

SOCIAL JUSTICE IN EDUCATION: A CRITICAL STUDY

The thesis submitted to Indian Institute of Technology Guwahati

in partial fulfillment of the requirements for the degree of

Doctor of Philosophy

By

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Declaration

I, Sri Bharat Konwar, hereby declare that the work contained in this thesis entitled “Social Justice in Education: A Critical Study” has been carried out by me under the supervision of Prof. V Prabhu, Professor (Philosophy), Department of Humanities and Social Sciences, Indian Institute of Technology Guwahati (IITG). Abiding by the formal practice of reporting observations, due acknowledgements have been made for the citations of other investigations and the sources of secondary data. This work has not been submitted elsewhere for the award of any degree or diploma.

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Certificate

This is to certify that the work contained in the thesis entitled “Social Justice in Education: A Critical Study” by Bharat Konwar (Roll No. 136141009), a student of the Department of Humanities and Social Sciences, Indian Institute of Technology Guwahati (IITG), for the award of the degree of Doctor of Philosophy was carried out under my supervision. The results embodied in the thesis have not been submitted to any other university or institute for the award of any degree or diploma.

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Dedicated to

My Parents

Pradip Konwar and Jayanti Konwar

Acknowledgement

This thesis is an outcome of six and a half years of academic engagement for which I owe immensely to a lot of people with whose constant support the thesis has been able to see the light of the day.

First and foremost, I would like to thank my supervisor Prof. V Prabhu for guiding me throughout this journey in the best way possible. I feel lucky to have found in him a perfect blend of a philosopher, a teacher, a critic and an inspiration. I am deeply grateful for getting the opportunity to work under his supervision and for his constant encouragement and support throughout these years.

I do express my deep sense of gratitude to the members of my Doctoral committee, Prof Archana Barua, Prof. Sukanya Sharma and Dr. Bidisa Som, for their insights, suggestions and comments from various perspectives during the preparation of the thesis.

I extend my gratitude to the department of Humanities and Social Sciences, IIT Guwahati for giving me the opportunity to pursue my research by providing me with a very good and vibrant academic environment and for all the facilities required by a research student. I would like to thank IIT Guwahati for providing me the fellowship assistance for my research during the time I studied as regular scholar. I would also like to thank the Government of Assam for granting me permission to continue my PhD as part time scholar after joining Assam Civil Service.

My family members who have been a constant source of inspiration deserve more than words. I am extremely grateful to my parents, elder brother Gobin Konwar, elder sisters, Rumi Konwar

and Pallabi Konwar, sister in-law, Lukumoni Baruah for their love and encouragement to work hard and stay focused.

Among my friends, special thanks goes to Upakul Baruah, Yagnavalkaya Bora, Sourav Mazumdar, Junti Phukan and Khushboo Agarwal for constantly encouraging me in all moves of my life. I thank my fellow research students in the department for their help and support. I must extend my special thanks to Aniruddha Kumar Baro, Pranti Dutta, Halim Hussain, Chandana Deka, Violeena Deka, Rajashree Bargohain, Mahsina Rahman, Bandana Chowdhury, Jimmy Sebastian Daimary, Hemanta Barman and many others who were extremely cooperative throughout the study and provided me moral support during the entire period of my research.

Finally, I express my deepest acknowledgement to my colleague Jyoti Das and aunty Sandhya Singh Das. I truly believe that without their constant support and encouragement during the final period of my research, it would have been difficult for me to remain persistent and complete the thesis.

Bharat Konwar

November, 2019

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Abstract

Education aids in the process of individual personality development, enhances knowledge, skill and character-building, enables one to survive different challenges of life, adjust with the surroundings and as a whole, facilitates one to lead a balanced personal as well as social life. So to say, education is usually perceived as a positive passage to one's progress in society; it is important for all the children of a society to receive education (Samuel, 2011). In an increasingly competitive world, parents from lower or middle class backgrounds want to ensure a bright future for their children through proper education however in the process they are caught up between the tussle of public versus private educational institutions based on parameters of affordability and quality of education. Apart from the economic background of parents and students, factors like cultural, linguistic and religious plurality also add to the complexity of the situation especially in a multi-cultural society like that of India. On the other hand, the principle of social justice claims that all persons are entitled to satisfy their basic human needs regardless of differences such as economic disparity, class, gender, race, ethnicity, citizenship, religion, age, sexual orientation, disability and health (Donker, 2013). In the context of education, social justice discusses how fairness can be maintained in the arena of education and how resources can be distributed fairly among students with special focus on marginalized students (Bull B. L., 2008). Being a 'socialist, secular, democratic' nation, Indian state is responsible for regulation of justice through and in education. Present study tries to fulfill two objectives. First is to assess the role and responsibilities of the state in privatization of education. Second is to examine the dynamics between individual rights and state duties especially in the context of child versus parental rights, cultural and religious rights in education. The study is theoretical in nature based on secondary data including texts, policy documents, school curricula and other relevant materials.

Keywords: Education, Social Justice, Privatization, Individual rights, State duties.

Chapter I

Introduction



1.1. Introduction:

Plants are shaped by cultivation and men by education...Everything we do not have at our birth and which we need when we are grown is given to us by education.

Rousseau, Emile, On philosophy of Education

Education is a life-long process of modification of human behavior through constant learning, unlearning and relearning that can be formal, informal or non-formal. If we look at it as a system, it aids in the process of individual personality development, enhances knowledge, skill and character-building, enables one to survive different challenges of life, adjust with the surroundings and as a whole, facilitates one to lead a balanced personal as well as social life. So to say, education is usually perceived as a positive passage to one's progress in society; it is important for all the children of a society to receive education. It is held as the fundamental process through which the youth of a society can be shaped into responsible adults of a progressive future. It promotes sense of good citizenship, responsibility, fellow feelings, cooperation, love, service, honesty, sense of duty in the minds of children (Samuel, 2011). While education is a necessary good, it is also rather a privilege that not all enjoy equally across the society. This in turn ushers in the notion of justice, rights and duties in the sphere of education; it becomes important to question as to what forms the basis for designated forms of knowledge, skill or character development under education.

Growing up in a remote rural neighborhood of Assam in North-East India, I was early on in life, exposed to the plight of basic school education in my country. I am myself a product of public school and have witnessed the changes over the years in the mindset of people especially that of parents when it comes to child education. In an increasingly competitive world, parents from lower or middle class¹ backgrounds want to ensure a bright future for their children through proper education however in the process they are caught up between the tussle of public versus private educational institutions based on parameters of affordability and quality of education. Apart from the economic background of parents and students, factors like cultural, linguistic and religious plurality also add to the complexity of the situation especially in a multi-cultural society like that of India. Being a ‘socialist, secular, democratic’² nation, Indian state is also responsible for regulation of justice through and in education. Moreover, in a world plagued with multiple problems of poverty, inequality, intolerance, violence and environmental degradation, education and justice appear as two unneglectable pillars of modern democracy. It was with such concerns that I chose to pursue my PhD research on the broad theme of social justice in education.

Iris Marion Young perceives justice as the primary subject of political philosophy. She claims that the study of social justice should focus more on the conceptions of dominations and oppression than that of distribution. Domination and oppression indicate discrimination among people. Social justice can be grasped through the mitigation of domination and oppression in society. It requires explicit acknowledgement of group differences to undermine oppression. She supports democratic way and claims that affirmative action program is an important means to undermining domination and oppression. Affirmative action is a positive action taken to increase

¹ Middle class is understood in terms of education and occupation apart from income, please refer to Middle class values in India and Western Europe by Imtiaz Ahmad and Helmut Reifeld (eds.) 2001

² The preamble of Indian Constitution constitutes India into a Sovereign Socialist Secular Democratic Republic.

the representation of disadvantaged group. It tries to increase the representation of women and minorities in areas such as employment, education and culture (Young, 1990). It is a process of making positive discrimination among people.

With the growth of modern democracy, recent works in the sphere of education emphasize on the issue of social justice. Educationists, researchers and policy makers are all concerned with the co-relation between social justice and education. It is important to look at the evolution of the concept of justice in education. Classical philosophical conceptualizations on justice are drawn to the debates and discussions concerning modern education system (Hytten, 2011). It is worth considering as to how fairness can be promoted in the area of education with the application of general principles of social justice and equality. While discussing and deliberating upon issues of education, it is crucial to question as to 'what' education and 'whose' education is being referred to. Both these questions have been discussed elaborately in the subsequent chapters.

1.2. Contextualizing 'What and Whose' Education:

The term 'education' has been used differently by different thinkers across time and space. Its origin can be traced back to three Latin words- 'Educare', 'Educere' and 'Educatum'. The word Educare means 'to nourish', 'to bring up', 'to raise'. The word Educere implies 'to draw out', 'to lead out', and 'to bring forth' and the word Educatum means 'to train', 'to teach'. Thus, from etymological perspective, education means drawing out of the inner capacities of an individual to develop her personality to the fullest extent possible by training or teaching (Barro & Lee, 2001).

In contemporary society, including India, education can be conceptualized as a comprehensive term that entails three main types- formal, informal and non-formal. Formal education takes place in institutionalized settings like schools, colleges and universities where basic, academic or other skills are imparted to students by professional teachers. Informal education is a lifelong learning process that usually begins at home with parents, family members and can be procured from any source such as friends, peer groups, media; over-all lived-in experiences and so on. Non-formal education refers to a flexible system, meant to serve the purpose of a homogeneous group. For instance- adult basic education, adult literacy programmes, distance learning, vocational training courses and so on (Samuel, 2011).

Historically, ancient societies did not support right to education equally for all. Social stratification determined eligibility for education. Plato suggests different types of education for people belonging to different categories (Lee, 2007). It must be noted here that the idea of universal and mandatory public education developed in Europe, from the early 16th century right to the 19th century. As a result of cumulative forces of industrial revolution, French revolution, rise of democracy, capitalism and urbanization throughout the world, there was a rapid growth of modern education system based on the ideas of social justice and equality (Miller D. , 1999). With the spread of democracy, the idea of free and equal education for holistic development of all the citizens grew by leaps and bounds. It was the 1944 Education Act, followed by the 1988 Education Reform Act in the British education along with a number of other related initiatives that as a whole, stressed on achievement of greater social justice in modern education system (Gorard, 2000) as a result of which education today is seen as a fundamental right of all citizens

in a democratic state. Different countries have different Constitutional provisions for ensuring free and fair education system.

1.3. Social Justice and Education:

It was the earlier imbalance of justice in societies across the globe that led to the evolution of the concept of justice wherein social justice has become one of the central ideas in the politics of contemporary democracies. It concerns with the unraveling of underlying principles that operate behind the distribution of goods in a society as just or unjust. Thus, social justice is concerned with fair relation between society and individuals where all people receive their needs as per their rights (Miller D. , 1999). It is regardless of differences such as economic inequality, class, gender, race, ethnicity, religion, disability, etc. The principle of social justice claims that all persons are entitled to satisfy their basic human needs. It can also be defined as working towards the realization of a world where all members of a society, regardless of their socio- cultural and economic backgrounds, have basic human rights and equal opportunities to access the benefits of their society (Donker, 2013). There is a lot of deliberation in modern society regarding issues pertaining to social justice more so when it unfolds itself as a worthy goal for the greater benefit of the society. People try to understand the ‘what’ and ‘how’ element of ‘social justice’ in relation to policy formulation to ensure its inclusion in practice (Clark, 2006). Social justice is based on the idea of a just society, which gives individuals and groups fair treatment and a just share of the benefits of society. David Miller (1999) observes that social justice implies fairness and mutual obligation among people beyond individual justice. It involves finding out the

optimum balance between one's joint responsibilities as a society and one's responsibilities as individuals to contribute to a just society. It is a critical idea that challenges people to reform social institutions and practices in the name of greater fairness. This is where the institution of education meets the concept of social justice.

The earliest traceable ideas of social justice are found in the narrow context of specific communities or nations, devised to address the impact of hierarchical inequalities across specific societies, especially ascribed inequalities. For instance, the Bible has references of individual level redistribution in the form of something called the jubilee year marked by emancipation of slaves, clearance of debts and other obligations and return of land to original owners. Thus it propagated concepts of social justice that assign importance to universal human value thereby go beyond ancient Greek notions of justice that was based on one's social standing or status. These religions preach the significance of equality of treatment for all irrespective of social status (Miller D. , 1999). However, there are some hierarchically structured religious institutions that sustain unequal distribution based on what individuals deserve as per their social status. Hindu caste system³ in India is not strictly a religious institution but is strongly intertwined with religion and it essentialises justice on the grounds of ascribed status. The caste conception of social order has its similarities and dissimilarities with ancient Greek society's social order where people were deemed different and received education or training as per their position in social order.

³ Caste is an ascribed endogamous social category determined by birth predominant in India; for details please refer to Interrogating Caste: Understanding hierarchy and difference in Indian society by Dipankar Gupta, 2000.

In ancient Greece, Plato (380 BC) states that justice is achieved when individuals receive goods that they deserve based on their prescribed social standing. Aristotle (384-322 BC) states that justice as a principle ensures social order by regulating the distribution of benefits. Both these classical notions of justice apply to individuals who occupy the same stratum of the hierarchical social order thereby justifying unequal treatment meted out to the unequal in the social hierarchy scheme.

Social justice attempts emancipation from all forms of injustice so that people can live a dignified life. Its implementation safeguards the interests of the weaker sections of a society. As a result, it expects that everyone, according to their potentiality and merit, may participate in the power and wealth of the nation, and thus, may avail the opportunities for acquiring social status of her own liking (Jatavan, 1998). When the idea of social justice enters the realm of education, it broadly discusses as to how resources can be distributed fairly among the stakeholders of education system, especially the marginalized students (Bull B. L., 2008). Social justice also engages with the implementation of equality of opportunity, personal liberty of parents as well as that of children, cultural and individual rights in education etc (Bayley, 1981). However, educationists and philosophical thinkers do not share a unanimous position regarding implementation of social justice in education. While exploring the relationship between social justice and contemporary education, it becomes crucial to trace the evolution of the concept of social justice.

1.4. Lapses in Ancient Education systems:

In India, education scenario underwent massive changes in terms of equal access and rigidity from Vedic to post-Vedic period. Gurukul system of Vedic period where students called shishyas and teachers called gurus resided together like a family allowed education to students from different strata except Shudras who happen to be the lower most category as per caste hierarchy (Sharma & Sharma, 1996). Education was based on spirituality with an affinity towards religion and students were imparted the knowledge of Vedas. Main objective of education during that era was to purify the inner soul and remove ignorance through attainment of knowledge. Notably, caste, class and gender based discrimination in the sphere of education increased post Vedic period. Initially, in the Vedic period, the aim of education was to attain knowledge, but gradually it got more connected to rituals. Caste system gradually became more rigid and people from lower castes were continued to be debarred from educational training in the post Vedic period. Even women in the post Vedic period could not enjoy the social and educational status that they enjoyed in the Vedic period. The entire education system was dominated by the Brahmin priests who fortified their position as the uppermost category in caste hierarchy; it gained them the highest position in society (Sharma & Sharma, 1996). Thus, there was a demotion in educational opportunities for people in general and for people belonging to lower castes in particular.

1.5. Meaning of Education in present study:

Education performs dual job - it not only enhances positive qualities and moral values in human beings but also equips them with skill sets for executing their professional responsibilities. It helps students to adjust with their surroundings and nurtures them for a balanced social and personal life. Thus, it serves as a comprehensive package that may include a broad range of knowledge and skills acquired throughout an individual's lifetime. For our purposes in present study, the term education refers to basic education provided to a child under formal schooling system, specifically primary and secondary level school.

1.6. Conclusion:

Thus, be it in Western Europe or in India, social inequality became one of the main factors that gave birth to the idea of social justice in education. Thinkers across the globe initiated to discuss different issues related to equitable and quality education for all children. This also includes improving the quality of schooling for disadvantaged sections of society. Some thinkers argue that inequality in society may be removed by providing equality of education to all children irrespective of their family backgrounds (Clark, 2006). Ensuring equal access to quality education would in turn ensure social justice for all irrespective of class, caste, gender, race and so on.

Apparently, it was due to the limitations posed by hierarchical inequality and unjust treatment in education in many ancient/ traditional societies that modern democratic strands of thought necessitated the implementation of social justice in education. Gradually, with the advent of modernity, especially, from 17th century onwards, the concept of social justice began to be used for justifying expansion of state power; the state would implement laws to maintain peace in society. This concept facilitated the growth of industrial capitalism where state's role is delineated as that of collective responsibility for law and order. Thinkers such as Thomas Hobbes (1588-1679) point out the construction of an external authority (state or leviathan) for the maintenance of a just society. Similarly, Rousseau (1712-1178) and others in the West stressed the emergence of modern institutions that connected principles of social justice with the preservation of universal values of liberty, equality and fraternity (David, 2011).

Present study tries to explore the scope of fair education within the ambit of formal education set-up in terms of distribution of rights, social justice and the responsibility of state.

1.7. Research questions:

- What is the role of state in relation to the mechanism of justice delivery under the dynamics between public-private enterprises in education?
- How to decide on the content of education to be provided to the stakeholders?
- How to negotiate between individual rights and state duties with reference to child versus parental rights?

1.8. Objectives of the study

1. To assess the role and responsibilities of the state in privatization of education.
2. To examine the dynamics between individual rights and state duties especially in the context of child versus parental rights, cultural and religious rights in education.

1.9. Methodology

Present study is theoretical in nature based on secondary data including texts, policy documents, school curricula and other relevant materials.

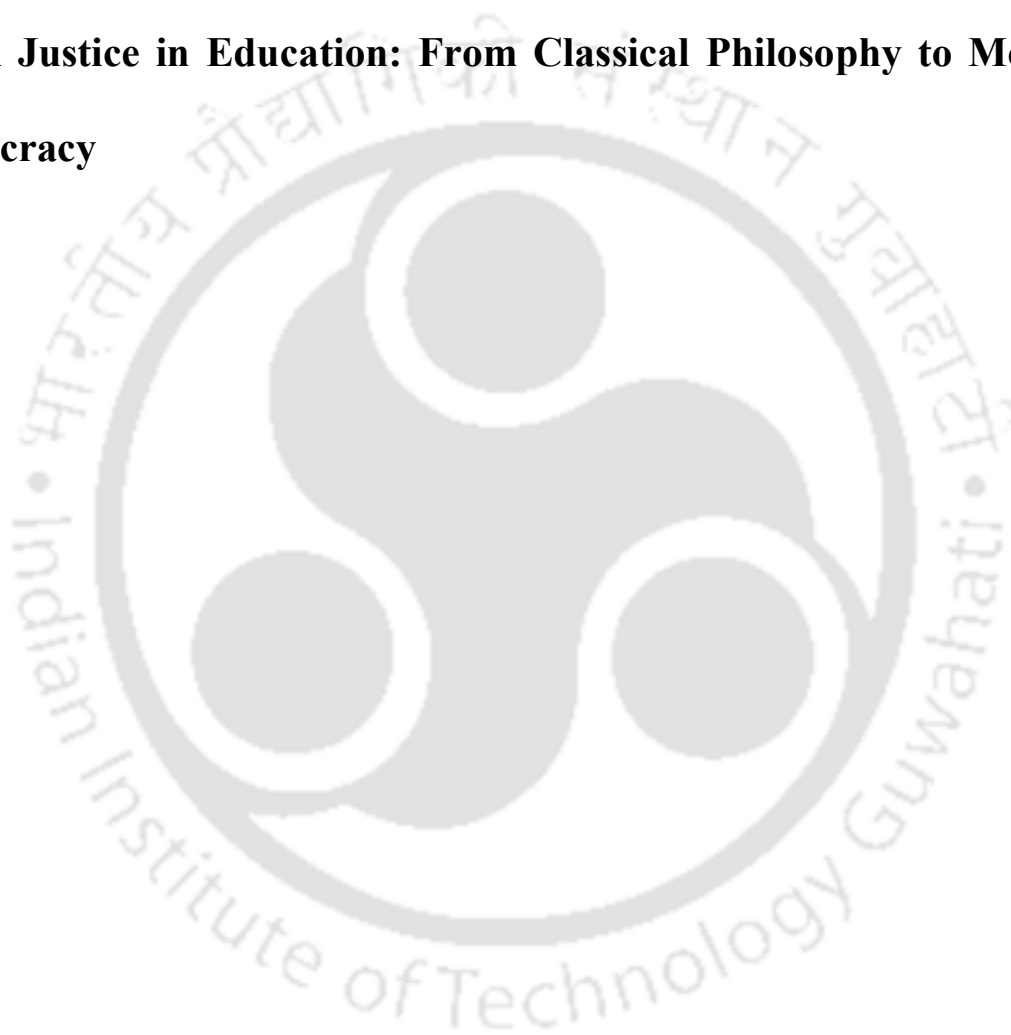
1.10. Organization of the thesis:

The thesis is divided into a total of five chapters. The first chapter titled '**Introduction**' is a general introduction to the research theme. It gives a brief overview of the research work, highlighting the issue of social justice in education and its importance in contemporary educational research. It eventually delineates the research questions followed by objectives of the research and research methodology and ends with chapterisation of the thesis. The second chapter titled '**Social Justice in Education: From Classical Philosophy to Modern Democracy**' engages with the evolution of the concepts of social justice and education. It highlights the philosophical standpoints of different thinkers on the concept of education from

the perspective of social justice, highlighting pertinent conceptual frameworks. Social justice in education claims that all children should get equal educational opportunity irrespective of their social origin. However, some thinkers argue for educational privatization. If education is privatized, then poor parents will not be able to send their children to schools. At the same time, children also have right to education till legally specified age groups. Therefore, the third chapter titled **‘Privatization of Education and State Responsibility’** evaluates issues concerning privatization of education in contemporary societies focusing on the role and responsibilities of state in the sphere of both public and private education. Again, justice in education cannot be achieved merely through equitable distribution of resources among students across social classes. It is equally relevant to track as to what kind of education is provided to children. Hegemonic curriculum is a factor that produces inequality in educational outcome The fourth chapter titled **‘Culture, Religion and Spirituality in education: Individual Rights and State Duties’** elucidates issues related to individual and cultural rights of children as well as that of parents in education. Individual rights here refer to the rights of both children as well as that of parents in the sphere of education. While discussing the issue, an attempt is made to discuss the issues related to religious and cultural rights of minority in education. Finally, the fifth chapter titled **‘Social Justice in Education: Conclusion’** sums up the research into concluding remarks in terms of answering the research questions and fulfilling the research objectives.

Chapter II

Social Justice in Education: From Classical Philosophy to Modern Democracy



2.1. Introduction:

The concept of social justice in education has spread far and wide in the age of modern democracies. Its root can be traced back to classical philosophical schools of thought in justice and education. From the monarchical days of great philosophers such as Socrates to present times of democracy, the notion of justice in education has witnessed quite a journey of its own. For Socrates, education is about drawing out what is already within the student; contemporary era views education as one of the fundamental institutions for promotion of individual and social welfare. Education is a very broad concept with an ingrained notion of delivery of knowledge through some form of teaching or training. The critical question is as to what knowledge forms does education seek to impart onto its receivers, how are these knowledge forms determined and who are the receivers? How do individual members of a society ensure fair play in modern education? This leads us to the exploration of the concept of social justice in education. Johnston David (2011) explains social justice as follows-

The Idea of a set of principles from which we may work out an ideally just distribution of rights and privileges, burdens and pains, which can be deployed to assess a society's institutions as a whole and to argue for a transformation of those institutions if they are found wanting, is the ideal of social justice (David, 2011, p. 174)

In terms of social justice, present study focuses on the distribution of rights between parents and children vis-à-vis distribution of duties and obligations of institutional mechanisms in both public and private sphere. It brings into question the role of state in ensuring and promoting social justice in education.

2.2. Classical thought in the Philosophy of Justice and Education –

The word 'justice' is derived from the Latin word 'Jungere' which means 'to bind or to tie together'. In this sense, justice may be understood as a system in which people are tied or joined in a close relationship. Generally, justice is preferred to injustice since former is more beneficial than latter in multitude of ways. Injustice often leads to serious disputes, violence and other conflicts; justice on the other hand aids in the formation of amicable and peaceful atmosphere. A careful perusal of these principles facilitates a sound understanding of the idea of social justice in education. The word social here acts as a qualifier to the idea of justice signifying the relevance of justice in individual-societal ties. In ancient Greek society, the idea of justice was based on hierarchical position of people in society. The main purpose of justice in those times was to protect the weaker sections of society from unfair deprivation of their dues. It is to be noted that dues were based on the position one held in society in terms of power, wealth and over all social status. So the principal factor determining disposition of justice in earlier societies was one's position in society; one's societal status determined what one deserved (David, 2011).

One of the early works on justice and education in the West can be found in Plato's Republic (381 BCE). According to Plato, justice may be one kind of remedy to cure the evils in a society. For him, justice is a social consciousness that makes a society internally harmonious and good. Plato strikes an analogy between human organism on the one hand and the social organism on

the other hand. For him, human organism contains three elements- reason, spirit and appetite. An individual is just when each of his or her soul performs its functions without interfering others. Corresponding to the human organism, he classifies three classes of people in the society- Philosopher class as ruler, Warrior class as defender, and farmers and other people as Workers. Individually, justice is a human virtue that makes a man self-consistent and good. Socially, justice is a social consciousness that makes a society internally harmonious and good. Education in his view is a lifelong process of value addition in a person. It starts from the early formative years of childhood and lasts till the very end of life. He claims that education bears the greatest tendency to civilize and humanize people in terms of their relation to one another (Lee, 2007). Plato delineates the concept of a just city-state and that of a just man based in the order of social hierarchy. For him, justice is based on the principle of desert, indicating hierarchical relations of people in a society. It is thus interlinked with specialisation and requires that all three classes of people- rulers, soldiers and workers smoothly perform their respective duties without interfering with that of others. The workers provide food, clothes and other necessities required in the state. The duty of soldiers is to fight and defend the state from external and internal enemies. The rulers are responsible for holistic administration and reign of the state. Thus for Plato, a balanced and harmonious performance of duties by citizens facilitates promotion of justice. For Plato, hierarchy led specialisation bears a positive connotation and is significant for disposition of justice (Lee, 2007). In this perspective, a society can be said to be a just society if its members are treated as per what they deserve based on their social standing and hierarchical position. The same set of hierarchical relations can breed injustice when people are exposed to unequal treatment or when hierarchy led specialization is violated. Thus he suggests different types of education meant for different citizens. Since in a state all citizens do not have same capacity to

realize all forms of virtue(s), distinct educational programs should be imparted to future rulers, soldiers and workers. Rulers should receive proper education to be able to inculcate wisdom in its widest sense, expanding knowledge and truth. The soldiers need to be educated very carefully to be able to perform their job of protecting citizens; tackling law and order situations and the workers should receive limited education as per their social standing and nature of work (Lee, 2007). Plato in his later body of work – *Laws*, elucidates different stages of education, demarcating the ideal of education. Although in the *Republic*, education is primarily accessible to the children of higher class, in the *Laws*, education is offered to children of all free citizens. Stages of education are divided into preschool, elementary, middle and higher (Nasaina, 2018).

Aristotle also emphasizes on hierarchy based justice mechanism where fair distribution of resources is based on what individuals deserve as per their position in society. For him, justice prevails in terms of shared common life in accordance with one's social status. He conceives justice in terms of law and constitution. One who is a lawbreaker is apparently held to be unjust and one who is law-abiding is considered to be just. For Aristotle, justice means giving people what they deserve in society and what they deserve is based on social divisions. The relations among people who are fundamentally unequal by virtue of belonging to different classes do not fall under the purview of justice in Aristotelian view. In this respect, the lower strata especially slaves are naturally deprived of even basic human rights. In Aristotle's view, certain segments of people undergo deprivation of rights which some others enjoy. In fact Aristotle does not provide any kind of rights for slaves (Robert C. , Bartlett, Susan, & Collins, 2011)

In his famous work, *Politics*, Aristotle states,

In the state, the good aimed at is justice; and that means what is for the benefit of the whole community. Now all men believe that justice means equality in some sense...they hold that justice is some entity which is relative to persons, and that equality must be equal for equals (Saunders, 1981, p. 207)

In Aristotle's ideal state, education occupies an important place as the future of a state depends on the character of its citizen and the character of citizens is shaped by education. Thus, education is directly related to citizenship duties. Aristotle associates educational process with the 'rational' part of the soul, the aim of education being polishing the rational. However, he does not recommend equal education for all. In his view, education is to be imparted as per different categories of people in a society. As already mentioned, he excludes slaves from enjoying the right to education. The task of slaves is only to serve the householders (Rackham, 1959). He states,

Since every association of persons forming a state consists of rulers and ruled, we must ask whether those who rule and those who are ruled ought to be different persons or the same throughout life; for the education which will be needed will depend upon which way we make this distinction (Saunders, 1981, p. 431)

Thus, certain segments of people are deprived of rights while some others enjoy them by virtue of their ascribed status. This suggests that in the case of education, not all were given the same type of education in ancient times. Throughout the Greek period and till the medieval period,

people were not treated equally and there was always a case of class or gender hierarchies which got reflected in the type of education they received or did not receive.

Throughout medieval Europe, education was mostly controlled by church authorities. Initially, Christianity was popular among the poor and illiterate but during the second century CE and thereafter, it found more believers in the educated class and leading citizens. These segments of people apparently wanted to secure good education for their children. During the medieval period, usually only the male children from wealthy families attended school. Female children faced educational and other restrictions in the society of medieval period. The female children belonging to affluent families were provided some basic training at home, but the focus was mainly on developing emotional strength and secondarily on household chores, along with artistic creativity. Apart from gender gaps in education, class discrimination was prominent as neither girls, nor boys of the lower social ranks e.g., peasants or unskilled laborers- were provided education (Bowen & Gelpi, 2019).

The concept of justice in the writings of Thomas Hobbes (one of the founders of modern political philosophy) is also based on the principle of desert. Hobbes states that justice is possible only in a state ruled by an absolute monarchy because before going to claim something as just and unjust, presence of coercive power is a prerequisite. According to him, there is no conceptualization of justice or injustice before the formation of state. Pre-state society, in Hobbes's view is a state of nature. It is characterized by proneness to war of every man against every other man. Since human beings are inherently selfish so to protect themselves from the brutalities of state of nature and to enjoy security of life, they make total submission of all their

'rights' (excluding right to life) to the absolute ruler. Therefore, the idea of justice only counts after people give their consent to the reign of absolute monarchy. For Hobbes (1651), justice is the constant will of giving to every man his own; own here refers to the idea of owning material wealth or property so where there is no *own*, that is, no property, there is no injustice. Thus, justice is a result of self-serving desire for security by human beings. In his book *De Cive*, Hobbes explains that justice as a form of willingness to give people their due share based on their own consent is guided in turn by their own interests. He states,

I was presently advertised from the very word justice, (which signifies a steady will of giving everyone his own), that my first enquiry was to be from where it proceeded that any man should call anything rather his own, than another man's. And when I found that this proceeded not from nature, but consent..." (Hobbes, 1651, p.3)

In Hobbes's view of justice, there is neither any explanation of equal distribution of wealth by the state nor any mention of the upliftment of the poor. Justice, in his view is confined to an arrangement of social contract, providing the rights to people as per what they submit to absolute monarchy at the time of state formation so as to protect their self-interests. Thus, in the view of Hobbes and a few others, the notion of justice signifies observation of rules or conventions which are products of human creation. Accordingly, any theorization of justice would entail empirical understanding of what these human-invented rules are.

In John Locke's philosophy of justice, it is held that what people deserve is actually based on what they produce purely in terms of their own effort. Locke supports unequal possession and distribution of individual property, economic resources, goods and wealth. He states that the

world of mankind as a manifestation of God's gift is common to all people. Thus, everybody is equal and they own themselves, so they own their labor. Property is the result of labor mixed with nature and people have natural rights to do whatever they want to do legitimately without causing any harm to others. So, people have rights to their own individual property (Zucker, 2001). Locke claims that the right to private property existed among people even in pre-political state of nature. For him, there are two grounds for grant of right to private property- first is need and second is labor. People exercise need-based rights to use natural resources in order to sustain life and fulfill other basic conditions of living. They also have access to rights over those resources that they have transformed into necessary products through their labor. In state of nature, people are under an obligation to respect the property holding of others acquired through means of origin, through labor and through transmission in terms of contract (Miller, 2011).

Both Hobbes and Locke visualize a just society in terms of every member enjoying minimum equal rights; where there is no hierarchical social set-up in terms of political rights. However, it is their idea of private property that gives rise to inequalities emanating from economic factors. Those inequalities though not natural but are still considered acceptable as they arise from a just social setup. Locke states that from a political point of view, all human beings are equal, but when it comes to the point of economic stature, everybody should get their dues as per what they produce with their own efforts. He tries to give equal opportunity to people by giving equal political status, however, those who are unable to produce goods because of their natural and/or physical obstacles would be automatically deprived of basic needs. Through social contract, state is responsible for the protection of three natural rights of people, i.e. right to life, liberty and private property. Education is unavoidably social, so it cannot be included in the scheme of

natural rights. Hence, in Locke's view, people cannot claim right to education on the basis of justice and equality. There is no ground for providing same type of education to all children in a society. Locke's theory offers different types of education based on social classes of the haves and the have-nots. According to him, parents should engage tutors to educate their sons at home. He writes "a prince, a nobleman, and an ordinary gentleman's son, should have different ways of breeding" (Locke, 1693, p. 324). Not only is his theorization problematic in terms of delivering social justice but also appears to be highly gendered for today's times.

According to David Hume, justice is not a natural value. It arises out of different conditions and necessities of mankind. Though justice is artificial, it is not arbitrary in nature since it is based on sympathy and public interest. Hume states,

Justice establishes itself by a kind of convention or agreement; that is, by a sense of interest, supposed to be common to all, and every single act is performed in expectations that other are to perform the like. Without such a convention, no one would have ever dreamed, that there was such a virtue as justice, or would have been induced to confirm his action to it (Hume, 1896, p. 259)

His account of justice is based on motivated interests of people whereby the ultimate creation of civil society is based on individual self-interests. The institutions are the product of a civilizing process where people learn to adapt themselves in order to obtain benefits of security and wealth. Therefore justice for Hume is not a natural value. It is artificial.

Unlike most scholars discussed so far, Kantian view of justice can be best understood in terms of individual rights based on the moral autonomy of rational agents and not on general social welfare. Kant's moral philosophy is classified into two components: ethics and the theory of justice. Former is related to that which is internal hence unenforceable and latter is related to that which is external hence enforceable (Rosen, 1993). The two are apparently closely inter-related but not one and the same. Kant states that we have rights because we are rational beings and are worthy of dignity and respect. This view holds that justice resides in intrinsic qualities or character of rational agents; it is crucial for ensuring autonomy of individual agents; everything that is unjust is an obstacle to individual freedom. The use of force or coercion restricts individual freedom; however, justice allows the use of force or coercion against anyone who violates justice. Justice is hereby connected to the notion of freedom. It is about respecting persons as ends in themselves. By autonomous individual, Kant signifies peoples' capacity of reasoning (Santal, 2009). Rules of justice act as constraints on a person's actions that are essential to secure external freedom of others. Accordingly, coercion may be used for the sake of justice only (Pogge, 1988). Thus, Kant distinguishes justice from morality by associating the practice of justice with external actions of the individual. According to him, rules of justice perceived as a political virtue, can be subject of positive legislation.

It is of paramount importance to note that the concept of justice in ancient India was based on a hierarchical view of social order just like that of ancient Greek society. The hierarchical view of social order in India is rooted in the vedic conception of varna dharma. According to the concept of varna dharma, people are divided into four orders- Brahmins, Kshatriyas, Vaishyas and Shudras. Each of them has their own socially prescribed duty. The Brahmins are the priestly

caste and are responsible for the exercise of knowledge. The Kshatriyas are the warriors and they are responsible for governance of the society and for protecting it from internal and external forces. The Vaishyas are the trading class people who are responsible for commerce and agriculture and the Shudras who stand at the bottom of this social order are the labors and service providers. They are supposed to be at the disposal of the above higher castes for their service as per different menial requirements. As per this theory, development of a society is possible only if people belonging to each of the aforementioned four castes perform their own respective duties (Srinivas, 1984). According to Radhakrishnan (1926), the traditional Indian varna or caste system was designed to promote co-operation, tolerance and trust in society. It was not designed for exploitation and exclusion. It was a means to regulate social function on the basis of division of people. Each caste has its own social purpose and set of traditions. People were not used as a means to fulfillment of the purpose of others. They worked as a part of an organic whole, as complementary to each other. The traditional Indian caste system was an ideal system for maintaining social cooperation and collective development of the society but gradually with the passage of time it underwent massive changes. The Brahmin caste became privileged over non Brahmins (Chitkara, 2002). Caste system originally meant for division of labour in society became perpetrator of constant social evils produced by various manifestations of casteism. Particularly in case of India, specific positive discrimination policies (e.g. caste based reservation) in the sphere of education were formulated by constitutional makers to ensure social justice and equality for the historically deprived lot.

A just and fair society is one of the fundamental aspirations of thriving democracies in contemporary world. To achieve so, education is used as one of the most fundamental tools.

Modern democratic societies, usually guided by rational-legal conventions have witnessed some major transformations in aforementioned classical concepts of justice. They increasingly try to ensure fair opportunity for all in the field of education, irrespective of class, caste, gender, race, ethnicity etc.

2.3. Education:

Some theorists distinguish between purpose of education and function of education, claiming that the purpose is the fundamental goal of the process with a definite end to be achieved whereas functions are subsidiary outcomes that may occur as a natural result of the process, for instance consequences of schooling (Sharma & Sharma, 1996). Though there has always been a diversity of beliefs about the purpose and function of education, in its wider sense, education is understood as a lifelong learning process, assessed as the sum total of experience that a person receives in her whole life; it may be inside or outside the purview of school or formal setting. In this sense, education is regarded as synonymous with the act of living. In its narrow sense, education refers to the process of modification of behavior of students in a desirable way resulting in their intellectual and social development. This implies imparting information, giving instruction, schooling, training, making people literate, and teaching, preparing for a trade or vocation (Samuel, 2011). John Dewey observes that, education, in its narrow sense, means schooling or direct tuition and is confined to school, college and university education (Dewey, 1916).

Most of the Western educational philosophers view education as a deliberately organized activity through which the physical, intellectual, aesthetic, moral and spiritual potentialities of a child are developed. Socrates defines education as a means to an end, the end being bringing out of the ideas of universal validity which are latent in the mind of every man. In ancient Greece, the Sophists claim to give students the required knowledge and skills to elevate to prominent positions in the city-state. For Aristotle, education is the creation of sound mind in a sound body (Samuel, 2011).

In Plato's theory of knowledge, the allegory of the cave is used to show the 'what and how' of knowledge attained by human mind (Cornford, 2003). As suggested by this allegory, most of mankind lives in the darkness of the cave in the world of shadows. It is the purpose of education to take mankind out of the darkness into the world of light. Education thereby functions through guided leadership; it takes "a ruler" or so to say a "philosopher king" to ensure the spread of education. There was an element of hierarchy embedded in Plato's theory of education. It depicted a class society where at the lower levels there are workers and artisans whose education would stop at the level of their limited abilities, they need to be guided by the higher strata i.e. the elite who are supposedly blessed with knowledge and rationality.

Modern democracies attach a lot of importance to the education of its children. Even the basis of providing education has changed over the times, with education increasingly viewed as a public good in modern times; the future of a state is said to be dependent on the education of its children. No children should be deprived from education only because of parents' inability to send the child to school. In modern democracies, states provide rights to children of all segments

of people to avail basic minimum education. Basic minimum education to all children is considered as the responsibility of a state since state is the ultimate guarantor of justice (Brighouse, 2000). In India, rights to have basic education of the age group of six to fourteen of all children is considered as constitutional right of children and state is legally responsible to provide it (Bakshi, 2010).

2.4. Types and Stages of Education:

There is a popular three-fold classification of education- formal education, informal education and non-formal education. Formal education conforms to the structural norms and represents organized space. It is imparted in an educational institute with a particular end in view. There is a fixed course of study, fixed time table and routine period of courses. It is provided according to certain rules and regulations, includes co-curricular activities, planning of monthly and yearly programs and so on. In case of formal education, the term education is used in a very specific sense. Informal education is comparatively more all-encompassing. It is not pre-planned; children and others can experience it as a dynamic process simply by the virtue of being participants of community life in different capacities. There is no specified agency to impart this type of education. A child receives this type of education consciously or unconsciously while she moves across the community. It is received casually through daily experiences and activities. Again, there is a third category called non-formal education which is more in sync with modern times of advanced technologies. It falls between formal and informal education and can be seen as a lifelong process. It is organized and pre-planned but not strictly formal. Distance education and open schools are included in this format (Samuel, 2011). In our contemporary age of

technological advancements, this form of education has developed by leaps and bounds, catering to a large section of society especially in terms of tertiary (higher) education. A good example of it is IGNOU (Indira Gandhi National Open University) in India.

Formal education is generally classified into three stages - primary, secondary and tertiary (higher) education. The classification of different age groups into different stages of education varies among different countries (Barro & Lee, 2001). In India, primary education is divided into two stages- lower primary consisting of classes one to five (ages 6-11) and upper primary or middle school consisting of classes six to eight (ages 11- 14). Then there is secondary education that consists of classes nine to twelve (ages 14-17). After class twelve, undergraduates, postgraduates and all other technical and vocational educations are included under tertiary (higher) education (Cheney, Ruzzi, & Muralidharan, 2005).

2.5. Traditional Indian Education System(s):

India being a land of diversities, its rich cultural legacy bears different traditional systems of education. Education system in traditional India was closely connected to religion. In Vedic system of education, students had to stay with the guru or teacher in ashrams and follow strict rules and regulations charted out by the guru of the ashram. This traditional system of schools is called Gurukul in India. One of the most important education systems from Medieval India is Buddhist system of Education. Like the Gurukul system, in the Buddhist system also, Dharma is the highest aim of life. Aim of Buddhist education system is to influence the younger section of

people towards the Buddhist school of thought (Sharma & Sharma, 1996). With the advent of Islam in India, the Madrasa system of education also became an integral part of traditional Indian education system. It emerged in around eleventh century; it is based on Islam and attempts to reform Muslim society on the basis of religious education (Zaman, 1999).

2.5.1. Education in Vedic India:

Education in Vedic period was predominantly shaped and influenced by religion. Attainment of knowledge was directly connected to attainment of salvation. The ultimate goal of life was the achievement of the Absolute through purification of one's inner sense or soul. Thus, Vedic education of India was largely based on an organized scheme of things that reflected messages to humanity. Vedic texts or literature is the main basis of Vedic education. In Vedic period, caste system was mostly based on occupational basis and people belonging to different castes except the Shudras were eligible to receive education. Meritorious students stood more chances to receive education. Women openly participated in every ritual along with their husband. The residence of the teacher or guru was itself the educational institution, referred to as the Gurukulas. It was signified by co-habitation between teachers/gurus and students/shisyas who lived as members of a single family. Gradually, the domination of Brahmins increased and the lower castes especially the Vaishyas and the Shudras rapidly fell down in social status accordingly were also deprived form education. This system affected the over-all education system (Jayapalan, 2000).

2.5.2. Education in Post-Vedic India:

With the spread of Vedic culture, the sacrificial rituals proliferated and gradually, the Brahmin priests climbed up the social ladder. They attained the highest position in post-Vedic Indian society. Increase of rituals in turn also influenced the education system to some extent. The ultimate goal of education being attainment of salvation lived through the Vedic times to the post-Vedic times. Education was in a way compartmentalized whereby it became a privilege of the Brahmin class- they were known as experts of spiritual knowledge and were mainly authorized for the study of Vedas. The Kshatriyas had access to spiritual knowledge and also received training of war. The main occupational focus for Vaishyas was delineated as agriculture, trade and commerce. Accordingly, they used to gain education in the art of production and distribution of grains and other relevant materials. There was no provision of intellectual or spiritual education for the Vaishyas. The aim of life of Shudras was to serve the upper three castes. They worked as laborers and servants in various capacities, right from ploughing the fields, taming animals to handicrafts etc. Post Vedic period also marked a decline in the rights and privileges enjoyed by women. They were not provided the same educational status as they enjoyed in the Vedic period (Jayapalan, 2000).

2.5.3. Buddhist system of education:

Gautam Buddha, the founder of Buddhism from India, was against the traditional system of education dominated by the Brahmins. He was not in favor of the rigid classification of Varnas. He stood for principles of equality for all. The Buddhist system of education is based on the

philosophy of Gautam Buddha whereby, Dharma is regarded as the primary aim of life. This type of education is imparted in Buddhist Monasteries and Viharas. The curriculum of Buddhist education is based on the ideals of Buddhism. The basic aim of education here is to attain salvation. It went ahead of its times and unlike traditional Vedic and post-Vedic system of Education, the Buddhist system of education does not discriminate on the basis of caste, class and gender. (Sharma & Sharma, 1996).

2.5.4. Islamic system of education:

Two main institutions of education under Islamic system are the Maktab and the Madrassa system of education. These institutions developed in India after the establishment of the Mughal empire. Under Maktab, children are given primary education and are made to remember the verses of holy Quran. After learning the Arabic script, they received training in Persian language and script. The stories of Prophet Mohammed are also narrated to the children as a part of basic educational training. After completing primary education, these children are sent to Madrassa for higher education. In Madrassa, special emphasis is given to the teachings of Islamic religion as a whole (Sharma & Sharma, 1996).

As a whole, education has always been regarded as a source of illumination and power in India. The Hindi term 'sikhsha' is derived from the Sanskrit verbal root 'shas' which means 'to discipline', 'to teach', 'to instruct' or 'to control'. Education thereby means the act of teaching,

training or instructing. Another term 'vidya' is derived from Sanskrit root, 'vid' that refers to knowledge. So disciplining the mind and imparting knowledge through controlling and teaching the child are the basic elements of education as per Indian tradition (Samuel, 2011)

Some Indian thinkers have been found to have placed special emphasis on the development of spiritual education which will be discussed elaborately in chapter four of the thesis. Ancient Indian texts namely Rig Veda and Upanishads place education in a high pedestal, highlighting the relevance of education in the life of an individual. Rig Veda prioritizes education as something which makes a man self-reliant and selfless. In the Upanishads, it has been stated that education is that whose end product is salvation (Samuel, 2011). According to Swami Vivekananda, education is the manifestation of divine perfection, already existing in man (Vivekananda, 1993, p. 55). Noted scholar Rabindranath Tagore suggests that the "highest form of education does not merely give us information but creates universal harmony with all existence in this world" (Tagore, 1917, p. 116). Again, Mahatma Gandhi defines education as the process of all round drawing out of the best in a child and man in terms of body, mind and spirit (Gandhi, 1953). He gives importance to the notion of morality and ethics in education. All these philosophers seem to believe in the power of education to create a fair and just society.

Thus, the issue of social justice in terms of education holds profound significance across different philosophies. It has travelled a long way down the history of mankind, shifting its focus from unequal treatment to equal treatment for all irrespective of one's position in social order. It

promotes equality of opportunity among students for their access to quality education irrespective of their social origin (Brighouse & Swift, 2008).

In the following section, the researcher analyses classical theories of social justice with special focus on education. Since education is an important institution of social world, social justice in general shares a symbiotic relation with social justice in education (Johnston, 2011).

2.6. Social Justice in education

The word 'social justice' was used for the first time by a Jesuit priest, Luigi Taparelli in 1840. Taparelli foresees the role of private interest dominating public integrity in society. He focuses on the relationship between authorities and subjects at various levels in society. In fact for him, society is the composition of various smaller societies that function to assist the common good of larger society. The perfect way to achieve common good in any society is to extend help and support from the bottom rather than top by encouraging mass public participation in various spheres. Hence, social justice, first defined by Taparelli, signifies maximization of individual freedom at all levels. He states that society will become just if we focus on unified efforts to promote social justice through bottom ranks of society rather than the traditional top down authoritative notions of justice supported by philosophers such as Plato and Aristotle (Behr 2003).

Two most influential theories of social justice with reference to education can be found in Plato's Republic and Aristotle's Politics. Aristotle, in *Politics*, throws light on the notion of distributive justice i.e. fair distribution of benefits in society. He explains as to how individuals arrive at a common interest as a good life is the primary end goal both for the community as a whole and for individuals. This notion is extended to the idea of justice. The good in the sphere of politics is justice, and justice consists in what tends to promote the common interests (Aristotle, *Politics*, III,11, 1282b14). These conceptualizations are relevant to date.

Prominent Enlightenment thinkers such as David Hume (1711-1776), Immanuel Kant (1724-1804) and John Rawls (1921-2002) whose works shape contemporary Western philosophy and political theory have all conceptualized justice in relevant ways. Rawl's conception of social justice in the form of social contract theory and distributive justice draws upon a liberal understanding of the legacy of Enlightenment. Nineteenth century Europe saw the proliferation of eclectic thinkers who adopted the classical notion of justice as a standard to assess the functioning of all major social institutions (education being one among them) in a way that focuses on the distribution of benefits and burdens of the society in view of bringing forth positive transformation. The term social justice is infact more radically used by liberal thinkers. The debate on free market economy also emerged whereby some thinkers rejected the then existing property rights while some others supported it. Thus the scope of modern state's role in regulation of property and property related rights expanded over the time, gradually leading to greater endorsement of just distribution of social resources. This perspective eventually contributed to the revision of the very terrain of justice. Thus in the early years of twentieth century, theorizing about social justice became a major concern and it led to the fortification of

the idea of social justice in modern education system. The first book titled Social Justice was published in New York, in 1900, by Westel Willoughby wherein he views society as an organism in which the flourishing of each element requires the co-operation of the other. The aim of social justice is to specify the institutional arrangements that will allow each person to contribute fully to social well-being (Miller 1999). In this respect, the relation between education and social justice is a two-way symbiosis; education system serves as an important institution for ensuring social well-being and social justice, similarly social justice is an important principle for ensuring right to education for all.

Thus, the idea of social justice evolved during nineteenth and twentieth century when justice graduated to become more concerned with institutional arrangements in terms of fair distribution of benefits and burdens. Johnston David explains social justice as follows-

The Idea of a set of principles from which we may work out an ideally just distribution of rights and privileges, burdens and pains, which can be deployed to assess a society's institutions as a whole and to argue for a transformation of those institutions if they are found wanting, is the ideal of social justice (David, 2011, p. 174)

The philosophical contributions made by Hobbes and Hume in the emergence of this version of justice are noteworthy. They present a revised terrain of social world that was no longer shaped exclusively by the hands of nature but also by human agency.

Again, renowned economist and philosopher Adam Smith (1723-1790) identifies the importance of division of labor in highly developed commercial societies. All social goods are produced by the action of individuals who are differentiated as per high or low skills and levels of efficiency. This however gives rise to the same old problem of unequal or unjust distribution of social goods (David, 2011). This also problematizes the concept of equal opportunity to all in respect of education. As a whole, David Miller (1999) observes that the theories of social justice were heavily influenced by nineteenth century textbooks of political economy that mostly dealt with issues of land, capital and labor and that these need to change on the face of changing landscape of institutions and ownership in modern times.

There are three influential **schools of thought in social justice-**

1. Social democratic tradition,
2. Liberal individualism and
3. Market individualism.

2.7. Social democratic tradition- It is a needs based approach derived from the works of Karl Marx. In the context of Marxian theory, justice necessitates economic equality among people. Marx supported fair distribution of wealth and reasonable wages for labors. Wealth is regarded as the product of collective action of society and so it belongs to every member of the society. Thus social justice in Marxian view can be accomplished only by fair and just distribution of wealth (Sellards, 2010). In framing his idea of justice, Marx was influenced by Adam Smith's

view of division of labor in modern commercialized societies (David, 2011). Marx states that the establishment of communism through the passage of socialism superseding capitalism would eventually ensure restoration of justice in society. In context of education Marx claims free and compulsory education for all children without any major difference between the haves and have-nots. He perceives that without education, life of the working class people would deteriorate (Samuel, 2011). It is noteworthy that over the years, the concept of socialism played an important role in the development of the idea of social justice in modern education system in a world dictated by neo-liberalism and capitalism. It was the socialist challenge that forced liberals to look more critically into matters of land ownership, private ownership of industries, inherited wealth and several other features of capitalism.

2.8. Liberal individualism- John Rawls was the most outstanding contemporary advocate of this tenet. For Rawls, justice is the demand for fairness. He introduces the idea of the original position as a thought experiment that dictates the principles and process of distribution. Original position is an imaginary situation where at the time of distribution the person is conceived to be under a veil of ignorance. The person does not know his or her own religion, gender, social position, and also does not know in which part of the society he or she will land up after distribution. In this situation the person tries to avoid biasness and distributes the benefits and burdens equally. Fairness can be attained through avoiding biasness in evaluations and distributions. According to Rawls, in original position a person follows two principles of justice. First is the basic liberty principle which claims that each person is to have an equal right to most extensive form of basic liberty compatible with the liberty of other. The second principle is the combination of two important principles- (a) Equal opportunity principle which claims fairness

in case of access of jobs and services and (b) Difference principle which permits inequalities if they benefit the least advantaged members of society (Rawls, 2001). Randal Curren (2009) observes that Rawls view of fair equality of opportunity is important in the discussion of educational justice and equality. Rawls is an advocate of fair equality of opportunity. For him, society must establish fair and equal educational opportunities for all, regardless of one's family income. Public offices and social positions should be open in formal sense so that all should have a fair chance to attain these. It will not be fair if runners in a race start from different starting points. Those who have same level of natural talent, ability and ambition, should have access to equal opportunity (Rawls, 2001). Rawls states,

Fair equality of opportunity is said to require not merely that public offices and social positions be open in formal sense, but that all should have a fair chance to attain them...Those who have the same level of talent and ability and the same willingness to use these gifts should have the same prospect of success regardless of their social class of origin, the class into which they are born and develop until the age of reason (Rawls, 2001, p. 44).

Thus it can be said that modern principles of positive discrimination in education and jobs e.g. affirmative action policies of the US, has benefitted from the philosophical positions of scholars such as John Rawls. In Indian context, we may also refer for the same to thinkers such as Ambedkar, Gandhi and Phule. Caste based reservation policy in India is arguably one of the most important national instances of positive discrimination in favor of historically disadvantaged groups or communities. The socio-cultural fabric of Indian society is composed of a vast array of multicultural populations divided on the lines of caste, class, ethnicity, language and religion. A large proportion of these groups including minority groups carry the baggage of a long-standing history of deprivation and disadvantage (Weisskopf, 2007).

2.9. Market individualism- Robert Nozick was a strong advocate of this tradition. This tradition conceptualizes social justice in terms of merit. The basic principle followed here is that each of us has the right to do whatever we want with the things we own. In doing so, we also need to respect the rights of other people. A state can be a just state if it concentrates only in protecting property from theft and keeping peace. Nozick was influenced by Friedrich von Hayek's view of social justice. Hayek claims that the idea of social justice is a mirage or a kind of confusion in the form a categorical mistake. The state's ambition in realizing social justice implies a centralized authority to make people do things that they might not want to do. It is a kind of interference with the freedom of people. Nozick argues that Rawls's theory of social justice focuses only on the issues of distribution and ignores the issue of peoples' entitlements to what they produce and the processes by which their holdings are acquired (Fazal, 2002).

As far as state role is concerned, Nozick argues for a minimal state, which is limited to the functions of protection against force, theft, fraud and so on, that is protection of individuals to exercise their liberty. He therefore rejects redistributive notions of social and economic justice. He says that the transfer of individual property through redistribution is unjust. Transfer of property through the market can be just. Nozick states that individuals have a right to own property and of self ownership which gives them the freedom to determine what to do with their own belongings. He claims that there is nothing wrong with economic inequality and that state should not force wealthy people to distribute wealth to the poor against former's will (Sandal, 2009). For Nozick, only voluntary offer of wealth to the poor can be considered just (Swift, 2001). Nozick indeed supports privatization of education. State should not interfere with parents'

decision if latter want to spend their money on private education for their children. State should not have the power to establish public education through taxes imposed on citizens (Feser, 2005).

Thus in a way, just as the body of work of ancient Greek philosophers highlight the principle of desert, similarly, the view of justice even in the work of these libertarian thinkers appears to be based on the same principle. But libertarian view of justice is quite different from ancient Greek traditions so to say that of Plato and Aristotle. In the ancient Greek tradition, what people deserved was completely based on their social position which was completely hierarchical whereas in contemporary libertarian school of thought, idea of justice holds all people as equal irrespective of their social standing, at least from the political point of view. It advocates a just society where all people can do work equally, all people respect the work of one another. No discrimination is made on the basis of social position. The thrust of justice in the view of libertarian thinkers is to have a free market where all people can work equally according to their own capacity with their own property rights without harming others and without being harmed by others.

Social justice claims that all citizens should mutually respect one another and should try to ascertain common conception of good for all. Since democracy is a kind of government ruled by the directly or indirectly elected representatives by the people, listening to the voice of people is one of the most fundamental factors in democracy. It should try to respect and protect the rights of all individuals in society as per the demand of justice. While protecting the rights of one section of people in society, it also needs to listen to the agreement and disagreement of the other

section of the society. Therefore maintaining equality and justice in democracy is a serious issue. Response to the demands of people should not only be pragmatic and piecemeal, but it should be coherent and just for all (Matravers, 2010). In terms of education, every child has the right to have access to basic education. Therefore a democratic state should protect the rights of children with due respect to the demands and rights of parents as well.

Nancy Fraser argues that justice is a complex concept. She defines social justice as 'parity of participation' that means equality of participation. She draws attention to the three dimensions of social justice; each of them is related with institutional barriers- First is redistributive justice that claims a more just distribution of resources and goods. Second type of social justice claim is in terms of politics of recognition. The goal of this dimension of justice is to create a friendly world where assimilation to majority or dominant cultural norm is not a priority. Third one is participatory justice that includes the rights of individuals and groups to have their voices heard in debates about social justice and to actively participate in decision making processes. She claims that mass participation is a prerequisite to realization of redistribution and recognition (Tikly & Angeline, 2010).

Sharon Gewirtz (2006) observes that Young and Fraser's conceptions help us to rethink about social justice with some new dimensions in educational policy research. These views help us to think about the exploitative relationships, issues of marginalization and inclusion, violent practices within and beyond educational institutions. These views also help us to think which cultures should be affirmed and which cultures should be rejected in educational practices.

Famous Indian thinker Amartya Sen's idea of social justice emphasizes on the development of individual capability. He aims to make society less unjust rather than aiming to make society perfectly just. Capabilities are the opportunities that people can rationally realize in different functioning. He argues that we need not establish abstract idea of justice to evaluate the fairness of different institutions. It should be understood more as a matter of degree. For him, the effectiveness of government action to improve social justice can be judged through individual's capability to do things that he or she values. It is also judged by the freedom of individuals to choose between different ways of leading their lives (Sen, 2009). Education enhances basic capabilities in a person that in turn catalyze the development and expression of other capabilities. Thus having greater opportunities for education ensures the expansion of educational capabilities that as a whole expands human freedom and development (Walker & Unterhalter, 2007).

2.10. Concept of social justice in India:

From the later part of the nineteenth century there has been a shift in the understanding of social order and justice in Indian society. Contemporary Indian philosophers such as Jyotiba Phule, Dr. S. Radhakrishnan and Dr. B. R. Ambedkar oppose the traditional view of hierarchical view of social order and propose an egalitarian view of justice. These philosophers conceptualize justice in terms of equality of distribution of goods and services in society. In traditional Indian social system, equality was understood in terms of equality before God but contemporary philosophers shift it to the idea of equality of human beings where equality becomes the organizing principle

of a fair and just society. It emerges as the center of thinking about the future of a good or just society. Contemporary Indian philosophers shift the idea of equality from moral, metaphysical and spiritual domain to contemporarily relevant model of distribution of material goods. They claim that the state is responsible for equal distribution of goods and services among its people (Yadav, 2009).

Jyotiba Phule was one of the foremost exponents of modern humanist thought in India who opposes the traditional hierarchical varna system of Indian society and introduces an egalitarian view of justice. He also opposes some of the dominant conceptual frameworks of his times like that of religion, ritualism, mythology, gender and that of British rule. On the basis of Vedanta philosophy he claims that the maya of caste and superstition causes avidya or ignorance about social reality. This ignorance should be removed from the mind of every individual. Once this ignorance is replaced by true knowledge, there will be ananda or pleasure of egalitarian social relations. He writes, “The Sudras are the life of this nation. In times of economic and political crisis the government should rely on them rather than on the Brahmins. If care is taken to ensure that the Sudras are kept happy and contented, the government will have no cause for doubting their loyalty (Joshi, 2013, p. 13). In his view, equality can be rendered possible only through education. He claims that the children of the lower caste should have equal access to education like that of the upper castes and the middle castes. Regarding education to all, he writes, “The education which does not help the common mass of people to equip themselves for the struggle for life, which does not bring out strength of character, a spirit of philanthropy, and the courage of a lion...real education is that which enables one to stand on one’s legs” (Joshi, 2013, p. 37).

An egalitarian approach to social justice is also seen in the philosophy of Dr. S Radhakrishnan. A section of society may be backward because of various reasons such as environmental, social and cultural and so on but the people belonging to that section might have the potential to succeed in various spheres. Special treatment should be given to the people belonging to those sections of society to develop their capabilities and realize their inherent potentialities. He states,

One race may not be claver or as strong as another, and yet the highest idealism requires that we should give equality of opportunity even to unequal groups. We must respect the independence of every people and lead the backward ones to a full utilization of the opportunities of their environment and a development of their distinctive natural characteristics (Radhakrishnan, 1926, p. 96).

Dr. B.R. Ambedkar, also revered as the father of Indian Constitution was a champion of the cause of social justice in modern India. According to him, the term social justice is based upon equality, liberty, and fraternity of all human beings. The aim of social justice is to remove all kinds of inequalities based upon caste, race, power, position and wealth. It brings equal distribution of political, social and economical resources of the community. He opposes the traditionally dominant graded inequalities among people as that redundant system leaves no room for individual merit and social justice. Irrespective of individual merit, people from the lower castes are unjustly excluded from the higher ranks of the society, not merely affecting their social status but also their over-all dignity and basic human rights. Ambedkar (1937) insists on a socio-liberal welfare democratic state that can ensure a just and equal society for all. Regarding caste system, he says, “the outcaste is a by-product of the caste system...There will be outcastes

as long as there are castes...Nothing can emancipate the outcaste except the destruction of the caste system” (Ambedkar, 1937, p. 79).

Thus, it is evident that the idea of equal status of people in society irrespective of their caste affiliations is present in the concept of justice of contemporary Indian thinkers. In fact they have opposed the traditional orthodox system of social status. Equal opportunity to all people should be given to develop the potentialities of every section of the people. Dr. Ambedkar adopts equity principle in terms of justice to maintain equality in the society. According to the equity principle, unequal distribution through positive discrimination is acceptable in society to develop the life conditions of historically deprived people (Chitkara, 2002).

2.11. Constitutional Provisions in respect of Social Justice in India:

In case of education, the Indian Constitution had originally banned any kind of discrimination in government aided educational institutions (Section 2 of Article 29) however, following the Constitutional amendment of 1951, a new provision was added to Article 15, explicitly stating that nothing in the constitution “shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Caste and Scheduled Tribe” (Weisskopf, 2007). Hence, Indian constitution provides positive discrimination in the form of ‘reservation policies’ for protecting the historically disadvantaged groups of people from further discrimination. Notably, such policies of positive discrimination mainly operate in the arena of education and employment. The idea being that it is through

education and employment that these historically wronged groups of people can be provided social justice.

The Preamble of the Indian constitution assures social, economic and political justice as well as equality of status and of opportunity to all its citizens. It also assures liberty of thought, expression, belief, faith and worship and fraternity assuring the dignity of individual and the unity and integrity of the Indian nation. The equality status among people is clearly reflected in Article 15(1) of Indian Constitution which states that state shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them. Article 16(1) of Indian Constitution guarantees equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.

Thus, the Indian Constitution guarantees social justice for all its citizens in the form of fundamental rights with respect to equality before the law (Article 14), the prohibition of discrimination on grounds of religion, race caste, sex, or place of birth (Article 15) and the assurance of equality of opportunity in matters of public employment (Article 16). It also provides directive principles of state policy (Article 46). As a whole, it safeguards the educational and economic interests of weaker sections of the people, particularly, that of the Scheduled Castes and the Scheduled Tribes, offering them protection from social injustice (Weisskopf, 2007).

2.12. Conclusion:

In recent years, most of the studies on education give a lot of importance to the issue of social justice. It is an emerging theme that concerns educationists, researchers and policy makers all alike. A lot has been drawn from classical philosophical discussions on justice to aid a critical understanding of contemporary status of education system in any given society (Hyttén, 2011). Though education is the key factor for future development of any society, equal education for all children was not given its due importance in ancient societies. During the times of Plato and Aristotle, the right of every individual to be educated to her or his full potential was out rightly denied. In ancient Indian society also, education of children was totally dependent on the hierarchical social position of their families. However, with the advent of modernity, changing polity and economy paved way for a growing importance of equal education to all children. Thus, the concept of social justice in education witnesses massive transformation over the years. Thinkers such as Karl Marx, John Rawls and Harry Brighouse highlight states' responsibility in providing education to children. In India, constant attempts are made by governments to provide right to education to all children. Social justice in education can thereby be understood through the framework of rights in a democratic set-up.

Thinkers such as John Locke, Robert Nozick and James Tooley claim for an importance of privatization in education. Tooley's study (2000) shows that there are some low cost private schools in a country like India and that such schools provide quality education to poor children and some of them even provide free education. Since government schools are unable to perform

properly and there are examples of well-functioning low cost private schools, majority of parents prefer private schools to government schools. Tooley suggests that countries like India should allow private alternative and do away with government schooling. The next chapter tries to evaluate the role and responsibilities of the state in the sphere of both public and private education.



Chapter III

Privatization of Education and State Responsibility



3.1. Introduction:

While the value of education has been recognized and respected since ancient times, however, imparting education continues to be a matter of constant debate and deliberation. Who should educate, who is to be educated, what education should be given and how to educate are some of the core issues of discussion in this field. Owing to different reasons e.g. affluent background, middle class aspirations etc., some parents try to ensure better education for their children compared to the education provided by state funded public schools. Some parents may want positional advantages and a secure future for their children. Industrialists want technological and organizational competencies of children (Curren, 2009). These are based on their particular interests. Are those set of parents allowed to put their children in different schools apart from public schools? Can government restrict those parents from sending their children to private schools in hope for a better education? In a democratic society, the state is bound to accommodate the interests of the parents; it cannot intervene wholly in such decisions. Over the years, society has witnessed growth of private schools that have emerged out of such kinds of demands from parents. Government cannot restrict parents if they want better education for their children and are also ready to pay for it in the form of private school fees. There is something else instead that the government can do i.e. it can fulfill state responsibilities towards providing quality education for all.

The basic question related to this issue is whether education is a private good or a public good. A public good can be distinguished from a private good in former being non-rivalrous in consumption with free access for public whereas latter i.e. private good is excludable and rivalrous i.e. people cannot have free access to it without market terms and conditions (Anomaly, 2018). The problem related to education from the perspective of public and private good is that it is neither a public nor a private good. It may be said that education is both a private good as well as a public good. As a private good, education refers to the ability to confer benefits emanating from educated individuals to their family based on their specific preferences and efforts. As a public good, education refers to its contribution in maintaining a fair, productive and democratic society. The issue of social justice in education has become increasingly complex over the years more so from the perspective of privatization as because education is neither a distinctly private good nor a purely public good; notably it provides both types of benefits (Levin H. M., 1987).

Recent literature in this subject reveals that there are two distinct ideological positions pertaining to public or private debate in formal education system - One upholds that government should provide education to all (Brighouse, 2002); a classic example being the provision of free and compulsory education for all children upto the age of fourteen by the Government of India. As per the other position, government need not provide education rather it is left to the domain of private institutions (Tooley, 2003). Present chapter is concerned with the role and responsibility of the state in providing education to its citizens. The larger goal is to explore the role of state in allowing and maintaining the functioning of private institutions in education sector.

3.2. Privatization in Education:

Privatization of education may be described as a form of decentralization where there is a transfer of decision making authority, responsibility, and tasks in education from higher to lower organizational levels or from government to private organizations (Bray & Mukundan, 2004). There may be different reasons behind increasing number of private schools. Low quality of education in government public schools maybe one such reason. Venkatanarayana (2004) observes that the failure of public schools in meeting the expectations and aspirations of parents has led to a growing demand of private schools. The Human Development Report 2003 also notes that the poor households prefer to send their children to private schools because of the absence of teachers in public schools in India and Pakistan (Sakiko, 2003) The Public Report of Basic Education team reported that the parents make great effort to send their children to private schools since they are disappointed with government schools (Amamdalakshmy, 1998). However the issue of quality in government schools is not the sole factor contributing to the growth of privatization of schools. The Human Development Report, 2003 (Venkatanarayan, 2004) shows that the 17% of the children in developing countries do not attend any school. Tooley and Dixon (2006) claim that, possibly there may be other factors as well leading to rapid growth of private schools in developing countries.

Tooley, who champions the cause of private schools, says that private schools are widely accepted by poor families as there is better chain of accountability in them. Private schools can give better education because here teachers are accountable to the managers and the managers are ultimately accountable to the parents. However, in government schools, the chain of

accountability is weaker. Either they face severe crisis in maintaining a healthy teacher-student ratio or in several cases, the teachers become lackadaisical in their approach as they anyway have a permanent job. Therefore majority of parents prefer private schools to government schools. Many developing countries fail to provide even basic requirements to its children especially when the parents hail from an underprivileged/poor background (Tooley, 2000).

However, the status of government schools is not solely responsible for the emergence of private schools. The expansion of different choices among parents is another reason behind emerging private schools. The different personal interests of parents compel schools to enter in to the market race. The choices of parents are based on their backgrounds, personal goals, values, beliefs, and needs from education. The highly privatized schools may be reasonably successful in safeguarding freedom of choice of parents or may be that of children as well (Brighthouse, 2004). It may also help in increasing the productive efficiency of children but then there are some serious problems as well caused by growing privatization. It has created a chaos on the way of implementation of social justice from the perspective of equity and social cohesion; it rather deepens problems of socio-economic stratification among people admitted to different schools.

3.3. Arguments for Public Education:

Across the globe, the system of public schools has emerged as one of the most significant institutions of modern democratic state that has a massive impact on students, parents, teachers,

employers as well as taxpayers. A healthy democracy finds its strength in the principles of liberty, equality, fraternity and justice. On the face of such developments, establishment of a considerably just society is possible only with proper functioning of institutions like the public schools; proper functioning here refers to fair treatment meted out to all its stakeholders in their various roles (Bull, 2008).

Thinkers who support public education claim that education is a public good and that the future of a society is based on present education of its children. State has the responsibility to provide education and state should ensure it. Irrespective of their social status, all children should have same quality of educational opportunity. Education of a child should not be based on her or his social status (Lupton, 2005). The principle of fair equality of opportunity claims that social and institutional arrangement should be designed to give equal consideration to all and the state should provide education to all children to become autonomous individuals. To fulfill this purpose, state should also ensure equally good education to all regardless of their social origin. Rawls writes,

Those who have the same level of talent and ability and the same willingness to use these gifts should have the same prospect of success regardless of their social class of origin, the class into which they are born and develop until the age of reason (Rawls, 2001, p. 44)

Harry Brighouse and Adam Swift (2008) also claim that educational equality is an important value of justice in education. The basic principle of educational equality is a simple principle and has a very strong appeal. The basic principle is that each child should receive an equally good

education. They claim that education of children should not be based on their parent's economic background. Irrespective of the parent's background, children who have the same talent and motivation should be brought up to the same level of achievement. They write, "Individual's prospects for educational achievement may be a function of that individual's talent and effort, but they should not be influenced by his or her social background" (Brighthouse & Swift, 2008, p. 447). This view permits even large gap of achievement among individual students, as long as those gaps are the product of motivation or talent rather than social class or racial grouping. According to this view, same level of well-motivated and talented students should enjoy equal level of benefits. It tries to reduce the achievement gap between the students from racial, ethnic and class divisions.

In his book, *School Choice and Social Justice*, Brighthouse (2000) claims that children's prospects should depend as little as possible on the resources and prudence of their parents. In his view, privatization of education is a wrong move. He claims that in a system that feeds private education sector, parental choice effectively works for the wealthy family. Therefore this type of socially constructed inequality can be eliminated by extending choice for all and by depriving the choice for the wealthy family. This would require the prohibition of all forms of private schooling. In Brighthouse's view, educational inequalities arising from artificially created differences e.g. family background or family choices are unacceptable. He advocates maximum possible state interference in socially important sectors like education. While respecting other central values, the government must do its best to eliminate the effects of social class on achievement related to education.

Brighouse (2000) states that some private schools may perform very well compared to public schools, but from those instances we cannot guarantee that all private schools necessarily perform well. He cites the example of Roman Catholic and Church schools of England in the UK where the schools draw on a finite supply of voluntary human capital and are cost-effective. However from these types of private schools one cannot make a general claim to in favour of private schooling. Infact even states vary in terms of how well functioning they are, and they vary both by structure and political will. To improve the literacy rate and quality of education, a long-standing political will is needed.

According to Brighouse (2004), undermining government schools through expansion of private schools carries a real danger. When parents from relatively privileged backgrounds withdraw their children from government schools to put them in private schools, there is less parental pressure on the government to improve the condition of government schools. This in turn makes the educational prospects of least advantaged sections of people even worse than existing arrangements. In a well-functioning democratic society, justice normally requires extensive government funding and smooth regulation of schools.

Everyone has a right to a sufficiently good education so that they can participate actively in the country's economy as adults. It is generally assumed that privatization in education facilitates an atmosphere of quality education but Brighouse (2004) claims that the mere fulfillment of an adequate level of education to children would not justify privatization. He seeks adequacy principle to be fully guaranteed such that it is not sufficient for education to be merely fulfilled;

its fulfillment has to be guaranteed. A privatized scheme is to be continuously monitored by the state. Government should be ready to intervene at any stage as and when necessary, to check whether child has received adequate level of education or not. The state is the ultimate guarantor of justice.

Brighthouse and Swifts (2009) observe that the family is both an obstacle as well as a key ingredient responsible for a just society. It acts as an obstacle in the sense that children belonging to different families face very unequal prospects in terms of social mobility, lifetime well being or income, or even the quality of childhood experience. On the other hand, it functions as a key ingredient of just society because it appears crucial to any notion of human flourishing or capacity building. Parental partiality may override the quest for equality of opportunity. Therefore, child education should be free from the impact of (a) parents' wealth and (b) parents' decision making ability.

In modern democracy, parents exercise multiplicity of choices resulting in diversification of education. This significantly pushes the envelope for privatization in the sector of education.

3.4. Argument for Private Education:

Advocates of private education usually try to justify it from multiple perspectives. Thinkers such as John Locke and Robert Nozick claim that child education is a matter of rights and duties of

parents rather than that of the state. John Locke (1689) argues in favor of education at home by tutors selected by parents. Education by tutor is the best pedagogic practice to develop a child's individuality. Since each child has different mental abilities; the tutor will follow a unique way of teaching as per the child's mental abilities and help her mature into an autonomous rational being. In his book *Second Treatise*, Locke (1693) argues that since children are not able to act rationally, they are supposed to obey their parents until they become adults. It is the duty of every parent to educate their children till latter are grown up enough to be able to take care of themselves. Duty of the government is to use its coercive power to protect the natural rights of children derived from the social contract concerning the lives, liberties, and properties of people. Education is absolutely a social right so state is not responsible for its mandatory provision. By virtue of the law of nature, parents are under an inherent obligation to preserve, nourish and educate their own children.

In similar lines, Robert Nozick (1989) also views children as an essential part of parent's wider identity. It is the responsibility of parents rather than that of the state to educate their children. Nozick opposes redistributive notions of social and economic justice and claims that spending public money collected through tax imposed on citizens to render public education is not fair. He suggests that the state should not interfere with parents' decisions if they want to spend their money to educate their children in private institutions.

In recent work, Yossi Yonah (2000) also claims that parental choice in education is essentially liberal in nature and it gives scope to individuals to choose and shape their personal ways of life.

Providing rights to parents to choose the pattern of education for their children enables them to fulfill the real needs of their children as parents by default or by deliberation would always choose the best kind of education for their children.

Lockean view followed by that of Nozick and Yonah give enough scope to develop a child's mental capabilities as an autonomous individual but it is problematic from the economic point of view. Since all parents are not economically capable to employ a tutor to educate their children, the poor children will be left out from the purview of education under this system.

Again, from a capitalist perspective, pressure of market competition for students among private schools can be viewed as a positive factor that can ensure optimum performance by these schools. It is believed to generate a chain reaction wherein it can ensure efficiency and allow families to choose schools that would better serve different educational needs. Thus market-centric approach wants us to believe that privatization in education creates better opportunities even for students from disadvantaged sections; their families would arguably have more options of better schools for children on the face of growing competition among schools for student enrollments (Friedman, 1962).

The above observation was taken up by James Tooley (2000). Although privatization in education is believed to generate more merits than demerits however poor parents cannot afford the cost of such schools. At the same time, parents also want to ensure proper education for their

children. Tooley pinpoints the failure of some states in providing an efficient and effective universal public education system. He cites the example of India, where the rise of market in private schools is a result of the compromise in public education provided by the government. As an alternative to poor state of affairs in public education, emerged privatization. However on the face of stark economic inequality in society, emerged another alternative, that is, 'grassroot privatization'. Tooley elucidates this specific kind of cost-effective private educational institutes in developing countries based on 'bottom up' ideology. He refers to this kind of privatization as 'grassroots privatization', 'low cost privatization' or 'budget private school'. These schools have emerged in countries like India, Pakistan and sub-Saharan African countries. They perform very well compared to regular government schools. He claims that India and other countries should start some schemes to allow private schooling and to do away with government schooling.

Tooley (2003) pinpoints another crucial factor in ensuring proper education of children. According to him, child education should not be independent of parental choice. Even in the case of public schools, lack of incentive from parents for improvement of education of their children may arise; other poor families also may not feel the improvement of their children's education in the same way. Education is not reducible to schooling. A major part of education surfaces outside formal schooling system. Schooling is not only the way to develop a child's career. Child education outside of school would require extensive intrusion in family life.

James Tooley and Pauline Dixon (2006) discuss the situation of public versus private school system in some of the countries of sub-Saharan African region and South Asian countries like

India, Pakistan. The government schools in these regions display perpetual underperformance; they cannot meet parents' demands. On the other hand, private schools outdo their government school counterparts even at the grass-root level. Their performance is better on every front whether it is accountability to parents or teaching quality etc. They also cost lesser in comparison to the ones in urban areas; poor parents strive hard to afford it for their child's better future prospects. Moreover, in India these schools offer free and concessionary places to the poorest of the poor. Regarding the use of pedagogical tools and over-all teaching activity, private school teachers of aforementioned backgrounds are superior to the teachers of government schools. Tooley and Dixon claim that schools of grassroots privatization are not inequitable since they provide education to the children of the poorest of the poor in free of cost. They claim that the quality of such private schools is superior to that of government schools. If these private schools can be made accessible to all, including the underprivileged from all backgrounds, then it can be claimed to improve the private schools through judicious support. In terms of subaltern perspective, it would seem irrelevant whether these developments would undermine the state system, provided that quality education for all is achieved.

Tooley and Dixon's position may be substantial because the number of private schools shows an upward trend with each passing year but when it comes to state control and regulations, Tooley's position of zero state regulation of private schools is to be viewed critically. Though there are 'grassroot private' schools as Tooley remarks, all of these schools do not run for charity. There may be a few schools that are run by missionaries but there are other private schools that charge exorbitant fees and are not run by charity organizations. In a sense, they are business oriented. Some advantages of these institutions are that they are better managed as compared to

government schools, they show better results, the absentees are less in number, they are in proximity to the community, they generally teach in English medium, they give importance to co- curricular and extra-curricular activities, there is often parent- teachers' meetings and so on (Tooley & Longfield, 2016). At the same time, there are some obvious disadvantages as well - they are often business oriented, hardly maintain teacher-students ratio, teachers face an extremely heavy workload, several irregularities in space and construction, issues concerning teacher's payment and the like (Brighthouse, 2004). Apart from these, there is too much pressure on the children to perform well so that they these schools can show better results and attract more students.

3.5. Argument against State Regulation on Education:

Several countries allow private schools to carry out the task of providing education. While they are allowed to do so, the question remains as to whether these private schools are to be regulated by state mechanism or not. Tooley and Dixon (2005) point out that the state need not interfere in the way these private schools function. The reason cited in their work on private unaided school is that state regulation in case of private schools is impractical. Such regulations rather yield a negative outcome as they constraint the private parties' smooth functioning. Instead, they should be left for self-regulation. They delineate 'two regulatory regimes'- one that is 'on paper' and the other 'in practice'. Regulations 'in practice' are consistent with market principles. 'On paper' regulations are usually detrimental to entrepreneurial innovation and market dynamics. They suggest as potential policy guideline to "include the possibility of legitimizing the 'extra-legal'

sector by introducing self-regulation possibly via self-evaluation systems for the private unaided schools'. The regulatory environment either aids or retards entrepreneurial endeavor in the context of private education in India; Tooley and Dixon's special focus is on 'budget private school'. They believe that the entrepreneurs in this sector referred to as 'correspondents' exhibit similar characteristics that match with Austrian economic concepts of 'entrepreneurship, rivalry and market discovery'. In their opinion, private education is to be treated like business venture and through market competition all the desirable objectives regarding education may be achieved with less cost. They remark,

The market mechanism is set in motion by the actions of entrepreneurs in search of profit and the acquisition of wealth. Entrepreneurs search for profits in the market and therefore opportunities that will allow them to make gains. During the search for profit the entrepreneur will fulfil consumer demand, developing innovative production methods and new products. (Tooley & Dixon, 2005)

The only thing that the government needs to do is not to interfere with these business models and enterprises. Tooley's position has not changed much as even in 2013, he holds on to the same opinion. He says (2013), "I want to see private schools emerge and then the state just move aside from education". Tooley and Dixon's works relates to Indian context more specifically to a then federal state called Andhra Pradesh. They claim that the research findings and subsequent policy suggestions can be extended to an evaluation of other similar developing countries.

There are both government public schools and private schools in India. Private schools are not homogenous entities. Private schools in India may be of different kinds depending on their "ownership (aided and unaided), management (minority and non-minority), level (primary, upper

primary, secondary) or affiliation (CBSE, ICSE, State board, IB)” (Ambask, Gaur, & Sangai, 2017). Private aided schools are those private schools that get government aid for teacher’s salary. These schools are regulated and are almost entirely funded by the state (Kingdon, 1996). Private unaided schools are self-dependent and do not depend on government for teacher’s salary. These “schools operate autonomously and are entirely self-financed. They recruit, pay, and discipline their own staff and they do de facto charge tuition fees” (Kingdon, 1996). There can be two types of private unaided schools- One is those schools that get government’s recognition and the other is those that do not have government recognition (Ambask, Gaur, & Sangai, 2017) (Desai, Amaresh, Vanneman, & Banerji, 2009), (Tooley & Dixon, 2005). As far as the parties involved in providing private education are concerned, it may include, “NGOs, faith-based organisations, communities and commercially oriented private entrepreneurs, each with different motives for their involvement in education”(Ha`rma, 2011).

Given these different types of schools and different parties involved, the focus of thinkers like Tooley and others revolve around private unaided schools. As mentioned earlier, Tooley and Dixon (2005) in particular focuses on specific type of unaided schools in Indian context. They are called ‘low cost privatization’, ‘grassroot privatization, and ‘budget private schools’. According to Tooley, the private unaided schools’ growth and development are hampered by government regulations and hence there need not be any such regulation. Their arguments favouring non-interference of state in regulation of such private institutions hold merit. Nonetheless complete absence of government/state intervention may be inappropriate. Following are some of the reasons - (i) The Indian Constitution expects government intervention, (ii) The present condition of private institutions in India demand government intervention and (iii) There

is an incompatible tussle of interests between private and government institutions in education sector.

3.6. Constitutional framework for Government Regulation in Indian education system:

Education is listed in the Concurrent List of the Constitution of India. This means that schools are governed by both Central and respective State laws. In fact, it is against India's Constitution to seek zero regulation from government in the realm of private schools. Article 21A of the Indian Constitution says that the state shall "provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such manner as the State may, by law, determine" (MHRD, 2019). So, having committed to its citizens, the state is bound to regulate the private education providers. It is the responsibility of the state to ensure that children of those age groups regularly attend school and that those schools run properly. To protect the fundamental right of its citizens in the field of education, the state is empowered to impose necessary regulations.

Moreover, Indian state has ratified international treaties that deal with right to education. The International Covenant on Economic, Social and Cultural Rights, (ratified by India), expects the state to recognize the fundamental right to education. Parents can have a say over the education choices of their ward(s). However, "this liberty is subject to the principles set out in the state's obligation to realize the right to education, and the requirement that the education in these institutions must conform to the minimum standards laid down by the state" (Ambask, Gaur, &

Sangai, 2017). The UNESCO's Dakar Framework for Action expects state to "create safe, healthy, inclusive and equitably resourced educational environments conducive to excellence in learning, with clearly defined levels of achievement for all" (World Education Forum, 2000).

Thus, given the constitutional sanctions and international commitments, Indian state is supposed to make timely and positive intervention in the way the private schools function. State gives land on subsidized rates to private schools. Through the Right to Education act, the state also contributes to the fees of the 'poorest' lot. Private schools can be rightfully regulated by the state to realize the broader constitutional objectives (Ambask, Gaur, & Sangai, 2017).

3.7. Present Condition of Private Institutions in India- Need of Government Intervention:

Apart from the constitutional demand for government regulations, the present state of affairs in private institutions also necessitates government intervention. One of the basic concerns about these private schools is the way they are run. Regulated and recognized private educational institutes are usually far more ordered than the budget private schools or grass-root privatizations. These private recognized schools tend to be larger, often run by non-profit management, and are located in urban areas. (Desai, Amaresh, Vanneman, & Banerji, 2009). So, when Tooley claims that government should stop regulating the schools, counter argument may be raised from the evidences that are related to such recognized private schools. The data

regarding unrecognized schools are not so easily available (Ha'rma, 2011). If there are serious concerns regarding government regulated private schools, apparently the problems are all the more severe with respect to budget unrecognized schools or grass-root privatizations. Tooley admits this when he points out that "low-cost private schools *prima facie* appeared to be outlawed" under Right to Education or RTE but as the states have flexibility in adopting RTE, some states allow these budget private schools even though they do not comply with RTE regulations. The state of course stipulates its own regulations (Tooley & Longfield, 2016).

Budget private schools are nowhere near to the following of government regulations. Even the recognized private educational institutions compromise on several issues. They hardly maintain teacher-student ratio, teachers are burdened with heavy workload. They engage in many irregularities in space and construction, teacher's payment and likewise (Times of India, 2017). There is immense pressure on children to perform well so that outstanding results can attract more students. Despite government regulations, they do not follow the norm and for their lapses, the price one has to pay is severe. The concerns about private education includes infrastructure, not following government orders, overburdening the children and so on. The tragic incident of Kumbakonam fire accident in 2004 that killed 94 students of the primary section is a strong reminder of how some private schools are run in India (The Hindu, 2017). If private schools can compromise on child safety with poor infrastructure these compromises can be expected for other important issues of education. In such a scenario, it is difficult to argue for no regulation. Still, some educationists point out that government should not impose unreasonable infrastructure norms without doing the cost-benefit analysis (Sharma & Chandra, 2017). The concerns raised by them maybe genuine, but it is important to engage in consultations with

school administration on these issues as compromising on safety issues may lead to irreparable losses. As Randall points out, “of fundamental and specific interest to the state is "knowing ... its children are attending school" in a "safe and healthy environment," (Randall, 1992). If not anything, at least for aspects of child safety and security, the state should regulate the private institutions.

Another irregularity observed in privatization is the fee structure. There is a perennial concern that these schools charge exorbitant fees. While on one side, the school management says that it has to collect the stipulated fees to run the school smoothly, on the other end, the parents feel the burden of excessively high fees (PTI, 2019). If Tooley’s position is right, then the competitiveness in the market would take care of drawbacks associated with running private schools. But that does not seem to be the case, at least not in India. Parents often display their displeasure on high charge of school fees and they expect government and legal interventions in regulating the fee structure. Many state governments have regulated or proposed to regulate fee structure of private schools (news18, 2017). Along with such controversial high amount of fees, these schools also engage in taking up actions against fee defaulters. It is such kind of activities of private schools that compels the researcher to question their functioning. Some of the punitive actions executed by the schools include not allowing to appear for examinations (The Logical Indian Crew, 2019), detention of the students (DNA, 2018), field punishments of the students like making them stand under the scorching sun (PTI, 2019) and so on.

Then there is the issue of teachers' workload. There is a concern among the private school teachers that they are not given adequate salary. The teachers accuse school management of paying them very less in spite of collecting exorbitant fees. Rather, the school management is more interested in making profits. Moreover, the teacher is supposed to put in more working hours and if needed are to perform other related tasks apart from teaching as well (Jain & Khan, 2018).

Again, there is the issue of taxing the children. The High Court of Madras ordered that school should not give homework for students up to class 2. But not many schools follow this order. Schools do not obey homework ruling by High Court. So, the High Court has now asked the state to look into this issue and implement the orders (Times of India, 2018).

These instances of gross violation of government rules and court orders by some set of private schools are not cases of mere aberrations. They are bound to happen in a situation where most of the private educational institutions are run by profit-centric entrepreneurs. This leads the researcher to the third contention that schools should be regulated by government; at least some form of regulation or semi-regulation is required if not complete regulation.

3.8. Incompatible Interests between Private and Public Schools:

The Supreme Court of India considers providing education as a public good and as a charitable activity. The Supreme Court has observed that profiteering cannot be the motive and the private

schools can only make a reasonable surplus. Time and again, the “Supreme Court and the High Courts of various Indian States have censured ‘commercialisation of education’ and banned the charging of capitation fee” (Ambask, Gaur, & Sangai, 2017).

Notably in India, educational institutions are not meant to be ‘for-profit’ organizations; still several players get into this venture as ‘business-making model’. There are intangible ways of accumulating wealth. In spite of aforementioned courts’ observations, education is considered to be a profitable business (Haq, 2017). Tooley and Dixon (2005) write about the entrepreneurship attitude of school ‘correspondents’. They show that these school correspondents run the schools primarily with the motive of making money.

The ‘commercialisation’ of education and the making of profits are thus prohibited under this judgement. However, in practice, this does not seem to encroach upon the actual behavior of schools, except in terms of their reporting of accounts, and, of course, in the associated payment of bribes. One senior government official stated: “All institutions make a profit. . . . we do not stick to the laws and rules, we are very flexible, and all institutions make a profit, we just let them do it (Tooley & Dixon, 2005)

While as per Tooley and Dixon’s research findings, these school ‘correspondents’ exhibit entrepreneurial attitude and engage in new innovative practices that ultimately help them generate more profit – it may be a clear case that they run the school as businesses hence are bound to be primarily interested in profit-making. They can go to any level to ensure that they run the school and also earn profits.

Ha”rma (2011) suggests that there is no sufficient literature barring that of Tooley and Dixon’s work that highlight the contribution of such schools in offering considerable concession and

scholarship to the poor and underprivileged. Right to Education dictates that private schools give free education to the 'poorest of the poor' as it is mandated by the government. The government may take the load of those children's tuition fees. Even then, against this government order, private education providers filed many cases. They appealed to the court to annul this government order. Private schools cited so many reasons such as compromising on the efficiency and financial burden. However, the Supreme Court decided for the 25% reservations weighing all the arguments for and against the petition. The Supreme Court finally gave the verdict that private educational institutions, except minority educational institutions, should allot seats to those economically weaker students. According to the World Bank report, around 40,000 cases are filed since RTE came into force and most of these cases are related to implementation of RTE (PTI, 2018). From this, a couple of points may be inferred. One is that the private institutions provide free education to some poorest of the poor because that is the directive of the government. Second, if as Tooley remarks, these organizations are concerned with providing education, why should they file court case to annul this order. Through this, it may be pointed out that unlike what Tooley claims, these private educational providers are not in a position to take care of the poorest of the poor without government interventions. More importantly, they are also ready to compromise on the prospects of educating the poor children. Despite all these Court orders and government regulations, still, as on 2015, private schools have filled only 29% of the allotted seats (Central Square Foundation, 2015). In the national capital Delhi, a report says that 80% of private schools have not implemented RTE (PTI, 2019).

Tooley and Dixon suggest that since the officials give recognition to schools under the influence of bribe then, why to have such types of 'impractical' rules. They come up with a strange

solution. Since 'On paper' regulations are impractical than the 'in practice' regulations, so, it is better to have 'In practice' regulations that are easier to follow. As per their logic, then it could mean that if X is under-aged to drink and still he drinks, better not to have any age limit for drinking because that is what is being practiced. Similarly, if Y is under-aged to drive and still she drives, better not to have any age limit for driving. They further propose a self-regulating mechanism that basically is constituted by like-minded people (profit- centered) coming out with their own regulations without government interventions. A profit-driven set of people frame the rules and regulations for themselves.

Therefore, one can clearly observe the incompatibility of interests in public versus private system of education providers. The former concerns itself more with justice, equality and fairness. For the latter, providing education is a means to achieve their desired end. But, for the former, providing education is an end-in-itself. If there are incompatible interests, it cannot be expected from the government to allow private institutions to function without any regulation. The manner of functioning of private schools is a matter of grave concern in India. This may be a matter of concern in other countries as well. There is a clear conflict of interest between state and private players. Those private players can be budget schools, 'grassroot' private schools or any other 'edupreneur' ventures. Since, there is conflict of interest; it is not possible to do away with government intervention in regulating them, as there is no guarantee that people who run those institutions will ensure quality check, safety and security.

3.9. Conclusion:

Present chapter highlights the importance of some form of regulatory framework by state in the sector of education so as to ensure a fair and just system, however state rules and regulations are not always free from errors. In fact, recently there are several studies that pinpoint problems associated with government regulations on private schools and in the implementation of Right to Education/RTE (Sharma & Chandra, 2017), (Sabharwal, 2017). While these are true, the solution of no regulation or self-regulation is not going to resolve the issues. As discussed in the chapter, sometimes private schools are seen to compromise on a lot of factors including something as critical as child safety with respect to poor infrastructure inspite of government regulations, what best can then be expected in terms of other related issues of education. Hence it is not feasible to think of zero state regulations for such types of schools. Thus, it can be stated that it is better to take a middle path- neither being overly optimistic towards private school players nor being unnecessarily pessimistic towards government and state machineries. This will go a long way in improving the education scenario in developing and under developing countries.

The outcome of (controlled) privatized system may be considered favourable to the society at large as it not only protects freedom of choice but also aids in the over-all process of child development. However, despite different policy provisions of state control, private education is plagued by the menace of socio-economic compartmentalization and ethnic stratification across educational institutions. These problems challenge the delivery of social justice in the sphere of equity and social solidarity (Levin, Cornelisz, & Hanisch-Cerda, 2013). If private school is the

future in the scheme of things, then government needs to behave like a responsible mediator in regulating this sector.

Justice in education cannot be achieved merely through equitable distribution of resources among students across social classes. It is equally relevant to track as to what kind of education is provided to children. Distributive justice is only one aspect of understanding social justice in education. There is another notion of justice called curricular justice. Connell (1993) suggests that hegemonic curriculum is a factor that produces inequality in educational outcome. Hence he claims that certain aspects e.g. language, culture, interests of the least advantageous sections are also important at the time of curriculum construction. Provision of a common curriculum for all students deprives children towards the enjoyment of their own cultural and religious rights (Carr, 2007). Therefore, some thinkers claim that government should protect cultural rights of its people including minority rights by offering culture based curriculum in school. However, at the same time children are also entitled to their rights for developing themselves as autonomous individuals through their own conception of good through education. The next chapter deals with the role of a secular state in terms of providing education that respects the individual rights of children, that of parents as well as the claims of different, cultural, linguistic, religious and ethnic groups and minorities.

Chapter IV

Culture, Religion and Spirituality in Education: Individual Rights and State Duties



4.1. Introduction:

Education plays a critical role in the holistic development of an individual. It becomes, therefore, an important issue to deliberate and discuss the quality and content of education imparted onto young minds. Education of children is a public good; the future of a state depends on it. Infact it is an asset that initiates young minds into practices that express and promote human flourishing. Therefore in any society across the globe, it becomes a moral responsibility of the state to provide and oversee education of all its citizens. So to say the role of state in ensuring education to its citizens especially at basic regulatory level is both relevant and necessary. Brighouse (2007) opines that institutions have a moral obligation to provide, fund and regulate education of its children to develop both personal as well as collective aspects of their lives; it is a process that nurtures them as self-governing individuals who go on to become effective participants in political and economic affairs of the state in future. Thus it is evident that the state and its institutions bear the responsibility of individual citizens who in turn are crucial for the prosperous future of the state. It is a two-way relationship. Randall Curren (2009) writes about education as party to social rights in a diverse society; it is the obligation of government to provide education to children. A similar account of state's responsibility is maintained in Marples (2013) where he highlights that the state has interests and moral obligations towards the well-being of children in light of greater welfare of the wider society. In Locke's view, state is only responsible for protection of the three natural rights of people- life, liberty, and property. For him, education is undoubtedly a social right; therefore, the state is not responsible for it

(Vasilopoulos, 2011). However, like most thinkers, Rawls (2001) also claims that state should take the responsibility of providing education to its citizen since it is a public good. State's concern with their education lies in their role as future responsible citizens. The responsibility of state in imparting education to children can be justified on the basis of social contract tradition where people submit some of their rights to the state and thereby the state is responsible to protect those rights of the people. It is the concern of the state to educate its children; in doing so, it tries to impart a common curriculum whereby it includes all relevant subjects that help them in their holistic development. Since the state is endowed with such an important responsibility, it partakes in the blame or praise in the fulfillment of those obligations. People praise the state if it satisfies their demands pertaining to their children and they blame if it fails (Pring, 2007). However some people claim that the provision of a common curriculum for all students is insensitive on the part of government towards the enjoyment of cultural and religious rights of people. In the pretext of fulfilling one responsibility, state seems to shy away from another responsibility that is, of protecting the cultural and religious rights of people (Carr, 2007). Present chapter deals with the role of a secular state in providing education to its children, who are individual citizens belonging to different religious and ethnic groups and so on.

The word secular is used here to mean a state that does not subscribe to any particular religion or religious ideals and is tolerant of all religions for instance the Indian state. What role does a secular state play in the sphere of regulation of education? Should a secular state prescribe a common and secular curriculum for all depending upon the age groups of the students? While it may be possible that a theocratic state, or one with an established religion may have a common curriculum, but it may not be necessarily secular. So, the challenge for a secular state is that it

has to justify the case for a common curriculum and also for a secular curriculum. If on the grounds of moral obligation, institutions are allowed to impart education from specific cultural standpoints, it may in a way jeopardize the rights of children to have a uniform curriculum that is devoid of any form of ethnocentricity. On the other hand, parents or guardians may want their children to grow in an academic environment that endorses or fortifies their own cultural and/or religious affiliations. It is important to analyze as to how do governments accommodate the rights of parents along with that of the children in the context of the content of education or curriculum. There are some thinkers who pinpoint the significance of imparting spiritual education to children, which is considered to be universal in nature and not confined to one particular religion. Present chapter incorporates discussions on spiritual education in case of a secular state. Thus, the present chapter tries to grapple with the looming question of state responsibilities and duties in accommodating individual rights within the larger framework of social justice in education. To do so, focus is on course curriculum in terms of cultural, linguistic, religious and spiritual affinities of parents and children. The term individual rights is used here to signify the rights of individual citizens (parents and children) to choose the course curriculum based on aforementioned multiple factors like culture, religion etc. Within the ambit of individual rights, the researcher also dwells with questions of conflict and consensus between the rights of parents versus that of the children in context of education.

4.2. Argument for Culture Based Curriculum:

In present day world where most of the societies are multi-cultural in nature, the issue of maintaining cultural diversity in schools has become a growing concern. This in turn has

complicated the mechanism to deliver social justice in education. If it is based on uniformity regarding what the stakeholders receive from education through common uniform curricula and so on, then there is the danger of imposing dominant culture on all the segments of the concerned population. These issues lead to the rise of culture based curriculum in schools. Thus, for the greater protection of rights of all citizens belonging to different cultural backgrounds, social justice in education needs to take care of both 'whose and what' education in schools. These issues necessitate a systematic contemporary account of social justice in education that provides an inclusive meaning of social justice for schools in terms of curriculum content, methods of instruction, education standards, school administration and budget (Bull, 2008).

Proponents of culture based curriculum advocate that state should take up the responsibility of providing culture based curriculum to its students. One of the central tenets put forward in this line of argument is that government is anyway supposed to protect cultural rights of its people including minority rights; that one of the best ways of doing so is by offering culture based curriculum in school. This process of culture-specific education is believed to aid seamless transmission of cultural beliefs and practices from one generation to another. Several thinkers emphasize the importance of preservation of culture and as to how an entire community's identity is shaped by its core cultural beliefs and practices. Renowned American sociologist Talcott Parsons (1952) defines culture as a heritage or a social tradition that is transmitted from generation to generation. According to him, culture is not a manifestation of people's genetic constitution. It is something that is learned and shared by social interactions. Cultural identity can be described as the level of identification and integration that individuals have with a particular set of beliefs, practices, and way of life (deSouza & Rymarz, 2007). People may belong

to different cultures and accordingly identify themselves with different communities but it is also through the very codes of their cultural differences that they interact within as well as outside their communities (Pring, 2007). The persistence of a cultural identity is dependent on how successful a generation is in passing on its beliefs and practices to its succeeding generations. It in fact becomes an alarming situation for any community if it fails to pass on its cultural legacy to the future generations (Geertz, 2004).

Broadly speaking, it is the mosaic of socio-political, economic, cultural and religious elements, unique to each community that forms the base through which members of a community identify themselves in a wider sphere. Accordingly, children should have access to quality education based on their respective cultural and religious backgrounds. If parents decide that culture based curriculum is significant for their ward(s), state should be able to provide it. The Universal Declaration of Human Rights⁴ supports the view that parents should have prior rights over choosing the education imparted to their children. Dianne Longboat (1987) claims that whereas in the past, education was used as a regressive tool to destroy aboriginal languages, cultural traditions and spiritual beliefs of various communities, in the modern era, it can be used as a progressive tool to enhance the survival of the same. He writes,

Education can enhance the survival of First Nations people only if it contributes to identity development through learning our languages, our cultural traditions and our spiritual beliefs. The development of Indian human beings involves this type of affective growth...A first nation person must first know himself, his clan, his nation, and his responsibilities if he is to function as an Indian. An Indian identity provides a

⁴Universal Declaration of Human Rights, please refer to *Article- 26 No- 3*

framework of values upon which one views life, the natural world and one's place in it (Longboat, 1987, p. 39).

On the basis of aforementioned arguments, proponents of culture based educational curriculum advocate that- (1) State should protect cultural rights of people in the sphere of education and (2) It should respect and protect parental rights over child education. However, there are some problems that arise when we talk about parents' rights over the education of their children. In this connection, we need to evaluate as to what extent the rights of parents over the education of their children stand justified. It is important to analyze whether the government is obliged to protect the rights of parents even if their choices are inconsistent with the promotion of child rights (Curren, 2009).

4.3. Parental right to Culture-based Curriculum:

The researcher now engages with the argument commonly pitted against common curriculum from the perspective of totalizing rights of parents. As per this perspective, parents claim that they have full right over the lives of their children and that they should be able to decide what their children ought to read and what not. As a child is not in a position to make independent decisions, it naturally becomes the responsibility of parents to ensure a particular form of education for their children. Supporters of this argument try to justify parents' rights over their children based on the notion of hierarchical relationship between parents and children. John Locke is often taken as a canonical defender of the rights of parents in the education of their children. Although Locke did not himself claim children as parental property, such a view has

its roots in Lockean view of private property. According to this view, one is the rightful owner of the product of one's own labor (Marples, 2013).

In the Second Treatise, Locke (1689) argues that since children are not able to act rationally, they are supposed to obey their parents until they attain adulthood. Locke distinguishes between parental power and political power. The rights and duties entitled to parents regarding their children extend to the decisions pertaining to child education till the stage when children are able to look after themselves.

Parental power is different from political power in the sense that the former is limited to the level of family and includes proper care and upbringing of offspring(s). The state is justified in exercising its political power, i.e. coercive power to secure the lives, liberties and properties of its citizens. The duties of a state should be confined to the protection of natural rights of its citizens – life, liberty and property whereas education falls under the realm of social hence, it is the obligation of the respective parents and not the state to preserve, nourish and educate their wards or children. Locke argues for education by tutors selected by parents. Locke's support in favour of parental rights over the education of their children can be divided into pedagogical and political reasoning. In terms of pedagogy, Locke (1689) tries to point out as to how the education provided by parents can be better than the education provided by state. Schools, in Locke's opinion, lack the ability to provide adequate supervision to children outside the periods of formal instruction, whereas, at home, the parent can find a tutor who would devise appropriate ways of training young minds and inculcating virtues and mannerisms in them. Thus, we see the importance given to parental rights over deciding what is best for their children.

Even contemporary scholars such as Nozick (1989) associate child education with parental rights and responsibilities. According to this view, one's child is an integral part of one's wider socio-cultural identity hence parents should have the right to decide course curriculum based on their own cultural, linguistic, religious or spiritual backgrounds. Nozick argues for a minimal state, which is limited to the functions of protection against force, theft, fraud and so on.

4.4. Individual rights of parents and children vis-a-vis state duties and intervention in education:

Charles Fried (1978) claims that the right to form one's child's values, one's child's life plan and the rights to lavish attention on the child are extension of basic rights not to be interfered with. The idea of parental choice of education to children is essentially liberal in nature. It gives scope to individuals and groups of individuals to choose and shape their personal and collective ways of life. Providing rights to parents to choose the kind of education that they want for their children is held to be consistent with the definition of child needs under the blanket assumption that parents would apparently choose that kind of education which is deemed fit for their children (Yonah, 2000). Based on this ground, parents can claim their rights over determining the course of their children's education and also for determining what and how their children need to learn. If the parents choose to impart cultural and religious education to their children, state should either take up the responsibility of providing the same or else state should not interfere at all and let the parents do the needful.

Marples (2013) opines that though parents play a very crucial role in providing quality upbringing to their children, indispensable for their proper nurturing, however, treating children as mere appendages to parents is both disrespectful and undermining of their children's moral status. It does nothing to show that parents have rights over the education of their children. However, it cannot be rejected that parents have rights over their children till a certain age. Marples (2013) problematizes the exercise of totalizing rights by parents over their children as it does not explain what would happen in cases whereby they do something detrimental to a child's overall growth. To confront such a situation, Marples introduces the notion of parental rights versus that of parental interests - he tries to override parents' 'rights' on their children as not claim to rights but as a form of 'interests'. For him, legitimate parental authority is not the same as 'rights'. Though his proposition may be considered as a matter of serious introspection but the distinction between rights and interests is not without criticism. Taking his idea forward, for instance, what would happen if a father or a mother suffering from substance abuse takes care of his or her child's interests? To overcome such a situation, Marples takes a position of distinguishing rights and interests. However, such a distinction does not make much sense as it is difficult to pinpoint what qualifies to be a right and what can be the interests? Marples' proposition does not give us a clear-cut picture on the jurisdiction between parental rights versus mere interests. Hence, it can be said that parents do have rights over their children but subject to fulfillment of certain basic conditions such as they must be devoid of any addiction, drug abuse or any such socially and legally unacceptable problems. If the parents are found to be suffering from any such addiction/problems, then in such cases, the state can intervene and protect the child's right to be educated. In all other cases providing rights to parents to choose the education

of their children is supposed to be consistent with child rights. The parents can choose that form of education which is deemed fit for their children (Yonah, 2000). The state can intervene only in those cases where parents are not in a condition to decide what is best for their children. The scope and extent of parental care in child education should be wide and open-ended; there should be strict threshold conditions before coercive state intervenes in it (Schoeman, 1980). Marples (2013) also suggests that the state has authority as well as obligation to remove parental control in case of non-performance or poor show. So to say, state intervention in the sphere of child education and in overall child care is justified only when there is a situation of reasonable doubt on the part of parents' upbringing or in case of dereliction of duty.

Thus, it is held that state intervention in parent-child relationship is required only in view of protecting the best interests of children especially when their upbringing is compromised. However, some scholars such as Brighthouse and Swift (2006) put a word of caution with regard to aforementioned position. They argue that such a view on state intervention is fraught with problems. According to them, state intervention in parent-child relationship may be necessary even before the rise of any untoward scenario and that any form of parental control over their children should be based on the interests and rights of the children. Too much emphasis on parents' right to privacy and autonomy in child-rearing can be problematic. They rather suggest a proactive state intervention in child-parent relationship.

In the light of such arguments, it becomes important to note the nature and extent of parents' custodianship over child's autonomy. It can be safely assumed that children are placed under the

guidance of parents only up to a certain age. The age limit may vary from country to country but it is obvious that an age limit exists. When children grow up to be matured adults and are capable enough to take independent decisions, then they can no longer be treated as the 'property' of their parents. They grow beyond the 'extended identities' of their parents and in fact, it is the moral responsibility of parents to encourage their child to be self-reliant and independent. This does not rule out children's prerogative in taking guidance or counseling from their parents that may often turn out to be fruitful for them. In fact, a successful parenting can in a sense be perceived as the way parents positively equip their children with the ability to make independent decisions when they grow up. Parents should be able to provide all that is needed in fortifying self-reliance in their children (Marples, 2013)

Another argument placed against uniform curriculum for all is based on the concept of child rights in terms of autonomy of children. A secure and rich cultural structure is fundamental to a child's growth and for the development of child autonomy. This can only proliferate in an atmosphere of multicultural learning facility where adequate importance is given to different cultural perspectives in course curriculum; it signifies accommodation of minority cultural perspectives within the larger learning system. Thus, culture based education promotes multicultural curriculum supposedly for the greater benefit of the children. In his book- Liberalism, Community and Culture, Will Kymlicka (1989) advocates multicultural curriculum based on the idea of securing maximum autonomy for children. He writes, "We decide how to live our lives by situating ourselves in...cultural narratives, by adopting roles that have struck us as worthwhile ones, as ones worth living" (Kymlicka, 1989, p. 165).

4.5. Importance of multi-cultural curriculum:

People are not only members of a common political community rather they are also simultaneously members of particular sub-communities with specific cultural structures. Respect for the autonomy of members of minority cultures requires respect for their cultural structure. Hence, special linguistic, educational and even political rights for minority cultures are crucial to promote their individual autonomy. It is noteworthy that the development of individual autonomy requires the successful transmission of a secure and rich cultural structure, inherited by its members, to be transmitted from generation to generation. (Kymlicka, 1989). Childhood is the fertile period when such structural elements are embedded into one's socialization process. Hence, greater emphasis is laid on multicultural curriculum at school level education.

4.6. Critical Analysis of Culture based Curriculum:

For all the arguments in favour of culture based curriculum, it still has its own limitations. As adults, people learn, unlearn and relearn; they also sometimes undergo assimilation⁵, acculturation⁶, and enculturation⁷ and so on. Infact every generation brings along with it, its own

⁵Through the process of cultural assimilation, people of a minority group come to resemble or assumes the values and behaviors of other dominant group. In Encyclopedia of applied psychology, New York, Academic Press, by- Spielberger, Charles(2004)

⁶Through the process of acculturation a person adopts, acquires and adjusts in the environment of a new culture. In Cultural Shock on the Adolescent Students, In Sociology International Journal, By –Akarowhe, K. (2018)

⁷By process of enculturation people can learn the values and norms of dynamics cultures of their surroundings which help in developing their individual values and norms and make them competent to communicate with the people of other culture. In Handbook of Socialization: Theory and research, By- Grusec, Joan; Hasting, Paul D. (2007).

set of changes and that is how cultural transmissions function; culture by itself is not a static category. Just like present generation parents endorse their culture with all relevant changes introduced in it, similarly future generations may also do the same. It is best left to the children to see whether as adults in the long run, they wish to hold on to those cultural beliefs and practices. In this line of thought, the argument for multicultural education is valid as long as it helps children in realizing their full potential.

The researcher highlights two pertinent issues while discussing arguments in favour of culture based curriculum from the point of view of protecting child rights and autonomy- First is the significance of culture based learning environment and multi-cultural curriculum for over-all child development and second is the role of state in providing a multi-cultural learning system.

There are certain downsides attached with the role of multicultural approach in helping a child to realize autonomy over time. As Waldron (1996) observes, such an educational practice that attempts to initiate children into distinct and separate cultural structures is morally uncalled for. He believes that rather than helping in the growth of children's autonomy, it possibly may hamper and undermine their self-respect. It is also oppressive as under such an arrangement, individuals who in this case are mostly young minds or minors are treated as mere artifacts of the culture of a community. It endorses an uneven system of segregation where only select children have access to certain forms of education, creating further compartmentalization of society.

Another issue that deserves attention is the incorporation of culturally relevant lessons in children's lives through other relevant forces of socialization⁸, even if not taught through formal schooling. Children apparently learn cultural practices and beliefs through their parents at home and also at other informal settings for instance through fellow community members or peer groups in the society. It is a part of wider socialization process. Hence, even if the state does not provide culture based education, children can still pick up such elements through virtue of wider socialization mechanism. In fact, they do learn from their parents, other family members, and the larger society in which they live including mass media. Thus there are various voluntary groups, socio-cultural institutions and religious institutions that induct children into their respective cultures in a semi-formal setup. One such example is the Satra institution of Assam. It was originally conceptualised by the great Vaishnavite⁹ saint Srimanta Sankardev of fifteenth century and has stood the test of times and continues to be a cultural institution of profound potential in Assam. Many satras or ekasarana dharma monasteries still survive and disseminate secular aspect of Assamese culture. In India, there are many such cultural groups that have their own educational institutions as well for instance Vivekananda Kendra Vidyalayas, St. Mary's schools, Schools under Vidya Bharati, schools affiliated with the Arya Samaj , schools affiliated with the Ramkrishna Mission .

⁸Through socialization, people can learn the cultural values, norms, beliefs and behaviors shared by a particular group of people, please see in Handbook of Socialization by Grusec, J. E.; Hasting, P. D. (2015) New York, Guilford.

⁹ For details please refer to Early History of the Vaishnavite Faith and Movement in Assam by Neog Maheswar (1980) Delhi, Motilal Banarasidass.

Therefore, the argument that the state with respect to public schools should necessarily provide culture based curriculum in absence of which children may run the risk of not being versed with their culture does not hold a solid ground.

4.7. Argument for Religion Based Curriculum:

Another social factor that is widely taken into consideration in the context of child education is religion. Like culture based education, there are many thinkers who propose religion based education for children at school level. Religion based education is different from culture based education in the sense that former is associated with the learning about God or the supreme creator of the universe and later is associated with learning about the entire way of life of a community.

Scholars such as Michael W. Mc Connell and Michael S. Merry stress on the duty of the state to provide religious education; it is a demand of the citizens. McConnell (1991) states that since religion is a constitutional right hence government ought to spend money in providing religious education. Government can be selective in case of spending money but selective funding creates problems especially when it does little in empowering citizens to exercise constitutionally protected rights, right to freedom of religion in present context. Moreover, practice of freedom of conscience also requires religious education hence state is obliged to make necessary provisions.

Religious truths are controversial propositions, which the Constitution leave to the conscience of each person. The government's sole involvement with religion is to accord equal respect for the religious (and anti-religious) convictions its citizens hold (McConnell, 1991, p. 995)

Michael S. Merry (2007) claims that religious education is needed not just in the context of fulfilling the demands of the parents but also for the greater well-being of the children. Thus, in his view, along with facilities of public schools for civic education, society also needs some government funded religious schools. He states-

The fact is that many parents want their children to enjoy an education with a religious and spiritual dimension. If parents are to have the liberty to choose religious schooling for their children (on the assumption that basic civic requirements are met), the justification for the exercise of this liberty rests, at least part, on the greatest importance attached to freedom of conscience and the interest that parents have in transmitting their most fervently held values to their children. (Merry, 2007, p. 258)

Both McConnell and Merry elucidate the primacy of religious education in school curriculum in sync with the demands and rights of parents over the education of their children. However, while emphasizing more on the rights of parents, they somehow ignore the rights and interests of the children.

4.8. Critical analysis of Religion based curriculum:

While discussing religious education for children, Roger Marples (2013) states that children are more likely to believe in the truth of the religious propositions taught to them in their formative years if their teachers and parents share same religious outlook. It is unlikely that religious schools would teach children to critically reflect on themes of religion. Since children are usually very gullible and vulnerable, it is very difficult for them to be able to analyze religious propositions critically. Marples states,

If the children do acquire religious beliefs unquestioningly, out of fear or undue respect for parents and teachers, then they may be said to have been indoctrinated whether or not there was any intention. The key factor is the likelihood of children coming to accept the truth of religious propositions given the influences to which they may have been exposed (Marples, 2013, p. 32)

With respect to the controversy of religious education, Harry Brighouse (2010) suggests three alternative positions that states can follow- Firstly state can ban religious schools and allot all children to secular public schools with uniform curriculum. Secondly, state can maintain secular public schools for free and compulsory education whereas it can allow parents to send their children to private religious schools at parental expense. Thirdly, state can grant financial support to religious schools as a de jure factor of public school system. The First alternative put forward by Brighouse advocates establishment of state funded public schools where children would be given secular education. If the second alternative is accepted then there will be state funded secular public schools for children belonging to

underprivileged backgrounds whereas for those belonging to well-off sections of the society, children will have access to religious education in private schools. Again, third alternative by Brighthouse suggests incorporation of provisions for religious education in state funded public schooling system in the form of special financial aid.

Eventually, it must be noted that absence of religion based curriculum in school education system does not imply that children would fail to imbibe religious values, beliefs and practices. They would anyway learn it over the course of time through shared interactions with different members of the community.

4.9. Minorities in context of Religion based curriculum in India:

Protection of the interests of minorities is one of the oldest concerns of international law. This concern manifests in a two-fold contention between an individual rights approach that supports integration of minorities into the wider dominant society of their respective states and a quasi-collective rights approach that demands the protection and promotion of minorities' identities (Sridhar, 1996). Francesco Capotorti, the United Nations Special Rapporteur on Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, suggests the following oft-quoted definition of the term minority-

A minority is a group which is numerically inferior to the rest of the population of a State, in a non-dominant position, whose members- being nationals of the State- possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language (Thomas, 2007)

While looking at the state of religion based curriculum in India, the issue of minorities' education comes to the forefront. Under section 2(c) of the Statute of the National Commission of Minorities, the government of India has officially recognized the following communities as religious minorities: 1. Muslims, 2. Christians, 3. Sikhs, 4. Buddhists and 5. Zoroastrians (Rao, 2008).

One of the prominent institutions that come under observation is the system of Madrasa meant specifically for Muslim minority community. Several Indian thinkers support the establishment of Madrasa Schools by government. Madrasa is a system of education based on Islamic religious ideology. It comprises primary, secondary and higher educational institutions. It serves the basic purpose of propagating Islam and developing a sense of humanity and brotherhood among the practitioners. Madrasa style education thus helps to spread Islam by preparing Islamic religious leaders who can teach Islamic subjects for instance, Quran, Islamic laws, prophetic traditions and so on. It is also claimed that those who graduate from Madrasa School are satisfied with bare minimum needs in life hence do not worry about commonly faced worldly issues related to job security and unemployment

(Qasmi, 2005). Realization of oneness with God (Allah) is the end goal of Islam. Madrasa education helps children realize this end. Some scholars claim that present status of Madrasa education in India is far from satisfactory and those poor facilities in Madrasa is one of the main factors contributing to the backwardness of Muslims in India. As per this perspective, government should allow more funds to the institution of Madrasa (Siddiqui, 2012).

Madrasa education is not devoid of criticisms. It is criticized for being solely based on traditional Islamic religion, producing orthodox Islamic Zealots who would remain loyal to Islamic faith and to the political interests of Muslim community (Upadhayay, 2003). Children enrolled in Madrasa schools are deprived of the benefits of modern education system. These institutions neither facilitate material prosperity of its students nor provide strong leadership to members of minority Muslim community to face challenges of the modern world (Pohl, 2006). Rather some Madrasa schools fail in providing even basic education to the children; their education is narrowly constructed and often replete with a violent understanding of Islam (Boyle, 2006).

So once again, the ground of religion based curriculum is found to be vague. Hence instead of concentrating on religious education for children, state can do better in providing quality education through a uniform curriculum to all children irrespective of their religious affiliations. In a secular democratic state like India that is home to so many minority groups, it becomes all the more critical to consider a universal approach of uniform curriculum for

students. Religious education may be acquired through informal settings throughout the lifetime of an individual.

4.10. Spiritual Education and its Merits over Cultural and Religious Education:

Many thinkers highlight the significance of imparting spiritual education to children. Spirituality exists in all religions and is generally beyond the envelope of cultural and religious impact. In this sense, spiritual education may be helpful in a secular state like that of India. Spirituality helps people in their internal journey of self-realization; it enhances sensitivity and sensibilities in a positive way and helps treat other people with mutual respect and increased sense of awareness (Hay, 1997). Some of the important aspects of human life like physical, cognitive, emotional, social, moral etc. may be integrated in education system through spirituality (Roehlkepartain, Benson, Ebstyn, & Wagener, 2006).

The imparting of spiritual education to young students can go a long way in shaping the minds of future generations of responsible adults. It builds up an organic system of total integration among individuals regardless of race, gender, culture or religion. Thus it can prove beneficial for restoring balance and order in society. Along with cognitive knowledge, spiritual knowledge is also important to achieve higher goals of human life (Jennifer, 2011). Since spirituality has a lot of contribution in different aspects of human life, Halstead (1994) argues that a systematic study of the nature of spirituality and its implementation in school curriculum has become a pressing

need of the hour. Radford (2007) highlights the relevance of spiritual education in contemporary world; it is important because it helps people to live harmoniously in society by reflecting on their own nature and by recognizing their inseparable relation to the larger world environment.

Spiritual education, it might be argued, is central in our understanding of the nature of human self consciousness, our ability to reflect on our own being, our behavior, and our lives in context of the lives of others and in relation to the larger environment which we find ourselves a part(Radford, 2007)

Peter Sin On Wong (2010) claims that importance on spiritual development should be given during childhood because early experiences of one's spirituality provide a strong foundation for more advanced phases of spiritual development in later years. Mustakova Possardt (2004) also claims that spiritual education needs to be imparted in primary and middle school levels when children undergo a phase of pre-critical consciousness. Without the development of spiritual aspects in formative years of schooling, education cannot act as a tool for realizing full human potential.

Until education focuses on the cultivation of character and development of moral sense of identity and moral imperative, until it begins with purposefully emphasize models of authentic moral authority and foster moral responsibility and agency, until it makes central the cultivation of expanding levels of empathy, progressively embracing the human race and until it is willing to entertain an explicit spiritual conversation about truth and meaning of life, it cannot really fulfill its responsibility to human potential(Possardt, 2004, p. 266).

4.11. Spiritual Education: Scope and Problems

Literature on spirituality shows two different approaches in engaging with the subject- One is the transcendent approach where spirituality is considered as an aspect of human life connected purely with human soul or spirit. Usually, spirituality is understood in terms of transcendence and is explained as a form of consciousness that can be distinguished from purely physical form. In this sense, spirituality includes anything that has an influence over human soul and spirit. Another approach is the relational aspect of spirituality which is believed to help people in maintaining harmonious relationships among each other through mutual cooperation and understanding (Berryman, 1997).

4.12. Transcendent aspect of Spirituality:

The idea of transcendence in spirituality can be traced back to a larger part of Western philosophical tradition rooted in ancient Greek society. Similarly in Indian tradition it can be traced back to the time of the Upanishads. This concept connects spirituality with the existence of soul or self, thereby, making explicit reference to some other entity which is over and beyond material human body. That particular non-spatial spiritual substance is believed to depart human body for a transcendental purpose of self-realization. While this conceptualization has its own share of exceptions in ancient traditions like Buddhism (in Indian philosophy) that does not admit the existence of soul or self, however, in most of the cases, the understanding of a non-material substance and its role in achieving self-realization is given due primacy. Later philosophical

traditions like medieval Christian philosophy and romantic traditions are a witness to such developments. This perception of admitting a substance over and beyond the material body has led to a sort of a philosophical position, namely, dualism. This position of dualism has given room for a transcendental way to understand and define spirituality. It recognizes spirit or mind as inner, innate and introspectively perceived; as the special nature of human beings and this spirit is able to transcend the material body. This kind of dualistic approach considers spirituality as something interior, private rather than embodied, relational, social and environmental (Williams, 1978).

The late eighteenth and early nineteenth century romantic tradition also presents a transcendental understanding of spirituality. Raymond Holley (1978) claims that spiritual education adopts typically romantic anthropology in which human beings are considered primarily as transcendental spiritual subjects. Holley places his discussion of spiritual education in the context of romantic neo-Kantian ontology that affirms the noumenal or transcendent realm of objective reality as the spiritual ultimate against the phenomenal realm of perceptions. Spiritual experience is held to be unconditional and a never ending character of the moral imperative hence, fundamental to all. The transcendental reality that surfaces hereby cannot be contextualized beyond a set of abstract comprehensions (Wright, 1997). These are only subjective emotions devoid of any objective truth since they are not capable of verification (Ayer, 1971).

David Carr (1995) claims that spiritual judgments that express truth about human life and experience are distinctively transcendental in nature. Though spiritual judgments are liable to occur in the context of moral and religious discourses but they are not readily reducible to either of them. Notably, spirituality includes deep observation of the soul and that is not a concern of morality. Moreover, it focuses on the ability to arrive at one universal or genuine truth that goes beyond the boundary of any particular religion. Through spirituality, people can achieve certain ideals or goals which are transcendental in nature and go way beyond the material truths of human existence.

Spirituality is a function of appreciation or reflection upon ideals or goals which are both apt for positive moral evaluation and concerned with those aspects of human experiences which attempt to reach beyond the mundane and the material towards what is transcendent and eternal (Carr, 1995, p. 90)

Again, some scholars highlight the importance of religious aspects in the domain of spirituality. Spiritual values are known to focus on aspects of human experience that look beyond the material and mundane towards that which is immutable, eternal, infinite, invisible, and immortal. Therefore these kinds of experiences are not possible in the complete absence of religious faith. Thus arguably, it becomes crucial to understand spiritual truths as moral theology or religious ethics. The strength and security of a spiritual person are not derived from material success, or wealth, or relationships with other people, but from some invisible transcendent source that is omnipotent and permanent (Hand, 2003). Spirituality is thus sometimes conceived as an experiential dimension of religion.

Religion has both institutional as well as experiential dimension. Institutional dimension of religion includes belief systems and rituals whereas experiential dimension is subjective and occurs to the person directly and with immediate effect (James, 1985). Over the years, religion seems to have evolved, focusing more on institutional dimension. It supports a fixed system of ideas or ideological commitments (Wulff, 1997). Spirituality on the other hand is subjective hence connects with religion more at an experiential level (Roehlkepartain, Benson, Ebstyn, & Wagener, 2006). It is an individual phenomenon through personal transcendence. Religion is identified with reference to institutions and prescribed theological rituals (Zinnbaur, Pargment, Cole, & Rye, 1997). Spirituality is understood as individual's engagement of what he or she considers as holy, divine and beyond the material world (Miller & Thoresen, 2003).

Problems arise when spirituality is defined in terms of transcendence and/or religion. In this sense people offer different supernatural and contradictory statements regarding their religious or transcendental experiences and therefore fail to hold a definite position on its nature. In this sense, spiritual education is contested with secular education. When spirituality is explained in its religious sense, it is assumed that spiritual education can be imparted to those students who have subscribed to one or the other form of religion (Blake, 1996). These issues pop up more so when spirituality is tried to be implemented in formal school curriculum. In terms of education, if spirituality is provided to children from a transcendental or religious point of view then problems will arise in terms of the justification of curriculum as the notion of spirituality may differ from religion to religion. Religious spirituality may not be problematic under the aegis of religion based curriculum as there students are already exposed to specific religious values however; the same cannot be said about secular institutions.

4.13. Relational Aspect of Spirituality:

For supporters of relational spirituality, the concern of transcendence is only one aspect of the general business of spirituality and it is rather secondary to the defining features of spirituality. In relational interpretation, spirituality is understood as a realm of common experiences centering on our shared nature as humans. To find spirituality, Redford (2006) argues that we do not need to adopt a transcendental approach; what we need is indeed a socio-centric approach where we see ourselves as a part of the greater world that we belong to. Spiritual experience is thus a part of our mental lives that starts publicly in shared experiences, feelings, and thoughts. It roots in our awareness of bonding with the natural world. Spirituality, as it develops within scriptural sources also starts from something real in the world. There is no private or inner world of wonder but rather a public world of thought and expression that is internalized. The answers to the questions related to awe or wonder, make sense when they come from public criteria. A central feature of spirituality lies in the tension that we feel between ourselves as significant beings in a vast and impersonal universe. Spiritual development is not different from intellectual, aesthetic, physical, moral and social development. Spirituality helps in personal empowerment of human beings that leads to personal and collective relationships with others (Wane & Ritskes, 2011). So to say, spirituality in relational sense is interpreted as a process of growing the intrinsic human capacity that motivates people to search for meaning, purpose, contribution and connectedness of life (King & Benson, 2006). Peter Wong Sin On (2010) defines spirituality in terms of peoples' relationship to other things in the world and the over-all connection to the higher being that finally leads to internal peace. Andrew Wright (2000) also defines spirituality

in terms of individual's relationship with other people in the community and tradition through an appropriate manner.

Spirituality is the relationship of the individual, within community and tradition, to that which is- or is perceived to be – of ultimate concern, ultimate value and ultimate truth, as appropriated through an informed, sensitive and reflective striving for spiritual wisdom (Wright, 2000, p. 104)

According to Martin Ashley (2000), spirituality helps us live a harmonious life; one that signifies co-existence with other things in the world. He uses the term 'spirituality' in a broad sense which is prior to morality and beyond religion. In the view of De Souza and Hyde (2007), spirituality is a significant factor determining the essence of human life in contemporary world. It is marked by the notion of relationality in human bondings that for some is associated with the transcendental other while for others, it remains within inter-personal space of the physical world. It is through the feeling of inter-connectedness that spirituality helps people in developing mental and social health and holistic well-being. While relational interpretation of spirituality has become the core element in existing body of literature, at the same time, for some thinkers, this innate sense of connectedness in spirituality lies within the realm of transcendence theories.

Relational interpretation of spirituality has its own share of problems. It does not help in either clarifying the concept of spirituality or in framing the curriculum for students of formal educational setting. By making the move from transcendental to relational, the concept has got itself entangled in a conceptual quagmire. Spirituality as transcendental is questioned on many a front; particularly so, when it comes up with the notion of dualism, that is, of the idea of soul and

body or a spiritual substance residing in a material substance. There are similar distinctions like that of phenomena and noumena or that of the transitory being and the eternal being. Such distinctions do not confirm to logical analysis nor do they confirm to empirical scrutiny. Perhaps, this may be one of the prime reasons for spirituality to shift its focus away from the idea of transcendence. The bigger question remains as to whether a shift in focus from transcendence to relational, help in resolution of the problem faced by the concept of spirituality in terms of transcendence. It can be resolved only when the relational idea of spirituality has completely done away with transcendence however that is not the case. Relational idea of spirituality tries to accommodate certain aspects of transcendence as well. This is done not to be considerate towards the theory of transcendence but to make the notion of spirituality unique by including the notion of transcendence within relational.

Spirituality as relational can either include transcendence or it need not include transcendence. If spirituality as relational includes transcendence, then transcendence can be either an essential part of the relational notion of spirituality or an accidental part of notion of spirituality. That is, transcendence has to be essentially ingrained in the notion of relational aspect of spirituality or it can be an add-on aspect. If it is the former case, the relational aspect of spirituality has to encounter same old criticisms as leveled against transcendental aspect of spirituality and if relational aspect of spirituality has the transcendence aspect of spirituality as a mere add-on, then it means that it does not necessarily need to have the transcendence aspect of spirituality. In this type of conception of relational aspect of spirituality, transcendence is no way going to be a defining aspect of spirituality.

Setting aside the idea of transcendence within the concept of spirituality as relational, it is critical to delineate as to what is our understanding of spirituality that is bereft of transcendence. The studies of Martin de Souza & Hyde (2007) and Wong (2000) have shown two different approaches within the relational interpretation of spirituality. Where one set of thinkers focus on the relationship with the transcendent, the other set of thinkers focus on the relationship with the physical world. Spirituality as transcendence should try to answer the criticisms leveled against the transcendence aspect of spirituality and in case of relational aspect of spirituality is to shed away the transcendence aspect of spirituality, it is to be seen as to what type of spirituality is achieved at the end. Often it is claimed that this type of spirituality is more to do with the relationship with the physical, social and cultural aspect of this worldly.

So, the basic question that needs immediate attention is that if spirituality is considered as relational, what type of relational is it, with what types of entities? It becomes a difficult task to answer as the relational aspect of spirituality hardly excludes anything from its perspective. It includes one's relationship with nature and environment and also one's social and community relationships. Thus, it becomes clear that one can hardly exclude anything from the domain of spirituality; it includes everything within its fold.

Assuming that the relational idea of spirituality becomes all-encompassing, the next pertinent question arises as to how one distinguishes spiritual from non-spiritual. It is important to look for differences, if any, for instance, between an artist's perception of the world and a spiritual

person's perception of the world; between the scientist's perception of the world and the spiritual person's perception of the world. If there are no differences between different categories of people, then there should not be any difference between the scientist's perception of the world and the artist's perception of the world but then their worlds are different in terms of the way they perceive objects, in terms of the purpose those objects are supposed to serve, in terms of the methods they engage into study. Similarly, with respect to social, cultural and political worlds, if the artists and the scientists perceive the world around them with a sense of awe and wonder, which is in a sense similar to both and even to spirituality, then the stand of transcendence aspect of spirituality may be taken up which has already been discussed with its limitations. When we talk about relational spirituality without transcendence, it becomes rather a daunting task to set the boundaries for spirituality. It calls for distinguishing between the spiritual and the non-spiritual. Without such conceptual mapping, it becomes difficult to accept and acknowledge what is spiritual and what is not.

Though several studies have delineated the importance of spirituality in human life, many of them stressing on the need of incorporating spiritual body of knowledge in formal education curriculum, however, any such practice has not been implemented so far in formal education system India. There are some major issues in connecting spirituality with formal education system. One of the fundamental problems associated with spirituality in the context of education is the lack of substantial scholarship in this arena; studies pertained to spirituality fail to form adequate conceptual territory or strong theoretical grounding. It is even very difficult to arrive at a stable definition of spirituality.

Even in case of spiritual education, in its transcendental sense it is possible to provide only in specific cultural or more so, religious schools because the children of a specific religion are already supposed to embody or instantiate those transcendental values of their religion(Blake, 1996). Spiritual education in this context can be as good as religious education. That asunder, it is also problematic to interpret spirituality as connectedness, forming a relationship with the physical world as it hardly makes a distinction between spiritual and non-spiritual. In that case, it is not clear as to what are the types of curriculum that can be offered to children as part of spiritual education. Even if relational aspect of spirituality is taken into consideration, there are still problems. There so many different courses in school curriculum, such as sports, physical activities (Moriarty, 2013), music (Hays &Minichiello, 2005) dancing and painting (Hyde, 2006), science project etc. that lead to the connectedness of children with the physical world as well as with their peers but we cannot consider these courses as spiritual. Therefore, this type of relational nature of spirituality does not help us to distinguish between the spiritual and non-spiritual components of curriculum or in the framing of the spiritual curriculum for children.

1.14. Conclusion:

As far as the dominance of cultural ethos in formal education is concerned, multicultural curriculums may be problematic. The logic of child being the property or an extended identity of the parents cannot be a sufficient argument for supporting a multicultural curriculum. It is true that parents enjoy some rights over their children but this cannot be a compelling reason to go by whatever the parents dictate. The implementation of multicultural curriculum can be endorsed based on the argument that it can help in a child's over all personality development. Whether it

really helps or not is a matter of debate and contention. Moreover in the debate between child versus parental rights, it cannot be overlooked that the greater goal is to provide sound education to the child hence at all times, it is the child's larger long-term interests that need to be taken care of. As far as transmission of cultural, religious or spiritual education is concerned, there are other non-formal ways of imparting 'cultural lessons', the state need not take up the responsibility of framing curriculums based on culture, language, religion or spirituality. Rather it should give all the children a uniform curriculum.



Chapter V

Social Justice in Education: Conclusion



Child education is very important for the development of a sound society as it shapes students into responsible adults who can contribute to the future prospects of a society. Traditionally, it has been the duty of parents to take care of the prospects of education of their children. With growth and expansion of modern democratic principles, since education has become a pivotal catalyst for positive transformation of a society, it has become the responsibility of state to take care of education of its children. Any discourse¹⁰ on modern day education cannot skip the concerns of social justice factor. One of the major concerns of social justice is to fairly distribute the benefits and the burdens of a society, especially favoring the least advantaged sections of a society. As discussed in the thesis, historically, education was not distributed equally among all children. It was the earlier imbalance of justice in societies across the globe that led to the evolution of the concept of justice wherein social justice has become one of the central contestations in modern education system. Education was and still continues to be largely dependent on the background of a child's family. The background is divided vertically and horizontally across class, gender, religion, ethnicity language and even caste (e.g. in India) lines.

Classical Western thinkers like Plato, Aristotle and medieval thinkers as well were not in favour of equal education for all. Even later thinkers such as John Locke suggest engagement of private tutor by parents to educate their children. This view is debatable both in terms of economic affordability and over all training and exposure that an educational institute can provide to a child. Thus, it becomes necessary to observe the scope of education from the perspective of

¹⁰Foucault defines discourse as ways of constructing knowledge claims associated with social practices and forms of subjectivity grounded in power relations; for details please see The Archaeology of Knowledge by Michel Foucault (1969)

social justice theories and in doing so, present thesis traces the evolution in the concept of social justice that has over the centuries widened its base to become more inclusive and democratic in nature.

David Miller (1999) observes that social justice takes people beyond individual justice by advocating maintenance of optimum balance between joint responsibilities as a society and individual responsibilities as contributors to a just society. It is a critical idea that challenges people to reform social institutions for the sake of greater fairness and societal welfare. Thus, the title of the thesis 'Social Justice in Education: A Critical Study' signifies a critical analysis of the incorporation of the idea of social justice in modern education system with reference to democratic state. It not only engages with fair distribution of educational resources among students under formal schooling system but also raises fundamental questions regarding distribution of rights and role of state in the domain of education. As observed throughout the thesis, education has been contextualized in terms of 'what and whose'.

As per research findings, the concept of social justice signifies an understanding of justice that promotes fairness beyond individualism¹¹. It tries to strike a balance between collective responsibilities as members of a society and individual responsibilities as contributors to a just society. What determines the optimum balance is debatable.

¹¹Social justice demands fairness and mutual obligation among people in society which is always beyond individual justice, In –Principle of Social Justice, By David Miller (1999).

Notably, up until mid twentieth century, educational theories adhered to a narrow conception of social justice concerning uni-dimensional question of social class or economic background alone. From the latter part of twentieth century, especially with the rise of nation states and globalization, other aspects of social location such as gender, ethnicity, race, caste in case of India came to be recognized as critical areas of discrimination and exclusion. In the 1990s, social justice re-surfaced as a fundamental organizing concept that compelled to rethink about the dynamics played by aforementioned social locations in relation to injustice in education (Johnston, 2011).

Though education is a key factor for future development of any society, equal education for all was not given its due importance in ancient societies. During the times of Plato and Aristotle in ancient Greece, the right of an individual to be educated as per her or his full potential was outrightly denied. In ancient Indian society also, education of children was totally dependent on the hierarchical social position of their families. However, with changing world polity and economy, new foundations were paved for providing equal education to all children irrespective of their family backgrounds.

A just and fair society is one of the fundamental aspirations of thriving democracies in modern world. To achieve so, education is used as one of the most fundamental tools. Modern

democratic states, usually guided by rational-legality¹² have witnessed some major transformations in aforementioned classical theories of justice. This does not however undermine the relevance of classical philosophical theories of social justice in modern education system. It is through the lacunae in classical theories that modern concept of social justice grew, promoting fair opportunity for all in the field of education, irrespective of class, caste, gender, race, ethnicity, language and religion.

There are different ways in which the amalgamation of the concept of social justice and education can contribute to the development of a fair, just and reasonable education system. In present study, inferences have been drawn from cases in democratic states such as India where there are specified constitutional provisions for implementing related policies. So to say, from the perspective of social justice, it is the state's liability to maintain fairness in its education system and to ensure fair distribution of resources such that no child is deprived of basic right to education. The major issues that usually deserve state attention are related to academic enrollment, inclusion and achievement of socio-economically advanced versus backward students; safeguarding educational rights of ethnic, religious as well as linguistic minorities (Bull B. L., 2008).

Present study examines the institutional arrangements, public and private, for maintenance of equality and delivery of social justice in education with special reference to Indian education

¹²Rational-legality here signifies the type of authority that is tied to legal legitimacy in modern bureaucracies; for details please see Weber's Rationalism and Modern Society, edited and translated by Tony Waters and Dagmar Waters (2015) New York: Palgrave Macmillan

system and Constitutional provisions. With reference to social justice framework, the study tries to assess the normativity of educational policy decisions amidst tensions between individual rights (i.e. child rights and parental rights including cultural and religious rights in the domain of education) and state duties.

Thinkers such as Karl Marx, John Rawls and Harry Brighouse highlight states' responsibility in providing education to children. Again, there are thinkers such as John Locke, Robert Nozick and James Tooley who claim for the importance of privatization in education. It is not feasible to leave private education providers totally free from state intervention and regulation. The government has to intervene and regulate all schools. These regulations are pivotal in the areas of infrastructure, basic code of conduct, broad framework of content and curriculum and methods of imparting education, ensuring social justice such that the interests of the underprivileged and over-all well-being of all students and teachers are taken care of. Thus, there should be government regulation and intervention by taking all the stake holders' opinion into consideration. This may augur well for the greater benefit of education sector in the long run. Talking about stakeholders, the most important category in this regard is that of the students- the children themselves who as minors are dependent on other stakeholders i.e. parents, state, private school owners, teachers and so on.

Since a child is principally under the custody of parents till a certain age, it becomes important to analyze parental rights in the context of child education. The age limit may vary from country to country but it is obvious that an age limit exists. As grown-up adults, they should be capable

enough to make decisions independently; it is the moral responsibility of parents to promote qualities of self-reliance and independence in their children. So then the basic point of contention is conflict of interests between parental rights versus child autonomy. Though modern democracies place the responsibility of providing basic education to children on the state mechanism, however, some parents may have some definite prospective for their children, which may be achieved through certain specific modes of education. Those parents may be ready to bear all the expenses for that purpose. In such cases, state cannot restrict those parents to achieve their end. Whereas, on the other hand, there may be some parents, majority in case of underdeveloped or developing¹³ countries who (a) cannot afford to bear the educational expenses of their children (b) are mostly ignorant of the importance of education and (c) engage their children in labor for income generation.

The Constitution of independent India, one of the biggest democracies in the world addresses these concerns. As stated in article 21, it provides free and compulsory education to all children in the age group of six to fourteen years as a Fundamental Right (Bakshi, 2010). The government of India has over the years initiated several programs to ensure social justice and equality in education. A nationwide program named Sarva Siksha Abhiyan was launched in 2001 to achieve 'Education for All'. The program aims to provide quality elementary education to all children in the age group of six to fourteen years. It gives special emphasis on girl child specially who belong to Scheduled Tribes, Scheduled Castes and Minorities (PTI, 2017).

¹³ In most of the developing countries, because of structural form of oppression and ignorance of parents, children of marginalized people are excluded from participation in school (Nieuwenhuis, 2010).

There are also cases in which some parents wish to educate their children on the lines of their specific cultural and religious ideologies. Even if there is a demand for spiritual education, still there is the question of the state's role in imparting such education. Education plays a critical role in the holistic development of an individual. It becomes, therefore, an important issue to deliberate and discuss the quality and content of education imparted onto young minds. On the face of such conflicting interests, it becomes the responsibility of the democratic state to play the role of a neutral mediator that takes care of child as well as parental rights with wider emphasis on the greater well-being of the children.

As far as the dominance of cultural ethos in formal education is concerned, multicultural curriculums may be problematic. The logic of child being the property or an extended identity of the parents cannot be a sufficient argument for supporting a multicultural curriculum. It is true that parents enjoy some rights over their children but this cannot be a compelling reason to go by whatever the parents dictate. Notably, there are voluntary groups and other non-formal ways of imparting 'cultural lessons', the state need not take up the responsibility of framing curriculums based on culture, language, religion or spirituality. Rather it should give all the children a uniform curriculum.

As a whole, present study achieves its objectives in terms of tracing the evolution of the concept of social justice in modern education system, reflecting on issues of privatization. While discussing the varied interests of different stakeholders, the study points out the importance of focusing on expanding individual capabilities of the child. As rightly pointed out by Sen (2009),

the effectiveness of state mechanism in implementation of social justice can be best assessed through expansion of individual autonomy and capabilities to choose between different ways of living as per what one values.

Child education is a social asset that determines the future of a state. Therefore in any society across the globe, it becomes a moral responsibility of the state to provide and oversee education of all its citizens. Thus, present study addresses the issue of conflicting rights and duties of various stakeholders in education sector- starting from rights of every children to receive a proper education, to discussing about the rights of the parents to impart cultural or religious education to their children; from rights of individual entrepreneurs to run private schools to the rights of children to get a quality education in affordable price. Along with the notion of rights comes the role of duties- from state duties and responsibilities in ensuring social justice in education to parental duties in ensuring the best possible education for their children. State, in its role as a guarantor of issuance of good education for the children may at times be against privatization, religious rights, cultural rights, unstructured and unscientific curriculum; it may seem to be at loggerheads between its own obligations and that of business interests or parental interests. Amidst all these contention of rights and duties, the researcher throws light upon the common thread passing through these contending lines of thought in the pursuit of social justice in education. There is one common interest that serves the purpose of all the stakeholders and that is good learning outcome of the children. Be it parents, state, or those who run the education business they all want the children to be educated properly. It is because of this greater commonality that apparent contradictions between the state obligations and the rights can be sorted out through consensus. All the actors whether it is the state, parents or business

entrepreneurs must be constantly reminded of the moral responsibility on their shoulders as they take decisions on behalf of the most important stakeholder i.e., the children who, as minors, are dependents on aforementioned set of actors in society and they deserve equal access to quality education irrespective of their backgrounds.



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