



Education as the Pathway towards Gender Equality: Legal Study in specific reference of right to education of women

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Abstract

Modern society continues to prioritise gender equality, and education is now seen as a key path towards reaching this aim. This legal analysis examines the complex connection between gender equality and education with a focus on women's rights to education. This study explains the difficulties and developments related to women's access to education and its potential to spark greater societal change by examining international and national legislative frameworks, case law, and academic literature.

The study starts by looking at how the right to education has changed through time in international human rights documents, emphasising how it has been included as a basic human right. It explores the obstacles that have traditionally limited women's educational prospects, including cultural norms and discriminatory laws, and examines how this right connects with gender equality.

The legal study further evaluates the role of governments and policy initiatives in ensuring equal access to education for women. It critically analyzes legislative measures, affirmative action policies, and other legal mechanisms aimed at eradicating gender-based disparities in educational opportunities. It delves into the multifaceted impact of education on women's empowerment, economic independence, and social mobility. The study also examines the role of education in dismantling gender stereotypes, fostering women's participation in traditionally male-dominated fields, and promoting leadership roles.

In conclusion, this legal study underscores the vital role of education in advancing gender equality, with a specific focus on women's right to education. By shedding light on legal frameworks, case law, and policy initiatives, the study highlights both progress made and challenges that persist. It underscores the need for continued efforts to remove barriers, promote inclusive education, and harness the transformative potential of education to create a more equitable and just society for all genders.

Introduction

The situation of women's education has continuously improved since India's independence. This is due to the provision of equitable educational opportunities. For the betterment of women, the Indian government implements a variety of programs and policies in areas such as education, social economics, and politics. Education is a critical aspect of human resource development and economic prosperity in a country. Increases in literacy rates can improve a variety of socioeconomic indices, including low literacy rates, female feticide, poverty, and life expectancy. Such acknowledgment has raised awareness about the importance of boosting reading rates and focusing on the universalization of primary education.¹

When the government created the policies known as the "National Policy of Education (NPE)" in 1986, the responsibility of delivering elementary education was given more priority. According to the Supreme Court's decision inside the Unnikrishnan case from 1993. The court ruled that primary education is a fundamental right under the "86th Amendment." And The Parliament passed the Amendment Act of 2002 to make education free and obligatory for children aged 6 to 14.

The government is firmly committed to delivering "free and compulsory education" in order to eliminate illiteracy and provide education to women, as well as equality and an emphasis on SC/STs, OBCs, and minorities in basic school. The Indian government has developed a number of policies and programs to support this endeavor, including the Sarva Shiksha Abhiyan "National Program for education for girls at elementary level," Prambhika Shiksha Kosh, Mahil Samakhya National Programme of Nutritional Supports to Primary Education, growth of women studies, post-doctoral fellowship for women, and creating dormitories for girls in both rural and urban regions, among others.

"Education became part of a Directive Principles after independence during the debates in the Constituent Assembly." Part IV Art. 45 states, "It is the state's responsibility to offer free and compulsory education till the age of fourteen." Even though it was not a fundamental right, the urgency was felt. On the advice of the "Kothari Commission (1964)," a common school system was established to eliminate educational inequity. Until this recommendation, the government has prioritized ensuring educational equality.

¹ Dr. Sanjay Sindhu, Global Journal of Interdisciplinary Social Sciences ISSN: 2319-8834, "Fundamental Right to Education in India: An Overview," <http://www.gifre.org/>.

The "National Policy of Education," which maintains the concept of "free and obligatory education," went into effect in 1968. The goal of "universalization of school education" was reinforced in 1986 by the New Education Policy. It is also the first time that non-formal education has been introduced into India.

"Several attempts have been made by central and state governments to attain the aim of universal education" during in the 1980s and 1990s.

Problem of Statement

One of the most crucial aspects of women's education is their access to it variables determining the country's actual development. As a result, the government must take steps to boost the country's female literacy rate. According to the studies, literacy rates have grown in primary schools, but women's education has decreased marginally in secondary schools. The government has taken a number of steps to enhance literacy and give access to high-quality education. Many children are still enrolled in common and upper common schools, however, they drop out when they transition to girls' education. The divide between primary and secondary school is fairly wide. According to the "MHRD (2015-2016)" report, the primary and upper primary levels have a 3.1 percent enrolment rate differential.

There were other factors that stood out, including early marriages, home tasks, and parents who did not intervene to encourage their daughters' higher education. . The goal of this research is to look into the many obstacles and obstacles that women face when it comes to schooling. The research will also look into how the Right to Education Act (RTE) of 2009 is being implemented, a focus on the impediments and challenges that women face in the classroom. They will propose intervention techniques to improve the education of girls.

Methodology of Research

The majority of this material is based on doctrinal research, Case law, legal arguments, and legislation analysis are all included. The historical technique is used to illustrate the origins and Right to Education development. The "Right of Children to Free and Compulsory Education Act, 2009" and The Indian Constitution, the applicable Central and State Rules, the Indian Constitution, International Covenants and Treaties, the "Universal Declaration of Human Rights(UDHR)" and related legislation are the key sources. Attempts to doodle the idea of "Compulsory education" as well. Supplementary sources include Decisions of India's Supreme Court and High Courts, as well as handbooks, periodicals, outline, and newspapers, as well as articles and internet sources are all useful.

Materials and sources have been gathered by the researcher, which are available through the NLUJAA Library's and Intranet's online e-resources and databases. As a result, the Researcher will look at academic papers, journal articles, MHRD and NUEPA reports (2011-2016), global international treaties, the Indian Government, legislative legislation, case law observations, and other parts of the subject.

Review of Previous Research

Deepa Idnani explains the "concept of Universalisation of Elementary Education (UEE)" in his book "Right to Education and Schooling." It also delves into critical thinking on the historical context of current events. These books widen the Act's horizons by imagining empirical investigations that would aid practitioners and scholars in improving good practises.

In his work "Women Education in India," Dr. G. Kanagavalli discusses "the recent position of women education in India." Examine the educational differences in detail. Additionally described recent measures aimed at advancing women's education.

Malini Sur summarise the right to education for women on the global stage in the current situation in the magazine "Women Right to Education: A Narrative on International Law." Furthermore, in light of India's contemporary situation, it provides a complete description of the international treaty on education.

In his post, Subhangi Devi emphasises the importance of women's education as well as the various impediments and difficulties that women face."A research on women education in India." Women's education should be advanced further by giving trainings and workshops to boost women's participation.

Sanjukta Sahoo illustrates the current state of women's education through reports produced by the Indian government in his article "Girl Education in India; Status and Challenges." It also placed a greater female enrolment statistics in basic and secondary schools are highlighted. Finish the research using the Ministry of Higher Education Department's reports. Variation in enrolment and dropout rates at the elementary and secondary levels based on statistical data.

Legal Framework

Rights of women education and Provisions in the Indian Constitution

The following is a list of the primary rights and protections that the Constitution of India accords to Indian women:

- the Constitution's Preamble

In accordance with the provision outlined in the Constitution, women have the same rights as males, which enables them to take an active role in the running of the country's administration.

- Equal treatment under the law

The fundamental ideas of equality before the law and equal legal protection are enshrined in Article 14 of the Constitution. Prohibition of discrimination based on factors including, but not limited to, religion, ethnicity, caste, gender, and place of birth.²

Article 15 paragraphs 1 and 2 make it illegal for the state to discriminate against any citizen solely on the basis of any one or more of the characteristics listed in the preceding list: religion, race, caste, gender, or place of birth, or any combination of these characteristics. It is feasible for the state to establish additional safeguards to protect the rights of women and children thanks to the third provision of Article 15 of the Constitution.³

Article 15(4) grants the state the authority to establish unique protocols for the purpose of advancing the economic and social standing of socially and educationally disadvantaged sectors of the population.

- Equal Access to Opportunities

In matters pertaining to employment or appointment to any office under the State, Article 16 ensures that all citizens are afforded the same opportunities regardless of their status.

Article 39 mandates that the state must direct its policies in the direction of guaranteeing for men and women equally the right to an adequate means of life [Article 39(a)]: and equal remuneration for equal work for both men and women [Article 39(d)].

In Article 39A, the state is given the mandate to promote justice, based on equal opportunity, and to promote free legal aid by adequate law or plan, or in any other means, in order to ensure that possibilities for securing justice are not denied to any citizen due to economic or other types of limitations.

- Workplace Conditions That Are Compassionate

In Article 42, the state is given the obligation to make provisions to ensure justice, maintain humane working conditions, and provide for maternity relief.

- Fundamental Duty

Every person is required to "renounce actions detrimental to the dignity of women," as stipulated in Article 51A's e clause.

² A Study On The Rights And Privileges Of Women In India by Divya, Volume 22, Issue 7, Ver.13 (July 2017), pp. 28–33, IOSR Journal Of Humanities And Social Science (IOSR-JHSS), ISSN: 2279–0837, www.iosrjournals.org

- Panchayats and municipal councils should have quotas of seats reserved for women.

Both Article 243 D (3) and Article 243 T (3) stipulate that there must be a reservation of at least one third of the total number of seats in Panchayats and Municipalities for women, and that these seats must be distributed to different Constituencies through a system of rotation.

In accordance with the provisions of Article 243 D(4) T(4), not less than one third of the total number of officers and chairperson positions in the Panchayat and Municipalities at each level are required to be reserved for women. Access to the ballot box and electoral law

It is required that at least one third of the seats be set aside for women. Within a Panchayat, these seats could be distributed among the various constituencies on a rotating basis. The position of chairman in the Panchayat, whether it be at the village level or any other level, is to be reserved for members of the Scheduled Castes and Scheduled Tribes, as well as women, in whatever manner the legislature of the state may, by law, provide. There is a provision for the reservation of seats in municipal governments for female candidates.

To implement the mandate outlined in the Constitution, the state has established a number of legislative measures designed to secure equal rights, to combat social discrimination as well as different forms of violence and atrocities, and to provide support services, particularly to working women. Crimes that are directed specifically against women are referred to as "Crimes against Women," even though women can be victims of any crime, including "Murder," "Robbery," "Cheating," etc. Crimes that are directed specifically against women are characterized as "Crimes against Women." These can be broken down into one of two broad types.⁴

Compulsory Education as a Concept

In this age of globalization, the right to education is seen as critical to the country's long-term growth. This allows the community to be better safeguarded and served by the leader. Education of good quality contributes to a country's success and overall development. Empowering citizens via education would aid economic advancement, raise an individual's earning potential, and improve their quality of life. Education has been integrated into a variety of variables, including health improvement, population management, democracy strengthening, good transparency, and making significant changes in the system's transparency. An individual's education aids them in obtaining a job.

Women's education, in particular, would help the country's development and economic prosperity. Educated women are seen as a key aspect in a country's success and development. As a result, compulsory schooling should be made necessary for all children, especially those from the weaker sections, Dalits, tribes, and minorities. Basic education would separate them from the rest of society and allow them to escape poverty. As a result, they have progressed to a meaningful life. It is the responsibility of the state to offer compulsory education, particularly for girls' children.

⁴ JANDHYALA and B.G. Tilak (2004). Economic and Political Weekly, 39(7), 618–620, Free and Mandatory Education: Legislative Intervention.

This process tends to execute democracy's stability, the elimination of gender gaps in society, the education of the younger generation to make them more intellectual, and the development of moral values. This would aid the country in embracing new social changes and laying the groundwork for excellent citizens.

The RTE as a Fundamental Right

Education has long been seen as the foundation of a respectable existence. The groundbreaking demand for a "Basic Right to Free & Compulsory Education" towards the British Government was made by "Mahtama Phule" towards the British Government one hundred twenty-five years ago. Even in independent India, however, this desire has not been met.⁵

A chapter in Indian law was written on April 1, 2010, when the country's legislature passed a law dealing to the right to education.

RTE act, 2009: salient features

The year 2010 was a watershed moment in the country's educational history. The "Right to Education Act, 2009," which is the follow-up legislation to the Constitutional (86th Amendment) Act, 2002, took effect on April 1, 2010. "The act establishes education to all children for all children aged 6 to 14 years and establishes minimum standards in primary schools."⁶

"All private schools are required by law to set aside 25% of their seats for students from low-income families" It all outlaws the operation of any unrecognized school and stipulates that there will be no gift or capitation fees, as well as no admission interview with the child or parent.

Until the conclusion of primary school, the act stipulates. There is also a provision for school dropouts to receive specific training to bring themselves up to speed with students their age. The act assigns specific responsibility for its execution to the federal government, as well as state and local governments."

"The RTE legislation which we enacted has the potential to revolutionize schools and children's lives; yet, implementing this law is not merely a matter of providing additional resources; it is the devotion and ambition of our teachers that will ultimately assist us to accomplish its goals."⁷

Teachers have played a critical role in determining the country's future. "They should also instil progressive and sensible views in youngsters in order to achieve a balance among tradition and modernity," says the report. The Right to Education Act has the ability to alter schools and children's lives.

⁵ P.P. Rao, "The Fundamental Right to Education," N. A. Palkhivala, "Selected Writings" (50 Journal of Indian Law Institute, 2008).

⁶ iGauravsharma, What is the right to Education Act, (May 15, 2021,4:03 PM),

<https://timesofindia.indiatimes.com/readersblog/igoravsharma/what-is-right-to-education-act-rte-act-32034>.

⁷ "Implementation of RTE Act 2009: Teachers Commitments," by Isha Khurana and A.K. Sharma Deepa Idnani, "Right to Education and Schooling," 2nd edition, Rawat Publications, Jaipur, 2017.

The RTE Act ensures that "all children aged 6 to 14 years get free and compulsory education." This act applies to the full primary education cycle. It also governs the entire curriculum, as well as the school's rules and regulations, as well as the structure and facilities available.⁸ The act does not apply to children under the age of six. It encompasses the basic cycle of education in the neighborhood school, as well as "guaranteeing a specified standard of education by adhering to school infrastructure norms, instructional hours and days, pupil teacher ratio, and teacher quality⁹." It does not particularly include children under the age of six."

"The concept of obligatory education indicates that the state is under obligation to offer free and compulsory education to children aged 6 to 14 years," according to this Act. As a result, the child's entrance cannot be denied. The act ensures that "Compulsory education until the completion of elementary education or, to put it another way, compulsory education until the accomplishment of the primary education or, to put it another way, compulsory schooling until the completion

He/she finished the eighth grade." It is age-independent, as it begins at the age of fourteen. Years can go on and on. "To provide free and compulsory" is the state's obligation. "However, it is also the parents' fundamental responsibility to send their children to school." To take her child to school Parents of girl children, in particular, should be encouraged to enroll their daughters in school.¹⁰

The National Women's Education Committee

"Education, it has been argued, might be the most useful resource of attaining gender equality and women's empowerment in society." The government's revolutionary setup in 1958 was the formation of the National Committee. It was a success in terms of addressing the issues that occur in the field of women's education. The panel advised that the planning commission create a group to examine into the many issues that arise inside the education of girls at the elementary, secondary, and higher levels.¹¹

In 1957, a conference convened by the government education minister resolved to establish a special committee to investigate the overall situation and status of women's education in India. The committee suggests that the "National Committee for Development of Girls and Women," a distinct entity that will provide advice on women's education at the national level, be established as quickly as possible. According to the committee's recommendation, woman faculty should be appointed in all schools where there are no women faculty. More emphasis on female enrollment in schools.¹²

⁸ Research Journal of Educational Sciences, Vol. 1(2), pg. 1–7, S.S. Ojha (2013), "Implementing Right to Education: Issues and Challenges."

⁹ Oxfam India, What is Right to Education Act (RTE Act)? (Dec. 04, 2018 11:22 AM), <https://www.oxfamindia.org/blog/10-things-rte>

¹⁰ 2nd Isha Khurana and A.K. Sharma Deepa Idnani, "Implementation of RTE Act 2009: Teachers Commitments," "Right to Education and Schooling," 2nd edition, Rawat Publications, Jaipur, 2017.

¹¹ Ministry of Women & Child Development, National Policy For The Empowerment Of Women, MOWCD, (April. 02 2015, 01:00 PM), <https://wcd.nic.in/womendevlopment/national-policy-women-empowerment>.

¹² Ibid

National Programme for Elementary Education of Girls

"The NPEGEL was started in 2003" to improve the SSA. It was made so that girls who were not in school could be reached. It was an important part of the Sarva Shikha Abhiyan, which aimed to help girls get a better education by giving them more help.¹³

Such a "scheme" was put into place in "educationally backward blocks" where few women can read and write. About 32,722 blocks were covered on average, where 32,254 model schools were opened. Extra incentives are being offered to the girls.

Child, like scholarships, uniforms, and school supplies. The main goal of this kind of programme is to help girls get an education. Strategy is the main focus of the project. Girls who don't go to school, girls who drop out, girls who are too old to finish elementary school but are still in school, girls who work, girls from marginalised social groups, and girls who don't do well in school.

The disparity between the sexes is to be narrowed as a result of this program's efforts. "As it turned out, 305 were in primary school and 26% were in upper primary school.¹⁴ Further to develop and promote different facilities to make sure that more women and girls are involved in education. Education's advancement in quality is being facilitated by a variety of media, and it is being pushed to its limits to increase its relevance and quality."

1. The main goal of this programme is to improve the structure of those in charge of planning, running, and improving girls' education.
2. Get more community support for girls' education and make it possible for girls to learn in schools, the community, and their own homes.

Education is a global instrument

The right to an education is recognised, promoted, and protected at all levels, both regional and international. It has a significant impact on the lives of women education is critical to "empowering women and protecting them from harm."sexual exploitation, exploitation and hazardous labour." Human rights promotion and democracy. Several international conventions and numerous "United Nations" reports the significance of such fundamental right to education is emphasised by (UN) bodies. The right to Education is codified in the ICCPR, UDHR, CEDAW, and CRC."

¹³ Ruma Bnerjee, National Programme for Education of Girls at Elementary Level, TeachersBedi, (Jan. 28, 2020 4:29 PM), <https://teachersbadi.in/npegel-programme-npegel-scheme-nationa/>

¹⁴ ibid

Investing in the education of women produces results that are both long-lasting and beneficial to society as a whole. According to the findings of the National Sample Survey Organisation for 2011-12, the participation rate of women in the workforce in India is a disturbingly low 22.5 percent (NSSO). It appears that the majority of the local women are occupied with tasks related to their homes. Therefore, we might say that fifty percent of the country's human resources are not being used effectively. If this non-performing asset were to be integrated in the economy, it might work economic miracles and propel the country to the top of the world rankings. The reduction of gender disparities in the workplace and in the thought processes of male coworkers would result in the generation of a premium that could be converted into an asset, and the economic contribution of male coworkers could lead to an increase in both gross domestic product (GDP) and income per capita. Education enables women to have an awareness of their rights and the power to combat societal and economic inequality. This is essential to achieving success, progress, and overall well-being. In today's challenging environment, having a mother who has completed her education may be an invaluable asset to a family. According to studies, she has children that are smarter, healthier, and more educated, and as a result, she contributes to the social and economic productivity of the home, which is the micro economy. Education leads to lower rates of newborn mortality and overall mortality, but perhaps more crucially, it provides a tool for exercising population control. Women who have completed their education are more inclined to invest money in alleviating issues related to poverty, health care, and education. One may conclude from this that the education level of a woman is one of the most important factors in determining the quality of a family's standard of living. A setting that encourages greater participation and encourages equitable distribution of resources and opportunity may work miracles. The illustration on the right shows how gaining an education might help women become more economically and socially independent.¹⁵

The right to education is number one in the 1948 Universal Declaration of Human Rights (UDHR)

According to Article 26 of the UDHR, "all of us have the right to an education." It is also directed at the improvement of human personality and the strengthening of respect." The UDHR and ICESCR advocate for "free and compulsory primary education for all," with higher education generally available and convenient to all.¹⁶

It also serves as "the primary instrument in awakening cultural values preparing them for professional training, and assisting them in this adjustment environment. Such as opportunity, which the state has promised to provide, and right, which must be made accessible to all on equal terms."

¹⁵ Annual Report, Ministry of Human Resource Development, Department of School Education & Literacy Statistics Division, Government of India (July 22,2020). https://www.mhrd.gov.in/sites/upload_files/mhrd/files/statistics- new.

¹⁶ Second edition of the Law Commission of India's 165th Report on "Free and Compulsory Education for Children" (Universal Law, New Delhi, 2010).

Articles 13 and 14 of the 1966 International Convention on Economic, Social, and Cultural Rights recognise that state parties must recognise the right of everyone to education and ensure that primary education is compulsory and accessible to all. Whereas Article 14 ICESCR requires state parties that do not provide free and compulsory education to sign a covenant and commit to adopting a "detailed plan for the especially regarding of right to education within such a reasonable time period" within two years.

The Universal Declaration of Human Rights is just as important now as it was on the day in 1948 when it was announced and adopted by the United Nations General Assembly. Its relevance has not diminished at all over the last 70 years. The incredible foresight and determination of the drafters resulted in the production of a text that, for the very first time, outlined the freedoms and rights to which every single human being is entitled in an equal and unalienable manner.

The Declaration of Human Rights is now accessible in much more than 360 different languages, making it the document that has been translated into more languages than any other in the history of the world. It has evolved into a standard by which we judge what constitutes good and wrong. It lays the groundwork for a just and humane future for everyone and has provided people all around the world with a potent weapon in the battle against injustice, impunity, and attacks on human dignity.

The founding Charter of the United Nations Organization lays the groundwork for the organization's dedication to protecting human rights. The responsibility of upholding and defending fundamental rights falls on the shoulders of the international community. Let us take the necessary steps to guarantee that those individuals who have the greatest need for the protection of fundamental rights are aware that this Proclamation exists, and that it appears to exist for them specifically. Let us all do everything we can to make these rights a lived experience for every man, woman, and child, no matter where they live in the world.

"All persons born and equality of treatment," which is part of the Universal Declaration of Human Rights, has some of the most powerful and moving language found in any international agreement. In and of themselves, the promises made by all states in the Universal Declaration of Human Rights are a monumental accomplishment, since they discredit the oppression, discrimination, and disrespect for human beings that have been hallmarks of human history.

All of the economic, social, political, cultural, and civic rights that are the foundation of a life free from lack and terror are guaranteed by the Universal Declaration of Human Rights. They are not intended to be a reward for appropriate behaviour. They are not limited to a single nation, era, or social group and can be used to any number of contexts.

After the Universal Declaration of Human Rights was signed, violations of human rights did not stop. But in the years since then, a significant number of individuals have achieved greater independence. It has been established that violations will no longer occur, and independence and autonomy have been secured. Many people have been able to allow individuals from torture, unjust imprisonment, summary execution, enforced disappearance, persecution, and unjust marginalisation, as well as fair access to higher education, economic opportunities, and sufficient resources and health care; however, this is not the case for everyone. They have been vindicated for wrongs committed against them, and the robust architecture of the international human rights legal system has allowed for the preservation of their rights on both a national and international level.

The power of ideas to alter the world is represented by the Universal Declaration as its source of power. It encourages us to keep working toward the goal of ensuring that all individuals may achieve freedom, equality, and dignity for themselves. To provide individuals the ability to demand what should be given to them, which is their human rights, is an essential component of this work.

The Convention on the Elimination of All Forms of Discrimination Against Women aims to eliminate all forms of discrimination against women (CEDAW)

CEDAW went into effect on September 3, 1981. It is among the most comprehensive sets of legal binding and committed sexual identity and equality to education due to gender discrimination. "The provision of the 1952 Convention covers women's civil rights and legal status."

"The right of women to equality in education, employment, and economic and social activities is affirmed." This provision places a particular intense focus on the education of rural women.

1. State parties must take appropriate steps to eliminate discrimination and provide them with "equal rights as men in this same field of education."
2. Establishing institutions of "all categories in rural and urban areas" to provide access to higher education on professional life and vocational guidance. Girls and women will be given the same opportunities, such as scholarship money and other study grants.
3. Growing the literacy rate of women in comparison to men.
4. Investigating the factors and causes of female dropouts.
5. Equality of opportunity in participation in sport and physical education participation.¹⁷

¹⁷ Wikipedia, Convention on the Elimination of All Forms of Discrimination Against Women, Wikipedia, (Nov. 18 2002 03:20 PM), <https://en.wikipedia.org/wiki/CEDAW>

In post-independence India, "the Literacy rate of women."

The 2011 Census says that a person is literate if they can read and write and are at least seven years old. The average number of people in India who can read and write is 74.04 percent. At 93.91 percent, Kerala has the highest literacy rate in India, while Bihar has the lowest at 63.82 percent.¹⁸

According to the 2011 Census, 74.04 percent of Indians could read and write, up from 64.80 percent in 2001. This big change shows that women have become more educated over time. The percentage of Indian women who could read and write was 53.7 percent in 2001, but 65.5 percent in 2011. Even though the changes haven't been huge, India's literacy rate has gone up, especially since men and women in rural areas can now go to school for free.

There has been a massive or great advancement in the last decade in states and territories such as Mizoram, Tripura, Goa, Kerala and Puducherry as well as the National Capital Territory of Delhi, Lakshadweep, Daman and Diu, and the Andaman and Nicobar Islands.. According to the 2011 Census, almost 85% of people in these states can read and write.

¹⁹Census 2011 was India's 15th official survey. After the British left India in 1947, 12 percent of Indians could read and write. It has been a long time since then, but the country has progressed economically, socially and globally.

Indians' right to an education is enshrined in their national constitution. So, it sets up a number of rules to make sure that the country's educational rights are carried out in a good way. Among these rules are:

- Education for Minorities: According to Article 30 of the Indian Constitution, all minorities have the right to start and run institutions of their own choosing.

To ensure that all citizens have access to free and compulsory education, Indian law mandates that the state must fulfil its constitutional obligation.

There can be no discrimination based on status, caste, sex, class, or religion under the law when it comes to access to educational opportunities, according to the fundamental right to equality. That everybody in the country should have the same chances, including when it comes to education.

- Article 21 (A) of India's Constitution was changed so that all children between the ages of 6 and 14 have the right to free and mandatory education.

¹⁸ Dr. Saswati Roy Chowdhury, HISTORY OF WOMEN EDUCATION IN INDIA, Padmaja Naidu College of Music-Burdwan University, (Jan 1, 2021 5:05 PM), <https://www.lokogandhar.com/history-of-women-education-in-india/#:~:text=Education%20of%20women%20post%20Independence%20%3A&text=For%20the%20first%20time%20in,to%2065%20percent%20in%202011.%20>

¹⁹Census Report 2011, Office of the Registrar General & Census Commissioner, India (August 2,2020 11: 40 AM), <https://www.censusindia.gov.in/2011Census/pes/Pesreport.pdf>

• **Protection of Educational Interests for Socially Vulnerable Groups:** The Indian Constitution's Articles 15, 17, and 46 provide for the protection of educational rights for socially vulnerable groups. Families that are socially, financially, and educationally backward, such as those from scheduled castes (SCs) and scheduled tribes, are included in this group (STs). Before 1981, India's literacy rate was figured out by looking at the whole population in censuses. This method was changed in 1991, when a more accurate way of figuring out the literacy level in India was found. It meant leaving out people from 0 to 6 years old from the calculations. So, starting in 1991, India's literacy rate was based on people who were at least seven years old.

In India, the issue of gender inequality has been a part of the problem of literacy for a long time. Even though the government is trying to make sure that men and women are treated equally, very few Indian women, especially in rural areas, are literate. This gap is because women don't get the right kind of education or don't get any education at all, and because patriarchal norms that are unfair to women have been around for a long time.

Judicial Approach

The case **Institution Commission of India v. Saint Mary School**, the Supreme Court ruled that there may be no delays in filling teaching positions. Whereas the Delhi Administration estimates that it will take at least two years to fill the 5,302 vacancies for educated graduates at primary and secondary schools, there are currently 5,302 vacancies. In this scenario, the court determined that such excessive delays cannot be justified.

Since the right to a free and obligatory education for children is a fundamental right under Article 21. It is being violated due to the teacher shortage, which has a negative impact on the learning of students in their studies.

Further court ruled that children have a right to fundamental necessities for their education and a high-quality education, irrespective of their economic, social, or cultural background.1996. In addition, in 1999, the Majumdar Committee was established to oversee the funding committed in education universalization.

Such efforts were made prior to the year 2002. The "86TH Amendment Act of 2002" was passed, making education a fundamental right for children aged 6 to 14. Furthermore, it establishes a fundamental obligation for all parents or guardians to bring their children to school to receive an education. The RTE Act and Article 21A went into force on April 1, 2010. It aims to not only ensure basic education and to change the system.

"No child, except a child whose been enrolled by his or her parents to a school that is not financed by the relevant government, should be required to pay any fee, charge, or expense that may hinder him or her from continuing and completing primary education."

"Compulsory Education" requires the competent government and local governments to provide for and ensure entrance, attendance, and completion of primary school for all children aged 6 to 14. With this, India has progressed to a right-based framework, imposing a legal responsibility just on central and state governments to implement this basic right, as established in Article 21A of the Constitution, in compliance with the RTE Act's provisions.

Every school must meet numerous conditions in order to enjoy right to education under the RTE rules. For example, a safe school building, drinking water facilities, disabled children's ramps, energy connections, and library and computer facilities. There is also a provision for 25 percent reserve in private schools for students from the poorer areas or economically disadvantaged families. One of the key provisions is that each state must establish a State Commission for the Protection of Children's Rights. The Commission's job is to investigate various issues and take appropriate action. The "State Authority for Protection of Child Rights" has been established in states such as Karnataka, Maharashtra, Sikkim, and Delhi.

Navodaya Vidyalaya Samiti vs. Avinash Nagra According to the Supreme Court, it is a well-known fact that education helps to increase social order'. An educated adult has a broad outlook, an open mind, and is open to considering issues and making his own decisions. He is free of outdated ideas and oppressive institutions, and he is always keen to learn from others change when necessary.²⁰

In the case, **Dipak Kumar v. Kolkata Municipal Corporation**, the court stated that the right to education is understood as a human right in the right to development. Education is seen as a fundamental human right.²¹

In the case, **Ashoka Kumar Thakur v. State of Rajasthan**²² and others, the same thing happened. According to right, India has struggled in the past and has fallen behind in developing higher education, thus special attention is required to strengthen the country's educational system. "Illiteracy has numerous unfavourable implications in a democracy regulated by the rule of law," wrote Honourable Justice K. Ramaswamy & Justice Sagar Ahmad in their decision. A well-educated citizen may effectively exercise their political rights, fulfil his social responsibilities, and cultivate a spirit of acceptance and reform.²³

²⁰ Navodaya Vidyalaya Samiti vs. Avinash Nagra, A.I.R 1997 2 SCC 534 p.535 (India).

²¹ Dipak Kumar v. Kolkata Municipal Corporation, A.I.R 2013 5 SCC 336, 17 (India).

²² A.I.R 2008 S.C 265 (India).

CONCLUSION

In order for the human life cycle to function properly, it is essential that the foundational competencies and life skills of children are acquired from a young age. Now, it is clear that the government is making numerous, sustained efforts to improve the education of girls in the primary and secondary grades. Several states have made significant progress. But only if every female attends school will the goal of education be met. When they finish high school, many girls stop going to school altogether. The educational vision does not end with primary school; it extends all the way through secondary school. In addition to legislation, citizens would have to work together to accomplish this goal.

There are no plans to oppose this "revolutionary" statute, which is still pursuing its goals, nor is this research intended to be a thesis on educational policy. There is a lot of money spent by the government on establishing new primary schools, additional classrooms and other facilities.

"National Technology Mission, District Primary Education Program, and Nutrition Support for Primary Education, National Open School, Mid-Day Meal Scheme, Sarva Shiksha Abhiyan, and other state specific programmes" have been established to support primary education. In 2015, Prime Minister Narendra Modi announced the "BetiBacho, BetiPadhao" programmes. For the purpose of raising the child sex ratio (CSR) and promoting the education of girls. Even if the government made every effort, it would be in vain if the girls were enrolled but not attending class regularly.

In addition, India needs to improve their elementary education and focus on the millions of female students who are not in school. The Supreme Court has established the right to education as a core fundamental right by correctly and coherently construing the provisions of Part III and IV of the 88 Constitution. Government of India created a new Article 21A" and bolstered this new Article 21A by adding clause (K) to Article 51-A which allows who is a parent or guardian to give opportunities for education between the ages of 6 and 14 years" to this Article. With the help of multiple Supreme Court decisions as well as constitutional mandates contained in Articles 41 and 45 the Government of India has taken a number of initiatives to eliminate illiteracy and enhance school quality for children who have left school for one reason or another.

PN Bhagwati says, "The child is a soul with an essence and capacity of its own; who must be helped so find them; to grow to maturity, into a fullness of physical and vital energy and the utmost breadth, depth, and height of its emotional, intellectual and spiritual being; otherwise there cannot be a healthy growth of the nation."

As a result of the fact that India has the world's greatest young population. Education is the key to a country's future success. Only by educating more girls will the country progress. To make education a basic right for every kid in the age group (6 to 14 years) under the "Right of Children To Free and Compulsory Education Act, 2009." It's a different story when it comes to reality on the ground.

A large number of girls are not attending school. They have a tendency to enrol, but they don't go on a regular basis. Two-thirds of all female students drop out of school before completing elementary school. Schools fees, uniforms and textbooks, as well as the mid-day meals provided by the schools are covered by the RTE. What's more, the situation hasn't improved even if you can get these goods. Pupil-to-teacher ratios in many schools are not adequate. This obviously shows that schools need more male and female teachers.

RECOMMENDATIONS

As a result, ignoring the education of women would have a significant impact on the country's population. More than half a million female students are not attending school in India, a country where millions of children live on the streets and as slaves. Thus, the Right to Education Act should be amended. Girl education would benefit greatly from this change.

1. In the early stages, private schools simply provide kindergarten-level amenities. Where the state government launched elementary schools from the first grade forward. Under the Act, pre-schooling is prohibited and not recognised elementary education. Adding pre-school education into elementary school is a necessity.
2. Education for children ages 6 to 14 is provided through RTE Act. We need to broaden its scope. Since many of the youngsters had primary school to the age of 14 years old. Girls are more likely than boys to drop out of school at the elementary level. After that, they dropped out of school. As a result, the RTE Act has to be updated. It should be extended to the secondary level in order to better prepare students for post-secondary education and employment.
3. In the era of modernisation, when the younger generation would determine the country's true progress. Educating the population is critical to the country's future prosperity. We need a new system of education because of this. There are a lot of girls who drop out of school in the higher primary and secondary grades. It is therefore not possible to attain a goal set forth by the educated community of this country. This necessitates the adoption of an education system that teaches students to become self-sufficient members of society. As a result of this approach, progress in the country can be ensured.

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