



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

Mamta Viswanath^{1*}

¹*Air Force Station Hasimara, Pin Code: 735215, West Bengal, India.*

Author's contribution

The sole author designed, analysed, interpreted and prepared the manuscript.

Article Information

DOI: 10.9734/AJESS/2020/v6i230170

Editor(s):

- (1) Dr. M. Camino Escolar-Llamazares, Professor, Department of Health Sciences, Vice-Dean of the Faculty of Health Sciences, Psychology in the Area of Personality, Evaluation and Psychological Treatment, University of Burgos, Spain.
(2) Dr. Durdane Bayram-Jacobs, Professor, Department of Science Education, Radboud University, The Netherlands.

Reviewers:

- (1) M. V. Chandramathi, India.
(2) P. Moodley Mpumalanga, South Africa.
(3) António Calha, Instituto Politécnico de Portalegre, Portugal.
(4) Frank Bitafir Ijon, University of Ghana, Ghana.
(5) Evaggelia Kalerante, University of Western Macedonia, Greece.
Complete Peer review History: <http://www.sdiarticle4.com/review-history/53459>

Received 09 November 2019

Accepted 14 January 2020

Published 22 January 2020

Original Research Article

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 analyses 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.

**Corresponding author: Email: mamtavishy@gmail.com;*

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 fourth century B.C.E, a well-known treatise on political economy and governance is valued in the discourse on international relations and diplomacy as well [1]. 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 people's participation.

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

poverty eradication, Ambedkar's work on his contribution to drafting of India's constitution and critique of Hinduism. These thinkers' philosophies regarding democracy and social justice have not been studied comparatively. This makes the study unique and will contribute to the knowledge and body of research in policymaking.

This paper focuses on the themes of social justice and democracy as expounded by Sen and Ambedkar. A comparative study would enable understanding and the need for continuous effort to establish an equal society. It has implications on policy making in other fields too and can indicate ways and means to form better social policies to help deliver social justice. Then, an attempt is made to evaluate Right to Education Act as a policy and its policymaking process. The scope of this paper is limited to finding out whether this policy is just and fair, how much it is informed by the theories of Sen and Ambedkar and what are the lessons for future policymaking.

2. SEN'S CAPACITY BUILDING AND CAPABILITIES APPROACH

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

Sen does not provide a fixed list of capabilities and argues that selecting and assessing capabilities is dependent upon individual perception. This framework is flexible and has a broad scope. The Capabilities Approach can be used to assess an individual's position in the society as being of advantage or disadvantage. Also, its focus can be widened to encompass 'agency' as well. It has been employed to focus

on issues of inequality, social justice, living standards, rights and duties. It underlines the relation between the people and their actions which are protected and promoted in formal guarantees of fundamental freedoms and human right, the capabilities that the people can realize and the capabilities that the people get to realize.

According to Sen, poverty is 'capability deprivation' when seen and understood from a broader perspective. A good example is education being a 'capability' and vital to realising all other capabilities. As education when seen from the viewpoint of equity and rights calls for government action, this is the only way to tackle poverty. Market mechanism cannot ensure equity or protect rights. Hence the government must take the prime responsibility of providing school education. Sen goes on to explain the importance of Article 45 of Indian Constitution (Directive Principles), asserting that these rights strengthen the bargaining power of the disadvantaged and further the values of solidarity and citizenship [2].

The capabilities of people can be maximized through capacity building initiatives by the government. The policymakers must find out ways by which community experience can be utilized at all levels of policy-making process. Also, important are the ways in which the policy-making processes may help in building capacity of all social sectors so that, these sectors support one others' activity and aim towards more effective policy-making and good governance. Capacity building is concerned with the ways the citizens can come together as a community to actively participate with the government agencies and policy makers in discussions as well as problem solving [3]. The community doesn't sit outside the ring as a special interest group lobbying for its interests but comes forward to 'doing and shaping the course of action' with the government.

The capability Approach lays emphasis on public participation and dialogue using a wide range of information, so that the community can determine the valued capabilities.-capabilities which the community wants the citizens to realize. In 'The Idea of Justice', he invokes us to trust and consider public reasoning to achieve social justice [4]. It means that public policies should be formed with inputs from the community and the people. The best way to actualize human capabilities and functioning will have to come from the people. It is the most effective way to

ensure public welfare and development. Another rather important direction is shown by the Capability Approach for the benefit of policymakers when it "asks us to reconsider what kind of equality we are pursuing and also whether equality is the most-worthy goal of policy" [5]. In the same vein, Sen points out that the 'purpose of evaluating inequalities and the choice of informational focuses should be matched appropriately [6].

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

Further, the capabilities can generate freedoms. He elaborates some instrumental freedoms like political freedoms, economic facilities, social opportunities, transparency guarantees, and protective security. These freedoms and development are interconnected. On this premise, it can be conceived that a welfare state should work towards promoting these instrumental freedoms and development will take its own course. In other words, these individual freedoms will pave way for 'collective development'. In political science, these freedoms would translate into civil rights, right to speech, right to information, right to political expression through the exercise of ballot, free press etc. The economic facilities would mean the kind of economic policies that regulate the market, prices and loan availability. Social opportunities are the facilities provided through social policies especially in the areas of health and education. The transparency guarantees will underlie the open and accessible government institution when fuelled by the right to information can go a long way in preventing corruption. Protective security would mean providing a social safety against unemployment, hunger and starvation. These instrumental freedoms directly maximize the capabilities of people and are also

supplementary in nature. Understanding these interconnections and working on the maxim that policies are not made in isolation ought to be followed when making social policies and analysing development efforts.

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

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

Sen's approach has some limitations as all theories do. The valuable capabilities are not identified clearly which raises the question of the approach's operational viability. If the capabilities are not valued equally by people, it becomes difficult to make inter-personal comparisons of well-being [7]. Sen does not clarify as to what

extent equality of capabilities make a social goal or how it should be considered with other political values in the pursuit of justice [8]. The main strengths of this approach are in offering a broad informational base of evaluation, emphasis on people, deliberative democracy, public participation in making goals, making choices and shaping policies. These make good sense in a democratic, developing and welfare state like India where the public policies can play the most important role in alleviating poverty.

3. DR. B R AMBEDKAR ON JUSTICE AND DEMOCRACY

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

Ambedkar was a great scholar, social revolutionary, statesman and a creative writer. He worked hard to find solutions to various burning issues of his times; did sharp analysis of minority issues, reorganisation of states, partition, constitution or the political and economic framework for an independent India. Among all the national leaders, Ambedkar stands tall as the only leader working for the cause of the lower castes. He wanted democracy to work for the lower castes in the real sense, and this was thought to be possible through various provisions built in the constitution. His life, work and writings substantiate the ways in which social justice can be attained through political means [9].

Ambedkar was highly influenced by the works and philosophy of Lord Buddha and John Dewey. Buddha explained the origin of the Brahminical society, the conditions responsible for its creation and how this society worked in perpetuating 'Alpajana Sukhaya' (prosperity of few) as its only objective. Buddha renounced the world and worked to reform the society with 'Bahujana Sukhaya' (prosperity of many/all) as the ultimate objective. The foundation of such an equitable and harmonious society could be built only by correcting the prevailing socio-economic and

political conditions. This could be achieved if the socio-economic and political relations were governed by a moral order. Ambedkar poses a difficult question when he asks, how a society can dictate one's social position based on one's birth. He states that the Bahujanas are the victims in this scheme of 'colonization of minds and capturing social order'.

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

3.1 Social Endosmosis-An Ideal

His vision of Nation was a society where the low castes are treated as equal citizens. This society is alive with the ideals of unity and fraternity, and free from social discriminations. 'In an ideal society, there should be many interests consciously communicated and shared. There should be social endosmosis.' He asserted that in Indian society there are only two groups influencing the social organization and how it operates. These two major groups are caste and class. Though the Vedic Varna system originated as a class system, it eventually got distorted into a rigid caste system as can be seen even to this day. This caste system was operating through the Brahminical dictates which worked in favour of the Brahmins and upper castes while excluding most of the people belonging to the lower castes. The result of such exclusion was a society fragmented into various castes not only unequal to each other, but also in perpetual opposition. Hindus are the only people in the world where the society's economic order is dictated by caste divisions and is firmly reinforced by religion. This graded inequality is supported and validated by religion, moral, and legal structure also [10].

3.2 A Fair System of Representation

He wanted to reconstruct the society with the help of right of representation as a democratic

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

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

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

3.3 Democracy as a Way of Associated Living

He attaches more importance to human well-being and human rights and calls for public conscience essential in a democracy. He fought against caste and injustice because he found that there were no human rights for a large majority of people. For removing the social, political, economic and religious disabilities of the untouchables, it was necessary to establish government of the people, for the people and by

the people. Only under a democratic system of government could social, economic, political and religious freedom be ensured equally to all the citizens. We Indians can be a nation only when proper processes for social amalgamation are set forth [11]. In a democracy, all are equal and the idea of 'one man, one value' is the driving force. More than political equality, economic equality is important as without economic prosperity political equality becomes meaningless. Also, when inequalities remain in society, citizens can't be united. The most difficult task of nation or society to progress is to bring all citizens on an equal platform. He spoke at the Constituent Assembly in 1946. 'Our difficulty is how to make the heterogeneous mass that we have today, take a decision in common and march on the way which leads us to unity. Our difficulty is not about the ultimate; our difficulty is about the beginning'. To establish an inclusive society, he looks at democracy not as a strictly political arrangement but as a 'mode of associated living'. This social relationship between people who form the society, living –in-association with each other is the foundation of democracy. Without this association and fraternity, democracy cannot take root. Ideals of equality and liberty also cannot take root [12]. He advocated a democratic society based on the principles of natural justice, equity and classification according to one's aptitude, ability and profession. The roots of democracy lie in the social relationships between people and not in the form of government they form. In other words, when people agree to live in a cohesive manner, perfect conditions will arise for a democratic political structure.

He asserted that economic inequalities are in-built in the capitalist economy which makes political democracy guaranteed by democracy worthless. By democracy he meant social and economic change for the betterment of the poor and unequal and acceptance of these changes by the dominant groups without disputes and violence. He wanted political democracy to be accompanied by social democracy. According to him democracy would be freedom from slavery, caste and coercion. Social and economic inequalities divide people, making some haves and other have-nots. A democratic polity can progress only under an associated living. He expanded the scope of political freedom and talked about freedom from caste-based exclusion [13]. Continued exclusion and inequalities may lead to anarchy and pose a big threat to democracy.

4. POLICIES TO REALISE JUSTICE IN INDIAN DEMOCRACY- ANALYSIS

The gist of Sen's approach can be stated in simple terms like 'Awareness and Peoples' Participation'. He argues for democracy as a universal value [14]. One of the biggest achievements of democracy is the ability to make people take an interest, through public discussions, in each other's predicament and have a better understanding of the lives of others. The second achievement is its informational role [15]. People can participate in public affairs when they are well-informed about the pressing issues as well as their right to raise their concerns. They can participate when they are aware about their rights and about how valuable their contribution can be in ensuring transparency and accountability from the authorities. Sen perceives a productive and transformative dimension in the process of democratic politics. He connects political engagement with public interaction and dialogue about how society should be improved [16]. People's input will be used as information bank which the planners can use to formulate effective policies. Community participation would also make sure that the governing bodies maintain fiscal discipline as well as ensure quality social services. The more the participation, the more 'voice' the community will have to express its views, priorities and 'capabilities' they choose to enhance. They can use pressure tactics to persuade the government, to undertake reforms or amend the laws. This way, within the specific legal framework itself, with the participation of people, the policies will evolve according to the local needs. This flexibility in policy process at ground level is very much required for policies to address local issues and deliver positive results. The ever-vigilant and pro-active community will be able to ensure that the system continues to improve and, in the bargain, enhance the 'capabilities' of people.

From the viewpoint of participatory democracy, Sen's capability approach holds good water. All humans have a right to choice in the ways their life shapes and should be provided with tools that allow them to flourish [17]. Human capabilities can be explained as freedoms. If these freedoms are enhanced the people can participate meaningfully in the public affairs. So, development is not just economic growth, technological advancement or social progress. Human freedoms /capabilities have been perceived as instruments or tools in the process

of development, whereas these freedoms are important in themselves. Thus, these freedoms should be understood as an 'end' in themselves and not just 'means' to development. These freedoms are effective in maximizing the quality of lives of people. Further, these freedoms are of different kinds-economic, social and political and are interrelated. They supplement and complement the other freedoms. A good example to illustrate it is the way the freedom of education capability enhances the economic freedom in the form of employment and political freedom in the form of an informed citizen. On the other hand, the lack of freedom of education capability negatively affects the economic freedom, in the form of posing a barrier to getting employment and restrict his political freedom, in the form of ignorance about vital public affairs. Political liberties and democratic rights are basic constituent components of development [14]. Democratic and civil rights provide people with an opportunity and enable them to articulate their demands and claim their economic rights from the government. Whereas, in absence of a 'political voice' or public pressure, the government remains immune, can choose to remain aloof and unaccountable to public demands. In fact, no voice is raised even if there is a policy failure. This has relevance to the way the social policies had been formulated 'in a centralised, close-door scenarios by a handful of policymakers, backed by their political bosses, away and immune from the questioning glare of a well-informed public. With every policy and every five-year plan, the failure of these measures was more evident, but nobody took notice. This could continue, as there was a vast number of people who were not informed, who had no political voice or clout or a pressure lobby to question or ask for accountability.

According to Ambedkar, culture should be defined by the meeting of both politics and economy. He explained the economics of Brahminism as the law of enforced poverty based on the belief of predestination. Brahminical class also had to their advantage 'cultural capital'. This capital of literacy, knowledge and social connections with other upper castes ensured that they retain dominant place in the society. On the other hand, the lack of social capital led to continued economic exploitation of the lower castes. To sum up in Ambedkar's language, 'the Brahmin enslaves the mind and the bania enslaves the body'. Further, he laments, '...never has society been guilty of prohibiting the mass of its people from acquiring

knowledge' [18]. As India was going through a political revolution and national leaders sought independent status to throw the yoke of colonial rule, it was Ambedkar who realised that a social revolution is vital to establish a thriving democracy in India. To reconstruct the society, social reforms must have primacy over political reforms. This makes sense even today when we have political freedom since last 65 years, but the society is fraught with the very same inequalities Ambedkar was fighting against.

Today, the Indian society is full of contradictions, where, the laws make everyone equal, but the people still follow customs which profess inequality. 'Indians today are governed by two ideologies. Their political ideology set out in preamble of the constitution affirms a life of liberty, equality and fraternity. Their social ideal embodied in their religion denies them' [12]. Thus, when Ambedkar says that political democracy cannot succeed where there is no social and economic democracy, the status of the disadvantaged groups demonstrates it quite amply [19]. When other thinkers talk of liberal and social democracy, Ambedkar proposes it as the only defensible mode of public life appropriate for human dignity and equality [20]. Here, it is pertinent to emphasize that human dignity and equality remain the utmost values and social conditions making democracy real and effective.

Both Sen and Ambedkar underline the importance of government's role in creating adequate social and economic conditions to uplift the disadvantaged groups through effective policies. Ambedkar wanted to strengthen the national unity and integrity through education as he believed that education alone humanizes man and can create equality in society. Education is indispensable and thus, should be easily accessible to everyone [21]. Ambedkar is in favour of affirmative action or reservation to the backward category of society to bridge the social gap. While Ambedkar ensured reservation through constitutional provisions, the social realities have changed with time. Poverty knows no caste and thus the shift in reservation from caste-based to socio-economic is a welcome step.

The Indian Constitution embodies the spirit of equality, liberty, fraternity and social justice to all. It establishes the concern for social justice through the Directive Principles of State Policy. Ambedkar was the architect of these principles,

where, Sen is a true believer and explains the vital role played by the socio-economic rights in strengthening the disadvantaged group. A theory of justice aims to equip us with a set of standards which enable assessment of distributive aspects of society. In a democratic society, various public policies are formulated to cater to the needs of the people. A theory of justice can empower policymakers in decision making and formulating just policies

5. RIGHT TO EDUCATION IN INDIA-THE MARCH TOWARDS SOCIAL JUSTICE

The Right to Education Act, 2009 is one of the first legislations in the world which makes the government responsible for ensuring enrolment, attendance and completion of elementary education. Section 12 of the Act which provides for reservation of 25% seats at first standard level for the disadvantaged groups at even unaided and private schools is a major pro-poor step. Under this provision, the elite government schools like Kendriya Vidyalayas, Navodaya Vidyalayas, Sainik Schools and the private schools will have to provide 25% of seats in class 1st, starting from the academic session of 2011, free of cost for the children belonging to the disadvantaged and the weaker sections. The fees of these children will be borne by the government. Till they complete elementary education, which is eighth standard, their parents would not have to spend on education. Shantha Sinha asserts that in the present market driven economy, the role of schools is necessary for inclusive democracy as well as an engine which fuels capacities of citizens [22]. This policy effectively addresses the issues of providing a justifiable right to education to the children of the age 6-14 yrs. Secondly, it entitles the poor and disadvantaged entry into the private schools to be at par with the wealthy and elite. Affirmative action or reservations are such democratic methods which work slow in producing positive results but can prove to be sound ways to level the society [23]. Considering these provisions, it can be safely said that the intent of the policy is to be just and fair. More on this can be ascertained from the field level experience.

6. FIELD OBSERVATIONS

Research work was conducted at the cities of Pune (Maharashtra), Guwahati, (Assam), and Vadodara (Gujarat) from 2009 to 2015. It throws light on the ground realities. Field level exercise of surveying schools, direct observation and

interview was conducted. This methodological triangulation was used to collect primary data. A total of thirty schools were selected –20 in Pune city and 10 in Guwahati metropolitan area for periodic surveys and study. These were a mix of Private, municipal schools, elite or convent schools, Kendriya Vidyalayas, government schools and provincialized schools (Assam). The medium of instruction ranged from Hindi, English, Marathi, and Assamese to Bengali. A total of 65 interviews (structured and unstructured) were conducted with various teachers, principals, research scholars, Sarva Shiksha Abhiyan officials, social activists etc. A detailed questionnaire was also used as a school survey tool and 95 responses were received. Though this was primarily a qualitative research, analysis of the quantitative data was undertaken to gain a clear perspective.

At Vadodara, Gujarat, the research was mandated but not funded by Indian Institute of Management, Ahmedabad, as a part of Winter School of Public Policy and Social Change, December 2014. This entailed working closely with the District Education Office of Vadodara to monitor the implementation of Section 12 of the RTE. Here, 9 schools were selected randomly. Along with schoolteachers, various educationists, District Education Officer, City councillor were interviewed to gain their perspectives. Fieldwork was also undertaken at Makarpura village and slum areas to understand views of parents and help them in filling up admission forms of their children.

6.1 Views of Teachers about Right to Education

By Right to education most of the teachers understand that now they cannot punish the children and cannot detain them up to class 8th. The former provision still finds favour with teachers and parents, but the latter has come under severe criticism as it will be a major blow to the teaching efforts and the urge on the part of the students to excel in academics. The provision of 25% reservation of seats in schools at the first standard for the disadvantaged which allows the poor students to get free education up to the 8th standard is hailed as a positive step. The aim of this provision is to give equal opportunity to the poor and help in levelling of society. As 73% of the respondents accept that the major reason for children dropping out of schools and not completing their elementary education is poverty, this provision looks like a potential tool to fight

the same. It seems plausible and fair but also poses a big challenge for the government to define who is poor and thus, eligible to avail this reservation. One interesting suggestion (offered by a K.V school Principal) is of using BPL (below poverty line) Card as the criteria to claim the reserved seats in schools. While majority of respondents feel that poverty is the biggest reason for children dropping-out of schools, only 54% hold that fee subsidy can check the drop-out rate. This reinforces the earlier findings that school fee is not the only expenditure incurred by the parents. There are hidden costs to education in the form of expenditure on uniform, textbooks, note-books, shoes and other educational supplies. Also, the poor parents are compelled to forego the earnings of the child during school-time. Some argue that the Right to Education is not going to be helpful to the poor. This is blamed on the policies like Mid-Day meals which are not working towards levelling up the divide in society. The provision of meals is made only for the government schools, dividing the rich and poor.

A teacher and social activist opined that as India has adopted education system handed down to us by the British and is foreign in origin, it cannot be compatible with the requirements of Indians and fulfil the aspirations of the masses. This is the biggest reason for the Indian education system being plagued with various ills. How can we think of improving or reforming the system with ideas borrowed from west? The need is to go back to roots and imbibe the positive values from our ancient culture.

Majority of teachers and parents interviewed admitted that the government policies to promote education are not effective. Various factors combine to make responsive, effective and successful public policies. 33% of respondents hold that decentralization process would make effective policies. 44% are of the view that active peoples' participation can result in better public policies. 12% of them opined that adequate investment in education would make policies successful. And 11% are of the view that a public private partnership in education sector would result in better policies.

6.2 Private vs. Government Schools

The main emphasis of the research and field level studies was to inquire about the impact of Right to Education and particularly the provision of 25% reservation at the first standard level in all

schools (except unaided minority schools) on elementary schooling. All the private schools (4 out of a random sample of 30 schools) vehemently oppose the provision of reservation and are just lukewarm about the Right to Education Act. On the other hand, all the remaining 26 schools which are government or government-aided, (Kendriya Vidyalayas and provincialized schools in Assam) welcome the provision of reservation and are positive about the Right to Education Act. The private schools assert that they fulfil all the required norms and standards for good schooling as well as quality in education, so, the Act is not necessarily useful for them. They also fear that too much of government interference and free admission to the disadvantaged children will dilute their quality of teaching.

6.3 Vadodara, Gujarat, School Admission Process

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

- Orphan children from children homes
- Children afflicted with cerebral palsy
- Children from Remand Homes
- Nomads (Rabari and Bharwad)
- SC/ST, salary of the parents less than 2 lacs rupees per year
- Direct admission to wards of BPL (Below Poverty Line) card holders
- Admission to wards of APL (Above Poverty Line) card holders whose income is less than 67000 rupees per year

School Admission Status in December 2014-

- 83 private schools selected
- More than 800 children admitted

Target for 2015-

- Selection of 95 schools
- Provide admission to 1400 children

Status after 2015 Admission Process-

- 126 Schools Selected
- More than 1900 children admitted.

6.4 People's Participation and Affirmative Action

The Right to Education provides a much-needed legal framework to school system. This is done

with the aim to ensure that even the private schools follow certain specified norms and conditions while operating and delivering education. Only a regulatory mechanism can cater to the requirements of a system meant for equitable quality education. This Right and the regulatory mechanism in education being established by the uppermost body in India, the Constitution, is the most positive feature of this policy. Being a Right, the second positive feature of the Right to Education is that people can claim it and take the recourse of litigation if this right is violated. The third positive impact it can have on the Indian society is that of levelling the social gaps. There would be no further requirement of reservations based on caste or economic status of the people.

The sustained campaign by the various NGO's as well as individuals in pursuing and pressurizing the government to pass the bill for Right to Education has been the most significant way of people's participation. It is interesting to note that various educationists, activists, NGO's and independent actors came together to build a consensus and NAFRE (National Alliance for the Fundamental Right to Education) was formed. As a result, around 2,400 NGO's from 15 states across India, united in this endeavour. More noteworthy was the coming together of various groups working on different but related issues, like South Asian Coalition on Child Servitude (SACCS) and the Campaign against Child Labour (CACL) are groups working to abolish child labour [24]. These united actions of likeminded academicians, NGO's, and public at large make a good example of participatory democracy. This augurs well with Sen's capability approach and capacity building through peoples' involvement, deciding for themselves and demanding from the government what they perceive right.

7. CURRENT STATUS

The Supreme Court has given legal decisions based on the Right to Free and Compulsory Education for all children. Sen himself says that public voice has started to become effective [1]. The RTE Forum considers the act a progressive step. It was observed that the enrolment drive under this provision caught up speed after sustained efforts of various NGO's and state government machinery [25]. The Education offices at district level were given targets to achieve in the form of selecting private schools for providing admissions under the RTE norms.

Every year the number of such selected schools to carry the burden of government policy and number of children admitted has been increasing. This was seen at Vadodara, Gujarat. The children being admitted in private schools seem to be getting 'justice' as far as equal opportunity of quality education counts. On the other hand, however, the newspapers have been reporting closure of government schools as the children were shifting to these private school. It is reported that about 24,000 government schools were closed in 2015-2016 in Rajasthan, Maharashtra and Chhattisgarh when the total enrolment went down below 10 students [26]. There is a growing need to reform the act as SMC (School Management Committees) have no powers, funds and support to train members in administration. Only 6.4 % of the government schools conform to RTE norms [27]. On the other hand, a government reports positive changes as the segmentation of education from pre-nursery to class 12 is set to be done away with Samagra Shiksha, a new approach which subsumes the schemes of SSA, RMSA and Teacher Education. This programme will aim at sector-wide development, strategic plan for development of schools at district level, improve system level performance and incentivize states to invest in quality of education [28].

8. LESSONS FOR POLICYMAKING

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

The policy process should start with collecting all information about the policy problem and related issues. The ground level functionaries as well as people should be involved directly, and a bottom-up approach be used.

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

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

9. CONCLUSION

In India, there is a lot of resistance from the government as well as the political class whenever people talk of political, civil or social

rights. It is ironical to say the least that, though the constitution grants so many human rights to the citizens, it becomes difficult for the government to protect and preserve these rights. The Right to Education took more than 60 years to be legislated upon, 16 years to make legislation on the judge-made law and more than 100 years after Gokhale demanded the same from the British government.

Both Sen and Ambedkar are torchbearers in the realm of economy and politics and their understanding of justice and democracy demonstrate the necessary methods and tools to deliver effective social policies. The language used by Ambedkar and Sen may be different, in keeping with the time period they work in, the social and political context in which they frame the given problems, but ultimately, they arrive at the same juncture of that of delivering justice and strengthening democracy. Ambedkar stressed on removing social, political and economic inequalities vexing the society whereas Sen is primarily occupied with eradicating poverty and increasing people's capabilities. In effect, both are concerned with the poor and the disadvantaged groups and envision a thriving democracy in uplifting these masses. For the first time, the Government of India has come out of the self-imposed restriction of giving reservation based on one's caste. This has been a case of 'radical social engineering' with the aim to make a more 'egalitarian society'. The affirmative action is based on the principle of 'social integration'. So, it is clear that Right to Education Act, 2009 intends to be a just policy.

This study can open the doors for further research with altered focus and has a broad range of options for future scope of work. This comparative study can be used to assess various other social policies in health, women and children's welfare, labour, employment, village development, public subsidies, poverty eradication and so on. The Directive Principles of State Policy have been designed and accorded a high place in the Constitution of India. Inspiration for policy making should be guided by these principles to ensure that right policies are formulated and the welfarist agenda envisioned by the founding fathers of the constitution get a new life.

COMPETING INTERESTS

Author has declared that no competing interests exist.

REFERENCES

1. Sen, Amartya. *The Argumentative Indian: Writings on Indian History, Culture and Identity*, Penguin Books London; 2005.
2. Dreze Jean, Sen Amartya. *India: Development and Participation*, Oxford University Press, New Delhi; 2002.
3. Dodd Julie Davon, Boyd Michelle Hebert. *Capacity Building: Linking Community Experience to Public Policy*, Population and Public Health Branch, Atlantic Regional Office, Health, Canada; 2002.
4. Brown Chris. On Amartya Sen and The Idea of justice, *Ethics and International Affairs*. 2010;24(3):309-318. Available:<http://eprints.lse.ac.uk/31273>
5. HART, Caroline, *Aspirations, education and social justice: Applying Sen and Bourdieu*, Bloomsbury, Sheffield Hallam University Research Archive (SHURA). 2012;65-78. Available:<http://shura.shu.ac.uk/6886/>
6. Sen Amartya. *Inequality Re-examined*, Oxford: Clarendon Press; Cambridge Mass: Harvard University Press; 1992.
7. Clark David A. *The capability approach: Its Development, Critiques and Recent Advance*, The Elgar Companion to Development Studies; 2006.
8. Nussbaum, Martha C. *Capabilities as Fundamental Entitlements: Sen and Social Justice*, *Feminist Economics*. Routledge, Taylor and Francis. 2003;9(2-3):33-59.
9. Ray Ishita Aditya, Ray Sarabpriya. B.R. Ambedkar and his philosophy on Indian Democracy: An Appraisal. *Journal of Education and Practice*. 2011;2(5):74-82.
10. Satya Pal PD. Dr. B.R. Ambedkar and his vision for reconstruction of indian society. *International Journal of Multidisciplinary Educational Research*. 2012;1(2).
11. Narake Hari, Kamble NG, Kasare, ML, Godchate, Ashok (Eds.). *Dr. Babasaheb Ambedkar: Writings and Speeches*, Education Department, Government of Maharashtra. 2003;17:Part 2.
12. Keer Dhananjay. *Dr. Ambedkar: Life and Mission*, Popular Prakashan, Bombay; 1962.
13. Ram Ronki. Dr. Ambedkar, Neo-liberal Market Economy and Social Democracy in India. *Human Rights Global Focus*. 2010; 5(03 & 04):12-38.

14. Sen Amartya. Democracy as a Universal Value. *Journal of Democracy* 10.3. 1999;3-17.
15. Sen Amartya. 'The Idea of Justice', The Bell knap Press of Harvard University Press, Cambridge, Massachusetts; 2009.
16. Wells, Thomas Rodham. 'Reasoning about development: Essays on Amartya Sen's Capability Approach', Ph.D. Thesis, Erasmus University Rotterdam; 2013.
17. Glassman, Michael, Patton, Rikki. Capability through participatory democracy: Sen, Freire and Dewey", *Educational Philosophy and Theory*. 2014; 46(12):1353-1365.
18. Moon Vasant (Ed.). Dr.Babasaheb Ambedkar: Writings and Speeches. Education Department, Government of Maharashtra. 1987;3.
19. Das Bhagwan. Thus Spoke Ambedkar", Jullundar, Bheem Patrika Publication. 1979;I &II.
20. Rodrigues Valerian. Ambedkar as a Political Philosopher, *Economic Political Weekly*, Apr.15. 2017;LII(15):101-107.
21. Waghmare Pradeep. D. Relevance of educational philosophy of Dr.BR Ambedkar in 21st Century. Bodhi International Journal of Research in Humanities, Arts and Science. 2016;1(1):11-17.
22. Sinha Shantha. Right to Education and India's Democracy', CBGA Budget Track, Track 2&3. 2010;7.
23. Thorat, Aryama, (Eds.). Ambedkar in Retrospect: Essays on Economics, Politics and Society', New Delhi, Rawat Publications in association with Indian Institute of Dalit Studies; 2007.
24. Sripati Vijayshri, Thiruvengadam K. Arun. Constitutional amendment making the right to education a fundamental right. *International Journal of Constitutional Law*; 2004.
25. RTE Forum; 2009. Available:<https://rteforumindia.org/rte-act-kingdon>, Geeta Gandhi. When Ideology Overcame Sense. *Times of India*, Coimbatore; 2018.
27. Sengupta Meeta. It's Time to Reform the RTE Act. Available:<https://www.livemint.com>
28. MHRD. Department of School Education and Literacy. Available:<https://mhrd.gov.in>School-education>

© 2020 Mamta Viswanath; This is an Open Access article distributed under the terms of the Creative Commons Attribution License (<http://creativecommons.org/licenses/by/4.0>), which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Peer-review history:
The peer review history for this paper can be accessed here:
<http://www.sdiarticle4.com/review-history/53459>