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An inspector calls: the regulation of ‘budget’ private schools in Hyderabad, Andhra Pradesh, India

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Abstract

Research explored the regulatory regime, both ‘on paper’ and ‘in practice’, for private unaided schools serving low-income families (‘budget’ private schools), in Hyderabad, Andhra Pradesh, India. Interviews were conducted with school managers, teachers, parents, and senior government officials and politicians. A Supreme Court Judgement rules out profit-making in the schools, although, in practice, interviewees said this was widely ignored. At the state level, extensive regulations govern all aspects of a school’s work. In practice, government officials reported, however, that only four regulations need to be met, but none of the recognised schools met more than two of these. In practice, there may be too few inspectors and a culture of bribery and corruption. A possible way forward is described, of private self-regulation, based on findings concerning parental accountability.

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1. Introduction and background

One of the objectives of research funded by the non-profit British education services company, Centre for British Teachers (CfBT), was to explore the regulatory regime under which private unaided schools¹ serving low-income families operate. The

project focused on the twin cities of Hyderabad and Secunderabad (designated throughout this paper, as locally, as ‘Hyderabad’), capital of Andhra Pradesh, India, selected because earlier contacts had revealed the presence of such schools. Exploring the regulatory environment was important, because the project aim was to outline ways in which external agencies could assist with

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¹In India, schools can be categorised as falling under three management types (Kingdon, 1996; Bashir, 1997)—government, private aided, and private unaided. Government schools are generally owned and funded by the State and managed by

(*footnote continued*)

government employees. Private aided schools, although run by private management, are largely funded by the state, typically through a 100% grant for teacher salaries. Private unaided schools are run by private management and receive no aid from the State.

capacity building in the ‘budget’ private schools: a likely constraint on potential improvements was the regulatory environment. Regulations in general have the capacity to ‘inform, educate, reduce uncertainty, and help people protect themselves from dubious products’ (Yilmaz, 1998, p. 5). Each of these elements is important in the regulation of the ‘budget’ private school sector.

On the *regulation* of private unaided schools, in India or elsewhere, we could find no literature. Research on regulation of education in developing countries and transitional economies tends to focus on *higher* education (e.g., Koutsky, 1996; Maxwell et al., 2000; Richardson and Fielden, 1997). Conversely, much of the literature on regulation of private *primary* and *secondary* education tends to examine private schools in America and Europe (Murnane, 1986; Foley, 1996; Bainton, 1983; Carper and Devins, 1985; Smolin, 1986; Erickson, 1984, 1986; Randall, 1992, 1994; Diehl, 1983; Hirschhoff, 1986).

There is some more general literature concerning private schools serving low-income families, particularly from the Indian sub-continent. The Probe Team (1999), researching education in villages in four northern Indian states, reports that, ‘even among poor families and disadvantaged communities, one finds parents who make great sacrifices to send some or all of their children to private schools, so disillusioned are they with government schools’ (The Probe Team, 1999, p. 103). Likewise, Nambisan (2003) reports on the ‘mushrooming’ of private unaided unrecognised schools in Calcutta, ‘particularly at the pre-primary level’ (p. 16), although she warns that ‘the quality of education in such “unrecognised” schools is often suspect’ (Nambisan, 2003, p. 15, footnote 25). Aggarwal (2000) surveyed 495 villages and towns in Haryana, India. He found private unrecognised schools ‘operating practically in every locality of the urban centres as well as in rural areas’ (p. 20), estimating that almost 50% of children attending primary schools are enrolled in the private sector (p. 26). De et al. (2002a), reporting on a small scale sample of schools in Haryana, Uttar Pradesh and Rajasthan, point to the low quality of infrastructure in the private unaided schools, but note ‘there is no gainsaying the fact that private schools were generally hard at

work with their charges’ (p. 5232). De et al. (2002b), reviewing the available evidence, note that ‘private schools have been expanding rapidly in recent years’ and that these ‘now include a large number of primary schools which charge low fees’, in urban as well as rural areas (p. 148).

In Lahore, Pakistan, Alderman et al. (2003), point out that many low-income families opt for private schooling even when there are government alternatives. Indeed, their earlier work (Alderman et al., 2001) suggested that 51% of children from families earning less than \$1 a day attend private schools. And Alderman et al. (1996) note that even in the lowest income quintile, government school enrolment is only slightly higher than private school enrolment (40% in government, 37% in the private sector).

Some literature explores reasons why poor parents might send their children to private, rather than government schools. The *Oxfam Education Report* suggests that the ‘inadequacies of public education systems have driven many poor households into private systems’ (Watkins, 2000, p. 207). This may be because of ‘inadequate public investment’ (p. 6), or parents may seek English-medium schools, unavailable in government primary schools (De et al., 2002b, p. 141). Finally, there is the problem of teacher absenteeism in government schools, a problem not found in the private alternative (Drèze and Gazdar, 1997, p. 66; Sen, 2001; Watkins, 2000, p. 230). The Probe Team (1999) reported that when their researchers called unannounced on their large random sample of government schools, in only 53% was there any teaching going on at all. Indeed, in the government schools, ‘generally, teaching activity has been reduced to a minimum, in terms of both time and effort’. (The Probe Team, 1999, p. 63).

Finally, there is a larger literature on private schools in general (i.e., not specifically those serving low-income families) in developing countries. Jimenez et al. (1988), investigating mathematics achievement in Thailand, found that ‘private schools are, on average more effective and less costly than public schools in improving student performance in mathematics’ (p. 139). Jimenez and Cox (1989) also found private schools to offer an achievement advantage in Colombia

and Tanzania, which ‘is large and empirically important’ (p. 29). Alderman et al. (1996) examined achievement of grade 3 students in Urdu and mathematics in government and private schools in low-income neighbourhoods in Lahore, Pakistan, finding higher scores for mathematics and language in the private schools, when holding child and home attributes fixed.

Several studies from India have also compared the relative performance of private unaided, private aided and government schools. Kingdon’s (1994, 1996) study in urban Lucknow, Uttar Pradesh, found that, after controlling for a large range of background variables, students in private unaided schools scored up to 30 per cent higher on standardised tests in mathematics than in the other school types. When the cost per achievement point was computed, private unaided schools achieved higher achievement for less than half the cost of the government schools. This may ‘explain why there is greater parental demand for private unaided school places and why their number and share in enrolments has risen fast in UP in particular and in India generally’ (Kingdon, 1994, p. 236). Similarly, Duraisamy and Subramanian’s (2003) study in Tamil Nadu explored English and mathematics achievement in higher secondary schools. Students in private unaided schools performed better than those in government schools. Govinda and Varghese (1993) also found that children attending private unaided schools in Madhya Pradesh outperformed children attending government and private aided schools in Maths and Hindi. Indeed, ‘management-type—government or private—emerges as the most significant factor influencing learner achievement’ (p. 265). Finally, Bashir (1997) tested year 4 students in Tamil Nadu in reading comprehension and mathematics. Her findings were different to those outlined above: mean private unaided school scores were found to be ‘not appreciably higher than that of pupils in public schools’ (p. 143).

Hence the literature confirms the existence of private schools serving low-income families, points to reasons why parents might prefer to send their children to them, but provides no detailed information on their regulation, the subject of this paper.

2. Research method

The regulatory regime ‘on paper’ is distinguished from the regime ‘in practice’. ‘On paper’ laws and regulations may not be enforced, so it is essential to explore how enforcement strategies work out ‘in practice’. The research reported here followed a multi-strategy case study approach, using four sources of evidence:

- (a) all relevant laws, regulations and Supreme Court Judgements;
- (b) interviews with senior politicians and government officials;
- (c) interviews with school managers, teachers and parents;
- (d) review of school accounts, where these were available, and other school documentation.

The first reviewed the regime ‘on paper’; the second to fourth explored the extent to which this was met and enforced ‘in practice’. The project ran from November 2001 to December 2002.

All laws, regulations and Supreme Court Judgements were collected, and a comprehensive inventory made of those that applied to the private unaided sector. The (political) Minister for Education for Andhra Pradesh, and the (civil servant) Secretary for School Education, were interviewed separately by the Newcastle researchers, the first on two, and the latter on four occasions. District Education Officers (DEOs) for the two education districts in Hyderabad (Ranga Reddy, which also covers a large rural hinterland, and Hyderabad itself) were also interviewed twice each, as were three school inspectors from both districts on one occasion each, after we had met them opportunistically in schools. At these interviews detailed notes were made by the international interviewer and the local researcher (see below), and full transcripts drawn up of each.

A sample of 15 ‘budget’ private schools (labelled A–O in what follows) was opportunistically selected by calling unannounced on schools and requesting an interview with the school manager. Each school had to be based in a notified slum area, according to the Census (Singh, 1997) and/or the Hyderabad Urban Community Development

book (Municipal Corporation of Hyderabad (MCH), 1998). The school manager had to agree to a researcher being in the school, to interview teachers, students and parents; to observe classes; and to explore school finances. Finally, the manager had to express an interest in school improvement. Many more than 15 schools wished to take part, so schools were stratified into neighbourhoods, and a random selection made from these. After the first school manager interview (and after parent, pupil and teacher interviews had been conducted), school O dropped out of the research, the manager being unwilling to divulge sensitive financial information, although he was willing for data already collected to be used.

For the school-based research, three Hyderabad-based researchers were engaged in interviews, class observations, and collection of other relevant data. Interview protocols were designed by the Newcastle team, who trained the researchers in their use. The researchers were fluent in the main local languages (Telugu and Urdu), as well as English, and translated between them as required. Fifteen school managers and 244 teachers (all the teachers in the schools on the days that the researchers called, with the exception of those related to the school manager) were interviewed. Three hundred and fifteen pupils were interviewed, with a boy and girl from each class from 1 to 10, plus one from the nursery classes, randomly selected from each school. Three hundred and fifteen parents or guardians of these children were also interviewed, either in their homes or when the parent came to collect the child from school. Seventy-one per cent of parents interviewed were mothers and 29% fathers, although the interviews asked questions about both; 96% were parents and 4% were guardians of the children attending the private unaided schools.

The school managers were interviewed formally on three occasions—twice by the international team, once by the local researcher—for information regarding the regulatory environment, their reasons for setting up the schools, their backgrounds, and their finances, and it is only information from these formal interviews that is reported. Again, full transcripts were drawn up

after each interview. Teacher interviews explored issues relating to salary, experience and qualifications. Parental interviews were undertaken to explore fees and free places, parental backgrounds, reasons for sending children to private unaided schools and the school choice process. Pupil interviews explored views on their school, their family background and whether they undertook any paid employment. British Educational Research Association (British Educational Research Association (BERA), 1992) ethical guidelines were followed; in particular, all interviewees were guaranteed anonymity, but explicitly consented to their comments and the findings being disseminated in academic papers.

Clearly, the research reported here has severe limitations, which are likely to arise with *any* research into this area. The topics that emerged from the interviews with school managers and government officials alike—especially concerning profit and unofficial payments or bribes—are clearly sensitive, and unlikely to be amenable to a large scale questionnaire: if asked specifically about these issues in a questionnaire, the most likely response, it was guessed, would be to deny their existence. Hence the formal, semi-structured interview approach within the context of a larger case study adopted here.

Four points are important to stress about the method: *First*, at the beginning of the research, no-one was explicitly asked about “unofficial payments” or bribery—indeed, the researchers did not realise this was to be a central theme. The issue was raised by the interviewees themselves, both government and school-based, unprompted, in response to a question concerning adherence to regulations ‘on paper’. Once the issue was raised, however, its importance became obvious, so further semi-structured interviews followed it up. *Second*, given the sensitivity of these issues (and also given the aim of the project, as above) it was considered important to build up trust with the interviewees. Hence, the researchers took part in school prize days, concerts, science fairs and sports days, which had the effect of building up a strong rapport with the school managers. At these events, further informal socialising took place with government officials too. *Third*, where possible

we triangulated the evidence received from interviews. So, for instance, on school income, expenditure and surplus, we obtained data from school managers on income and expenditure, then cross-checked information given. On fees we consulted parents and examined receipts and accounts if available; on teacher salaries and other inputs, we crosschecked with the teachers themselves, and saw salary chits and other invoices. The school managers were asked about any discrepancies, and a solution was found. Surplus itself was derived from drawing up an income/expenditure statement, not directly from the school managers. But, importantly, “member checking” was carried out, with each school given a detailed report on data collected. School managers commented on the findings at group meetings and individually, and any corrections needed were made. Given these factors, but especially the trust that was built up, we are fairly confident that the information received did not bring two possible errors—an exaggeration of the extent of profits because schools were seeking to show themselves financially viable, and, conversely, a denial of the existence of bribery or profit, because schools were seeking to show themselves as operating legally. However, it is not claimed that the actual amounts of ‘unofficial payments’ summarised below are accurate: as noted, some of the schools gave full details, but others were less precise. Hence, the composite estimates are likely to be a lower bound, rather than the actual amount.

Fourth, with all these caveats we recognise that the evidence must be treated with caution, as an exploratory account of an area that is intrinsically difficult to research. However, we believe that it is scientifically reliable in the sense that any researchers would obtain the same data on surpluses and similar evidence of unofficial payments and the activities of school inspectors, provided that they built up the necessary trust.

Some background data collected may put the findings on regulation into context: First, official figures provided in writing for 2001 by the Hyderabad DEO showed a surprisingly large proportion—61%—of all students enrolled in the private unaided sector (with 67% at upper primary, 62% at high school and 31% lower

primary school level). Second, the average size of the case study schools in 2001/02 was 559 pupils, ranging from 293 to 1004 pupils. The average annual fees (from monthly, termly and annual contributions) was calculated at Rs. 1636 per year (£24),² i.e., £2 per month. Finally, data from parents revealed that the great majority of the fathers were employed in manual work on daily or weekly wages, with 14.9% in low-level clerical work. The majority of mothers were reported as housewives. Only 39% of the families reported receiving a *family* income (i.e., from all working members) above Rs. 3000 per month (£44.18). For Hyderabad the minimum rates for manual labour range from about Rs. 1300 to Rs. 3100 (£19.12–£45.59) per month, depending on the job undertaken (see Table 5.2 Area ‘A’ at www.labour.nic.in/annrep/files2k1/labs.pdf, taking a month as 25 working days). That is, in the case study schools, the majority of the parents were earning below the minimum wage. Indeed, 6% of the families reported monthly family income of Rs. 1000 or less (£14.71), while 25% reported family income between Rs. 1001 and Rs. 2000 (£14.72–£29.41) and 30% between Rs. 2001 and Rs. 3000 (£29.42–£44.12).

3. Research findings: the national regulatory environment

3.1. “On paper”: the Unni Krishnan Supreme Court decision

In general, school level education is primarily the responsibility of the State (*The Constitution of India, 2002*); however, the issue of profit is regulated through the Unni Krishnan Supreme Court decision of 1993 (*Unni Krishnan and State of A.P., 1993*), which in effect leads to the outlawing of profit in any educational institution:

Education has never been commerce in this country. ... Imparting of education has never been treated as a trade or business in this

²Using the exchange rate of £1 = Rs. 68 pertaining at the beginning of the study.

Table 1

Average income for 14 project schools, 2001–02 (all figures in Rupees unless otherwise stated)

	Average
Income	
Number of students	559
Tuition fee	779,387
Annual fee	70,332
Term fee	65,203
Exam fee/computers	12,575
Sale of books	14,123
Sals of ties and belts	10,775
Sale progress cards	973
Sale of uniforms	0
Other (donations)	13,639
Total (Rs.)	967,006
Total (£)	14,221

country since time immemorial. It has been treated as a religious duty. It has been treated as a charitable activity. But never as a trade or business. (Para 164, S.C. 2244).

How does this decision impinge on the operation of budget private schools in practice?

3.2. "In practice": education and profit

In practice, the research found that this does not encroach upon the behaviour of school managers, except in terms of their reporting of accounts. In interviews, one senior government official stated, concerning 'budget' private schools:

All institutions make a profit ... we do not stick to the laws and rules, we are very flexible, and all institutions make a profit, we just let them do it (Government Official, February 2002).

Once trust had been established, and anonymity assured, 14 of the school managers stated to the researchers that they do make profits and, unprompted, that they regard their schools as their businesses (although several also claimed that they were 'social workers' too). We were able to estimate likely profits made in each school by calculating, using figures provided by the school manager and triangulated as outlined above, the annual school income from fees and other sources,

Table 2

Average expenditure for 14 project schools, 2001–02

Expenditure	
<i>Number of teachers</i>	19
Fees concessions	46,537
Teachers salaries	289,154
Admin. salaries	89,226
Staff training	2214
Staff welfare	6607
Electricity	26,164
Water	1431
Telephone	6836
Property tax	6079
Meetings/functions	35,679
Advertising/marketing	24,376
DCEB fees	2529
School maintenance	7171
Printing/stationary	6614
Books, chalk and stat.	3480
Furniture maintenance	3464
Unofficial payments	11,932
Educational equipment	4643
Books and periodicals	1321
Rent or estimated opportunity cost of capital	130,671
Ties, belts and badges	12,113
First aid	0
Defaulters	27,643
Tax	2500
Total (Rs.)	748,384
Total (£)	11,006

and their annual expenditure on teacher salaries and all other inputs.³ (Tables 1 to 4).

Combining the figures for income and expenditure provides an estimate of the school surpluses. Our assessment is that the average surplus came to Rs. 218,622 (i.e., \$4858 or £3215), representing 23% of the average school's income (with the caveat that this may not take into account the full amount for unofficial payments). The range was large, from Rs. 12,520 or 4% of income (School B) to Rs. 412,693, or 48% of income (School M). On average, annual surplus per student is Rs. 378

³The figures given here differ very slightly from those published in the pamphlet for CfBT, Tooley and Dixon (2003); these were earlier estimates that did not take into account the opportunity costs of capital where buildings were owned and later information obtained concerning estimates of unofficial payments. Figures given here are the more accurate estimates.

Table 3
Average surplus for 14 project schools

Surplus	
Surplus (Rs.)	218,622
Surplus (\$)	4858
Surplus (£)	3215
Surplus/income (%)	23

Table 4
14 project schools, 2001–02, average income, expenditure and surplus per student

School	Average
Income per student Rs.	1707
Expenditure per student Rs.	1329
Surplus per student Rs.	378
Income per student \$	37.92
Expenditure per student \$	29.52
Surplus per student \$	8.40
Income per student £	25.10
Expenditure per student £	19.54
Surplus per student £	5.56

(\$8.40 or £5.56), with the range from Rs. 43 (School B) to Rs. 1080 (School M).

So in practice, the schools make a surplus, which would seem to go against the Unni Krishnan judgement, given that these surpluses were not necessarily reinvested in the school (see below). But certainly, even in those schools which did reinvest, the managers implied that what they were doing was probably illegal, because they reported to us that they kept two sets of record books, one for the government inspectors, and the other for their own use.

How are profits justified by the school managers? The surplus made by School C amounted to approximately £734. When asked whether the school manager believed that schools should make a profit, she said:

We charge very low fees, but we feel that from our school everyone should profit and that includes ourselves. The teachers profit from us because we are giving them with a job, the students benefit from us because we are giving

them a good education and the parents are benefiting because we are giving an education that is very low cost. We therefore benefit as correspondents because we work very hard. We feel that we should be able to make a profit because of our efforts (School C, 5th February).

The manager of School H, who made an estimated annual surplus of about £7713, in 2001–2002, commented that:

If you left everything up to the government then this type of education wouldn't exist. The need to make a profit makes you do well. That is what I have found over the last 20 years. Otherwise I wouldn't still be in business, with two schools to my name" (School H, 8th February).

When the manager at School I was asked to comment upon the viability of making a profit in the education market she explained that:

It is my business, everyone is in business to make a profit, if anyone tells you different... (Smile)...no one does it for free, no one has a business that doesn't make money (School I, 8th February).

Two points need to be made about these surpluses. First, some of the profit is reinvested in the schools to improve their facilities and standards. During visits in May 2002, for instance, Schools D, H and J all had ambitious school buildings under construction, while Schools M and E were having extra rooms added. Second, the majority of the schools provided free and concessionary places to those too poor to provide for themselves—Table 3 shows on average these amounted to about 7% of expenditure. In both cases these might be uses of profit that could meet the approval of the authorities.

There were mixed views from the authorities concerning schools making a profit. One official stated that private schools:

make demand in their locality by providing good schooling. These schools should be built on a commercial motive (Government Official, February 2002).

Another government official argued that, as the main objective of the government is to provide education for all children, then if this means violating the law, it should be acceptable:

Both the regulations and the Unni Krishnan decision can be overcome. The State Government is totally sympathetic to any ideas and projects that will improve education and help to achieve 100% education. The Unni Krishnan decision will not get in the way. It doesn't matter... The government wants 100% education in this country and the right to that education for all children. (Government Official, February 2002).

However, one DEO stated that:

To make money is bad and all of these schools are making money. I feel this is a negative thing for schools to do as it starts competition (DEO, February 2002).

In practice, then, the Supreme Court judgement on profit is widely ignored, although there are mixed views on whether or not this is desirable. We now turn to regulations at the state level, “on paper” followed by “in practice”.

4. Research findings: the Andhra Pradesh regulatory environment

4.1. ‘On paper’: comprehensive regulations

The research found that private unaided schools are extensively controlled through a wide range of regulations including the following (all reviewed for the research):

- The Andhra Pradesh (Integrated) Education Rules, 1966: (Rao, 2000)
- The Andhra Pradesh Compulsory Primary Education Rules, 1982 (Rao, 2001)
- The Andhra Pradesh Education Acts of 1982 and 1987 (Rao, 2000)
- The Andhra Pradesh Educational Inspection Code (Rao, 2001)
- The Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration

and Control of Schools Under Private Management) Rules, 1993 (Rao, 2000)

- The Andhra Pradesh Educational Institutions (Inspection and Visits) Rules 1988 (Rao, 2001)
- The Andhra Pradesh Private Educational Institutions Employees (Conduct) Rules, 1985 (Rao, 2001)
- The Andhra Pradesh Registered Schools (Establishment, Recognition, Registration and Regulation) Rules, 1987 (Rao, 2001).

4.2. ‘In practice’: regulations not met

In practice, however, the researchers found low adherence to these regulations. All government officials and every school manager acknowledged that schools generally do not meet most of the regulations. For instance, schools certainly do not provide classrooms of the required size, as admitted by all the school managers; furthermore, because schools are cramped for space in the low-income areas, many either do not have a playground or, if they do, it does not reach the required size. There are also regulations against English-medium primary schools, yet each of the recognised schools in the project has English-medium primary classes. Moreover, below Class VI, schools often do not follow the prescribed syllabus, but deviate from this by providing further English classes.

With regard to staffing, one government official indicated that the ‘private institutions have 100% freedom with their staff’ (Senior Government Official, February 2002). No checks, he reported, are made to see if schools follow the detailed regulations on hiring or firing staff. Moreover, it is not possible for *any* private English-medium primary school to fulfill at least one of the regulations, for there is no government-recognised teaching certificate for English-medium primary schoolteachers. Similarly, regulations specifying that all teachers must hold a teacher training certificate are also ignored: only 10% of the teachers indicated that they held the appropriate certificate. None of the 15 project schools paid into a teacher’s Provident Fund, even though 15% of

Table 5
Regulatory requirements and adherence

School	Recognition status	Rs. 50,000 fund	Library of any size	Playground provision of any size	All qualified teachers (Teaching certificate)
School A	Recognised to Class VII	Yes	No	No	No
School B	Not Recognised	Yes	Yes	No	No
School C	Recognised to class X	Yes	No	Yes	No
School D	Recognised to class X	Yes	No	No	No
School E	Recognised to class X	Yes	No	No	No
School F	Recognised to class X	Yes	No	Yes	No
School G	Recognised to class X	Yes	No	Yes	No
School H	Recognised to class X	Yes	No	Yes	No
School I	Recognised to class X	Yes	Yes	No	No
School J	Recognised to class X	Yes	No	No	No
School K	Recognised to class VII	Yes	No	No	No
School L	Recognised to class VII	Yes	No	No	No
School M	Recognised to class VII	Yes	Yes	No	No
School N	Recognised to class VII	Yes	No	No	No

the fees collected by the school manager should be earmarked for this purpose.

Indeed, both District Education Officers separately volunteered that, even though there are over 40 conditions that need to be achieved in order for a private school to gain recognition, their ‘rule of thumb’ was that the schools should comply with *only four* regulations in order to gain recognition and remain recognised. Schools must have:

- a playground of the correct size;
- a Rs. 50,000 (£780) fund in a joint school-government bank account;
- trained teachers; and
- library provision.

However (Table 5), of these four requirements, *none* of the project private schools complied with *more than two* of them. Yet all but one of the schools is recognised!

5. Research findings: enforcement and bribery

5.1. ‘On paper’: inspection rules

The statutory Rules state that inspections should be carried out in *all* private primary institutions (whether recognized or not) every

year, usually for a period of 3 days. After the inspection, proof of rectification of issues raised by written reports must be submitted. Inspections of High Schools takes place under a panel inspection system, lasting 1 or 2 days, made up the Deputy Education Officer, Inspecting Officer and five other members, after which the school is awarded one of four grades ranging from excellent through to poor (A–D).

5.2. ‘In practice’: shortage of inspectors and unofficial payments

In practice, according to the DEOs, enforcement of regulations is impossible. When asked how the current regulatory regime could be improved (i.e., not asking about corruption), one responded by saying:

“...the whole system is corrupt... there is no way of checking up on the schools. There are only three inspectors for all of these schools”. (DEO, February 2002).

The problem, he volunteered, was that “The school correspondents cheat in order to satisfy the rules and regulations” (DEO, February 2002). Enforcing the regulations is impossible according to this DEO:

If I do not grant the school correspondent recognition he will go elsewhere in order to become recognised and get around the regulations. He does not have to go through me at all. He can go above me, possibly to an MP who will pass it through. School correspondents have the power as they can go over my head. The local MP will put pressure on me to grant recognition (DEO, February 2002).

The same problem was also reported in the press (*The Sunday Times*, Hyderabad edition, February 3, 2002). But the problem of lack of enforcement of the regulations is not one of a shortage of inspectors alone: Nine of the project school managers gave information on how many times they were visited by an inspector. Four of them indicated three times per year, three more than three times per year, while one reported only once; the school that was not recognised stated that a government inspector had never visited her school. The eight school managers were then asked what best described the reasons why the school inspector comes to visit their school, (Table 6). Six volunteered that the inspector comes to take a bribe. The question was also asked of the school managers, 'How did you ensure that your recognition status was continued?'. Table 7 shows that seven of the eight volunteered that they could ensure this by, amongst other things, paying a bribe. Although inspectors reportedly make frequent visits to the private schools, no teacher

reported that they had participated in an inspection. They pointed out that inspectors spend time in the school manager's office discussing 'business'. Moreover, no school manager ever mentioned being awarded an inspection grade, something they would be likely to capitalise upon.

School managers gave more details of the extent of bribes that are paid to inspectors, government officials and tax collectors. The school manager at School M said:

Everything is possible if you offer the right amount of bribe... corruption means you can get anything done. In fact, if we follow the proper channels, every path will be closed (School manager, 12th February, School M).

The manager of School G said that all government officials can be bribed and that "an official will not be able to sleep at night if he doesn't ask for and receive bribes". School F is recognised even though the school does not come up to the regulatory requirements:

If you don't pay the bribe they will give us notice so it is cheaper to pay the bribe and not have the inconvenience...it would be much more inconvenient for me not to pay the bribe as that would attract attention from those officials that are higher up and therefore they would come to me for much higher bribes. I paid Rs. 25,000 to get recognition and on top of that my yearly bribes total between Rs.

Table 6
Primary aim of the inspector's visit

School	Primary aim of the inspector's visit
School A	'To visit the classrooms and give suggestions and helps the management by giving the tips for how to maintain the records. And at last takes the bribe'.
School D	'Goes through the record and then collect the bribe'.
School E	'He does both the things; he says whether we are following the rules and then next he collects bribe from the school'.
School F	'To collect the bribe and sign the register to show the government that he has visited the school for inspection'.
School H	'To check the records and then visit the classrooms'.
School I	'He just comes to finish his duty'.
School J	'Only to collect the bribe from us, he/she never gives any feedbacks so that it gives us a chance to improve our teaching or buildings'.
School M	'Nothing in particular, he inspects only the records and goes with filled pockets'.

Source: Data provided for this research 2002.

Table 7
How recognition status is retained

School	How did you ensure that your recognition status was continued?
School A	'Because, the inspector inspects the school and writes his comments and then also takes bribe from the school'.
School D	'The inspector will visit the school and collect the bribe and signs on the record/register saying that the school is working according to the rules and regulation'.
School E	'They write comments in the records and then suggest us how to maintain them. If bribe is paid to the inspector they will not question much and they sign the records'.
School F	'They go through the records and give their comments then and there. If they were been given some gifts/bribe they never question about the maintenance, they will sign the register'.
School H	'By following the rules and regulations framed by the government'.
School I	'By paying them the bribe and also following the rules and regulations of the government.
School J	'By paying the bribe'.
School M	'Only by paying the bribe'.

Source: Data provided for this research 2002.

7000/-Rs. 11,000/-. I count that as a cost to my business. If I didn't pay the bribes then my school would lose its recognition and that would affect my business (School manager, 9th February, School F).

These findings were confirmed by the officials themselves, including the inspectors, who were surprisingly candid: One official was asked to what extent he considered the regulatory regime to affect the private schools for low-income families (i.e., he was not asked about bribes) to which he replied: "The regulations are flexible, open to bribery and corruption. Bribery is a possibility, they can bribe me too!" (DEO, February 2002).

We explored with school managers the extent and amount of the bribes that needed to be paid. According to the school manager from School J, when applying for recognition he had to pay Rs. 50,000 (£735.29) in unofficial payments. It then took him 6–12 months to obtain recognition for the first time and 3–6 months to get this recognition renewed. When asked to itemise the costing of the payments to inspectors and tax collectors, the manager provided the details in Table 8: in the year that the school applied for recognition he paid bribes to government officials and tax inspectors of around Rs. 67,000 (approximately £1100), as well as the official payment, including 'Building soundness certificate' and the appointment of a Chartered Accountant each costing Rs. 500 (£7.35) not featured in the table,

of Rs. 58,454 (approximately £900). The tax inspector also asks for bribes:

Then he will make the tax higher and ask for last year's, even if you have paid it already. Your records can easily be 'lost'. For example if the school started in 1999 he will calculate how much tax should have been paid since then if you don't pay him the bribe and will charge you for those years also (School manager, 28 May, School J).

Other schools provided the information in Table 9. Regarding recognition the school manager from School C stated that:

In order to get recognition we would have to abide by many regulatory requirements. It is just not possible for us to be able to do this ... Therefore when the government inspectors come we pay them ... we have to pay initially Rs. 50,000/- and then we have to pay Rs. 4,000/- inspection charges. After bribes this fee will add up to around Rs. 80,000/-. You see we don't have everything we need here in order to get recognised. If we did it would cost us a lot of money ... Therefore it is cheaper to bribe the inspector and give him what he is looking for and then we don't have to abide by the regulations. (5th February 2002, School C).

The amount paid by the school manager in cash bribes depends upon the relationship between the inspector and the school manager:

Table 8
Unofficial payments made by School J

Regulation	Official cost	'Unofficial payment'	Who receives the payment
Sanitation certificate	Rs. 3 per student (818 pupils): Rs. 2454 (£36 approx.)	Rs. 500–Rs. 1000 per annum (£7–£14 approx.)	Inspector
Inspection: Primary	—	Rs. 2000–Rs. 3000 per annum (£29–£44 approx.)	Inspector
Inspection: High school	—	Rs. 5000–Rs. 8000 per annum (£73–£117)	Inspector
Property tax	Rs. 2,500 (£37) (dependent upon the size of the school)	Rs. 6750 (£100) (when the tax is being collected)	Municipal department: tax collector
Professional tax	Rs. 2,500 (£37)	Rs. 500 (£7) (per annum)	Tax collector
Application for recognition: Upper primary	Deposit: Rs. 25,000 (£367)	Rs. 10,000–Rs. 15,000 (£147–£220) (one time payment)	Deputy DEO
Application for recognition: High school	Deposit: Rs. 50,000 (£735)	Rs. 30,000–Rs. 50,000 (£441–£735) (one time payment)	Deputy DEO

Source: Figures collected during an interview in June 2002 with the manager from School J.

They will be nice to you if you are nice to them. We offer gifts in order to make them more friendly towards us—pictures, novelties such as flower stands and mobile telephone cards, what we call 'chips', are a favourite of the inspectors as 'gifts' which cement our 'friendship' (28th May, School J).

The school manager at School I calculates that she pays around Rs 10,000 (£147.06) per year in bribes. She said:

If I didn't have to pay these bribes I could put this money back into my school. However, I need to pay bribes in order to keep my recognition (8th February, School I).

The unpredictable enforcement strategy of the government officials is also noted as a problem for the school managers. The school manager at school H said:

I try to abide by most of the rules and regulations where I can, otherwise I would have to shell out more money every year. There are too many rules and regulations at the moment and some they enforce and some they do not (School H, 8th February).

Officially, this means that the budget private schools are in practice largely unregulated. However, it is worth noting another sense in which the private schools are 'regulated': through accountability to parents. There are striking instances where regulations do appear to be met in full: for instance, the average pupil-teacher ratio of the schools was 29:1, ranging from 21:1 to 34:1, so all schools were comfortably within the statutory 1:40 ratio. However, when school managers were probed, they volunteered that meeting this requirement had nothing to do with regulations, but was instead prompted by parental pressure and competition with other schools with smaller class sizes. Other regulations were also met, such as the provision of drinking water and sanitation, but again reportedly because these were demanded by parents, not because they were the legal requirements.

In the literature review above, private unaided schools were noted as more accountable to parents than government schools. Our research reinforced this claim: First, government officials spoke openly about the issue of accountability to parents. One said:

the teachers in the private unaided schools are accountable to the parents. The parents insist

on quality. The teachers in the private unaided schools are faced with the sack if they do not perform... They can easily be removed (DEO, February 2002).

Another stated that:

In the private schools the manager watches the teachers all of the time. In turn the teachers watch the children (Government official, February 2002).

The officials stated that such accountability is not present in the government schools because teachers and staff are guaranteed a ‘job for life’ owing to the strength of the teachers’ unions and employment contracts. Another government official stated that “parents are sending their children to private schools because in terms of education they are working very hard and that’s what the parents are sending their children to do. ... The parents are rational and so the schools are accountable” (DEO, February 2002).

Second, parents indicated that they took the school’s accountability to them seriously. When asked how many other schools the parent had investigated before they chose the present school for their child, no parent reported that they had not considered any other school, while 69% reported that they had investigated between two and seven other schools: The largest group (45%) had actively considered two other

schools, with about a quarter having looked at three or more other schools, and about a third investigating one other school. In contrast, around 40% of parents indicated that they did not know whether their child’s school was recognised, and only about half indicated that such recognition was important in their choice of school, suggesting that parents do not take the official status too seriously as an indicator of quality. Parents report, however, that they will move their child to another private school if the education is inadequate. For instance, one illiterate father from School A remarked that, if the standard of English did not improve at his child’s school, he would place him somewhere else. He had been comparing his child’s abilities with his neighbour’s children who went to another private school, although he spoke no English himself. Finally, the issue of parental accountability is taken seriously by school managers. At School H the manager indicated that, because he has to keep standards high in order to compete with other private schools, he has introduced a free 6-monthly health check, and has computerised the monitoring of children’s grades. Another manager stated that competition between schools ensures that fees are kept low: “If we charge higher fees the children would leave and they would go elsewhere because there is so much competition” (8th February, School I). This issue is taken further in the conclusion (Table 9).

Table 9
The cost of unofficial payments

School name/fee range	Amount per year in bribes	Bribe for recognition	Year recognition achieved
School C (Rs. 60–140)	Rs. (not known)	Rs. 30,000 (£441)	2002
School E (Rs. 100–200)	Rs. 2000 + gifts (£29 + gifts)	Rs. 30,000 (£441)	2002
School F (Rs. 100–175)	Rs. 7000–Rs. 11,000 + gifts. (£103–£162 + gifts)	Rs. 25,000 (£367)	2000
School H (Rs. 130–350)	Rs. 3,000–Rs. 5000 + gifts (£44–£73 + gifts)	Rs. 20,000 (£294)	1998
School I (Rs. 90–150)	Rs. 10,000 + gifts (£147 + gifts)	Rs. 75,000 (£1,103)	1993
School J (Rs. 60–120)	Rs. 16,250 + gifts (£238 at Rs. 68 = £1)	Rs. 50,000 (£735)	1994
School K (Rs. 100–180)	Rs. 2000–Rs. 3000 + gifts (£29–£44 + gifts)	Rs. 30,000 (£441) [Rs. 50,000 (£735)]	1992 (7th) [application for 10th]

Source: Figures provided by the school managers 2002.

6. Discussion and conclusions

This paper has reported on a case study which included exploration of the regulatory environment for private unaided schools serving low-income families in Hyderabad, Andhra Pradesh, India. Given the sensitivity of issues raised—especially concerning the ‘extra-legal’ regime—the results reported must be treated with caution, as it was only through interviews that the data were obtained, and data gained in this way is subject to several caveats, in particular concerning the accuracy of information given.

The study explored the comprehensive regulations that exist “on paper”, covering profit, teachers, physical facilities and management. The mystery, examining only this official regime is, if regulations are so exhaustive, why are so many schools established? This sense was compounded early in the research when it was discovered that in many of the case study schools, government inspectors visited three or more times per year.

The answer became clear as the researchers became better acquainted with school managers, and as government officials were interviewed: the regulations are widely ignored, subject to the payment of bribes. An inspector calls, but does not visit the classrooms. This situation was remarked upon with candour by government officials interviewed, and corroborated by school managers and teachers, some of whom volunteered detailed information regarding the payment of bribes.

If this is the case, then it means that these ‘budget’ schools are, in practice, largely unregulated by the state, and that conferring ‘recognition’ status on the schools—which is supposed to indicate that the schools have met certain quality standards—becomes largely meaningless. However, official regulation is only one way of ensuring standards—there is also a large literature pointing to the possibility of private *self*-regulation (for example, see Ayres and Braithwaite, 1992; Braithwaite, 1982; Yilmaz, 1998; O’Buachalla, 1992; Blundell and Robinson (2000)). Indeed, government officials, school managers and parents themselves implied that the system was indeed self-regulated through parental accountability. How-

ever, it is not suggested that this was adequate to ensure quality. Two cases indicate the problems that may arise in the sector:

First, we were invited to a slightly more up-market school than the project schools, charging monthly fees of Rs. 300 (£4.40), to which poorer parents might aspire to send their children, featuring a glossy brochure and a manager’s office with marble floors and air conditioning. However, upon inspection, we saw classrooms which were indistinguishable from the slum classrooms and listened to senior children reading English without comprehension. Such a school may be hoodwinking parents with its outward façade. Second, one of the project school managers pointed out how he was in competition with four new schools in his neighbourhood, none of which had students in high enough streams to enter for the state Standard 7 examinations. Parents said that his internal test scores at Standards 1–4 were lower than in these competitors. But his tests, he contended, were of the standard required for the state examinations, while the other schools were deliberately providing easier tests to inflate their scores, encouraging parents to believe their standards were higher. A market test would appear when the children finally did sit for Standard 7 exams (although again there may be problems of corruption: in Hyderabad the quip is that the state exams are called ‘Board’ exams—because teachers write the answers on the board for children to copy!). In any case, by then it might be too late—his school may have been put out of business by its competitors. Whether or not the school manager was accurate in his description of the situation, clearly what he described could plausibly arise in the current environment.

This illustrates the kind of predicament faced by parents when making school choices. The government solution is that the badge of recognition solves the information problem for parents. Unfortunately, this research suggests that recognition can be bought through bribery, so signifies only that these payments have been made, not that standards have been met.

Given these findings, what are the recommendations for the sector? On the issue of bribery, it has been noted that corruption is ‘endemic’ in India

(Drèze and Sen, 2002, p. 53), and so not something that can be easily wished away by recommendations here. However, if there were fewer regulations, then there may be need for fewer bribes. And some regulations, it appears to be agreed by the Andhra Pradesh government, may not be essential to the effective running of private schools. For instance, it recently suggested that it should “Declare education an industry” (Government of Andhra Pradesh, 1999, p. 88), which seems to be a disguised challenge to the Unni Krishnan Supreme Court Decision. So reform of the regulatory environment may be politically viable. The findings here suggest that government, and international aid agencies, could usefully explore liberalising the regulatory system to create fewer regulations that schools need to meet and hence remove incentives for corruption. However, the problem would still arise of how parents can be informed of quality. This suggests an alternative way forward, looking at self-regulation within the private sector.

One of the reasons for looking at the regulatory regime was to explore ways in which external agencies could assist with capacity building in ‘budget’ private schools. Taking into account that schools are potentially profitable, so have funds available for school improvement, and that school managers realised there were areas of weakness in their schools that they would like to improve, if there were opportunities available to do so, leads to the recommendation to create a private *accreditation* service for ‘budget’ private schools. Accreditation would provide information in this competitive market that would genuinely show school quality, as opposed to government recognition that does not show this. Accreditation criteria could focus on outcomes, particularly those that are of concern to parents, such as teacher and student proficiency in English, and measures such as pupil improvement and progress. Basic facilities, such as separate toilets for boys and girls, could also be included in the inspection criteria, as well as provisions for extra-curricular activities. The key point is that the accreditation-awarding body would depend for its viability on only giving awards to schools that meet the standards. If it became clear that its awards were being given

away on the strength of bribes too, as is clear to parents regarding government regulation, then its whole *raison d’être* and hence financial viability would disappear. This is the key difference between the proposed private self-regulation and current government regulation.

The creation of such an accreditation company could contribute to solving the information problem faced by parents concerning quality. Such private self-regulatory bodies are in operation in some countries: in the UK, the Independent Schools Council (Independent Schools Council, 2002) has ‘enforced’ self-regulation (see Braithwaite, 1982), where the regulating agencies are approved by government, and take over the statutory inspection roles required by government. A similar system is in operation in South Africa, (Independent Schools Association of Southern Africa, 2001) which features a self-regulatory regime that functions for membership of the private school association. These models provide possible ways forward for the regulation of budget private schools in India that would counter some of the problems currently found within the system of government regulation that is clearly not functioning as it was intended to do.

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