



**PROTECTING HUMAN DIGNITY: A STUDY WITH SPECIAL REFERENCE TO  
PROTECTION OF RIGHT TO EDUCATION OF GIRL CHILD UNDER INDIAN  
LEGAL SYSTEM.**

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**You can tell the condition of a Nation by looking at the status of its Women**

**“Pandit Jawahar Lal Nehru”**

**Abstract**

*Knowledge is power. It is the key to success of an individual. In modern times life depends upon how much informative an individual is? The seeds of information gathering are always grown at the childhood stage, as at this stage the knowledge acquired remains throughout the life. Acknowledging the importance of Education in modern times the Indian Legal system has given Right to Education to all its citizens. However, one can judge the efficiency of a Legal system only by trying to find out to what extent it protects the Rights of its most vulnerable section of society. In the present paper this section has been identified as Girl Child and an attempt has been made to find out various Legal Rights that are available to a Girl Child under Indian Legal system and how effective are those rights in protecting the other rights of the Girl Child as it is a well known Legal fact that she has to rely upon the society even to protect her own rights available to her under the Indian Legal System.*

**Key Words:** - Right, Vulnerable, Attempt, Indian Legal system



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**Introduction**

Today, India is at a crossroad. The nation is often under the scanner of experts/institutions focusing on welfare economics and social justice for the adverse condition of the children. In fact, we, as a country are unable to uphold the most basic of the rights of our children - the Right to Life. Branching from this Right, two other important rights - Right to Food and Right to Education have been areas of concern in our country for Governments at the Central, State and Local levels. Even after 69 years of Independence, we are grappling with serious challenges related to both these issues. Our spotlight in this study, however, is on the Right of Children to Free and Compulsory Education Act in India.

To start with Right to Education is precisely its origin in the concept of human rights internationally where as the local aspect is dealt in constitution of India. The Right to Education is constitutionally protected as a social and economic right. It also gives importance to achieve full realization of this right. Even before the RTE Right to education, 2009 came into force. The Government of India's (GoI's) effort are towards universalisation of elementary education in the country. The percentage of girls out of the total number enrolled at primary and upper primary levels was 48 and 46.5 respectively in the year 2006–07, this increased to 48.4 and 48.3 at primary and upper primary levels respectively in 2010–11 as per census report. The annual average growth rate of enrolment for girls is considerably higher as compared to boys.

When it comes to girl child education it is always been described a multifaceted right which includes areas of gender equality and access to education, and its connection to the alleviation of poverty. Also involved are the issues of single-sex education and religious education in that the division of education along gender lines as well as religious teachings on education have been traditionally dominant and are still highly relevant in contemporary discussions of educating females as a global consideration.

#### **MEANING OF GIRL CHILD:**

The surrounding culture and social context are what define the girl-child. Generally, those responsible for the creation and promotion of culture and social context do not share the same identity as the girl-child. The fact that so many aspects of her identity are determined for her by others, or dictated by cultural norms and ideologies that she will never participate in creating or amending, indicates the girl-child's position of powerlessness and vulnerability. The girl-child, as compared with other members of the society, is marginalized. This marginalization renders her 'less than', and very often she internalizes this social construction of herself as 'unequal', and that is how she comes to develop in the world. This marginalized status of the girl-child will be how she comes to be identified. This identity is solidified and carried on throughout womanhood.

#### **GIRL CHILD RIGHTS IN HISTORICAL CONTEXT**

In pre independent India there is almost total neglect of educational right of girl child. The State's obligation to provide education was recognized with the inclusion of a directive principle to this effect under Article 45 in the Indian Constitution, directive principles, unlike fundamental Rights, are not legally enforceable. But, after the 86th Amendment to the Constitution in 2002, the Right to Education was converted into a Fundamental Right.

The leaders of independent India, intellectuals and people that comprise the masses stood in unanimity on providing free education to every child up to the age of 14. This concept was adapted from the British law of Free and Compulsory Education and incorporated into Article 45 of the Constitution. Thus, it became a Constitutional commitment in India from 26th January 1950.

### **Educational rights of girl child under Indian legal system**

As per the Right to Education (RTE) Act, 2009, every child that include the girl child has the right to full-time elementary education of satisfactory and equitable quality in a formal school that satisfies certain essential norms and standards.

The educational right given to a girl child is a holistic concept and it includes:-

- (a) Enrolment of all girl children in schools, Education Guarantee Scheme centers, alternate schools, 'back-to-school' camps, etc.
- (b) Retention of all girl till the upper primary stage,
- (c) Bridging of gender and social category gaps in enrolment, retention and learning, and
- (d) Ensuring significant enhancement in the learning achievement levels of children at the primary and upper primary stages.
- (e) Beti hai anmol.
- (f) In some states they provide free education to all girl students up to a certain level of education in some states it is higher secondary and in some they have graduation level and some states even go to doctorate level.
- (g) For a single girl child there is exemption of paying fees in professional courses to an certain extent even some states do provide books as well as dresses of two pairs to girl students in govt. schools and where these education institution are funded by the states.

Besides this there is a legal obligation imposed on the state under the RTE Act to have 'Compulsory education' being provided to all children in the age group of 6–14 years. It casts an obligation on the appropriate government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children with this, India has moved forward to a rights-based framework that casts a legal obligation on the central and state governments to implement this fundamental right.

Another aspect about this is via the 86th Constitutional Amendment, where a new Article 21A was added in Part I of the Constitution of India to make free and compulsory elementary education a fundamental right for children.

## **CONCLUSION**

The inequality which is always faced by Indian girls, hinders their progress to achieve different skills which are necessary for them to achieve certain levels of literacy. Consequently, the low literacy level and lack of different skills hinder many opportunities of developing work skills. This concept is widely known as 'Vicious circle' or 'Vicious cycle'.

One cannot permit the old traditions and customs of our societies to destroy the future of young girls of the nation. Law cannot stand silent, it must change with the changing social ideas and standards. If the old pointless traditions keep their roots in the society even for couple of more decades, it will certainly take the country's progress many decades back. Likewise, if the law fails to respond to the needs of changing society, then either it will smother the development of the society and choke its progress or if the society is vital enough, it will put aside the law, which stands in the way of its progress. Law must, therefore, continuously be on the move familiarizing itself to the fast changing society and not wait behind. It must cast away the hindering legacy of its past and undertake a dynamic role in the process of social revolution.

Education is the very important jewel by which human beings involve and cooperate with society, and through which the human mind progresses. The vibrant process of education remains one of the most important issues for both evolving and advanced nations in order to elevate humanity. While education among young girls has continued to be a strategic goal in many nations for many decades, the credit of a right to education with possible national and international law enforcement mechanisms is of latest origin. The fact that nations attempt to enforce policy issues through rights-based methods underlines the authorizing dimension of rights in public policy treatise. It is dangerous to make young girls face poverty, injustice, and waste related with the mass violation of the right to education because of immature traditions. As a opening right, education is a essential to individual dignity and individual growth. It possibly provides a resource to train children to become valuable members of society and to contribute effectively in democracy and freedom.

Most people in the Indian society have lived in the hope that one day their dream of securing holistic education all girl children irrespective of their class, colour or creed - will become a reality. This is in fact the very essence of Article 21A of the Indian Constitution. However, there is conclusive evidence from the study to prove that the hiatus between what is laid down by law and the ground realities is alarmingly colossal. In other words, what is written on paper is not being implemented at the grass-root level and this has resulted in the path-breaking Act becoming much less effective than what it was intended to be.

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