

Original Research Article

Policymaking with Sen and Ambedkar - Case of Right to Education in India

Abstract

Sen and Ambedkar represent different times in history but they essentially want to tackle the same problems of political economy. On one hand Ambedkar asserted that a social and economic reform must precede political reform in British India struggling to throw the yoke of colonial rule, on the other hand, in modern India, Sen enunciates how capacity building and capabilities approach to policy making can go a long way in strengthening democracy. As concerted policies in education have failed to deliver owing to the feudal mindset and incremental planning, it is time we look at issues of social justice, especially education, objectively. This paper examines the possible ways in which the thoughts and theories of these stalwarts can shape better public policies. To this end a comparative study of themes like justice and democracy will be undertaken. Lastly, the paper analyzes whether the Right to Education in India is a just policy when looked through the discerning eyes of Sen and Ambedkar.

Keywords: Justice, social policy, democracy, capacity building, right to education

1. Introduction

India has been home to many intellectual thinkers, social reformers, revolutionaries and political economists in the past. The contribution of Kautilya's 'Arthashastra', first written in [the](#) fourth century BCE, a well-known treatise on political economy and governance is valued in the discourse on international relations and diplomacy as well. (Sen, 2005; 25) Dr. B R Ambedkar and Prof. Amartya Sen represent the new crop of internationally known personalities who have positively contributed to the Indian political, social and economic life. Both stand for social justice, human rights and strengthening democracy. Ambedkar was ahead of his times when he could envision a democratic polity only by restructuring social and economic life of colonial India. He could foresee the threat to democracy posed by a fragmented and unequal society based on caste hierarchies. This was the reason he asserted that political democracy is not possible without social and economic democracy. To remove social inequalities and eradicate caste and class differences he advocated affirmative action in the form of reservations to the backward castes in government jobs. Cut to the modern times, where Sen ascertains that the ills of poverty, deprivation, malnutrition, illiteracy, lack of basic health and education are responsible for the tardy growth and development of India. The onus is on the government to

build capacity and individual capabilities by delivering essential social services like basic health and education. His approach to policy making emphasises on peoples' participation.

51 The Indian society was afflicted with inequalities borne out of a rigid caste system
52 found nowhere else in the world. An affirmative action of reservation in government
53 jobs was thought necessary to lift the disadvantaged groups up to the level of the
54 more advantaged groups. This system has worked to the benefit of the
55 disadvantaged groups but till date many have not been served justice owing to
56 various factors. Today, the inequality is posed by poverty, lack of education and
57 unemployment. The caste is not the sole indicator of inequality and poverty. This
58 change in societal make-up demands that reservation based on caste be reviewed
59 and new system be created to take into account the socio-economic conditions of
60 people. Sen is primarily concerned about these socio-economic inequalities and
61 advocates that the government undertakes suitable social planning.

62
63 The focus of this paper remains on the themes of justice and democracy as
64 expounded by Sen and Ambedkar. A comparative study would enable understanding
65 and the need for continuous effort to establish an equal society. Such insight can
66 indicate at ways and means to form better social policies to help deliver social
67 justice. Then I attempt to evaluate the policy of Right to Education and its
68 policymaking process. The scope of this paper is limited to finding out if this policy is
69 just and fair; how much is it informed by the theories of Sen and Ambedkar; and
70 what are the lessons for policymaking.

71
72

73 **2. Sen's Capacity Building and Capabilities Approach**

74

75 Nobel laureate Amartya Sen has developed the Capabilities Approach which can be
76 very valuable to assess the success of development initiatives and social policies.
77 He states that it is essential to go beyond the conventional development targets and
78 measures of success [e.g. in the form of commodities, goods and services] to
79 evaluate improvements to human potential. According to this perspective,
80 development is the process of recognising and strengthening the capabilities of
81 people by increasing the options available to them. Capabilities of people can be
82 multiplied by focusing on the freedoms realized through the conventional outcomes
83 rather than just on the outcomes themselves. The freedoms generated are their new
84 capabilities which can help them in choosing a life they want. The stress is laid on
85 the individuals and their options. This approach turns development results into
86 means for development rather than ends to development. (Sen, 2002)

87

88 Sen does not provide a fixed list of capabilities and argues that selecting and
89 assessing capabilities depend on individual perception. This framework is flexible
90 and has a broad scope. The Approach can be used to assess individuals' position in
91 the society as being of advantage or disadvantage. Also, its focus can be widened to
92 encompass 'agency' as well. It has been employed to focus on issues of inequality,
93 social justice, living standards, rights and duties. It underlines the relation between
94 the people and their actions which are protected and promoted in formal guarantees
95 of fundamental freedoms and human right; the capabilities that the people can
96 realize; the results or the capabilities that the people actually get to realize.

97

98 According to Sen, poverty is 'capability deprivation' when seen and understood from
99 a broader perspective. A good example is education being a 'capability' and vital to
100 realising all other capabilities and also as education when seen from the viewpoint of
101 equity and rights calls for government action; this is the only way to tackle poverty.

102 Market mechanism cannot ensure equity or protect rights so the government has to
103 take the prime responsibility of providing school education. He goes on to explain the
104 importance of article 45 of Indian Constitution [Directive Principles] asserting that
105 these rights strengthen the bargaining power of the disadvantaged and further the
106 values of solidarity and citizenship. (Dreze and Sen, 2002:36, 41, 42).

107
108 The capabilities of people can be maximized through capacity building initiatives by
109 the government. The policymakers have to find out ways by which community
110 experience can be utilized at all levels of policy-making process. Also important are
111 the ways in which the policy-making processes may help in building capacity of all
112 social sectors so that these support one others' activities and aim towards more
113 effective policy-making and good governance. Capacity building is concerned with
114 the ways the citizens can come together as a community to actively participate along
115 with the government agencies and policy makers in discussions as well as problem
116 solving. (Dodd and Boyd, 2002). The community doesn't sit outside the ring as a
117 special interest group lobbying for its interests but comes forward to 'doing and
118 shaping the course of action' with the government.

119
120 The capability Approach lays emphasis on public participation and dialogue using a
121 wide range of information so that the community can determine the valued
122 capabilities. ~~capabilities~~ Capabilities which the community wants the citizens to
123 realize. In 'The Idea of Justice', he invokes us to trust and consider public reasoning
124 to achieve social justice. (Brown, 2010:9-10) It means that public policies should be
125 formed with inputs from the community and the people. The best way to actualize
126 human capabilities and functioning will have to come from the people. It is the most
127 effective way to ensure public welfare and development. Another rather important
128 direction is shown by the Capability Approach for the benefit of policymakers when it
129 "asks us to reconsider what kind of equality we are pursuing and also whether
130 equality is the most-worthy goal of policy". (HARTHart, 2012: 12). In the same vein
131 vein, Sen points out that the 'purpose of evaluating inequalities and the choice of
132 informational focuses should be matched appropriately. (Sen, 1992:71).

133
134 When Sen asserts that the 'elementary capabilities like being able to avoid such
135 deprivations as starvation, under-nourishment, escapable morbidity and premature
136 mortality as well as the capabilities of being literate and numerate, enjoying political
137 participation and uncensored speech and so on should be enhanced and expanded',
138 what he essentially means is that the government makes social policy in a way which
139 increases these basic capabilities of people. It also means that the individual is not
140 just 'means' or tool in the hand of the government to development but an 'end' of
141 development. So, the policies have to be people-centric. If people can increase their
142 capabilities and so 'develop' individually, the policies are successful.

143
144 Further, the capabilities can generate freedoms. He elaborates some instrumental
145 freedoms like political freedoms, economic facilities, social opportunities,
146 transparency guarantees, and protective security. These freedoms and development
147 are interconnected. On this premise, it can be conceived that a welfare state should
148 work towards promoting these instrumental freedoms and development will take its
149 own course. In other words, these 'individual freedoms' will pave way for 'collective
150 development'. In political science these freedoms would translate into civil rights,
151 right to speech, right to information, right to political expression through the exercise
152 of ballot, free press etc. The economic facilities would mean the kind of economic

153 policies that regulate the market and prices, loan availability. Social opportunities are
154 the facilities provided through social policies especially in the areas of health and
155 education. The transparency guarantees will underlie the open and accessible
156 government institution when fuelled by the right to information can go a long way in
157 preventing corruption. Protective security would mean providing a social safety
158 against unemployment, hunger and starvation. These instrumental freedoms directly
159 maximize the capabilities of people and are also supplementary in nature.
160 Understanding these interconnections and working on the maxim that policies are
161 not made in isolation ought to be followed when making social policies and analysing
162 development efforts.

163
164 It is clear, that the capabilities of people or individual freedoms have an important
165 role in the developmental process. It is also important that policymakers first study all
166 determinants as the individual freedoms are influenced by 'public support' or
167 government initiatives in the policy areas regarding basic education and health care.
168 Here, it would be practical to understand why Sen doesn't agree with planners and
169 policymakers when they offer lack of financial resources as the reason for continued
170 neglect of crucial social areas of that of school education and primary health care.
171 He says that a concerted program of social support in health care, education and
172 other social arrangements can be put in place to maximize the capabilities of people.
173 | This 'support—led process of development' or capacity building initiatives by the
174 government may have slower results but the social benefits would be far-reaching
175 and transform the lives of the poor.

176
177 As life expectancy is directly related to social opportunities which are central to
178 development, we cannot accept poverty as the sole reason of backwardness or
179 accept that development happens only if economy grows fast. It is important to
180 understand this view of development as all these years the provision of basic health
181 and education has been kept on the back burner solely because of 'lack of
182 resources'. Whereas, social sectors like these are very 'labour intensive 'and so the
183 relative cost for providing the same will be less for a poor economy or a developing
184 nation. Exactly what is emphasized here is that a country need not wait to become
185 rich or developed to be able to provide for certain social services. Conversely, it also
186 means that if a country provides for basic social services, it will enhance the
187 capabilities of people and in the long run as the results of development shows, the
188 problem of poverty will take care of itself. This is precisely what India has chosen to
189 overlook all these 60 years or so.

190
191 Sen's approach has some limitations as all theories do. The valuable capabilities are
192 not identified clearly which raises the question of the approach's operational viability.
193 If the capabilities are not valued equally by people it becomes difficult to make inter-
194 | personal comparisons of well-being-(Clark, 2006). Sen does not clarify as to what
195 extent equality of capabilities make a social goal or how it should be considered with
196 | other political values in the pursuit of justice-(Nussbaum, 2003:36). The main
197 strengths of this approach are in offering a broad informational base of evaluation,
198 emphasis on people, deliberative democracy, public participation in making goals,
199 making choices and shaping policies. These make good sense in a democratic,
200 developing and welfare state like India where the public policies can play the most
201 important role in alleviating poverty.

202
203

204 **3. Dr. B R Ambedkar on Justice and Democracy**

205
206 The Constitution of India bears unmistakable influence of Ambedkar's ideology for
207 social reconstruction. The Directive Principles of State Policy (provided in Part [IV, IV](#),
208 through Articles 36-51) are designed to help establish a Welfare State and a just
209 social order. Article 38 of the constitution makes the state responsible for social
210 change and conveys the essence of these principles as- 'The state shall strive to
211 promote the welfare of the people by securing and protecting as effectively as it may
212 a social order in which justice – social, economic and political, shall inform all the
213 institutions of national life.'

214
215 Ambedkar was a great scholar, social revolutionary, statesman and a creative writer.
216 He worked hard to find solutions to various burning issues of his times; did sharp
217 analysis of minority issues, reorganisation of states, partition, constitution or the
218 political and economic framework for an independent India. Among all the national
219 leaders, Ambedkar stands tall as the only leader working for the cause of the lower
220 castes. He wanted democracy to work for the lower castes in the real sense and this
221 was thought to be possible through various provisions built in the constitution. His
222 life, work and writings substantiate the ways in which social justice can be attained
223 through political means. (Ray and Ray, 2011).

224
225 Ambedkar was highly influenced by the works and philosophy of Lord Buddha and
226 John Dewey. Buddha explained the origin of the Brahminical society, the conditions
227 responsible for its creation and how this society worked in perpetuating 'Alpajana
228 Sukhaya' (prosperity of few) as its only objective. Buddha renounced the world and
229 worked to reform the society with 'Bahujana Sukhaya' (prosperity of many/all) as the
230 ultimate objective. The foundation of such an equitable and harmonious society
231 could be built only by correcting the prevailing socio-economic and political
232 conditions. This could be achieved if the socio-economic and political relations were
233 governed by a moral order. Ambedkar poses a difficult question when he asks how
234 a society can dictate one's social position based on one's birth. He states that the
235 Bahujanas are the victims in this scheme of 'colonization of minds and capturing
236 social order'.

237
238 His theory differs from capitalists as well as the communists. His thoughts are a
239 culmination of western liberalism and Indian society's reality during his lifetime.
240 Drawing a parallel to the Marxist agenda of the proletariat liberating society through
241 liberating itself, Ambedkar emphasised that once untouchability is eradicated and the
242 unequal caste system abolished, it will have far-reaching positive impact on the
243 whole Hindu society. When social justice is delivered to the untouchables, India
244 could stand out as a regenerated nation. On the socio-economic and political level
245 his ideas were grounded in the principles of socialist democracy.

246
247 *3.1 Social Endosmosis-An Ideal*

248
249 His vision of Nation was a society where the low castes are treated as equal citizens.
250 This society is alive with the ideals of unity and fraternity, and free from social
251 discriminations. 'In an ideal society, there should be many interests consciously
252 communicated and shared. There should be social endosmosis.' He asserted that in
253 Indian society there are only two groups influencing the social organization and how
254 it operates. These two major groups are caste and class. Though the Vedic Varna

255 system originated as a class system, it eventually got distorted into a rigid caste
256 system as can be seen even to this day. This caste system was operating through
257 the Brahminical dictates which worked in favour of the Brahmins and upper castes
258 while excluding the majority of the people belonging to the lower
259 castes. (BAWS, VOL. 17.3). The result of such exclusion was a society fragmented
260 into various castes not only unequal to each other but also in perpetual opposition.
261 Hindus are the only people in the world where the society's economic order is
262 dictated by caste divisions and is firmly reinforced by religion. This graded inequality
263 is supported and validated by religion, moral, and legal structure also. (Satyapal,
264 2012)

Comment [PG1]: I don't think this is the right way to cite

265 266 3.2 A Fair System of Representation 267

268 He wanted to reconstruct the society with the help of right of representation as a
269 democratic right. As per the prorata of population, all sections of society including
270 women should get rights of representation in spheres of education, employment,
271 agriculture, industry, bureaucracy and governance in this country. All the victims of
272 inequality were categorised as the Backward Classes which included-Scheduled
273 Caste, Scheduled Tribes and the Other Backward Castes. He worked for securing
274 social justice to these classes. The monopoly of the upper castes was to be broken
275 by proportional representation.
276

277 He argued that as the Brahminical society had ensured that education and
278 knowledge, economy and fruitful occupations, political and administrative powers
279 remain vested in the upper castes, only a fair system of representation could bring
280 up the lower castes out of servitude and establish equality. Economic, social and
281 political equality could be attained through 'liberty, equality and fraternity, guaranteed
282 by the Constitution in the form of rights and guarantees. He spoke at the Mahad
283 Satyagraha '...not only removing our own disabilities but also at bringing about a
284 social revolution that will remove all man-made barriers of caste by providing equal
285 opportunities to all to rise to the highest position and making no distinction between
286 man and man so far as civic rights are concerned.'

Comment [PG2]: It looks more like a journalistic work than academic work because I can't see any form of citation here

287
288 He considered both Brahminism and capitalism as evils and emphasised on attaining
289 'economic equality' along with social, legal, civil and religious equality by abolishing
290 caste and class. To this end, he experimented with forming Independent Labour
291 Party so that 'labouring classes' get a chance to form the government. He believed
292 that economic inequality is not because of industries, modern machinery or
293 civilization but because of the wrong kind of social organization in India. This kind of
294 society promoted the upper castes' right to private property and turned their gains
295 lawful; sanctified through religion.
296

297 3.3 Democracy as a way of associated living 298

299 He attaches more importance to human well-being and human rights and calls for
300 public conscience essential in a democracy. He fought against caste and injustice
301 because he found that there were no human rights for a large majority of people. For
302 removing the social, political, economic and religious disabilities of the untouchables,
303 it was necessary to establish government of people, for the people and by the
304 people. Only under a democratic system of government could social, economic,
305 political and religious freedom be ensured equally to all the citizens. In a democracy,

306 all are equal and the idea of 'one man, one value' is the driving force. More than
307 political equality, economic equality is important as without economic prosperity
308 political equality becomes meaningless. Also, when inequalities remain in society,
309 citizens can't be united. The most difficult task of nation or society to progress is to
310 bring all citizens on an equal platform. He spoke at the Constituent Assembly in
311 1946. 'Our difficulty is how to make the heterogeneous mass that we have today
312 take a decision in common and march on the way which leads us to unity. Our
313 difficulty is not with regard to the ultimate; our difficulty is with regard to the
314 beginning'. To establish an inclusive society he looks at democracy not as a strictly
315 political arrangement but as a 'mode of associated living'. This social relationship
316 between people who form the society living –in- association with each other is the
317 foundation of democracy. Without this association and fraternity, democracy cannot
318 take root. Ideals of equality and liberty also cannot take root. (Keer, 1962: 480). He
319 advocated a democratic society based on the principles of natural justice, equity and
320 classification according to ones' aptitude, ability and profession. The roots of
321 democracy lie in the social relationships between people and not in the form of
322 government they form. In other words, when people agree to live in a cohesive
323 manner, perfect conditions will arise for a democratic political structure.
324

325 He asserted that economic inequalities are in-built in the capitalist economy which
326 makes political democracy guaranteed by democracy worthless. By democracy he
327 meant social and economic change for the betterment of the poor and unequal and
328 acceptance of these changes by the dominant groups without disputes and violence.
329 He wanted political democracy to be accompanied by social democracy. According
330 to him democracy would be freedom from slavery, caste and coercion. Social and
331 economic inequalities divide people making some haves and other have-nots. A
332 democratic polity can progress only under an associated living. Continued
333 inequalities may lead to anarchy and pose a big threat to democracy.
334

335 336 **4. Policies to realise justice in Indian Democracy**

337
338 The gist of Sen's approach can be stated in simple terms like 'Awareness and
339 Peoples' Participation'. People can participate in public affairs when they are well-
340 informed about the pressing issues as well as their right to raise their concerns. They
341 can participate when they are aware about their rights and about how valuable their
342 contribution can be in ensuring transparency and accountability from the authorities.
343 People's input will be used as information bank which the planners can use to
344 formulate effective policies. Community participation would also make sure that the
345 governing bodies maintain fiscal discipline as well as ensure quality social services.
346 The more the participation, the more 'voice' the community will have to express its
347 views, priorities, 'capabilities' they choose to enhance and use pressure tactics to
348 persuade the government to undertake reforms or amend the laws. This way, within
349 the specific legal framework itself, with the participation of people, the policies will
350 evolve according to the local needs. This flexibility in policy process at ground level
351 is very much required for policies to address local issues and deliver positive results.
352 The ever-vigilant and pro-active community will be able to ensure that the system
353 continues to improve and, in the bargain enhance the 'capabilities' of people.
354

355 From the viewpoint of participatory democracy Sen's capability approach holds good
356 water. He describes human capabilities as 'freedoms'. If these freedoms are

357 enhanced the people can participate meaningfully in the public affairs. So,
358 development is not just economic growth, technological advancement or social
359 progress. Human freedoms /capabilities have been perceived as instruments or tools
360 in the process of development whereas these freedoms are important in themselves.
361 Thus, these freedoms should be understood as an 'end' in themselves and not just
362 'means' to development. These freedoms are effective in maximizing the quality of
363 lives of people. Further, these freedoms are of different kinds-economic, social and
364 political and are interrelated. They supplement and complement the other freedoms.
365 A good example to illustrate it is the way the freedom of education capability
366 enhances the economic freedom in the form of employment and political freedom in
367 the form of an informed citizen. On the other hand, the lack of freedom of education
368 capability negatively affects the economic freedom in the form of posing a barrier to
369 getting employment and also restrict his political freedom in the form of ignorance
370 about vital public affairs. Democratic and civil rights provide people with an
371 opportunity and enable them to articulate their demands and claim their economic
372 rights from the government. Whereas in absence of a 'political voice 'or public
373 pressure the government remains immune, can choose to remain aloof and
374 unaccountable to public demands. In fact, no voice is raised even if there is a policy
375 failure .This has relevance to the way the social policies had been formulated 'in a
376 centralised , close-door scenarios by a handful of policymakers backed by their
377 political bosses away and immune from the questioning glare of a well-informed
378 public. With every policy and every five-year plan , the failure of these measures was
379 more evident but nobody took notice .This could continue as there was a vast
380 number of people who were not informed, who had no political voice or clout or a
381 pressure lobby to question or ask for accountability.

Comment [PG3]: Try and find literature to support the claims here

383 According to Ambedkar, culture should be defined by the meeting of both politics and
384 economy. He explained the economics of Brahminism as the law of enforced poverty
385 based on the belief of predestination. Brahminical class also had to their advantage
386 'cultural capital'. This capital of literacy, knowledge and social connections with other
387 upper castes ensured that they retain dominant place in the society. On the other
388 hand, the lack of social capital led to continued economic exploitation of the lower
389 castes. To sum up in Ambedkar's language,' the Brahmin enslaves the mind and the
390 bania enslaves the body. Further, he laments'...never has society been guilty of
391 prohibiting the mass of its people from acquiring knowledge' (BAWS,1987:43-44).
392 As India was going through a political revolution and national leaders sought
393 independent status and throw the yoke of colonial rule, it was Ambedkar who
394 realised that a social revolution is vital to establish a thriving democracy in India. To
395 reconstruct the society, social reforms must have primacy over political reforms. This
396 makes sense even today when we have political freedom since last 65 years but the
397 society is fraught with the very same inequalities Ambedkar was fighting against.

398
399 Today the Indian society is full of contradictions where the laws make everyone
400 equal but the people still follow customs which profess inequality. 'Indians today are
401 governed by two ideologies. Their political ideology set out in preamble of the
402 constitution affirms a life of liberty, equality and fraternity. Their social ideal
403 embodied in their religion denies them- '(Keer, p.459). Thus when Ambedkar says
404 that political democracy cannot succeed where there is no social and economic
405 democracy, the status of the disadvantaged groups demonstrates it quite amply
406 -(Das,1979:30). In essence, both Sen and Ambedkar underline the importance of
407 government's role in creating adequate social and economic conditions to uplift the

408 disadvantaged groups through effective policies. Ambedkar is in favour of affirmative
409 action or reservation to the backward category of society to bridge the social gap.
410 While Ambedkar ensured reservation through constitutional provisions, the social
411 realities have changed with time. Poverty knows no caste and thus the shift in
412 reservation from caste-based to socio-economic one is a welcome step.

413
414 The Indian Constitution embodies the spirit of equality, liberty, fraternity and social
415 justice to all. It establishes the concern for social justice through the Directive
416 Principles of State Policy. Ambedkar was the architect of these principles where Sen
417 is a true believer and explains the vital role played by the socio-economic rights in
418 strengthening the disadvantaged groups.

419
420 A theory of justice aims to equip us with a set of standards which enable assessment
421 of distributive aspects of society. In a democratic society, various public policies are
422 formulated to cater to the needs of the people. A theory of justice can empower
423 policymakers in decision making and formulating just policies

424
425

426 **5. Right to Education in India-the march towards social justice**

427

428 The Right to Education Act is one of the first legislations in the world which makes
429 the government responsible for ensuring enrolment, attendance and completion of
430 elementary education. Section 12 of the Act which provides for reservation of 25%
431 seats at first standard level for the disadvantaged groups at even unaided and
432 private schools is a major pro-poor step. Under this provision the elite government
433 schools like Kendriya Vidyalayas, Navodaya Vidyalayas, Sainik Schools and the
434 private schools will have to provide a 25% of seats in class 1st starting from the
435 academic session of 2011 free of cost for the children belonging to the
436 disadvantaged and the weaker sections. The fees of these children will be borne by
437 the government. Till they complete elementary education, which is eighth standard,
438 their parents would not have to spend on education. This policy effectively addresses
439 the issues of providing a justifiable right to education to the children of the age 6-14
440 yrs. Secondly it entitles the poor and disadvantaged entry into the private schools to
441 be at par with the wealthy and elite. Considering these provisions itself it can be
442 safely said that the intent of the policy is to be just and fair. More on this can be
443 ascertained from the field level experience.

444

445

446 **6. Field Observations**

447

448 Research work was conducted at the cities of Pune (~~Maharashtra~~(Maharashtra),
449 Guwahati, (Assam), and Vadodara (~~Gujarat~~(Gujarat) from 2009 to 2015 which
450 throws light on the ground realities. Field level exercise of that of surveying schools,
451 direct observation and interviewing the stakeholders was conducted. This
452 methodological triangulation was used to collect primary data. A total of thirty
453 schools were selected –20 in Pune city and 10 in Guwahati metropolitan area for
454 periodic surveys and study. These were a mix of Private, municipal schools, elite or
455 convent schools, Kendriya Vidyalayas, government schools and provincialized
456 schools [Assam]. Also, the medium of instruction ranged from Hindi, English,
457 Marathi, and Assamese to Bengali. A total of 65 interviews [structured and
458 unstructured] were conducted with various stakeholders in education like [teachers](#)

459 | ~~teachers, principals, research principals, research scholars, scholars~~, Sarva Shiksha
460 Abhiyan officials, social activists etc. A detailed questionnaire was also used as a
461 school survey tool and 95 responses were received.
462

463 At Vadodara, Gujarat the research was mandated but not funded by Indian Institute of
464 Management, Ahmedabad as a part of Winter School of Public Policy and Social
465 Change, December 2014. This entailed working closely with the District Education
466 Office of Vadodara to monitor the implementation of Section 12 of the RTE.
467

468 6.1 Views of stakeholders about Right to Education

469 By Right to education most of the people understand that now the teachers cannot
470 punish the children and cannot detain them up to class 8th. The former provision still
471 finds favour with teachers and parents but the latter has come under severe criticism
472 as it will be a major blow to the teaching efforts and the urge on the part of the
473 students to excel in academics. The provision of 25% reservation of seats in schools
474 at the first standard for the disadvantaged which allows the poor students to get free
475 education up to the 8th standard is hailed as a positive step. The aim of this provision
476 is to give equal opportunity to the poor and help in levelling of society. As 73% of the
477 respondents accept that the major reason for children dropping out of schools and
478 not completing their elementary education is poverty, this provision looks like a
479 potential tool to fight the same. It seems plausible and fair but also poses a big
480 challenge for the government to define who is poor and thus eligible to avail this
481 reservation. One interesting suggestion here is of using BPL [below poverty line]
482 Card as the criteria to claim the reserved seats in schools. ⁱ While a majority of
483 people feel that poverty is the biggest reason for children dropping-out of schools
484 only 54% hold that fee subsidy can check the drop-out rate. This reinforces the
485 earlier findings that school fee is not the only expenditure incurred by the parents.
486 There are hidden costs to education in the form of expenditure on uniform, text-
487 books, note-books, shoes and other educational supplies. Also, the poor parents
488 have to forego the earnings of the child during school-time. Some argue that the
489 Right to Education is not going to be helpful to the poor. This is blamed on the
490 policies like Mid-Day meals which are not working towards levelling up the divide in
491 society. The provision of meals is made only for the government schools, dividing the
492 rich and poor.
493
494

495 Though miniscule in numbers, some opine that as India has adopted education
496 system handed down to us by the British and is foreign in origin; it cannot be
497 compatible with the requirements of Indians and fulfil the aspirations of the masses. ⁱⁱ
498 This is the biggest reason for the Indian education system for being plagued with
499 various ills. How can we think of improving or reforming the system with ideas
500 borrowed from west? The need is to go back to roots and imbibe the positive values
501 from our ancient culture. ⁱⁱⁱ
502

503 A majority of teachers and parents interviewed admitted that the government policies
504 to promote education are not effective. Various factors combine to make responsive,
505 effective and successful public policies. 33% of people hold that decentralization
506 process would make effective policies. 44% of the people are of the view that active
507 peoples' participation can result in better public policies. 12% of the people opined
508 that adequate investment in education would make policies successful. And 11% of

509 the people are of the view that a public private partnership in education sector would
510 result in better policies.

511

512 6.2 *Private vs. Government schools*

513

514 The main emphasis of the research and field level studies was to inquire about the
515 impact of Right to Education and particularly the provision of 25% reservation at the
516 first standard level in all schools [except unaided minority schools] on elementary
517 schooling. All the private schools [4 out of a random sample of 30 schools]
518 vehemently oppose the provision of reservation and are just lukewarm about the
519 Right to Education Act.^{iv} On the other hand, all the remaining 26 schools which are
520 government or government-aided [Kendriya Vidyalayas and provincialized schools in
521 Assam] welcome the provision of reservation and are positive about the Right to
522 Education Act. The private schools assert that they fulfil all the required norms and
523 standards for good schooling as well as quality in education so the Act is not
524 necessarily useful for them. They also fear that too much of government interference
525 and free admission to the disadvantaged children will dilute their quality of teaching.

526

527 6.3 *Positive signs from Vadodara, Gujarat Vadodara, Gujarat School* 528 *Admission School Admission Process*

529

530 The Gujarat state government has devised certain criteria for 25 % quota for
531 Economically Weaker Section. The section includes-

532

6.3.1 Orphan children from children homes

533

6.3.2 Children afflicted with cerebral palsy

534

6.3.3 Children from Remand Homes

535

6.3.4 Nomads (Rabari and Bharwad)

536

6.3.5 SC/ST, salary of the parents less than 2 lacs rupees per year

537

6.3.6 Direct admission to wards of BPL (Below Poverty Line) card holders

538

6.3.7 Wards of APL (Above Poverty Line) card holders having income less

539

than 67000 rupees per year

540 School Admission Status in December 2014-

541

- 83 private schools selected

542

- More than 800 children admitted

543

Target for 2015-

544

- Selection of 95 schools

545

- Provide admission to 1400 children

546

Status after 2015 Admission Process-

547

- 126 Schools Selected

548

- More than 1900 children admitted.

549

550 6.4 *People's Participation and Affirmative Action*

551

552 The Right to Education provides a much needed legal framework to school system.
553 This is done with the aim to ensure that even the private schools follow certain
554 specified norms and conditions while operating and delivering education. Only a
555 regulatory mechanism can cater to the requirements of a system meant for equitable
556 quality education. This right and the regulatory mechanism in education being
557 established by the uppermost body in India, the Constitution, is the most positive
558 feature of this policy. Being a Right, the second positive feature of the Right to

559 Education is that people can claim it and take the recourse of litigation if this right is
560 violated. The third positive impact it can have on the Indian society is that of levelling
561 the social gaps. There would be no further requirement of reservations on the basis
562 of caste or economic status of the people.

563
564 The sustained campaign by the various NGO's as well as individuals in pursuing and
565 pressurizing the government to pass the bill for Right to Education has been the
566 most significant way of people's participation. It is interesting to note that various
567 educationists, activists, NGO's and independent actors came together to build a
568 consensus and NAFRE [National Alliance For the Fundamental Right to Education]
569 was formed. As a result, around 2,400 NGO's from 15 states across India united in
570 this endeavour. More noteworthy was the coming together of various groups working
571 on different but related issues, like- South Asian Coalition on Child Servitude
572 [SACCS] and the Campaign against Child Labour [CACL] are groups working to
573 abolish child ~~labour-labour~~ (Sripati and Thiruvengadam, 2004).

574
575 These united actions of likeminded academicians, NGO's, and public at large make
576 a good example of Participatory Democracy. This augurs well with Sen's capability
577 approach and capacity building through peoples' involvement and deciding for
578 themselves and demanding from the government what they perceive right.

579
580

581 **7. Current Status**

582
583 The Supreme Court has given legal decisions based on the Right to Free and
584 Compulsory Education for all children. Sen himself says that public voice has started
585 to become effective. (Sen; 2005, p.37)The RTE Forum considers the act a
586 progressive step. It was observed that the enrolment drive under this provision
587 caught up speed after sustained efforts of various NGO's and state government
588 machinery. (rte ~~forumindia.org~~ Theforumindia.org) The Education offices at district
589 level were given targets to achieve in the form of selecting private schools for
590 providing admissions under the RTE norms. Every year the number of such selected
591 schools to carry the burden of government policy and number of children admitted
592 has been increasing. The children being admitted in private schools seem to be
593 getting 'justice' as far as equal opportunity of quality education counts. On the other
594 hand however, the newspapers have been reporting closure of government schools
595 as the children were shifting to these private schools .It is reported that about 24,000
596 government schools were closed down in 2015-2016 in Rajasthan, Maharashtra and
597 Chhattisgarh when the total enrolment went down below 10 students. (Kingdon, Tol
598 Coimbatore, Mar 13, 2018)There is a growing need to reform the act as SMC
599 (School Management Committees) have no powers, funds and support to train
600 members in administration. Only 6.4 % of the government schools conform to RTE
601 norms. (www.livemint.com) On the other hand, a government reports positive
602 changes as the segmentation of education from pre-nursery to class 12 is set to be
603 done away with Samagra Shiksha, a new approach which subsumes the schemes of
604 SSA, RMSA and Teacher Education. This programme will aim at sector-wide
605 development, strategic plan for development of schools at district level improve
606 system level performance and incentivize states to invest in quality of education.
607 (MHRD)

608 609 **8. Lessons for Policymaking**

610
611 8.1 The policy makers, ministers and bureaucrats should appreciate the
612 importance of the directive principles of state policy in formulating public
613 policies.

614
615 8.2 The policy process should start with collecting all information about the
616 policy problem and related issues. The ground –level functionaries as well as
617 people should be involved directly and a bottoms-up approach be used.

618
619 8.3 All the public policies should be linked with other social policies. For
620 this, a thorough knowledge of how one particular policy influences various
621 social sectors is essential.

622
623 8.4 The political parties should evolve a policymaking body of their own so
624 that they go to the electorate with concrete policies.

625
626

627 **9. Conclusion**

628
629 In India there is a lot of resistance from the government as well as the political class
630 whenever people talk of political, civil or social rights. It is ironical to say the least
631 that though the constitution grants so many human rights to the citizens, it becomes
632 difficult for the government to protect and preserve these rights. The Right to
633 Education took more than 60 years to be legislated upon, 16 years to make
634 legislation on the judge-made law and more than 100 years after Gokhale demanded
635 the same from the British government.

636
637 Both Sen and Ambedkar are torchbearers in the realm of economy and politics and
638 their understanding of justice and democracy demonstrate the necessary methods
639 and tools to deliver effective social policies. The language used by Ambedkar and
640 Sen may be different in keeping with the time period they work in and the social and
641 political context in which they frame the given problems, but ultimately they arrive at
642 the same juncture of that of delivering justice and strengthening democracy.
643 Ambedkar stressed on removing social, political and economic inequalities vexing
644 the society whereas Sen is primarily occupied with eradicating poverty and
645 increasing peoples' capabilities. In effect, both are concerned with the poor and the
646 disadvantaged groups and envision a thriving democracy in uplifting these masses.
647 For the first time the Government of India has come out of the self- imposed
648 restriction of giving reservation on the basis of one's caste. This has been a case of
649 'radical social engineering' with the aim to make a more 'egalitarian society'. The
650 affirmative action is based on the principle of 'social integration'. So, it is clear, that
651 Right to Education intends to be a just policy. But good intentions don't serve the
652 masses unless the implementation is effective. There is a long way to go and
653 concerted efforts required to steer it in the right direction, correct the procedures and
654 bring in reforms regularly.

655

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