

August 30-September 2, 2018. Chapter prepared for the Annual Meeting of the American Political Science Association, Boston, MA, U.S.A.

From Universalization to Privatization: Drift in Indian Education Policy*

Emmerich Davies
Harvard Graduate School of Education
emmerich_davies_escobar@gse.harvard.edu

September 2, 2018

In 2015, approximately 40 percent of primary education in India was provided privately. How did a country with so many low-income citizens come to provide a substantial amount of education privately? This chapter argues that policy decisions made prior to market-oriented reform in the 1980s also allowed for the emergence and then rapid growth of private providers. Policies in the public sector that sought to expand public education also created the conditions that allowed for the expansion of private providers. Policies that cut labor costs to meet the demands of rapid public expansion spilled over into the private sector, allowing for a simultaneous growth of the supply of private providers. I argue that Indian education policy “drifted” from a focus on government provision, to policy that implicitly, if not explicitly, welcomed a role for private provision.

*I am grateful to Lauren MacLean, Prachi Srivastava, Prakash Kashwan, and conference participants at the Association of Asian Studies Annual Meeting 2017 and the Annual Meeting of the American Political Science Association 2018 for sharp comments that have helped improve the chapter.

INTRODUCTION

There were few private schools in India in the early 1980s. What private schools existed either catered to the elite or religious minorities. In 2015, approximately 40 percent of primary education was provided privately. How did a country with so many low-income citizens come to provide a substantial amount of education privately? The question is not well served by theories that center on interest group politics, the transnational flow of ideas, or constrained budgets after market-oriented reforms. Instead, I provide a long-run explanation that traces the evolution of Indian education policy that sought to rapidly expand government education but inadvertently created the conditions that allowed for private actors to emerge and then grow quickly. This endogenous institutional change saw policy “drift” from one focused on the rapid expansion of government education to policy that implicitly, if not explicitly, welcomed a role for private provision.

Prior to India’s integration into the international economy, an increased focus on education led to the centralization of education *financing* combined with the decentralization of education *administration*. These twin moves led to quickly growing demands for education inputs, particularly new teachers, that could not be met through pre-existing public channels. Drawing on models from a number of international aid organizations, as well as domestic programs, a parallel labor hiring structure of temporary teachers was created that allowed various state governments to meet rapidly growing demands for new teachers. Although initially built on shaky legal foundations, these new hiring practices found favorable hearings in legal cases through the early 1990s, codifying a different form of education labor law. Drawing on government models as well as court cases, private actors could now also quickly and cheaply hire teachers to expand their provision. At the same time, the decentralization of education administration to the lowest level of government, combined with India’s entry into the international economy created a demand for education that could not be met solely by the government sector. In its place, private actors took advantage of new models available to meet growing demand for education.

Using archival records of legislative debates, official Indian government and international aid organization policy documents from 1984 to 2016, and Supreme Court cases legislating on education, I trace the evolution of Indian education policy through four education policies — the National Policy on Education of 1986, the District Primary Education Programme of 1994, *Sarva Shiksha Abhiyan* of 2002, and the Right to Education Act of 2009 — and three court cases — *A. Sundarambal vs. Government of Goa and Daman and Diu*, *Mohini Jain vs. State of Karnataka*, and *Unni Krishnan vs. State of Andhra Pradesh*. While policy at the beginning of this period had little to say about the role the private sector should play in education provision, later policy sought to regulate this growing sector.

Indian education policy followed a model of endogenous institutional change where changing external conditions, particularly with the international economy, combined with

policies designed under certain conditions led to a series of unintended outcomes, namely a large role for private actors in education provision. Here I draw on the idea of “policy drift” where “rules remaine[d] formally the same but their impact change[d] as a result of shifts in external conditions” (Mahoney and Thelen, 2010, 17), to explain this period of institutional change to later test the implications of these arguments in India and elsewhere (Hacker, 2005; Mahoney and Thelen, 2010). There was little change in the formal rules of the game and the institutions of education in India saw few changes at the apex level. Actors inside and outside the country, however, provided opportunities for the half-hearted compliance of formal rules. The centralization of education financing and international integration provided greater financial resources, while an increasingly activist Court system reacted to this and carved out space for private actors. With the large increase in resources also came problems of capacity and implementation that the Indian state was unable to meet and gave the courts and civil society organizations greater impetus to challenge rulings in court. The election of the Rajiv Gandhi led Congress government in 1984 and, more specifically, the passage of the National Policy on Education (NPE) of 1986, marked the beginning of a slow-moving endogenous process that laid the foundation for the growth and normalization of low-cost private primary education.

POLICY DRIFT IN INDIAN EDUCATION POLICY FROM 1986-2010

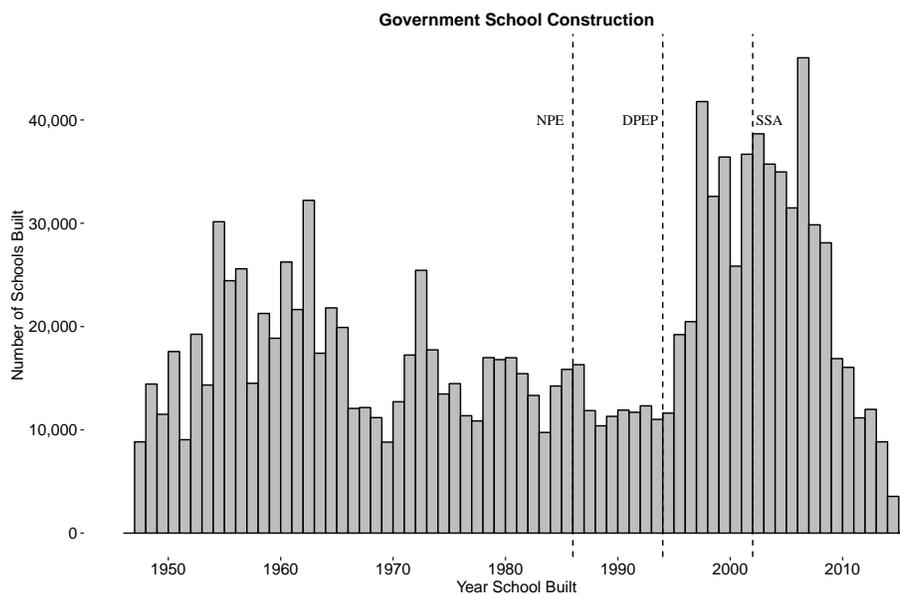
Following on the heels of Rajiv Gandhi’s landslide 1984 election victory, primary education became an important plank of his administration. Gandhi created the Ministry of Human Resource Development out of the Ministry of Education and the new ministry combined the old Ministries of Culture, Sports, Youth Affairs, Women’s Welfare, Integrated Child Development, and Censorship of Films with the intention of incorporating all elements of human capital development under one umbrella ministry.¹ With this, he also appointed Narasimha Rao as his first Minister of Human Resource Development. Rao had previously served first as the Education Minister and then Chief Minister for the State of Andhra Pradesh, and was in the running to be named President of India under the Gandhi government (Sitapati, 2016), and later became Prime Minister of India in 1991, highlighting the importance Gandhi attached to the new Ministry.

After an early post-colonial flurry of activity in education policymaking and expansion, mass education languished in India (Weiner, 1990). Drafted in the 1968, the first Indian National Policy on Education (NPE) laid out a post-colonial vision for education in India, emphasizing the importance of education for nation building and the construction of citizenship (Government of India, 1968). This was complemented by an emphasis on the expansion of educational access, but also the establishment of elite apex tertiary education

¹Narasimha Rao, Minister of Human Resource Development, Motion Re: Challenge of Education — “A Policy Perspective”, 319-322

institutions such as the Indian Institutes of Technology and Management (Ayyar, 2017). Figure 1 presents the number of government primary schools built every year in India since Independence. There is an early expansion of education immediately following Independence that begins to lull beginning in the mid-1970s until the mid-1990s. This post-colonial enthusiasm soon waned, and education took a backseat in Indian policy. As Myron Weiner scathingly wrote, “[s]ince independence the government of India, every commission appointed by the government, the ruling Congress party, all opposition parties, and all state governments have advocated...establishing compulsory universal, primary education for all children up to the age of fourteen,” yet had failed to do so (1990, 7).

Figure 1: Government School Growth



The bars represent the number of government schools built in each year since Independence. The dotted lines represent the three major policy changes in Indian Government education policy. The National Policy on Education (NPE) was released in 1986, the District Primary Education Programme (DPEP) was implemented in 1994, and *Sarva Shiksha Abhiyan* (SSA) was implemented in 2002.

Source: District Information System for Education, various years.

Gandhi announced his intentions to draft a new National Policy on Education to replace the first NPE of 1968 early in 1985.² Here, there were early hints that the NPE of 1986 would mark a break from the NPE of 1968 with the idea “that the education must

²Rajiv Gandhi, Broadcast to the Nation, 5th January, 1985; Parliamentary Written Answers, December 5, 1985, 179-180.

be employment oriented,”³ suggesting a re-orientation of education policy in India from one that was still seen in terms of nation-building.⁴ As the 1986 National Policy states, “The National Policy of 1968...aimed to promote national progress, a sense of common citizenship and cultural, and to strengthen *national* integration [emphasis in the original]” (Government of India, 1986).

The NPE presented a commitment from the Prime Minister to focus on education — it was the first time since Independence that the head of government had so clearly focused on education. But with this renewed focus also came real action. The NPE of 1986 marked a break from the past not only in its re-orientation in the *purpose* of education, but how education was financed, at what sector education was provided, and at what level of government education was administered. In this section, I show that the NPE of 1986 centralized the financing of education and increased the total amount of money available for primary education. The Central Government increased its expenditure on education while also encouraging investments in education from state-level governments and foreign sources. Second, the NPE of 1986 began to change the focus of education from the tertiary to the primary sector. And finally, the NPE of 1986 decentralized the administration of education to the local level. This lay the groundwork for subsequent education policies that were largely administered at the local level, but financed by the Central Government and international financial institutions. These three changes combined to create pressures to increase the provision of education at the level of government least equipped to handle rapid increases on the demands of the state.

Increased Financing

Prior to the second NPE the Central Government had been hesitant to interfere with state-level governments education policy-making, allowing some states to lag in their provision of education (Weiner, 1990, 56). This led to less than optimal financial outlays as “[s]tates provided virtually all investment and recurrent cost financing. Most states accorded low priority to primary education...Efforts to improve primary education were limited to small-scale pilot programs in a few states” (World Bank, 1997, 198). The National Policy on Education led to the Central Government expanding its financial commitment to basic education, particularly through Centrally Sponsored Schemes (World Bank, 1997).⁵

³MP Mool Chand Daga Parliamentary Oral Answers, January 24, 1985, 3-4.

⁴Motion Re: Challenge of Education — “A Policy Perspective” (320)

⁵This increased role for the Central Government would have likely not been possible without the increasing centralization of education policy. In 1976, Indira Gandhi passed the Forty-Second Constitutional Amendment that moved a number of subjects, including education, from the State to Concurrent list. While the 42nd Amendment was part of a larger project of centralization of power under the Emergency government rather than a deliberate focus on education, the National Policy on Education and subsequent policies were a deliberate attempt by the Indian government to centralize certain features of education, such as the construction of some schools, as well as some of the financial responsibility for education provision (Government of India, 1986;

This centralization allowed for a number of things: it vested Parliament with the authority to legislate on education and allowed it to set national policies on education (World Bank, 1997, 195), while also allowing the Central Government to establish educational standards. Most importantly, this centralization resulted in a shift in the burden of financing of education from state governments to the Central government (World Bank, 1997). While recognizing that previous levels of educational investment had been chronically low, the NPE called for raising education funding to six per cent by the Seventh Five Year Plan, and higher from the Eight Plan forward (Kolhatkar, 1997, 122).⁶ This financial outlay, however, was not to be borne solely by the public purse. The NPE also argued that “[r]esources, to the extent possible, will be raised by mobilising donations, asking the beneficiaries communities to maintain school buildings and supplies of consumables” (Government of India, 1986).

The centralization of financing led to large increases in the financing of primary education. Public expenditure on education increased from 2 percent of GDP at the end of the 1970s to approximately 4 percent of GDP at the beginning of the 1990s (Mangla, 2017; Singh, 1988, 5). A large part of this increase in spending was on teachers, particularly female teachers, and 36,000 teachers were hired in the 1987-88 fiscal year alone (Singh, 1988, 2481). A large portion of the education budget was now dedicated to teachers’ salaries, accounting for 95 percent of State-level expenditures on education (Dyer, 1996). This last point created an important legacy for the NPE and subsequent education policies across India that has had large consequences for Indian education policy, particularly the entrance of private actors.

A Renewed Commitment to Primary Education

Next, the NPE shifted commitment on education from the tertiary to the primary level. Recognizing that gender disparities in education emerged at the primary level, the second NPE sought to “lay special emphasis on the removal of disparities and to equalise educational opportunity,” by increasing the number and reach of elementary education, providing a greater number of teachers in schools, hiring teachers from disadvantaged groups, and improving school infrastructure (Government of India, 1986). While there was significant debate on *how* primary education should be provided, the conflicting camps agreed that the focus should shift from tertiary to primary education, either through expanding the reach of formal education, or by bringing out of school learners back into the formal education system through non-formal education (Mangla, 2017, 4-5).

Tilak, 1997).

⁶It is important to note that these lofty targets have never been met, with education expenditure hovering at around four per cent of GDP (Mangla, 2017).

Decentralizing Educational Administration

Drafted by Narasimha Rao, the 1986 NPE took matters of implementation seriously (Sitapati, 2016, 69). There were two main policy outcomes of the second NPE: the establishment of District Institutes of Education Training (DIETs) and Operation Blackboard, both administered at the district level. The DIETs were designed to deal with a backlog of untrained teachers (Batra, 2013), but were also an early example of the decentralization of education administration that would have larger repercussions in later education policy. These institutes were created in nearly every one of India's approximately 600 districts, and granted the responsibility for the hiring and training of new teachers now lay to the district level, the third highest administrative level in Indian government, whereas previously this had laid at the state level.

Operation Blackboard was a major drive to provide all primary schools in India with better educational infrastructure, including blackboards, books and other teaching equipment, and a second teacher in schools that only had one. The program sought to ensure that every primary school across the country had at least two classrooms, two school teachers, drinking water, toilet facilities, and instructional materials (Chin, 2005; Dyer, 1996; Mangla, 2017; Singh, 1988).

The Changes Wrought by the NPE

In this section, I have argued that the National Policy on Education of 1986 set in motion a number of processes that began to lay the foundations for implementation gaps in Indian education policy that I later argue allowed for private school growth. It institutionalized the centralization of education policy making and, more importantly, Central government expenditures on education. Central government expenditure allowed for significantly higher levels of expenditure on education that, with India's later opening to foreign funding and decentralization of education management meant that India was channeling far more resources to the local level than it had previously. It also began the decentralization of education administration to lower tiers of government that often lacked the capacity to absorb new resources. It also shifted the priorities of Indian education policy from tertiary and secondary to primary education that has remained for the last three decades.

In the next section, I show that this increase in education funding, combined with India's opening to foreign sources of funding and ideas created a rapid increase in demand for labor and provision of education that allowed for the hiring of low-cost teachers in both the government and private sector. This created "the facts on the ground" that were later challenged and codified through the courts system, creating large cadres of low-cost labor in first the government and then the private sectors that allowed for large numbers of private education providers.

CREATING FACTS ON THE GROUND: THE LEGACIES OF THE NATIONAL POLICY ON EDUCATION

The decentralization of education management, centralization of education financing, and renewed focus on primary education created the conditions for the first stage in the drift of Indian education policy. The NPE's ultimate goal was the universalization of education and the NPE and actors involved with its drafting encouraged state governments to also expand education. As part of this move, state-level governments were encouraged to design their own programs to universalize access to education, as well as seek foreign and Central Government funding to support this expansion. In this section, I link the legacies of the NPE to state-level programs to universalize education that then came to form the basis for national-level programs such as the District Primary Education Programme (DPEP) in 1994 and *Sarva Shiksha Abhiyan* (SSA) in 2002. With this push, state governments began looking for models and financing from abroad that brought with them ideas of how primary education should be provided, specifically the hiring of low-cost education labor.

India's liberalization and opening to international financial institutions allowed the Central Government and state level governments to approach international development organizations and financial institutions for development projects in education. "Epistemic communities" in international education also began to have a large influence on Indian education policy making, particularly after the Jomtien World Conference on Education for All in 1990. Broader moves to decentralize management of public services, particularly through the 73rd and 74th constitutional amendments in 1993, created further demands to decentralize education administration that had been started by the NPE in 1986. I address all these factors in turn before providing details on the District Primary Education Programme (DPEP), the policy that emerged out of state-level education programs.

International Financing

With tacit encouragement from the Central Government (especially from Narasimha Rao), several states across India introduced state-level programs to expand access to basic education (Sitapati, 2016).⁷ These programs had two important features. First, with India's increasing integration into the international economy and accompanying budget deficits, states were encouraged to seek financing from international development organizations (Nooruddin and Chhibber, 2008). Second, with the rapid expansion of education came a rapid demand for labor to fill newly opened teaching positions. As a result, state governments turned to contract or "para" teachers to fill these posts. Contract teachers were hired on a temporary basis at salaries much lower than their full-time counterparts hired under Central Government salary structures and could not claim the same benefits such as

⁷The states that introduced major education programs, Andhra Pradesh, Rajasthan, Uttar Pradesh, Bihar, and Madhya Pradesh represented roughly 50 percent of the total population of the country at the time.

pensions and tenure protections as their civil sector counterparts. As a result, most of the state-level programs introduced in the period between the NPE in 1986 and the DPEP in 1994 had a combination of these two features.

The state-level programs coincided with India's larger integration into the international economy. Liberalization allowed for Indian state governments to borrow from international financial institutions and development organizations for development projects (Kirk, 2005, 2010; Wu, Kaul and Sankar, 2005). In the spirit of structural adjustment, the World Bank also sought to re-orient its lending from propping up insolvent state enterprises such as state electricity boards and expanded its lending to "development" oriented projects such as health, education, and rural development (Kirk, 2005, 79). At the same time, India was concerned that structural adjustment programs would lead to cuts on social services, so sought to protect certain sectors — one of them being education. To do so, the Indian government began to allow state governments to borrow from abroad to finance education (Sankar, 2007).

I summarize these state-level projects in Table 1 and expand on their influence below. As we can see, all but two of the major state-level education programs were in part financed by major international development organizations. In addition to this the state-level programs made use of para or contract teachers to be able to rapidly expand the provision of education.

Table 1: State-Level Education Programs 1984-1997

Scheme	State	Year	Para-Teachers	Foreign Funding
Himachal Pradesh Volunteer Teacher Scheme	Himachal Pradesh	1984	Yes	No ⁸
Andhra Pradesh Primary Education Programme	Andhra Pradesh	1984	No	ODA ⁹
<i>Shiksha Karmi</i> Project	Rajasthan	1987	Yes	SIDA ¹⁰
<i>Mahila Samakhya</i>	Uttar Pradesh, Gujarat, and Karnataka	1989	No	NEDA ¹¹
Bihar Education Project	Bihar	1991	Yes	UNICEF ¹²
<i>Lok Jumbish</i> Programme	Rajasthan	1992	Yes	SIDA ¹³
Uttar Pradesh Basic Education Program	Uttar Pradesh	1993	Yes	World Bank ¹⁴
Education Guarantee Scheme	Madhya Pradesh	1997	Yes	No ¹⁵

⁸Sources: Govinda and Josephine (2005).

⁹Sources: Ayyar (2008); Kumar, Priyam and Saxena (2001); Lacey, Cooper and Torrance (1993).

¹⁰Sources: Ayyar (2008); Ramachandran (2001, 2003).

¹¹Sources: Ayyar (2008); Priyam (2015).

¹²Sources: Ayyar (2008); Govinda and Josephine (2005); Kumar, Priyam and Saxena (2001).

¹³Sources: Kumar, Priyam and Saxena (2001); Priyam (2015).

¹⁴Source: Kumar, Priyam and Saxena (2001).

¹⁵Source: Gopalakrishnan and Sharma (1998); Leclercq (2002, 2003).

One of the first state-level project to focus on the universalization of education in India was the *Lok Jumbish* project in Rajasthan. Inspired by the National Policy on Education focus on women's education, *Lok Jumbish* sought to reduce gender disparities in education (Bordia, 2000, 316, 320). The novelty of Lok Jumbish and then the Bihar Education Project in Bihar, the Basic Education Project in Uttar Pradesh, the Andhra Pradesh Primary Education Programme (APPEP), and the *Shiksha Karmi* and *Mahila Samakhya* programs were that they were all sponsored by foreign donor agencies (Rao, 1998, 11). This represented a change in financing as much of the earlier expenditure on education from the Central Governments in the late 1980s and early 1990s "crowded-out" state spending on education as it was mainly on infrastructure provision and teacher training and did not seek to complement state-level provision (Sankar, 2007, 4). This allowed state governments to shift education budgets for other purposes, not radically changing the amount spent on education.

This large influx of foreign and Central government financing to state-level governments posed a problem for overmatched state governments and local bureaucracies. First, many state bureaucracies felt little ownership over the programs and showed little political commitment over their functioning (Saxena, 2005). One of the results of the increasing use of CSSs and centralization of development in the 90s was that with the increasing centralization of funds came a reduction in monitoring from the Centre to the local level (Saxena, 2005, 10). As Naresh Saxena (2005) argues, "[m]ost schemes follow a blue print and top-down approach, with little flexibility given to field staff." He is critical of CSSs for being distance from the recipients and unable to monitor their implementation for lack of staff. Functionaries at the World Bank, however, continued to believe that local level institutions were strengthened by the influx of money from external donors (World Bank, 1997, 204).

On top of this increase in international financing, the increasing centralization of education funding begun after the NPE also led to an increase in Central funding to the states for education and auxiliary programs like the Midday Meal Scheme that provided a cooked meal in schools for children (Jha et al., 2008). The Central government began to use Centrally Sponsored Schemes as a way to maintain control over state finances and discipline state governments (Saxena, 2005, 3-4).¹⁶ This increasing centralization was a two-way street, however, with the states also looking to reduce their fiscal burdens. States began to rely more on Centrally Sponsored Schemes (CSS) and transfers from the Centre to make up for shortfalls in their own budgets (Dreze and Sen, 2002; Jha et al., 2008).

¹⁶It is important to note that the process of using CSSs "to pass [state] legislation...without obtaining State' agreement" (Saxena, 2005, 6) began much earlier under the Indira Gandhi government. However, like the Forty-Second Constitutional amendment and its later uses, while Indira's motivations were to maintain greater control over recalcitrant state-level governments, their use under the Gandhi and Rao administrations were to promote investment and development in sectors that state governments would otherwise ignore - a claim that rings true as far as education is concerned (Weiner, 1990).

In one particularly salient example, the Chief Minister of Andhra Pradesh had the entire DPEP program in the state of Andhra Pradesh transferred to Central responsibility, as this reduced the state of Andhra Pradesh's debt burden to the Central government and World Bank to zero (Saxena, 2005, 8-9).

In some cases, the Central government bypassed the States entirely and sent money directly to the district level (Jha et al., 2008, 137). This money flowed directly from central government to district level organs like the district education officers (Jha et al., 2008, 136) - put heavy pressure on these bodies to receive a lot of money they did not receive before. Although most of financing for primary education came from the states, there was a large decline from previous decades where almost all of education financing came from the states, moving from 93 percent of total expenditure to 75 percent of total expenditure (Jha et al., 2008, 110). The increased financing of education from the Central Government and international organizations along with a focus on decentralization begun with the establishment of DIETs through the NPE, resulted in new responsibilities and financing for local bureaucracies and forced the implementation of education programs to pass through what Kapur and Mukhopadhyay (2007) called "the eye of the needle" of local bureaucracy where capacity is lowest and implementation ability the weakest.

International Models

Along with an increasing reliance on the Central government for the financing of education, state governments engaged in cost-cutting measures to relieve strained state budgets. The largest one was the appointment of temporary, or para, teachers to fill vacated teaching posts. With the Seventy-Third Constitutional amendment, functions such as teacher recruitment were devolved to panchayats (Sharma, 1999), the lowest level of Indian government, and panchayat governments were encouraged to hire para-teachers (Jha et al., 2008, 111). While there was a hiring freeze in the regular teaching force that mirrored the hiring freeze in the larger public bureaucracy (Kapur, 2010), the new state-level education programs circumvented this public hiring freeze by hiring teachers through temporary contracts as it allowed them to reduce costs without reducing the *quantity* of education (Béteille and Ramachandran, 2016; Dreze and Sen, 2002; Jha et al., 2008; Robinson and Gauri, 2011). In the most dramatic example, during the EGS, the state of Madhya Pradesh reportedly stopped hiring regular teachers and only hired contract teachers (Fyfe, 2007; Robinson and Gauri, 2011). Para-teachers were hired for a fixed term for under a year and paid less than regular teachers and emerged as states began to rapidly expand school infrastructure and needed teachers to fill empty school posts (Béteille and Ramachandran, 2016; Govinda and Josephine, 2005).

The use of para-teachers in foreign-funded programs began in the 1980s with the *Shiksha Karmi* and *Mahila Samakhyas* programs to try and reach adult learners and drop-outs (Robinson and Gauri, 2011, 5), two of the explicit goals of the NPE (Singh, 1988). While

early projects did not always employ para-teachers, later programs began to follow the earlier models and employ a greater number of para teachers. The use of para-teachers increased in 1990s to meet various needs, including improving student-teacher ratios, staffing new schools, and replacing existing teachers — all but the last explicit goals of DPEP and later SSA. For example, the EGS in Madhya Pradesh “guaranteed the provision of a teacher, her or his salaries, training of teacher, teaching-learning material and contingencies to start a school *within 90 days wherever there was a demand from a community*” [Emphasis Added] (Gopalakrishnan and Sharma, 1998, 2546).

Para-teachers proved popular because of the lack of well paying jobs in rural areas, particularly for women, but also because with any teaching position came the promise of future regularization and graduation to the regular civil-service teaching cadre (Robinson and Gauri, 2011). As I argue in the next section, when this promise was unfulfilled, teachers turned to the Courts for redress and were rebuffed in their litigation.

Decentralized Administration and Implementation Gaps

Over this period, the Government of India also significantly devolved a large number of functions to the local level. This began seriously with the passage of the 73rd and 74th amendments to the Indian constitution that formally recognized the *Panchayat Raj* and Local Administrative Bodies as the most local level of administration in India. The decentralization of political selection and devolution of administrative power over issues such as education greatly increased the number of political units responsible for the operation of something basic like a school. As others have shown, the proliferation of administrative units can reduce government capacity and accountability (Escobar-Lemmon and Ross, 2013; Grossman and Lewis, 2014). In India specifically, it has created what Lant Pritchett (2009, 4) called a “flailing state” and described as a situation where “the national level [institutions] remain sound and functional but this head is no longer reliably connected via nerves and sinews to its own limbs.” One of the impacts of this decentralization of political and administrative power was to overwhelm the ability of the local level education bureaucracy to engage in education policy making. In a survey conducted by the World Bank soon after the passage of DPEP, The World Bank found that District Education Officers (DEOs), ostensibly the new face of decentralized education management and support were spending *less* time on instructional support after decentralization reforms and DPEP than they had been before (World Bank, 1997, 204). Decentralization also created problems of coordination between the political and bureaucratic arms of the state that previously had little interaction with each other. While panchayat governments previously had little power, they now had to coordinate across multiple levels of panchayat governments and with newly empowered district level education bureaucrats, creating a Gordian knot of administrative and political responsibility (World Bank, 1997, 204).

From State-Level to National-Level Programs

Although none of these programs explicitly engaged private actors, in the next section I argue that the increased financial resources for education and strained local-level implementation as well as the increasing use of para-teachers set the foundations for two important pillars on which private education in India was built: the widespread use of low-cost labor, and implementation gaps where private schools could thrive. The increasing use of para-teachers led to teachers challenging the legality of dual labor markets where some teachers were hired through full-time government contracts and others were hired through part-time and precarious contracts. Reacting to facts on the ground, where many state governments had already hired a large number of para-teachers and required them to fulfill their commitment to the universalization of education, the courts system ruled in favor of state-level governments, legitimizing the use of para-teachers, and legal precedents that allowed for cheaper education labor.

These programs would largely have been a footnote if they did not have influence beyond their states. However, the Central Government and World Bank explicitly used the examples of state-level programs to implement what was at the time the largest education program in the world,¹⁷ the District Primary Education Programme (DPEP). In a process of policy diffusion from state-level programs, DPEP explicitly drew from the programs in Table 1, especially *Lok Jumbish* in Rajasthan and APPEP in Andhra Pradesh ([The World Bank, 1994](#)). One of the ways in which the Central Government and the World Bank mimicked the implementation of local government programs was precisely through the hiring of contract teachers. States were often encouraged to hire contract teachers with DPEP, and later, SSA funds ([Béteille and Ramachandran, 2016](#); [Govinda and Josephine, 2005](#); [Robinson and Gauri, 2011](#)).

As policies diffused upwards from state-level programs to national-level implementation, the features of these earlier programs were quickly integrated into DPEP. Policies encouraged in the NPE and implemented in state-level programs now became national-level policies. While the formal rules governing education in India had changed little since the NPE, it had now been extended to the largest education program in the world with international organization support from the World Bank. Interacting with larger changes to India's governance structure, such as the decentralization of governance to panchayat governments, policy had effectively "drifted" from attempting to universalize education to relying on para-teachers and local-level bureaucracies to implement universal education. I argue that these two features, the reliance on para-teachers and local-level bureaucracies, led to the next stage in this drift: challenges in the court systems that further institutionalized this service regime.

¹⁷This has now been surpassed by the program that replaced DPEP in 2002 *Sarva Shiksha Abhiyan*.

REACTING TO FACTS ON THE GROUND: THE JUDICIARY AND CODIFYING SPACES FOR PRIVATE SCHOOLS

The next stage in the drift in Indian education policy represented a move from the expansion of government education services to involvement from civil society and the Courts in legislating on this expansion. In this section I argue that the Indian courts were reacting to facts on the ground created by state-level education programs and later expanded by DPEP and SSA, but that in these reactions, they further consolidated a service regime that facilitated later private provision. In this section, I focus on three cases that were important to the growth of private providers: *A. Sundarambal vs. Government of Goa and Daman and Diu* in 1988, *Mohini Jain vs. State of Karnataka* in 1992, and *Unni Krishnan vs. State of Andhra Pradesh* in 1993. There are two distinct features to these three cases. First, all three cases were brought forward as public interest litigation (PIL), where the petitioner was not advocating for an individual itself, but a larger class of people. Second, these three cases were centrally concerned with two aspects that facilitated the later growth of private education: the relative role of states and markets in the provision of education and the compensation due to para-teachers.

Public Interest Litigation and Activist Courts: Redefining the Role of the Private Sector

All three cases were brought forward as public interest litigation and used the courts to legislate in favor of a larger group of people. The increasing activism of civil society through the legal system was facilitated by the rise of public interest litigation in the late 1970s. Public interest litigation abandons the requirement of standing “that litigation be carried on by an aggrieved person” (Neuborne, 2003, 502) and allows for a more expansive view of standing “to meet the needs of a developing country” ((Craig and Deshpande, 1989; Neuborne, 2003, 358) and *Fertilizer Corporation Kamagar Union v Union of India* AIR 1981). Instead, any individual or group who has suffered no legal injury can bring a case to the court on behalf of an aggrieved party if it was felt that a right was violated (Khosla, 2010, 743). The Courts began to hear a greater number of public interest cases in India as it was felt that many of the poor were unlikely to be in a position to seek justice from the Courts. It has opened the Courts to hearing cases on rights to housing, education, healthcare and a host of other developmental issues that were never previously present. As was the case in education, the Courts have been less sympathetic to public interest cases (Bhushan, 2004).

Through public interest litigation, activist litigants could bring cases to the Courts system that para and other temporary teachers would otherwise not have brought on their own accord. The Courts facilitated the rise of private schools in two ways; first, public interest litigation, particularly through the cases of *Mohini Jain* and *Unni Krishnan*, the Courts created incentives for the Indian state to cut back on the quality provision of

services (Supreme Court of India, 1988, 1992, 1993).

One of the largest spaces that the PIL movement opened was for the guaranteeing of social rights. The original drafting of the Indian Constitution clearly differentiated between “Fundamental Rights” in Part III of the Constitution, such as the right to life and personal liberty, and “Directive Principles of State Policy” in Part IV, of which education was one. Whereas judicial enforcement is guaranteed for Fundamental Rights, the Directive Principles of State Policy are not enforceable in any Court but “are nonetheless fundamental to the governance of the country [and the State has] an obligation...to comply with these principles when making laws,” (Craig and Deshpande, 1989, 357).

The cases most often brought under PIL involved situations where the government failed to follow through on its duty to enforce well-established legal norms (Khosla, 2010; Mehta, 2010; Neuborne, 2003). This “rights-based approach” empowered “prospective recipients to make legal claims on promised benefits, and has emerged as a mechanism to make the state more accountable,” (Kapur and Nangia, 2013, 10). As Pratap Mehta (2010) argued, “a rights-based approach is necessitated by a backdrop of serious state failure.” In short, with respect to education, the cases most likely to be brought to courts using PIL were those cases where the Government failed to properly implement its programs. On top of this, the way these cases were adjudicated, rights were only extended to *eligible* recipients as opposed to all citizens in the country. So to provide one example, the right to housing was only adjudicated to citizens who would have otherwise been eligible for a government housing program - citizens ineligible for this program would not fall under the right to housing (Khosla, 2010).

The Supreme Court also began to remove the barriers between Parts III and IV of the Constitution, that separated rights guaranteed by the constitution and “directive principles” that cannot be enforced by courts, but should guide the state in the making of laws. Prior to the 1990s, education sat firmly in Part IV of the constitution as a directive principle. With the rise of PILs, however, litigants began to argue that the minimum requirements to the right to life, from Part III of the constitution, also involved a number of directives in Part IV of the constitution such as education and housing (Craig and Deshpande, 1989; Khosla, 2010; Neuborne, 2003, 362-3). This in turn allowed for the Courts to hear challenges to the “Right to Education”, previously unenforceable by the courts system. These came to a head with the cases of *Mohini Jain* and *Unni Krishnan* in 1992 and 1993 respectively. In *Mohini Jain*, the Supreme Court held that the “right to education flows directly from the right to life,”¹⁸ while *Unni Krishnan* confirmed the ruling from *Mohini Jain* and reaffirmed that the right to life included the right to education.¹⁹

The cases themselves were centrally concerned with the ability of private institutions to charge capitation fees for their students, particularly low-income students. These rulings

¹⁸Mohini Jain v. State of Karnataka (1992).

¹⁹Unni Krishnan v. State of Andhra Pradesh (1993).

severely constrained the ability of private institutions to charge high fees for education and forced them to seek cost-cutting measures to be able to provide education cheaply, which was facilitated by the case of *A. Sundarambal* that I discuss below.

There are two important points to note in support of a process of policy drift. First, although both *Mohini Jain* and *Unni Krishnan* dealt with claims against tertiary education institutions denying access to education, the Courts interpreted the cases broadly and argued that they should apply to primary and secondary education institutions, particularly those mentioned explicitly in the Indian Constitution (“all children until they complete the age of fourteen years”). This allowed for a larger movement pushing for the right to education to be enshrined in the Constitution. Second, the right was also interpreted broadly in terms of *where* the service was provided, with both government and private facilities falling under the ambit of the rulings. In *Mohini Jain*, the Court argued that “[w]hen the State Government grants recognition to the private education institutions it creates an agency to fulfill its obligation under the Constitution. The students are given admission to the educational institutions — whether state-owned or state-recognized — in recognition of their “right to education” under the Constitution.”

From “Skilled Labor” to a “Noble Vocation”: Legally Redefining the Teaching Profession

After the state-level programs I highlight in Table 1 began to increasingly rely on para-teachers, the move at the local and state-level was also supported in the Courts. The Indian Supreme Court and High Courts have increasingly sided in favor of the use of para-teachers (Robinson and Gauri, 2011). The landmark case, however, was the case of *A. Sundarambal* where the Supreme Court argued that para-teachers in the private and public sectors are not “skilled or unskilled” labor, but part of a “noble vocation” (Supreme Court of India, 1988). This definition as a “noble vocation” is important as it excludes teachers from being defined as “workmen” under the Industrial Disputes Act of 1947 and are not subject to the protections of this act, or to the wage scales under the Central Government’s Central Pay Commission.

This interpretation allowed for the Supreme Court and various High Courts to legislate in favor of State governments and private schools that chose to employ contract teachers at low wages. As a result, “the Supreme Court, while sympathetic to contract teachers claims in the 1980s, began to more frequently deny petitions for regularization, equal pay, and other labor rights starting in the 1990s. Today the Court appears far more likely to deny than accept a petition brought by contract teachers, and to favor the government’s power to hire teachers as it desires” (Robinson and Gauri, 2011, 4). Although an exact count of how many contract teachers are employed by the various State governments and Central government in India is difficult, estimates put their number at about 500,000 in 2005 (Fyfe, 2007, 5). With the freedom to hire para-teachers, the Central and State governments

began to take notice and recommended them as part of official policy and recommendations for education programs (Ministry of Human Resource Development, 1999).

The increasing normalization of para-teachers, and legislation in favor of employers of para-teachers instead of employees, did not escape the notice of private schools particularly low-cost private schools. By the 2000s, private schools began to move into rural areas and hire contract teachers and enjoy the cost savings that this contract allowed (Robinson and Gauri, 2011, 7). The cost savings from employing para-teachers is substantial, with regular teachers being paid anywhere from ₹5,000-8,000 per month, while para-teachers are paid around ₹1,000 in rural areas (Fyfe, 2007, 6-7).

The various Courts of India were forced to adjudicate on labor laws regarding teachers as the hiring of para-teachers became common practice in government schools as a result of state-level education programs. The facts created by various state-level programs – namely the increasingly common use of para-teachers – alongside Courts more friendly to liberalizing labor laws, created a situation that normalized the hiring of para-teachers in laws. Private schools jumped on these laws to make widespread use of para-teachers. Although they are not called “para-teachers” in the private school system, their contracts and hiring practices closely resemble those of para-teachers in the government system (Dixon and Tooley, 2005; Jain and Saxena, 2010; Tooley and Dixon, 2005). These have allowed private unaided schools to maintain costs low and expand to rural areas where they previously could not operate due to cost considerations.

What this series of legislation did, especially as related to the eventual passage of the Right to Education in 2009, was codify and normalize private schools in Indian law and include them as part of India’s education provision regime. While the NPE in 1986 made no mention of private schools as an important pillar upon which India could meet its commitment to universalizing education, the last two major policy pronouncements on education policy by the Indian government, the Right to Education Act and the draft of the third National Policy on Education in 2016, have made frequent reference to the role that private schools play in fulfilling India’s commitment to universalizing education. While the Right to Education sought to regulate private schools and also bring them under greater government sanctioning, the other effect that provisions like Section 12.1(c) had was to normalize the idea of private schools as part of the larger service provision landscape in India.

ALTERNATIVE EXPLANATIONS

The argument I present here, of long-run endogenous institutional change stands in contrast to three alternative explanations for the growth of private services. First, political interests groups have often been strong advocates for the growth of private education in OECD countries and increasingly in the Global South. Second, international integration has

been accompanied by epistemic communities of transnational advocacy networks that have provided policy models that include a large role for private providers. Finally, market-oriented reforms have led to a reduction in public investments in public services like health and education and resulted in a greater role for private providers in other contexts. I argue that although these provide useful lenses for which to think through the growth of private services, they do not fully account for the growth of private schools in India in the more recent period.

Coalitions in Support of Private Education

A common argument for the growth of private education and service provision across various OECD countries and countries in the Global South is that strong political coalitions emerged that favored the provision of private services. For example, in the United States, Diane Ravitch (2014) finds strong ideological coalitions in support of greater private control of education, including charter schools and the use of vouchers. In the OECD, Ben Ansell (2010) argues that coalitions that are looking to rapidly expand tertiary education, such as left-wing governments in Great Britain, are more likely to expand that education by allowing for greater private investment and out-of-pocket expenditures on education than right-wing governing coalitions. Looking historically, Ansell and Lindvall (2013) argue that early choices in the relative mix of private and public education determine current levels of private provision of education and out-of-pocket expenditure of education. They find that in countries with strong churches and religious groups with political power, we should also expect a large presence of private providers in favor of private education. Jane Gingrich (2011) finds that the turn to markets in service provision reflects more general trends towards a greater role for the private sector in the OECD. However, the *form* markets take across the OECD depend critically on whether it is left-wing or right-wing parties introducing markets into public services. Left-wing parties will attempt to introduce markets that increase state power over service provision, increasing “choice” where services are uniform, and the state as a purchaser where services are fragmented (Gingrich, 2011, 5).²⁰ Right-wing governing coalitions, on the other hand, will attempt to reduce the power of the state and give power to new players.

The argument that there are certain coalitions in favor of private education carry little weight in India, however. No major political party has come out in favor of increasing either the number of private providers in education, *or* encouraging greater private provision as a matter of choice. Even parties that we might expect to encourage greater private provision, such as the right-wing BJP party, has paid lip service to the importance of increasing

²⁰The contemporary debates over healthcare and education in the United States are particularly illuminating. While in healthcare, left-wing governments attempted to regulate health insurers, in education, left-wing governments have argued for greater choice in educational services.

funding for public education.²¹ Simple right-left partisan spectrums, that carry great weight in OECD countries as well as Latin America, do not translate well to the Indian political landscape and do not map onto political ideologies.

While empirically appealing in other contexts, there are no strong coalitions that advocate for greater private provision of education or other basic services in the Indian context. Searching for political coalitions with a commitment to a greater role for private providers would be fruitless in the Indian context and do not help us understand either the timing or form that the growth of private schools in India has taken. I now turn to two potential explanations that hold more explanatory power in India: the impact of international integration on private provision, and a decrease in public funding for education resulting in forced exit to the private sector.

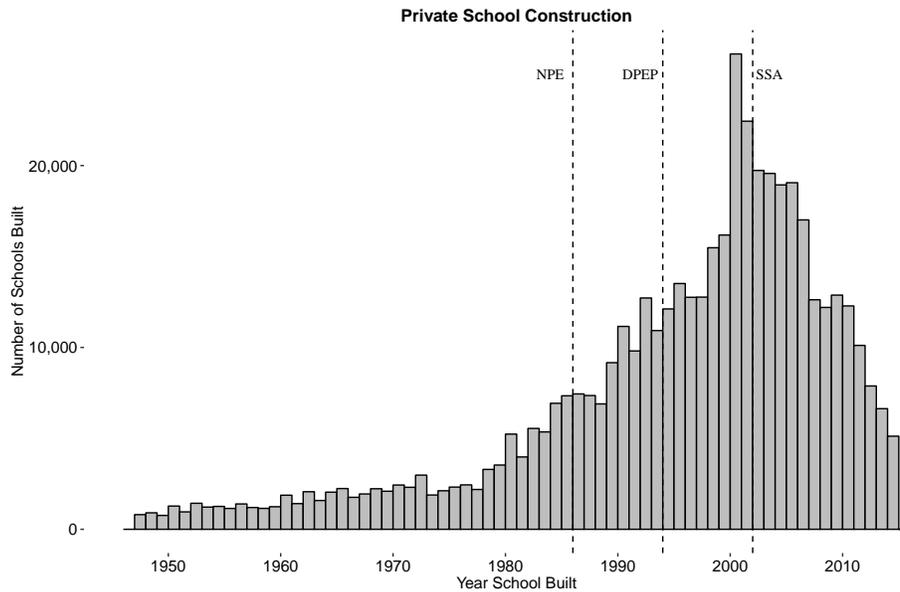
The Rise of Transnational Advocacy Networks

Next is a broader set of arguments regarding the effects of international integration on both the demand and supply of private education. This argument takes a number of forms: first is the argument that international integration would lead to a reduction in public spending on basic services like health and education. As this is the most common argument, I address it separately in section Second, with greater integration comes greater exposure to international networks and ideas in support of private services, an argument I address in this section.

The World Bank's World Development Report of 2004 advocated the greater use of private service providers to complement public service providers ([The World Bank, 2003](#)). While this was certainly not the first instance of a major multilateral lending organization advocating for the greater presence of private providers, it was certainly among the most prominent and helped institutionalize a position many organizations had been taking since the emergence of the Washington Consensus. The argument as applied to India is that there has been an emergence of transnational advocacy networks with strong ideological commitments emerging out of the Austrian school of Hayekian thinking looking to increase the role of private schools in the interest of choice for consumers.

Rooted in the idea of "epistemic communities" ([Finnemore and Sikkink, 1998](#); [Keck and Sikkink, 1998, 1999](#)), these transnational advocacy networks operate through individual policy entrepreneurs that lobby governments for a greater role for private providers and choice in schools ([Nambissan and Ball, 2010](#)). With these calls have also come greater networks of private providers that cross national borders, with roots in organizations like the World Bank and think tanks in the United States and United Kingdom ([Nambissan and Ball, 2010](#); [Ball and Youdell, 2007](#); [Nambissan, 2012](#)). This form of thinking was

²¹Recent budgets have run counter to this commitment as spending on education has either remained stable or decreased since the BJP government has been in power at the centre.

Figure 2: Private School Growth

The bars represent the number of private schools built in each year since Independence. The dotted lines represent the three major policy changes in Indian Government education policy. The National Policy on Education (NPE) was released in 1986, the District Primary Education Programme (DPEP) was implemented in 1994, and *Sarva Shiksha Abhiyan* (SSA) was implemented in 2002.

Source: District Information System for Education, various years.

no better embodied than by James Tooley (2009) in his book *The Beautiful Tree* and his advocating for private education.

While certainly a player in the growth of private education in India, the empirical reality suggests that the growth of private education occurred long before these networks of advocates for private education emerged and had any form of policy influence in India. As shown in Figure 2, the growth in private education began to accelerate in the early to mid-1980s, so any explanation in the increasing numbers of private schools must account for this timing.

The earliest accounts of the rapid growth of private providers from international advocacy networks puts their emergence in India at the period of economic liberalization in 1989 (Nambissan and Ball, 2010). This account is insufficient for two reasons. First, from Figure 2, we see that private schools began to appear in greater numbers *prior* to this formal dating of liberalization. Second, it is not clear whether liberalization began with Manmohan Singh's budget speech of 1991 (Singh, 1991), or if earlier reforms undertaken by Rajiv Gandhi in the mid-1980s help account for India's creeping liberalization (Frankel,

2009; Rodrik and Subramanian, 2004).

Although I do not argue that transnational advocacy networks have not been powerful advocates for greater private education, they do not serve as a causal force for understanding when and why private schools emerged in the first place. What I argue in this chapter is that without understanding policy choices made much earlier to the emergence of these transnational advocacy networks, we would not understand their later emergence and broader acceptance. Transnational advocacy networks have only managed to have the influence they have because of already receptive environments for their ideas.

Defunding of Government Education

The final explanation for the growth of private service providers and private education in the Global South suggests that with increasing global market integration and the constraints on domestic budgets would come a decrease in expenditures on basic services (Wibbels and Arce, 2003; Wibbels, 2006). This decrease in government service provision would force citizens to seek alternative providers, leading to an increase in private expenditure on services (MacLean, 2010). For India in particular, the argument is a more subtle one that argues that as India's welfare institutions have traditionally served the middle classes, integration would harm the middle class the most (Rudra, 2002; Rudra and Haggard, 2005; Rudra, 2008). As the Indian middle class was a small group, however, this would mean that very few people in absolute numbers would be harmed by a retrenchment in the welfare state. The argument here still assumes that global market integration would reduce the size of the welfare state.

While certainly true for countries in Latin America and sub-Saharan Africa that saw their budgets cut and expenditure on health and education were often the first to go, global market integration is also consistent with increase demands for education. The empirical reality in India was of one in which greater market integration coincided with increased expenditure on government education as show in Figure 1. Following increasing global integration beginning in the late 1980s and picking up pace in the early 1990s, India's investment in government education increased, embodied in the passage of the District Education Programme (DPEP) and *Sarva Shiksha Abhiyan* (SSA or Education for All) in 1994 and 2001 respectively.

Looking at expenditures instead of merely construction, (Chakrabarti and Mistree, 2013) find that education and healthcare spending at the state-level has been steadily increasing since Independence, with education in particular accelerating since liberalization. They suggest that this divergence in expenditure is a result of a rhetoric and belief that expenditure on one form of human capital investment, namely education, would be crucial for India's increasing integration into global labour markets.

Like explanations that rest on India's integration into transnational networks of ideology, any explanation that suggests that integration into the global economy would lead to

a retrenchment in India's welfare state must account with the empirical reality that, for at least education, the Indian government has spent *more* on education since the early 1990s. Moreover, the Indian Government's two flagship programs on education that radically increased the amount of expenditure on education, DPEP and SSA, were in part or in whole funded by multi-lateral lending organizations.

In this section, I have argued that three common explanations for the growth of private education — the emergence of political coalitions in support of private education, transnational advocacy networks, and global market integration — cannot account for India's increasing private investment in education on both the demand and supply side. These explanations, while of course part of the story, do not account for two facts: first, the timing of when private education began to increase in India, and second, the fact that this occurred at the same time as increasing government investment in education.

CONCLUSIONS

The Government of India has largely been successful in attempting to universalize education. There are more children in school today than there were at the beginning of market-oriented reform, literacy in India has increased dramatically, most villages in India have a primary school. The *way* that this has been achieved, however, has deviated from the intentions of the policy, deviations that have implications for subsequent policy making in India. Borrowing from the institutionalist literature, endogenous institutional changes have led to informal institutions responding by providing close substitutes to those provided by the state. These institutions, in the form of recognized and unrecognized private schools, have “filled in gaps” by “facilitating the pursuit of individual goals within the formal institutional framework,” (Helmke and Levitsky, 2004, 728).

The process that first created the conditions in which private schools could operate, and then normalized them through legal codification, was a “big, slow-moving, and...invisible” process of endogenous institutional change Pierson (2003). Actors within the state, civil society, and Indian courts slowly modified the existing rules of the game from a system that privileged the public supply of education that then opened space for private actors, and later began to normalize and institutionalize them with greater regulation. This process exhibits features of policy drift, where, for the most part of the period under study (1986-2009) “rules remain formally the same but their impact changes as a result of shifts in external conditions” (Mahoney and Thelen, 2010; Hacker, 2005, 17).

The starting point for this process can be traced to the introduction of the National Policy on Education in 1986 by the Rajiv Gandhi government. The National Policy set in motion three processes. First, it established a Central Government, and later international development organization, commitment to financing education. Second, it shifted the focus of education from secondary and tertiary education to primary education. Third, it

began the decentralization of education management that later took on greater momentum through state-level and then national-level education policies.

To meet the twin demands of greater financial demands in the face of constrained state budgets and quickly expanding access to education, state-level programs turned to international financing and models to provide education. With this came an emphasis on para or contract teachers that employed teachers on part-time contracts with none of the standard benefits afforded to civil sector workers in India. Although the exact number of teachers hired as para-teachers is unknown, they reflected a large part of the teaching cadre in many states, a teaching cadre that would increasingly become dissatisfied with their lack of regularization.

The Courts system in turn reacted to these new facts created by education policies by litigating in ways favorable to the provision of low-cost private education. Challenges to the use of para-teachers became more frequent, and over time, the Courts sided in favor of the Central and State governments that used para-teachers in the case of *A. Sundarambal* (Béteille and Ramachandran, 2016; Robinson and Gauri, 2011). This provided models and cover for the Central Government and later private actors to employ teachers through short-term contracts. Challenges to the inability of the state to provide education were also brought to Courts in *Mohini Jain* and *Unni Krishnan*, and the Courts interpreted this failure broadly by including the private sector as a key actor in India's education provision regime (Khosla, 2010). These cases constrained the ability of private actors to charge high fees, further encouraging private actors to find ways to reduce education costs. These rulings both normalized the private sector, and ensured that a key input for low-cost private schools — labor — was legalized by the Courts system.

This renewed commitment to education, however, put India on a path of primary education provision that accentuated a disjuncture between the size and reach of the state on one hand, and the proper functioning of the state on the other. Through the centralization of education policy and financing, India was able to credibly commit to providing and expanding education. However, through the decentralization of the management of education, the lofty objectives of the central government were left unfulfilled at the local level. This in turn provided an opening for the low-cost private sector to enter.

Bibliography

- Ansell, Ben W. 2010. *From the Ballot to the Blackboard: The Redistributive Political Economy of Education*. New York: Cambridge University Press.
- Ansell, Ben W. and Johannes Lindvall. 2013. "The Political Origins of Primary Education Systems: Ideology, Institutions, and Interdenominational Conflict in an Era of Nation-Building." *American Political Science Review* 107(03):505–522.
- Ayyar, RV Vaidyanatha. 2008. Country-Agency Relationship in Development Cooperation: An Indian Experience. Background paper for EFA Global Monitoring Report.
- Ayyar, RV Vaidyanatha. 2017. *History of Education Policymaking in India: 1947-2016*. New Delhi, India: Oxford University Press.
- Ball, Stephen J. and Deborah Youdell. 2007. Hidden Privatisation in Public Education. Technical Report July.
- Batra, Poonam. 2013. Positioning Teachers in the Emerging Education Landscape of Contemporary India. In *India Infrastructure Report 2012: Private Sector in Education*. Routledge.
- Béteille, Tara and Vimala Ramachandran. 2016. "Contract Teachers in India." *Economic & Political Weekly* 51(25):41.
- Bhushan, Prashant. 2004. "Supreme Court and PIL: Changing Perspectives under Liberalisation." *Economic and Political Weekly* 39(18):1170–1174.
- Bordia, Anil. 2000. "Education for Gender Equity: The Lok Jumbish Experience." *Prospects* 30(3):313–329.
- Chakrabarti, Poulomi and Dinsha Mistree. 2013. "Disaggregating Social Development: The Variant Politics of Education and Healthcare in India."
- Chin, Aimee. 2005. "Can Redistributing Teachers across Schools Raise Educational Attainment? Evidence from Operation Blackboard in India." *Journal of Development Economics* 78(2):384–405.
- Craig, Paul P. and S. L. Deshpande. 1989. "Rights, Autonomy and Process: Public Interest Litigation in India." *Oxford Journal of Legal Studies* 9(3):356–373.
- Dixon, Pauline and James Tooley. 2005. "The Regulation of Private Schools Serving Low-Income Families in Andhra Pradesh, India." *The Review of Austrian Economics* 18(1):29–54.

- Dreze, Jean and Amartya Sen. 2002. *India: Development and Participation*. New Delhi: Oxford University Press.
- Dyer, Caroline. 1996. "Primary Teachers and Policy Innovation in India: Some Neglected Issues." *International Journal of Educational Development* 16(1):27-40.
- Escobar-Lemmon, Maria and Ashley D. Ross. 2013. "Does Decentralization Improve Perceptions of Accountability? Attitudinal Evidence from Colombia." *American Journal of Political Science* 00(0):n/a-n/a.
- Finnemore, Martha and Kathryn Sikkink. 1998. "International Norm Dynamics and Political Change." *International Organization* 52(4):887-917.
- Frankel, Francine. 2009. *India's Political Economy: The Gradual Revolution (1947-2004)*. 2nd edition ed. New Delhi; New York: Oxford University Press.
- Fyfe, Alec. 2007. The use of contract teachers in developing countries: trends and impact. Technical report ILO Geneva: . OCLC: 430159043.
- Gingrich, Jane R. 2011. *Making Markets in the Welfare State: The Politics of Varying Market Reforms*. Cambridge: Cambridge University Press.
- Gopalakrishnan, R. and Amita Sharma. 1998. "Education Guarantee Scheme in Madhya Pradesh: Innovative Step to Universalise Education." *Economic and Political Weekly* pp. 2546-2551.
- Government of India. 1968. "National Policy on Education, 1968."
- Government of India. 1986. "National Policy on Education (1986)."
- Govinda, R. and Yazali Josephine. 2005. "Para-Teachers in India: A Review." *Contemporary Education Dialogue* 2(2):193-224.
- Grossman, Guy and Janet I. Lewis. 2014. "Administrative Unit Proliferation." *American Political Science Review* 108(01):196-217.
- Hacker, Jacob. 2005. Policy Drift: The Hidden Politics of US Welfare State Retrenchment. In *Beyond Continuity: Institutional Change in Advanced Political Economies*, ed. Wolfgang Streeck and Kathleen Thelen. Oxford University Press.
- Helmke, Gretchen and Steven Levitsky. 2004. "Informal Institutions and Comparative Politics: A Research Agenda." *Perspectives on Politics* 2(04):725.
- Jain, Manish and Sadhana Saxena. 2010. "Politics of Low Cost Schooling and Low Teacher Salary." *Economic & Political Weekly* 45(18):79.
- Jha, Praveen, Subrat Das, Siba Sankar Mohanty and Nandan Kumar Jha. 2008. *Public Provision for Elementary Education in India*. Los Angeles: Sage Publications.
- Kapur, Devesh. 2010. The Political Economy of the State. In *The Oxford Companion to Politics in India*, ed. Niraja Gopal Jayal and Pratap Bhanu Mehta. Oxford: Oxford University Press.
- Kapur, Devesh and Partha Mukhopadhyay. 2007. "Sisyphian State? Why Poverty Programs in India Fail and yet Persist." (August).
- Kapur, Devesh and Prakirti Nangia. 2013. "A Targeted Approach: India's Expanding Social Safety Net." *World Politics Review* .

- Keck, Margaret E. and Kathryn Sikkink. 1998. *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca: Cornell University Press.
- Keck, Margaret E. and Kathryn Sikkink. 1999. "Transnational Advocacy Networks in International and Regional Politics." *International Social Science Journal* 51(159):89–101.
- Khosla, Madhav. 2010. "Making Social Rights Conditional: Lessons from India." *International Journal of Constitutional Law* 8(4):739–765.
- Kirk, Jason. 2005. *The World Bank and the Federal Politics of Economic Reform in India-Structural Adjustment Lending Goes Sub-National*. Ph.D. Dissertation University of Pennsylvania Philadelphia: .
- Kirk, Jason. 2010. *India and the World Bank: The Politics of Aid and Influence*. New York: Anthem Press.
- Kolhatkar, M. R. 1997. *Educational Planning and National Development: Some Crucial Aspects*. New Delhi: M D Publications.
- Kumar, Krishna, Manisha Priyam and Sadhna Saxena. 2001. "Looking beyond the Smoke-screen: DPEP and Primary Education in India." *Economic and Political Weekly* pp. 560–568.
- Lacey, Colin, Barry Cooper and Harry Torrance. 1993. "Evaluating the Andhra Pradesh Primary Education Project: Problems of Design and Analysis." *British educational research journal* 19(5):535–554.
- Leclercq, Francois. 2002. "The Impact of Education Policy Reforms on the School System: A Field Study of EGS and Other Primary Schools in Madhya Pradesh."
- Leclercq, Francois. 2003. "Education Guarantee Scheme and Primary Schooling in Madhya Pradesh." *Economic and Political Weekly* pp. 1855–1869.
- MacLean, Lauren M. 2010. *Informal Institutions and Citizenship in Rural Africa: Risk and Reciprocity in Ghana and Côte d'Ivoire*. Cambridge: Cambridge University Press.
- Mahoney, James and Kathleen Thelen. 2010. *A Theory of Gradual Institutional Change*. In *Explaining Institutional Change: Ambiguity, Agency, and Power*, ed. James Mahoney and Kathleen Thelen. New York: Cambridge University Press.
- Mangla, Akshay. 2013. *Rights for the Voiceless: The State, Civil Society and Primary Education in Rural India*. Dissertation Massachusetts Institute of Technology.
- Mangla, Akshay. 2015. "Bureaucratic Norms and State Capacity in India: Implementing Primary Education in the Himalayan Region." *Asian Survey* 55(5):882–908.
- Mangla, Akshay. 2017. "Elite Strategies and Incremental Policy Change: The Expansion of Primary Education in India." *Governance* pp. n/a–n/a.
- Mehta, Pratap Bhanu. 2010. "Public Advisory." *Indian Express* .
- Ministry of Human Resource Development. 1999. *Expert Group Report on Financial Requirements for Making Elementary Education a Fundamental Right*. Technical report New Delhi: .
- Nambissan, Geetha B. 2012. "Private Schools for the Poor: Business as Usual?" *Economic & Political Weekly* xlvi(41):51–58.

- Nambissan, Geetha B. and Stephen J. Ball. 2010. "Advocacy Networks, Choice and Private Schooling of the Poor in India." *Global Networks* 10(3):324-343.
- Neuborne, Burt. 2003. "The Supreme Court of India." *Int'l J. Const. L.* 1:476.
- Nooruddin, Irfan and Pradeep Chhibber. 2008. "Unstable Politics: Fiscal Space and Electoral Volatility in the Indian States." *Comparative Political Studies* 41(8):1069-1091.
- Pierson, Paul. 2003. Big, Slow-Moving, And...Invisible: Macrosocial Processes in the Study of Comparative Politics. In *Comparative Historical Analysis in the Social Sciences*, ed. James Mahoney and Dietrich Rueschemeyer. Cambridge: Cambridge University Press.
- Pritchett, Lant. 2009. "Is India a Flailing State?: Detours on the Four Lane Highway to Modernization."
- Priyam, Manisha. 2015. *Contested Politics of Educational Reform in India: Aligning Opportunities with Interests*. Oxford University Press.
- Ramachandran, Vimala. 2001. "Community Participation in Primary Education: Innovations in Rajasthan." *Economic and Political Weekly* pp. 2244-2250.
- Ramachandran, Vimala. 2003. Lok Jumbish—Rajasthan: People's Movement for Education for All. Technical report World Bank.
- Rao, Digumarti Bhaskara. 1998. *District Primary Education Programme*. Discovery Publishing House.
- Ravitch, Diane. 2014. *Reign of Error : The Hoax of the Privatization Movement and the Danger to America's Public Schools*. First vintage books edition. ed. New York: Vintage Books.
- Robinson, Nick and Varun Gauri. 2011. "Education, Labor Rights, and Incentives: Contract Teacher Cases in the Indian Courts." *Comparative Labor Law & Policy Journal* 32(4).
- Rodrik, Dani and Arvind Subramanian. 2004. "From "Hindu Growth" to Productivity Surge: The Mystery of the Indian Growth Transition."
- Rudra, Nita. 2002. "Globalization and the Decline of the Welfare State in Less-Developed Countries." *International Organization* 56(2):411-445.
- Rudra, Nita. 2008. *Globalization and the Race to the Bottom in Developing Countries: Who Really Gets Hurt?* New York: Cambridge University Press.
- Rudra, Nita and Stephan Haggard. 2005. "Globalization, Democracy, and Effective Welfare Spending in the Developing World." *Comparative Political Studies* 38(9):1015-1049.
- Sankar, Deepa. 2007. Financing Elementary Education in India Through Sarva Shiksha Abhiyan: Challenges in Recent Times. Technical report South Asia Human Development Sector, World Bank.
- Saxena, Naresh C. 2005. "Central Transfers to States and Centrally Sponsored Schemes." *New Delhi: Planning Commission*, http://nac.nic.in/concept_papers/central_transfers.pdf.

- Sharma, Rashmi. 1999. "What Manner of Teacher: Some Lessons from Madhya Pradesh." *Economic & Political Weekly* .
- Singh, Amrik. 1988. "New Policy on Education: Two Years Later." *Economic and Political Weekly* Special Nu(November):2479–2492.
- Singh, Manmohan. 1991. Budget Speech of Shri Manmohan Singh, Minister of Finance 1991-92. Technical report Government of India New Delhi: .
- Sitapati, Vinay. 2016. *Half-Lion: How P.V Narasimha Rao Transformed India*. 1st edition ed. S.l.: Penguin Books.
- Supreme Court of India. 1988. "Miss A. Sundarambal vs Government Of Goa, Daman and Diu & ORS."
- Supreme Court of India. 1992. "Miss Mohini Jain vs State Of Karnataka And Ors."
- Supreme Court of India. 1993. "Unni Krishnan, J.P. vs State Of Andhra Pradesh."
- The World Bank. 1994. Staff Appraisal Report: India District Primary Education Project. Technical Report 13072-IN The World Bank.
- The World Bank. 2003. World Development Report 2004: Making Services Work for the Poor. Technical report The World Bank Washington, D.C.: .
- Tilak, Jyotendra. 1997. India: District Primary Education Programme (DPEP). Technical report.
- Tooley, James. 2009. *The Beautiful Tree: A Personal Journey Into How the World's Poorest People Are Educating Themselves*. 1st edition ed. New York: Cato Institute.
- Tooley, James and Pauline 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.
- Weiner, Myron. 1990. *The Child and the State in India*. Princeton: Princeton University Press.
- Wibbels, Erik. 2006. "Dependency Revisited: International Markets, Business Cycles, and Social Spending in the Developing World." *International Organization* 60(02).
- Wibbels, Erik and Moisés Arce. 2003. "Globalization, Taxation, and Burden-Shifting in Latin America." *International Organization* 57(Winter):111–136.
- World Bank, ed. 1997. *Primary Education in India*. Development in practice Washington, D.C: World Bank.
- Wu, Kin Bing, Venita Kaul and Deepa Sankar. 2005. "The Quiet Revolution." *Finance and Development* 42(2).