

Women's Education Status in 21th Century and their Constitution Right

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Abstract

As we know, a woman's status of education has a great impact in a community and supports all important areas of her life. When women are educated, more opportunities become available to her. The ratio of women status to education inequality shows that around 4,93,000 thousands of women still can't read or write. Hence women education is the core of developing nations nowadays, but the major problem is to overcome the big gap of education among the women and younger girls which arise outside the formal education and increasing the high risk of indifference in higher education. Therefore it is an urgent need to reduce the falling gap between formal education and higher education among women and younger girls. The studies on women education shows that around 7,74,000 thousands younger's of 15 years and older still cannot read or write, out of which the ratio of women are two third.

Keywords: .Women Education, Literacy Rate, Employment, Mortality.

Aim of the Study

The aims of this article are to implement women's education for the attainment of equal status of women in all aspects of social, political and economic development within the community. The purpose of this article, to educate the public on the rights of women and the means of enforcing such rights for the achievement of equality, development and peace.

Introduction

The studies show that educated women are more able to lessen the root causes of child morbidity and mortality. Hence there is a need to approach this problem in a holistic manner as outlined by the National Institute of Adult Continuing Education on women's right to Education. The importance of education is effective when it is linked to be incorporated with different areas of learning. This way of learning will make major outcomes in the area of education, vocational education and training of different learning's. Educated women lead to success in various fields such as traders, efficient farmers, contribute to school governance and rear healthy children must be equipped with the necessary associated education skills. We all know that India is a land of Vedas which proves that India and Indians were rich in education in the ancient period. But unfortunately now these days India has become one of the countries with the highest gap in education levels and shows the inability of our government to overcome this gap by utilizing programs like Sarva Shiksha Abhiyan and National Education Mission. When we study the education policies and its implementation ratio, countries like Sri Lanka, Myanmar, Vietnam, Thailand and the likes have achieved a much better percentage of Education in a very lesser time as compare to India. As women are the half of the population in the world, women's education is a reasonably good indicator of the development of a society. The major difficulty to overcome the gap of education in India is characterized by wide gaps between the urban and rural education. The cause of major Indifference of education among rural and urban citizen is agriculture rural citizen mainly depends upon the agriculture for their livelihood while the urban citizen is most of the employee class and depends upon employment for their livelihood which is based on education levels hence the gap of education is found more in rural citizen than to urban citizen in India. Apart from this, education levels amongst the male and female also have deep roots of indifference by the name of so called culture and customs in the society. According to the data available in the last census in India the ratio of male education is 75.96% and the ratio of female education is 54.28%. In our societies we are bound by our deep rooted customs and traditions in which we promote the male education rather than the female education hence mostly the women or girls are kept away from schools. This is not only the duty of the government but also every educated citizen should contribute in battling with indifferences in education of male and females. If we want to become a developed nation then each one should be our chief objective. To promote this mission, one of the programs launched by the Indian government named as "Teach India" which aim is to provide a platform to educated Indians to provide assistance in basic education for the poor children. This program is connected with the expert education providers. This is the right time to involve the youth in this mission to step up and take the responsibility on their shoulders to take this nation towards



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the light of Education. In this reference it will be right to mention here the words of the former President of the United States Barack Obama as he said "Change will not come if we wait for some other person or some other time."

Factors regarding gap in Women Education

In the year of 1883 the first use of education was recognized in terms of literacy. In this reference the collection of cultural and colonial practices shared

with members of a particular colonial is called literacy. It has changed as society changed and adopted new technologies. It involves the variety of learning to achieve the targets to develop the skills and to participate fully in the society.

The Family Problems in India: The problem of gap in women education in India having the major concern with the population growth. Because of the rising level of population it seems difficult to provide education to all members of society as a whole. According to the data available in census 2011 for education ratio of women in India showing the alarming fails to attribute how the population growth is accountable. The proportion of education of women in India found much gap with men education, this problem is more serious in the rural areas in India as the gap in education is about half of education percentage as compared to men.

The Monetary Problems Make Poverty in India

To better understand the problem of poverty we must find the way in relation to education and employment. For this it is right, here to point out the association between poverty and unemployment in India. Unless we make the relationship between both of these concepts we cannot achieve the goal of a developed nation. Therefore it is an urgent need to build a framework which helps to work out on these issues at both policy making and implementation level at the same time. The lack of monetary resources is a gray effect of the gap in education which makes life in poorer conditions. Apart from this if we talk about its positive aspects it shows that education is lightening the life. This is a universally proved truth that, if we educate a man we educate an individual only whereas, if we educate a girl we educate a family. Many studies in the world show that educated women are playing a more vital role in the development of a nation than to a man in the society.

The Impact of Gap in Women Education

The major impact of gap in women education is found because of poverty factor in India. There are many other important factors of poverty such as failure to attain necessary nutritious and clean water as the basic need of a person. Though there are many other important factors which are related to the poverty then why we have much focus on education gap? When we try to find out the answer of this question we reaches in the core of this problem that is education gap, when we look at the developed nation we find that education is the most important factor not only for an individual development but it is also the foundation brick of a developed nation as India is still known as a developing nation. It is right to mention here that, the development status of a nation if we want to see then we have to look the

education ratio of women in that nation. Hence we can say that education is one of the most important parameter to determine the social, economic and political development of a nation. In present we the Indians have about more than 40% of our citizens in the age group of 35 year which is the highest percentage of young population in the world even then we are facing the problem of education gap and unemployment to the half stream of nation that is women. Now the time is to frame and effective implementation of those policies which are running in present to promote the education and to reduce the gap of education in the matter of women until and unless this become the prime object of our national policy till then we could not reach at the level of developed nation. In this regard, our constitution imposes a duty on states to make policies for the promotion of education and to reduce the gap in matters of women's education at the ground level with the goalkeeper in the mind of social justice with equal opportunities to all. In the furtherance of promotion of education Indian government has been working to get ahead of this problem since the British era. This is not only the duty of the government but also the various NGOs have to work together to solve this major problem of education gap in India especially for both women and children. It is right to mention that, though several programs have been run by the states or at the central government for the promotion of education, it still cannot reach a satisfactory level, hence new approaches should be introduced for better implementation of education programs at the ground level. In the furtherance of, the Ministry of Education has launched an extremely determined plan for digital education that entails every student in the nation being given a tablet computer. The major difficulty with programs is failure in the endeavor being put into them after the government has changed.

Promotional programme of Women Education: As we know that human rights are such rights which are alienable to all without any prejudice on any ground. These rights mainly focus on the overall development of human beings in their lifetime to live with dignity and equal opportunities in all spheres of life. For this objective education is one of the most powerful weapons to achieve this goal without any harm or suffering to any other person or society at large. Hence it is the right initiative taken by the government to provide free education at elementary and fundamental stages to reduce the gap in education among girls as compared to boys. In this furtherance one more positive step has been taken by the government by making the provisions for compulsory primary education and it should be free. Higher education should be available to all men and women without any discrimination on the basis of merit in their category as male and female. Now it can be said that, as we are a human race we inherit some of our rights by birth. Many of such rights are recognized as fundamental rights given by the Constitution of the Nation, apart from that number of legal and constitutional rights many other human rights have also been given to citizens or non-citizens. Hence it is not only the duty of states but also the duty of an individual too, to protect such human rights and not to deprive any person on any prejudice grounds with the full enjoyment of these rights. Then only we will be able to secure the

human rights and human dignity in respect to international treaties as India is the member state of many international human rights treaties.

Social Transformation is based on Education: Justice Bhagwati observed: "the most important human right is the right to life hence it is the root of various rights therefore it should be interpreted with liberal fortitude which facilities human beings for expressing oneself as human in diverse forms like reading, writing and freely moving about and have integration with fellow human beings." In *Francis Coralie Mulin v. Administrator Union Territory of Delhi*,¹ Apex Court of India once more expressly referred to the earlier judgments made in this connection *Bandhua Mukti Morcha, etc. v. Union of India*² as right to education at the secondary stage was held to be a fundamental right was stated earlier under "*Maharashtra State Board of Secondary and Higher Education v. K.S. Gandhi*,³ Constitution bench of Apex court held that till the attainment of age 14 years education should be a fundamental right to all hence put obligation on the States to provide

conveniences and opportunities to enjoy the fundamental rights in accordance with the Art. 39(e), (f) and to stop abuse of their childhood due to poverty and impulse as stated in *J.P. Unnikrishnan v. State of Andhra Pradesh*.⁴ At these instances it is clear that not only the subject of fundamental rights but also it is the obligation to make available primary education to all without discrimination between male and female. As per the above mention judgments given by the Apex Court of India, which shows the clear vision of judiciary that, if we dream for development and transformation, we must encourage and promote girls and women education at childhood to adulthood level because it's the foundation of our goal of developing the country.

Indian Constitution and Women Education: The Preamble of Indian Constitution enshrined the goal to achieve all its citizens, Justice: that is political, social and economical, Equality: of status and opportunity, Freedom: of speech, expression, belief, faith and worship, Fraternity: dignity of an individual and unity and integrity of nation. The Apex Court by describing the preamble of Indian Constitution stated that it reflects the main ideals and objectives of our constitution which we want to achieve in the case of *I C Golaknath v. State of Punjab*.⁵ It plays an important role in understanding and interpretation of objectives and policies of an Act. For the purpose to achieve the goal of our constitution, it contains the chapter of fundamental rights that guarantees the citizens rights against the state, for the same it also contains the chapter of directive principles that is essential for the good governance of the nation, it also imposes noble duty to all its citizens for the participation of development not only an individual one but for the nation.

To protect the rights of an individual and a group of people in relation to education development, the fundamental rights are playing a vital role as follows:

In the case of *G. Beena v. A.P. University of Health Sc.*⁶ SC held that equality before law was invoked to regulate rules of admission in the education institution.⁷ In the case of *L.K. Koolwal v. State of Rajasthan*⁸ Right to freedom of speech, has been interpreted as a Right to Know.⁹ In the

cases of *Francis Coralie Mulin* decided in the year (1981), *Unnikrishnan* decided in the year (1993), *M.C. Mehta* decided in the year (1987), *Nalla Thampi* decided in the year (1985) etc. Supreme Court held that Protection of life and personal liberty, right to dignity, to health and healthy environ to clean water, to free education up to 14 years are parts of right to freely and dignified life.¹⁰ In this cornerstone source of income is an essential part of the right to life has also been decided by the SC in the case of *Narendra Kumar v. State of Haryana*¹¹ which can be achieve by the way of equal opportunities of education to all. To protect and promote the fundamental rights, the expression of personal liberty and life under Art. 21 are of the widest amplitude, covering a variety of rights under which some have been included in Art.19 and given additional protection" as said by the Prof. D.D. Basu. Ray, the Chief Justice of India stated that "though usually Art. 29(1) is understood to relate to the minority rights, this right is not so confined in its sense of minority but it is available to any section of citizens in India"¹² was held in *Ahmedabad St. Xavier College Society v. State of Gujara*.¹³ Apex Court of India again held that "Right of minority peoples to set up and manage educational institutions under Art. 30(1)¹⁴ is subject to the authoritarian power of the state and hence it is not a charter for maladministration of educational institutions" in the case of *Virendra Nath v. Delhi*.¹⁵ Again the Apex Court of India had held that Article 21 does not come in the way of enactments to ensure educational standards and excellence thereof in the case of *In re Kerala Education Bill*.¹⁶ This broad statement of the legal position is illustrated again by the SC in the case of *St. Stephen's College v. University of Delhi*.¹⁷ It can be said rightly here that, such Article does not come in the way of enactments for ensuring educational standards and maintaining excellence thereof.

Part IV of Indian constitution which consist of directive principles are not only essentials for the governance of nation but also playing a vital role to make policies in relation to education development of an individual with the protection of fundamental rights guarantees against the state are as follows: In the case of *Keshavananda Bharati v. State of Kerala*¹⁸ SC held that Art. 39(f)¹⁹ has been described as having the object of securing a Welfare State and may be utilized for constructing provisions as to the Fundamental Rights. In the case of *Jacob v. Kerala Water Authority*²⁰ SC interprets an act in relation to education, assistance with public and to work as a right in certain cases under Art. 41.²¹ This is an obligation on states under Art. 45²² of Indian Constitution to make policies for the free and compulsory education to all children who have not attained the age of 14 year again this is an obligation on states to make such policies within ten years of period from the day of enforcement of our constitution. Apart of this states are also under the obligation to make the education policies to promote the education for weaker section of society either on the ground on education or economic backwardness or either on the grounds of SC or ST for the purpose to secure the justice at society level and to avoid all sorts of indifferences in the society as Art. 46 of Indian constitution stated.²³

As we know that part IV-A of Indian Constitution consists of noble fundamental duties to all its citizens, in relation to education development

are as follows: In the case of *Mohan v. Union of India*²⁴, the SC held that, where the constitutionality of an Act is challenged as a fundamental duty to keep advancement in the area of science and to respect human dignity court may look at this under Art.51A (h)²⁵, to uphold it and it can also be used for interpreting ambiguous statutes. Again in the furtherance of, in *Head Masters v. Union of India*²⁶ SC held that education is a subject matter of making policies under the Concurrent list. As India is a federal state in which we follow the rule of separation of powers in which the states and central government both are free to make the policies in their parts under the state and union list but the subject education intentionally put in the concurrent list to better enactment and enforcement of the policies related to the education as it is a basic fundamental right of an individual as well as the duty of the states to promote such policies to achieve the goal of developed nation.

Part XVII- under Art. 350A deals with language, an inherent part of literacy with a specific mention for facilities for instruction in mother-tongue at primary stage.²⁷ There have been definite amendments in the Constitution upsetting education, it can be seen under 42nd, 73rd, 74th and 83rd constitutional amendment Acts. Such amendments concerning the provisions to enable education being incorporated in the Concurrent List, delegation of powers to local bodies and making elementary education a fundamental right.

Conclusion and Suggestion

This have already been mentioned that the chief objective of our constitution is to form policies to universalize the education system as aimed under Article 45 of Indian constitution. To seek out the way it is necessary to reshape its component with a foresight of future needs. In one sense, it's true that the education system has undergone many sorts of changes and experiments. Then, there are the varied Centers of Advanced Studies which may distill the varied ideas and have also been rendering advisory services. According to the report of "Radhakrishnan and Kothari Commission" which are truly incisive and given due consideration and acceptance. The Commission's observation of Indian education system needs an urgent change in the traditional policies in that course of action the new education policy is recently introduced by the Indian government in the furtherance to achieve the goal of equal opportunity and to create interest in the education. The government and various NGOs are performing an important role in solving the overwhelming problem of wiping out the gap in women and girls education in India. Now, the demand of the present time is to promote education and implement policies made for this then only we can bring resources for empowerment or to overcome poverty. This may only become true once we believe that if we educate a male he

himself or his family will become progressive at an equivalent time if we educate a female not only herself but brings out progress for 2 families. So, it's time to trust that females are having qualities of sharing in order that not only they themselves do progress but they play an important role for the development of family, society and Nation. If we accept the strength of girls then it's not far for us to realize the Goal of our Prime Minister that is Make in India. If, we actually achieve the goal of above mentioned then we'll take responsibility to educate every girl because it's true that females are the founders of family and societies are formed by numbers of families and nation is formed by numbers of societies in order that behind every developed nation there would be strength of educated and empowered women. So, development and social transformation of a nation is only possible when we offer equal opportunities of education to women and girls first and secondly empowerment of girls and women then the goal will become true very soon.

References

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2. AIR 1984 SC 802
3. JT 1991 (2) SC 296
4. 1993, 4 SCC 645.
5. AIR 1967 SC 1643
6. AIR 1990 AP 252
7. Art. 14: Right to equality
8. AIR 1988 Raj.
9. rt.19: Right to Freedom of Speech and Expression.
10. Art. 21: Right to life and personal liberty.
11. JT (1994) 2 SC
12. Art. 29: Protection of interests of minorities: Cultural and Educational Rights.
13. AIR 1974 SC 1389.
14. Right of minorities to establish and administer educational institutions
15. AIR 1990 2 SCC 307
16. AIR 1958 SC 956
17. AIR 1992 SC 1630
18. AIR 1973 4 SC 228.
19. States should follow certain principles in making the policies for children.
20. AIR 1991 I SCC 28.
21. Public assistance, work and education are rights under the right to life and liberty.
22. Provision for free and compulsory education for children.
23. Promotion of educational and economic interests of S.C., S.T. and other weaker sections.
24. AIR 1992 1 SCC 594
25. To reform and develop the scientific advancement it is the duty of citizens of India.
26. AIR 1983 Cal. 448.
27. Official language