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## The shadow institutional framework: towards a new institutional understanding of an emerging private school sector in India

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While the recent emergence of private schooling targeting socially and economically disadvantaged groups in India has been noted, the broader educational discourse in India conceptualises what have been termed here 'low-fee private' (LFP) schools, as a loose collection of independent 'teaching shops'. Combining theoretical concepts from new institutional economics and the sociological variant of new institutionalism in organisational theory, empirical results from this study on LFP schooling in Lucknow District, Uttar Pradesh counter such assumptions.

Far from being a fragmented set of schools, LFP schools employed the *shadow institutional framework*, a codified yet informal set of norms and procedures, to operate as part of a distinct private schooling sector. Despite the fact that LFP case study schools were independently owned, managed, and financed, they used the shadow framework to manipulate and mediate the formal policy and regulatory framework for their benefit and formed part of the de facto LFP sector, a sub-sector of the greater private unaided sector. Even though the shadow framework was contrary to or usurped the official regulatory and policy framework, it operated with the knowledge and sometimes full participation of institutional actors who propelled it as a vehicle for legitimacy because of perverse incentives embedded in the formal framework. The article presents the specific norms and procedures comprising the shadow framework, and outlines the potential implications of this new private schooling sector on the provision and delivery of schooling for disadvantaged groups.

**Keywords:** private education; India; private schools; new institutionalism; management; organisational change

### Introduction and key concepts

While new institutional theory has been lauded for its potential contribution to understanding how educational systems function (Crowson, Boyd, and Mawhinney 1996; Rowan and Miskel 1999; Fusarelli 2003), there are few explicit analyses of the institutions and institutional processes governing them, particularly when examining the emergence of new sectors of education provision. Based on results of the study presented here, this article puts forward the construct of the 'shadow institutional framework', by reconciling two strands of new institutionalism, new institutional economics and the sociological variant of new institutionalism in organisational analysis, to present a potential sketch of the process of sector formation and operation of an emerging private sector of provision in India.

While the recent emergence of private schooling targeting socially and economically disadvantaged groups in India has been noted (Tilak and Sudarshan 2001; De et al. 2002; Tooley and Dixon 2005), the broader educational discourse in India conceptualises what have been termed here 'low-fee private' (LFP) schools as a loose collection of 'teaching shops' (Singh 1995). Empirical results from this study counter such assumptions by highlighting that far from being a

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fragmented set of schools, LFP schools employed the shadow institutional framework, a codified yet informal set of norms and procedures, to operate as part of a distinct private schooling sector. Despite the fact that LFP case study schools were independently owned, managed, and financed, they used the shadow framework to manipulate and mediate the formal policy and regulatory framework for their benefit, and formed part of the de facto LFP sector, a sub-sector of the greater private unaided sector. This is despite the fact that the LFP sector is not officially defined.

The empirical application and extension of new institutional theoretical constructs presented here are within the purview of a larger household, school, and state-level study on LFP schooling in Uttar Pradesh, India (Srivastava 2006a; 2007b, 2007c). From a new institutional standpoint, the significance of the rapidly emerging LFP sector is crucial because as a new model of private provision it has serious implications for the way that formal schooling is delivered to groups with historically low levels of participation. The analysis reported here rests on the nexus between the 'formal institutional framework' or official regulatory and policy framework for private schooling and basic and secondary education<sup>1</sup> in Uttar Pradesh *in principle*; how it was applied by institutional actors to LFP schools *in practice*; and how the formal framework was interpreted and mediated by LFP schools in this study through the shadow framework for their benefit.

The shadow institutional framework was explicitly devised by LFP case study schools to mediate regulatory norms, and thus, largely assumed rule-like status and structure. Its rule-like procedures, normative processes, and enforcement mechanisms constituted a complete institutional set for case study schools and bound them with other LFP schools as part of the de facto LFP sector. According to the concept of 'isomorphism' (DiMaggio and Powell 1983), organisations within a sector face considerable pressure to be alike, either from formal rules and laws or a preoccupation with legitimacy, and adopt procedures from other organisations deemed successful in reducing uncertainty. Results indicate that the highly marketised schooling arena for LFP case study schools prompted a preoccupation with legitimacy to their clients and not the formal rules, encouraging isomorphism to the informal shadow institutional framework.

Typically, the shadow framework either completely disregarded the formal framework or usurped it. Nonetheless, it gained practical legitimacy for LFP case study schools – first, because it reduced uncertainty by employing organisational structures and institutional mechanisms that were proven successful in the experience of other LFP schools; and second, because 'perverse incentives' (North 1990) embedded in the formal framework made it difficult for LFP case study schools to operate in accordance with official rules and procedures. The analysis will further highlight that some institutional actors who should have been upholding the formal framework were not only aware of the shadow framework's existence, but actively participated in propelling it as a way for LFP schools to gain legitimacy despite it undermining the formal framework.

Before an in-depth presentation of the analysis, the article outlines the research context and strategy. It then conducts a necessary theoretical exercise reconciling the new institutional economic approach and new institutionalism in organisational sociology to highlight a robust framework for analysis. Fourth, the article outlines the formal framework for LFP schools in principle. Next, it details how the shadow institutional framework was employed by LFP case study schools in practice. Sixth, the new institutional parameters of the LFP sector are laid out taking the shadow framework into consideration. Finally, it presents potential implications of the shadow institutional framework on the delivery and provision of schooling for disadvantaged groups.

### Research context: situating the LFP sector

Researching LFP schools was not straightforward since the LFP sector is not officially defined by the state and, at the time of the study, had not been operationally defined by researchers. Thus,

for the purposes of this study, the LFP sector was defined as occupying a part (often unrecognised) of the highly heterogeneous private unaided sector. LFP schools were further defined as those that: saw themselves targeting disadvantaged groups; were entirely self-financing through tuition fees; and charged a monthly tuition fee not exceeding about one day's earnings of a daily wage labourer at the primary and junior (basic/elementary) levels, and about two days' earnings at the high school and intermediate (secondary) levels.

In India, private provision is commonly thought to include the private-aided and private unaided sectors. However, the private-aided sector may be more aptly thought of as a public-private hybrid (Srivastava 2007b). Private-aided schools are privately managed, but up to 95% of their funding can come through state 'grants-in-aid' and some through direct household fees to school committees (see Kingdon 1996; Panchamukhi and Mehrotra 2005 for elaboration). In general, most state funding covers teachers' salaries equivalent to state schools and recurrent spending on non-teacher inputs (Panchamukhi and Mehrotra 2005), while management must ensure that teachers meet state qualifications. Private-aided schools must raise their own funds for initial and ongoing costs, typically through parents' contributions to schools' parent-teacher associations. Because of the nature and amount of state intervention in the management and funding of private-aided schools, some assert that they could be called 'semi-government' or 'government-aided' schools (Kingdon 1996; Tilak and Sudarshan 2001).

If we conceptualise the private sector as comprising schools that are financed and managed independently of the state, then the true private sector is composed of unrecognised and recognised private unaided schools. LFP schools as defined in this study occupy part of this sector. This is an important distinction as the private unaided sector is highly heterogeneous. It incorporates a range of schools with varying fee structures (from LFP to elite high-fee schools) that are run by voluntary organisations, missionaries, philanthropic bodies, or individual owners as business enterprises (Tilak and Sudarshan 2001), though in principle and according to a 1993 Supreme Court ruling (*Unnikrishnan PJ and Others v. State of Andhra Pradesh and Others*), schools should not be run for profit.

At the time of data collection a private unaided school in Uttar Pradesh could choose the board through which it wished to be recognised. Government officials explained that in addition to its own state education boards (the Uttar Pradesh Board of Basic Education and the Uttar Pradesh Board of High School and Intermediate Education), those of other Indian states, and the two Central Government boards were also given license to operate schools in Uttar Pradesh. Schools wishing to follow a pattern other than Uttar Pradesh's must have obtained a 'Certificate of No Objection', in addition to fulfilling recognition requirements of the board in question. However, such schools were still under obligation to follow certain State Government policies.

Thus, within the formal framework, a board was essentially the regulating body for examinations and designing the syllabus. A recognised private unaided school was obliged to deliver the course for basic and secondary education according to the guidelines of its respective board, and its students were to sit for the corresponding board exams. In the case of Uttar Pradesh state boards, only students from recognised schools were permitted to take board exams as 'regular candidates'. A system of 'private candidates' existed for students who were home-schooled or failed past exams. However, data from this study will show that LFP case study schools circumvented the formal regulatory and policy framework in critical areas of organisational performance such as qualifying students for examinations and obtaining recognition by relying on the informal norms and procedures of the shadow institutional framework.

Since available databases do not capture unrecognised schools and do not disaggregate private unaided sector data by fee level, it is difficult to give accurate estimations on the size of the private unaided sector as a whole and its sub-sectors by fee level. The 2005 District Information System on Education (DISE) data (the latest available at the time of writing) show that

59.68% of all recognised schools in India were run by respective state Departments of Education; 5.72% were private-aided schools, and 9.44% were private unaided schools (Mehta 2006). The corresponding figures for Uttar Pradesh were: 78.35% Department of Education schools, 4.38% private-aided schools, and 14.18% recognised private unaided schools (Mehta 2006).

However, the exclusion of unrecognised schools in published DISE data and other data sets means that analyses of the private unaided sector underestimate the true number of unaided schools. For example, a rare study on previously unpublished DISE data from seven districts in Punjab reported that 2640 (or 24.8%) out of 10,673 schools were unrecognised (Mehta 2005, 8). Similarly, Tooley and Dixon's (2007) study which included a census of recognised and unrecognised schools in low-income areas of Hyderabad, Andhra Pradesh showed that 36.5% of schools (or 335 of 918) in the areas they studied were unrecognised private unaided. Further research is needed to map out the full extent of private unaided and LFP provision in India, though it is gradually becoming accepted that there is increased private provision of schooling (De et al. 2002; Govinda 2002; Mehrotra and Panchamukhi 2007; Tooley and Dixon 2007).

### LFP case study school profiles

Case study schools varied on a number of school-related attributes such as: amount and types of fees charged; recognition status; size and number of classrooms; available facilities (e.g. library, playground, toilets, drinking water); enrolment; and numbers and qualifications of teachers. There were a few attributes on which all case study schools were similar: all were Hindi medium, recognised or seeking recognition with the Uttar Pradesh state boards, and family-run. Unlike some high-fee schools, all case study schools were run as single operations rather than as part of a chain. School profiles are presented in Table 1.

The use of the shadow framework by case study schools can be seen in the recurring categories of 'official' and 'actual' data. Typical of schools in the LFP sector, case study schools operated to maximise their interests regarding profit maximisation and client retention. For example, data on official enrolment and levels of instruction were reflective of their official recognition status, but the actual data reflected how they operated in practice through informal arrangements of the shadow framework. Official monthly tuition fees for basic education at case study schools were advertised as ranging from Rs. 25 to 130 at the primary level (rural mean = Rs. 40; urban mean = Rs. 99) and Rs. 30 to 145 at the junior level (rural mean = Rs. 57; urban mean = Rs. 106),<sup>2</sup> which were nonetheless above the amount sanctioned by the state.

Effectively, the school-set tuition fees acted as guide prices and represented the maximum amount that a case study school could charge. Many parents employed the 'fee-bargaining strategy' and negotiated a lower amount (Srivastava 2007a), thus not paying the full fees. Furthermore, fee concessions for families with multiple children enrolled or those that could not afford the set fee were internally instituted by owners. The fee-bargaining strategy and fee concessions were reflective of parents' limited bargaining power, and of schools' interests in retaining clients (Srivastava 2007a, 2007c).

### Research strategy

Taking the case of LFP schooling in Lucknow District, Uttar Pradesh, the study had three aims: (a) to examine school choice processes and household schooling behaviours; (b) to analyse the organisational structure of low-fee private schools, their internal operations, and household-school relationships; and (c) to examine the regulatory and policy framework (i.e. the formal institutional framework) guiding the operation of low-fee private schools and how they mediated or interacted with it to gain advantage.

Table 1. Low-fee private case study school profiles.

	Rural Schools						Urban Schools			
	A	B	C	D	Siyapur	E	F	G	H	Taj Nagar
<i>Year first established</i>	1994	1995	1998	1994	1984	2000	1993	1977	1987	1991
<i>Recognition status</i>	Registered Primary	Registered Primary	Registered Primary	Primary Primary	Junior Junior	Inter	Registered Primary	Junior Junior	Junior Junior	Inter Inter
<i>Highest official level</i>	High School	High School	High School	High School	Inter	Inter	High School	Junior	High School	Inter
<i>Highest actual level</i>	55	89	19	261	236	590	205	318	262	1089
<i>Official enrolment</i>	69	120	45	392	258	137	347	318	276	1089
<i>Actual enrolment</i>	17:1	30:1	11:1	65:1	29:1	27:1	35:1	24:1	28:1	50:1
<i>Overall student:teacher ratio</i>	0	0	0	0	0	0	1	0	0	4
<i>Number of trained teachers</i>	3 for 2	2 for 1 1/2	3+ = 1 child free	3 for 2	3+ = 1 child free	3+ = Rs. 20 off per child	3 for 2 1/2 4 for 3	2 for 1 1/2 3 for 2	Nursery-Grade 5: Rs. 25 off per sibling Junior: Rs. 50 off per sibling	Rs. 20 off per sibling
<i>Fee concessions</i>	4	4	3	5	5	5	6	8	6	17
<i>Number of classrooms</i>	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
<i>Toilets</i>	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Drinking water</i>										

The inquiry employed the 'single-case embedded case study' design (Yin 1994), since it involved more than one unit of analysis (household, school, and state) related to the research aims. This stemmed from a conceptual distinction between individuals, organisations, and institutions led by a new institutional theoretical perspective. The study relied on North's (1990) conceptualisation of organisations as: 'groups of individuals bound by some common purpose to achieve objectives' (5). Institutions were seen as: 'consist[ing] of formal rules, informal constraints (norms of behaviour, conventions, and self-imposed codes of conduct), and their enforcement characteristics' (North 1991, 4). In short, to reframe a popular analogy of organisational performance for the purposes of the study, the formal institutional framework or official regulatory and policy framework set by the State was the official 'rules of the game' and LFP schools were 'the players' who were trying to 'win the game' as successful providers of LFP schooling. Economically and socially disadvantaged parents were the individual actors that had to make sense of the schooling options available to them in the schooling arena, and make the best possible choices for their children.

Thus, the study had three distinct levels of theoretical analysis: the individual, examining household school choice processes (see Srivastava 2006a, 2007c); the organisational, concerned with LFP school structures (see Srivastava 2007a), and the institutional. This article presents analysis at the institutional level which focused on: outlining the formal institutional framework for private schooling and basic/elementary and secondary education in Uttar Pradesh in principle; the application of the formal framework to LFP schools in practice; how LFP school organisational actors mediated the formal framework to gain advantage in practice; and the operation of LFP schools as a *de facto* sub-sector of the private unaided sector.

Key research sites included the relevant central, state, district, and municipal government departments, and 10 LFP case study schools (five urban and five rural) in Lucknow District. Since government offices do not have records of unrecognised schools, which many LFP schools are, appropriate schools could not be selected on the basis of a sampling frame. Thus, the 10 case study schools were selected from among a pool of potential schools through purposive sampling resulting from interactions with a range of key informants in the field. Potential schools were initially matched against set criteria for inclusion based on theoretical interest. This subset was then matched against further criteria for inclusion using the method of 'maximum variation' (Maykut and Morehouse 1994) and keeping in mind issues of 'breadth and depth' of the data (Rossman and Rallis 1998), resulting in the final choice of the 10 case study schools (see Srivastava forthcoming for a detailed discussion).

Of these, two schools, Siyapur School (rural) and Taj Nagar Inter-College<sup>3</sup> (urban), were chosen as focus schools for more in-depth analysis at the organisational and institutional levels, and to collect data at the household level by interacting with and interviewing parents. Both had the largest enrolments of schools in their areas (Siyapur with 258 students and Taj Nagar with 1089), and faced direct competition from other LFP and state schools in their immediate vicinity. The rationale at the organisational and institutional levels was that being successful competitors in their local school markets, focus schools could provide depth of data for exploring questions about competitiveness and how they interacted with the formal institutional framework to secure advantage.

Data collection spanned one school year, from July 2002 to April 2003. Data for the full study were mainly collected through 100 semi-structured interviews with parents, school owners/principals, and government officials; numerous informal interviews with school owners/principals and government officials; non-participant observation at case study schools and government offices over the 10-month period; and official and unofficial school and government documents.

In particular, institutional-level data were collected through 10 semi-structured and numerous informal interviews with government officials; 10 semi-structured and numerous informal

interviews with case study school owners/principals; in-depth analysis of 'grey' and official policy and legal documents from central, state, district, and municipal government; and observations of day-to-day practices at schools and government offices. For the purposes of this article, the following sections elaborate on the methods of data collection and data sources for the institutional level of the study. Detailed discussions on the research process, including issues of access, challenges in fieldwork, and the process of and crucial considerations in data analysis can be found in Srivastava (2006b and forthcoming).

## Interviews

### *Government officials*

Ten formal semi-structured interviews were conducted with the relevant municipal, district, state, and central government education officials. The interview schedule focused on the official policy context for private schools; on rules and regulations for their operation; and on officials' perception of how or whether LFP schools were pushing forward the State's education agenda for disadvantaged groups. These were conducted mainly in English by the researcher in government offices, and averaged 60 minutes.

A number of informal interviews were also conducted with some government officials acting as key informants to reduce the 'artificiality' of formal interview settings (Hammersley and Atkinson 1995, 140). They provided the opportunity to follow up on observation events or formal interviews in an atmosphere where officials felt more comfortable in giving details on sensitive information. This constituted a critical source of data collection and validation on how the formal framework was actually applied in practice by institutional-level actors as opposed to how it was described in principle. For example, some government officials readily admitted to knowing about questionable practices in the bureaucracy regarding granting recognition to schools.

### *LFP school owners/principals*

The 10 formal semi-structured school interviews informing the institutional level were the third of three sets of formal interviews with each school. They addressed: (1) the schools' internal institutional context (e.g. internal management structures and processes; school policies; and key areas of organisational performance); and (2) how they interacted with the formal institutional framework (e.g. level and nature of contact with the State; perception of state involvement with LFP schools; and nature of engagement and/or compliance with state regulations). These interviews were conducted in Hindi by the researcher on school premises and averaged 60 minutes. As with government officials, informal interviews with case study school owners/principals over the 10-month period were critical to collecting data on how the schools actually interacted with state policy and regulation, and on the informal arrangements they made with other LFP schools. For example, some owners/principals revealed the more questionable means through which their schools gained recognition.

## Document analysis

Documents were the overwhelming source used to map out the extent and nature of the formal framework governing LFP schools. They were used to chart the legal bases, regulations, and policies that framed the private provision of schooling in the private unaided sector at the basic and secondary levels of schooling in principle. Since the formal framework applicable to case study schools was outlined prior to the 2002–2003 school year, official documents on policy and regulations established before July 2002, and any that were established 'with immediate effect' during

the academic year, were analysed. These included official copies of education acts, rules, and regulations for private schooling and basic and secondary education in Uttar Pradesh published in the *Education Manual* (Jain 2001) (see Appendix), government orders, government circulars, and official reports. Grey documents, such as school inspection sheets with comments from relevant inspectors/officers, departmental school lists, and internal literature on certain projects were used to determine how the formal framework was applied in practice. Similarly, official and unofficial school documents were used to determine internal school policies and how schools interacted with the formal framework in practice.

### Non-participant observation

Non-participant observation was conducted over the 10-month period at case study schools and government offices to ‘get [*sic*] at “real life” in the “real world”’ (Robson 1993, 191), and was crucial in gathering data on how institutional actors applied the formal institutional framework to LFP and other private schools, and on the daily operational procedures and mechanisms of case study schools. This provided necessary and insightful data on how formal rules and regulations were applied by officials and mediated by schools in practice, as opposed to how they were articulated in formal interviews and documents.

Specifically, data were collected on how government officials applied formal policy and regulations to LFP schools in practice; their informal discourses about schooling provision for disadvantaged groups and the place of the private sector; the positions of power that government officials occupied vis-à-vis school owners and the nature of their interactions; as well as the way that case study schools conducted daily management and administration tasks in relation to key areas of school performance such as recognition and examinations.

Most observation events at government sites were opportunistic, though many were scheduled according to government officials’ routines. Observations were mainly conducted in district and municipal field offices. Since the majority of officials’ work revolved around visiting or attending meetings at/about state schools and often at the time of other key research activities at case study schools, observations were mainly conducted during the hours officials handled queries. These were identified as times when ‘critical incidents’ (Simpson and Tuson 1995, 25) were most likely to occur.

### Reconciling new institutionalism as the theoretical paradigm for analysis

Combining concepts from new institutional economics and organisational theory influenced by sociology for the analysis here was not haphazard. It was a deliberate attempt to combine relevant concepts from two strands of new institutionalism which are complementary but which, surprisingly, have not been previously linked despite the potential for a stronger framework for analysis.

The sociological variant of new institutionalism has been more readily applied to education prompted by a set of now seminal work (Weik 1976; Meyer and Rowan 1977; Rowan 1982; DiMaggio and Powell 1983). New institutional economics, on the other hand, is generally overlooked by researchers employing the sociological variant perhaps because it is often portrayed as embracing many concepts from traditional economic theory (Vandenberg 2002). This is evidenced by Scott’s (2001) assertion that: ‘neoinstitutional economists seek not to replace orthodox economic theory with the study of multiple and diverse institutional conditions but rather to develop an economic theory of institutions’ (28).

While the latter part of this statement as a generalisation in the strictest sense on the origins of new institutional economics is not untrue, the result of such assertions is that they obscure some essential distinctions between it and traditional economic theory, especially those concerning

assumptions of rationality. A review of new institutional economics, particularly the view propagated by Douglass North,<sup>4</sup> reveals just how misrepresentative this can be. For the purposes of the analysis here, two major departures from traditional economic theory are outlined: the break from assumptions of rationality and efficiency.

### Two fundamental departures of new institutional economics

Concerning rationality, North (1992) explains that new institutional economics

... builds on, modifies, and extends neoclassical theory to permit it to come to grips and *deal with an entire range of issues beyond its ken*. What it retains and builds on is the fundamental assumption of scarcity and hence competition – the basis of choice theoretic approach that underlies microeconomics. *What it abandons is instrumental rationality* – the assumption of neoclassical economics that has made it an institution free theory. ... Institutions are unnecessary in a world of instrumental rationality; ideas and ideologies don't matter; and efficient markets – both economic and political – characterise economies. (3; emphases added)

The break from assumptions of rationality signifies the first major shift from neoclassical constructs. North (1990) adopts a more holistic view of how actors make decisions owing to information asymmetries and 'mental constructs that can result in persistently inefficient paths' (8). These are related to what he terms as two basic aspects of human behaviour: (1) motivation; and (2) deciphering the environment (North 1990). North takes exception to rational theorists who insist that self-interest and wealth maximisation are the primary determinants of motivation, and points to instances of altruism or self-imposed constraints as other potential sources.

Retaining the assumption of scarcity allows a focus on choices made by organisational and institutional actors in an environment structured by *constraints* (North 1991). This is where the role of institutions assumes primary importance. North extends the notion of constraints from the traditional economic supply and demand model to include ideological, social, and political constraints which affect the choices that organisational and institutional actors make. Thus, institutions '... are the rules of the game in a society or, more formally, are the humanly devised constraints that shape human interaction. In consequence they structure incentives in human exchange, whether political, social or economic' (North 1990, 1).

The second major departure from neoclassical theory is regarding assumptions of efficiency. As North (1990) highlights: 'If political and economic markets were efficient (i.e. there were zero transaction costs)<sup>5</sup> then the choices made would always be efficient' (8). However, he stresses that '... there is nothing in my argument so far about rules that implies efficiency. As stressed above, rules are, at least in good part, devised in the interests of private well-being rather than social well-being' (North 1990, 48). While North was specifically referring to the formal rules in this instance, he applied the argument to informal rules as well. This has crucial consequences for the way that institutions governing interactions in any social or economic arena play out.

The interaction between organisations and institutions is what results in broader institutional (ultimately societal) change. As such, the primary task of organisations is to 'win the game' as structured by the rules or institutions. However, if private well-being is favoured over social well-being, which is in turn institutionalised in the formal and informal structures governing society, then efficiency (a minimisation of transaction costs arising from information asymmetries in this model) is not a necessary by-product of that institutional framework.

One example given by North is the persistence of the caste system which favours only a small powerful segment of society and perpetuates inefficiencies in many social and economic exchanges. If the motivation to seek private well-being over social well-being is institutionalised in the greater institutional framework it is likely to give rise to what he terms 'perverse incentives'. Perverse incentives in this model favour inefficient outcomes, and encourage and

reward organisations that operate accordingly, further reinforcing an inefficient institutional framework.

North (1990) explains: ‘... organisations incrementally alter the institutional structure. They are not, however, necessarily socially productive because the institutional framework frequently has perverse incentives. Organisations will be designed to further the objectives of their creators’ (73). He gives the example of piracy and states that if the institutional framework rewards such socially unproductive and economically inefficient activities then organisations favouring those will develop. Ultimately, not only can organisations be set up to pursue inefficient ends and actors make inefficient choices, but the very institutions themselves can be (and according to North, frequently are) economically and socially inefficient:

Institutions are *not necessarily or even usually created to be socially efficient rather they, or at least the formal rules, are created to serve the interests of those with the bargaining power to devise new rules*. ... If economies realise the gains ... by creating relatively efficient institutions, it is because under certain circumstances the private objectives of those with the bargaining strength to alter institutions produce institutional solutions that turn out to be or evolve into socially efficient ones. (North 1990, 16; emphasis added)

### **The nexus with the sociological variant of new institutionalism in organisational analysis**

If the focus of new institutional economics is on institutional change and ‘new institutionalism in organisational analysis takes as a starting point the striking homogeneity of practices and arrangements’ (DiMaggio and Powell 1991, 9), where do the two meet? In fact, a Northian perspective does not espouse radical change. North rejects the notion of institutional change as radical (except in extremely rare circumstances, the results of which may not be very long lasting), and sees it as a process of incremental change which is complicated by ‘path dependence’. Path dependence is reminiscent of DiMaggio and Powell’s (1991) celebrated analysis that certain ‘Institutionalised arrangements are reproduced because individuals often cannot even conceive of appropriate alternatives (or because they regard as unrealistic the alternatives they can imagine)’ (10–11). Furthermore, there is a striking similarity to Meyer and Rowan’s (1977) ‘rational myths’ in North’s (1991) explanation that:

Both the interests of the existing organisations that produce path dependence and the mental models of the actors – the entrepreneurs – that produce ideologies ‘rationalise’ the existing institutional matrix and, therefore, bias the perception of the actors in favour of policies conceived to be in the interests of existing organisations. Altering or reversing paths is a result of external sources of change that weaken the power of existing organisations and strengthen or give rise to organisations with different interests, or it is a result of the unanticipated consequences of the policies of the existing organisations. (6)

Second, the sociological variant as outlined by Scott (2001) rests on the ‘three pillars of institutions’: the regulative, normative, and cultural-cognitive. He outlines these three pillars as comprising different indicators, mechanisms, logic, and bases of compliance, order, and legitimacy (see Table 2). Again, there are certain similarities underlying the two approaches. The regulative pillar seems to correspond to North’s conception of formal rules, and the normative and cultural-cognitive to the informal rules. A combination of the ‘bases of legitimacy’ and the ‘bases of compliance’ seem to correspond to what North terms ‘enforcement mechanisms’.

The main issue in combining the two approaches for a theoretical analytic is to reconcile different foci. While the new institutional economics approach focuses more directly on the formal rules or the regulative pillar in its analyses, the sociological approach is more concerned with the normative and cultural-cognitive pillars or the informal rules; and both consider enforcement mechanisms. Thus, an analytic approach combining both variants and highlighting the importance of formal rules and their interplay with informal rules can provide a robust framework

Table 2. Scott's three pillars of institutions.

	Regulative	Normative	Cultural-Cognitive
<i>Basis of compliance</i>	Expedience	Societal Obligation	Taken-for-grantedness Shared understanding
<i>Basis of order</i>	Regulative rules	Binding expectations	Constitutive Schema
<i>Mechanisms</i>	Coercive	Normative	Mimetic
<i>Logic</i>	Instrumentality	Appropriateness	Orthodoxy
<i>Indicators</i>	Rules	Certification	Common beliefs
	Laws	Accreditation	Shared logics of action
	Sanctions		
<i>Basis of legitimacy</i>	Legally sanctioned	Morally governed	Comprehensible Recognisable Culturally supported

Note: Reproduced from Scott (2001, 52).

for interpreting the operation of LFP schools and the formation of a de facto sector of private provision.

It becomes necessary at this point to define a sector. Scott and Meyer (1991) define a 'societal sector' as comprising (1) a collection of organisations operating in the same domain which is identified by a similarity of services, products or functions (2) together with those organisations that critically influence their performance (117). In a similar vein, DiMaggio and Powell (1983) define an 'organisational field' as 'those organisations that, in the aggregate, constitute a recognised area of institutional life: key suppliers, resource and product consumers, regulatory agencies, and other organisations that produce similar services or products' (148). The analysis here adopts the essence of both definitions, extending them to refer to the LFP sector as a collection of organisations identified by their similarity of service, product, and function together with their suppliers, consumers, and regulatory agencies *in addition to their governing institutions* (formal, informal, and their enforcement mechanisms).

The analysis draws on the distinction in new institutional economics between the formal rules to determine the formal framework in principle; informal rules to identify the informal arrangements instituted by case study schools to mediate the formal framework in practice; and enforcement mechanisms to explain why the shadow institutional framework was more binding. Specifically, the concept of 'isomorphism' from the sociological variant as 'a constraining process that forces one unit in a population to resemble other units that face the same set of environmental conditions' (DiMaggio and Powell 1983, 149) draws out the persistence of the shadow framework in defining the internal structure of LFP case study schools and their interactions with other LFP schools and the state. The use of 'mimetic' isomorphism (or mimicry) resulting from standard responses to uncertainty, and 'coercive' isomorphism stemming from political influence and the problem of legitimacy (DiMaggio and Powell 1983, 150), will help to explain why case study schools adhered to the shadow framework rather than the officially sanctioned formal framework. In effect, the theoretical framework permits the examination of 'the formal properties and informal arrangements' of the 'lived market' (Lauder et al. 1999) of the de facto LFP sector.

The analysis puts forward the empirically constructed concept of the shadow institutional framework to transcend the limits of new institutionalism as it has thus far been employed. Specifically, it reconciles the need to go beyond traditional analyses of the formal rules in new institutional economics and strengthen the focus of the sociological variant that informal institutions may also act as regulatory institutional sets. The analysis also integrates the concept of

institutions at the extreme micro-level *within* schools (McMeekin 2003a,b) to uncover the relevant internal formal and informal policy and regulatory mechanisms specific to and across LFP case study schools.

Results of this study built on new institutionalism through the identification of the shadow institutional framework, an informal set of *common internal institutions* across case study schools (building on McMeekin's concept of 'within school institutions') structuring their internal operation as LFP school organisations, and *external institutions* (influenced from a Northian perspective) governing the interaction of case study schools with other LFP schools and the state. The set of shadow institutions allowed LFP case study schools to mediate the formal framework and increase their performance to try and win the game as successful providers of LFP schooling.

Common internal institutions enabled case study schools to be identified as LFP school organisations and reduce information asymmetries on properties of the formal institutional framework and on the informal arrangements of the shadow framework; external institutions allowed them to minimise transaction costs of interacting with the state. Successfully employing the shadow framework to mediate the formal framework partly relied on manipulating perverse incentives embedded in the latter. Data will show that embedded perverse incentives also help to explain the uneven application of the formal framework across LFP schools by institutional actors. Before an in-depth presentation of how LFP case study schools employed the shadow framework for their benefit, key aspects of the formal institutional framework are highlighted below to contextualise their operation.

### **Outlining the formal institutional framework**

Since six case study schools (Schools D, E, G, H, Siyapur, and Taj Nagar) were recognised by the Uttar Pradesh boards of education and the remaining four (Schools A, B, C, and F) were seeking recognition from them, the formal institutional framework applicable to all case study schools was entirely devised by the state. State regulations governing basic and secondary education for private schools through the two boards framed the basis of the formal framework in accordance to which case study schools should have operated in principle.

### ***Key features of the formal institutional framework***

A key feature of the formal framework for private schools was that its dynamism was prevalent in areas where it seemed that the state sought greater control, particularly regarding recognised schools. These areas were: the employment and functions of teaching staff; recognition; and the conduct of exams (including private candidates). This matched the areas that case study school owners identified as most vital for their schools' performance. At the time of analysis, acts and rules in these areas were most frequently and recently amended to expand the role of the state in principle. For example, the *Uttar Pradesh Secondary Education [Services Selection Board] Act, 1982* was amended in 2001 to expand its scope in the employment and service conditions of secondary teachers, strictly limiting the role of private management in recognised private schools.

Another feature was that the insistence on regulating secondary schools (high schools and intermediate colleges) was much greater than basic schools (primary and junior schools). The instances of acts and rules drafted specifically to regulate some aspect of secondary education were far higher and more explicit than those of basic education. In fact, recognition procedures for basic schools were largely established through government orders and circulars (less formal) than through the passing of an act. The Basic Education Act did not include a single mention of 'recognised' schools. There was no separate document on fee caps for basic schools or procedures for recognition withdrawal. Instead, these rules were subsumed in *The Uttar Pradesh Recognised*

*Basic Schools (Recruitment and Conditions of Service of Teachers and Other Conditions) Rules, 1975* which, by comparison, was one of three sets of rules governing the employment and service conditions of teaching and other school staff in recognised private basic schools.

However, there were amendments to the rules governing recognition for basic schools in government orders and circulars provided by officials. At the time of data collection, these were not fully incorporated into the acts governing basic education, unlike those for their secondary counterparts.<sup>6</sup> This may intimate the state's lesser concern for regulating basic versus secondary education because of the historic concern with mass schooling, and the current focus on expanding basic provision in the latest National Policy on Education of 1992 and international *Education for All* campaigns.

Finally, there was a constant struggle for power by the state to control private schooling vis-à-vis third parties (i.e. private school management) and even school boards. Despite the list of varied functions and powers of both state boards (Section 4, Basic Education Act; Section 7, Intermediate Education Act), the ultimate power over institutional control rested with the state. It was empowered to make new rules for the enactment of existing acts and rules, and through which, both boards were required to seek prior approval for a variety of functions, such as the hiring and service conditions of teaching staff, and for secondary schools, even the establishment of their internal governing bodies. This is explicit in Section 9 of the Intermediate Education Act conferring the right and near absolute power of the State Government:

**9. Power of State Government.** – ... (4) Whenever, in the opinion of the State Government, it is necessary or expedient to take immediate action, it may, *without making any reference to the Board* under the foregoing provisions, pass such order or to take such other action consistent with the provisions of this Act as it deems necessary, and in particular, may by such order *modify or rescind or make any regulation in respect of any matter and shall forthwith inform the Board accordingly.*

(5) No action taken by the State Government under sub-section (4), shall be called into question. (Section 9, Intermediate Education Act, Jain 2001, 18–19; emphases added)

The Basic Education Act (Section 13) had a similar provision regarding state control of the formal framework for basic education. The intent to control the formal framework went one step further by offering the boards protection as the state's execution arms vis-à-vis 'third parties' (presumably private organisations and private management). The 'Bar of Jurisdiction in Courts' (Section 16, Basic Education Act; Section 22, Intermediate Education Act) stressed that no order or decision made by the boards or their committees could be called into question in any court. The protection of both boards from private third parties and the state's intent to retain power over the formal framework in principle are overtly highlighted. However, as the analysis will show, in practice, case study schools (and the LFP sector) claimed some institutional control by devising and employing their own informal network of procedures and norms (i.e. the shadow institutional framework), despite the state's outward intent to control the institutional framework for private schools in principle.

### **The shadow institutional framework**

It is necessary to outline the relevant properties of LFP case study schools that are essential in understanding some of the motivation behind why the shadow framework gained practical legitimacy even though its common internal and external institutions either usurped or were contradictory to officially sanctioned rules and procedures. In practice, and contrary to the 1993 Supreme Court ruling, LFP case study schools were for-profit and run as independent operations, typically in family teams. Since the schools represented the primary source of income for most owners, the teams had a vested interest in their survival and profitability. Second, through informal arrangements of the shadow framework, LFP case study schools provided formal schooling

to their students even if they were unrecognised, since owners felt that this was a major factor to compete in local school markets. Finally, LFP schools attracted their clientele from the same pool of clients who would otherwise access the state sector. Despite this, owners/principals in the study only viewed neighbouring LFP and not state schools as competitors because of the much lower level of quality ascribed to the latter.

In the strictest new institutional sense, the shadow framework was not a formal set of institutions as it was neither formally written nor passed in any legislative or authoritative body, and thus did not have formal legitimacy. Nonetheless, for case study schools as for other LFP schools, the shadow framework gained practical legitimacy on two counts: (1) it minimised uncertainty and provided case study schools with structure in terms of their performance; and (2) it was proven to be the 'way to get things done', not least because the formal framework's perverse incentives made it difficult for schools to operate in accordance with it. Furthermore, and perhaps surprisingly, the shadow framework operated with the knowledge of institutional actors, and was sometimes favoured by them because of those perverse incentives.

For case study schools, the enforcement mechanisms of the shadow framework assumed precedence over the formal framework's enforcement mechanisms of possible imprisonment or fines for failure to conform to the rules. This encouraged isomorphism to the shadow framework, whose enforcement mechanisms were identified as: (1) the possibility of losing recognition for recognised schools; (2) the inability to obtain recognition for unrecognised schools; and (3) the reduction in the number of clients and fees or both. Ultimately, while some case study school owners/principals felt that there was something 'improper' about operating by the shadow framework, they also felt they had no other choice if their school was to survive and 'win the game'.

Some of the shadow framework's internal institutions were school-specific (e.g. dress code, daily timetables, student punishment, ways of contacting parents) in relation to the school's particular circumstances and pedagogical style. While school-specific institutions governed some aspect of case study schools' functioning, internal institutions that assumed primary importance for LFP case study schools in key areas of organisational performance were those that were common across them.

Common internal institutions enabled case study schools to be identified as LFP schools, interact with other LFP schools, exchange vital information, and form key institutional links for their performance. They were concerned with reducing information asymmetries on knowledge about the formal framework's properties and the shadow framework's informal arrangements. Information exchanged about the formal framework was used to buffer the school against deficiencies in institutional requirements and interpretations of formal rules and procedures. Hence, common internal institutions were implemented to structure the school's internal institutional environment as an LFP school organisation, allowing it to operate and be identified as such.

External institutions, on the other hand, were higher order macro-level institutions governing how LFP case study schools interacted with the state regarding the formal framework for basic and/or secondary education and private schooling. They were designed to minimise transaction costs in key areas of organisational performance, such as recognition and examinations. Table 3 presents the common internal and external institutions forming the shadow institutional framework for LFP case study schools.

### *Overview of common internal institutions*

In order to reduce information asymmetries and navigate the formal framework, LFP school owners had to access information about it and establish how best to mediate it. Direct information about the formal framework in principle was accessed by approaching the District Education Office and/or state boards. However, determining how it would be mediated and how it actually

Table 3. Common internal and external institutions forming the shadow institutional framework.

Common Internal Institutions	External Institutions
<ul style="list-style-type: none"> <li>● Fee practices and fee collection structures</li> <li>● Admission procedures</li> <li>● Internal management structure and processes</li> <li>● Hiring of and employment terms for staff</li> </ul>	<ul style="list-style-type: none"> <li>● Affiliation procedures</li> <li>● Procedures for delivering formal secondary schooling in schools not recognised at the high school or intermediate levels</li> <li>● Uttar Pradesh Board of High School and Intermediate Education examination provision</li> <li>● Norms and practices for recognition</li> </ul>

worked in practice was done by establishing partnerships. Common internal institutions allowed case study schools to forge such relationships with other LFP schools, enabling the exchange of pertinent information. These relationships were made personally by case study school owners who contacted more established LFP schools on the basis that they would have mediated the formal framework in similar fashion. The more established LFP schools were usually outside of the catchment area of case study schools to avoid competing against one another, and tended to be owned by individuals with whom owners already had personal relationships.

Case study school owners/principals noted that making such partnerships with state schools was not in their best interest. Not only was the formal framework applicable to state schools different in nature, so too was the manner in which it was applied to them by institutional actors. They also felt that there was an increased risk in LFP-state school alliances due to the close relationships that the latter had with the state. High-fee schools, on the other hand, were not amenable to forming institutional relationships with LFP schools, since their reputations could be at stake. They also had many different internal institutions (e.g. those governing fees and hiring). Thus, ties with more experienced and/or recognised LFP schools reduced uncertainty about mediating the formal framework for case study schools, enabled them to exchange information, and form partnerships to gain legitimacy particularly for unrecognised schools.

Case study schools instituted certain rule-like procedures and practices to reduce uncertainty in their daily functioning (see Srivastava 2007a). Their fee practices and fee collection strategies reflected a reactionary set of internal institutions to parents' engagement strategies of fee-bargaining and 'fee-jumping' (parents exiting schools without paying fees due) (Srivastava 2007a, 2007c). Schools instituted mechanisms such as fee concessions or instalment payments to retain their clientele. The admissions procedures of LFP schools reflected their desire to increase their client pool, and students were admitted to case study schools beyond the state-sanctioned admissions period and with or without proper documentation.

The internal management structure reflected the desire of owners to fully control their enterprise. The structure was hierarchical and schools were family-run operations. Most often, the principal and owner were the same individual or a close family member (e.g. husband, wife, son, daughter) even in recognised schools. This was contrary to the official rules on disqualification in recognised junior schools (applicable to Schools E, G, H, Siyapur, and Taj Nagar) stating that no one related to any member of the management could be appointed as a head or teacher. Nonetheless, they openly flouted this, and School E and Taj Nagar also disregarded the rule that secondary schools should be run by a 'Committee of Management' conforming to strict membership rules.

Less than 6% of all teachers at LFP case study schools were trained, even though all teachers at recognised schools should have been. Furthermore, none of the recognised case study schools followed the detailed appointment and recruitment procedures that should have involved different district-level and state and committees as outlined in the relevant regulations (e.g. *Uttar Pradesh*

*Recognised Basic Schools [Recruitment and Conditions of Service of Teachers and Other Conditions] Rules, 1975; Uttar Pradesh Recognised Basic Schools [Junior High Schools] [Recruitment and Conditions of Service of Teachers] Rules, 1978; Uttar Pradesh Secondary Education [Services Selection Board] Act, 1982; Uttar Pradesh Secondary Education Services Selection Board Rules, 1998*), and made independent ad hoc school-based decisions instead.

### **Overview of external institutions**

To reiterate, external institutions were established to minimise transaction costs of interacting with the state in key areas of organisational performance, identified by case study school owners as obtaining recognition and qualifying students for examinations.

### **Affiliation**

Affiliation or 'attachment' procedures and processes were instituted to enable unrecognised schools or schools that operated grades beyond the level for which they were recognised to provide their students with formal certification from the board. For example, case study schools that were recognised only up to the primary level but that operated junior, high school, or even intermediate classes affiliated themselves with LFP schools recognised to the desired level.

Case study schools relied on common internal institutions to identify, contact, and make relationships (as described above) with a recognised affiliating LFP school. The affiliating school charged an 'affiliation fee' per student. Case study schools saw these fees as necessary, and some claimed them indirectly through their own tuition fees, while others charged parents separately. Affiliating schools officially registered students from unrecognised LFP schools on to their books and issued all official documents, as well as enabling the latter's students to be registered as regular candidates for board exams. Students were provided with all instruction at the affiliated school. In essence, the affiliating school, not the board, became the certifying body for unrecognised LFP schools (or grades), while the affiliated school was a teaching centre. In addition to the obvious benefits for affiliated schools, the arrangements were beneficial for affiliating schools since they increased their fee revenues for little more than administrative tasks.

Of the two case study schools recognised until intermediate (School E and Taj Nagar), School E operated as an affiliating school; all four unrecognised schools (Schools A, B, C, and F) were affiliated with recognised LFP schools outside the sample; and three of the remaining schools (Schools D, H, and Siyapur) simultaneously operated as affiliating schools for the grades that were recognised and were affiliated with other LFP schools for the ones that were not.<sup>7</sup>

### **Procedures for delivering formal secondary schooling**

There was a separate set of procedures that some case study schools, unrecognised at the high school or intermediate levels (Schools D and G), instituted in order to deliver formal secondary schooling. These schools provided secondary instruction through the guise of a 'coaching centre'. Coaching centres are supplementary tuition centres providing private tuition for board and other competitive public exams. The owners/principals explained that the incentive to deliver secondary schooling through a coaching centre was greater than establishing a recognised LFP secondary school, as the formal institutional framework governing its establishment was less prescriptive. Owners registered the same building they were using for their existing school (or some part of it) as a coaching centre for high school and intermediate. However, the distinction in the use of premises was in name and on paper only.

Ordinarily, coaching centres operate after school hours as students arrive after regular instruction at school. Unlike traditional coaching centres, School D's operated at the same time as the

school and in the same rooms. School G's coaching centre operated in the afternoon after the primary and junior shifts. Many of the 'coaching' students were continuing their schooling at School G upon completing junior school there, and were not attending for supplementary instruction but for their only form of secondary schooling. The same was true of all of the 'coaching' students at School D. The management for Schools D and G and their coaching centres was the same. All of School D's teachers and most of School G's were common to both operations. Their salaries were taken out of the monthly revenue obtained through combined school and coaching fees. Finally, School D did not advertise itself as having two different functions (i.e. as a basic school and a coaching centre), and admissions for secondary students were made on the basis that it was a secondary school. For all intents and purposes, coaching centres were nothing more than high school and intermediate grades of schools that were unrecognised at that level but provided secondary instruction.

### ***Uttar Pradesh Board of High School and Intermediate Education examination provision***

The provision of high school and intermediate board exams was closely linked to the procedures structuring affiliation and the provision of formal secondary education through coaching centres. Case study schools that were unrecognised for high school and intermediate had to ensure the provision of state board exams to students enrolled at those levels. This was done in two ways: (1) through affiliation – enrolling concerned students as 'regular' students at an affiliating school and instructing them on their own premises; and (2) through coaching centres – providing instruction at the coaching centres without affiliation and registering students as 'private' candidates for board exams.

Schools that opted for the affiliation–regular student combination did so because the prescribed board examination fees were lower for regular students than for private candidates (Rs. 150 vs. Rs. 500 high school; Rs. 300 vs. Rs. 600 intermediate). Even including the extra cost of affiliation (maximum annual fee of Rs. 100 for high school and Rs. 240 for intermediate in the sample), this was cheaper for parents, encouraging existing clients to pursue secondary schooling at case study schools. Schools opting for the coaching centre procedures did so to maximise their client base by having more flexibility in enrolling a greater number of students over the year. This was because according to the formal framework governing final high school grade 10 and intermediate grade 12 exams for regular candidates, students had to be registered at a recognised school the year prior to taking the exam.

### ***Norms and practices for recognition***

The elements of the shadow framework presented thus far address how LFP case study schools that were either unrecognised or unrecognised at a certain level mediated the formal institutional framework to provide formal instruction or qualify students for examinations. The final element focuses on the recognition process itself, and points to the norms and practices actively employed by case study schools to obtain recognition. While the other three elements were also informal, they were regulatory in nature. However, the norms and practices used by case study schools to obtain recognition by buying it or using administrative or political influence were normative in nature and closer to Scott's (2001) typology in the sociological variant of new institutionalism.

The main incentive for a school to be recognised was to gain the right for its students to be eligible as 'regular candidates' for board exams. According to case study school owners, not only would recognition alleviate the number of alternative arrangements that schools would have to make in order to avail of this eligibility (as above), it would also confer legitimacy to their schools, increasing their reputation in local school markets.

To obtain recognition, schools had to comply with a number of state-set norms such as: minimum enrolment; fee amounts; minimum number of teachers; teachers' qualifications; and infrastructure. Recognition for basic schools could be granted on a temporary basis in the first instance if they did not fulfil all the conditions but complied with a minimum set standard. Schools with temporary recognition were given a certain grace period during which they were expected to fulfil all conditions and reapply for permanent recognition. Data revealed that the formal framework governing recognition was unevenly applied across LFP and case study schools, and that some schools were granted permanent recognition without meeting the necessary conditions (Tooley and Dixon 2005 found similar results).

The six recognised LFP case study schools (Schools D, E, G, H, Siyapur, and Taj Nagar) obtained recognition despite not meeting the required norms for infrastructure, teacher qualifications, or fee levels. This explicitly highlights that some institutional actors were not only aware of the shadow framework's existence, but actively participated in propelling it as a framework through which LFP schools could gain legitimacy. Analysis revealed that institutional actors allowed the shadow framework to function partially because of perverse incentives and, in their terms, partially because the state was unable to adequately expand schooling provision without some private intervention. In this context, institutional actors felt that it was in their personal interests and in the interest of *Education for All* targets to allow LFP schools to operate and thrive even if they did not adhere to the formal framework. For example, one officer who was aware that many recognised private primary schools charged more than the mandated Rs. 15 per month stressed:

They [private school owners] have to run their school successfully. We don't say anything and we let them run their schools, otherwise they could shut them down and say, 'You go and run a school for Rs. 15!' That's why we just stay quiet. (Field Notes 04-04-03, 5-6)

Thus, the shadow framework was used to manipulate the formal framework by relying on perverse incentives embedded in the latter. Like other LFP schools, some case study schools sought recognition through political influence and connections with high-level institutional actors, administrative influence through connections with and bribery of administrative clerks, or simply by 'buying it':

There are lots [of schools that don't get recognition]. Or people approach officers, as I was telling you the other day, if they worship money you get your recognition. That's how it works too. You have to give money. Because say I want something but I don't have it, then of course I'll have to spend money to get it. ... Everyone knows about this. *This isn't something that's hidden*. ... we go there and make the request ourselves ... (Raman Kumar, LFP School co-owner and principal; emphasis added)<sup>8</sup>

### **New institutional parameters of the LFP sector**

Fundamentally, a new institutional understanding of the LFP sector hinges on the tension between the formal framework in principle, and how it was applied and mediated in practice. The focus on the internal and external institutions governing LFP schools was essential in determining how LFP case study schools operated. Though informal, the shadow framework did not simply respond to or operate in culturally formulated norms, but was explicitly devised to mediate regulatory norms. As such, it assumed rule-like status and structure. The analysis of LFP sector institutional arrangements indicated that LFP schools were not simply a set of disparate organisations or 'petty teaching shops' (Singh 1995, 40). In fact, the shadow framework's rule-like procedures, normative processes, and enforcement mechanisms constituted a complete institutional set for case study schools and bound them with other LFP schools in a *de facto* LFP sector.

Thus, case study schools did not have to adhere to the pre-existing formal institutional framework to 'win the game' as providers of LFP schooling. Rather, by relying on the state's self-professed inability to adequately provide and/or the formal framework's perverse incentives, case

study schools exercised some bargaining power in devising a shadow institutional framework to maximise their interests. To understand how case study schools successfully employed the shadow framework, it is essential to redefine the notion of 'performance' and make explicit the formal framework's embedded perverse incentives.

### *Redefining 'performance'*

The uneven application of the formal framework to schools by institutional actors (e.g. granting recognition) prompted organisational actors in this study to establish informal rule-like procedures through either mimicry or collusion with other LFP schools to mediate the formal framework for their maximum benefit and ensure 'good performance'. However, the conception of 'good performance', traditionally viewed through a results-oriented framework, must be reassessed when considering LFP schools.

In most educational analyses, performance is equated to school rankings on standardised testing measures (e.g. league tables in England; *No Child Left Behind* initiatives in the United States). One of the prime objectives for schools operating in such an institutional climate, particularly if funding is related to rankings, is to increase their performance in high-stakes testing systems. In fact, McMeekin's (2003a) analysis of what constitutes a 'good' institutional environment was to determine which within-school institutions enabled better performance in such a results-oriented environment. The notion of performance for LFP case study schools was different.

Its reconceptualisation is rooted in how the greater institutional environment positioned LFP schools, building on the notion from new institutional economics that organisations operate around the incentives that are rewarded in the institutional framework for gaining legitimacy. This is not to say that examination results or pass rates were not a concern to schools, since their reputations were assessed partly on those indicators by parents. The issue was one of balance.

Household and school-level results showed that clients were generally more concerned with fees than with results beyond a certain level deemed 'satisfactory' (see Srivastava 2007a, 2007c). LFP case study schools had to show that they produced a certain proportion of children who obtained satisfactory results in order to raise their competitiveness in local school markets and attract and maintain clients. However, in the absence of any central results-based monitoring system or financial tie-ins to the state, there were no external incentives for these schools to conceive of performance in terms of very high results achievement. Given owners' vested interests in profiting from schools and disadvantaged parents' information asymmetries on what constituted 'good schooling' (Srivastava 2006a, 2007a), a new institutional analysis revealed that the more fundamental task for LFP schools was to maximise their interests of profit maximisation and client retention and to 'win the game' as successful providers of LFP schooling by mediating the formal rules or institutions.

Ultimately, from the perspective of LFP case study schools, 'good performance' – their chief concern with 'how to win the game' – was their *ability to function within or around the formal institutional framework to ensure maximum benefit, i.e. maximise their potential to survive, profit, and attract and maintain clients, and minimise the transaction costs of interacting with other LFP schools and the state*. This was of paramount importance, as in principle, the state's outward intent to control LFP and other private unaided schools was firmly embedded in the formal framework governing them, otherwise making transaction costs between LFP schools and the state high.

Furthermore, reassessing the notion of 'performance' is crucial when we consider the nature of the LFP sector's main competitor in principle – the state sector. As this and other studies have shown (Majumdar and Vaidyanathan 1995; Probe Team 1999; Srivastava 2006a, 2007c; Tooley and Dixon 2007), due to certain malfunctions and negative household experiences, the state

sector was generally thought to be a low-quality provider. As a simple example from the data, an LFP school where teachers were present and required to teach something every day, as opposed to a state school where the requirement was not instilled in practice, was bound to be perceived as of higher quality. Therefore, as long as the state sector does not actively and visibly increase its quality of provision, it will be perceived as the inferior provider. The LFP sector will have an in-built institutional advantage over its main competitor regarding traditional notions of performance, and the institutional environment will favour LFP schools – from a Northian view, they will be more likely to thrive.

### *The role of perverse incentives in successful mediation*

Considering perverse incentives as embedded in the formal framework and encouraging institutional actors to favour private well-being helped to explain how case study schools could employ a shadow framework that disregarded or usurped it with the knowledge and full participation of institutional actors. Perverse incentives seemed to be rooted in two main features of the formal framework: (1) different requirements for state and private schools; and (2) its long and laboured procedures.

The first was interpreted by case study schools as an obligation for LFP schools to conform to unequal standards. The most common examples given by owners/principals were the insistence on primary and junior schools to conform to: (1) stricter norms on the numbers and dimensions of classrooms for private schools when (as observations confirmed) state schools would often be built with just three classrooms and a veranda, and not the requisite five for recognised schools; (2) requirements on teaching equipment and furniture when children in state schools sat on the floor on mats; and (3) employment of trained teachers when the state launched an initiative to hire *shiksha mitra*<sup>9</sup> at the primary level to cover the shortage of qualified teacher candidates.

Owners/principals felt that if these rules were instituted as quality control, then the same if not stricter measures should be applicable to state schools. To them, such unequal standards signalled that private schools were not trusted by the state to provide an adequate standard of schooling. Case study school owners interpreted this as unfair, especially since LFP, like other private unaided schools, were not eligible for state financing but were required to fulfil certain state duties if instructed (e.g. invigilating exams; providing their buildings as exam centres), with severe sanctions for non-compliance. To them, this intimated an asymmetrical relationship in which the state exerted control without granting any privileges to LFP schools. Fundamentally, owners perceived the formal framework as inherently unfair and unequal despite their belief that LFP schools contributed to the state's *Education for All* targets by increasing provision for disadvantaged groups. This further aggravated the atmosphere of mistrust, resulting in a certain level of animosity, which most case study school owners used as justification to usurp the formal rules.

The second root was the formal framework's long and laboured procedures, particularly for granting recognition. Since recognition was the key to increasing a school's status in the local market, owners were undoubtedly interested in acquiring it quickly but felt that the official procedures were not transparent. Many owners claimed that the process of getting their files passed was too lengthy and inefficient. In fact, some officials admitted that government departments operated in persistently inefficient ways:

The situation is that [Pause] ... government offices are notorious for giving people the run-around. They [private school owners] want to save themselves all the hassle involved. They just go ahead and open their school. (Kamlesh Laal, government official)

There was evidence that some institutional actors took advantage of this. Some case study school owners/principals claimed that officials approached their schools encouraging them to

use the shadow framework to personally benefit from perverse incentives. For example, they claimed that if schools did not comply with suggestions to pay requested 'fees' to pass inspections, officials would threaten to withdraw recognition. Ultimately, the shadow framework manipulated the formal framework through its perverse incentives, which in turn fed those incentives and resulted in uneven applications of the formal framework across schools. In effect, the shadow framework proved to be beneficial for organisational and institutional actors. It increased the performance of LFP schools by allowing them to gain legitimacy; contributed to the personal gain of some individual officers by calling on the formal framework's perverse incentives; and helped the state increase provision of schooling for disadvantaged groups.

### Implications of playing by the shadow rules

Uncovering the shadow institutional framework in this study necessitates a reassessment of the greater discussion on privatisation. Rowan and Miskel (1999) rightly assert that proponents<sup>10</sup> of privatisation stressing freedom from the State ignore the fact that privatisation itself 'results from much public institution building. For example, private schools gain their right to educate students as a result of important court rulings' (372) and other institutional processes. This study demonstrates that privatisation and private schooling do not operate in an institutional vacuum – in fact, they hinge on it. Thus, any analysis of an emerging or existing privatised school sector must take, as one of its central aims, an analysis of the institutional framework (both formal and informal) that scaffolds it because that framework will alter how the sector develops, the way it operates, and its incentives.

However, when privatisation is targeted to disadvantaged groups, institutional analyses assume urgency precisely because the interplay between the governing institutions and school organisations operating within that framework will have fundamental implications for the way that education is delivered and provided to at-risk, vulnerable, or traditionally excluded groups. In this study, a new institutional analysis of LFP schooling highlighted the formation of a de facto sector of LFP schools as a distinct sub-sector of the greater private unaided sector. The dialectic between the formal rules and how they were mediated by the shadow institutional framework was essential to understanding how case study schools operated as LFP school organisations, even though they were not officially defined as such. This has fundamental implications for the delivery of schooling to disadvantaged groups.

Officially, central and state education policies and initiatives did not consider the LFP sector's role. Unofficially, however, government officials stressed that LFP schooling would aid the state in attaining *Education for All* targets by filling a crucial gap in provision. Nonetheless, given the operation of the LFP sector from within the shadows, and the shadow institutional framework's manipulation of the formal framework through perverse incentives, there are some potentially disturbing implications.

The shadow framework was partially structured through coercive isomorphism felt by case study schools as 'pressures exerted on organisations by other organisations upon which they are dependent ... and as invitations to join in collusion' (DiMaggio and Powell 1983, 150). However, unlike the typical notion of coercive isomorphism, the pressures exerted on LFP case study schools originated not from other LFP schools, but either directly from *institutional* actors who should otherwise have upheld or more suitably adapted the formal framework, or from the perverse incentives of the formal framework itself. As a result, unrecognised LFP case study schools became dependent on the shadow institutional framework and, consequently, on recognised LFP schools, and actively sought collusion with them. Fundamentally, the most detrimental consequence of playing by the shadow rules is that it fuels and is fuelled by perverse incentives.

This can contribute to an even greater culture of bribery and corruption in the education sector, decaying the greater institutional environment for education provision.

For example, since some recognised schools did not meet state norms for recognition, the resulting quality mix of schools accessible to disadvantaged groups is unclear. This is exacerbated by the fact that the LFP sector has an in-built advantage over the state sector because of perceived superior quality, even though results on the quality at LFP case study schools were mixed (Srivastava 2007a). In such a context, the traditional economic argument that competition will contribute to increased quality (Chubb and Moe 1990; Tooley 2000; Hoxby 2003) seems to apply to a limited extent. If active measures are not instituted by the state sector to increase its actual and perceived levels of quality, thereby acting as an effective competitor, the LFP sector has to perform only marginally better to be considered 'good' by clients. Since the baseline for competition is set at a low level, and given the average LFP client's inexperience with formal schooling and information asymmetries on what constitutes 'good schooling', it does not follow that the LFP sector is providing an objectively 'good' quality of schooling. The sector as a whole can potentially act as a monopoly with very low incentive to increase its overall levels of quality.

In effect, the state's intent to normatively control LFP and other private unaided schools seemed to hold in principle only. It can be argued that if the formal framework was set out to claim absolute control by the state in practice with the intent to improve the quality and quantity of provision, either the shadow framework would not be allowed to operate or the formal framework would be restructured in response to promote greater efficiency. However, if the state's intent to control the private sector was limited to *outwardly* promoting its own legitimacy by seeming to uphold certain standards and procedures, then allowing the LFP sector to operate within the shadows seems the logical outcome. A Northian perspective would hinge on it.

Since perverse incentives undermining institutional commitment were embedded in the formal framework itself, the responsibility to rectify this falls on institutional actors. Currently, this seems to be a hopeless proposition since those actors with the bargaining power to create a new formal framework are the ones benefiting from the perverse incentives embedded in the existing one. As long as the LFP sector operates from within the shadows, its potential role (if any) in improving quality provision of schooling for disadvantaged groups is diminished in favour of fuelling perverse incentives.

## Notes

1. In Uttar Pradesh 'basic education' refers to elementary education and comprises primary (grades 1 to 5) and junior (grades 6 to 8). 'Secondary education' refers to high school (grades 9 and 10) and intermediate (grades 11 and 12).
2. At the time of data collection USD 1 = Rs. 40 and GBP 1 = Rs. 80.
3. All names of schools and research participants are pseudonyms.
4. North shared the 1993 Nobel Prize for Economics for his work on new institutional economics.
5. North (1990) explains: 'The costs of transacting arise because information is costly and asymmetrically held by the parties to exchange and also because of any way that the actors develop institutions ... results in some degree of imperfection of the markets ... the incentive consequences of institutions provide mixed signals to the participants, so that even in those cases where the institutional framework is conducive to capturing more of the gains from trade ... there will still be incentives to cheat, free ride ... contribut[ing] to market imperfections' (108).
6. In addition to the Intermediate Education Act and its corresponding set of regulations, recognised schools were the primary focus of *The Uttar Pradesh Secondary Education [Services Selection Board] Act, 1982*, *The Uttar Pradesh Secondary Education Services Selection Board Rules, 1998*, and the *U.P. Public Examinations (Prevention of Unfair Means) Act, 1998*.
7. School D was affiliated to a recognised elementary school for its junior grades only. Secondary schooling was provided through the procedures for establishing a coaching centre.

8. All interview quotes are translated from their original in Hindi.
9. This was a government initiative to recruit 'para-teachers' for grades 1 and 2 in state schools to cover the shortfall of the supply of trained teachers. *Shiksha mitra* are typically educated up to the intermediate level with 30 days' training, and are hired on temporary 10-month contracts.
10. They were speaking specifically of Chubb and Moe's (1990) analysis.

## References

- Chubb, J.E., and T.M. Moe. 1990. *Politics, markets and America's schools*. Washington, DC: The Brookings Institution.
- Crowson, R.L., W.L. Boyd, and H.B. Mawhinney, eds. 1996. *The politics of education and the new institutionalism: Reinventing the American school*. London: Falmer.
- De, A., M. Majumdar, C. Noronha, and M. Samson. 2002. Private schools and universal elementary education. In *India education report: A profile of basic education*, ed. R. Govinda, 131–50. Oxford: Oxford Univ. Press.
- DiMaggio, P.J., and W.W. Powell. 1983. The iron cage revisited: Institutional isomorphism and collective rationality in organizational fields. *American Sociological Review* 48: 147–60.
- . 1991. Introduction. In *The new institutionalism in organizational analysis*, ed. W.W. Powell and P.J. DiMaggio. Chicago: Univ. of Chicago Press.
- Fusarelli, L.D. 2003. *The political dynamics of school choice: Negotiating contested terrain*. New York: Palgrave Macmillan.
- Govinda, R. 2002. Providing education for all in India. In *India education report: a profile of basic education*, ed. R. Govinda. New Delhi: Oxford Univ. Press.
- Hammersley, M., and P. Atkinson. 1995. *Ethnography: Principles in practice*, 2nd ed. London: Routledge.
- Hoxby, C.M. 2003. School choice and school productivity: Could school choice be a tide that lifts all boats? In *The economics of school choice*, ed. C.M. Hoxby. Chicago: Univ. of Chicago Press.
- Jain, R.K. 2001. *H.S. Nigam's Uttar Pradesh education manual: An encyclopaedia of education laws in U.P. from primary education to higher education*, 5th ed., vols. 1–2. Allahabad, India: Alia Law Agency.
- Kingdon, G.G. 1996. Private schooling in India: Size, nature, and equity effects. *Economic and Political Weekly* 31, no. 51: 3306–14.
- Lauder, H., D. Hughes, S. Watson, S. Waslander, M. Thrupp, R. Strathdee, I. Simiyu, A. Dupuis, J. McGlenn, and J. Hamlin. 1999. *Trading in futures: Why markets in education don't work*. Buckingham: Open Univ. Press.
- Majumdar, M., and A. Vaidyanathan. 1995. *The role of private sector education in India: Current trends and new priorities*. Thiruvanthapuram, Kerala: Centre for Development Studies.
- Maykut, P., and R. Morehouse. 1994. *Beginning qualitative research: A philosophic and practical guide*. London: Falmer.
- McMeekin, R.W. 2003a. *Incentives to improve education: a new perspective*. Cheltenham: Edward Elgar.
- . 2003b. Networks of schools. *Education Policy Analysis Archives* 11, no. 16. <http://epaa.asu.edu/epaa/v11n16/>.
- Mehrotra, S., and P.R. Pancharukhi. 2007. Universalising elementary education in India: Is the private sector the answer? In *Private schooling in less economically developed countries: Asian and African perspectives*, ed. P. Srivastava and G. Walford. Didcot: Symposium Books.
- Mehta, A.C. 2005. *Elementary education in unrecognised schools in India: A study of Punjab on 2005 DISE data*. New Delhi: National Institute of Educational Planning and Administration (NIEPA). <http://educationforallindia.com/study%20on%20unrecognised%20schools%20in%20india%20a%20case%20study%20of%20punjab.pdf>.
- . 2006. *Elementary education in India: Progress towards UEE. Analytical report 2004–2005*. New Delhi: National Institute of Educational Planning and Administration (NIEPA). Available online at: <http://www.dpepmis.org/Downloads/AnalyticalReport2005/AnalyticalReport2005.pdf>.
- Meyer, J.W., and B. Rowan. 1977. Institutionalized organizations: Formal structure as myth and ceremony. *American Journal of Sociology* 83, no. 2: 340–63.
- North, D.C. 1990. *Institutions, institutional change and economic performance*. Cambridge: Cambridge Univ. Press.
- . 1991. Towards a theory of institutional change. *Quarterly Review of Economics and Business* 31, no. 4: 3–11.
- . 1992. Institutions and economic theory. *American Economist* 36, no. 1: 3–6.

- Panchamukhi, P.R., and S. Mehrotra. 2005. Assessing public and private provision of elementary education in India. In *Universalizing elementary education in India: Uncaging the 'tiger' economy*, ed. S. Mehrotra, P.R. Panchamukhi, R. Srivastava, and R. Srivastava. New Delhi: Oxford Univ. Press.
- Probe Team. 1999. *Public report on basic education in India*. Oxford: Oxford Univ. Press.
- Robson, C. 1993. *Real world research: A resource for social scientists and practitioner-researchers*. Oxford: Blackwell.
- Rossman, G.B., and S. Rallis. 1998. *Learning in the field: An introduction to qualitative research*. London: Sage.
- Rowan, B. 1982. Organizational structure and the institutional environment: The case of public schools. *Administrative Science Quarterly* 27: 269–79.
- Rowan, B., and C.G. Miskel. 1999. Institutional theory and the study of educational organizations. In *Handbook of research on educational administration*, 2nd ed., ed. J. Murphy. San Diego: Jossey-Bass.
- Scott, W.R. 2001. *Institutions and organizations*, 2nd ed. London: Sage.
- Scott, W.R., and J.W. Meyer. 1991. The organization of societal sectors. In *The new institutionalism in organizational analysis*, ed. W.W. Powell and P.J. DiMaggio. Chicago: Univ. of Chicago Press.
- Simpson, M., and J. Tuson. 1995. Using observations in small-scale research: A beginner's guide. SCRE Publication 130. Edinburgh: The Scottish Council for Research in Education.
- Singh, I. 1995. Restructuring school education. In *School education: Some reflections*, ed. I. Singh, 139–49. New Delhi: S. Chand & Company.
- Srivastava, P. 2006a. Private schooling and mental models about girls' schooling in India. *Compare* 36, no. 4: 497–514.
- . 2006b. Reconciling multiple researcher positionalities and languages in international research. *Research in Comparative and International Education* 1, no. 3: 210–22.
- . 2007a. For philanthropy or profit? The management and operation of low-fee private schools. In *Private schooling in less economically developed countries: Asian and African perspectives*, ed. P. Srivastava and G. Walford. Didcot: Symposium.
- . 2007b. Low-fee private schooling: Challenging an era of education for all and quality provision? In *Diversity and inclusion in Education: Studies from America, Europe and India*, ed. G. Verma, C. Bagley, and M.M. Jha. New York: Routledge.
- . 2007c. Neither voice nor loyalty: School choice and the low-fee private sector in India. Research Publications Series, Occasional Paper No. 134. New York: National Center for the Study of Privatization in Education, Columbia University. <http://www.ncspe.org/list-papers.php>.
- . Forthcoming. From school to secretariat: Crossing organisational boundaries in fieldwork. In *Anthropologists in organisations: South Asian case studies*, ed. D. Sridhar. London: Sage.
- Tilak, J.B.G., and R. Sudarshan. 2001. Private schooling in rural India. Working Paper Series, No. 76. New Delhi: National Council of Applied Economic Research.
- Tooley, J. 2000. *Reclaiming education*. London: Cassell.
- Tooley J., and P. Dixon. 2005. An inspector calls: The regulation of “budget” private schools in Hyderabad, Andhra Pradesh, India. *International Journal of Educational Development* 25, no. 3: 269–85.
- . 2007. Private education for low-income families: Results from a global research project. In *Private schooling in less economically developed countries: Asian and African perspectives*, ed. P. Srivastava and G. Walford. Didcot: Symposium Books.
- Vandenberg, P. 2002. North's institutionalism and the prospect of combining theoretical approaches. *Cambridge Journal of Economics* 26: 217–35.
- Weik, K.E. 1976. Educational organizations as loosely coupled systems. *Administrative Science Quarterly* 21: 1–19.
- Yin, R.K. 2003. *Case study research: Design and methods*, 3rd ed. London: Sage.

## Appendix

Listed below are the official documents used to determine the formal institutional framework applicable to case study schools. They were published in *H.S. Nigam's Uttar Pradesh Education Manual*, 5th ed. (Jain 2001). Page numbers in parentheses correspond to those of the *Education Manual*.

### Basic education

*The Uttar Pradesh Primary Education Act, 1919* (623–7).

*The United Provinces District Boards Primary Education Act, 1926* (628–33).

*The Uttar Pradesh Basic Education Act, 1972* (U.P. Act No. 34 of 1972 as amended by U.P. Act No. 18 of 2000) (549–64).

*Uttar Pradesh Basic Educational Staff Rules, 1973* (665–70).

*The Uttar Pradesh Recognised Basic Schools (Recruitment and Conditions of Service of Teachers and Other Conditions) Rules, 1975* (583–5).

*The Uttar Pradesh Recognised Basic Schools (Junior High Schools) (Recruitment and Conditions of Service of Teachers) Rules, 1978* (586–603).

*The Uttar Pradesh Junior High Schools (Payment of Salaries of Teachers and Other Employees) Act, 1978* (613–22).

*The Uttar Pradesh Basic Education (Teachers) Service Rules, 1981* (565–82).

*The Uttar Pradesh Recognised Basic Schools (Junior High Schools) (Recruitment and Conditions of Service of Ministerial Staff and Group 'D' Employees) Rules, 1984* (606–12).

*U.P. Basic Shiksha Samitis (Manner of Choosing and Nomination of Members) Rules, 1992* (642–7).

### Secondary education

*Uttar Pradesh Intermediate Education Act, 1921* (3–178).

*Regulations under the U.P. Intermediate Education Act, 1921* (181–522).

*The Uttar Pradesh Secondary Education (Services Selection Board) Act, 1982* (673–739).

*The Uttar Pradesh Secondary Education Services Selection Board Rules, 1998* (740–95).

*U.P. Public Examinations (Prevention of Unfair Means) Act, 1998* (1609–12).

### General

*The Societies Registration Act, 1860* (1517–37).

*U.P. Societies Registration Rules, 1976* (1538–47).

*Education Code (Extracts), 1958* (1679–1714).

*Latest Government Orders Related to Education* (1815–64): Compilation of government orders and circulars covering the period, November 1999 to July 2001.