RIGHT TO EDUCATION: A COMPARATIVE ANALYSIS OF THE USE OF RIGHTS TALK BY INDIAN NON-STATE ACTORS

by

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This study examines the framing of the right to education through the discourse of the Government of India and two key non-state actors. Specifically, it addresses two research questions using word frequency data and applying content and frame analysis. The first question examines the discourse of the Right of Children to Free and Compulsory Education (RTE) Act 2009, its alignment with the right to education, and framing of non-state participation in education. The second question examines the discourse of two non-state actors with opposing views on privatisation in order to assess their use of ‘rights talk’ to promote education, and determine whether education privatisation and rights are mutually exclusive. The discourse of each actor is compared to a framework of the right to education to determine how it aligns or diverges from this model. The findings of this study provide insight into how RTE Act is interpreted by different actors.
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CHAPTER 1: PURPOSE AND DESIGN OF STUDY

Introduction

Across the world, education is widely considered to be one of the most powerful tools for alleviating poverty, reducing inequality, and promoting sustainable economic growth. As a result, international organisations and nation states commit to supporting the right to education as a means to achieve development goals. While the importance of education is widely agreed upon, the rationale for supporting education differs greatly amongst stakeholders. An economic-instrumentalist approach to education (Menashy, 2012), or human capital approach (Robeyns, 2006), argues for the extrinsic benefits of schooling, such as increasing individual earning potential and raising a country’s overall gross domestic product (GDP) by educating citizens who are able to help grow the nation’s economy. The human capital framework views education as a major contributor to growth and development, as it maximises the economic output of each individual in society (Menashy, 2012). Through this market-based approach, education is viewed primarily as a service, and is not the responsibility or legal obligation of the government to provide education. As a result, schooling can be provided by other institutions on a fee basis from other sources in civil society and the private sector, both international and local.

While the human capital approach is grounded in economics, the rights-based approach uses legislation to understand education (Robeyns, 2006; Menashy, 2012). The rights-based approach to education addresses children as rights-holders and views education as having its own intrinsic value. The economic outcomes of education are irrelevant to the rights-based approach, which instead focuses on developing education
systems that are inclusive and protect the human rights of all students. The rights-based approach emphasises the responsibility of the government to provide education to all citizens (Klees & Thapliyal, 2007; Craissati, Banerjee, King, Lansdown & Smith, 2007; Dale, 2000). These approaches to education provide very different understandings about the purpose of education and who should be involved in the provision of schooling.

While their understandings of the role of education differ, both of these approaches uphold the belief that basic education is a universal human right. The right to education has been maintained through normative frameworks such as the Universal Declaration of Human Rights (1948), the Convention on the Rights of the Child (1990), and the UNESCO Convention against Discrimination in Education (1960). The right to education has been reaffirmed for specific groups of the population, including girls, children with disabilities, refugees, and indigenous people. In addition, countries around the world have ratified these frameworks and supported international rights-based agendas such as Education for All (EFA) and the Millennium Development Goals (MDGs) (UNESCO, 2000; UNDP, 2014). Despite the wide use of rights-based arguments for education, there is criticism surrounding this approach, which points to the plasticity of this framework. Although widely used by governments, non-governmental organisations (NGOs), and international organisations, the right to education has been criticised for being merely rhetorical, making grand claims without clearly stating who is responsible for ensuring these rights and how they should be achieved (Robeyns, 2006). In addition, states can be apprehensive about the fiscal implications of implementing the right to education (Walsh, 2003). Overall, there is a significant amount of uncertainty surrounding rights-based discourse and how it is used to promote education. States,
organisations and individuals have taken advantage of the ambiguous nature of rights-based discourse in order to promote different views on the nature of education. Bajaj (2014) refers to ‘rights talk’ as the strategic use of rights-based discourse in order to promote different ideologies on educational policy.

While there have been significant improvements in access to education for Indian children, international concern is mounting as India is among the thirty-five countries least likely to achieve MDGs and EFA targets by 2015 (Singal, 2006a). The quality of education in India, particularly for marginalised groups including rural children, children from poorer families, girls, children with disabilities, and children from scheduled tribes and castes, remains a critical issue to be addressed. The Government of India has shown a strong commitment to tackle the learning crisis in India and has adopted the right to education as its ideological framework for basic education. In addition to supporting international rights-based agendas in education and development such as EFA and the MDGs, India has also adopted this approach in its own national educational reform.

On April 1st, 2009, the Government of India passed the Right of Children to Free and Compulsory Education (RTE) Act in an effort to reform public education in India and achieve international targets in education (Government of India, 2009). The intention of the Act is to explicitly state the requirements for India's education system in order to achieve universal and free primary education for all children ages six to fourteen (grades one through eight). The mandates of RTE Act apply not only to publicly funded government schools, but also to all schools wishing to remain operational in India. In addition to stating requirements for the school structure, location, and teacher training that must be present, the Act also includes a ‘25% free seats provision’, which states that
all schools, including private un-aided schools, must ensure that at least 25% of their students are “children belonging to weaker section[s] and disadvantaged group[s] in the neighbourhood and provide free and compulsory elementary education till its completion.” (Government of India, 2009, p. 5-6). This Act presents major reform strategies to build a strong foundation for primary education in India, however scholars and practitioners have voiced concerns about the impending implementation of RTE, and whether it will truly serve to improve the quality of education.

As a result of the 25% free seats provision, as well as other factors, one of the major trends in Indian education is the rise of non-state participation in the provision of education. Non-state participation in education is still being debated in academic literature, however in practice it is pervasive in education, particularly in the developing world. India has seen a rise in private providers to education, as well as private organisations working to support education (James & Woodhead, 2014).

**Research Problem**

In 2009, the RTE Act declared basic education as a fundamental human right for all Indian children. When the history of India's educational policies is examined, however, it is noted that the right to education has been prevalent throughout India’s history, particularly since India’s Independence (1947) and the creation of the Constitution in 1950. The question remains as to why the Government of India chose to develop RTE as a new educational policy that presents education as a human right, when it has been so since the Constitution? In theory, many of the articles within RTE appear to promote human rights and social justice, however the Act also promotes positions that are inconsistent with the right to education, specifically the role of privatisation under the
25% free seats provision. As stated by Ball and Youdel (2007), often within education policy “privatisation remains hidden whether as a consequence of educational reform, or as a means of pursuing such reform” (p. 8).

While the 25% free seats provision seems to contradict the emphasis on education as a public good under the right to education, there are more elements to consider than simply the position on privatisation. Organisations are often criticised for not taking a rights-based approach because they support the privatisation of education, however this thesis questions whether human rights and privatisation are incompatible. Can an organisation that supports privatisation also support the right to education? This study does not attempt to argue for or against privatisation, but rather recognises that privatisation is occurring in education and examines whether support for education privatisation and human rights can occur simultaneously.

Due to the plasticity of rights language and the way in which the RTE Act is presented, there is room for different actors to interpret educational reform in different ways. More is known about how international actors use rights talk strategically to put forward certain ideologies and programs (Tomasevski, 2006; Robeyns, 2006; Lindahl, 2006), however less is known about this effect in the context of India’s education system. Within the malleable policyscape of RTE, it is unclear how Indian non-state actors are choosing to frame and interpret the rights-based approach to education.

**Research Question**

In order to address the questions below, I will conduct a comparative case study of the discourse of two non-state organisations in India: the Azim Premji Foundation (APF) and
the Centre for Civil Society (CCS). My research design and rationale for comparison are presented in Chapter 3.

Focusing on discourse and non-state participation in Indian education, the following research question will be addressed:

(1) How does the RTE Act (2009) frame the right to education and non-state participation in education?

This question uses a framework (see Table 3) to determine whether the RTE Act (2009) aligns with international standards of the right to education, as outlined in Chapter 2. Specifically, I examine the Act’s use of discursive frames to mobilise support for non-state participation in education. The response to this question can be found in Chapter 4.

(2) How do Indian non-state actors frame the right to education?

This question intends to establish where each non-state organisation (CCS and APF) falls on the spectrum of world order and models of education (see Table 3), and whether the discourse aligns with international standards of the right to education, which is discussed in Chapter 2. Furthermore, under which key themes does the discourse deviate from the right to education? This question (addressed in Chapter 5) explores the role of non-state actors in interpreting the right to education, and particularly the role of privatisation as a means of achieving the right to education.

Key Concepts

Discourse refers to the communication of ideas and values through both text and the social, political, and economic context. For example, this includes what is explicitly
written in policy documents, as well as what may be implied given the way in which the material is presented. The study of discourse is not simply about the use of language, but also about the beliefs and ideologies propagated by discourse (Van Dijk, 1997). Discourse is not only what is being communicated, but also how, when and why. The approach taken in this study to gather and analyse discourse is examined further in the Data Analysis section.

**Right to education** is the understanding that education is a fundamental human right in which all children are entitled. The RTE Act uses rights-based discourse, or ‘rights talk’ (Bajaj, 2014), to highlight the importance of education and rationalise reform, therefore this framework will be the focus of my literature review and analysis. In order to clarify this elusive phenomenon, I will use international standards of the right to education to create a framework which will be used as a tool for comparison in this study. The development of this framework is found in Chapter 2 of this thesis. In order to minimise the confusion between the concept of the right to education and the Indian legislation on the right to education, I will refer to the latter in its abbreviated form (e.g., RTE, RTE Act, RTE Act 2009, the Act). The rights-based approach to education refers to a model of education based in compensatory liberalism, and is described further in Chapter 2.

**Frame** refers to the construction of meaning in order to promote a certain ideology. For the purposes of this paper, I will use policy discourse to analyse the frames of right to education and non-state participation in education. This idea is discussed in detail in Chapter 3.
**Non-state actor** refers to an individual organisation that has power to influence change, however is not affiliated with the nation state. More information on the role of non-state actors in India's education system can be found in the Chapter 2 of this thesis.

**Significance of study**

**Why rights talk?**

Rights-based discourse is a growing trend in global education movements. International organisations such as UNESCO, UNICEF, and also the World Bank use rights language when speaking about education, although their understanding of education may differ (Craissati et al, 2007; UNESCO, 2000; Horta, 2002). Because of the ambiguity surrounding rights-based discourse, further research is needed to understand how different stakeholders interpret this approach.

**Why India?**

India presents a unique environment to learn more about rights-based discourse in education. RTE Act is the first national legislature on education, as prior to the Act, schooling was primarily the responsibility of individual states (Juneja, 2012). This policy document represents a major commitment from the Government of India to align with UN-led global movements like the MDGs and EFA by increasing access and quality of education for all children, regardless of circumstance. It is the first time that a piece of legislation has been presented to India through a television broadcast. Former Prime Minister Manmohan Singh announced the RTE Act on April 1st, 2010. Public response to RTE Act has been mixed, which highlights the ambiguous nature of rights-based discourse. An RTE anthem featuring several Bollywood stars was released by the Ministry of Human Resource Development to promote the right to education in India.
(Mukul, 2013). Overall, this Act has been highly publicised through government efforts and the media, yet more information is needed on how non-state actors are interpreting the RTE Act.

**Why non-state participation?**

In September, 2013, the Parliament of India passed the Companies Act, which outlines the regulations to be followed by Indian organisations, including guidelines for corporate social responsibility (CSR) (Ministry of Law and Justice, 2013). Companies are encouraged to direct these funds to initiatives taking place in their local area. The Act came into effect on April 1st, 2014, making India one of the first countries to have a legal mandate for CSR (Kalra, 2014). Currently in India, approximately 8,000 Indian companies fit these criteria, spending a combined 12,000 to 15,000 crore annually (approximately $2.3 billion to $2.8 billion Canadian dollars) (Dhawan, 2013). Furthermore, the education sector is considered fundamental to promoting social change, therefore research that investigates how non-state actors understand Indian education policy is essential to predicting how this massive inflow of funds may be spent towards education.

In May 2014, Narendra Modi, leader of the Bharatiya Janata Party (BJP), was elected as Prime Minister of India largely due to his successful economic policies which led to substantial economic growth in the state of Gujarat during his administration. Modi has also been criticised, however, for a lack of consideration to human development and human rights. Currently under Modi’s leadership, the Government of India is investigating the impact of international NGOs on government projects and India’s economy, citing that these external non-state actors are detrimental to the development of
India (Nazakat, 2014). The Government of India has begun strictly enforcing registration rules for NGOs, reducing funding to non-governmental projects, and scrutinizing the influence of international development organisations. Under the current pro-business and nationalist leadership of India, it becomes even more significant to understand how local private philanthropic organisations that do not depend on government funding are interacting with rights-based and state-led educational reform.

International actors in favour of privatisation, such as the World Bank, are restricted in their efforts because they must often work through the state in order to develop programs. Indian non-state actors, however, are not as restricted in their work in education in the same way as international actors. As a result, they can become very influential to the educational landscape of India.

**Organisation of Thesis**

This study begins by conducting a review of the worldviews that underpin different approaches to education. Chapter 2 discusses how different versions of liberal political philosophy have led to the understanding of education as human capital and education as a fundamental human right. The right to education is an elusive phenomenon, therefore in order to understand its many elements, I create a framework to use as a tool for analysis. As part of this thesis examines the framing of the right to education by two key non-state actors, the role of non-state participation in education, particularly in India, is also discussed. The conceptual framework for this study, which is based on the findings of the literature review in Chapter 2, is presented at the end of the chapter.

Chapter 3 presents the research design used to address the research questions. This study will use both quantitative data in the form of word frequency, and qualitative
methods in the form of content and frame analysis to address both research questions. The conceptual framework acts as a tool to guide the analysis for both questions in this study.

Chapter 4 focuses on the RTE Act, and begins by providing an overview of the political, social and economic history of India since Independence in 1947, with a particular focus on human rights and the right to education. After a thick description of the RTE Act, it then addresses the first research question of this thesis on the Act’s use of rights-based discourse and its approach to non-state participation in education.

Chapter 5 addresses the second research question on the use of rights talk by non-state actors through a comparative case study approach. Two non-state actors have been selected, based on their opposing views on privatisation: the Azim Premji Foundation (APF) and the Centre for Civil Society (CCS). This chapter uses word frequency data and content analysis to gain a better understanding of how the rights-based approach to education is framed within the discourse of both non-state actors.

Chapter 6 concludes this thesis by summarizing the study, revisiting the findings for both research questions, and addressing the issues that arose about the right to education and the compatibility of rights and privatisation. Given the results of the study, I suggest future directions for academic and policy research.
CHAPTER 2: THEORETICAL REVIEW AND CONCEPTUAL FRAMEWORK

The following review is divided into three main sections. The first section will provide an overview of different approaches to education, namely the human capital approach and the rights-based approach. I begin by describing liberalism as the overarching world order underpinning these approaches and the foundation of human rights, then describes two different versions of liberalism: pure and compensatory. Pure liberalism leads to views of education as human capital, whereas compensatory liberalism adopts a rights-based approach to education. As this thesis focuses on the interpretation of the right to education by various key actors, the notion of rights, including the various elements involved, is explored.

The second section of this chapter focuses on the role of non-state actors in education, as this study focuses on the role of two key non-state actors in India and their framing of the right to education. In addition, one of the fundamental differences between pure liberal and compensatory liberalism, or the human capital and rights-based approach to education, is the understanding of the role of the state. The role of non-state actors in the privatisation of education is examined, as well as the framing of privatisation.

The third section synthesises the information in this chapter to put forward a conceptual framework that is used in this study. The review of liberalism, human capital theory, and the rights-based approach, as well as the role of non-state actors in education and privatisation, inform my conceptual framework and help to guide the analysis of this study.
**Liberal World Order**

Scholars turn to models of world order in order to understand different political philosophies or worldviews. World order refers to a set of assumptions about the way the world operates. Each world order supports certain beliefs about the most effective political, economic, and social policies to ensure peace and prosperity. The worldviews held by organisations impact how education is understood and how actors respond to state-led educational reform. Understanding world order is important to the study of educational reform, as differing worldviews has differing understandings of the role of education. These differences impact the type of financing, provision, and curricular content that is supported. Different views on world order lead to models of education that are consistent with the political, economic, and social ideologies of that particular world order.

This thesis focuses on education as a human right, which is of central importance to the liberal world order. Liberalism originated during the Age of Enlightenment – a time in history where authority and institutions such as the English monarchy were challenged, and reason and individualism were emphasised. John Locke, often considered the founder of liberalism, argued that men are born free and are capable of using reason to govern their actions (Grant, 2010). It is the responsibility of the state to uphold the right of the individual to pursue liberty. Early forms of liberalism emphasised the pursuit of life paths free from state intervention (negative freedoms) to the consideration of social and cultural rights that are supported and ensured by the state.

According to Howard & Donnelly (1986), “internationally recognized human rights require a liberal regime” (p. 802). Human rights are at the core of liberal political philosophy, and “the association between liberalism and human rights runs so deep that
the realization of human rights is the principal liberal standard for evaluating the achievements, and even the legitimacy, of any regime.” (Howard & Donnelly, 1986, p. 806). Liberalism urges the state to treat each member of society as equal, both morally and politically. Individuals have the right to equal treatment, and no individual should be given priority over others. Under this form of regime, inequality of goods and opportunities is inevitable as the liberal philosophy is primarily concerned with equal treatment over the equal share of resources.

Liberalism also upholds personal liberty and the right of the individual to operate free from state interference in order to pursue their ambitions. For the state to intervene in a person’s pursuit of their life goals would imply that there are certain paths that are superior to others (Howard & Donnelly, 1986).

“Individuals - regardless of who they are or where they stand - have an inherent dignity and moral worth that the state must not merely passively respect, but for which it must demonstrate an active concern. Furthermore, everyone is entitled to this equal concern and respect.” (Howard & Donnelly, 1986, p. 803).

According to McKinlay & Little (1986a), liberalism can take two forms: pure liberalism (also called classical liberalism) and compensatory liberalism (or social liberalism). Compensatory liberalism is characterised by a shift from pure liberalism to a view that can be considered more closely aligned with socialist world order.

**Pure liberalism**

Pure liberalism is founded on the principles of freedom and equality, specifically equal rights, in political, social and economic affairs.

A pillar of liberalism is the concept of ‘negative freedom’, meaning the absence of human interference in all aspects of society from the economy, to social services, to family life (McKinlay & Little, 1986a). While the role of government is de-emphasised
by liberal thought, it should continue to perform certain key functions. The role of the state is to protect the negative freedom of individuals and regulate the free market to allow for competition through a meritocratic system. State interference should be minimised to the point that allows all individuals to enjoy negative freedom.

The liberal philosophy views society as the sum of individual members driven by the pursuit of their own self-interest. This emphasis on the individual should not be understood as a lack of consideration for society. According to McKinlay & Little (1986a), “liberalism has a highly developed sense of community and indeed considers that substantial benefits can accrue from individuals forming themselves not only into societies but into even larger societies” (p. 42). The liberal philosophy appreciates the importance of society, but at no point should this value undermine the importance of the individual.

Liberal economic theory also emphasises the freedom of individuals through minimal interference by the state in the free market. The economy operates most efficiently under free market principles, where prices for goods and services are dictated by the supply of capital and demand for products by the consumers.

The neoclassical approach to economics, or neoliberalism, which is rooted in liberal economics, emphasises the importance of allowing free market mechanisms such as competition to take place in order to improve the quality, efficiency and choice available to consumers (Menashy, 2014). The neoliberal approach to economic development extends not only to the nation state but also to the global market economy. Expanding the free market through free trade agreements leads to more competition and choice, and therefore greater wealth for those who take part in the market. This economic
Restructuring and global convergence of economic approaches forms part of the process of globalisation (Mundy, 1998). As previously mentioned, liberalism recognises the benefits gained from large societies congregating (McKinlay & Little, 1986a). Goods, services, and people are able to flow more freely between nations. One of the most vital goods for the success of a nation’s economy, and particularly important given recent trends towards globalisation, is the development and preservation of knowledgeable and skilled workforce. Having a labour force that is equipped to compete in the global economy is a competitive advantage that is very desirable as it builds the wealth of the nation as well as the individual. This investment in the individual is an effort to build human capital. Schultz (1961) describes the significance of human capital in recent history.

“Although it is obvious that people acquire useful skills and knowledge, it is not obvious that these skills and knowledge are a form of capital, that this capital is in substantial part a product of deliberate investment, that it has grown in Western societies at a much faster rate than conventional (nonhuman) capital, and that this growth may well be the most distinctive feature of the economic system” (p. 1).

Expenditures that improve the capabilities of individuals can largely be considered to build human capital. Investments in health, but more importantly, education are understood as a means of building human capital and competing in the global knowledge economy.

**Compensatory liberalism**

While compensatory liberalism can be considered in some ways to be aligned with a socialist understanding of word order, it still shares many similarities with pure liberalism such as the pursuit of freedom and the rights of individuals. However, the manner in which it pursues these rights differs from the more classical approach to
liberalism. While pure liberalism focuses on individual rights above all else, compensatory liberalism believes that both individual and collective rights can be pursued concurrently.

The fundamental position of socialism emphasises that inequality is a result of institutional arrangements that systematically benefit certain groups over others. Adopting a holistic approach, socialism states that all inequalities (economic, social, political, cultural) are mutually reinforcing and must be addressed simultaneously (McKinlay & Little, 1986b). Socialism advocates for a shift of focus from the individual to the collective goals and needs of a society (McKinlay & Little, 1986b). Under socialist ideology, the state plays a crucial role in regulating the economy and social services to maintain a balance of power and resources. Fundamental to socialism is the conviction that inequality is not inevitable, and it is the responsibility of the state to ensure greater equality among all its citizens. Equality can only be achieved by eliminating institutions that perpetuate the notions of domination and control, as these institutions promote inequality (McKinlay & Little, 1986b).

Compensatory liberalism criticises the pure liberal commitment to the upholding of negative freedoms. According to compensatory liberalism, a focus on negative freedom is too limited and can lead to greater social and economic inequality. According to McKinlay & Little (1986a), “compensatory liberals are willing to cede some partial loss [of freedom] for what they perceive to be a greater gain and that gain lies in the area of equality” (p. 26). While pure liberals are concerned with the absence of barriers to the pursuit of freedom (negative freedom) while compensatory liberals focus more on the opportunities available to pursue liberty (positive freedom). Compensatory liberalism
argues that pure liberals do not adequately consider the unequal access to opportunity and resources that exists in societies, differentiating between the right to equal treatment and the right to treatment as an equal. In order to redistribute resources and opportunities which lead to freedom, compensatory liberalism identifies the need for state intervention through a “leveling process” to secure liberty for all – something that is highly disputed by pure liberals (John, 2005, p. 50).

The free market is another central component of the pure liberal approach that is not fully accepted by the compensatory liberal. According to compensatory liberalism, the free market can lead to increased unequal distribution of financial resources and economic prosperity. Instead, compensatory liberals support a mixed-market approach in which the government plays a supervisory and regulatory role to ensure equality (McKinlay & Little, 1986a; John, 2005).

**Models of Education**

Along with different views of world order, there are corresponding ideologies relating to the purpose, value and system of education that should be provided to children around the world. The following section describes two approaches to education that align with pure liberal and compensatory liberalism, respectively: the human capital approach and the rights-based approach to education.

**Human capital approach to education**

The pure liberal understanding of education systems derives primarily from a market-based approach to schooling. Central to the pure liberal view of education is human capital: the collection of knowledge, skills, and abilities that allow for individuals to contribute to the labour force and grow a nation's economy. Schools are the means by
which individuals gain human capital and become productive citizens that will support
the market needs. In order to maximise the production of human capital through
education, efficiency and accountability are important considerations.

As a result of this understanding of the role of education, quality learning is,
therefore, understood in terms of how effectively it produces human capital. School
curricula are designed to address the needs of the workforce and produce citizens with the
basic skills needed to contribute to the economy (e.g., literacy and numeracy). This can
be ensured using a market-based approach to schooling. Privatising education is a way to
ensure the quality of education is consistently high, without introducing restrictive
government regulations. The free market allows for schools to compete amongst each
other for consumers (i.e., students). The price and quality of the service (education) will
affect the demand and, in turn, the success of an education institution. This approach also
increases individual freedom as families and students are able to pick the education that
they feel is of the highest quality; "individuals will only engage in economic intercourse
if it brings them benefit." (McKinlay & Little, 1986a, p. 29). Free market competition
allows for natural selection of quality of services with minimal state interference.

Under this model, the quality of education is determined by the quality of the
service provided (e.g., teachers, textbooks, and curricula) or the performance and/or merit
of the individual student. Efforts to improve quality are conducted through school or
system reform and teacher training, however little consideration is given to external
factors that might affect the performance of schools and/or individuals. Since
governments plays a minimal role in regulating the quality of education, standardised
testing is often used as a liberal measure of quality from the school to the international
level, however this assessment does not account for inherent discrimination in the assessments themselves, as well as education systems. At the individual level, the pure liberal understanding of quality education does not account for the relationship between poverty and education outcomes, which leads to a low quality schooling for marginalised groups. Under pure liberalism, these inequalities are seen as inevitable and do not affect the pure liberal 'equal opportunity' approach to ensuring quality education for all.

Privatisation and partnerships with non-state actors prevent state monopoly of education, which in turn leads to greater competition and choice. Pure liberal interpretations of quality learning focus on building human capital, promoting competition in the free market to regulate quality, and increasing individual choice and freedom. Milton Friedman, a renowned classical liberal economist, criticises the nationalization of schooling. Instead of playing both a financing and administrative role, Friedman (2002) suggests a voucher system in which governments provide funding for schooling to parents, however they are able to choose where to send their children.

“If present public expenditure were made available to parents regardless of where they send their children, a wide variety of schools would spring up to meet the demand. Parents could express their views about schools by directly withdrawing their children from one school and sending them to another, to a much greater extent than is now possible. In general, they can now take this step only at a considerable cost – by sending their children to a private school or by changing their residence. For the rest, they can express their views only through cumbrous political channels. Perhaps a somewhat greater degree of freedom to choose schools could be made available in a government administered system, but it would be difficult to carry this freedom very far in view of the obligation to provide every child with a place. Here, as in other fields, competitive enterprise is likely to be far more efficient in meeting consumer demand than either nationalized enterprises or enterprises run to serve other purposes.” (Friedman, 2009, p. 79).
Rights-based approach to education

Donnelly (1986) argues that while other world orders can embrace universal human rights, it is liberalism that provides the strongest foundation for the international human rights regime and frameworks such as the Universal Declaration of Human Rights (UNGA, 1948). While both pure and compensatory liberals value education and the transformative role it plays in society, it is compensatory liberalism that believes the state should intervene to ensure that education is available to all children. While pure liberalism supports the rights of individuals to freedom and the pursuit of one’s own goals, it is less focused on supporting social rights (Donnelly, 1986). Freedom and equality are most important, but providing a detailed list of the social, cultural and economic rights for each individual is somewhat contrary to the pure liberal view that the individual should be free to decide their own path. Compensatory liberalism, on the other hand, values the institutionalisation of universal human rights, as it provides a framework by which governments can operate to uphold and protect the rights of citizens, as well as provides a tool for citizens to challenge the state. This approach to liberalism is most consistent with the Universal Declaration of Human Rights as it promotes civil, political, social and economic rights of all citizens and believes in the responsibility of states and institutions to uphold these rights. Education is understood to be a critical tool for the achievement of other fundamental human rights.

As this thesis focuses on the right to education and its interpretation, I am taking this opportunity to provide a more thorough understanding of the rights-based approach as it is understood by the international development community of academics and practitioners. Due to the ambiguous nature of the right to education (Bajaj, 2014), I strive
to provide a more concrete understanding in the following section by creating a framework which will serve as a conceptual and analytical guide for this study.

Conceptualizing the Right to Education

The right to education is a term that is used by many different actors to support different understandings of education. In order to synthesise the dominant normative frameworks of the right to education, I draw from the international standards on the right to education.

What are universal human rights?

“The language of rights has a moral resonance that makes it hard to avoid in contemporary political discourse. But it is certainly not on account of its theoretical and conceptual clarity that it has been preferred” (Nussbaum, 1997, p. 273).

The international human rights regime has been a fundamental part of both bilateral and multilateral development arrangements, and used by donor country governments, civil society organisations, and the UN system (Donnelly, 1986). The UDHR is deeply rooted in a liberal approach (Howard & Donnelly, 1986, UNGA, 1948). The Declaration is the most widely used and accepted standard for universal human rights. The international human rights regime has grown since the end of World War II and the development of the United Nations in 1945, the aim of which is to promote international cooperation for the maintenance of peace and security, promotion of sustainable economic growth, protecting the environment, providing humanitarian assistance in times of crisis, and upholding universal human rights (Bajaj, 2014). The United Nations has made human rights the overarching approach for their policies and programming since 1997 (Bajaj, 2014). Organisations with a pure liberal approach, like the World Bank, and more social liberal approach, like UNESCO and UNICEF, both
apply international human rights discourse within their development policies and strategies (Craissati et al, 2007; UNESCO, 2000; Horta, 2002).

Under the Declaration, human rights are categorised into the following realms: personal rights, legal rights, civil liberties, subsistence rights, economic rights, social and cultural rights, and political rights (Donnelly, 1986). Education (Article 26) falls under the social and cultural rights of human beings. The statement of education as an international human right provides a legal framework for citizens and other countries to hold states accountable for providing education for all.

In order to understand the right to education for comparative analysis, it is important to clearly outline the area of focus. Bajaj (2014) describes three understandings of the relationship between education and human rights: (1) education as a human right – all children are entitled to education; (2) education with rights – education should respect the rights of children and treat them as rights-holders; and (3) education for human rights – the curriculum and teacher training should reflect a rights-based approach. For the purpose of this study, I will focus on education as a human right and education with rights, thereby addressing children’s entitlement to quality education, but without focusing specifically on the content of the curriculum or teacher development.

While many countries have agreed that education is a human right through the employment of legal and moral arguments, defining this right has proven to be elusive, if not impossible. As mentioned in the Introduction, the rights-based approach emphasises the intrinsic value of education. All human beings have the right to learn, and this right is independent of any instrumental benefits or costs that might be incurred.
The creation of institutions is central to the rights-based approach to education (Unterhalter, 2008). The Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly (UNGA) in 1948, and outlines the fundamental rights of all human beings. Article 26 outlines the rights relating to education:

1. “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.”

Article 28 of the United Nations Convention on the Rights of the Child (UNCRC) (1990) specifies the educational rights of children around the world:

1. “States Parties recognise the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
   a. Make primary education compulsory and available free to all;
   b. Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
   c. Make higher education accessible to all on the basis of capacity by every appropriate means;
   d. Make educational and vocational information and guidance available and accessible to all children;
   e. Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating
access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.”

Investigating the right to education raises more questions than answers, and although countries have ratified the declarations stated above, there remains a lack of consensus about what education rights should be. Dale (2000) poses a series of questions that can be used when beginning to define the right to education: “Who gets taught what, how, by whom, and under what conditions and circumstances?” (p. 29). The following sections attempt to focus on the general consensuses surrounding education as a human right, however many of the disagreements lie in the operationalisation of these elements, which will be the focus of the comparative case study in this thesis.

**The 4-A scheme**

Tomasevski (2006) provides a thematic framework that is both useful and informative to the understanding of the rights-based approach to education, entitled the 4-A scheme (see Figure 1) in an attempt to provide a more holistic approach to the right to education than what is provided in the UDHR, incorporating broader understandings of the purpose of education (Bajaj, 2014). The right to education encompasses the following four areas of focus: availability, accessibility, acceptability, and adaptability. In short, education must reach all children, teach relevant material, demonstrate quality and fit the needs of every child. The 4-A scheme will serve as a framework to categorise the thematic trends that inform my understanding of the right to education.
Availability

The first area identified by Tomasevski (2006) refers to the availability of education to all children around the world. The UNICEF Human Rights-Based Approach to Education for All (2007) refers to the universality and inalienability of human rights. All human beings are born with rights. “An individual cannot voluntarily give them up. Nor can others take them away” (p. 10). These rights are also indivisible; they cannot be separated or ranked in order of importance. The quantity of education that children are entitled to receive is generally agreed to be primary schooling as this level shows the highest social rate of return (Klees & Thapliyal, 2007; Craissati et al, 2007; UNGA, 1948; Office of the UN High Commissioner for Human Rights, 1990). Higher education, however, provides a higher individual rate of return.

The realisation of rights in one aspect of life is interrelated to the realisation of rights in other areas. According to Spreen and Vally (2006), “education operates as a multiplier, enhancing the enjoyment of all individual rights and freedoms where the right
to education is effectively guaranteed, while depriving people of the enjoyment of many rights and freedoms where the right is denied or violated.” (354-355).

Under the rights-based approach, the responsibility to make education available to all children falls to the state (Klees & Thapliyal, 2007; Craissati et al, 2007; Dale, 2000). Availability does not refer solely to government-run schools, however states have the responsibility to ensure education is available to all children. The right to education, as Robeyns (2006) “is a right that governments owe to their citizens, or that governments in rich societies owe (even if only to a limited extent) to the citizens of poor countries” (p. 77-78).

Accessibility
In order to ensure availability of education for all, it is essential that issues of accessibility are addressed, particularly for children who have been traditionally overlooked by the education system. The rights-based approach to education focuses on addressing the root causes of inequality and discrimination which inhibit many children from entering school. Issues such as cost of schooling, discrimination, distance, lack of sensitivity to learning needs of the community, violence, gender discrimination, all impede children from accessing education (Spreen & Vally, Craissati et al, 2007; Tomasevski, 2006). Children that are typically most vulnerable to issues of access are girls, children living in rural areas, children from poorer families, and children with disabilities. According to Tomasevski (2006), “tackling exclusion requires halting and reversing exclusionary policies and practices, not only countering their effects” (p. 44). The rights-based approach advocates for the consideration of the individual needs of children and ensuring that education is not only available, but also accessible to all.
Equity is also an important focus of the rights-based approach to education, as this model takes into consideration that not all children enter schools with the same abilities and access to resources. In realising the right to education, it is important to understand this fact.

**Acceptability**

While many countries, including India, have demonstrated enormous progress in improving availability and accessibility to schooling, the acceptability of education remains an issue. This aspect of the right to education focuses on the quality of education for all (Craissati et al, 2007), including respect for both teachers and students, health and safety standards, teacher training and support, appropriate curriculum and learning materials, and consideration for the diverse issues that impact different groups of the school population. Children have the right to equality, non-discrimination, and meaningful participation in both their education and society at large (Craissati et al, 2007). Children are empowered to claim these rights, even when government and institutional policies and legislation do not uphold these rights (Craissati et al, 2007).

While there is no consensus on the content of school curriculum that constitutes a rights-based approach, scholars and practitioners agree that schools should provide an understanding of basic academic skills, but also provide knowledge on core international values such as respect, conflict resolution, and honesty (Dale, 2000). According to Tomasevski (2003), education “should prepare learners for parenthood and political participation, it should enhance social cohesion and, more than anything, it should teach the young that all human beings – themselves included – have rights” (p. 33).
Adaptability

The rights-based approach to education refers to the need for education to respond to the changing needs of children, the local context, and society. Tomasevski (2006) refers to adaptability as a somewhat “utopian” feature of the right to education (p. 103). Adaptability critiques the traditional approach to schooling. Rather than assimilating children to the current education system, school structure and pedagogical approaches are catered to the individual needs of children (Klees & Thapliyal, 2007). “The requirement upon children to adapt themselves to whatever education is made available to them is replaced by adapting education” to the child (Tomasevski, 2006, p. 103). The rights-based approach operates under the understanding that all children do not start school on equal terms (opportunities, abilities, goals, and interests) and each child has the right to be considered as an individual (Klees & Thapliyal, 2007).

The Role of Non-State Participation in Education

One of the most highly contested differences between the pure and compensatory liberalism, and consequently the human capital and rights-based approach, is the role of the state. Considering the focus of this study, the following section takes a closer examination at the role of non-state actors in education, with a particular focus on education privatisation in the context of India.

As international assistance for education declines (UNESCO, 2009) and developing countries struggle to support their education systems, public-private partnerships have been introduced as a solution to increase access and improve resources (Verger, 2012). Just as the economic crisis of 1991 led to an increase in private sector involvement in education, it seems that the global financial crisis of 2008 has led to a
renewed discussion on the ways in which the private sector can become involved in education. Because education is understood by many nation states to be fundamental for reducing poverty and promoting sustainable economic growth, it is considered a wise investment during times of financial constraint. Providing education to a large and widespread student population presents both financial and logistical constraints, therefore many governments are eager to explore partnerships with private organisations that can help support the provision of quality primary education. Country governments can use public-private partnerships (PPPs) as a policy tool to take advantage of the skills, efficiency, and resources of the private sector (LaRocque, 2011).

What are public-private partnerships (PPPs)?
Reviews of the definition of PPPs in the international literature highlight that there is not a strong consensus on the term, as the relationship between private and public actors can be very complex (Verger & Altinyelkin, 2012). While there is a longstanding history of private participation in public services, including education, the issue of PPPs in the international literature is fairly recent and underdeveloped.

LaRocque (2008) describes the classification of public private partnerships in education (ePPP) initiatives at the primary school level: (1) private sector philanthropic initiatives; (2) school management initiatives; (3) purchase of educational services from private schools; (4) adopt-a-school programmes; (5) voucher and voucher-like programmes; (6) capacity-building initiatives; and (7) school infrastructure initiatives. Examples of these programs can be witnessed around the world, in both developed and developing countries. The success of some PPP initiatives in the West has led to an interest in transferring these programs to developing countries (Srivastava, Noronha &
Fennell, 2013). These categories are also not mutually exclusive, as each partnership must negotiate their relationship and come to an understanding as to how they will proceed. Some partnerships may include characteristics from two or more of these categories, whereas others might develop new ways of working together. In every PPP, however, there is a working relationship between the public (government) and private (individuals, corporations, NGOs) sector towards meeting a public need.

According to Verger (2012), “ePPP are not anti-state interventions, but they require the redefinition of the state functions in education” (p. 19). Barerra-Osorio, Guaqueta & Patrinos (2012) categorise the roles of public and private actors as providers and financers of education. For example, a school system can be publicly funded and financed (e.g., public schools), publicly provided and privately funded (e.g., user fees, student loans), privately provided and publicly funded (e.g., voucher systems, charter schools), and privately funded and provided (e.g., private schools, home schooling).

Organisations that partner with the state can fall under different types of organisations and different levels of organisation. Ginsburg (2012) provides a framework for categorising partners with the state, which highlights different types of partnerships (see Table 1). The motivations for entering into a partnership, as well as the roles that are played by partners, differ depending on the type of organisation and the level at which it operates. One cannot assume, however, that for-profit private organisations are driven to enter into PPPs for business or financial reasons, or that non-profit organisations are motivated by ethical or moral obligations. Ginsburg (2012) argues that this typology should be used to guide empirical questions about the role of PPPs in a given context.
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<tr>
<th>Type of organisation</th>
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<td></td>
<td>Local/community</td>
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<td>Public (government)</td>
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<td>Private (for-profit)</td>
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Table 1: Types and levels of partnering organisations (Ginsburg, 2012, p. 66)

**The controversy surrounding non-state participation in education**

While some research has shown the promising impact of PPPs on enrolment and attendance (Patrinos, 2006), there is a lack of evidence on the impact of these programs, particularly in developing countries and with non-voucher schemes (LaRocque, 2008). Despite this lack of evidence, PPPs in education are becoming more prevalent and increasing numbers of private actors are working with the state in various capacities to provide primary education services.

PPPs provide actors an opportunity to change the nature of international development work in countries such as India. International organisations like the World Bank are limited in their interaction with the private sector, as they can only provide loans to national governments. PPPs and non-state participation in public services like education allows for the Bank to help support the private sector through state policy and funding (Verger, 2012).

While non-state participation and public-private partnerships do not necessarily lead to privatisation in education, some scholars argue that there is a link between the models (Ball, 2009). Sheil (2002) remarks that the “role of the ‘partnership’ rhetoric is simply to hide the unpopularity of privatisation behind a term that implies equality, and thereby evoke a friendly glow” (para. 15). Verger (2012) elaborates on this view of partnerships in relation to the education sector:
“the partnership discourse engages better with the dominant public sentiments on education than the privatisation one. Privatisation policies have lost their appeal and legitimacy in many developing contexts after the excesses of the structural adjustment period. In fact, as the ePPP proponents themselves acknowledge, privatisation, as well as contracting out, are expressions that have become pejorative and generate opposition quickly… In contrast, expressions such as public-private partnerships invite more people and organisations to join the debate and, consequently, more easily enable private organisations to get market share of public service provision…Actually, the “partnership” concept is very appealing and seductive by itself…many education stakeholders associate it to values such as policy dialogue, participation and democracy.” (p. 23)

While privatisation is sometimes introduced explicitly in educational policy, it can also be introduced through the use of business language such as ‘choice’, ‘accountability’ and ‘effectiveness’ (Ball & Youdell, 2007). This ‘hidden privatisation’ can pave the way for more explicit efforts to privatise education, which can impact on how education is managed, organised, and delivered.

Non-state participation in Indian education

While PPP discourse has been present in some sectors of development in India, it is only recently that they have been considered for the field of education. Verger & VanderKaaij (2012) identify four factors that have contributed to the emergence of PPPs in India’s education system. First, there has been a huge increase in enrolment in primary schools, therefore the demand for education is increasing. The second factor, which is also the focus of this study, is the new normative and legislative framework that has been introduced in India. Initiatives such as Sarva Shiksha Abhiyan (SSA) and particularly the RTE Act have shown India’s commitment to free universal primary education. Thirdly, there is a prevailing attitude in India that private schools are of a higher quality than government schools. Parents who can afford to send their children to private schools will
most often choose to do so instead of public schooling. The final contextual factor for the increase in PPPs in India’s education system is that India has a long history of private actors in education through fully private and private-aided schools. Fully private schools typically operate as a for-profit organisation, while private-aided schools use grants to subsidise their costs.

The Government of India demonstrates clear support for PPPs in education as a means to improve education access and quality. In the Government of India’s Eleventh Five-Year Plan (2007 – 2012), it states that “in the liberalized global economy, where there is a pursuit for achieving excellence, the legitimate role of private providers of quality education not only needs to be recognised, but also encouraged” (Government of India, 2008, p. 9). Possible partners for education development are “philanthropic foundations, endowments, educational trusts, and reputed private providers” (Government of India, 2008, p. 17).

For the purposes of this research, I focus on arguably the most popular form of PPP – private sector philanthropic initiatives (LaRocque, 2011; LaRocque, 2008). While other forms of PPPs are most certainly present in India, the growth of philanthropic involvement is of particular importance given the political context of India and recent introduction of the Companies Act. Private sector philanthropic initiatives are driven by individuals or private organisations that provide goods or services as an ad hoc donation or as part of a CSR initiative (LaRocque, 2011). Philanthropists can also contribute to "broader programmes to improve education through the development of new forms of educational provision, policy advocacy, financing of scholarships/vouchers and other initiatives" (LaRocque, 2011, p. 28).
Non-State Actors and Privatisation Discourse

In the context of global pressures to improve education and new economic reforms designed to reduce state expenditures, non-state actors are left to play a new and larger role in education. Archer (1994) describes some of the roles of non-state actors, including: service delivery, agents of privatisation, partners with government, and innovators in the field of education.

When discussing privatisation in education, it is important to clarify what aspects of the system are being privatised. Ball & Youdell (2007) refer to endogenous vs. exogenous privatisation to distinguish between privatisation tendencies within the public education system (endogenous) and privatisation of the entire system (exogenous). Endogenous privatisation refers to the use of business practices and ideas within the public education system in an attempt to become more efficient and accountable. This form of privatisation is widespread in education across developed and developing countries. The second form, exogenous privatisation, refers to the entry of non-state actors into the public education system for the design, management, or delivery of education services. These categories of privatisation are not mutually exclusive, and endogenous privatisation can often allow for a smoother transition to exogenous privatisation and increased non-state participation in education.

As this thesis focus specifically on non-state actors and their interpretation of state policies, it is important to remember the role that these stakeholders can play in the promotion of privatisation through their own discursive frames. According to Ball & Youdell (2007), “it is not simply education and education services that are subject to forms of privatisation: education policy itself – through advice, consultation, research, evaluations and forms of influence – is being privatised. Private sector organisations and
NGOs are increasingly involved in both policy development and policy implementation” (p. 10).

**Mobilising frames of privatisation**

Discourse plays a critical role in the framing of privatisation through partnerships with the state and education policy, particularly in the case of India where a rights-based approach is used. There is a paradox between the rights-based movement and the increase in privatisation throughout education. Srivastava (2010) identifies four mobilising frames which have been used strategically to increase levels of non-state participation within a rights-based education agenda: scarce resources, efficiency, competition-choice-quality, and social equity. Srivastava (2010) focuses on the use of mobilising frames for privatisation within the international rights-based EFA agenda.

Many developing countries lack the necessary resources to achieve the right to education agenda set forth by the EFA goals. This creates a funding gap between a state's capacity and the global demands of EFA which, as a result, leaves an opening for private actors to enter the arena and fill these gaps in educational provision and funding.

The efficiency frame assumes that many government organisations around the world are struggling with high levels of corruption and bureaucracy which slows down efforts to improve education. In comparison, the private sector provides a much more efficient and reliable solution to this problem.

The competition-choice-quality frame operates under the classic neoliberal thought that increased number of providers in education will lead to competition and choice for students. In this situation, students and families will choose the best performing schools and those that do not perform well will inevitably be forced to close.
As a result, the quality of educational services is kept at a high level. Quality is largely understood to be a measurement of inputs and outputs to education, rather than process indicators.

Proponents of school choice/competition and privatisation use the social equity frame in order to argue that increased choice to alternative providers will improve quality across the system and promote equity and social mobility for all children.

Scholars encourage policy analysts to recognise the strategic implementation of privatisation to promote new relationships and organisational reforms (Srivastava, 2010; Ball & Youdell, 2007).

“Privatisation is a policy tool, not just a giving up by the state of the capacity to manage social problems and respond to social needs, but part of an ensemble for innovations, organisational changes, new relationships and social partnerships, all of which play their part in the re-working of the state itself. In this context, the re-working of education lends legitimacy to the concept of education as an object of profit, provided in a form which is contractable and saleable.” (Ball & Youdell, 2007, p. 10)

**Framing and responding to state education policy**

The rights-based approach remains at the forefront of Indian education, however its interpretation and importance vary between actors. Non-state actors have the ability to push forth certain ideas using discourse. Finnemore and Sikkink (1998) point to the role of international organisations as “norm entrepreneurs” who promote ideas by “using language that names, interprets and dramatizes them” (p. 897). This is also referred to as framing by social theorists, and forms the basis of the analysis in this thesis. The researchers elaborate, stating “new norms never enter a normative vacuum but instead emerge in a highly contested normative space where they must compete with other norms and perceptions of interest” (Finnemore & Sikkink, 1998, p. 897). Stakeholders are
constantly negotiating and competing amongst each other to frame issues such as the right to education in ways which align with their own views.

Often the discourse put forward by an organisation does not reflect their true views or attitudes about a given issue. Institutional theory refers to the gap between formal policies and the actual practices and beliefs of the organisation as ‘decoupling’ (Ball, 1998). Decoupling of policy and practice can serve several purposes, such as allowing organisations to gain legitimacy in the public eye by supporting a cause without changing their internal operations or beliefs.

The framing of issues such as right to education is constantly changing, depending on the actors involved and the socio-political context. Downs (1972) argues that changes in levels of public interest is not reflective of changes in the condition or outcomes of social issues, but instead follows a cycle that is often driven by political discourse and boredom with other issues at the forefront of media attention. Table 2 shows the five stages of the issue-attention cycle, which include: the pre-problem stage, alarmed discovery and euphoric enthusiasm, realising the cost of significant progress, gradual decline of intense public interest, and the post-problem stage. Most social issues follow this trend of public interest. In the case of right to education in India, we note the rise and fall of attention to education and the focus on human rights at both the state and international level. While popular media promotes a euphoric enthusiasm for education and children’s rights, scholars are questioning the role of RTE as a solution to India’s education crisis.
Stage 1  
Pre-problem stage  
There is a negative social condition, but the public, excluding some experts and special interest groups, are not yet aware of its existence.

Stage 2  
Alarmed discovery and euphoric enthusiasm  
Often through a series of dramatic events, the public becomes aware of the social condition and demands that something be done to solve the social problem. This stage is a combination of alarm and confidence in society’s ability to make significant change.

Stage 3  
Realizing the cost of significant progress  
The public comes to the realisation that the solution to the social problem is complicated and costly.

Stage 4  
Gradual decline of public interest  
The public becomes discouraged by the problem, or threatened by the changes that the solution may bring. Another social issue may have also gained public attention and overshadowed the current problem.

Stage 5  
Post-problem stage  
The problem no longer holds public interest, however this is different than the pre-problem stage. Institutions have been created to address the problem, and the public is more informed about the issue.

| Stage 2 | Alarmed discovery and euphoric enthusiasm | Often through a series of dramatic events, the public becomes aware of the social condition and demands that something be done to solve the social problem. This stage is a combination of alarm and confidence in society’s ability to make significant change. |
| Stage 3 | Realizing the cost of significant progress | The public comes to the realisation that the solution to the social problem is complicated and costly. |
| Stage 4 | Gradual decline of public interest | The public becomes discouraged by the problem, or threatened by the changes that the solution may bring. Another social issue may have also gained public attention and overshadowed the current problem. |
| Stage 5 | Post-problem stage | The problem no longer holds public interest, however this is different than the pre-problem stage. Institutions have been created to address the problem, and the public is more informed about the issue. |

Table 2: The issue-attention cycle (Downs, 1972)

Not all social problems follow this cycle, however the right to education in India certainly meets the criteria outlined by Downs (1972). The issues that typically follow this type of cycle are focused on those who are in the minority of the population. While the number of out-of-school children and those not receiving a quality education is certainly high, these children can be considered in the minority as they are not represented among the decision-makers or elite of Indian society. Second, the issue is caused in part by social arrangements which benefit some while disadvantaging others. Education can certainly be seen in this light, as those without the means to afford quality education are often disadvantaged. Finally, the issue is not intrinsically exciting enough to sustain attention. Access and quality of education are persistent issues and the consequences of not providing this to children is severe, however the outcomes are not exciting enough to sustain attention. For example, riots or protests provide entertaining news coverage that can sustain the attention and interest of the public. Periodically, there will be a news story or an event that re-ignites public interest in education, thus resuming
the issue-attention cycle, however there is not enough excitement to keep education at the forefront of public interest indefinitely.

**Conceptual Framework**

As the theoretical literature review suggests, investigating the framing of rights-based education discourse by Indian non-state actors is a complex issue. My conceptual framework addresses the origins and nature of different models of education and provides a tool for comparing the case studies in this thesis. When operating within the context of rights-based educational reform, organisations with different ideologies will interpret the right to education in different ways. As mentioned in the previous chapter, this study focuses on the differences and similarities of the framing of RTE by non-state actors. The two organisations that I will evaluate to illustrate the above point are Azim Premji Foundation (APF) and the Centre for Civil Society (CCS).

**World order**

As depicted in Figure 2, an organisation with a pure liberal worldview is concerned with promoting political liberty, neoliberal economic policies and individual freedom to advance society and stimulate economic growth. The human capital approach to education highlights the instrumental value of education for promoting economic growth. The compensatory worldview, however, emphasises the role of the state in promoting equality and the right of equal access to education for all.
Models of education

The framework of education models (Table 3) combines two theories from the review conducted in the previous section. I borrow from Robeyns (2006) to describe two models of education: the human capital approach and the rights-based approach to education, which derive from different understandings of political, economic and social world order. Tomasevski (2006) outlines a thematic framework for the right to education which provided the foundation of the definition of the right to education that was constructed earlier in this chapter. Table 3 provides a visual representation of the views of each model of education on themes relating to the right to education. The themes, or issues, presented in the framework are addressed by both models of education (human capital approach and rights-based approach), however different views of world order lead to different interpretations of these themes.
The level of education that should be required is based on an assessment of the economic rate of return on investments in education. 

Public and private provision of education promotes individual choice.

The state should play a minimal supervisory role and facilitate the pursuit of individual goals.

Freedom of choice is a fundamental principle of this approach.

Inclusion leads to the development of more skilled workers, however not everyone who is given the same quality of education will reap the same rate of return due to internal and external restrictions.

User fees increase efficiency and accountability in education systems.

Inequality is an inevitable consequence of society.

Quality is measured by the production of skilled workers who contribute to the growth of the economy.

The extrinsic value of education is emphasised, and should prepare students to contribute to individual and societal economic growth.

Providing school choice allows for parents and students to select a form of schooling that is suitable to the child.

School choice allows students to seek education that suits their needs.

Table 3: The interpretation of the right to education by the human capital and rights-based approach to education.

Both cases in this study (Azim Premji Foundation and the Centre for Civil Society) will be analysed using this grid to determine their position in relation to the
models of education. This framework is essential to my understanding of how the right to education is framed by non-state actors in India, as it illustrates my assumption that an organisation’s approach to education will impact their framing of rights-based educational reform, and this will be reflected through discourse.

After a brief initial examination of the Centre for Civil Society, one can see that the views of the organisation support a liberal worldview and a human capital approach to education, drawing inspiration from liberal scholars like Milton Friedman. The Azim Premji Foundation, however, highlights the role of the state and a compensatory liberal understanding of world order. Their approach to education is deeply rooted in the Indian Constitution (1950), which was written under a socialist model of development. The classification of both organisations is covered in greater detail in Chapter 5.

The human capital and the rights-based approach to education don't ‘do’ things; they are not actors. They are views on the purpose and outcomes of education to which actors can subscribe, and use rights talk strategically to promote policies and programs that are consistent with their understanding of education. In this study, content analysis acts as the tool for uncovering the framing of the right to education by Indian non-state actors.

Privatisation and rights are often described as incompatible, but state responsibility for education and public provision is only one element of the rights-based approach, as shown by Tomasevski (2006). Furthermore, neoliberalism is often seen to be a threat to human rights (Hamm, 2001) despite the use of rights-based discourse. Rather than viewing these ideas as incompatible with one another, this conceptual framework demonstrates that rights can be discussed from a liberal perspective. Using the
findings from Chapter 2, Table 3 presents a more complete understanding of the right to education and how different models address its themes. The models do overlap in their understanding of some issues in education, however there are also significant differences in their approach to key issues raised by the right to education. Using this framework and the theoretical readings, the discourse of non-state actors can be plotted in order to determine: (1) whether RTE Act (2009) aligns with international standards of the right to education, and (2) where each non-state organisation (CCS and APF) is situated within this framework.
CHAPTER 3: RESEARCH DESIGN

This chapter outlines the research design, data collection and analysis methods applied to answer the research questions presented in this thesis. First, the chapter reiterates the research questions, then describes the data collection methods and data sources used in this study to review the organisational discourse of two key non-state actors in India: the Azim Premji Foundation (APF) and the Centre for Civil Society (CCS). The inclusion criteria for data collection are presented, as well as the types of analysis used: content analysis and frame analysis. The chapter concludes by addressing the limitations of this study, based on the data collected and the methodological choices made.

Describing the Research Questions

Question 1 of this study aims to determine whether the RTE Act is consistent with the rights-based approach to education, as defined by the framework presented in Table 3. Using content analysis and word frequency data, I compare the discourse of RTE Act to the rights-based approach to education in order to determine the themes in which they are consistent and the areas in which they differ. I also use the mobilising frames of Srivastava (2010) to show how RTE Act frames education in a way that allows for the participation of non-state actors.

Question 2 builds upon the findings of Question 1 by comparing the discourse of two non-state actors in Indian education. One organisation, CCS, supports education privatisation, while the other, APF, does not support private schooling. The methodology for Question 2 follows the same format as for Question 1, however it takes a comparative approach to the study of the organisational discourse. This chapter provides a detailed description of the research design, data collection and analysis used in this thesis.
**Comparative case study**

Research has investigated the position of international stakeholders such as World Bank and UNESCO in India’s PPP in education debate (Verger, 2012), however less is known about the role of national non-state organisations and their role in education. For this reason, I have chosen to focus on two Indian organisations that present contrasting views toward education privatisation: the Centre for Civil Society and the Azim Premji Foundation. In this study, I will analyse how two non-state actors with different ideological approaches to education privatisation use discourse to frame RTE Act 2009 (see Table 4).

<table>
<thead>
<tr>
<th>Position on Education Privatisation</th>
<th>Positive</th>
<th>Negative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Centre for Civil Society (CCS)</td>
<td></td>
<td>Azim Premji Foundation (APF)</td>
</tr>
</tbody>
</table>

Table 4: Classification of non-state actors and their view of education privatisation.

The organisations chosen for this study share common features which allow for a more informative comparison. Both organisations are non-profit entities working solely in India and focusing primarily on education. Rights-based discourse is used by both organisations, and both maintain a large database of documents that speak of their work in the context of Indian educational policies like RTE Act. While the scope of both organisations extends beyond education, for the purposes of this study I will focus specifically on the work being conducted on education programming, policy, and advocacy. A more detailed description of both non-state actors, including their positions on non-state participation in education, can be found in Chapter 5.
Data Analysis and Collection

The analysis for this thesis focuses on answering the first and second research question on the framing of the right to education by both the RTE Act 2009 and the organisations in this case study (CCS and APF), respectively. The framework in Table 3 will be used as a point of comparison for analysis.

The intention of this part of the analysis is to gain a broad understanding of the position of APF and CCS on the right to education. Yin (2009) describes the following data collection methods as sources of information for case studies: documents, archival records, interviews, direct observations, participant observations, physical artifacts.

While there are many different ways to collect data to answer the research questions in this thesis, due to financial and access restrictions the resources will largely be retrieved from the organisation websites and document databases. The following list outlines the selection criteria used to determine the sources to be included in the analysis:

- Documents published from 2009 onwards
- Sources published on organisation’s websites
- Written from the point of the organisation or its senior members
- Presented as position papers or assessments, not simply news accounts or evaluations of projects
- No secondary sources (i.e., news articles about organisations)
- Specifically reference RTE Act, therefore addressing the context of Indian educational reform

By following these criteria, the documents for both cases were minimised to a manageable number of sources which fit the scope and focus of this thesis. In total, nine websites and publications were included for APF and twenty-two for CCS (see Appendix D and G, respectively, for a list of these sources).
**Word frequency data**

The approaches of each case (APF and CCS) will be compared using the framework presented in Table 3. Each organisation is compared according to the elements of the right to education. This analysis will be used to answer the first research question on the approach taken by RTE Act 2009 on the right to education (found in Chapter 4). The second research question applies this framework to position the discourse on the right to education of APF and CCS (found in Chapter 5).

**Wordle.net software**

Since the focus of these research questions lies in the reference to specific themes within discourse, I refer predominantly to word or phrase frequency to guide my analysis. In order to illustrate the frequency in which the thematic content of the right to education is used by both organisations, I applied the software of Wordle.net. This application creates word clouds based on text that is inputted into the program. Higher frequency words appear larger in the word cloud than those that are less frequent. The software also provides a list of all words in the inputted text, as well as the number of times they appear. For the purposes of this study, I will use the Wordle program to create a word cloud of the selected texts from RTE Act 2009, APF and CCS. This will allow me to compare the frequency of words associated with the right to education (based on the framework in Table 3) from the discourse.

While the framework in Table 3 provides the content to analyse, Wordle provides the tool to uncover the themes addressed in the discourse of each actor. The purpose of the word clouds is to have a numerical assessment and visual representation of the frequency of use for the words and phrases outlined in the right to education framework.
in Table 3. Further analysis into these standards will aid in determining whether the views of each organisation fall more closely to the rights-based approach or the human capital approach to education. Wordle provides a visual illustration of the major discursive themes, allowing one see how these issues jump out of the discourse, as well as a quantitative list of word frequency.

In order to convert the discourse into a format that is usable with the Wordle software, I copied the chosen documents (based on the criteria listed above) into a Microsoft Word document file using the ‘Paste Special’ function to paste as unformatted text. As a result, only the text of the documents selected, and not images or graphs, were included. In addition, I removed citations, page numbers, and additional notes that did not form part of the content of the documents. This process resulted in an 11,384-word document for RTE Act, a 12,034-word document for the Azim Premji Foundation, and a 77,434-word document for the Centre for Civil Society.

I individually inputted the text from the Microsoft Word documents of each actor into Wordle.net. As a function of the software, Wordle eliminates common English words from the word cloud (e.g., ‘the’, ‘a’, ‘of’, ‘and’). All words in the word cloud are presented in capital letters, so that the same words with different capitalisations would be counted together (e.g., ‘right’ and ‘Right’). I selected only the top 100 words to be presented in the world cloud. Once the world cloud was created, I deleted common words which were not relevant to the analysis, such as self-references within the documents (e.g., ‘section’, ‘sub-clause’).

To create the word frequency list, I copied the list developed by the Wordle software into a Microsoft Excel spreadsheet. I sorted the list by descending word
frequency and removed the common English words from the list. I combined the frequencies of related words (e.g., ‘right + Right’ or ‘children + child + Children + Child + Childhood’). When analyzing and comparing the word frequency data of both organisations, I chose to focus on the ranking of words rather than comparing words based on the number of times they are mentioned, as the sample sizes from both organisations vary greatly. The ranking and frequency of words within the discourse of both organisations (APF and CCS) will be analysed using the framework on the right to education (see Table 3).

**Content analysis**

Word frequency alone cannot answer the research questions of this thesis, however it can serve as a useful guide to pinpoint the key themes and issues within the discourse of both actors. I apply what is referred to by Hsieh & Shannon (2005) as summative approach to qualitative content analysis. Once the key words and themes are identified by the word frequency and word cloud data from Wordle.net, I revisit the data to gain a deeper understanding of how these high-frequency words are discussed within the discourse. One cannot assume that the frequent use of a word or phrase implies support for this idea. For example, if the discourse of one organisation refers frequently to ‘privatisation’ or ‘private’, I return to the discourse itself to determine whether this is being discussed as a positive or negative solution to Indian education, or if there are any other reasons for mentioning the term. This approach identifies patterns within the data, and uses the context of the research to analyse these trends. Using both quantitative and qualitative methods within this part of the analysis allows for a more nuanced
understanding of the use of discourse by Indian non-state actors, and provide ample material to answer my first and second research question.

Another important aspect for the analysis of rights-based discourse lies not in what is explicitly stated, but rather what has been omitted (Wood & Kroger, 2000). Ryan and Bernard (2003) refer to this as ‘missing data’. Words that are present in the discourse of one non-state actor and missing from the discourse of the other actor can also reveal information that is relevant to this study.

**Frame analysis**

Bajaj (2014) argues that the international influence of rights-based discourse in Indian education policy can be seen not only in how policies are enacted, but also in the way they are framed. Frame analysis, as discussed by Davies (2002), can serve as both an analytical and a conceptual tool for understanding RTE. Frames are used by politicians, organisations and activists to construct meaning and perpetuate certain views about a given issue.

Davies (2002) describes the two conflicting dimensions of political frames: 1) frames gain credibility if they speak to a commonly held belief; and 2) policy frames are often vague and abstract, which leads to multiple interpretations that can create "conflicting yet equally plausible versions of the same goal" (p. 271). RTE speaks to a widely accepted belief that all children around the world should have access to free quality education. The Act itself, however, frames the right to education in vague terms that are open to interpretation by different stakeholders. These interpretations can lead to very different outcomes.
Frames do not simply refer to policy ideas, but rather to “a discourse that helps political actors sell policy choices to the public” (Béland 2005, p. 11). The frame I will examine is rights talk, and how it is understood and enacted by different non-state actors in India. I will examine how the rights-based approach to education is used to advance an organisational agenda that is either consistent or divergent from the standards of the right to education, as outlined in Chapter 2.

I will use the mobilising frames of privatisation developed by Srivastava (2010), and described in Chapter 2, to gain further insight on the use of rights talk in the RTE Act and by two key Indian non-state actors.

**Limitations of Study**

Due to the size and diversity of India’s education system, it is a challenge to study its entirety. In order to narrow the scope of research, this thesis examines the role of two non-state actors and their understanding of RTE Act and education as a human right. It is possible that the results of this study may change if different non-state actors were chosen. The findings of this thesis should not be interpreted as a generalisation for all non-state actors in India or internationally, but rather should be understood as two cases with different views on privatisation and interpretations of RTE. Furthermore, in order to present two distinct cases for comparative analysis, it is necessary to hold the assumption that each case operates as a harmonious organisation with a single vision and set of beliefs, however the reality of the situation may be far more complex. This study does not consider the differing ideologies within the organisations, but instead focuses on the unified message of each case that is presented to the public. This form of analysis may
glean some insight into conflicting views within the organisations if any contradictions within the messages of each organisation are found during the analysis.

The organisations in this thesis (CCS and APF) were chosen based on the availability of resources to conduct discourse analysis. While there are many Indian non-state actors working in the education sector, it is challenging to find organisations that publish their work for the international community and interact with state education policies such as RTE Act. Furthermore, because this study is not being conducted in India, it is necessary that the documents used for analysis be accessible online. Although this form of data allows for the study to be more easily replicated and verified, without first-hand knowledge of the organisations it poses limitations to understanding the intentions of CCS and APF when framing RTE.

While the discourse of both CCS and APF provide plenty of data to address the research question in this thesis, there are still limitations that exist when focusing solely on discourse as a means of analysis. Access to employees and internal documents would provide a deeper understanding of the ideologies underpinning the framing of RTE. Interviews, surveys, or analyses of programs would perhaps provide a different and more nuanced understanding of non-state interpretations of RTE, however due to limitations in scope and access to data, this thesis focuses solely on the information that can be gained from the discourse of both non-state actors. In addition, the analysis in this thesis takes the assumption that word frequency is related to saliency within discourse, however this relationship is not always the case.
CHAPTER 4: The Right of Children to Free and Compulsory Education (RTE) Act 2009

This chapter presents both a literature review of the historical context of India’s Right of Children to Free and Compulsory Education (RTE) Act 2009 and my analysis of the use of rights-based discourse within the Act. In an attempt to provide more context regarding the introduction and purpose of this Act, I first provide a brief political and economic history of India since Independence in 1947, with specific reference to the rights-based approach to education. In this section, I will also briefly highlight the social and economic reforms that India underwent during that time, and the impact of these reforms on the rights based approach to education in India.

The next section includes my analysis of the RTE Act in relation to international standards of the rights-based approach to education. The Act is compared according to the framework developed in Chapter 2 and presented in Table 3.

The final section of this chapter presents a frame analysis of the RTE Act, analyzing how rights talk is used to promote the specific ideologies of the state. I also highlight the views put forward by RTE Act on privatisation and non-state participation, which allows me to transition into Chapter 5 where I answer my second research question on the use of rights talk by two Indian non-state actors.

A Brief History Of The Rights-Based Approach To Education In India

“The deconstruction of official discourse, in the form of documents, reports and policy statements, treats such texts as cultural and ideological artifacts to be interpreted in terms of their implicit patterns of signification, underlying symbolic structures and contextual determinants of meaning... Policy documents in this kind of analysis do not have a single authoritative meaning. They are not blueprints for political action, expressing a set of unequivocal intentions. They are ideological texts that have been constructed within a particular historical and political context.
The task of deconstruction begins with the explicit recognition of that context” (Codd, 1988, p.243-4).

India has long been committed to the challenging task of upholding human rights. The concept of social justice is woven into the culture, religions, and history of Indian people. While rights have a deep historical rooting in Indian culture, it is argued that this history has been removed from current applications of this idea and lost its roots in social justice (Bajaj, 2011). This section aims to describe the historical context of India and the political, economic, and social factors that have contributed to the development of RTE Act 2009 and current attitudes towards the right to education.

Both liberal and socialist political thoughts have had a strong influence on the political, economic and social development of India during the 20th century. Prior to India’s Independence from the British Empire in 1947, the Western preference for liberalism influenced India’s politics. After Independence, the creation of the Constitution of India (1950) and the election of Jawaharlal Nehru (Indian National Congress Party) marked a shift towards a socialist approach to social and economic development. In 1991, India experienced an economic liberalisation which led to a decrease in the state’s regulation of local and foreign investments, and the increase of private participation of both local and international actors. Despite changes in the dominant political viewpoint of India throughout the 20th century, the right to education remained a point of discussion and the use of rights-based discourse is found throughout India’s changing political climate.
Education and human rights post-independence

Education continued to play an important part of India's growth and development after Independence from British rule in 1947. Recognising the value of schooling, the Indian Constitution (1950) states: "The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years" (Article 45). Under the Constitution, state governments were responsible for education until 1976, when a constitutional amendment stated that state and central government would assume shared responsibility for education (Bajaj, 2014). Nevertheless, significant progress was made under the leadership of Jawaharlal Nehru from 1952-1964. Social reforms were introduced to boost school enrolment, provide support to farmers, and recognise the rights of marginalised groups (e.g., scheduled castes and tribes).

Under the administration of Prime Minister Indira Gandhi (1966-1977, 1980-1984), social reforms remained at the forefront of the political agenda. Bajaj (2014) notes that the strategic use of rights talk to garner support, especially for educational reforms, can be traced back through India's history to the 1960's. Many rights-based reforms (e.g., alleviating poverty, equal pay for men and women) remained at the level of rhetoric and little progress was made. Several education initiatives by the central government (e.g., National Policy on Education, 1986 and Operation Blackboard, 1987) were initiated to achieve universal primary education, however little progress was made (Rani, 2007).

This period also marks the beginning of a significant shift in economic policies towards liberalisation (Kohli, 1989). This change was not immediate, but rather introduced slowly over the years. The socialist and nationalist reforms of Nehru and the
early Gandhi administration took a backseat to new economic reforms of deregulation and market economy (Kohli, 1989). The economic crisis of the late 1980's and early 1990's, and the failures of previous social reforms, only provided further rationale to move forward on liberal economic policies.

The impact of economic reforms on rights-based approach to education

In 1991, after a period of political instability and rising inequalities among the rich and poor, India saw a "paradigm shift" when the government introduced the New Economic Policy, which significantly changed the state's relationships with the private sector and international arena (Sengupta, 2008; Bajaj, 2014). While some politicians and researchers argued that these market reforms represented an unavoidable gravitation towards globalisation, Sengupta (2008) argues that the changes in Indian economic policies were not an inevitability but rather a conscious choice to conform to international economic movements. Ball (1998) refers to the popular trend of aligning social policy to fit with economic policy, as well as the translation of international goals into national or local contexts.

Although the economic policyscape of India was changing, rights-based discourse remained at the forefront of education policy. India participated in the Jomtien Education for All (EFA) World Conference in 1990, and signed the United Nations Convention on the Rights of the Child in 1992 (Azim Premji Foundation, 2011). The EFA agenda used rights-based language to promote education during a time when enrolment rates were declining due to the financial burden of education.

During this period, the attitude towards international organisations such as the World Bank and the International Monetary Fund (IMF) changed significantly. India has
a strong and longstanding relationship with the World Bank, however the majority of loans were for the development of infrastructure, agriculture, and environmental issues (World Bank, 2014). The financial struggles of 1991 provided leverage for the World Bank to push for loans to support social programs, particularly in education (Kumar, Priyam & Saxena, 2001). As India has long been hesitant of external interference in their education system, these new education programs were presented as a short-term solution to assist India through challenging economic circumstances. Using the rights talk of EFA, the World Bank established District Primary Education Program (DPEP) as a 5-year plan to achieve universal primary education (Kumar, Priyam & Saxena, 2001). Although primarily funded by the Work Bank, the Government of India stresses that DPEP is a "homegrown idea" (Kumar, Priyam & Saxena, 2001). Indian scholars and policymakers were involved throughout the process of developing DPEP, in order to ensure that the program fit the Indian educational context.

The renewal of international support for the right to education at the EFA World Education Forum in Dakar (2000) was followed by a deeper commitment by the Government of India to achieving education for all. In 2002, the Constitution was also amended to make education a fundamental right (Article 21A). The Sarva Shiksha Abhiyan (SSA) program – which translates to ‘Education for All’ – was introduced in 2001 by the Government of India. The goals of SSA were to ensure that all children ages six to fourteen were enrolled in primary schooling by 2010. This program impacts over 192 million children, making it one of the largest initiatives of this kind in the world (Ministry of Human Resource Development, 2007). While SSA is funded primarily by
the Government of India, there are also external donors who contribute to this program, the largest being the World Bank (World Bank, 2008).

The Companies Act (2013) promotes the involvement of non-state actors in India’s economic and social development. Section 135 of the Act addresses corporate social responsibility, and states that all Indian companies “having net worth of rupees five hundred crore or more [approximately $90 million Canadian dollars], or turnover of rupees one thousand crore [approximately $180 million Canadian dollars] or more or a net profit of rupees five crore [approximately $900,000 Canadian dollars] or more during any financial year” are required to allocate “at least two per cent of the average net profits of the company made during the three immediately preceding financial years” to CSR initiatives (Ministry of Law and Justice, 2013, p. 80).

The Right of Children to Free and Compulsory Education (RTE) Act
Previous programs like DPEP and SSA promoted education for all, however RTE has taken this a step further and made the right to education legally enforceable. Bhatnagar and Gill (2014) note that RTE is the first education policy in the world that puts the responsibility of enrolment, attendance and completion on the government, rather than parents or families.

The RTE Act was drafted under the leadership of the Indian National Congress (INC), one of the oldest democratic political parties in the world, falling just left of centre on India's political spectrum. From a financial perspective, India has seen rapid, yet uneven, economic growth after the adoption of liberal economic policies by INC. As a result, RTE frames education from a socially liberal, yet fiscally conservative perspective.
The RTE Act is divided into seven chapters: ‘Preliminary’; ‘Right to free and compulsory education’; ‘Responsibilities of schools and teachers’; ‘Curriculum and completion of elementary education’; ‘Protection of right of children’; and ‘Miscellaneous’. Each chapter is divided into articles, with some additional notes in the margins providing key words for the adjacent section. The policy document reads as a list of fundamental educational rights that all children are entitled to receive, as well as minimum standards that the state and schools must follow in order to ensure these rights. The intention of this policy document is to explicitly state the requirements for India’s education system in order to achieve universal and free primary education for all children ages six to fourteen (grades one through eight).

**Definition of a school**

RTE outlines specific requirements in order for schools to remain operational and receive government funding in India. These specifications ensure that all schools provide the same resources and environment for children.

Schools must be all-weather buildings, equipped with separate toilets for boys and girls, a library, and a playground (Government of India, 2009). Schools will provide safe drinking water and a kitchen for preparing hot lunches for students. Schools will also be located within a reasonable travelling distance (one kilometre) for all students.

There should be at least one teacher for every class, with no more than 40 students with one teacher. Teachers are expected to work a minimum of 45 hours per week on teaching and lesson planning, for 200 days of the year. Schools should be equipped with appropriate learning materials, games, and sports equipment.
Since the Government of India is charged with the responsibility of providing resources to public schools, it is required under RTE that all schools register and obtain a certificate of recognition (Government of India, 2009). This certificate will only be provided to schools that meet the standards and requirements outlined in RTE. This provision allows the government to keep track of the number of schools and students, as well as ensure that standards are being met within these schools.

**Equal access to education**

Indian education has been criticised for perpetuating gender and economic disparity (Chauhan, 2009). RTE aims to address these issues, as including all children in education is fundamental to achieving goals for universal education (Opertti, Brady & Duncombe, 2009).

In the past, private schools would often ask for a donation or fee in order to secure a student's place (Juneja, 2012). This 'capitation fee' is now illegal, and private schools are not permitted to ask for any payment above tuition costs (Government of India, 2009). Public schools are to be free for all children, facilitating access for children from disadvantaged backgrounds.

Schools also required that students present identification such as a birth certificate in order to prove their age. Many families, especially those from rural or impoverished areas, did not have a birth certificate for their child or have the education and knowledge to know how to obtain this record (Juneja, 2012). Furthermore, there are many migrant workers in India who travel often to different states for employment. The children of these families require a certificate from their previous school, but often this bureaucratic process was too overwhelming for parents and instead children would abandon their
schooling (Juneja, 2012). Under RTE, students no longer require this certificate when switching to a different school. These processes created a significant barrier for many children, as parents felt intimidated by the process of enrolling their children in school (Juneja, 2012). Enrolment of children in schools will be much more straightforward, which is meant to incentivise parents to enroll their children.

In order to address the issues of disparity and lack of access for marginalised children to private schools, RTE now requires that all private schools have a student body where 25% come from marginalised backgrounds (Government of India, 2009). The Government will pay the tuition of these students, allowing them access to private schools boasting a higher quality of education.

**Child-centred education**

RTE Act was strongly influenced by the creation of the United Nations Convention on the Rights of the Child (Juneja, 2012; Office of the UN High Commissioner for Human Rights, 1990). Under RTE Act, the focus of education involves ensuring the rights of the child, but also of teachers and parents.

Corporal punishment is often used in Indian classrooms to discipline students, however this practice is not unacceptable under the RTE Act (Government of India, 2009). Instructional methods should also move towards child-centred pedagogy (Juneja, 2012). All children, regardless of gender, socioeconomic status, or disability, have a right to attend public schools. No child shall be denied entry, expelled, or held back in primary education. For children who have been out of school for several years, they have the right to be placed in an age-appropriate classroom rather than at a younger grade to align with their academic skills.
The responsibilities of teachers in India range widely, and teachers can often be asked to conduct tasks that are outside their duties as a teacher (Juneja, 2012). The RTE Act asserts that teachers should focus on the role of teaching, and outlines specific hours and days in which teachers are expected to work. This item aligns with the literature that emphasises treating teachers as professionals in order to enhance their job satisfaction and performance (Mooij, 2008). There is a high rate of absenteeism among teachers in India, and the RTE Act ensures that teachers understand the expectations for their attendance (Kremer, Chaudhury, Rogers, Muralidharan & Hammer, 2005).

Under the RTE Act, every school must form a School Management Committee (SMC) to meet and discuss plans for the school. The SMC must consist of 75% parents, and of these parents 50% must be mothers. Part of the responsibilities of the SMC is to create a School Development Plan to monitor the school's progress. This will ensure that the community has a voice in the education of their children.

Assessing the RTE Act

Based on the Wordle.net word cloud shown in Appendix B, we can gain an underdeveloped, yet informative understanding of the most referenced themes within the RTE Act and the Model Rules. Words relating to ‘SCHOOL’ and ‘CHILD’ feature most prominently in the discourse of RTE – more than twice as frequently as subsequent ranking words. Rights-based discourse is unsurprisingly prevalent in the discourse, and variations of the word ‘RIGHT’ appear within the word cloud. In addition, words denoting different levels of government (e.g., ‘CENTRAL GOVERNMENT’, ‘STATE’, ‘LOCAL AUTHORITY’) appear larger in the word cloud, indicating their frequent use in RTE discourse. Words relating to the structure, function and members of education are
also noticeable within the word cloud, such as teachers, school management committee and elementary. Words such as ‘CONDITIONS’, ‘PROVISIONS’, and ‘PROVIDED’ are visible within the word cloud, which is to be expected as RTE Act and the Model Rules provide a set of standards and rules to be followed in order to achieve the right to education.

In the following section, I draw from the word frequency data collected and presented in Appendix C. The frequently used words uncovered in the data will provide a basis of analysis, and will guide my interpretation of the discourse. By comparing this data to the standards of the right to education, as outlined in Table 3, I will answer the first research question of this thesis.

Acceptability

Establishing standards for education

RTE Act outlines the ‘rule + rules’ (ranked 42nd in RTE discourse) that schools must follow in order to satisfy the requirements for free and compulsory education to all Indian children. The words ‘standards’ and ‘norms’ are also frequently used within RTE discourse (ranked 38th and 41st, respectively). The Central Government is responsible for developing a national curriculum and a framework for teacher training. The national curriculum will be centred on the child, “making the child free of fear, trauma and anxiety and helping the child to express views freely”. The idea of ‘respect’ (ranked 60th), particularly for the child, is reflected throughout the RTE discourse. While safety is not mentioned specifically in the documents, RTE implements standards which can be interpreted to address the safety of children (e.g., clean water, separate toilet facilities, all-weather school buildings, less than one kilometre commute to school). The
Government of India will establish a national standardised curriculum to be used throughout the public school system.

**What about quality?**

The RTE Act has outlined clear standards for primary education in India, however these objectives focus predominantly on inputs to education rather than outputs of education. The word ‘quality’ is only mentioned three times within both the RTE Act and the Model Rules. Universal primary education is certainly a positive accomplishment, however it does not take into account the quality of the education provided. In order to meet the demands of the RTE Act, India's education will have to rapidly expand to accommodate all children. Schools must be built, and many more teachers must be trained, recruited, and hired. It is quite likely that during this rapid expansion, corners will be cut in order to meet goals (Khaliq, 2012). In efforts to meet with increasing demands for training teachers, companies have developed quick and ineffective certificate programs which do not properly educate teachers (Mehendale, 2010). If schools do not meet the requirements for the RTE Act they will be fined, therefore there is a rush to achieve standards without a strong concern for quality. Overall, RTE Act focuses on the inputs to education in an effort to improve quality – teacher training, class size, school structure – but does not take into consideration the outputs, or outcomes of education that reflect quality.

The RTE Act includes private institutions within its access policies, stating that 25% of the student body of private schools must be from marginalised backgrounds (Government of India, 2009). The term 'marginalised' is not clearly defined, which is problematic when children are vying for a place in top private schools. Furthermore, not all private schools are of a high quality therefore allowing children from marginalised
groups to attend certain private schools might not serve to improve the quality of education they receive (Sadgopal, 2010).

The Act specifies the resources and standards that schools must acquire, however it does not mention the desired outcomes of this new education system. The only mention of outcomes is the objective of 100% enrolment, therefore access to education is ensured. Because there is no reference to the future goals of India’s education system beyond access, it is difficult to assess the value placed on education or the purpose of education based on RTE discourse. The Act focuses on improving areas of education for the present, rather than providing a more holistic illustration of how education can serve to improve Indian society and economy. Furthermore, the process of writing the RTE Act did not include a consultation with key stakeholders in education. All consultations have occurred after the Act was announced. The Act itself also does not address the importance of student participation in education, which is a theme of the rights-based approach to education.

**Does RTE Act fit the Indian context?**

An important consideration for the rights-based approach to education is whether the forms of schooling provided are consistent with the social and cultural norms of society. The RTE Act specifies the requirements for educational reform at the school and government level, however some argue that these changes will not last unless families are brought into the discussion on school change. Many children in India are the first generation to continue with their education (Juneja, 2012). Parents have not been educated, therefore one of the challenges of RTE will be to demonstrate to parents the value of education (Chauhan, 2009; Juneja, 2012). The development of SMCs requires
parents to volunteer their time and effort to contribute to the development of schools. This can pose a significant burden on poorer families, and may not prove a practical solution in all contexts (Garje, 2011).

Under the RTE Act, teachers are not permitted to use corporal punishment to discipline children (Government of India, 2009). Using or threatening to use a stick to strike children who misbehave is a very common practice in Indian schools and homes (Juneja, 2012). Teachers must be educated to understand the underlying rights-based reasoning for this new standard in education. Students will also need to adjust to alternative forms of discipline. Furthermore, these efforts will be ineffective if parents do not stop using corporal punishment in the home. Defending the rights of the child will require educating not only teachers, but also members of the community to develop a cultural understanding for the negative effects of corporal punishment.

The necessity for families to send children into the workforce is an unfortunate reality for many families in India (Rana, 2011). Under RTE, it is compulsory for children ages six to fourteen to attend school, which is an effort to stop child labour (Government of India, 2009). The RTE Act now requires these children to attend school, but many families require the income from their children to support themselves. Providing free education is not enough to incentivise parents to send their children to schools, and the RTE Act does not suggest alternative programs for families who rely on the income from their children to survive.

Families will also remove girls from education in order to assist with household duties. In order to achieve universal primary education, families must develop an appreciation for the benefits of educating girls (Chauhan, 2009). Not only must there be a
change in the way that disadvantaged families understand education, but there must also be practical, immediate, and lucrative alternatives to child labour as a means to supporting their families.

**Accessibility**

**Education for all**

India is a society that is strongly divided by class, race, religion, and economic standing, and these divisions pose a challenge to creating inclusive learning environments. RTE Act recognises this difficulty and prioritises inclusion within its approach to education. Requiring schools to admit 25% of their students from marginalised backgrounds increases the access of marginalised children to education, however it does not address the social inclusion of these children, particularly in private un-aided schools with a generally more privileged population (Mehendale, 2010).

RTE Act uses the term “child belonging to disadvantaged group” to refer to “a child with disability or a child belonging to the Scheduled Caste, the Scheduled Tribe, 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” (Government of India, 2009). Similarly, a "child belonging to weaker section means a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government” (Government of India, 2009). While these definitions encompass a broad range of issues associated with marginalisation, such as disability, gender, income level, geography, and language, none of these issues rank highly in the RTE discourse. Only ‘disabilities + Disabilities + disability + child with disability +
disabled’ (ranked 32nd) is frequently mentioned within the RTE Act and Model Rules. While RTE Act recognises the disadvantages associated with many marginalised groups, the discourse does not specifically address these issues and the steps required to improve their access to education and quality of learning.

**Making education affordable**

Under RTE, education should be ‘free’ (ranked 69th) to all Indian children, which follows the rights-based approach to education. The funding scheme proposed, however, follows the students rather than the schools, under the 25% free seats provision. Though the implementation process has not yet been formalised, marginalised children who are enrolled in private schools under the 25% free seats provision may use freeships through a form of voucher system to allow for school choice and reimbursement by the state. Despite the rights-based approach to the cost of schooling, the funding scheme within the 25% free seats provision does not adhere to the rights-based approach. Furthermore, evidence from the Right to Education Project (2014) shows that “the way this policy has been interpreted at the school level means that freeship students in schools charging medium-level fees often incur additional costs that result in their education expenditure being higher than if they were enrolled in low-fee schooling without a freeship place. Even with a scholarship, students may incur significant costs, and some families will be unable to meet them” (p. 18).

**Availability**

**Universal primary education**

Highly ranked words such as ‘all’, ‘every’, and ‘each’ (ranked 51st, 62nd, and 67th, respectively) point to the recognition of education as a universal goal. Indeed, the goal of
the RTE Act is to provide ‘free and compulsory education’ (ranked 132nd) to children ages six to fourteen. Ensuring elementary education for all children is consistent with the rights-based approach, however it is also consistent with the human capital approach, as elementary education has been shown to provide the greatest return on investment (Patrinos & Psacharopoulos, 2011).

Under RTE, education is mandatory for children, therefore any freedom to choose lies in the type of education service, rather than the decision of whether to attend formal schooling or not. Words such as ‘elementary’, ‘prescribed’, ‘completion’, and ‘required’ point to RTE Act’s support for compulsory education (ranked 10th, 11th, 51st, and 100th, respectively). A rights-based approach emphasises the importance of providing education to all children over the need to allow for increased choice. This point of the rights-based approach is somewhat in conflict with the focus on addressing the individual needs of children. Under the human capital approach, increasing the amount of options available to students provides them the freedom to choose an educational service that best addresses their own needs.

**The role of the state**

Many references to the state are made throughout RTE discourse. Based on the word frequency data in Appendix C, one can see that ‘State + State Government’, ‘local authority + Local authority’, and ‘appropriate government’ all appear in the top 15 frequently used words (ranked 3rd, 9th and 15th, respectively).

The state plays a fundamental role in the rights-based approach to education. When specific references to the role of the state within RTE discourse are reviewed, it is clear that the state is given the important responsibility for enrolment, attendance and
completion of Indian school children, as well as the physical conditions under which they should learn. The state plays an important supervisory role and establishes standards of education, while local authorities are entrusted to enforce these standards. While the various roles and responsibilities of different levels of government listed above are consistent with a rights-based approach, RTE discourse falls short in the area of education provision. A rights-based approach, as defined by the conceptual framework in Table 3, emphasises the role of the state as the primary provider of education services. The RTE Act, particularly the 25% free seats provision, not only recognises non-state providers in education, but also creates legislation that includes these actors as providers of education in India. Private un-aided schools will deliver education services, and the state will reimburse the cost of tuition for these children admitted to private schooling under the 25% free seats provision. This type of public-private partnership is inconsistent with a rights-based approach to the state’s role in education.

**Framing privatisation as a solution to India’s education system**

India has been identified as one of the 35 countries least likely to achieve universal primary education by 2015 (Singal, 2006b). A solution that has been suggested by several scholars (Mukerji & Walton, 2012; Jain & Dholakia, 2009; Tooley, 2009) is the development of public-private partnerships in education to support the state in its efforts to achieve education for all. By working with the private sector, it is more likely that the RTE Act objectives will be achieved.

Considering Srivastava’s (2010) mobilising frames of privatisation discussed in Chapter 2 (scarce resources, efficiency, competition-choice-quality, social equity), it is clear that the discourse of RTE can be interpreted to strategically frame private sector
involvement in education as a means to achieve the right to education in India. While the foundation of these arguments is certainly open to debate, these frames are nevertheless powerful in mobilising support for privatisation in education.

**Scarce resources**

Funding the RTE Act requires a significant allocation of money in order to upgrade school facilities, build new schools, provide more resources for schools, and train and hire more teachers (Jain and Dholakia, 2009). In order to accommodate this increased demand from the educational sector, the Government of India has increased its spending on education from 3.5% of GDP to 6% (Juneja, 2012). Considering, however, the vast changes to education that are expected through the RTE Act, it has been questioned whether this amount is sufficient to support India's system-wide reform.

Jain and Dholakia (2009) devised a model to determine whether the RTE Act was economically feasible. By calculating the expenditure per child based on projected GDP and population growth, the researchers conclude that government schools will not be able to provide universal primary education and will be forced to rely on low-cost private schools to complement their efforts (Chauhan, 2009). Financing the RTE Act is a substantial undertaking for the government, and funding issues could affect the realisation of universal primary education.

**Efficiency**

The standards of the RTE Act require significant development in infrastructure across India. Schools have many difficult changes to make in order to meet the standards of the RTE Act (Khaliq, 2012). Juneja (2012) highlights the issue of finding space in highly populated cities to build new schools to accommodate students. Currently, many schools
are operating out of buildings that do not meet the requirements outlined in the RTE Act. The Act also specifies that students should not travel more than one kilometre to reach their school (Government of India, 2009). Although this may be practical in urban centres, building schools within one kilometre from children in rural areas is a large undertaking. The one kilometre journey may also be inconvenient for children in rural areas (e.g., no public transportation, mountainous trek) (Mehendale, 2010).

Corruption is one of India's most significant barriers to development and change across many sectors (Khaliq, 2012). Although the RTE Act has created standards that specifically target corruption, there is evidence that misuse of funds and unethical practices persists in schools. The Times of India (Nagarajan, 2010) reported that schools continue to ask for donations and extra fees to ensure a child's place in the school. Some schools continue to discriminate against certain castes and marginalised groups by demanding documentation.

The Government of India has allocated funding to schools based on the number of children in attendance (Government of India, 2009). Some schools have been misreporting their enrolment numbers in order to receive more funding (Rana, 2011). Government inspectors have been offered bribes to certify schools (Mukerji & Walton, 2012).

**Competition-choice-quality**

As mentioned previously when discussing freedom of choice, RTE Act uses the competition-choice-quality frame as a means of promoting private provision of education services. By providing students with more choice in their own education, it is more likely that they will find themselves in a learning environment that addresses their individual
needs. Due to the limited resources of the state, public schooling is unable to provide the same level of choice, therefore non-state providers can improve the selection of education services. The added component of competition between schools and providers serves to eliminate schools that do not perform well or meet the needs of students.

**Social equity**

RTE discourse operates under the ideological assumption that improved choice increases social mobility, and therefore social equity. This frame helps to explain how RTE discourse strategically uses rights talk to promote privatisation and human rights simultaneously.

**Adaptability**

Throughout the RTE discourse, references to the child are abundant (‘child + children + Child’, ranked 2nd overall). RTE Act makes strong efforts to ensure that the educational needs of children are addressed. Through India’s national curriculum, local authority “shall take into consideration the following, namely:

“(a) conformity with the values enshrined in the Constitution;
(b) all round development of the child;
(c) building up child's knowledge, potentiality and talent;
(d) development of physical and mental abilities to the fullest extent;
(e) learning through activities, discovery and exploration in a child friendly and child-centered manner;
(f) medium of instructions shall, as far as practicable, be in child's mother tongue;
(g) making the child free of fear, trauma and anxiety and helping the child to express views freely;
(h) comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same.” (Government of India, 2009, p. 9).

While the RTE Act can be considered child-centred in the sense that it addresses the issues raised above, it does not follow a rights-based approach to child-centred
education as the standardised nature of RTE Act requires students to adapt to the national standards of education, rather than allowing for schools to adapt to the individual needs of children.

**Summary of Findings**

The right to education is a belief that is deeply intertwined with the social, economic, and political history of India. As Bajaj (2011) remarks, however, the social justice roots of this belief have been replaced by a more economic approach to understanding education rights. Despite the use of rights-based discourse, RTE Act follows a human capital approach to education in many regards.

While RTE uses child-centred language, its actual discourse and policy mandates do not reflect a child-centred approach as described by international standards of the right to education. Furthermore, the Act does not seem to consider the context of India and the particular challenges that governments will certainly face when implementing this reform.

RTE applies a standardised approach to education that focuses primarily on inputs and ignores the goals of education, including outcomes and quality. Instead, the RTE Act focuses on short-sighted goals such as increasing access to education and providing more teacher training, but does not address the quality of these interventions.

One of the major ways in which RTE Act differs from the rights-based approach to education is its position on the role of non-state actors. The 25% free seats provision is a clear statement that non-state actors play a key role in Indian education. The support of privatisation is inconsistent with the rights-based approach to education. The mobilising frames, outlined by Srivastava (2010), are identifiable in the discourse of the RTE Act.
Rather than using rights-based discourse to promote a rights-based approach to education, the RTE Act uses rights talk as a strategic tool to promote an agenda that is not consistent with the right to education. Using the public appeal of rights language, the Government of India can rally public support for policies it seeks to promote, such as increased non-state participation and partnerships in education.
CHAPTER 5: THE FRAMING OF THE RIGHT TO EDUCATION BY TWO KEY NON-STATE ACTORS

This chapter presents the results of my analysis of two key non-state actors: Azim Premji Foundation (APF) and Centre for Civil Society (CCS). I will provide a brief overview of the two actors, including their history and their opinion on the role of privatisation and PPPs in education. The chapter will then present the results of a comparative analysis of the discourse of both organisations to examine their approach to models of education and use of rights talk. Using the framework presented in Table 3, I compare the approach of each organisation according to international standards of the right to education. The chapter concludes with a frame analysis of both non-state actors, describing the way in which the frame of right to education is applied to promote the policies of both organisations.

A Brief Description of Non-state Actors

The following accounts of both non-state actors provide a brief summary of the values and mission of each organisation with respect to education. These accounts also establish the views on privatisation of each organisation, which is important, as this is the point of comparison of this study.

Azim Premji Foundation

The Azim Premji Foundation (APF) was founded in 2001 by Azim Premji, a successful business mogul and chairperson of the IT Consulting company, Wipro Limited. As a philanthropist, Mr. Premji established APF with the hope “to facilitate a just, equitable, humane and sustainable society” (Azim Premji Foundation, 2011d, para. 4). The
organisational approach to education and development is deeply rooted in the Constitution (1950), which states the following guiding principles:

“JUSTICE, social, economic and political.
LIBERTY of thought, expression, belief, faith and worship.
EQUALITY of status and of opportunity.
FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation.” (Government of India, 1950, p. 29).

APF currently operates across India in eight states and over 3.5 million schools (Azim Premji Foundation, 2011c). The key areas of focus of APF work include: partnering with the Government of India on both practical and policy issues; developing state and district institutes to work closely with the government on teacher development, curriculum, school management, and policy; large-scale evidence-based research to inform policymaking; and extending the reach of APF to include more districts, schools, and students (Azim Premji Foundation, 2011c).

APF offers the following opinion on the role of privatisation and PPPs in education in India:

“The role of private partners and private capital in education has been given high importance in recent times. In our view, this approach is a fundamentally flawed one. Given the scale, diversity and deep inequities of India, private entities can only have a minor role to play in providing education (primary or higher). It is the government that must spearhead the effort to provide good education at all levels – private partners can only play a limited supplementary role in specific and specialized areas of expertise.” (Azim Premji Foundation, 2011b, p. 1).

Centre for Civil Society

The Centre for Civil Society (CCS) is a think tank that aims to create social change through public policy. For the field of education, CCS promotes “choice and accountability across the private and public sectors” (Centre for Civil Society, n.d., para. 1). The organisation was founded in 1997 by Dr. Parth Shah, a former economics
professor at the University of Michigan. The organisation operates under the following founding principles:

“Individual Rights — each individual is important, no one should be able to control or enslave another, and people should be free to do as they wish as long as they do not harm the person or property of others, tolerance.

Freedom of Exchange — people should be free to exchange information and their property with others on mutually agreed upon terms.

Rule of Law — no one should be above the law, not even the government. There should be respect amongst individuals and the state, without privileges or social and cultural discrimination.

Limited Government — governments should protect individuals’ rights, enforce contracts, and provide basic public goods, but should otherwise leave people free to provide for themselves and each other through civil society.” (Centre for Civil Society, n.d., para. 8).

In 2007, CCS launched its flagship program, School Choice Campaign. The vision of the organisation is to “develop an education market where all avail quality education of their choice” (School Choice Campaign, 2014, para. 4) through the efficient use of government spending and the promotion of quality and equity through liberalisation. This campaign includes appeals to the general public, policymakers, and legislation to promote voucher systems, for-profit schools, and other reforms which will improve the efficiency, transparency and equity of schooling in India (School Choice Campaign, n.d.). CCS seeks to “assure quality education to all through more efficient use of public funds and deregulation and liberalisation of the education sector” (Centre for Civil Society, 2012, p. 1). Dr. Parth J Shah revealed that “on the whole Centre for Civil Society is in agreement with the larger philosophical ideas embodied by the RTE Act” (Centre for Civil Society, 2010, p. 9).
CCS supports private school and low-cost private schools as education providers, which will increase both choice and competition, and ultimately improve the education opportunities of children in India. CCS also supports innovative financing in the form of conditional cash transfers (CCTs) and vouchers:

“There are many advantages to education vouchers. First, the student gets the purchasing power to choose a school. Second, private schools would be ready to admit poor students (the burden of providing education to the poor is not on the school but the government). Third, the government is able to help the student directly, instead of indirectly through financing and managing schools.” (Centre for Civil Society, 2012, p. 29).

Comparing Azim Premji Foundation (APF) and the Centre for Civil Society (CCS)

After a preliminary analysis of the vision, goals and mission of both APF and CCS, it is clear that the organisations differ greatly in their approach to world order, the right to education, and privatisation. The following section of this study addresses these three areas and makes comparisons between the organisations based on the knowledge gathered in Chapter 2 and the framework presented in Table 3.

World order and models of education

While both organisations are operating within the same context of Indian education reform that promotes the right to education, they take a very different approach to understanding world order. Both organisations apply rights-based discourse (further discussed in the following section) but it is clear based on the information collected for both organisations and the literature review in Chapter 2, that the organisations take very different stances on the spectrum of liberalism.

CCS is a classic example of an organisation that adheres to pure liberalism. The strong economic focus and emphasis on the pursuit of individual liberties aligns with classic liberalism. CCS also emphasises the importance of limited government in social
issues like education. Governments should respect the individual freedoms of its people, and not interfere in their pursuit of goals.

APF, on the other hand, applies a compensatory liberal approach to its work. The rights and freedoms of individuals remains important, however APF emphasises the important role that governments must play in ensuring these rights are upheld. APF focuses more heavily on equality and the importance of providing not only equal opportunities, but also ensuring fair outcomes for children in India.

The link between pure liberalism and the human capital approach to education, and compensatory liberalism and the rights-based approach to education is explained in Chapter 2. Both organisations present strong examples of the link between world order and models of education. CCS presents a classical liberal and human capital approach to its education policies. It’s flagship program, the School Choice Campaign, emphasises the importance of market-driven choice for consumers of education, and accountability on the part of schools to the consumer (i.e., students and parents). Privatisation in education is a means of achieving increased choice and, therefore, increased quality and efficiency, among schools in India.

APF is firmly against the privatisation of education, due to the inequalities that arise from this approach. Instead, APF focuses on building capacity for public education in an effort to redistribute resources and opportunities. The following section analyses the applications of rights-based discourse by both APF and CCS in order to determine how their use of rights talk aligns with models of education and world order.
Rights talk

From a preliminary glance at the word clouds of both APF (see Appendix E) and CCS (see Appendix H), several themes within the discourse become apparent. Both organisations frequently mention ‘EDUCATION’ and ‘SCHOOLS’, as well as references to ‘GOVERNMENT’ or the ‘STATE’. The discourse of APF also frequently refers to ‘CHILDREN’ and ‘QUALITY’. CCS references the word ‘PRIVATE’ frequently throughout the discourse collected for this study, as well as ‘POLICY’ and ‘QUALITY’. The data presented in the word clouds of both non-state actors demonstrates that while both organisations touch on some similar topics, there are also significant thematic differences throughout their discourse. The word frequency data provides a more in-depth understanding of these differences.

Both organisations apply rights-based discourse frequently throughout the data collected, however the manner in which they choose to refer to rights differs. APF frequently uses the terms ‘right + Right’ (ranked 26th) and ‘Right to education + right to education’ (ranked 19th). Throughout the CCS discourse, no forms of the word ‘right’ appeared in the top 100 most frequently used words, however the phrase ‘Right to education + right to education’ was ranked 37th.

While APF refers more frequently to rights and the right to education, CCS refers more frequently to the legislation and policy involved in promoting the right to education in India. In APF discourse, ‘Act + RTE Act + RTE’ is ranked 7th and ‘Bill + bill’ is 8th, whereas in the CCS discourse, ‘Act + RTE Act + RTE’ is ranked 4th and ‘policy’ is the 11th most frequently used word.
Table 5 compares the top 30 most frequently used words by both APF and CCS, based on the data found in Appendix F and I. Based on a preliminary glance at the data, one can note that despite some similarities, the discourse of both non-state actors seems to focus on separate issues. The following sections take a deeper look into the discourse of both actors and how it compares to the rights-based approach to education, as outlined in Table 3.

<table>
<thead>
<tr>
<th>Rank</th>
<th>Azim Premji Foundation (APF)</th>
<th>Centre for Civil Society (CCS)</th>
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<tbody>
<tr>
<td>1</td>
<td>education + Education</td>
<td>schools + school + School + Schools</td>
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<tr>
<td>2</td>
<td>schools + school + School + Schools</td>
<td>education + Education</td>
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<td>3</td>
<td>children + child + Children + Child + Childhood</td>
<td>private + Private</td>
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<tr>
<td>4</td>
<td>teachers + teacher + Teacher</td>
<td>Act + RTE Act + RTE</td>
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<tr>
<td>5</td>
<td>should</td>
<td>government + Government</td>
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<tr>
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<td>8</td>
<td>Bill + bill</td>
<td>India + Indian</td>
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<tr>
<td>9</td>
<td>quality</td>
<td>State + state</td>
</tr>
<tr>
<td>10</td>
<td>levels + level</td>
<td>CCS + Centre for Civil Society</td>
</tr>
<tr>
<td>11</td>
<td>academic + Academic</td>
<td>policy + Policy</td>
</tr>
<tr>
<td>12</td>
<td>learning + Learning</td>
<td>all + All</td>
</tr>
<tr>
<td>13</td>
<td>years + year + yrs</td>
<td>voucher + vouchers + Voucher</td>
</tr>
<tr>
<td>14</td>
<td>PTR</td>
<td>quality</td>
</tr>
<tr>
<td>15</td>
<td>India + Indian</td>
<td>School choice + choice</td>
</tr>
<tr>
<td>16</td>
<td>need + needs</td>
<td>should</td>
</tr>
<tr>
<td>17</td>
<td>ensure + ensuring</td>
<td>public + Public</td>
</tr>
<tr>
<td>18</td>
<td>primary</td>
<td>year + years</td>
</tr>
<tr>
<td>19</td>
<td>Right to education + right to education</td>
<td>provide + provided</td>
</tr>
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<td>20</td>
<td>government + Government</td>
<td>parents</td>
</tr>
<tr>
<td>21</td>
<td>policy + Policy + POLCY</td>
<td>teachers + teacher</td>
</tr>
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<td>Delhi</td>
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<td>system</td>
<td>Rules</td>
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<tr>
<td>24</td>
<td>Development + development</td>
<td>Model + model</td>
</tr>
<tr>
<td>25</td>
<td>ECE</td>
<td>development + Development</td>
</tr>
<tr>
<td>26</td>
<td>right + Right</td>
<td>need + needs</td>
</tr>
<tr>
<td>27</td>
<td>students + student</td>
<td>implementation</td>
</tr>
<tr>
<td>28</td>
<td>MHRD</td>
<td>PPP + PPPs</td>
</tr>
<tr>
<td>29</td>
<td>provide + providing</td>
<td>Campaign</td>
</tr>
<tr>
<td>30</td>
<td>leadership</td>
<td>sector</td>
</tr>
</tbody>
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Table 5: List of top 30 most frequently used words by Azim Premji Foundation (APF) and the Centre for Civil Society (CCS).
Availability

Level of schooling

Both non-state actors demonstrate support for primary education, however this point is more emphasised in the discourse of APF (‘primary’ is ranked 18th for APF and 85th for CCS). When the CCS data is revisited, however, it is clear that many occurrences of the word ‘primary’ are not, in fact, made in reference to the level of schooling, but rather as a way of saying ‘first’ or indicating importance. The word ‘elementary’ more accurately reflects the level of schooling supported by a rights-based approach, and is ranked 55th in CCS discourse. Overall, APF discourse more strongly emphasises the focus on primary level education, as supported by the rights-based approach to education.

APF also frequently references early childhood education (‘ECE’, ranked 25th), which aligns with a rights-based view of education as a holistic process beginning from early development, however ECE is not included in any international human rights frameworks such as the UN Convention on the Rights of the Child (1990). It is included in the EFA goals, which advocates for the right to education. APF identifies “a need to develop close tie-ups between primary schooling and ECE initiatives thus allowing an easy transition for the child from pre-school to mainstream education, arresting dropouts, enabling elder girl children to attend primary schools by relieving them of child-care duties etc.” (Azim Premji Foundation, 2011a, p. 8). CCS does not make frequent reference to ECE in the discourse collected for this study.

Education provision and the role of the state

The rights-based approach to education promotes the state as the primary provider of education services. CCS refers frequently to ‘private + Private’ (ranked 3rd) and less
frequently to ‘public + Public’ (ranked 17th). The word ‘unaidered’, in reference to schools that do not receive funding from the state, is ranked 43rd within the CCS discourse. CCS primarily supports low fee or budget private schools as a means to improve access and quality in education. Private providers of education clearly play an important role in CCS’s framing of the right to education.

Within APF discourse, ‘private’ is ranked as 35th most frequent, however references to privatisation are negative rather than supportive. In the discursive data collected for this study, APF provides the following explanation of the role of non-state actors in India’s education system:

> “Given the scale, diversity and deep inequities of India, private entities can only have a minor role to play in providing education (primary or higher). It is the government that must spearhead the effort to provide good education at all levels – private partners can only play a limited supplementary role in specific and specialized areas of expertise.” (Azim Premji Foundation, 2011b, p. 1).

The term public-private partnerships, or ‘PPP + PPPs’, are not mentioned throughout the most frequently used words in APF discourse, but is ranked 28th in CCS discourse. According to CCS, PPPs “deliver quality education to remote and unreached areas. The Right of Children to Free and Compulsory Education (RTE) Act 2009 presents a huge opportunity for PPPs. The financial capacity of the government to deliver on the RTE Act is uncertain… The best alternative, therefore, is to pursue the goal of universal school coverage through alternative avenues such as PPP” (School Choice Campaign, 2010, p. 1). CCS also refers frequently to ‘accountability’ (ranked 66th), which, as Srivastava (2010) suggests, is a common mobilising frame for privatisation in education.

Both organisations frequently reference the ‘State + state’ (ranked 6th in APF discourse and 8th in CCS discourse) and ‘government + Government’ (ranked 20th in APF
discourse and 5th in CCS discourse) however when the discursive data is revisited it becomes apparent that the way in which both non-state actors frame the role of the state differs significantly. Both organisations recognise the important role that the state plays as the largest provider of education in India, yet they also recognise the heavy burden this places on the state. The difference lies in their approach to finding a solution to this problem. According to APF, “State-run education systems which represent the lion’s share of educational activity in India in both school and higher education are in need of urgent reform and revitalization” (Azim Premji Foundation, 2011d, para. 22). More funding and support should be given to state education in order to improve education in India. CCS, however, argues for innovative service delivery such as PPPs and voucher systems. In CCS discourse, the term ‘state’ is also used when discussing the decentralization of education in India, giving individual states control over the implementation of RTE Act.

**Freedom of choice**

Freedom to choose one’s learning environment is de-emphasised under the rights-based approach to education, in the sense that the state should be the primary provider of a standardised education system. While APF does not make reference to choice and freedom in its most frequently used words, CCS identifies ‘School choice + choice’ (ranked 13th) as one of its key principles. CCS views choice as a means of promoting quality and addressing the individual needs of students.

“Instead of de-motivating edupreneurs from offering innovative alternative education and assuming that private unaided education is not pro-poor, we need to ground our facts in reality. Removing these barriers and creating a more enabling education ecosystem for private institutions will increase choice and competition in the market and make schools more responsive to the needs of students and parents” (Centre for Civil Society, 2012, p. 25).
On the other hand, APF refers frequently to words signifying an obligation rather than a choice, such as ‘should’ (ranked 5$^{th}$) or ‘required’ (ranked 32$^{nd}$). CCS uses the word ‘should’ (ranked 16$^{th}$) throughout its discourse, albeit less frequently than APF.

**Accessibility**

**Inclusion and equality**

Inclusion and equality are fundamental principles of the rights-based approach to education. While both APF and CCS frequently use words relating to these themes, CCS discourse applies more related words and uses them more frequently than APF discourse. APF refers to ‘include’, ‘poor’, and ‘same’ (ranked 70$^{th}$, 80$^{th}$, and 66$^{th}$, respectively) to support inclusion and equality in education. CCS refers to ‘all + All’, ‘poor’, ‘disadvantaged’, ‘each’, ‘weaker’, and ‘access’ (ranked 12$^{th}$, 31$^{st}$, 44$^{th}$, 51$^{st}$, 99$^{th}$, and 63$^{rd}$, respectively) to address issues of inclusion and equality for all children, including marginalised groups.

APF also raises the important theme of equity within its discourse, whereas CCS does not touch on this issue. The word ‘equitable’ is ranked as the 59$^{th}$ most frequently used word in APF discourse. APF refers to equity as an aspirational goal that is not yet achieved but should constantly be the objective towards which all should strive.

**Cost of schooling**

It is clearly stated in rights-based frameworks and also the RTE Act that primary education should be free for all students. In APF discourse, words relating to the cost of education and funding mechanisms do not appear in the most frequently used words. CCS, however, views the cost of schooling as an important theme in education and
thoroughly addresses it within its discourse. The terms ‘free’, ‘cost’, ‘expenditure’, and ‘financial’ (ranked 43rd, 76th, and 45th, respectively) are recurrent in CCS discourse. In CCS discourse, the word ‘free’ is also used to refer to freedom – for students to choose their school, for teachers to run their classrooms, and for states to implement RTE Act.

CCS also frequently refers to ‘voucher + vouchers + Vouchers’ (ranked 13th) as a means of providing free education to children. The government can provide students with vouchers which can be redeemed at private unaided schools, after which the state will reimburse the tuition of these students. Often the choice of which students will attend which school is decided through a ‘lottery’ (ranked 93rd). According to CCS, school vouchers are “a policy reform tool to empower parents and challenge education providers to improve the quality of teaching and education.” (Centre for Civil Society, n.d., p. 6). Vouchers allow for increased privatisation in education and increased school choice, which improves access and quality of education.

Acceptability

Quality of education
Quality education, under the rights-based approach, refers to the teaching of relevant skills in a context that is safe, respectful, and allows students to participate actively in their learning. This focus on quality also applies to the training and treatment of teachers in schools. The word ‘quality’ is referenced frequently by both APF and CCS (ranked 9th and 14th, respectively).

Learning is an important theme in APF discourse, with ‘learning + Learning’ ranked 12th. The word ‘learning’ ranked 34th within CCS discourse. APF also emphasises learning, for both students and teachers, should be ‘academic + Academic’ (ranked 11th).
The discourse of APF focuses significantly on ‘teachers + teacher + Teacher’ (ranked 4th), pupil-teacher ratio, or ‘PTR’ (ranked 13th), ‘training’ (ranked 22nd), and ‘leadership’ (ranked 30th). CCS discourse refers to ‘teachers + teacher’ less frequently, as this term is ranked 21st.

**Purpose of education**

According to the rights-based approach, the purpose of education lies in its intrinsic value. Education is desirable on its own, regardless of any economic benefits that may be incurred with increased levels of education. Education should focus on teaching children to become rights-holders that prepared for adulthood and participation in society. Less focus is placed on measuring academic achievement, as scoring well on evaluations is not the purpose of education.

Throughout APF discourse, there are frequent references to academic attainment, which indicates that this is considered important to APF’s framing of the right to education. The words ‘scores’, ‘achievement’, and ‘competence’ (ranked 63rd, 50th, and 95th, respectively) all feature prominently in APF discourse. CCS discourse makes reference to ‘evaluation’ (ranked 71st).

When we compare the ranking of similar words in both APF and CCS discourse, we see that both organisations focus on ‘standards’ (ranked 88th by APF and 64th by CCS). Throughout the discourse of both non-state actors, however, not only does APF mention more words about education results than CCS, but it also references key words such as ‘performance’ and ‘outcomes’ more frequently (ranked 34th for APF versus 59th for CCS, and ranked 42nd for APF versus 100th for CCS, respectively). In a criticism of the RTE Act, APF discourse states that “the Act fails to guarantee that a child has
acquired competencies deriving from said education process – no standards are set for monitoring and measuring learning outcomes” (Azim Premji Foundation, 2011a). The focus of APF on a standardised results-oriented approach to education is inconsistent with a rights-based approach.

Adaptability

Child-centred learning and addressing individual needs

As part of the rights-based approach, education should put the needs and considerations of the child at the forefront of every educational decision. This includes not only caring for the academic needs of the child, but also their social and emotional well-being. Skills such as critical thinking, and problem-solving are important approaches to teach children.

Both APF and CCS refer frequently to children within their discourse. APF, however, does so slightly more frequently and uses more variations of the term (‘children + child + Children + Child + Childhood’ is ranked 3rd for APF, whereas ‘children + child’ is ranked 6th for CCS). The CCS discourse frequently refers to children as ‘students + student’ (ranked 7th in CCS discourse and 27th in APF discourse). The choice to refer to this individual as a student rather than a child gives the impression that they are members of a similar group of other individuals, rather than unique. It also identifies them simply by their academic role, rather than as a person with unique requirements for their schooling.

As mentioned earlier, CCS refers more frequently to the term ‘standards’ (ranked 88th by APF and 64th by CCS), which is inconsistent with the rights-based thought that education should change to suit the needs of the children, rather than having the child adapt to the education provided. Furthermore, APF uses the term ‘need + needs’ more
frequently than CCS (ranked 15th versus 26th). Although APF mentions ‘need + needs’ more frequently, it does so in a way that refers to obligations and responsibilities, rather than requirements or wishes of individuals. Examples of the use of ‘needs’ include “the quality of teachers in all our schools needs to improve” (Azim Premji Foundation, 2011b, p. 2) and “there needs to be explicit commitment that every child will achieve expected learning outcomes” (Ranjekar, 2009, p. 1). CCS uses needs to refer to individual requirements that should be met by education, for example “Institutions are able to use voucher money to meet the needs of their students without any directives from the government” (Centre for Civil Society, 2012, p. 32) and, when speaking of CCS’s School Choice Campaign, “enabling education providers to be better responsive to the needs of students, parents and teachers” (Centre for Civil Society, n.d., p. 5). Although the manner in which these needs are addressed may not align with the rights-based approach, the fact that CCS strongly considers the individual needs of children is consistent with a rights-based approach to education.

Frame Analysis

Based on the findings of this chapter, it is clear that both APF and CCS use rights talk to promote their policies in education, however the manner in which this is done differs greatly. This section provides a brief overview of the findings of this chapter, and relates the findings to the notion of mobilising frames raised in Chapter 2.

Davies (2002) describes how political frames can be used as a tool to gain public support. Specifically, Srivastava (2010) describes four mobilising frames used to rally support for education privatisation: scarce resources, efficiency, competition-choice-quality, and social equity.
Both APF and CCS do not adhere completely to the rights-based approach to education, despite their use of rights-based discourse. In both cases, I argue that rights talk is being used as a mobilising frame in order to meet the demands of state-led educational reform and gain public support for each organisation’s work in education.

APF discourse adheres to the rights-based approach in regards to free and compulsory primary education, state provision, quality and equity. One of the important standards of the rights-based approach that APF discourse does not sufficiently address are issues of accessibility. The organisation promotes education for all, but there are very few references to who is included in this right and how their needs should be addressed. While APF does address the outcomes of education, it does so in a very standardised and results-oriented manner, and does not account for other important outcomes of education described by the rights-based approach that cannot be measured by standardised testing. Furthermore, APF adopts a standardised approach to education (e.g., supporting a set curriculum and teacher development, single provider of education services) but does not sufficiently account for how the individual needs of children will be addressed by this approach.

CCS relies heavily on mobilising frames, as although the organisation refers to the right to education and RTE Act frequently throughout its discourse, the approach to education and the worldview it adopts does not reflect the rights-based approach to education. In particular, CCS relies on mobilising frames of privatisation, as described by Srivastava (2010). Efficiency and accountability, common terms of pure liberalism and the human capital approach, are frequently used within CCS discourse to demonstrate how private education
The main program supported by CCS, the School Choice Campaign, centres around the competition-choice-quality frame described by Srivastava (2010). If an education system introduces more providers, then students and families will be given a greater set of choices. Students will be more likely to find a school that meets their individual needs, and schools that do not present attractive models of education will not be chosen by students and will eventually close, thus ensuring the quality within the education system. This is the free market principle that is so strongly upheld by pure liberalism. This paradigm is used by CCS to highlight privatisation is a means to achieve the right to education.

Overall, APF presents a model of education that is more closely linked with the rights-based approach to education, which is consistent with the findings of Chapter 2 which links the rights-based approach to compensatory liberalism. The discourse of APF refers more frequently to rights and the right to education, whereas CCS discourse references the legislation and government policy involved in promoting the right to education in India.
CHAPTER 6: CONCLUSION

The enacting of the Right of the Child to Free and Compulsory Education Act (RTE) in 2009 by the Parliament of India marks an important moment in the history of Indian education. According to the Act, every Indian child between the ages of six and fourteen holds the fundamental right to free and compulsory education. While many have stood behind this new legislation, there are those that criticise the use of rights-based discourse to promote an agenda that does not accurately reflect the right to education (Bajaj, 2011; Khaliq, 2012; Rana, 2011; Sadgopal, 2010).

The strategic use of rights-based discourse, or rights talk (Bajaj, 2014), is used to promote certain political, social and economic ideologies within a framework that holds wide acceptance – universal human rights. While this can be supported by many different worldviews, it is strongly rooted in liberalism. The liberal world order takes two forms – pure liberalism and compensatory liberalism (McKinlay, 1986a). Pure liberalism promotes the pursuit of individual freedoms without the intervention of the state, while compensatory liberalism believes that the state plays a redistributive role to promote equality and rights for all. These approaches to understanding world order lead to different understandings about the role of education. The market-driven approach of pure liberalism leads to the view of education as a form of human capital, whereas compensatory liberalism leads to a rights-based approach to education. While both approaches uphold the right to education, they take different approaches to realising this right.

The right to education is largely upheld as a fundamental human right, and appears within the Universal Declaration of Human Rights (UNGA, 1948) and the UN
Convention on the Rights of the Child (Office of the UN High Commissioner for Human Rights, 1990). This thesis drew mainly from the 4-A framework of Tomasevski (2006), which describes four themes of the right to education: availability, accessibility, acceptability, and adaptability. Building from this classification, and using other international standards of the right to education, I constructed a framework that compares the human capital and rights-based approach to education to the elements of the right to education (see Table 3).

Using this framework, I analysed the discourse of the RTE Act and two key non-state actors in India. My first research question addressed the framing of the right to education in the RTE Act, as well as its position on non-state participation in education. I also traced the political, social and economic history of education in India, and specifically the right to education. My second question built on the findings from Question 1, and explored the framing of the right to education by two non-state actors: Azim Premji Foundation (APF) and the Centre for Civil Society (CCS). These organisations reflect opposing understandings of world order, education, and privatisation. The purpose of this question was to determine how two non-state organisations with opposing views frame the right to education.

This concluding chapter re-examines the findings for both research questions in this thesis, as well as the framework developed in Table 3. Given the findings of this thesis, I also re-consider the right to education, as well as the relationship between rights and privatisation. This study concludes with some thoughts on future directions of research in the field of education, rights, policy reform, and India.
Revisiting the Research Questions

Question 1: RTE Act and the rights-based approach to education

While the RTE Act certainly addresses issues in education related to accessibility, it falls short of adequately addressing issues of acceptability, particularly quality, and adaptability to the individual needs of children. Furthermore, the Act’s approach to improving availability involves the use of non-state actors as providers of education, which is inconsistent with the rights-based approach to education.

Bajaj (2011) remarks that while rights have a deep historical rooting in Indian culture, it is argued that this history has been removed from current applications of this idea and lost its roots in social justice. RTE Act lacks a focus on the outcomes of education, namely the quality of learning. Instead, it considers primarily the inputs to education, such as school resources, teacher training, and the physical structure of the school. This approach, while consistent with compensatory liberalism, does not uphold the right to education as outlined in this thesis. By simply focusing on providing minimum standards, the key causes of inequity are overlooked. Issues of quality and equity remain important and must be integrated into the implementation of the RTE Act in order to align with the right to education. Nevertheless, with unequal opportunities and population growth, especially in India (Chaudhuri & Ravallion, 2006; Bloom, 2011) a focus on access cannot be abandoned. The Government of India, as well as state governments, should also be more explicit in how to reach marginalised groups and who constitutes these groups, especially under the 25% free seats provision. Governments and school leadership must consider how to provide not only financially, but also for their psychosocial well-being within private schools.
RTE Act is not consistent in its use of rights-based discourse; while it supports child-centred learning and universal primary education, it also supports education privatisation and does not adequately address issues of quality and equity. This points to the conclusion that the right to education is being used not as a framework for policy development and programming, but rather as a tool to rally public support for ideas that are not fully be consistent with the right to education – a frame that holds significant value in society. Using the mobilising frames of Srivastava (2010), it becomes clear that RTE Act frames the right to education in a way that allows for non-state actors to play a larger role in education. Based on this finding, Question 2 of this thesis explored the framing of the right to education by two non-state actors: APF and CCS.

**Question 2: Non-state actors and the rights-based approach to education**

Based on the nature of this study, we cannot determine that one non-state organisation was more effective at following a rights-based approach to education, however we can note the key themes in which they followed the approach and the areas where they did not.

When discussing the rights-based themes relating to availability of education, APF touches on more of the ideas associated with the right to education, including more references to standardised primary-level schooling and the importance of the state as the main provider of education services. CCS also touches on the importance of elementary education, but focuses very heavily on private actors in education, freedom and school choice, which are not consistent with the rights-based approach.

In terms of accessibility, CCS makes more frequent references to issues of inclusion, including the poor and disadvantaged. CCS also focuses strongly on the barrier
of cost for many children accessing education. APF does not address issues of accessibility, but does address issues of equity within its discourse.

Both APF and CCS frequently reference quality throughout their discourse, however APF extends the idea of quality much further to include teachers, learning, leadership and training. Although APF discourse places a high value on quality, it also takes a results-oriented approach with discussing the acceptability of education – more so than CCS. This is inconsistent with the rights-based view on the goal of education, which focuses on the intrinsic value rather than measuring the extrinsic value of education.

The discourse of APF frequently references the child, however the standardised approach it takes to education does not account for the individual needs of children. The notion of standardisation and individual needs are both supported by the rights-based approach to education, and the tension between these two themes can be seen in the discourse of both actors. In these areas, APF follows the rights-based approach more closely, however in doing so, the unique needs of children are not strongly considered through the organisation’s discourse. CCS advocates for a less standardised school system with multiple providers and school choice, which is inconsistent with the rights-based approach to education, however this method is more capable of addressing the individual needs of children, which is also an important theme of the rights-based approach.

Both APF and CCS struggle to follow the rights-based approach in the areas of availability, accessibility and acceptability, and each organisation has its strengths and weaknesses in these areas. In the area of adaptability, the most challenging and aspirational area of the rights-based approach (Tomasevski, 2006), CCS proves more
successful at addressing the individual needs of children and promotes an education system where the schools adapt to the students rather than the reverse relationship.

The analysis in this question highlights the conflict between a common school system and providing child-centred learning, which is inherent to the right to education. Bringing this issue to the forefront allows for the consideration of how non-state actors can help to reconcile these two important themes. As the Government of India works to apply standard schooling requirements (physical structure, curriculum, teacher training), non-state actors may take on the role of addressing the individual needs of students through targeted programs and interventions. The state will continue to monitor these efforts and ensure that they promote quality and equity for all children of India.

**The Power of Frames**

Bajaj (2014) argues that the true power of policies lies not in the programs they promote, but in the way they frame important issues. Davies (2002) elaborates on this idea by describing the two conflicting dimensions of political frames: 1) frames gain credibility if they speak to a commonly held belief; and 2) policy frames are often vague and abstract, which leads to multiple interpretations that can create "conflicting yet equally plausible versions of the same goal" (p. 271). Srivastava (2010) outlines four mobilising frames used to promote privatisation in education: scarce resources, efficiency, competition-choice-quality, and social equity. Frames are used to mobilise support for an issue, present unfavourable views in a way that will gain public support, and gain maximum support by presenting issues in a way that allows for multiple interpretations.

As presented in Chapters 4 and 5, and reiterated in the first section of this chapter, all three actors (The Government of India through the RTE Act, Azim Premji
Foundation, and the Centre for Civil Society) use frames within their discourse. This thesis addressed two frames: the right to education and privatisation or non-state participation in education. None of these actors adhere fully to the right to education, yet all use rights-based discourse to promote education through their policies and publications. All organisations support the right to education through discourse, yet some actors also promote privatisation. These points raises the following question: why do organisations use frames? Specifically, why do organisations use the frame of rights in education, but do not follow through in enacting this approach from the level of policy to programs? I reflect on this issue in this section, as well as the following section on the right to education.

The Right to Education

In this section I review the framework of the right to education, created in Table 3 and presented in Chapter 2 of this thesis.

This study compared the discourse of the RTE Act, APF and CCS to the framework of the right to education. Based on the literature review in Chapter 2, I claim that adopting pure liberalism as a world view leads to a human capital approach to education, whereas compensatory liberalism focuses on the rights-based approach to education. Based on the findings of Chapter 4, we note that the RTE Act is not consistent in its approach to the right to education, as elements of both the human capital and rights-based approach exist within the Act. Chapter 5 compares the approaches of APF and CCS using the right to education framework in Table 3, and confirms the assumptions made in its inception. CCS subscribes to pure liberalism, and in turn, adopts a human capital approach to education. APF, on the other hand, applies a more compensatory
liberal worldview which leads to use of a rights-based approach to understanding education. In terms of the classification of organisations according to world order and models of education, this framework proves to be both accurate and useful to understanding the right to education.

The framework of the right to education (Table 3) also highlights some of the challenges within the right to education frame. When we apply this framework to analyse the practical applications of this approach, it is clear that there are some issues and tensions within the different elements. This is consistent with the criticism that the rights-based approach to education operates mainly at a rhetorical level and does not consider the practical issues of realising the right to education for all (Robeyns, 2006). According to Douzinas (2014), “Human rights are a hybrid of liberal law, morality and politics. Their ideological power lies in their ambiguity, not in their adherence to liberal values of individual freedom” (para. 1).

The right to education is unclear about who is responsible – which is a particularly important issue in the context of growing non-state participation in Indian education. In order to ensure the right to education, states should be responsible for clearly defining the roles of all actors involved in India’s education. Furthermore, the right to education does not start and end at the policy development phase; efforts to uphold the rights of children in schools must be carried throughout the implementation and monitoring and evaluation of RTE Act.

While the rights-based approach to education upholds the individual needs of students in rhetoric, the findings of this thesis demonstrated that this view is in tension with the view that schooling should be provided solely by the state and should follow set
standards. Despite the liberal view of equal opportunity for all, the human capital approach is actually more successful at catering to the individual needs of students, although this is typically envisioned through the establishment of private schooling and voucher schemes. The views of the rights-based approach are inconsistent. On the one hand, it upholds child-centred learning and, on the other, it upholds a common standardised school system. This disparity in ideology may be a result of practicality; while catering to the individual needs of children promotes equity and child-centred learning, it is difficult to achieve within a public school system that has limited resources.

**The relationship between rights and privatisation**

Amartya Sen, an Indian scholar in philosophy and economics, suggests that while economic and rights-based arguments certainly support different ideologies on education, they can indeed go hand-in-hand to make progress on achieving quality education for all.

Sen (1980) suggests the capabilities approach as an alternative to a purely human capital and rights-based approaches to education, as the capability approach acknowledge both the economic and social value of education. Capability refers to an individual's potential functioning, which can be either subjective mental states (e.g., happiness, satisfaction) or participating in activities (e.g., being well nourished, having access to education) (Burchardt, 2004). In order to ensure that these functionings become real opportunities, the individual needs "the personal ability, resources, practical means, and knowledge that is required to achieve the combination of functionings in question, and that the external circumstances (social, economic and physical environment) are such that he or she could do so." (Burchardt, 2004, p. 738). This understanding of freedom and achievement encompasses not only the personal abilities of individuals, but also
recognises external forces that can act as barriers. Well-being should be assessed based on the set of capabilities of the individual, which is the set of opportunities available to the individual, taking into account external barriers. Inequality should be defined as the difference of capability sets between individuals or nations. The capability approach offers a means to reconcile the idealism of the rights-based approach and the results-oriented human capital approach to education.

Both Sen and Nussbaum state that the capability approach is best used in combination with the rights-based approach (Nussbaum, 1997). The capability approach recognises the importance of freedom, which is this thesis found to be lacking in the rights-based approach to education. As previously discussed, pure liberalism focuses on negative freedoms, or non-interference by the state, however the capability approach focuses on positive freedoms – an individual’s ability to achieve or do something.

Based on the findings of Chapter 4, the Government of India does not appear to consider that children possess capabilities. Instead, it applies the same treatment to all students in the form of standardised education and expects that all children will succeed. By applying a human capabilities approach to understanding education, the state can address both freedom and human rights in a way that can be operationalised.

When we examine the comparison made in this thesis between CCS and APF, we can see that despite CCS’s support of privatisation, it also upheld many themes of the right to education within its discourse. As stated by the founder of CCS, Dr. Parth Shah, the organisation is in agreement with the fundamental philosophical beliefs embodied in the RTE Act, however their methods used to fulfill these principles is not consistent with
the right to education. Instead, an approach to education that considers the capabilities of children can bridge these important ideas of freedom and human rights.

**Directions for Future Research**

The intention of this study was to gain a broad understanding of how the discourse of two non-state actors frames the right to education. This thesis would not produce the same results as a study that looked at the same policies and organisations, but applied a different methodology. Conducting interviews, surveys, or questionnaires with staff from each organisation would give a more in-depth understanding of the ideological beliefs supported by each non-state actor. Critical discourse analysis (Fairclough, 2001) of several key policy documents would also provide more information about the framing of the right to education.

This thesis chose to focus on two non-state actors (APF and CCS) based on their views on privatisation and the availability of discursive data. Future studies may choose to extend this analysis to other forms of non-state actors, including international organisations and local non-governmental organisations (NGOs). Particularly in the context of the Companies Act, it is important to identify emerging non-state actors in India’s education sector and their views on the right to education. Lines of comparison can be drawn along other issues than privatisation, such as the level at which the non-state actor operates, the focus on child-centred learning, or curricular content it supports.

The question remains, how does the programming and implementation of RTE by non-state actors compare to the rights-based approach? This thesis focuses on broad discourse and does not examine how the ideologies reflected in the discourse of non-state actors are implemented. Future research could evaluate the educational programs of non-
state actors in India to gain a deeper understanding of their role in the realisation of the right to education.
REFERENCES


Appendix A: List of Documents used for RTE Act Data


### Appendix C: RTE Word Frequency List

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Appendix D: List of Documents used for Azim Premji Foundation (APF) Data


Azim Premji Foundation (2014). Public - Private Partnerships in Elementary Education
Retrieved from: http://www.azimpremjifoundation.org/PPP_In_Education

Azim Premji Foundation (2014). Right to Education. Retrieved from:
http://www.azimpremjifoundation.org/Right_to_Education

http://www.azimpremjifoundation.org/Our_Principles

Azim Premji Foundation (2014). Foundation Board. Retrieved from:
http://www.azimpremjifoundation.org/Board

Azim Premji Foundation (2014). Key Functions. Retrieved from:
http://www.azimpremjifoundation.org/Key_Functions

Appendix E: APF Word Cloud
### Appendix F: APF Word Frequency List

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Appendix G: List of Documents used for Centre for Civil Society (CCS) Data


Appendix H: CCS Word Cloud
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