague, The Netherlands  
November, 2012

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***Inquiries:***

Postal address:	Institute of Social Studies P.O. Box 29776 2502 LT The Hague The Netherlands
Location:	Kortenaerkade 12 2518 AX The Hague The Netherlands
Telephone:	+31 70 426 0460
Fax:	+31 70 426 0799

## **DEDICATION**

To disadvantaged children of Rajasthan State and Department of Elementary Education, Rajasthan

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## **List of Acronyms**

RtE	The Right of Children to Free and Compulsory Education Act 2009
DPEP	District Primary Education Programme
SSA	Sarva Shiksha Abhiyan
MDM	Mid-day Meal
GEN	General Caste
OBC	Other Backward Caste
ST	Schedule Tribe
SC	Schedule Caste
NSSO	National Sample Survey Office
UNESCO	United Nation Education, Scientific and Cultural Organization
UNICEF	United Nation Children's Fund
DEEO	District Elementary Education Officer
ADEEO	Additional District Elementary Education Officer
BEEO	Block Elementary Education Officer
NGO	Non- Government Organisation
NABE	National Advisory Board for Education
UEE	Universalization of Elementary Education
RBA	Rights- based Approach

## **ACKNOWLEDGEMENT**

I have the pleasure of working under the guidance of Dr Sylvia I. Bergh and Dr. Jos Mooij who have all along provided me support in completion of this research paper.

I would like to put on records encouragement and support given to me by my family, fellows ISS students Maria Eugenia Bedoya Aria, Gopal Surya, Bharath Natrajan, Phaindra Raj Pandey, Shadhan Kumar Das, Gilbert Onyango and friends Moumita Sarkar and Kumaril Agarwal.

I am also thankful to Mr. Mandowara, District Elementary Education Officer Udaipur, India and his Colleagues, Gautam Pandey, Azim Premji Foundation, Vishwambhar, Digantar (NGO), Local media and visited private schools and parents for providing me relevant information and data.

Thanks to Vivek Mansukhani, Neera Handa and Akta from Ford Foundation for support and fellowship that allowed me to accomplished this master degree.

Bharat Kumar Nayak,  
14 November, 2012

## **Abstract**

The Implementation of Clause 12 of The Right of Children to Free and Compulsory Education Act 2009 (RtE) in Udaipur District of Rajasthan, India Clause 12 makes it obligatory for private schools to provide 25% free admission to children from disadvantaged and weaker sections of society in class 1<sup>st</sup> to 8<sup>th</sup>. The government will reimburse the expenses in this regard to private school on the basis of per per-child-expenditure in public school.

I have analysed through two different theories; one using principles of rights- based approach; availability, accessibility, adoptability and acceptability to identify the gaps between policy and practices and the other using street-level bureaucracies theory to explain the implementation of the Clause. Clause 12 aimed to bridge the inequality in society while providing opportunities to disadvantaged children to get quality education which was hitherto accessible only to the economically privileged strata of society. As a result of improper implementation, unclear provisions of RtE among government authorities, lack of awareness among target community and existing Caste discrimination it has not succeeded in achieving its aim. Specifically, the findings show that private schools have devised varied methods to officially follow the clause 12 and while unofficially getting around their obligation to provide admission to the disadvantaged children. In rural areas, low budget schools tried to make illegitimate profit while charging fee from parents and also claiming from government, whereas some urban high budget schools segregate these children from upper strata children. Theory of street-level used for analyse the discretion use by bureaucrats which shaped by surrounding social, political and organisational environment where they work.

## **Relevance to Development Studies**

This study will contribute to the current debate in India on implementation and policy gaps in Right to Education Act 2009. This could be useful for the local Government authorities to design an implementation strategy to deal with such problems and make necessary amendments in RtE in order to control over discretion of street-level bureaucrats in Rajasthan State Rules.

## **Keywords**

The Right of Children to Free and Compulsory Education Act 2009, RtE, Clause 12, Admission, Caste, Private schools, Local Government, Primary Education, School Authorities, India

## Chapter 1

# Introduction to the Research Problem and Methodology

After Independence in 1947, the Government of India proclaimed Right to Education under the article 45 of the Indian Constitution having made it the duty of the state to provide free and compulsory elementary education to all children of ages 6 to 14 by 1960. The original text proposed by the Constituent assembly indicated that 'Every citizen is entitled as of... right to free primary education and it shall be the duty of the State to provide within a period of ten years from the commencement of this Constitution for free and compulsory primary education for all children until they complete the age of fourteen years' (Juneja 2003).

It was slightly changed from 'shall be the duty of the state' to 'The State shall endeavour to provide', alleging that there was not enough budget to fulfil this mandate and so it was not made a fundamental right for children. This brought ambiguity to this right declaration, making the implementation difficult to be managed later.

The UN declared Convention on Rights of Children that recognise education for all children of the world as the fundamental rights of a child in 1989 but India recognised it in 2002. The Government of India made an amendment (Eighty –Sixth Constitutional Amendment Act 2002) in article 45 of the Constitution and provided education as fundamental right of all children under the article 21A (Garje 2011:2-3).

There were several government programs since 1980s to improve public school attendance, but their record can be considered mixed at best (see section 3.3 for details). In 2005, the first draft of the Right to Education (RtE) by Central Advisory Board of Education (CABE) was presented in parliament, The CABE proposed the provision of 25% reservation for disadvantaged children in private schools to reduce social inequality and to bridge the gap between public and private schools in terms of quality of education. The bill was strongly criticised and opposed by private school administrations and upper caste parents on provision of 25% reservation. Initially Indian Law Commission had proposed 50% reservation for disadvantaged children in private schools (Garje 2011). However, after long debate and intervention by civil society organisations in favour of such Clause, the bill was approved by parliament in August 2009 with a provision for 25% reservation in private schools under Clause 12 of "The Right of Children to Free and Compulsory Education Act, 2009 (RtE)" which is being implemented since April 2010 (Das A 2010, Government of India 2009:1-13).

The private schools and upper class elites challenged the Clause 12 in the Supreme Court but the Court upheld the validity of the RtE Clause 12 in April

2012. This shows that private schools and upper caste elite do not want disadvantaged children to get equal opportunity and mix with upper caste children. According to scholars Majumdar and Mooij (2012), upper class elites started to withdraw their children from public schools to private when the government recognised education as fundamental right of all children in 2002. The authors described a case of a private school when clause 12 is being implemented, where the Principal stated that he cannot be comfortable with parents of a child from lower strata (Majumdar and Mooij 2011, Majumdar and Mooij 2012).

According to Kingdon, poor performance of public elementary schools caused rapid growth of private schools in India. Public schools are poor because these are suffering from lack of resources, teacher's absenteeism, poor implementation of education programs and policies (Kingdon 2007). Whereas private schools are known for good quality education in Indian society and mostly economically privileged class get access. Caste discrimination and social inequality is thus visible in the school education system and disadvantaged children are left with little choice but to attend poor quality public schools.

**Table 1**  
**Enrolment and out of school children % of 6-14 years**

Location	Govt School	Private School	Other School	Out of School
All India	67	26	2	5
Rajasthan state	58	34	1	7
Udaipur District	64	19	1	6

Source ASER 2011

The table 1 shows the enrolment and out of school children's status in 2011 in India, Rajasthan and study area Udaipur; accordingly 5 percent children in India were out of school, whereas 67% children in the country were in public schools and 26% attending private schools; whereas in Udaipur only 19% children were attending privates school and 6% children were not attending school.

According to National Sample Survey Office (NSSO, 2007-08) Public School dropout rate is also very high; most of the children abandon at elementary level. At the national level, by class V, every third child leaves school and by class VIII every second child abandons classes. Scholar Sikdar wrote an article which shows that 43% of children from rural areas and 34% from urban zones leave at secondary school in India (Sikdar S. 2012). This information demonstrates that the public school dropout is high.

Despite having enormous programmes for achieving universal quality education the government did not succeed in this , as there are still large number of disadvantaged children out of school due to poor quality of education services and defects in implementation of policies by government

authorities, which is further explained in chapter.3. Strong resistance of private schools and upper caste parents to reservation provided under Clause 12 of RtE Act 2009, rapid growth of private schools and the inability to achieve universal quality education shows the existence of caste discrimination in the education system. Therefore, the assumptions behind this study were; private schools were not complying with such Clause 12 of RtE for various reasons, government authorities were not properly enforcing, parents of targeted children are unaware of their rights, and disadvantaged children were unable to access private schools.

## **1.1 Objective of this Study**

This paper is aimed to assess the role of the Government authorities in implementation, how private schools are dealing with the Clause 12 of RtE Act 2009 and what are perceptions of Upper and lower caste parents on effectiveness of this Clause. The research addresses specific examples of schools located in urban, semi urban and rural areas of Udaipur district of Rajasthan, India, showing the differences in their conditions to deal with such implementation.

## **1.2 Research Questions**

### ***Main Research Question***

To what extent and how are private schools in the district of Udaipur in the state of Rajasthan, India complying with Clause 12 of the Right of Children to Free and Compulsory Education Act 2009, and what is the role of local authorities in the implementation of the Clause?

### ***Sub Questions***

1. To what extent and how are schools complying with the provision of RtE Clause 12 in the district of Udaipur in the state of Rajasthan, India?
2. What is the role of local authorities and public servants in implementation of Clause 12?
3. What are the perceptions of Upper and lower Caste parents about RtE Clause 12?
4. What are the perceptions of representatives of civil society organisations and media on the implementation of Clause 12 of RtE?

## **1.3 Rationale for Selection of Study Area and Sources of Data**

This study was conducted in the Udaipur district of Rajasthan. According to the census of India 2011, the state of Rajasthan is ranked 25<sup>th</sup> among the 32 states in terms of literacy level, and the district of Udaipur stood at 25<sup>th</sup> position out of the total 33 districts in Rajasthan. More than half of the population in Udaipur district belong to the disadvantaged sections of Indian society (Census Organization of India. 2011). Therefore, this specific region

was important to be analysed and was selected to conduct the field research. I could have chosen various methods for analysis of my research study area for example;

A comparative study could be made between schools that complied well and those that did not comply well with RtE clause 12. Why were there huge differences between both categories of schools, what were the implementation strategies adopted by government? It was very difficult for a researcher to find such information about which were the schools that complied well or did not without visiting them and obtaining proper information about them , even though I got the list of private schools; after several visit of Education Department.

An impact study of RtE Clause 12 could be another option to analyse before and after implementation. How it is benefiting the target group? How many children from disadvantaged groups were attending private schools before and after implementation of RtE Clause 12? This was also not possible due to unavailability of information and time constraint.

Before designing my research method I visited elementary education offices to discuss about my study and collect necessary information relating to field for example; list of schools and implementation strategies for RtE Clause 12, overviews about private schools and their responses, list of children who are enrolled so far, communication protocols between government and private schools etc. I got all these information after approaching through various sources for example contacted with District Elementary Education Officer (DEEO) through my friends and NGO representative. I consulted with my friends, reporter of local print media and colleagues from previous organisation where I used to work for quality education in order to better understand the current conditions of implementation of Clause 12 of RtE.

After gathering all information from above mentioned sources, I have realised the current challenges, time limitation for data collection and overview of schools from different areas of Udaipur District. In Udaipur city, I have found different types of schools which were serving children from different income groups, such as low, middle and high income groups. Here, different schools were dealing differently with children from disadvantaged group at the time of admission and during classroom teaching.

High Budget<sup>1</sup> (high income group) schools charge 700 to 1000 Euros annually per child in class 1<sup>st</sup>, Medium Budget<sup>2</sup> schools (medium income)

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around 300-700 Euros and Low Budget Schools<sup>3</sup> (low income) 100-300 (According to discussions with schools authorities and parents about fee). At Block level schools were for low and middle income group of children and rural private schools were mostly for low income group people. I have realised that I have to analyse all these different area's schools which might practice different methods for admissions and dealing with obligation of Clause 12 of RtE. Therefore, I have chosen schools from different areas urban (Udaipur city), semi-urban (Kherwara Block) and two rural villages from Kherwara Block.

Finally I have decided to conduct study from three different areas; urban, semi-urban and rural area. Other methods were not felt appropriate according to current situation of Udaipur District.

#### 1.4 Sample Size

I have selected 11 private schools out of the list of 730 schools which were registered with District Education Department under either Society registration act 1860 or Trust act 1950. It was only 1.5 % of total number of private schools of Udaipur District. I obtained the above list from District Elementary Education Officer's office. It was very difficult for me to identify unrecognised schools because the government still didn't have or publish the above information. According to the DEEO, the department will verify the existing schools whether they fulfil the norms and standard of RtE clause 19, which prescribed about minimum infrastructure, pupil- teachers ratios, teachers qualifications, records and maintenance etc for recognition. It was not an easy task for the Education department to verify in so far as the Education officer told me.

**Total 2: Total private schools and visited schools in Udaipur District**

Areas	Numbers of (recognized) schools	%	Visited schools
Urban- Udaipur City	206	54	7
Semi-Urban (Blocks)	130	18	2
Rural (Villages)	394	28	2
Total	730	100	11

Source List Provided from DEEO office

#### 1.5 Methods of Data Collection

I had designed my action plan for field work, while keeping some factors in mind for example; time for data collection, different areas had different type of

schools for poor and rich children. Schools were located in urban area (District), semi-urban (Block level) and rural villages, therefore, I had selected 7 schools from Urban, and 2 each from Semi-Urban and Rural area to study the implementation of Clause 12 of RtE. I had interviewed 11 private school authorities, conducted one focus group discussion with rural parents and 4 interviews with parents from other areas, also interviewed local elected Panchayat (Village Council) member in one village and Block level education officer. (See Annex 1 for a List of interviews conducted)

Furthermore, I had also visited the department of elementary education at district and block levels in order to get the necessary information and permission for visiting private schools. I collected a list of private schools in the district for analyzing how many of them had provided admission under Clause 12. I interviewed there district and block elementary education officers and other officers responsible for implementation of Right to education (RtE) in their respective areas. Since it was hard to get the interview after several visits, I had managed to carry out the district officer meeting at his home, after office hours. After collecting information from district education department I started to visit private schools in order to verify the information which schools has provided to department of elementary education as a part of RtE clause 12.

I conducted focus group discussion with 12 rural parents and elected members of local Government. The discussion was focussed on awareness of

**Focus Group Discussion with Rural Parents**



parents and Panchayati Raj Institutions (Local Government- Gram Panchayat) about the Clause 12 of RtE. It was impossible without support from my previous organisation Azim Premji Foundation. The organization conducted one day workshop on RtE

2009 where I had opportunity to discuss specific Clause 12.

I also interviewed educationalists (NGOs representatives), who were working on education issues. I had a telephonic interview with one of them and interviews face to face with two others. I additionally conducted an interview with a media reporter from one of the local news papers (Rajasthan Patrika) regarding their contribution and experiences on the implementation of clause 12 of RtE. Regarding local authorities (elected members of the local government), I had selected (Pahada Gram Panchayat) at the village level, that

are responsible to monitor the schools sampled. Additionally, I have visited other officers from education department from the same areas in Udaipur, Kherwara and Pahada (Adiwali).

In addition, I collected primary data from Education Department like list of private schools, list of admitted children under RtE Clause 12, copies of official records, copies of records from private schools visited, published news relating to RtE Clause 12 from local newspapers all of which helped in order to understand implementation of the Clause 12 of the RtE. I also used secondary sources of information from Census of India, reports published by education department and academic literatures to support my arguments.

## **1.6 Risks and Ethical Challenges in Carrying Out the Research**

The first challenge that I faced in collecting information from the government department was disorganization of the information. Initial, they provided me list of 274 private schools of Udaipur District, later they provided with 730 schools but they were not sure about actual number of schools. I also had to visit the officers several times without receiving opportunity to have an interview. Finally it was only through contacts of close relatives of one officer of the district that I was able to meet him at his residence.

In the schools visited in the urban area where the heads of the institutions met for interview, they tried to avoid the interviews several times. They claimed that their school was not the indicated to be chosen for the research because for example it was small, new or it was already providing concessions for poor children. They were always full of activities and not eager to provide the information required. I tried to manage by changing my approach to ask them what the real challenges were in the implementation of the RtE Clause 12 in their school and finally later found more openness for sharing the information I required. Showing a support letter given by local authorities and the ISS recommendation helped me to get the cooperation of the school authorities. Nevertheless it was impossible to get information from the schools about the parents, so contacting them for interview was also not possible. In rural areas, it was easier to find the opportunities of interview because of previous contacts and local authorities and schools managers provided all the necessary information.

About the Parents, although in urban area it was difficult to contact due to the denial of the schools to provide their contact information, I only managed to speak with two of them telephonically through pictures taken to the profiles of the children that I got from the schools. In rural area, the parents were most of the time busy with the agricultural activities so the time for the interviews was short and difficult to find.

Interaction with children was impossible due to the interference of the schools in their contact. Teachers were not interviewed because admission process was managed by principals and school managements.

I will move to chapter two which explains the conceptual framework for analysing the right to education policy and then connect with field findings.

## Chapter 2 Analytical theories; Rights- based Approach and Street Level Bureaucracy

### 2.1 The Right to Education

Education has been recognized as a Human Right since the Universal Declaration of Human Rights in 1948. India not only adopted the declaration but was one of its precursors. Though other treaties like the UNESCO Convention against Discrimination in Education in 1960, was not adopted by the country, the International Covenant on Economic, Social and Cultural Rights of 1966 that recognizes in the Article 13 the right of everyone to education, was signed by India. In 1992 India also ratified the UN convention on Child rights (1989), making therefore an international commitment to its population for the delivery of free primary education to everyone and specifically the 'obligation' to consider the implementation of four core principles: non discrimination, protection of the child's interests, right to life, survival and development, and the rights of children to express their views (Jonsson 2004, Lundy 2007, Assembly 1989b)(Assembly 1989a).

The conceptual framework used by this research to assess the unequal access to education is the Rights- based Approach Framework, which will be the most appropriate to analyse the implementation of Clause 12 of the Right of Children to free and compulsory education in India, because it addresses three basic aspects: the right of access to education, the right to quality education and respect for human rights in education.

Ajay Das, (2010) points in his book Right to Education that is not only necessary for the governments to bring universal access but also assure that even the marginalized children are reached. That means not only bringing the children to school but enabling the means for them to achieve their economic and social aims and get the skills, knowledge values and attitudes necessary to accomplish their actual participation in society. On the other hand, he also indicates that receiving poor quality education can be a sort of discrimination because it prevents children to get a competent insertion to the society. Finally he identifies that bringing a right to education means to have a relevant curriculum, committed teachers and an appropriate environment for learning. All of these can be summarized by saying that the rights-based approach is no other than *commitment to recognizing and respecting the rights of children while they are in school including respect for their identity, agency and integrity*. And paraphrasing Das I would add that the rights-based approach to education implies to give the child all the necessary elements to achieve its maximum development, which means reaching autonomy, self-directed learning and preparation for participating actively in society as a full citizen (Das A 2010).

Klasen (Klasen 2001) has analysed social exclusion of disadvantaged children using rights- based approach, where the author has described that

educational policies have failed to prepare disadvantaged children adequately to be well integrated in society. Educational policies need to be formulated in such a way that disadvantaged children can access quality education and nurture their personality so that they can equally participate in economic marketplace.

According to Tomasevski (2004), (United Nations Special Rapporteur on the Rights to Education 1998-2004) Rights-Based framework in right to education is a tool to analyse policies on the basis of a particular context of a country. It is not necessary to follow all the norms and standards of international human rights principles. Nevertheless the government is the primary duty bearer in implementing the right to education. Therefore, it has to ensure and protect children's right to education through ensuring four aspects: availability, accessibility, acceptability and adaptability. Furthermore, it is Government's duty to ensure that other stakeholders as parents (as primary mentors) and teachers (as professional educators for children) are made principally responsible for children's education. The above mentioned four aspects is described in the following paragraphs (Tomasevski 2004).

**Availability** Education must be available, free and compulsory to all children. Elementary education must be affordable for everyone in society whether children are attending private or public schools. Parents should be free to choose schools for their children in private or public institutions. They should not have to pay any charges for their children especially those from disadvantaged sections. The government has to ensure adequate and quality infrastructure, professional teachers and support constant staff training. It is important in a current liberalised international scenario, because education is becoming more privatised and the gap is increasing between public and private service availability. Therefore it is highly important to bridge the gap between different education institution service deliveries by increasing the quality of public schools and by providing access for weaker sections into private schools (Ibid).

**Accessibility** This is the very relevant to analyse clause 12. The education system provided by Government should be non-discriminatory and ensure participation of the most disadvantaged group of children. All forms of discrimination have to be avoided by governments and schools, giving priority to marginalized, excluded, vulnerable or disadvantaged group of children. The government has to assure that education is accessible for all groups of children, including the above mentioned groups. The schools authority must not segregate children in school arena (Ibid).

**Acceptability** This perspective is focused on developing acceptable level of quality education, building therefore indicators to assess conditions and progress of education. It is the responsibility of governments to assure acceptable standards for achieving equality of access and elimination of discrimination in schools, by offering facilities to all the children to develop

their full potential. It must bring a standard of education that is in harmony with the needs and abilities of the students (Ibid).

**Adaptability** Is the quality of adapting the education systems to the different needs of individual students, rather than expecting that children fit into the standards of the school in terms of courses outlines and facilities available in this institution. Those who are away from the system have to be able despite their different disabilities (quality of education, race, status, etc.) to have access to the system and the government have to enforce all-inclusive educational policies to incorporate that and thereby fill the gap between private and public education systems. (Ibid) 'Manual on Rights-Based Education').

Research questions are addressing issues related to policy implementation area; whether this policy provides access to disadvantaged children in private schools or not, if yes, then to what extent schools are compliant? It is related to theoretical framework on principle of availability and accessibility drawing attention of researcher to look into the RtE Clause 12 in the light of these principles. To what extent are these policy provisions adopting the principles of rights-based approach? The Rights- based approach tool is more appropriate to analyse such policy documents and the implementation gap. Therefore, I have selected for this study, to examine whether policy is following the principles of RBA in implementation.

## 2.2 Street Level Bureaucracy

Michael Lipsky (2010) has developed street-level bureaucracy theory. He defined street-level bureaucrats as public service workers who deal directly with citizens as part of their job and have significant judgment and discretion in implementation of responsibilities. Public service agencies that employ a considerable number of street level bureaucrats are called street-level bureaucracies. For example, education, police, health, etc. He focussed that implementation required exercising discretion by who is directly responsible for policy implementation at field level. Bureaucrats use discretion for benefit and allocate sanctions for public services. Discretion is an ability of bureaucrat who makes rule and interpret policy for its effectiveness. The author argued that determinants of street-level practice are deeply rooted in the structure of the work. Street-level bureaucracies do not stand alone but they reflect the nature of existing governmental relations in the society as a whole and are primary instrument of contact between government and citizens which strengthen the relationship between state and citizens. Lipsky affirms that 'bureaucratic decision making takes place under conditions of limited time and information'. Policy makers formulate problems and solutions in such environment by imaging ideal similar implementation conditions. On the other hand street-level bureaucrats make decision for implantation of such policy with inadequate resources and under complexity of subject matters. Therefore, bureaucrats are consistently criticised for their irresponsible behaviour and inability to deliver proper services to citizens. It is important to analyse the

working conditions of these bureaucrats and policy makers. A theory of Street-level bureaucracy helps to clarify the risk in implementation and possibility for a reform perspective.(LYPSKY 1980).

Meyers and Marcia (2003) called such street-level bureaucrats as front-line workers who exercise discretion beyond their formal authority who can barely be controlled by political, organizational rules. Political supervision cannot control and direct front-line workers because though their actions are visible the outcomes may not be visible; for example, person could make a number of visits to field, however, whether such visits are effective or not depends on front-level officers. Organisation cannot control because of complex nature of subject and implementation of such new policy within existing monitoring setup. Therefore street-level bureaucrats have to use discretion and find a suitable way for implementation (Meyers et al. 2003).

Meyers argued that front-line workers have much more influence of their beliefs about work environment and target population. Front-line worker's decisions are less controlled by rules and more influenced by their own beliefs. Meyers concluded that discretion depends on beliefs of front-line works which shaped by political, social and organisational environment where they work (Meyers et al. 2003)

This theory has been used by several scholars; Hupe and Hill (2007) used it to analyse effectiveness and accountability of street-level bureaucrats (Hupe and Hill 2007), Rothstein has compared existing variation in social capital between different cities at regional and national levels (Rothstein and Stolle 2001). Scholz analysed influence of political power on street-level bureaucrats and on allocation of resources (Scholz et al. 1991).. Taylor explained professional street-level bureaucrats have less influence of discretion because organisation accountability has more effect on this profession (Hupe and Hill 2007). New public sector reform has limited discretion of bureaucrats (Taylor and Kelly 2006).

A theory of Street-level bureaucracy helps to analyze the constraints and extent of discretion of street-level bureaucrats (in this case, the education officials) in applying the RtE Act and its clause 12, to clarify the risk in implementation of policies, and to suggest possible reform measures. In this study, it will analyse what extent education officer (street-level bureaucrats) use the discretion and whether it is helping to suggest some of the improvement that can be brought about for enabling the policy to meet the intended objectives or if not then why not?

This research analyses policy provisions and its implementation, to study which I have applied both the above theoretical frameworks (rights- based and street-level bureaucracy) which are equally important. For example, policy itself has such problem which needs to be addressed and reformulated. On the other hand implementation depends on street-level bureaucrats which are the main

actors in implementation of any legislation. They play the role of agent between state and citizens. Therefore, both aspects (policy and implementation) of RtE Clause 12 need to address. Rights- based approach mainly focussed on policy formulation and adaptation of rights- based policy around the globe. Das used this framework to analyse right to education policy and whether it is sensitive to the rights- based approach (Das A 2010). UN convention of child right advocates to member countries that they have to formulate and implement policies according to guided principles of rights-based approach (Assembly 1989a). Several scholars have used street-level bureaucracy theory for explaining the role of these bureaucrats in policy implementation. In this study, it will help to suggest some of the improvements that can be made for better implementing the policy clause. I use this theory to understand the differences in implementation at different levels, viz., district, block (Sub district) and village.

The paper will attempt to define discretion as an action of the Street-level bureaucrats or front line worker who execute policy and provide service to the citizens. The actors of front line will be education officers and private schools authorities as street level bureaucrats who deal with implementation of Clause 12 at district, Block (Sub district/semi-urban) and village level. The paper will try to see how officers, principals or directors of the private schools will deal with the provision. Moreover it will explore the methods they will employ to implement these clause. The clause is for disadvantages and weaker section of society thus an attempt to view it through right based approach will be employed to identify the availability and accessibility matching with clause provision and how the street level bureaucracy is acting on it in order to uncover discretion use by them.

# Chapter 3 Contextual Background and Universalisation of Education

## 3.1 The Education Situation in the Study Area

This study was conducted in two different districts of Rajasthan state, India. Rajasthan is located in northwest India, and according to the Population Census of India 2011, has a total population of 69 million, of which 36 million are male and 33 million female.

Rajasthan is divided into 33 districts, 237 blocks and 41353 villages. This state has one of the lowest rates of literacy in the rural areas and one of the highest inequalities among the society in the country. Most of the population of



Rajasthan lives in rural areas, which makes it more difficult to get quality education as compared to the urban areas where most of the private schools are located and which are considered to be offering better quality education.

According to Census (2011) literacy rate of India is 82% of the total male population and 65% of all the female population. State of Rajasthan has total literacy rate of 67%; in rural areas literacy for male is 77% while that for female is 46%, whereas urban male literacy is 89%, for urban females it is 71% (Census Organization of India. 2011).

About 20 percent people lives in urban regions of district of Udaipur. Average literacy rate in urban area as per census 2011 is 88 % of which the rates for males and females are 94 % and 82 % respectively. On the other hand 80% population live in rural area, literacy rate is 56% and percentage of private schools is 54%. Whereas in urban area population is only 20%, private schools make up almost 50% of all schools there (Ibid). (see Table 3 below)

**Table 3: Population literacy and availability of private schools in Udaipur district**

Area	Population %	Literacy rate %			Private schools as % of all schools
		Male	Female	Total	
Urban	20	94	82	88	46
Rural	80	71	46	56	54

Source: Census of India 2011

Although disadvantaged and weaker groups of children are attending public schools, they are not able to continue their study. This brings this population less opportunities to succeed in participating in society.

### **3.2 Inequality and Discrimination in Indian Education**

Indian society is divided into several different castes and each has different identities in terms of culture, language, occupation etc. Pattern of education is now more influenced by international markets in which Indian education has *to cope with the global academic environment* which means more westernized education in English and focus on other careers that respond to a neo-liberalization of the economy (Phillip & Knight, 2007). Private schools in India, better serve to interests of parents and market but these being accessible only to the upper caste in possession of the means to pay for this access, it in a way further propagates inequalities in the educational system and in society. On the other hand, different conservative groups are trying to protect their cultural values and practicing traditional ways of teaching. For them the private education is menacing their traditional values and culture, these differences increase inequality in society (Apple 2001).

Historically, Indian Hindu society was divided into four main classes according to their occupations: Brahmin (priestly class), Kshatriya (warrior class), Vyasa (Business class) and Shudra (menial labour class). The first three classes were called 'upper classes' and the fourth 'lower or deprived' section. Gradually these four classes were divided into several castes. This caste system was entrenched in Indian society since the Aryan period (1200 BC). Until recently there were more than thousand castes existing, but Government took the decision of reorganizing them into four main groups: General castes (or forward caste) (GEN), which possesses the highest influence at the socio-political-economic level, and then three more groups that share a deprived and disadvantaged position in the society: Schedule castes (SC), Schedule Tribes (ST) and Other Backward Castes (OBC) (Deshpande 2006, Sonalde Desai 2011, Chaudhary 2009).

During the colonial period, before 1947, education was accessible only for privileged groups of the society, for example some of the upper castes (e.g.

Brahmin, Ruling class, landlords, etc.). On the other hand, the disadvantaged groups were excluded from education by these privileged elites, by not providing enough funds for school education and so affecting their possibility to access, and also discriminating their children at the schools where only elites were allowed. The British authorities were fully aware of this upper class' attitude and took advantage of this policy of 'divide and rule' (Chaudhary 2009) not supporting the access of disadvantaged classes to education.

Since independence in 1947, Government of India recognised education as an important tool to improve socio-economic conditions of this deprived section of society and as a result bridging the gap between GEN caste and the disadvantaged groups. Therefore, reservation has been provided for educational institution as well as for the access to public service and political positions. Despite the efforts of India's Government, most of these disadvantaged groups are still far away to participate in the mentioned reserved areas according to their share in society (Chauhan 2008).

Sonalde Desai (2011) has shown caste wise education status and place of residences in India. Upper castes (Brahmin and others) population representing the 24% of the whole population in India have a share of 72% of all the people able to read, while deprived castes (OBC, SC, ST) -representing the 76% of whole India's population- only have 28% of all the people able to read. Brahmin and upper castes are mostly living in urban areas whereas disadvantaged castes are mostly living in less developed villages and rural areas. To address such inequality, India should adopt measures that have been proved successful in other countries. These include wider access to quality primary education, standardized assessment of students and academic support for students who are behind.

### **3.3 Education for All**

A demand for 'education for all children' emerged, in 19th century during British reign in India. Till 1858, education was governed by the East India Company and British administration controlled education policy until 1911, handing it over later to the Indian provincial government. Right to Education debate was started by Mahatma Jyotirao Phule in 1882. He presented a memorandum to the British government and pointed that government provided fund only for privileged classes; whereas majority of the population lived in poverty and was unable to access education. He further explained that larger part of revenue collection came principally from poor people, those working for the privileged castes (Sadgopal 2008, Narke H. 2007). In 1911, Gopal Krishna Gokhale presented to Legislative Assembly in Mumbai the Bill on Free and Compulsory Education, which was strongly criticised by the elites (Rulers, landlords etc.). They argued that, what would happen to their lands if all children from lower strata would get education? It was the response of upper caste elites, which didn't want deprived section to get education. In 1937, at National Education Conference held in Wardha, Maharashtra, Mahatma

Gandhi exerted pressure on the Education Minister to allocate sufficient budget for the seven years of basic education and partly succeeded. However, Education Minister always threatened with the budget limitations in order to keep low the allocation for this part of the population. (Chaudhary 2009, Chauhan 1990); (Sadgopal 2010, Bhattacharya 2002)(Chaudhary 2009)(Chaudhary 2009)(Chaudhary 2009)(Chaudhary 2009)(Chaudhary 2009)(Chaudhary 2009)

Although the federal States were responsible for this constitutional provision they were not obliged to implement it. States as well as central government implemented various extensive programs and policies in order to promote universal quality elementary education. In 1960, it was realised that more than half to the children of age between 6 to 14 were out of the school therefore, In the year **1986**, Government of India came out with the '**National Education Policy (NEP 1986)**' which was focussed on non formal education, developing school infrastructure, involvement of communities; reducing gaps in teachers' recruitment and academic support to working teachers. Two major programs were initiated by the Government to addressing the issues highlighted in the NEP 1986; - **Lok Jumbish Project**<sup>4</sup> (Universal Elementary Education Promotion Program) in Rajasthan State and **District Primary Education Program** (DPEP). These programs were effective in creating demand for education at village level. (Govinda, 2008-09; 431-444).

In the year 2001, the Government initiated a large-scale program called "**Sarva Shiksha Abhiyan**" (**SSA**)<sup>5</sup>, with regard to follow up of DPEP and 'Lok Jumbish Project' in Rajasthan. The SSA is large scale project which included various activities for universalization of elementary education, for example; capacity building of teachers, community participation, inclusive education for differently abled children, infrastructure development etc. According to Rao and Kingdom, the SSA program is still far way from its aim; that achieving the universalisation of elementary education (Rao 2009).

In same year 2001, the 'Mid-day Meal' (MDM) program was implemented across the country for providing nutrition to the children, increasing enrolment and retention. After launching MDM program caste discrimination was identified while sharing the food at schools. Caste discrimination is strongly rooted in Indian society which needs to be addressed by this and other educational programmes (Rana 2005). In India different types of school such

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<sup>4</sup> Lok Jumbish Project – It was implemented in Rajasthan state(1992 to 99).Aimed to achieve universalization of elementary education through various activities; teacher training, community participation, adult education etc.

<sup>5</sup> SSA- it was follow program of Lok Jumbish Project which aimed to achieve Universilazation of Elementary Education by 2012. (stated in 2001)

as privileged; recognized and unrecognized are seen which are further divided into several categories.

### **3.4 A Typology of Schools in India**

The first categories of public schools are free and accessible for all children on the other hand other private and minority schools from this category are expensive and high standard mostly serving to economically privileged children as I mentioned high and medium budget schools. Second unrecognised categories of schools are privately managed and registered or unregistered at District education authorities which are mostly for disadvantaged children and Madarsa which provides religious education for Muslim children and low budget school serves rural disadvantaged children (Tooley and Dixon 2005)(Tooley and Dixon 2003)(Tooley et al. 2007).

Private schools are divided into two categories-recognised and unrecognised. Government recognition requires school has to comply with certain norms prescribed by the government (Kingdon 2007). According to the Clause 19 of RtE 2009, a school has to mandate rules and maintain standard for establishment or recognition. Another distinction among private schools is aided and unaided private schools. Aided schools receive grants from government and unaided are those which do not receive any government grant. Aided schools include minority schools which are registered under Minority School Registration Act, Madarsa (Muslim's religious minority schools) schools that receive aid and schools registered under Society's Act 1860 or Trust Act 1950.

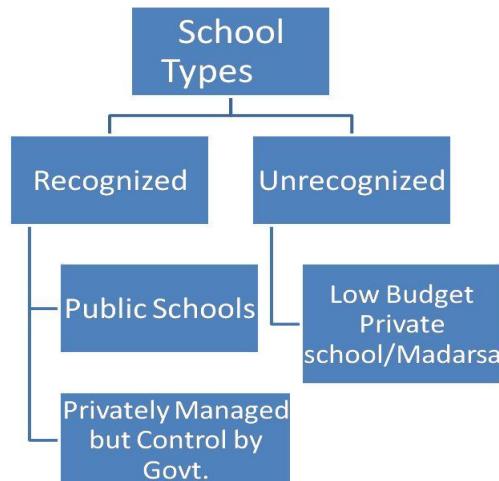
Recognised schools are obliged to follow provisions of RtE 2009. These are recognised schools which are established and managed by government or are established privately but controlled by government. These could be aided or un-aided schools for example; Public schools, private schools which are fulfilling the norms and standards of RtE 2009 and minority schools (well known for good quality and high standard). In the second category are unrecognised schools - Madarsa (informal religious education schools/centers) and low budget schools (which are not able to fulfil the mandate norms for recognition accordingly RtE 2009).

Recognition of Minority status to Minority Educational Institutions was recognized in the State of Rajasthan by Government Notification, Minority Affairs Department Dated 24<sup>th</sup> January 2011, page no 1-5. Minority communities are represented by those belonging to distinct linguistic or religious identities. In India about 80% of the population subscribe to Hindu religion constituting a majority in the country. Therefore, Sikh, Christian, Jain, Muslim and Buddhist communities are considered as minorities (Jain 2005).

It has been assumed that these minority education institutions are aimed not for profit and meant for serving disadvantaged section of the society. Therefore, the Right to Education Act Clause 12 is not obligatory for them. But in practice, most of the institutions are not serving the disadvantaged

community within minority groups. Now, private schools are seeking to get status of minority schools, because this status makes them to remain exempted from clause 12 of RtE, not having therefore to accept disadvantaged groups in their classes (Times of India. 2012).

### Types of schools in India



Private schools are becoming more competitive for providing good quality education. School education leads to better economic productivity of individuals (Kingdon 1996). Anjali Nayar (2011), says that many intelligent young children are unable to get higher education due to lack of financial means and non - availabilities of good quality education institutions. Equal education opportunity for all has been recognised as a tool for reducing social inequality (Chauhan 1990). In India, income inequality is very high, 10% of population enjoys 31% of country's income whereas 10% of lowest population has control over only 3% of income ((M Chaturvedi. 2012) Elementary education is the foundation for further education which leads children towards better career opportunities (Sharma 2010).

Whether education is available and accessible for all or still disadvantaged groups of children are being neglected? The table 1 show that 54% private schools are located in urban area where only 20% people live, whereas rural areas have 28% private schools meant for 80% of population (Census Organization of India. 2011). This Clause 12 is more beneficial to urban population rather than rural.

The disadvantaged section of society have been neglected and excluded from access to education by one or other reason. Inequality is always debatable phenomenon in education in India. There might be several reasons behind this resistance that have to be resolved and also this raises the question about the effective implementation of the clause 12. This study therefore analyzes the implementation of the RtE clause 12 in private schools of Rajasthan, and will address the question of the extent to which and how private schools are im-

plementing this provision mandated under the clause 12 of RtE Act 2009. It shows that government has to improve strategies for dealing (overcoming) with practical barriers of the RtE Clause 12.

### 3.5 Clause 12 of RtE

The Clause 12 of the 'Right of Children to Free and Compulsory Education, 2009 (RtE)' obligates private schools for providing at least 25% free admission to disadvantaged and weaker section children in class 1<sup>st</sup> until class 8<sup>th</sup>. According to RtE 2009 sub section(d) of section 2 defines disadvantaged group, as a child belonging to the Scheduled Caste (SC), the Scheduled Tribe (ST), the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government; sub section(e) of section 2, "child belonging to weaker section" means a child belonging to the parent or guardian whose annual income is lower than the limit specified by the appropriate government. According to sub section (a) of section 2 defines 'appropriate Government' to mean that who either owned or controlled the school establishment whether central, state or union territory government. Private schools can claim the reimbursement under sub-section (2) of Clause 12 of RtE 2009. The government will reimburse the expenses, provided that such expenses shall not exceed per-child- expenditure within the public school expenses incurred per-child (Ministry of Law and Justice 2009). (Government of India 2009).

Anil Bordia's Committee on implementation of RtE, report 2010, indicated that government has to focus on implementation aspects of this clause 12, to ensure equal participation of diverse disadvantaged groups. The experience is showing the importance of this advice. In Maharashtra state, for example, most of the private schools denied to admit the reservation of 25% children for the academic year 2012-13 by giving the excuse that admission was completed before Supreme Court decision was launched. Private schools are working hard to get minority status so that their school will then be exempted from Clause 12 (Times of India. 2012)

The issue here is whether this Clause 12 will provide real opportunities for education for disadvantaged children of society, thus implying that it must challenge the caste system that exists so far, which is rooted historically in Indian social structure. In next chapter I will present my findings on the field level implementation of provisions of clause 12.

## Chapter 4 Reservation for Privileged or Disadvantaged Children

The following section presents the findings on each sub-questions of the research which will seek to answer to the main research question.

### 4.1 To what extent and how are schools complying with the provision of RtE Clause 12

As per the Clause 12, selection of children will be based on lottery; school has to invite parents and government education authority on the day of selection of children from disadvantaged group. The Director of the school also told that there is a problem with lottery system of admission. For example if there are two children who came for admission- one child from very poor economic status (family annual income less than one lac) and the other from a family with slightly better economic status (almost 2.4 Lac which is the maximum limit for free admission), then in lottery system, there is equal opportunity of getting admission for comparatively high income child. In such instances, school cannot give admission to the child from lower economic status. As the Director shared, the school authorities have to face resistance from poor parents many a times.

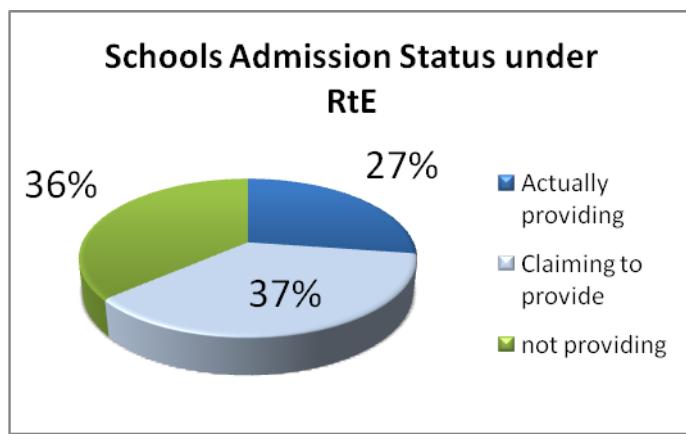
The private school authorities also shared that the government authorities have not provided clear guidelines for admission process except verbal instruction regarding provision of 25% admissions to disadvantaged children during one meeting which was organised in January 2012. It is indicative of communication gap from the government's side. On raising the same issue with the district level authority (DEEO), he shared that they have very limited human resources for covering 730 private schools in addition to the 4000 public schools in the district. It seems that implementation of such an Act needed much prior work on strategy planning and human resource allocation.

The criterion for inclusion/exclusion of certain schools under the provisions of Clause 12 is also questionable. Minority schools have been excluded under this clause. However, one such minority school in the district though meant for serving minorities is actually serving only the elite class. The school has ultra modern infrastructure, highly qualified teaching staff, air conditioned class rooms and buses. The annual fee per child in Class I was as high as 1000 Euros. The quote below confirms this finding.

*"It is a well known fact that majority of the institutes established in the name of minorities are not serving the real interests of the minorities, especially those of the socially and economically underprivileged sections. Students are admitted on the basis of their money power and not on the basis of their merit or minority identity. That will further fasten this process and will serve the interests of the economic minority instead of the religious and linguistic minorities."* (A. Bishnoi; 2007).

After visiting schools of rural, urban and semi-urban areas in Udaipur district of Rajasthan State, India I found different peculiarities in the application of this norm that will be explained in the following paragraphs.

The findings in the different schools of rural, urban and semi-urban areas that I visited revealed some interesting answers.



Out of eleven schools visited, only 3 (27%) were providing free admission more or less according to the law of the Right of Children to Free and Compulsory Education. These schools post information regarding admission

on their notice boards and provide application forms to all parents of deprived sections who ask for admission. Afterwards the parents are required to submit the forms with the required documents like: caste certificate, income certificate and birth certificate of the child. The caste certificate is only mandatory for the SC, ST and OBC groups. The schools select the children following a lottery system that assures the equal participation of all the applications received and is done in front of the parents and education authorities. The list of the selected children is later published on the notice-board. Although the Act 2009 says that the school has to advertise several things in local newspapers such as the quota of the institution (number of seats available for class 1<sup>st</sup>) and the key dates in the admission process such as deadline for the submission of application form and the date of lottery, these schools are not fulfilling this requirement making it difficult for the community to know about their right to education. Though the government authorities should be present on each selection process, only one of the four schools visited had the participation of the representatives. Regarding the lottery system the Rajasthan Patrika, a vernacular newspaper of Udaipur, has published on 21<sup>st</sup> January 2012 that the parents and government authorities are invited to be present on all schools of Udaipur district, even though the authorities were not present in all the cases.

Meanwhile 4 (37%) schools claim to provide the admission, nevertheless in reality they are avoiding to apply the norm as it is written but they are making an interpretation of it by using other methods of admission like it will be described in the next paragraphs. Finally there are 36% schools that are directly accepting to not implementing the RtE Clause. It's interesting to understand how all the schools don't feel compelled to meet the terms of the act.

In the urban areas out of seven schools visited, three are providing admission according to the RtE Clause 12 while two are claiming of admission but have used other methods and two are directly not giving admission. In the field observation it was observed that: all three schools are charging transportation fee, stationary and uniform fee, which according to above mentioned clause is not legal. Moreover wealthier families' children frequently get admission in the quota of disadvantaged and weaker section. The street-level bureaucracy theory shows bureaucrats use discretion to formulate rules and interpret policy, '*lower level worker high degree of discretion in determining the nature, amount and quality of benefits and sanctions provided by their agencies*' whom to provide service and whom not? (LYPSKY 1980). Private schools interpret and created deferent methods for admission under RtE clause 12. High level of discrimination has been identified in urban schools where they use different methods according to their convenience, and manipulate the admission criteria. The schools are charging extra fee to burden middle class families, disadvantaged and weaker families to create barriers in admission process. This provision has limited access to quality education among middle class, weaker and disadvantaged.

### ***Discrimination and Segregation***

#### **A Case of Discrimination in Private school**

A representative from NGO shared a practical experience about one reputed private school from Jaipur Rajasthan where his son is studying. He went to attend the parent's teachers meeting, during the meeting teachers and school authorities tried to communicate to upper class parent that 'we have segregated disadvantaged children from normal classes and our regular teachers are not teaching them. We have arranged separate teachers for them. We are trying to keep them separate so that your children will be safe from them. They will not learn anything bad from those children who are coming from poor background.' The discussion was about explanation that ensured to upper class parents that they are always cared about their status in the society and that teaching was better to their children in isolation from disadvantaged children. Parents don't have to worry about their children education, school authority, teachers taking care of their interest. He also asked teacher about whether their parents too were here in the meeting. They were told that they don't invite them here, sometime they come but they meet with other teachers which we arranged for them.

At the same time, the admitted children in one of these schools are segregated from the morning assembly and the class room sitting arrangement. This information was highlighted by a local newspaper 'Rajasthan Patrika' page 3 dated on 30<sup>th</sup> July 2012 and was also reported by parents during the interviews done with them.

There was also one similar

case highlighted by a National news paper '*The Hindu*' in Bangalore 18<sup>th</sup> July 2012. It says that in a well known school, 'Nandini Layout', for the children of the group of RtE admission's hair was cut by a school teacher for identification. At the same time the children were kept apart from the morning assembly and had to stand separately from the rest of the children and their names were not entered in the attendance register. Additionally, the children were asked to sit in back benches in the classroom and their lunch boxes were checked before entering in their class to assure the good quality of food according to the status of the school are brought or not. As per the principle of availability and accessibility, education should be available for all without discrimination but with a special focus on disadvantaged children. Policy provision is also clear that private schools have to provide admission and treat everybody equally as normal children without discrimination. However, in day to day practice segregation is occurring following the traditional caste system. The lower class and caste students are separated from higher class and caste students. This resembles those front-line workers (education officers and private school authorities) who use discretion shaped social environment (Meyers et al. 2003).

### ***Free Admission for disadvantaged or concession for Privileged***

The second group (schools claiming to provide the admission) used different methods to avoid the compliance of the law: like giving concession to one child only if their siblings were studying in the same school, so that a family would have to have at least three children to get the possibility of free admission for one of them.

With the exception of one school: 'Eden International' - which provided real admission according to RtE Clause 12 - the process of admission was almost the same in all the schools. Schools exempt from fee only to those children whose other two siblings are studying in the same school. (It means not free admission as required by the Clause 12, but in fact a 33% discount in the three children admitted from the same family). This is the usual practice in private schools that do not charge tuition fee of one child if their siblings are studying in upper class in same school and these schools submit to the education department the list of such children discounted in order to get rid from obligation of RtE, and so they claim for reimbursement of expenses from government for each of this children falsely 'free admitted'.

In contrast in the visited rural area's Low Budget Schools, which charge 3 Euros per month per child, I have found that if the institution is giving free admission to disadvantaged children it would be virtually impossible to define 'disadvantaged' because almost all the population is below the poverty line. Rural parents think that without paying fee, school will not give sufficient attention to their children and therefore they want to pay. At the same time all these schools are in fact not charging a high fee so that every poor parent could afford their children's education. Nevertheless, according to some

principals and parents this education's policy is not helping them, because they can afford a low fee but if they want to send their children for a good quality school in semi-urban or urban area then they cannot bear the other additional costs like transportation, uniforms and stationery.

In the third group (schools accepting not having implemented the RtE Clause) out of four schools, 2 are High Budget institutions with high fees for their students (about 25 Euros per month, per child). Well known national and international schools are apparently not forced to comply with the RtE Clause due to a specification on the law that says that minority registered schools are not obligated to cope with this law described in chapter 3.. Thus, other schools like the ones registered under Christian minority category (which by law are handled as minority schools) have no obligation to follow the RtE clause 12. In these schools the fee is around 100 Euros per month per child. I have mentioned above the quote of A. Bishnoi (2007) , he explained that minority schools serves to upper caste elites rather than poor minority children, which was found in one of the sampled minority school. Policy need to be redefined as per the guided principles of Rights-based approach; availability and accessibility. Both were ignored while designing policy or closely monitoring needed from street-level bureaucrats on minority school. Here policy makers and action of these front-line workers were seen to reflection of social and political environment as theory of street-level bureaucracy has mentioned (Meyers et al. 2003).

In Semi-urban and rural areas, medium budget schools reported that no authority has requested them to comply with the requirement for admission under the RtE Clause 12 and therefore they didn't provide such access to deprived groups. Deprived groups belong to ST, SC and OBC castes and other below the poverty line (BPL) groups whose income of the family is less than 4.000 Euro (240000 Indian Rupee) a year. In some cases school authorities have issued some forms for admission but none of them had been resubmitted to schools. It seems that in semi-urban and rural areas parents are not so aware about the RtE Clause 12, therefore they are not demanding for free admission. During the focus group discussion most of rural parents informed that they were not aware of their right to seek admission in to private school under RtE Clause 12. In these areas street-level bureaucrat's actions were absent. As theory of street level bureaucracy tells, bureaucrats works with limited resources where they use discretion to provide service where citizens strongly demands (LYPSKY 198029-33). In rural and semi-urban areas people were not aware about RtE Clause 12 therefore, people were not demanding for free admission. officers and school administration concern to provide benefit to targeted children (Meyers et al. 2003).

### ***Reimbursement Claimed or Illegitimate Profit***

Out total 730 private schools only 274 schools claimed for reimbursement against admission provided under RtE Clause for academic year 2011-12. I

have visited five of these schools to understand the process for admission for academic year 2011-12. The table shows that almost half of the whole students left within one year from the admitted school to other schools. I have asked the school authorities about the reasons for leaving the school and they answered that it was due to migration of their parents. In rural private schools the principal told that their parents found better schools near their location. According to the parents and media reporters, the reason for leaving school is because the parents were not able to pay for stationary and transportation fee in the urban areas. In the rural areas there is a lack of information about the clause provision, and therefore the parents didn't even know that they already were granted with a free admission for their children.

Reimbursement of claimed per-child-expenditure government estimated the total expenditure per child per year at around 8000/- Indian Rupees (About 120 Euros) but one of the rural visited schools was only charging around 3000/Indian Rupees (around 45 Euros)- per normal admitted child per year. In this school a total of 25 students were admitted in nursery class where they claimed for 10 students (40% claimed instead of 25%) for the year 2011. Even parents of children were confirming that they have paid fee to school for admission of children which claimed under RtE clause 12. In other words, the school is making an illegitimate profit by getting more subsidies from the government than the actual cost of education they provide. Another way of making such profits is to claim subsidies/reimbursements from the government for more children than allowed.

The government authorities report that it was difficult to verify actual enrolment in each school and to verify details of fee payment by parents of the children as they do not have the necessary resources for this. Street-level workers with limited resource use their discretion for better outcome of the policy. In such case benefit of such clause 12 for urban children who are not from privileged class get advantage. The RBA principles availability and accessibility were completely overlooked by policy makers and street-level bureaucrats.

**Table 4 Student admitted in 2011-12 and current status (list provided from DEEO office)**

Area	Schools visited	Number of students claimed (listed in DEEO)	Class of admission	Number of students (field observation)
Udaipur (Urban)	Eden International	4	3 Nursery + 1 Pre Nursery	2
	Roshanlal P S	15	Nursery	8
	Alok School	20	Nursery	4
	Jyoti Shishu	28	Nursery	15
Adiwal (Rural)	Vivekanand	10	Nursery	6
Total		77		35

The table shows, all most half of admitted children left within the year and schools didn't replace them with other disadvantaged children. The educational institutions have developed another strategy to escape the full implications of the Act. Since the Act only states that the 25% reservation is applicable in the lower classes of primary school, most schools have limited their nursery class intake or created a new class, so-called pre-nursery class, with only limited places. This means that the 25% reservation also represents only very small absolute numbers of pupils who are then moving up in the education system from one year to the next. Almost all of the schools have provided admission in class nursery because nursery class has less numbers of students therefore schools has to provide minimum numbers admission under RtE. This new method of admission is being practiced in private schools.

According to NGO representative with whom I interviewed, one of the schools in Patna (Bihar), has created nursery class from last year after implementing the act. It is only to provide less numbers of admissions under RtE. According to RtE sub-clause (f) of section 2 stated 'elementary education' mean the education from first to eighth class. But none of the schools providing admission in class first, they started from lower class. Rajasthan state rule for RtE implementation is not clarifying whether schools has to provide admission in class 1<sup>st</sup> or from nursery. This practice has limited access for disadvantaged children in private schools. (*Please see the annexure 2 for new related to discrimination*)

Street-level bureaucrats (work for education department and responsible for implementation of Clause 12 of RtE) were unable to obtain policy objective. School level (Principals, Directors of private schools) were using high degree of discretion for escaping from obligation by using other methods for admission to disadvantaged children. They charged additional fee in order to discriminate poor children and provide access to privileged among them who can bear such cost. In this method school escaped from obligation and poor children not benefited from RtE Clause 12.

## **4.2 Role of local authorities and public servants in implementation of RtE Clause 12**

I have observed that District and Block level education officers were having less monitoring staff with less physical resources like computers, internet, vehicle for field visit, documentation officers etc. They were more politically influenced as one of private school director told that one of the parents of disadvantaged children was seeking admission for his child under Clause 12 but his application was rejected. When this parent did complain to education officer, the officer couldn't do anything because this school was partially owned by a political leader of the locality. This shows that these bureaucrats work under political pressure. This relates to theory of street-level bureaucracy, which explains these officers work directly with citizens with lack of resources and under political pressure which influences their service delivery and distribution of resources.

I had an interview with DEEO and ADEEO about implementation of RtE in private schools. I was told that they had organized one meeting of private schools of the city to orient them about the provision of RtE in January 2012. All 11 visited schools authorities also told that the government education department hasn't provided enough information about this clause 12. Director of Jyoti Shishu Nikatan Udaipur, Vivekanand Public School Adiwal told that 'We are following according to the media publication (Local Newspapers) .Education officers were not providing information, orders or directions related to RtE implementation except once a meeting conducted by education department at District level for urban private schools and Block level for semi-urban and village level private schools. The meeting was aimed to brief about admission process and time line under RtE clause 12.

During the meeting all participant schools were informed that they had to provide 25% admission for disadvantaged children in class I or whichever is the lowest class in their schools. They had to download the RtE related information forms from government's website and submit the list of admitted children periodically to the Government's department, as well as maintain progress reports and maintenance records at school. In this meeting only 25% of whole schools were present; the rest of them did not attend. The information of the meeting was also circulated through Nodal schools<sup>6</sup> head teachers informed 2 days before about meeting and a news published in local news papers for public awareness that Meeting of Private school authorities

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<sup>6</sup> Nodal school- A Public School which located in Village Panchayat (including 2-3 villages/schools) is center for the information sharing with Block Education Office and schools within their Panchayat. Each Nodal School covers 5-10 Public schools for information sharing. This is the smallest unit of Education administration.

would take place on 20<sup>th</sup> January 2012 at Block education Officer's office and District Education Officer's office. Urban schools participated in district level meeting and block and rural schools in block level meeting. After this meeting, there was no further communication between private schools and the Education Department. Out of 730 schools only 274 private schools provided the list of Clause 12 admitted children in April 2011.

I had an interview with DEEO Mr Mandowara. I asked him about what he thought about the effectiveness of the clause 12 of RtE, whether it really provided access to disadvantaged children or not? He said that Clause 12 was good but it is very difficult to say that it would really provide equal opportunity to poor children because of inability to change the perception of private schools authorities about discrimination and segregation. He said that caste discrimination exists in society; and that we cannot overlook the fact that there is huge gap between upper and lower caste or lower and upper strata. How could we as officers ensure that private schools follow RtE rule to implement Clause 12 if they are not accepting it from heart (mean-willing) to provide admission rather than find ways to escape from obligation. It was impossible for him to monitor all schools because he had lots of work relating to public schools and this was an additional responsibility without additional man power and resources. He received several complaints from parents about private schools that they denied to provide admission or charging fee etc everyday but he couldn't solve all problems. These many problems came to notice because people are more aware in urban areas but he didn't receive complaint from rural parents because they were not aware about it. Schools have claimed for reimbursement but without verification whether they have admitted children from disadvantaged community, it was not possible for him to reimburse. He was not able to verify all schools with limited officers. He said that they have developed mechanism involving Nodal School teacher to verify village level private schools. Street-level bureaucracy theory, when government implements new policy with existing monitoring setup where bureaucrats use discretion and find the way of implementation (Meyers et al. 2003). In this instance, it is found that DEEO has decided to verify through mechanism of Nodal School.

I met with Nodal school teacher Mr Ashok from Kharadiwara (Adiwal), who told that they have to collect information about RtE clause 12 for example, how many children were admitted from disadvantaged community, how much they charged per-child for a year (annual fee). This information they had to collect and submit to block office periodically. Therefore he called principals of private schools within his nodal area (Village Council), and sought information which had to be submitted to Block education office which will then be submitted to DEEO office. It is impossible to depend on this information without verification of private schools enrolment which cannot be ascertained without visiting private schools for physical verification of children and meeting with parents for verifying whether they paid fee or not? I found that in rural areas schools claimed from government and also charged from parents.

Street-level bureaucracy theory indicates that bureaucrats work under conditions with less resources and high demand of service, time limit, high cost of collecting information. In these conditions street-level bureaucrats use discretion and work beyond their authority. They provide service where citizens strongly demands for services {{225 LYPSKY, M. 1980}}. The DEEO told that he can manage with less resources and wants to focus to solve problems from urban area where people complain everyday as against the situation in rural areas however 80% population lives in rural area.

The Education Department had initially provided me a list of only 274 private schools; later on they had provided me a list of 730 schools which was still not final list. All these private schools are considered as recognized schools by the government authorities. It means that the government doesn't know the total number of schools that could provide free admission for the disadvantaged children. How could we believe that government authorities are ensuring implementation of clause 12 if they don't have even the updated school list?

DEEO representative declared that it was a great achievement that 274 out of 730 schools admitted children from disadvantaged group in spite of their limited resources (only 6 employees for the whole district) making them unable to visit all schools, so that in addition to the private they have to monitor 4000 public schools more. *In DEEO office we have only 5-6 employees and 2-3 at each block (11 blocks) so it was not possible to verify each school, whether they have provided admission or not, or if private schools are discriminating against these children or not. In this year we are planning to transfer monitoring of private schools to Nodal school, which are located within 2-3 villages'.*

Similar issues were shared by the Block Elementary Education Officer (BEEO) in charge of the Kherwara block. The officer had conducted meetings with private schools on same day on which it was held at the district level and briefed likewise to the participants. When I asked about list of private schools from his office, they didn't have and took the list from me for official records. It means that the block level officer is not aware about the number of private schools in his respective block and the number of admitted children. When I asked him about this information he told that they were going to verify though nodal school head teacher.

Interesting things from education officers at district and block level was lack of clarity on RtE. I had interviewed the District Incharge of RtE Clause 12 implementation, she told that they were gathering information about number of private schools and those that provided admission but could not do anything if they didn't provide this information. When asked about reimbursement of claims, she told that they were not very clear about many issues related to this Clause 12, and also did not have proper guideline on these issues.

All the above mentioned information show that the district and block level education officers are not effectively involved in implementation of RtE clause 12, and that without clear information it is impossible for them to monitor the advances and the difficulties in the implementation of the Clause. Limited resources could be the constraint for poor implementation of the Clause 12.

### **4.3 Perceptions of Upper and Lower Caste Parents on RtE Clause 12**

#### ***Urban area's parents***

In Udaipur, I had discussions with four parents from the upper class (unfortunately none from the disadvantaged group) about the clause 12. In their opinion, providing free admission would not actually help to improve the conditions of the poor children because they are unable to compete with upper class children whose educated parents support at home with their assignments, while most of the poor parents are uneducated or have very low education to support their children in academics. Furthermore, the interviewees feared that children from wealthier families are exposed to learning bad habits from the disadvantaged children; for example, using abusive language, fighting with other family members, stealing things from others, etc. They consider that disadvantaged children live mostly in slums and that in these localities such behaviours are frequent among the communities. Finally for them government has to strengthen public schools rather than providing admission in private institutions, so that they can learn better but stay put in their locality. Author Weiner has mentioned in his study on child labour in India that belief of the upper class community about education poor disadvantaged strata has seen excessive and inappropriate. Upper class rejected compulsory education policy arguing that education will not prepare poor children for work and they have to work rather than prepare for white-collar or service (Weiner 1990).

#### ***Rural area's parents***

I had conducted one Focus Group Discussion with 12 rural parents from the deprived section, about the implementation of the RtE clause 12. When I asked about their opinion about the provision of RtE, I found that none of them were aware about it. When I explained and asked about their points of view, they were highly interested to have the opportunity to send their children to private schools, but they are not able to do so because most of the villages don't have private schools in nearby location and sending the children to nearby semi-urban areas would mean high cost of transportation and many other additional costs.. Other important consideration was that admission was provided only from class 1<sup>st</sup>, so it was difficult to send the younger children to far- off places; if the schools would provide admission in upper classes (class 2-3 and onwards), the parents could then send their children as they would be slightly older in age.

#### **4.4 What are the perceptions of representatives of civil society organisations and media on how to improve implementation of Clause 12 of RtE?**

I had an interview with Rajasthan State Head of Azim Premji Foundation, an organization actively involved in the implementation of education programs in Rajasthan. The organization is working with government elementary education system and private school teachers in capacity building, curriculum development and training module development for teachers. He is associated with educationalists, education functionaries; therefore, I had chosen him to discuss the role of the Civil Society organizations in implementation of RtE clause 12. The interview was focused on his experience with regard to implementation of clause 12 of RtE Act and future suggestion for better implementation.

He shared that it is very difficult to change the social structure which is strongly influenced by caste, discrimination and status. The government has to address those issues which are not possible through providing 25% admission in private school. Nevertheless, this policy provides legal access to disadvantaged children which did not exist before. Now poor parents can dream about admission of their children where only upper classes were hitherto privileged. This policy alone is not sufficient to bring equality in society. Government should have involved NGOs for monitoring and awareness program. He suggested some of the action can be taken for more effective implementation strategies while involving NGOs for example- for monitoring Watch Village<sup>7</sup>- social audit kind of bodies at village level who can monitor those private schools closely. Limitation of such NGO could be corruption, some of NGOs are not reliable therefore reputed NGOs can be involved in closely monitoring of RtE clause 12 implementation, Community awareness programmes, Campaign/ movement.

I had an Interview with other NGOs representatives he is also Member of State Commission for Right to Education Act, Rajasthan, was conducted especially with regard to implementation of RtE Clause 12.

He was told that discrimination issues within schools area does exist. NGOs have to work on monitoring and community awareness. At present Government has elected a Commission for implementation of Right to Education act at state level with 7 members. 'We have lot of work which

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<sup>7</sup> Watch Village- monitoring committee at panchayat (village council) level which closely monitor the private schools and ensure proper implementation of Clause 12. These watch village will report to block level committee and block will link to district level..

cannot be handled therefore; government has to create such monitoring structure at district, Block and Panchayat (village level) for effective implementation of RtE Clause 12 as well as other provisions of the Act. Street-level bureaucracy theory indicate when

It is good initiation to break down the caste discrimination and provides opportunities to weaker section of the society. Now it will be too artificial to say that this clause 12 will do miracle for disadvantaged children, which will make drastic change in society's perception about caste and inequality.

The Reporter of local Print Media (Rajasthan Patrika) told about the implementation process of RtE Clause 12 in Udaipur District of Rajasthan. He told that Media played an active role in community awareness. Since beginning of implementation of RtE Clause 12, they were publishing news mostly related to admission process, important dates for application availability, submission, and selection. They had highlighted discrimination issues in one of the reputed schools (Eden International School, Udaipur), the case I have shared above. He was contacted by the school management after publication of the news about discrimination. They tried to convince him to publish an addendum and also they offered him bribe not to highlight such cases about the school in future. According to him, government authorities need to clarify the provision to private schools. First they need to be clear because, government education officers changes their statement very frequently creating lot of confusions among the stakeholders on provisions of RtE Act and State Rules on RtE Act.

This is better opportunities for poor children to make their dream come true but still government has to clarify rules and roles of each stakeholder- Education department (District, Block level Education officers), Media, School authorities, parents etc. Some of the schools have provided admission in last academic years but they still not received reimbursement therefore, private schools are not interested in accepting children. I talked with school authorities who told that government still had not yet reimbursed claim of previous years. I confirmed with DEEO, who said 'we are trying to verify the claims, our nodal school teacher will visit the school and give the report and then we will reimburse to school'

After publishing news related to admission, community contacted to schools and District Elementary Education Office for future clarification rather than Education Officers because they don't have much clarity about provisions.

## Chapter 5      **Conclusions and Policy Recommendations**

### **5.1 Conclusions**

The Principle of Rights- based Approach, availability guided education should be available for all without discrimination where parents has option to choice school from their children. But rural parent have no choice to select good quality education because most of quality education centred in urban areas they are bound to send their children either public or low budget private schools, both known for poor quality. Similarly, in urban area, education institutes provided free admission but additional cost like transport, uniform, and stationeries allowed economically privileged strata to get access.

Street-level Bureaucrats (District Level Education Officers) were found more active in implementation of RtE clause 12 in urban area where community and media were more educated whereas in rural area community and elected member of (Panchayti Raj Institution) local government were not aware about such provision of the Clause 12 of RtE. It shows that these bureaucrats provides/ allocates resources where people strongly demand. People from rural area were not active therefore, Government officers and private school authorities not concern on admission of disadvantaged children. It has also found that street-level bureaucrat's works with lack of resources therefore they were unable to reach most of the areas. Lack of updated list of schools and children were shows their limited capability to manage.

Private schools used various methods to escape from obligation of clause 12 for example- free admission to children of disadvantaged groups but charging money for huge additional expenses which are not in the preview of clause 12 Nevertheless, poor parents are also not much aware of such a Clause and few of them manage to bear the expenses. Thus, though clause 12 intends to benefit poor and disadvantaged children, remain as a clause in papers reaching to a very limited number of children. The documents required as proof of poverty for the children to get admission in private schools include certification of below poverty line /income certificates of parents from government authorities, which again is limited to the parents who either have political connections or have ability to pay to the government authorities. In rural areas, low budget schools are charging fee from parents arguing that parents are willing to pay; however, the schools are still claiming the reimbursement from government under clause 12. . If poor parents can still afford to pay for education their children they are willing to send to the school education of their children in such schools as the fees are quite low, however the quality of education in such schools still remains a big question.

The schools seem taking benefit of parent's ignorance about the provision by charging fee to students from weaker and disadvantaged class.

The private schools in urban areas have much better quality of education as compared to these rural private schools, but these urban schools are not affordable for the poor parents due to their very high cost of education. Minority schools were exempted from obligation of RtE clause 12, assuming that these schools are already for minority children who are disadvantaged, but one can see that most of these schools are providing education to children from higher strata of the society. These schools are popular for high standards and quality services. When one looks at the parent's perspectives regarding Clause 12 of RtE Act, parents from upper and lower strata have very different views regarding this clause. Parents with better economic status are of the view that disadvantaged/poor children even if given opportunities for education free of cost in private schools, they would not be able to cope up with the environment of these private schools as they are from a very different social environment from that of the urban economically privileged children. Parents who are from low economic status are mostly not aware about the RtE Act and do not have access rather experience of quality education due to constraints in availability and accessibility. Some extent it true that these children were lacking behind from study and felt isolated. This aspect this policy is not helping such target groups. How government will deal with discriminatory perceptions of upper caste community and school authorities which can accept such children. It is very hard to say. The government can involve civil society organisation for close monitoring and assigned special officers at block, and district level for effective implementation. .

Discrimination found in the study area where school segregated disadvantaged children in schools. This need to address not only through RtE Clause, it has to deal with social awareness, strong provision against such institutions.

Findings of this study show that in the urban area, three High Budget Schools<sup>8</sup> have provided free admission to children from disadvantaged and weaker section where parents have to manage the cost of transportation, stationeries and uniform for their children. According to Director of one school and Principal of another school, their parents are able to bear these expenses implies that they are not supposed to be in disadvantaged category, but schools has to provide admission to these children parents fulfilled the requirements of admission like the certificate/document proof of disadvantaged category. In such case this policy is not for disadvantaged children, it only accessible for privileged people. If government can bear all the expenses of children including transportation, stationeries, uniform etc then it will be more effective for such disadvantaged children.

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Street-level bureaucracy theory was useful for uncovered the facts behind implementation for example, government officers use the discretion for provide benefit to privileged section in urban areas, less focussed in rural area, demand from educationally advanced parents from urban area, rural community were aware therefore they were bound to send children in public schools of low budget schools where they were paying fee. Also the principle of RBA found that policy meant for privileged not for disadvantaged for example definition of weaker section included all community (upper and lower caste) only deferent is whose family income is less than below poverty line. Therefore upper caste parents presented certificate and other required documents for admission whereas poor were either in rural area where availability problem or in urban area where they have access problem due to manage the document for admission.

As author Klasen S. (2010) mentioned that educational policies should give special attention to different needs of disadvantaged children who are distinct from economically privileged children by providing access to childhood education. Children from different geographical, linguistic and family background need different kind of attention in education achievements therefore policy cannot be generalised for all. Article 28 of UN Convention on Child Right and rights- based theory also guides that education should be available and accessible for all children. Similarly the adopted RtE Clause 12, provides reservation for disadvantaged children but does not ensure availability of quality institutions in rural area where parents have no choice except poor quality low budget schools or public schools as most of good quality private school are available in urban areas. If policy could deal with additional expenses of high budget schools which are not covered under RtE Clause 12 then poor children may have more access in quality institutions. Another option could be improving quality of public schools in order to compete with high standard private schools (Assembly 1989a, Klasen 2001).

## 5.2 Policy Recommendations

### Major Issues Relating to Policy Level Changes

- Availability- Education institution in rural area, currently, only poor quality public schools or low budget schools available for 80% of total population, government should provide residential school facility for poor children from rural areas in good quality urban educational institutions or improve public school by giving management to NGOs or private sector which can provide quality as compared to urban high budget schools. In economic market urban English medium schools were more successful.
- Redefining the definition of “weaker section” under sub section e of section 2 of RtE 2009, currently includes all economically poor therefore most of benefits are availed by educationally aware and politically connected parents who are able to manage certificates to meet admission requirements.

- Defining entry class for admission under clause 12, most of high budget schools/quality schools provided limited admission by creating new entry-level (pre-nursery) grade. Such limited number of admission will not be able to bridge the gap of social inequality.
- 25% reservation is not enough to accommodate most of poor children. It should be 50% as initially ministry of Law has recommended.
- Obtaining Certificates for “Below Poverty line” and “income” certificate are difficult and require political connections. It should be made accessible for all especially rural community at village level. Currently they have to go to Block level government office which is quite far and expensive for really poor.
- Reimbursement process- needs to be strengthened in terms of verification of enrolled children by visiting schools, parents. Process should be made more efficient that private school can receive claims quickly. Additional charges should be borne by the government for example; transportation, stationeries and uniform so that poor parents can get access to such high budget schools.
- Monitoring/ verification- government has to develop separate body for monitoring implementation of clause 12 at district, block and village level for example; government can give responsibility to NGOs and social activists for monitoring at school level implementation and Block level as well as at district level. They can closely look into the matter relating to discrimination, admission process, classroom teaching, and community awareness. Awareness programs.
- Discrimination- Strict monitoring and policy provision need to penalise such schools.
- Street-level bureaucrat's priority- The government has to give special emphasis on clause 12 by providing training to responsible officers, providing more resources for monitoring in order to handle the discretion of bureaucrats and to lay down more standard strategies for implementation.

# Appendices

## Annexure 1: List of interviews conducted

Type of Area	Name of place	Total Schools	Interviews			Schools visited
			Total	Principal	Director	
Urban Area	Udaipur City	7	1	1	0	Alok Public school, Panchwati Udaipur
			1	0	1	Jyoti Shishu Nikatan, Sajjangarh, Udaipur
			1	1	0	DAV, Public School, Fatehpura, Udaipur
			1	1	0	Rayan Public School, Sec. 14. Udaipur
			2	1	1	Central Public School, New Bhopalpura, Udaipur
			1	1	0	Eden International School, University Road, Udaipur
			2	1	1	Roshanlal Public School, Gulab Bagh Udaipur
Semi-Urban Area	Kherwara	2	2	1	1	Excellent Public School, Kherwara, Udaipur
			1	1	0	The Noble Public School Kherwara, Udaipur
Rural Area	Adiwali,	2	1	0	1	Vivekanand Public School, Adiwali, Kherwara, Udaipur
	Naygaon		2	1	1	Vardhman Public School Nayagoan, Udaipur
Total		11	5	1	9	6
Focus Group Discussion			1			12 rural parents of Kherwara block, Udaipur
Education Officers			3			2 District level 1 Block level
Panchayati Raj (Local Government)			1			1 Sarpanch of Pahada Panchayt Kherwara, Udaipur
Media			1			Reporter Rajasthan Patrika
NGO Representative			1			State Head, Azim Premji Foundation, Rajasthan
Member of Commission RtE Rajasthan			1			RtE commission for implementation
Head Teachers			2			Government Schools Kharadiwara, Adiwali
Parents Urban			4			Kumaril Agrawal, Dhiraj Sukhwal, RT Khan, Rizwan
Total			10			

**Annexure 2: Discrimination with Disadvantaged children in School (News- Rajasthan Patrika 28 July 2012)**

Udaipur India- One of the sample schools out of 11

## आरटीई बच्चों से 'भेदभाव' !



### ■ प्रार्थना सभा में नहीं कर रहे थे शामिल

उदयपुर, शिक्षा के अधिकार के तहत निःशुल्क प्रवेश देकर निरस्त करने के मामले में बच्चों के साथ भेदभाव की भी बात सामने आई है। अधिभावकों ने भेदभाव के चलते बच्चों को स्कूल नहीं भेजने का निर्णय किया है। उन्होंने शिक्षाधिकारियों से मामले की तह तक जांच की मांग की है।



राजस्थान पत्रिका में प्रकाशित

उल्लेखनीय है कि यूनिवरिटी रोड स्थित ईडन इंटरनेशनल स्कूल ने पहली कक्षा में निःशुल्क प्रवेश देने के बाद नियस्त कर दिए। इससे पहले स्कूल पिछले साल दिए गए निःशुल्क प्रवेश वाले बच्चों से भी फीस बमूल कर चुका था। अब

पहली कक्षा में प्रवेश पाने वाले बच्चों के अधिभावकों ने बच्चों के साथ अनुचित व्यवहार की शिकायत की है। अधिभावकों ने 'पत्रिका' को बताया कि 25 जुलाई को निःशुल्क प्रवेश के बाद वैभव और आकाशा को 26 व 27 जुलाई को शिश्वण कार्य के दैरियां अलग बैठाया गया। बच्चों का कहना है कि स्कूल में ग्राउण्ड फ्लोर पर जब सभी बच्चे सुबह प्रावीना सभा में जाने को तैयार हुए तो दोनों को कक्षा में ही रोक दिया गया। कक्षा में आने वाले अध्यापकों ने भी उनके प्रति उपेक्षा दर्शाई। उन्हें कक्षा में अलग-अलग बैठाया गया। यह स्थिति बच्चों ने माता-पिता को बताई तो वे भी अचरज में पड़ गए। [कास्म.]

### Discrimination in Private school in Bangalore India (The Hindu, news paper 18 July 2012)

Teacher cut the hair of children from disadvantaged group (see in the picture) so that easily indentify and segregate in school activities.



## References

Apple, M.W. (2001) 'Comparing Neo-Liberal Projects and Inequality in Education', *Comparative Education* 37(4): 409-423.

Assembly, U.N.G. (1989a) 'Convention on the Rights of the Child', *United Nations, Treaty Series* 1577: 3.

Assembly, U.N.G. (1989b) 'Convention on the Rights of the Child', *United Nations, Treaty Series* 1577: 3.

Bhattacharya, S. (2002) *Education and the Disprivileged: Nineteenth and Twentieth Century India*. Orient Blackswan.

Census Organization of India (Last updated 2011) 'Census 2011' (a webpage of Ministry of Home Affairs) 20-05-2012  
<[http://www.censusindia.gov.in/2011census/hlo/HLO\\_Tables.html](http://www.censusindia.gov.in/2011census/hlo/HLO_Tables.html)>.

Chaudhary, L. (2009) 'Determinants of Primary Schooling in British India', *The Journal of Economic History* 69(1): 269-302.

Chauhan, C. (1990) 'Education for all: The Indian Scene', *International Journal of Lifelong Education* 9(1): 3-14.

Chauhan, C. (2008) 'Education and Caste in India', *ASIA PACIFIC JOURNAL OF EDUCATION* 28(3): 217-234.

Das A (ed.) (2010) *Right to Education*. (First edn) New Delhi: Axis Publications.

Deshpande, S. (2006) 'Exclusive Inequalities: Merit, Caste and Discrimination in Indian Higher Education Today', *Economic and Political Weekly* 41(24): 2438-2444.

Garje, A. (2011) 'Right to Education Act, 2009', Available at SSRN 1834282 .

Government of India (2009) Government of India. 'Gazette of India'. (Part 2). New Delhi: Government of India. (**The Right of Children to Free and Compulsory Education Act, 2009**).

Hupe, P. and M. Hill (2007) 'STREET-LEVEL BUREAUCRACY AND PUBLIC ACCOUNTABILITY', *Public Administration* 85(2): 279-299.

Jain, R. (2005) 'Minority Rights in Education: Reflections on Article 30 of the Indian Constitution', *Economic and Political Weekly* : 2430-2437.

Jonsson, U. (2004) 'A Human Rights-Based Approach to Programming (HRBA)'.

Juneja, N. (2003) 'Constitutional Amendment to make Education a Fundamental Right', *Occasional Paper* (A Follow-up Legislation): 1-23.

Kingdon, G. (1996) 'THE QUALITY AND EFFICIENCY OF PRIVATE AND PUBLIC EDUCATION: A CASE-STUDY OF URBAN INDIA†', *Oxford Bulletin of Economics and Statistics* 58(1): 57-82.

Kingdon, G.G. (2007) 'The Progress of School Education in India', *Oxford Review of Economic Policy* 23(2): 168-195.

Klasen, S. (2001) 'Social Exclusion, Children and Education. Implications of a Rights-Based Approach', *European Societies* 3(4): 413-445.

Lundy, L. (2007) 'Voice'is Not enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child', *British Educational Research Journal* 33(6): 927-942.

LYPSKY, M. (1980) *Street-Level Bureaucracy*. Vol. 1. New York: Nueva York: Russel Sage Foundation.

M Chaturvedi, T.G. (Last updated 2012) 'Asia-Pacific Advanced Network' (a webpage of Asia-Pacific Advanced Network). Accessed 10/27 2012  
[http://usymposia.upm.my/index.php/APAN\\_Proceedings/32nd\\_APAN/paper/view/133](http://usymposia.upm.my/index.php/APAN_Proceedings/32nd_APAN/paper/view/133).

Majumdar, M. and J. Mooij (2012) *Education and Inequality in India: A Classroom View*. Vol. 46. Routledge.

Majumdar, M. and J.E. Mooij (2011) *Education and Inequality in India: A Classroom View / Manabi Majumdar and Jos Mooij*. Vol. 46. London [etc.]: Routledge.

Meyers, M.K., S. Vorsanger, G. Peters and J. Pierre (2003) 'Street-Level Bureaucrats and the Implementation of Public Policy'.

Ministry of Law and Justice (2009) MHRD. 'The Gazette of India'. New Delhi: Legislative Department.

Narke H. (Last updated 2007) 'Equal Rights to Untouchables in Society' (a webpage of Ravi Chaudhari). Accessed 10.06 2012  
<http://www.mahatmaphule.com/aboutmahatma.html>.

Rana, K. (2005) 'The Possibilities of Mid-Day Meal Programme in West Bengal', *Pratichi Trust*.

Rao, V.S. (2009) 'Lack of Community Participation in the Sarva Shiksha Abhiyan: A Case Study', *Economic & Political Weekly* 44(8): 61.

Rothstein, B. and D. Stolle (2001) 'Social capital and street-level bureaucracy: An institutional theory of generalized trust', ESF Conference Social Capital: Interdisciplinary Perspectives, Exeter, UK September15-20, .

Sadgopal, A. (2010) 'Right to Education Vs. Right to Education Act', *Social Scientist* 38(9/12): 17-50.

Sadgopal, A. (2008) , *The Common School System and the Future of India* .

Scholz, J.T., J. Twombly and B. Headrick (1991) 'Street-Level Political Controls Over Federal Bureaucracy', *The American Political Science Review* : 829-850.

Sharma, V. (2010) 'Facilitating Trade in Higher Education', *special issue on education of Social Scientist*, Vol. 38, No. 9-12, Sept-Dec. 2010. 38(Sep-Dec 2010): 9-12.

Sikdar S., M. (2012) 'Enrolment and Dropout Rate in School Education', *Economic and political weekly* .

Sonalde Desai, A.D. (2011) 'Caste in 21st Century India: Competing Narratives', *Economic & Political Weekly* 41, No. 24 (Jun. 17-23, 2006), pp. 2438-2444(Jun. 17-23, 2006): 04/06/2012-2438-2444<<http://global.factiva.com/ga/default.aspx>>.

Taylor, I. and J. Kelly (2006) 'Professionals, Discretion and Public Sector Reform in the UK: Re-Visiting Lipsky', *International Journal of Public Sector Management* 19(7): 629-642.

Times of India (Last updated 2012) 'Mumbai: Schools Go for Minority Tag to Avoid 25% Quota' (a webpage of Times of India). Accessed 06.03 2012  
<<http://timesofindia.indiatimes.com/home/education/news/Mumbai-Schools-go-for-minority-tag-to-avoid-25-quota/articleshow/13324697.cms>>.

Tomasevski, K. (2004) 'Manual on Rights-Based Education'.

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): 269-285.

Tooley, J. and P. Dixon (2003) 'Private Schools for the Poor: A Case Study from India', *Reading, UK: Centre for British Teachers* .

Tooley, J., P. Dixon and S. Gomathi (2007) 'Private Schools and the Millennium Development Goal of Universal Primary Education: A Census and Comparative Survey in Hyderabad, India', *Oxford Review of Education* 33(5): 539-560.

Weiner, M. (1990) *The Child and the State in India: Child Labor and Education Policy in Comparative Perspective*. Princeton University Press.