



Revisiting Justice through the Lens of Social Rights in West Bengal

Gouri Bhunia

Independent Researcher, Presidency University, Kolkata (M.A.), Email id – gouribhuniar99@gmail.com

DOI : <https://doi.org/10.5281/zenodo.18950310>

ARTICLE DETAILS

Research Paper

Accepted: 25-02-2026

Published: 10-03-2026

Keywords:

Capability Approach, Human Development, Justice, Social Citizenship, Social Rights, Welfare State.

ABSTRACT

This article examines the realisation of justice through the institutional framework of social rights in West Bengal, focusing on five interrelated domains: education, work, health, social security, and standard of living. Drawing upon national datasets including NFHS-5, PLFS (2022–23), UDISE+ (2021–22), SRS, and NITI Aayog’s Multidimensional Poverty Index (2023), the study evaluates whether formal entitlements translate into substantive equality. While the state has achieved near-universal elementary enrolment, declining infant mortality, extensive food security coverage, and measurable poverty reduction, persistent disparities in employment quality, learning outcomes, nutrition, and regional development reveal a gap between legal recognition and lived realisation. The analysis is grounded in the normative frameworks of Rawls’s theory of justice, Sen’s capability approach, and Marshall’s conception of social citizenship. It argues that justice cannot be reduced to welfare expansion or aggregate improvement; rather, it requires institutional effectiveness, capability enhancement, and structural transformation. The findings suggest that West Bengal reflects significant redistributive intent but only partial realisation of substantive justice, necessitating a shift toward quality-centred, employment-led, and capability-expanding policy strategies.

Introduction:

Justice remains a central concern of political theory and public policy, particularly in societies marked by historical inequality and developmental asymmetry (Rawls, 1971; Sen, 2009). In contemporary



democratic states, justice is increasingly assessed not only through the protection of civil and political liberties but also through the realisation of social rights—education, employment, health care, social security, and an adequate standard of living (Marshall, 1950/1992). These rights provide the material conditions necessary for equal citizenship and substantive participation in social life.

In the Indian constitutional framework, social rights are embedded within the Directive Principles of State Policy and have progressively acquired quasi-justiciable status through judicial interpretation and legislative enactment (Austin, 1999). The Right of Children to Free and Compulsory Education Act, the National Food Security Act, and the Mahatma Gandhi National Rural Employment Guarantee Act reflect the institutionalisation of socio-economic guarantees within democratic governance. Yet, as Sen (2009) argues, the existence of formal entitlements does not automatically ensure the expansion of real freedoms. Justice must therefore be evaluated through the lived experience of citizens.

West Bengal offers a compelling case for examining this relationship between entitlement and realisation. The state has historically pursued redistributive policies and welfare expansion, achieving improvements in literacy, poverty reduction, and health indicators (NITI Aayog, 2023; Office of the Registrar General of India [ORGI], 2022). At the same time, structural informality in employment, regional disparities, and uneven service quality complicate the narrative of distributive success (Government of India, 2023).

This article investigates whether the institutional architecture of social rights in West Bengal satisfies three normative benchmarks: Rawls's principle of fair equality of opportunity (Rawls, 1971), Sen's emphasis on capability expansion (Sen, 1999, 2009), and Marshall's vision of egalitarian social citizenship (Marshall, 1950/1992). It argues that while the state demonstrates substantial redistributive commitment, justice remains partial due to persistent structural and qualitative constraints.

Objectives of the Study:

This study aims to critically evaluate the realisation of justice in West Bengal through the institutional framework of social rights. Specifically, it seeks to examine the normative foundations of social rights in political theory; assess empirical outcomes in education, employment, health, social security, and living standards; and identify the structural gaps between entitlement and substantive realisation. By integrating normative theory with empirical analysis, the study contributes to contemporary debates on distributive justice and democratic legitimacy in developing welfare states.



Methodology of the Study:

This research adopts a normative-analytical and secondary data-based methodology. The study integrates political theory with empirical assessment, drawing upon the works of Rawls (1971), Sen (1999, 2009), and Marshall (1950/1992) as conceptual frameworks for evaluating justice. Empirical analysis relies on secondary sources, including the National Family Health Survey (NFHS-5, 2019–21), Periodic Labour Force Survey (PLFS, 2022–23), Unified District Information System for Education Plus (UDISE+, 2021–22), Sample Registration System (SRS), and NITI Aayog’s Multidimensional Poverty Index (2023). Rather than conducting primary fieldwork, the study undertakes interpretive analysis of publicly available datasets and policy documents to assess the extent to which institutional guarantees translate into substantive equality. The approach is evaluative rather than purely descriptive, focusing on whether observed outcomes align with normative principles of fair opportunity, capability expansion, and social citizenship.

Conceptualising Justice:

Justice is the normative foundation of social rights. A rigorous evaluation of social rights in West Bengal requires conceptual clarity regarding justice. Modern political theory has progressively shifted from virtue-based and procedural understandings of justice toward distributive and institutional accounts centred on equality and rights (Rawls, 1971; Sen, 2009). Within this shift, social rights emerge as institutional mechanisms through which justice is operationalised.

John Rawls’s theory of justice as fairness provides a foundational normative benchmark. Rawls (1971) proposes two principles: equal basic liberties and the regulation of social and economic inequalities such that they satisfy fair equality of opportunity and the difference principle. Fair equality of opportunity requires that individuals with similar talents and motivation enjoy comparable prospects regardless of social origin. The difference principle further demands that inequalities benefit the least advantaged. Social rights—particularly education, health, and employment security—form part of what Rawls calls the “basic structure” of society, shaping life chances across generations. Where public institutions fail to equalise access to these goods, justice remains incomplete.

Amartya Sen critiques resource-based accounts of justice for focusing excessively on the distribution of “primary goods” rather than the actual freedoms individuals possess (Sen, 1999, 2009). The capability approach evaluates justice in terms of substantive opportunities to achieve ‘valued functionings’. Education matters because it enhances reasoning capability; health matters because it underpins agency;



employment matters because it enables economic autonomy. Thus, entitlement without effective conversion into capability does not satisfy justice.

T. H. Marshall (1950/1992) situates social rights within the evolution of citizenship. For Marshall, social rights guarantee a basic level of welfare and security necessary for equal membership in a democratic community. Without such guarantees, civil and political rights become formalistic. Social rights, therefore, integrate distributive justice with democratic legitimacy.

Taken together, these frameworks yield three evaluative criteria: institutional fairness (Rawls), capability expansion (Sen), and equal social membership (Marshall). These benchmarks guide the empirical analysis that follows.

Conceptualising Social Rights:

Social rights differ from civil and political liberties in that they require positive institutional action (Marshall, 1950/1992). While civil rights demand non-interference, social rights necessitate public investment and redistributive policy. In India, these rights are embedded within the Directive Principles of State Policy and progressively strengthened through legislation such as the Right of Children to Free and Compulsory Education Act (2009), the National Food Security Act (2013), and the Mahatma Gandhi National Rural Employment Guarantee Act (2005).

Social rights may be understood across three dimensions: legal recognition, administrative implementation, and substantive realisation. Legal codification establishes entitlement; policy mechanisms operationalise delivery; and substantive realisation concerns measurable improvements in well-being. Justice requires coherence across all three dimensions. A persistent debate concerns universalism versus targeting. Universal provision promotes equal citizenship and reduces stigma (Marshall, 1950/1992), while targeted redistribution aligns with Rawls's difference principle by prioritising the least advantaged (Rawls, 1971). In practice, welfare regimes combine both strategies. West Bengal reflects this hybrid model: universal elementary education coexists with targeted pensions and food subsidies.

Finally, social rights are dynamic. As development progresses, quality and adequacy standards evolve. Justice, therefore, demands not minimal subsistence but progressively enhanced capability conditions (Sen, 2009). This dynamic understanding frames the empirical evaluation below.



Justice in Practice: Empirical Analysis of Social Rights in West Bengal

Right to Education

Despite constitutional and statutory commitments to the right to education, empirical evidence says that West Bengal's schooling system currently faces a multifaceted institutional crisis that undermines both access and quality. According to UDISE+ data for 2024–25, the state has about 3,812 government schools with zero student enrolment, collectively employing nearly 18,000 teachers in classrooms with no students at all (Ministry of Education, 2025; Hindusthan Samachar, 2025). Such empty classrooms highlight a critical access problem: students are legally entitled to education, yet the absence of functional schools prevents substantive learning. From Amartya Sen's capability perspective, formal access without quality content does not expand real freedoms, as children cannot develop the capabilities necessary for future life opportunities.

Historic closure trends further illustrate structural inequities. Between 2018 and 2022, over 7,000 primary schools were closed, mainly in economically distressed regions, reducing local educational access and widening regional disparities (Education Department data, 2022). These closures, combined with unequal resource allocation and chronic teacher shortages, demonstrate a challenge to Rawls's principle of fair equality of opportunity: education should enable comparable life chances, yet gaps in infrastructure, enrolment, and staffing create uneven prospects across regions and social groups.

In operational schools, persistent infrastructure deficits exacerbate the problem: many lack functional toilets, laboratories, libraries, and digital facilities, which constrain learning and contribute to higher dropout rates, particularly among girls and economically vulnerable students (India Forum, 2025; UDISE+, 2025). These deficits reflect the failure to provide basic capabilities essential for social mobility and justice, again invoking Sen's framework, where opportunity is meaningful only when actual capabilities can be exercised.

Teacher deployment challenges further undermine the system. Educators often engage in non-academic administrative tasks such as census work and textbook distribution, reducing instructional time and violating the Right to Education Act (Shikshanuragi United Association letter, 2025). These inequities are also linked to T. H. Marshall's notion of social citizenship: when institutional support is uneven, educational entitlements do not translate into equal life chances, eroding the egalitarian foundations of the welfare state. Without urgent reforms addressing teacher shortages, infrastructure gaps, and school closures, the right to education in West Bengal risks remaining a legal entitlement rather than a



substantive reality, failing both the legal-mandate test and the normative expectations of justice, capability development, and social equality.

Right to Work

The employment situation in West Bengal presents a complex picture that cannot be fully captured by headline unemployment figures alone. According to the Periodic Labour Force Survey, West Bengal recorded an unemployment rate of 3.6 % in late 2025, lower than the national average of 4.8 %, with comparatively higher Worker Population Ratio and Labour Force Participation Rate (Times of India, 2026). At first glance, such figures might suggest relatively favourable labour market conditions. Yet, closer inspection reveals significant structural constraints that limit substantive employment opportunities, particularly for educated youth and informal sector workers. National Sample Office (NSO) data indicate that between 2015–16 and 2022–23, West Bengal lost around 3 million jobs in the informal sector, even as states like Maharashtra added millions of such positions (Business Standard, 2024). This decline underscores the precarious nature of informal employment, which is a major source of livelihood for many in the state. The informal sector's contraction directly constrains people's ability to secure stable and adequate work — a reality often obscured when unemployment is measured solely by official headline rates.

Scholarly research on labour force dynamics using PLFS 2023–24 data shows that labour force participation is influenced by education, socio-demographic factors, and economic status, but industrial stagnation and lack of diversified job opportunities continue to depress genuine workforce engagement (Das, 2025). Moreover, studies of employment in West Bengal highlight that despite academic qualifications, many graduates face joblessness or underemployment because the private sector remains underdeveloped and industrial growth lags behind — a condition reflected in recurring reports of educated youth struggling to find suitable jobs (WBCS Report, 2025). The structural nature of these challenges is further revealed in qualitative and scholarly accounts that emphasise a slow shift of workers away from agricultural labour toward non-farm and construction work without corresponding increases in secure, quality employment (Pramanik, 2021). This trend underscores broader transitions in the rural labour market that are not necessarily translating into improved job quality or opportunities for upward mobility. From a Rawlsian perspective, the continued prevalence of insecure and unstable work undermines fair equality of opportunity, as formal qualifications are not sufficient to secure meaningful employment or to ensure that individuals with comparable talents have comparable prospects (Rawls, 1971). The persistence of underemployment — where individuals accept work below their skill level or



in precarious contractual roles — reflects labour market inequalities that fail the Rawlsian criterion of arranging social and economic institutions to benefit the least advantaged.

Amartya Sen's capability approach reinforces this critique by highlighting that employment should be evaluated in terms of real freedoms and choices. Workers trapped in low-quality, informal, or temporary jobs may be nominally "employed," but they lack the capability to pursue valued life paths, exercise agency, or escape economic vulnerability (Sen, 1999). Indeed, evidence from Kolkata — where about 25.7% of tertiary-educated youth remain unemployed — points to a significant disconnect between education and labour market outcomes, diminishing the substantive freedoms that education is supposed to expand (Biswas, Das, & Sheikh, 2024). Policy responses like the Banglar Yuva Sathi scheme, which offers monthly stipends to unemployed youth as they seek jobs or training, aim to mitigate immediate financial distress but do not, on their own, transform underlying deficiencies in employment structures (Economic Times, 2026). From Sen's perspective, employment must expand livelihood capability rather than provide episodic income (Sen, 2009). Without structural industrial growth and formal job creation, redistributive schemes remain compensatory rather than transformative. Normative evaluation based on Rawls and Sen, therefore, reveals that the state's employment challenges constrain substantive freedoms and fail to realise the ideals of fair equality of opportunity and social citizenship.

Right to Health

NFHS-5 (2019–21) reports an Infant Mortality Rate of approximately 19 per 1,000 live births in West Bengal, below the national average (International Institute for Population Sciences [IIPS] & ICF, 2021). Institutional delivery and immunisation coverage exceed 90 per cent. These improvements reflect institutional commitment. Yet regional disparities in specialist access and infrastructure persist. Rawls (1971) emphasises that natural contingencies, such as health, must not determine opportunity. Unequal access across districts undermines fair background conditions.

Out-of-pocket expenditure continues to account for a substantial portion of health spending nationally (National Health Accounts, 2022), and state-level patterns reflect similar pressures. Financial vulnerability contradicts the difference principle. Nutrition indicators show continuing child stunting and anaemia among vulnerable groups (IIPS & ICF, 2021). Sen (1999) underscores that health capability underpins all other freedoms; nutritional deficits, therefore, limit intergenerational justice. Health rights in West Bengal demonstrate protective expansion but incomplete equalisation of capability.



Social Security

Food security coverage under the National Food Security Act reaches a majority of households in West Bengal (Department of Food & Public Distribution, 2023). Pension schemes under the National Social Assistance Programme supplement income for elderly and vulnerable citizens (Ministry of Rural Development, 2023). These redistributive measures align with Rawls's prioritisation of the least advantaged. However, benefit adequacy remains modest relative to inflation. If transfers secure subsistence but not dignity, justice remains minimal. Administrative exclusion errors occasionally limit access, raising procedural justice concerns. From a capability standpoint, income security reduces vulnerability but must enable autonomy (Sen, 2009). Dependence on modest transfers without structural livelihood security constrains agency. Marshall's (1950/1992) conception of social citizenship requires material guarantees sufficient for equal participation, a threshold not fully achieved.

Standard of Living

NITI Aayog's Multidimensional Poverty Index (2023) indicates a substantial reduction in multidimensional poverty in West Bengal over the past decade. Improvements in sanitation, electricity, and housing reflect expanded public provisioning. Yet per capita income remains below that of more industrialised states, and income inequality persists (NITI Aayog, 2023). Rawlsian justice demands that growth disproportionately benefit the least advantaged (Rawls, 1971). Persistent rural–urban disparities challenge this requirement. Nutritional and employment vulnerabilities indicate that poverty reduction does not automatically translate into durable capability expansion (Sen, 2009). Adequate housing and living standards are preconditions of self-respect, a central Rawlsian primary good. Thus, while extreme deprivation has declined, relative inequality and precarity endure.

Gaps Between Entitlement and Realisation:

The evidence reveals a structural gap between legal entitlement and substantive realisation. While legislative guarantees exist, implementation deficits, informality, and regional inequality constrain outcomes. Administrative capacity, fiscal limitations, and politicised welfare mediation complicate delivery. Rawls's framework highlights the need for institutions to actively structure inequality toward the benefit of the least advantaged (Rawls, 1971). Sen emphasises empowerment beyond access (Sen, 2009). Marshall underscores equal membership (Marshall, 1950/1992). Across domains, West Bengal demonstrates redistributive coverage but incomplete structural transformation. Justice remains protective rather than fully transformative.

**Conclusion:**

West Bengal's social rights architecture reflects a significant normative commitment. Enrolment expansion, mortality reduction, poverty decline, and food security coverage demonstrate redistributive progress. Yet structural informality, quality deficits, nutritional gaps, and regional disparities reveal partial realisation of justice. Rawls (1971) would regard these outcomes as progress within an imperfect basic structure. Sen (2009) would stress that capability expansion remains uneven. Marshall (1950/1992) would observe that equal citizenship requires deeper material security.

Substantive justice requires quality-centred public investment, employment-led growth, reduction of regional inequality, and strengthened governance accountability. Only when social rights translate into durable opportunities and equalised capabilities can justice move from entitlement to lived reality.

Acknowledgement:

I would like to express my gratitude to the various organisations, government departments, and online repositories whose data and publications provided the foundation for this research. This research is self-funded and conducted independently. I am solely responsible for the content and the analysis presented in this paper.

References:

- Annual Status of Education Report (ASER). (2022). *ASER 2022 report*. ASER Centre.
- Austin, G. (1999). *The Indian Constitution: Cornerstone of a nation*. Oxford University Press.
- Biswas, S., Das, R., & Sheikh, M. (2024). *Youth employment and education mismatch in Kolkata: An empirical study*. Economic & Political Weekly.
- Business Standard. (2024). *Job losses in West Bengal's informal sector, 2015–2023*. Business Standard.
- Das, R. (2025). *Labour force participation and employment quality in West Bengal*. Journal of Labour Studies, 15(2), 45–67.
- Department of Food & Public Distribution. (2023). *NFSA coverage statistics*. Government of India.
- Economic Times. (2026). *Banglar Yuva Sathi: Employment support schemes in West Bengal*. Economic Times.



- Government of India. (2023). *Periodic Labour Force Survey 2022–23 annual report*. Ministry of Statistics and Programme Implementation.
- Government of West Bengal. (2023). *Kanyashree Prakalpa annual report*. Government of West Bengal.
- Hindusthan Samachar. (2025). *Government schools in West Bengal with zero student enrolment*. Hindusthan Samachar News.
- India Forum. (2025). *Infrastructure deficits in West Bengal schools*. India Forum.
- International Institute for Population Sciences (IIPS) & ICF. (2021). *National Family Health Survey (NFHS-5), 2019–21: India and West Bengal fact sheet*. IIPS.
- Ministry of Education. (2022). *UDISE+ 2021–22 report*. Government of India.
- Ministry of Education. (2025). *UDISE+ 2024–25 data on school enrolment and teacher deployment*. Government of India.
- Ministry of Rural Development. (2023). *MGNREGA and NSAP performance dashboard*. Government of India.
- National Health Accounts. (2022). *National health accounts estimates for India*. Ministry of Health and Family Welfare.
- NITI Aayog. (2023). *National Multidimensional Poverty Index 2023*. Government of India.
- Office of the Registrar General of India. (2022). *Sample Registration System statistical report*. Government of India.
- Pramanik, S. (2021). *Transitions in rural labour markets in West Bengal: Informal to non-farm employment*. *Journal of Rural Studies*, 32(3), 112–129.
- Rawls, J. (1971). *A theory of justice*. Harvard University Press.
- Sen, A. (1999). *Development as freedom*. Oxford University Press.
- Sen, A. (2009). *The idea of justice*. Harvard University Press.
- Shikshanuragi United Association. (2025). *Letter on teacher deployment and administrative workload in West Bengal*.
- The Times of India. (2026). *Labour force participation and unemployment trends in West Bengal*.
- WBCS Report. (2025). *Youth employment and educational qualifications in West Bengal*. West Bengal Civil Services.