

The Rights of the Girl Education in Indian Legal System

Mrs. Anamika

(Working in Education Department of Chandigarh Administration)

INTRODUCTION

The Indian constitution has provisions to ensure that the state provides education to all its citizens. The Indian constitution in its original enactment defined education as state subject. Children are the most vulnerable section of society. They are physically, mentally and socially immature and depend on others for survival. The vulnerability and dependency has been a matter of universal concern. Their development is threatened by several dangers including disease, exploitation, abuse, ignorance, material want and social and political intrigue. In order to protect children from such experienced, the constitution of India has been playing a vital role. It seeks to protect children everywhere against exploitation, neglect and abuse. Fundamental rights and Directive principals of state policies are related with children, they states that every one entitled to all the rights and freedom set forth therein without discrimination of any kind, such as race, colour, sex, language, religion, birth or other status.

Further, it states that child needs special care and legal protection before and after birth. All human beings are born free and equal in dignity and rights. Respect of rights of all individuals in the society is the foundation of liberty, justice, development and peace in the world. The present paper briefly discusses on the rights of the girl child in the Constitution of India. The right to elimination of gender based discrimination so as to attain economic empowerment, forms part of Universal Human Rights. Article 2 (f) of CEDAW States are obliged to take all appropriate measures; including legislation, to abolish or modify gender based discrimination in the existing laws, regulation, customs and practices that constitute discrimination against women.

The Indian Constitution has recognized the significance of education for social transformation. It is a document committed to social justice. The Preamble affirms a determination to secure liberty of thought, expression, belief, faith and worship and equality of status and opportunity and to promote amongst the people a feeling of fraternity, ensuring the dignity of the individual and the unity of the nation. Literacy forms the cornerstone for making the provision of equality of opportunity a reality. The objective specified in the Preamble contains the basic structure of the Constitution, which cannot be amended, and the preamble may be invoked to determine the ambit of Fundamental Rights and Directive Principles of State Policy. Judicial interpretation has brought alive many an Article of the Constitution, which if read literally may seem to be a colorless Article. Of relevance to literacy, for instance, is the wide interpretation given to the words 'personal; liberty'. In *Francis Coralie Mulin v. Administrator, Union Territory of Delhi* (1981), Justice Bhagwati observed:

"The fundamental right to life which is the most precious human right and which forms the arc of all other rights must therefore be interpreted in a broad and expansive spirit so as to invest it with significance and vitality which may endure for years to come and enhance the dignity of the individual and the worth of the human person. We think that the right to life includes right to live, with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing oneself in diverse forms, freely moving about, mixing and co-mingling with fellow human beings."

The Constitution of India is the supreme law of India. It is a living document, an instrument which makes the government system work. It lays down the framework defining fundamental political principles, establishes the structure, procedures, powers and duties of government institutions and sets out fundamental rights, directive principles and the duties of citizens.

CONSTITUTIONAL PRIVILEGES

- (i) Equality before law for women (Article 14)
- (ii) The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them (Article 15 (i))
- (iii) The State to make any special provision in favour of women and children (Article 15 (3))

- (iv) Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16)
- (v) The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and women (Article 39(d))
- (vi) To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities (Article 39 A)
- (vii) The State to make provision for securing just and humane conditions of work and for maternity relief (Article 42)
- (viii) The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46)
- (ix) The State to raise the level of nutrition and the standard of living of its people (Article 47)
- (x) To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (Article 51(A) (e))
- (xi) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat (Article 243 D(3))
- (xii) Not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (Article 243 D (4))
- (xiii) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality (Article 243 T (3))
- (xiv) Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law provide (Article 243 T (4))

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