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Abstract
This paper is an attempt to understand equity through section 12(1)(c) of the Right to Education Act in India which aims to reserve 25% seats for economically weaker sections and disadvantaged groups in private schools. The paper is divided into four parts. Firstly, equity is conceptualized using Unterhalter's (2009) concepts of equity from above, equity from middle and equity from below and Maitzegui-Onate & Santibanez-Gruber's (2008) concepts of horizontal and vertical equity. I apply these different forms of equity to section 12(1)(c) of the Right to Education Act in India which is an example of 'equity from above' and is an equalising measure in the form of 'vertical equity'. Secondly, Sen's (1992) capability approach is discussed to explore the inequalities in capabilities of individuals to make effective use of educational resources. Drawing on the works of several scholars who have outlined this approach, I argue that taking individual capabilities into account is essential for achieving equity in education. Thirdly, I discuss Bourdieu's (1986) theory of different forms of capital to understand structural inequalities and its impact on educational experiences. Due to lack of cultural capital, the educational experiences of children from socially and economically disadvantaged backgrounds vary greatly in comparison to children from economically better sections of the society. I establish links between Unterhalter's forms of equity, capabilities, forms of capital and functionings in order to depict how equity can be achieved in implementing educational policies. In the final part of the paper, I draw on empirical studies to explore the challenges associated with the implementation of the section 12(1)(c) of the RTE Act in India. This paper highlights how RTE 12 (1)(c) succeeds in promoting the availability of resources to the most disadvantaged in the society as well as raises concerns over the inclusive capabilities needed to promote equity of education.

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Keywords
Equity, RTE, capability approach, cultural capital, inclusion

Resumen
Este trabajo es un esfuerzo para entender equidad mediante de la sección 12 (1)(c) de la Ley de Derecho a la Educación en India cuya meta es reservar 25% de los puestos en escuelas privadas para los grupos económicamente más débiles y desfavorecido. Este trabajo está dividido en cuatro partes. Primero, la equidad es conceptualizada de acuerdo a los conceptos de Unterhalter (2009)de equidad desde arriba, equidad desde el medio y equidad desde abajo y los conceptos de Maitzegui-Onate & Santibanez-Gruber (2008) de equidad horizontal y vertical. He aplicado los diferentes conceptos a la sección 12(1)(c) de la Ley de Derecho a la Educación en India (DLE) que es un ejemplo de 'equidad desde arriba' y es una medida igualatoria en la forma de 'equidad vertical'. Segundo, se discute el enfoque de capacidades de Sen (1992) para explorar las desigualdades en las capacidades de los individuos para hacer un uso efectivo de los recursos educativos. Basándome en diversos trabajos realizado por académicos que han esbozado este enfoque, sostengo que tener en cuenta las capacidades individuales es fundamental para lograr la equidad en la educación. Tercero, abordo la teoría de Bourdieu (1986) sobre las diferentes formas de capital para entender las desigualdades estructuradas y su impacto en las experiencias educativas. Como resultado de la falta de capital cultural, las experiencias educativas de niños de entornos social y económicamente desfavorecidos varían mucho en comparación con los niños de condiciones económicamente mejores de la sociedad. Establezco conexiones entre las formas de equidad, capacidades, formas de capital y funcionamientos de Unterhalter, con el fin de representar como la equidad puede ser lograda a través del desarrollo de políticas educativas. En la parte final de este trabajo, me baso en estudios empíricos que exploran los desafíos asociados con la aplicación de la sección 12(1)(c) del DLE en India. Este trabajo refleja como el DLE 12(1)(c) logra promover la disponibilidad de recursos para los mas desfavorecidos en la sociedad y plantea inquietudes sobre las capacidades para hacer un uso eficaz de él.

Palabras Clave
equidad, DLE, enfoque de capacidades, capital cultural, inclusión

مُلخّص

تهدف هذه الدراسة البحثيّة إلى مُحاولة فهم العدالة التعليميّة للقسم 12 (1) (C) من القانون المعني "بالحق في التعليم" في الهند، والذي يهدف إلى حجز 25% من المقاعد الدراسيّة للأقسام الهشّة اقتصادياً والفئات المحرومة في المدارس الخاصة. تنقسم هذه الدراسة إلى أربعة أقسام. أولاً، يتمّ وضع تصورٍ للعدالة التعليميّة باستخدام مفاهيم Unterhalter (2009) للعدالة التعليميّة من "الأعلى" و"الوسط" و"الأسفل"، ومفاهيم Maitzegui-Onate & Santibanez-Gruber (2008) للعدالة "الأفقيّة" و"الرأسيّة" في التعليم. أقوم بتطبيق هذه الأشكال المختلفة من العدالة التعليميّة على القسم 12 (1) (C) من قانون "الحق في التعليم" في الهند والذي يعدّ مثالًا "للعدالة في التعليم من الأعلى" وهو مقياس مساوٍ في شكل "العدالة الرأسيّة". ثانيًا، تمتّ مناقشة نُهج القدرة الذي اتبعه Sen (1992) لاستكشاف عدم المساواة في قدرات الأفراد على الاستخدام الفعّال للموارد التعليميّة. وبالاعتماد على أعمالِ العديدِ من العلماءِ الذين نَهجوا هذا النهج، أزعُم بأنَّ أخذ القدرات الفرديّة بعين الاعتبار هو أمرٌ ضروريّ لتحقيق العدالةِ في التعليم. ثالثاً، أناقش نظرية Bourdieu (1986) لأشكال مختلفة من رأس المال وذلك بُغيةَ فهم التفاوتات الهيكليّة وتأثيرها على الخبرات التعليمية. وبسبب نقص رأس المال الثقافي، تختلف الخبرات التعليمية للأطفال من خلفيّات محرومة اجتماعياً واقتصادياً بشكل كبير مقارنة بالأطفال من القطاعات الأفضل اقتصادياً في المجتمع. ثم أقوم بإنشاء روابط بين أشكال العدالة والقدرات وأشكال رأس المال والوظائف لدى Unterhalter من أجل تصوير كيفية تحقيق العدالة في تنفيذ السياسات التعليميّة. في الجزء الأخير من هذا البحث، أعتمد على الدراسات التجريبية لاستكشاف التحديات المرتبطة بتنفيذ القسم 12 (1) (ج) من قانون RTE في الهند. وتسلط هذه الدراسة الضوء على كيفيّة نجاح RTE 12 (1) (c) في تعزيز توفير الموارد للفئات الأكثر حرمانًا في المجتمع ، وتُثير مخاوف بشأن قدراتهم على استخدامها بشكلٍ فعّال.

الكلمات المفتاحية

العدالة في التعليم
نُهج المقدرة، رأسُ المالِ الثقافي، الاندماج.

Introduction

> A teacher in grade IV was teaching fractions in mathematics class. The concept of fractions was taught through the example of slicing of a ‘pizza’. When the teacher asked how many children have tasted a pizza, not all children gave an agreeable nod. The children saying ‘no’ were mostly from economically weaker sections (EWS) background while few belonged to non-EWS category as well. The teacher was adept in explaining the concept of a ‘pizza’ in terms of a ‘chapati pizza’ (a type of Indian bread) so that all of them could well relate to it (Sucharita & Sujatha, 2019, p.321).

The above example is cited in a research paper which puts forward the perspectives of school principals, teachers, parents and children towards the provision of 25% reservations in private schools under Section 12(1)(c) of the Right to Education Act (RTE) for children belonging to economically weaker sections (EWS) and disadvantaged groups (DG) in India. This anecdote reflects on the methods adopted by a teacher in a classroom where children belonging to different socio-economic background study together. The example illustrates the complexity of inequalities as reflected in the field of education in India. Such inequalities, be they social or economic, are not entirely diminished by providing an access to private schools for students from economically weaker sections and disadvantaged groups.

Education is defined as a fundamental human right in the Universal Declaration of Human Rights in 1948 (United Nations, 1998). In the wake of World Declaration on Education for All, adopted in Jomtien (1990), the World Education forum in Dakar (2000), the United Nations Millennium Development Goals (2000-2015), the Government of India adopted the Right of Children to Free and Compulsory Education Act in 2009 to address concerns related to large out of school population and high proportion of children who could not read or write. This legislation mandates free and compulsory education to all children of the age of 6 to 14 years and provides legal educational access to children from all backgrounds with a special focus on ethnic minorities, children with disabilities and socially and economically weaker sections of the society. According to the clause (c) of subsection (1) of section 12 of the Act:

> *Schools shall admit in class I, to the extent of at least twenty-five per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory education till its completion.* (Government of India, 2009, pp.5-6)

Children belonging to weaker sections and disadvantaged groups include Scheduled Castes, Schedule Tribes, and other socially and educationally backward categories and those whose parent's annual income is lower than the minimum limit specified by the appropriate government. It is mandatory for all private unaided schools to implement this legislation in India (Government of India, 2009). It also states that the government will reimburse the per-child expenditure to these schools.

In this article, I will focus on equity through the section 12 (1)(c) of the Right to Education Act in India. I will draw on Unterhalter's (2009) different forms of equity, Sen's (1992) capability approach and Bourdieu's (1986) concept of cultural capital to establish a theoretical and conceptual framework for understanding issues related to educational access and experiences of children from EWS and DG. First, I will describe Unterhalter (2009) and Maitzegui-Onate & Santibanez-Gruber's (2008) understanding of different forms of equity that is relevant to education policies and practice interventions. Unterhalter (2009) connects equity as a process of making fair and impartial legislations to Sen's (1992) ideas on equality in the space of capabilities (1992). Second, I will draw on capability approach literature to emphasise that interpersonal variations arising out of structural inequalities impede the conversion of capabilities into functionings. Third, I will discuss Bourdieu's (1986) concept of cultural capital to understand the various forms of inequalities that exist in the education system. Finally, I will use empirical studies undertaken in schools in India to showcase the multifaceted nature of the exclusion/inclusion paradox of section 12(1)(c) of the RTE Act in India despite the legal grounding of access to private schools. The central argument of this paper is that the mere provision of access to schools is not enough to achieve educational equity and that unequal possession of capital in all its forms construct inequalities in educational experience.

Conceptualizing 'Equity' in Education: Perspectives from the Field

Elaine Unterhalter argues that our understanding of equality in education has been developed by conceptual writing and literature. However, the same cannot be said about our understanding of 'equity' in education (2009). Unterhalter draws from Sen's (1992) idea of "equality in the space of capabilities" to describe three forms of equity that are essential in order to expand capabilities in education and achieve equality, stressing on the aspect of human diversity (2009, p.416). These are: equity from above, equity from below and equity from middle in education. She argues fair and reasonable legislations or rules that come into existence due to consultations and negotiations in widely recognised powerful bodies such as parliaments and courts are an example of 'equity from above'. 'Equity from middle' is the flow "of ideas, time, money, skill, organization or artefacts" (Unterhalter, 2009, p. 421) that enables the professional development and learning of children. "Equity from below entails dialogue and discussion about the expansion of a capability set" across myriad points of view and personal heterogeneity (Unterhalter, 2009, p.421).

Unterhalter stresses the importance of co-existence of all three forms of equity as they are closely intertwined (2009). Here, I would like to term the provision of guaranteeing access to 25% children from economically weaker sections and disadvantaged groups to study in private schools as 'equity from above'. The Government of India is obliged to put in place procedures for ensuring the effective implementation of RTE 12 (1)(c) in diverse contexts. While 'equity from above' here means providing fair access and participation which in turn expands a capability set across differences of socio-economic class and caste in the Indian society, it raises an important question - is this legal access enough in reality and practice to achieve equity?

The seminal work of Berne and Stiefel (1984) embodies three principles: horizontal equity, vertical equity and equal educational opportunity. Maitzegui-Onate & Santibanez-Gruber (2008) and Sherman and Poirier (2007) adopt this view that distinguishes between three principles of equity to discuss recent institutional policies. Horizontal equity concerns "treating all those who are in the same situation equally" (Maiztegui-Oñate & Santibáñez-Gruber, 2008, p.375), which is not the ideal scenario in our society. Social, economic and cultural differences influence our situation and positioning in the society. "Vertical equity recognises that starting points differ and that it can be necessary to equip certain children with extra resources to eventually obtain horizontal equity" (Maiztegui-Oñate & Santibáñez-Gruber, 2008, p.375). For instance, governments adopt certain "equalising measures" to benefit the most vulnerable groups like women, minorities and immigrants or those belonging to lower social status in society (Maiztegui-Oñate & Santibáñez-Gruber, 2008).

Therefore, from the above discussion, it can be said that Section 12(1)(c) of the RTE Act is an example of 'equity from above' which is an equalising measure, a form of 'vertical equity' to provide free education to children from disadvantaged backgrounds in order to obtain horizontal equity in the system. In this light, there are similarities between Unterhalter's and Maiztegui-Oñate & Santibáñez-Gruber's ideas that equity involves educational policies that accept and address the treatment inequalities in educational processes to promote vulnerable

groups (2009, 2008). It is praiseworthy to note that an important advance has been made regarding legal and educational access. However, "legal access is not enough if educational equity is the goal" (Maiztegui-Oñate & Santibáñez-Gruber, 2008, p.377). I elaborate on the reasons for this in the next section by theorizing Sen's capability approach.

Equality in the Space of Capabilities: Theorizing Sen's Capability Approach

To achieve educational equity, children must be able to make effective use of their capabilities. According to Sen, the notion of capability relates centrally to 'freedom—the range of options a person has in deciding what kind of life to lead' (Dreze & Sen, 1995, p.10). Sen introduced the concept of capability for the first time in his article 'Equality of What?' (Sen, 1980). He critiqued Rawls' argument that people's command of "primary social goods" or "resources" (Rawls, 1971) should be the main factor in the evaluation of equality. The capability approach is based on the assessment of individuals "capabilities" and their opportunities to achieve valuable "functionings" (Sen, 1985a, 1985b, 1982).

Sen questions whether individuals have the 'real opportunity' in order to achieve a valued way of living and make effective use of the resources at their disposal (1992). For example, is having free access to schools in the neighbourhood as part of Right to Education legislation enough for individuals to achieve a valued state of being? Resources, or commodities can provide a means to achieve a valued way of living, but they cannot guarantee that an individual will be able to utilize it in the most effective way. Sen argues that "once we shift attention from the commodity space to the space of what a person can, in fact, do or be (or what kind of a life a person can lead), the sources of interpersonal variations in conversion can be numerous and powerful" (1992, p.37). This is in contrast with Rawlsian liberal equality of opportunity. Rawls argued that the "primary goods" at a person's disposition are rights and liberties, powers and opportunities, income and wealth. In other words, promoting justice, according to Rawls, implies providing essential resources to people to lead the lives they have chosen. Therefore, it is assumed that equal opportunities for individuals signify equal command over resources (Rawls, 1971). Sen critiques this point of view. According to him, "The resources a person has, or the primary goods that someone holds, may be very imperfect indicators of the freedom that the person really enjoys to do this or be that" (Sen, 1992, p.37).

Several scholars have applied the capability approach in education (Brighouse & Unterhalter, 2010; Hart, 2019; Nussbaum, 2003; Saito, 2003; Walker, 2005). In the context of education, textbooks, notebooks, computers, and school buildings are resources that not all children will be able to convert into valued capabilities. Hart argues that this process may seem a simple process but in reality is complex as capability and conversion factors play an important role in an individual's life (Hart, 2019). According to Walker, people differ along "a personal axis (e.g., gender, age, etc); intersecting external or environmental axis (wealth, climate, etc); and inter-individual or social axis. These three factors lead to differences in people's ability to convert resources into valued outcomes" (2005, p.106). These factors lead to Sen's emphasis on human diversity as central in his approach to equality. Walker also drives our attention to

the fact that while the "neo-liberal view is grounded in ontological individualism that is driven by selfish self-interest", Sen's work is "informed by ethical individualism in which every diverse person counts" (2005, p.106).

Hart mentions three spaces in which inequalities manifest in educational processes. "First, inequalities in opportunities to access education. Second, inequalities in experiences of education. Third, the outcome opportunities afforded to individuals on leaving formal education" (2019, p.583). She argues that prevalent evaluative measures such as school enrolment and learning outcomes do not address issues of injustices that children may experience in the formal education systems. Saito argues "Education makes a child autonomous in terms of creating a new capability set for the child" (2003, p.27). In response to Saito's claim, Walker outlines that schooling is not the only way to enhance a child's capabilities as there are different elements in educational processes such as teaching, learning, curriculum and assessment which enable learners to forge their identities. Rather, in Walker's view, "it may even diminish or restrict them where some social and learner identities are valued and others are not" (Walker, 2005, p.108). These are examples of existing inequalities that arise due to heterogeneity in plural societies and dominance of certain educational practices which influence learner's educational experiences.

Therefore, the capabilities approach is highly useful in explaining the crucial role of interpersonal variations due to which not all individuals have the freedom to convert resources into valuable 'functionings'. In the context of education, it helps us think beyond mere access and removal of economic barriers and emphasizes individual freedom. I now turn to introduce the sociological perspectives around 'forms of capital' provided by Pierre Bourdieu (1986) to elaborate how structural inequalities affect educational capabilities.

Reproduction of Inequalities in Schooling: Theorizing Bourdieu's 'Cultural Capital'

French sociologist Pierre Bourdieu argues that individuals accumulate capital in its objectified or embodied forms over a period of time and that capital needs to be reintroduced in all its forms to account for the structure and functioning of the social world. It should not be restricted to only economic capital recognised by economic theory (Bourdieu, 1986).

According to Bourdieu

> "…capital can present itself in three fundamental guises: as economic capital, which is immediately and directly convertible into money and may be institutionalized in the form of property rights; as cultural capital, which is convertible, in certain conditions, into economic capital and may be institutionalized in the form of educational qualifications; and as social capital, made up of social obligations ("connections"), which is convertible, in certain conditions, into economic capital and may be institutionalized in the form of a title of nobility" (Bourdieu, 1986, p.16).

Lamont and Lareau (1988) in their study of Bourdieu and Passeron's work on cultural capital in *Inheritors* (Bourdieu & Passeron, 1979), *Reproduction* (Bourdieu & Passeron, 1977) and *Distinction* (Bourdieu, 1984) conclude that cultural capital is "an informal academic standard, a class attribute, a basis for social selection, and a resource for power which is salient as an indicator/basis of class position" (p.156). They further define cultural capital in their own terms as "widely shared, legitimate culture made up of high-status cultural signals (attitudes, preferences, behaviours, and goods) used in direct or indirect social and cultural exclusion" (p.156). Moreover, class is a determinant factor in the accumulation and reproduction of cultural capital in education settings.

Children from different socio-economic backgrounds with varying degrees of linguistic and cultural capital enter schools. According to Benadusi, the statistical relationship between parents educational qualifications and styles of cultural consumption and children's educational paths are important indicators of educational inequalities (2001). The experiences of children from less privileged backgrounds will vary greatly from those who are rich in cultural capital due to socialization at an early stage of their life. Lamont & Lareau argue "Although they can acquire the social, linguistic, and cultural competencies which characterize the upper- middle and middle class, they can never achieve the natural familiarity of those born to these classes and are academically penalized on this basis" (1988, p.155).

Since schools are dominated by children from the upper-middle and middle class across the world, it can be alienating for children from lower economic class as they struggle to relate to the mannerisms and practices of the dominant class. DiMaggio in his review of Bourdieu's work has mentioned school as a major source for legitimizing the reproduction of class structure (DiMaggio, 1979). Some of the factors that could possibly influence the experiences of children in a school could relate to their appearance and kind of clothes, the way they speak, their dialect or accent or possession of mobile phones or computers. Hart argues that learners might be 'judged' on such tastes and preferences (Hart, 2019). She further points out that individuals also use family economic capital to acquire cultural capital such as paying for children's private tuition or extra-curricular activities, which in turn 'purchase' added status, kudos and confidence for the children (Hart, 2019, p.586). Taking into consideration the importance of time that Bourdieu emphasizes in developing capital, Hart argues that "catching up through education policy and practice interventions is difficult if the groundwork has not occurred at the early, and generally family-led, stages of socialisation" (Hart, 2019, p.587).

Drawing on Bourdieu's theorisation of the different forms of capital in the reproduction of inequalities in education, I now turn to discuss how 'equity' as a concept is challenged at every stage of implementation of educational policies in India due to the social stratifications in the society based on class and caste. Geeta Nambissan draws our attention to the nature of equity that prevails within schools in India with a specific focus on the experience of the ex-untouchables or scheduled caste (SC) communities (also known as Dalit) in Indian schools who have been denied educational opportunities due to their position in Indian caste structure (1996). Nambissan argues that the schooling of Dalit children is adversely affected due to lack

of effective pedagogic supports to acquire linguistic, numerical and cognitive competencies (Nambissan, 1996). She also raises another crucial dimension of school experience, the official curriculum taught in schools are relatively silent about Dalit communities and their experience of untouchability. Evidence from other studies undertaken in different states of India suggests that children from schedule caste backgrounds are subjected to discriminatory and unequal treatment in schools. For instance, 'discriminatory teacher attitudes', 'unfair treatment' in sites where food is served and eaten together, being assigned 'menial tasks', being 'denied access' to water pitcher and hand pump and 'separate seating areas' (Nambissan, 2009; Ramachandran & Naorem, 2013). These discriminatory and exclusionary practices deeply impact schooling experiences of children.

Subrahmanian's study "Education Exclusion and the Developmental State," investigates how government schools perpetuate cultural meanings associated with social disadvantage in India. He argues that even if policy texts emphasize neutrality and non-discrimination, their implementation is obstructed by institutional or social practices, so that Dalit children: "Cease to be backward by succeeding in school, the subordinate must assimilate to the school's normative order by accepting the rules defined in the script of the dominant groups" (Subrahmanian, 2005, p.78). Drawing on the concept of 'social capital', Subrahmanian argues that teachers consider most 'first generation' Dalit children lack this form of capital that enables families to engage with teachers and support the child's learning process (2005). These studies indicate the influence of cultural capital on the schooling experiences of children from socially and economically disadvantaged groups.

Equity in educational policies: Linking Unterhalter, Sen and Bourdieu

Hart blends Sen's capability approach and Bourdieu's forms of capital to create the *Sen-Bourdieu Analytical Framework* (Hart, 2019). Referring to Bourdieu's theory that adults transfer different forms of capital (i.e. economic, cultural, symbolic) to their children through inter-generational transfers, Hart argues that different forms of capital are converted into individual capital which is then converted into capabilities. She gives an example to explain this process (2019). Parents can use their family economic capital to pay for extra-curricular activities of their children in schools. This in turn can contribute to a child's cultural capital such as attending art galleries, museums, theatre trips which can be converted into capability of a child to pursue a varied range of careers (Hart, 2019). However, parents belonging to EWS and DG do not possess this required economic or cultural capital. I build on Hart's framework (see Figure 1) to establish a link between commodities (or educational resources), forms of capital, structural inequalities affecting capabilities and functioning or achievements.

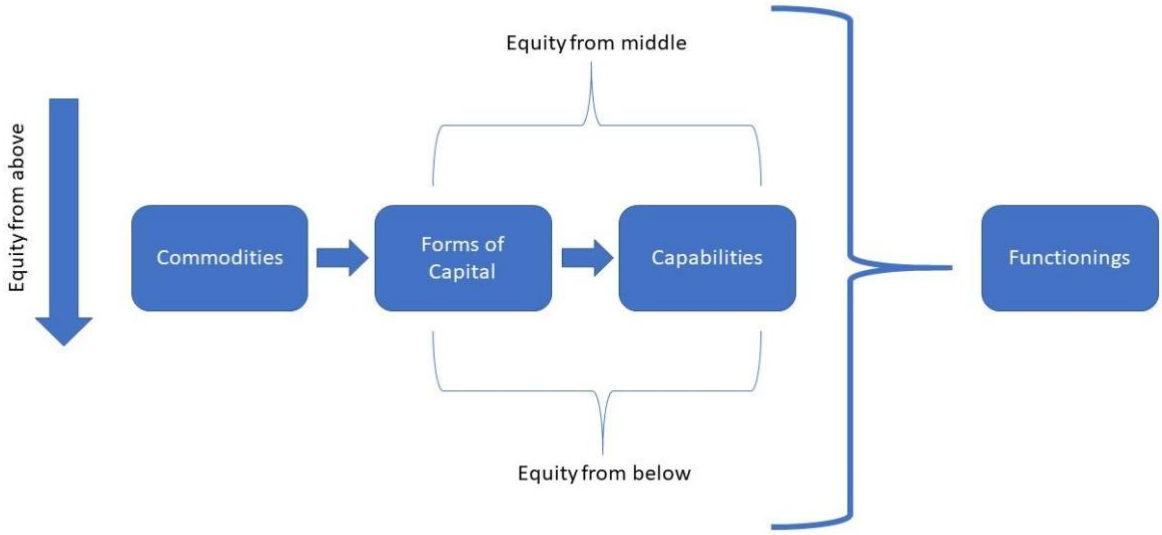

Figure 1. Equity in educational policies: Linking Unterhalter, Sen and Bourdieu

'Equity from above' is an equalising measure that enables EWS and DG children to have free access to education in private schools through section 12(1)(c) of the Right to Education Act. This form of equity cuts across the different stages of conversion as depicted in Figure 1. However, structural factors such as lack of social and cultural capital in families impact their learning and functionings. Schools need to undertake initiatives and explore a range of possibilities among the diverse groups to promote inclusion to establish 'equity from middle'. Further, enabling teachers and parents to reflect on classroom practices can expand children's capabilities and establish 'equity from below'. Therefore, equity from middle and equity from below can address the structural issues that prevents conversion of resources into learning achievements or aspirations for the future. In the next section, I draw on empirical studies that focus on the these structural inequalities and the effects it has on the learning process of children who are studying in private schools through the section 12(1)(c) provision of the RTE Act in India. The link established between Unterhalther, Sen and Bourdieu's concepts (Figure 1) is further explored through the examples and anecdotes shared by parents, teachers and students in these studies.

Empirical Evidence on implementation of Section 12(1)(c) of the Right to Education Act in India

Section 12 (1)(c) of the RTE Act was introduced to ensure inclusive elementary education that cuts across India's class and caste difference will enhance equity and bridge the social gap among children belonging to different sections of the society. Lafleur & Srivastava argue that "from an idealized perspective, the free seats provision was seen as an equity measure to create inclusive spaces in an otherwise exclusive and exclusionary education system, and for the

experience of that inclusion to be fruitful for all" (2019, p.8). This legislation is reshaping the understanding of public-private partnerships in the Indian education system with respect to equity and inclusion. It is often cited as a means through which the government is providing legal access to those children who will otherwise not be able to afford these elite English medium private schools.

Traditionally, education in India was accessible to certain upper castes, and even today, Juneja argues that it is used "to reproduce the existing status quo, to appropriate education for certain groups, and in notions of who can and should learn" (Juneja, 2014, p.59). Against this backdrop as aptly explained by Juneja (2014), this RTE provision was perceived to be far too ambitious and unrealistic during its inception. Scholars, educationists and policy-makers termed it 'contentious', 'controversial', 'path-breaking' (Sarangapani, Mehendale, Mukhopadhyay, & Namala, 2014; Srivastava & Noronha, 2016; Sucharita & Sujatha, 2019). Concerns were raised over feasibility of access for the most marginalized among the EWS and DG, the experiences these children have in private schools and the scepticism of principals, teachers and school authorities who are often from the upper class and caste.

While this policy aims at promoting equitable access for children from low income backgrounds, early studies claimed that the most impoverished and marginalised families could not benefit from this provision (Sarangapani et al., 2014; Srivastava & Noronha, 2016; Sucharita & Sujatha, 2019). The application procedure involved submission of a form along with some documentary proof. Households with low educational levels who could not get assistance in filling the appropriate forms, were least likely to secure admission (Srivastava & Noronha, 2016). Some families who could easily afford the fees provided forged income or caste certificates which affected admission of EWS and DG children who fell in the category of this provision (Sucharita & Sujatha, 2019). Households who have personal connections with friends, family, employers or who could seek help from NGOs in their communities found the procedure easier (Srivastava & Noronha, 2016).

Researchers have emphasized in various studies that out-of-pocket costs tend to be higher in private schools than in schools run by the government in India (Rose & Harma, 2012; Woodhead, Frost, & James, 2013). In Srivastava and Noronha's study conducted in 2016, compared to children in government schools, the average annual out-of-pocket household expenditure was 8.7 times more for students going to private schools under the RTE provision. Basing their argument on the burden of out-of-pocket costs, the authors argue that accessing a 'free' seat was certainly not free. Some examples of these costs include transportation charges, upmarket and costly uniforms, private tuition fees, books and notebooks which are not exempted for students (Sarangapani et al., 2014; Srivastava & Noronha, 2016). This cost burden could lead to dropouts of children from households who cannot afford these extra charges. The examples I have cited above show that, in capability terms, the 'resource' of a school may be present in a particular locality, but, this does not mean that all children can 'convert' that resource into a capability for education.

The Ministry of Human Resource Development, Government of India in 2012 provided a clarification on what this clause attempts to achieve. It clarifies that the term 'inclusive' education implies that the

> "children from different backgrounds and with varying interests and ability will achieve their highest potential if they study in a shared classroom environment. The larger objective is to provide a common place where children sit, eat and live together for at least eight years of their lives across caste, class and gender divides in order that it narrows down such divisions in our society" (Government of India, 2012).

Therefore, the long-term goal of this policy is not limited to merely inclusive practices in the education sector, rather it is to achieve social inclusion in Indian society. To achieve this, the process of teaching in classrooms must be inclusive. An example used in Sucharita & Sujata's (2019) study makes this clear, instead of asking 'which place did you visit during summer vacation?' the teacher asked 'whom did you visit during your summer vacation?' because most of the children from EWS could not afford holidaying abroad. Similarly, instead of asking 'which room do you like the most in your house?' they asked 'what do you like the most about your house?' as most of the EWS children lived in one room accommodation (2019, pp.321-322). Interestingly, Sarangapani's study also talks about the view of general category parents (who pay fees) from school that cater to higher socio-economic profile. Parents were found to be worried about the lack of hygiene and bad language used by the 'RTE children'. Some teachers mentioned how children's 'bad' and 'abusive' language had to be corrected and children and parents had to be called and told that it is a 'bad habit' to use 'loose language' (Sarangapani et al., 2014, p.35). These anecdotes indicate that the long-term goal of achieving social inclusion in the society goes much beyond ensuring children from different social and economic backgrounds studying together in the same classroom.

As discussed earlier, Bourdieu's concept of 'cultural capital' influence experiences of children in such settings. Someone who lacks the higher-class cultural capital, will find it difficult to feel included in settings where others are starkly different from them. This narrative is echoed in some of the studies as well. In Sucharita & Sujata's (2019) study, EWS children faced a language barrier as there was a conflict in the language spoken at home and at school. All the teachers pointed out that since EWS and DG children have limited exposure to English at home, these children find it difficult to keep up with their peers who are fluent in English (2019). While steps such as bilingual instruction, repetition of words and use of gestures while giving instruction are adopted by teachers to bridge this gap, it still raises concerns over how included children feel in such settings.

Another study found that teachers and schools were not supported to foster inclusion as they were not working towards bringing fundamental changes in attitudes or pedagogies. They considered their work to be complete once admissions were given to EWS children (Mehendale, Mukhopadhyay, & Namala, n.d., p.48). Some private schools, in an earlier study by Srivastava and Noronha (2014b) in Delhi, refused to implement the provision, while, others

taught children admitted under this provision in segregated shifts. The resistance from school authorities and the deep-rooted belief that children from EWS and DG families lack cultural and social capital impedes the process of inclusion. The scepticism of the implementers raises serious questions on how realistic it is for these people to achieve social inclusion through the free seats provision. Hart elaborates on how children who can relate to the practices of their schools fare better than others:

> "Children who feel a sense of entitlement to their education and who are taught in language codes that reflect their own tastes and distinctions will fare better than children who feel out of place and who do not recognise the cultural norms of their educational institution. Children who have the capability to 'appear in public without shame' and are able to fit in with peers, for example, by having the 'right' trainers, mobile phone, taste in music and so forth, will have a different experience of education compared to their counterparts who lack these capabilities" (Hart, 2019, p.592).

These studies also cite some of the positive changes introduced by schools to foster inclusion. Some of these include instructions to not celebrate birthdays, friendship day, teacher's day, etc. with greeting cards, cakes, flowers and gifts (Sucharita & Sujata, 2019, p.320). This was done so that EWS children do not feel the financial pressure to do the same. In order to avoid class differences, the teachers in the classroom prevented children from bringing fancy type of stationery and discouraged any display of lavishness and the same was instructed to non-EWS category parents as well (Sarangapani et al., 2014). Pedagogical changes like adopting a bilingual method, context-specific examples, repetitions and discouraging any exclusionary practices etc., have been found as facilitating factors for child-friendly and stress-free learning for EWS children.

However, despite the above-mentioned factors, EWS children do not feel included. Teachers remarked that EWS children tend to feel ignored by their peers and find 'acceptance' an issue. They also "suffer from inferiority issues due to the class differences and feel left out when they are not able to contribute during peer group interactions due to a very different life style back home" (Sucharita & Sujatha, 2019, p.324). These sentiments were also echoed in a recent study by Lafleur and Srivastava (2019) on the daily experiences of children accessing these schools. Children reported that the practice of teachers labelling children as 'naughty' or academically 'weak' or 'incapable' in the private schools they attended affected their experience of schooling. The participants of this study also reported stigmatization and exclusion for their peers who were labelled by the teachers (Lafleur & Srivastava, 2019, p.5).
The above-mentioned anecdotes indicate the need to devise inclusive practices in schools to effectively implement RTE 12(1)(c). Unterhalter elaborates on how different forms of equity complement each other in expanding a capability set:

> From the bottom it is important to look at agency, from the top to look at rules and institutions that frame negative and positive freedoms linked to a theory of justice, and from the middle to ensure flows of resources, a dynamic between ideas and values that

> is attentive to limits and judgements, but not just meagrely constrained by these assessments (Unterhalter, 2009, p.422).

Therefore, I argue that children from economically weaker sections and disadvantaged groups can cross the economic barrier to access private schools through the section 12(1)(c) of the RTE Act which is an example of 'equity from above'. 'Equity from the middle' is represented in the initiatives adopted by teachers and school authorities to make the process of teaching and learning more inclusive. However, there needs to be more opportunities for critique and discussion to ensure 'equity from below' is achieved (see Figure 1). For example, feedback should be taken from parents of EWS children and incorporated in daily practices in schools. The relationship between the teachers and EWS parents must be strengthened to make them feel part of the process. This seems to be missing in the debates and practice around this provision.

Conclusion

In attempting to theorise equity in education, this article has drawn on the parallels between the implementation of the section 12(1)(c) of the Right to Education Act in India and the capability approach and reproduction of inequalities theory. The article draws on Sen's (1992) capability approach and Bourdieu's (1986) concept of cultural capital to problematize the notion of implementing educational policies that aim to achieve equity by providing children from disadvantaged groups free access to schools. As demonstrated in this article, the capability approach inspires a discussion that urges researchers, practitioners and policymakers to go beyond the emphasis on primary goods or resources and discover whether individuals have equality of capabilities to live the kind of life they want to. According to Bourdieu, varying forms of capital influence the experiences that children have in formal education systems. Due to lack of cultural and social capital, the learning process of disadvantaged groups is affected and at times, even alienating. Therefore, my main argument is that both the capability approach and the importance of cultural capital need to be taken into consideration when policymakers decide on implementing legislations for educational equity.

Using examples from the empirical evidence on the implementation of the section 12(1)(c) of the Right to Education Act in India, I argue equity is much more than just 'legal access'. There is a risk of private schools reproducing and legitimising class differences and inequalities due to the stark economic and social differences inside classrooms. In a few of these studies, schools said children were adjusting well with peers and teachers and showed no difficulties in social interactions. However, this could be because the RTE Act is relatively new and the children studying under it are very young and not yet conscious of social differences. Concerns have been raised in a few other studies as well around adjustment problems that are likely to come up as children go to higher grades and start comparing themselves with others (Sarangapani et al., 2014; Sucharita & Sujatha, 2019). Therefore, equity in education is yet to be consciously practised within the private schools implementing this RTE provision. This also has risks of impinging upon the long-term educational opportunities for EWS and DG children.

Essentially, the need is to formulate and implement inclusive practices which take into consideration the views of children and parents from these groups. It is also important that there is adequate communication and trust among school authorities and parents so that the schools can become inclusive and free from any form of exclusion.

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