

Right to Education for Girl Child in India: Myth or Reality

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“Education of boy is education of one person but education of a girl is education of the entire family”.

- Pandit Jawaharlal Nehru

1. Introduction:

The right to education is recognized promoted and protected at all levels national, regional and international. Education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women safeguarding children from exploitative and hazardous labour and sexual exploitation promoting human rights and democracy, protecting the environment and controlling population growth. The right to education is a fundamental human right. It is also central to realizing other human rights. Education is an extraordinary tool of empowerment. It is essential for the promotion and protection of all human rights. However, too often at both the national and international levels not enough is done to ensure the effective implementation of the right to education. Achieving the right to basic education as a fundamental human right is one of the biggest development challenges faced by the international community today; Millions of children youth and adults remain deprived of basic education. ¹

2. Girls Education during Ancient Period:

Women/Girls were eligible for the study of the Vedas and the performance of sacrifices. *Upanayana*, the Vedic initiation of girls had been as common as that of boys. There were boarding houses for girl students probably under the superior tendency of women teachers. The girls were free to go through the *upanayana* ceremony, wear the sacred thread and a life of celibacy. They were free to study the way the Vedas, Vedangas and other subjects studied during those days along with their the pupils. During Vedic period, among the higher sections of society the sacred initiation (*upanayana*) of girls was common and they used to go through a regular course of education. The period between 200 B.C. 1200 A.D During this period female education received a great setback due to the deterioration of the religious status of the women and the lowering of the marriage age. The girls gradually lost the privilege of *upanayana*, the Vedic initiation and were not considered fit to recite Vedic mantras or perform Vedic sacrifices. In the Vedic period the girls are married at about the age of 16 17 during this period the marriageable age lowered down to 12 for girls, however in rich aristocratic and the royal families, girls continued to receive a fairly good literacy education.

3. Status of Girls Education during Muslim Period :

Female education during the Mughul period was confined to princesses and upper class women. ² There were some institutions for the education of Mohammedan girls, such as there were for boys and girls did receive instruction in the recitation of the *Quran* in their homes. Girls belonging to royal and aristocratic families received sound education of a practical character³. In Akbar's time “regular training was given to the ladies of the royal household”. Some of the ladies so instructed distinguished themselves in the sphere of literature. Thus Babur's daughter, Gulbadan Began, Sultana Raziya, Maham Anaga, Akbar's nurse; Noor

¹ Sinha, Manoj Kumar, Right to Education: National and International Perspectives, Indian Journal of International Law, 2000, Vol. 48 p.188

² Srivastava, Ashirbadi Lal, The Mughal Empire, (1526-1803 A.D), Shiva Lal Agarwala & Company, 1970, p. 529

³ Vakil, K.S. and S. Natarajan, Education in India, Allied Publishers, 1966. P.42

Jehan; Mumtaz Mahal; Jehanara Begum, the eldest daughter of Shah Jehan; and Zebunnissa Begum, Aurangzeb's daughter.⁴

4. British Period :

Touched by the work done by missionaries and philanthropic Englishman, several great Indian lent their support to the opening of the girls schools and breaking down the traditional popular resistances against women's education. Among them Raja Ram Mohan Roy and Pandit Ishwarchandra Vidasagar played an important role. In 1850 the stage was set for a change in the state policy towards women's education. The period between 1854-1882 A.D. the establishment of municipalities and through the local fund aiding the primary education, helped the establishment of special primary schools for girls between 1870 and the 1882. The period between 1882- 1902 A.D. the recommendations of the Indian Education Commission on women's education included that the support for girl schools should be form public funds, the offer of free ships, the scholarships, the raising up a class of women for teaching girl through various plans etc. The period between 1921 to 1947 in this period the number of girls receiving education increased from 1.22 million to 4.28 million and the number of girls were hundred boys in schools was 30. Female literacy was 6 percent in 1946-47 as compared to 0.7 percent and 1881-82.

5. After Independence :

The constitution of India ensured education right to all citizen without any discrimination.⁵ Article 15 (1) of the Constitution provides that "the state shall not discriminate against any citizen on ground only religion, race, caste, sex, place of birth or any of them. The provision has enabled the state to make special provisions for women/girls. Article 16(2) forbids discrimination in respect of any employment in office under the state on the grounds of "religion, race, caste, sex, descent, place of birth residence or any one of them". All these have assured normatively a significant position and status to Indian women. Thus positive discrimination in favour of women is permissible and any action taken by the State cannot be held volatize of Article 14. But the rule of Equality before the law in Article 14 means that amongst equals law should be equal and should be equally administered and the like should be treated alike. Accordingly the same or uniform treatment of un equals is as bad as unequal treatment of equals. Hence the Government should endeavor to bring equality between sexes by taking special measures in favour of women who is deprived a lot. Article 39 stipulates that the state shall direct its policy towards providing men and women equally the right to means of livelihood and equal pay for equal work. The Directive Principles of State Policy in Part IV of the Constitution incorporate the policy goals of welfare state. Some article these deal with women indirectly while a few others concern women directly and have a special bearing on their status. Together with the Chapter III on Fundamental Rights they concretize constitutional vision of a new Indian socio-political order based on the principle of equality.⁶ The Constitution of India has granted women equal rights but in practice or reality these rights are not sufficient because their voice is hardly given any weight age. However Right to education in the original constitution was provided in general and in a imperative terms under Article 45, that state shall endeavour to provide free and compulsory education within a period of ten years from the commencement of this constitution to all children up to the age of 14 years. However it could not come into practice due to governments delaying tactics in implementing the constitutional obligation of providing elementary education. As far as 1993 the Supreme Court of India declared education as a Fundamental Right of the children. The parliament has also brought an amendment to the Constitution and inserted Article 21A which provides that, "there should be free and compulsory education to all children of the age between 6 to 14 years in such a manner as the state may be law determine." In order to enforce the right to education as a fundamental right, the parliament has enacted the law called 'Right of the Children to Free and Compulsory Education Act 2009.

⁴ Majumdar, R.C, H.C. Raychandhuri and Kalikinkar Datta, An Advanced History of India, Macmillan st. Martins Press , 1970, p.572

⁵ Rai Prahld, Right to Education with Reference to Minority Educational Institutions under the Constitution, Journal of the Legal Studies, 2003-04, Vol. XXXIV, p.87

⁶ Vidya, K.C., Political Environment of women at the Grassroots, Kanishka publishers, Distributors New Delhi, 2007, p.9

The objective of this law is to ensure the elementary education with essential norms and standards for the children from the age group of 6 to 14 years.

6. Girls Education in five year plans :

The neglect of women/girls education was noted with concern as girls constituted only 28 percent on the total number of children enrolled in primary and middle stage in 1949-50. The constitution adopted in 1950 directive the state to provide free and compulsory education to all children up to the age of fourteen. By 1960 girls enrolment ratio was only 24.6 percent at the primary level and 4.5 percent at the middle. All boys institutions were now open to girls. Co-education was on the increase and 70.7 percent girls were studying in boys' institutions. Steps were advocated to increase the girl's enrolment by motivating parents to send them to co-educational schools. Emphasis was on expansion of educational facilities for girls and diversification of secondary education by introducing vocational training for boys through schools. In the second five years plan (1956-61)-the plan emphasized the need to provide greater education opportunities to girls. It was observed that special efforts were needed to educate parents on the importance of a girl's education. Shortage of women teachers were seen as an impediment. To encourage women to take up teaching, women teachers were to be provided housing facilities in villages. Special schemes for girls to take up different occupations such as nursing, health visitor, teachers and so on were recommended. However enrolment of girls did not pick momentum. Third plan (1961-66) was to expand facilities for girls at various stages. During this plan enrolment of girls went up from 41.4 percent to 61.5 percent at the primary stage and from 11.3 percent to 16.5 percent at the upper primary stage. Provisions were also made to fund some special schemes to support the general programmes related to girl's education. The fourth plan emphasis on women's education and followed the basic policy to improve women's welfare within the unit of family. During fifth plan (1974-79) high priority was given to free and compulsory education for all children to the age of 14 years in pursuance of the constitutional directive. To that effect every state introduced free education for children in the age group 6-11 years. The sixth plan (1985-85) onwards the focus shifted to consolidation and quality improvement. It is interesting to see that the main focus was on the higher education right from first time. To boost enrolment in primary classes, Early Childhood Education Centers for children in 3-6 years age group were set up as adjuncts to primary schools for the first time in this plan for the rural poor and backward areas. These centers should provide crèche facilities for younger siblings of girls attending primary schools. In the Seventh Plan (1985-90) the developmental programmes for women continued with the major objective of raising their economic and social status and to bring them into the main stream of national development.⁷ The eighth plan (1992-97) thrust in the field of education for the both the sexes. Universalization of elementary education, eradication of illiteracy in the age group of 15-35 and strengthening of vocational education so as to relate it to the emerging needs in the urban and rural settings. The Ninth Plan (1997-2002) provided special incentives to the mother and the girl's child so that the birth of a girl child in a family was rejoiced. To this effect in the year 1997 Balika Samridhi Yojana a 100% centrally sponsored scheme was launched where by a special package consisting of Rs. 500/- to mother at the birth of a girl child and annual scholarship ranging from Rs.300/- to Rs. 1,000/- for education of girl children from class 1 to 10 was provided to all those families living below the poverty line to ensure that all girl children went to schools. Tenth Plan (2002-07) streamlined the immediate need to enhance the level of girl's participation in education if the country has to achieve universal elementary education in the stipulated timeframe. The Eleventh five years Plan (2007-12) termed as India educational plan is laying special focus on education as a central instrument for achieving rapid and inclusive growth. It presents a comprehensive strategy for strengthening the education sector covering all segments of the education pyramid.⁸

7. International Measures on Girls Education:

⁷ Agarwal, Meeta and Priti Saxena, Right to Education for Women: Myth or Reality, Vidhigya, The Journal of Legal Awareness, Jan.-Dec., 2010, Vol-5, No. 1-2, pp 108-109

⁸ Ibid

Right to education has been enshrined in various international conventions and treaties. Article 26 of the Universal Declaration of Human Right (UDHR) and Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) provides that everyone has the right to education and education shall be free and compulsory at least in the elementary and fundamental stage. In the year 2000 the World Education Forum at Dakar, Senegal reaffirmed with precise target “eliminating gender disparities in primary and secondary education by 2005 and achieving gender equality in education by 2015 with a focus ensuring girls full and equal access to and achievement in basic education of good quality”.⁹ On the said occasion, the UN Secretary General launched the 10 year Girls Education Initiative that sets five core strategic objectives Viz.

- Build political and resource commitments for girls education;
- End the gender gap in attendance and completion;
- Eliminate gender bias within national educational system;
- Support girls education in areas affected by or recovering from, armed conflict, natural disasters or external shocks;
- Eliminate social and cultural discrimination that limits the demand for girls schooling.

In a study by the World Economic Forum under title “Women’s Empowerment: Measuring the Global Gender Gap”, quantifying gender gap in 58 countries on different issues, India is almost at the bottom ranking 57th on education front. Significantly, the Scandinavian countries took the top five honours, Sweden being at the top of all. Thus women in India lag behind men in terms of economic equality and gender gap does not seem to have narrowed down.¹⁰

8. Conclusion:

In India, because of several socio-cultural factors, girls and women have not been able to take advantage of the available opportunities for intellectual development. Any plans intended for women’s education should aim at neutralizing the effect of these factors, which were responsible for stunted growth of women’s education.¹¹

Some of the major barriers which are responsible for women/Girls not to take full advantage of education facilities are as follows;

- Gender discrimination still persists in India and lot more needs to be done in the field of women’s education in India. The gap in the male-female literacy rate is just a simple indicator of this fact.
- In general an indifference by girls towards education.
- The fear that girls might get alienated from tradition and lead to conflict and non-conformity in case if they are educated.
- Social stigma against girls for pursuing education after marriage.
- Domestic work activity and girl children being employed outside have always prevented girl children getting educated.
- The prevailing notion that women should look after the home and men should work outside has also been responsible for women and girls not able to take advantage of the educational facilities.
- Discrimination against women in recruitment in organized and unorganized sectors.
- Parents as well as the girls feel the school curriculum and timing does not adequately address the needs and interests of girl children to encourage them for taking up schooling.

⁹ Oza, Rashmi M., Educational Laws And Gender Inequalities in India, Law Quest , Issue No. 1, January-June 2012, p. 33.

¹⁰ Ibid

¹¹ Venkata, Ravi and V. Narayana Reddym and M. Venkataramana, Empowerment of people (Grassroots Strategies and issues), Kanishka Publishers, pp. 63-64