

# Protection of women's education rights in India

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## ABSTRACT

The position of WOMEN in complex society like INDIA is not equal. In modern years traditional roles of women have seen some changes in the society due to economic and effective needs and efforts were made to bring visualness, and for the development of society. This paper examines - whether the Women's in INDIA is having some status and rights as we are alleging regarding Equality, Education, Health, labor, Employment, Marriage and family life, race and gender, religion and culture related..

The paper explores the list and constraints linked to each - who is responsible or really victim of such position.

The analysis shows that though the conditions in the country are fastly changing, yet Women are still treated, in some respects, in the same old way, yet the perception that Women are second to men has not been erased, growth of crimes against Women have been seen, and also Women's own perception is responsible for changing but not respectful status of Women in INDIA. Still lots of new policies, and awareness is needed.

## 1. Introduction

*'If you educate a man, you educate an individual. But if you educate a woman, you educate a generation'*

Education is very important nowadays, specially for our country like INDIA because without education a person, an individual, a child, & a society cannot understand their duties and responsibilities as a good citizen of a country. Because education is the only tool which is firstly responsible for a person's development whether that progress takes place in any field, i.e. social development, cultural development, economic development.

Women are the necessary part of a society. Their education influence the coming generation. The development of future generation mainly depends upon the education of women section. So the education of women's realized to be the most essential part for the development of the society. It can help every woman to educate their children to be a good teacher of the family as well as the present members of the society. The children learn their manners and behavior at home and mostly mothers are responsible

## 2. History on Women Education

<sup>1</sup>In the Vedic period women had access to education in India, but they had gradually lost this right. However, in the British period there was revival of interest in women's education in India. During this period, various socio religious movements led by eminent persons like Raja Ram Mohan Roy, Iswar Chandra Vidyasagar emphasized on women's education in India.

Mahatma Jyotiba Phule, Periyar and Baba Saheb Ambedkar were leaders of the lower castes in India who took various initiatives to make education available to the

women of India. However women's education got a fillip after the country got independence in 1947 and the government has taken various measures to provide education to all Indian women.

As a result women's literacy rate has grown over the three decades and the growth of female literacy has in fact been higher than that of male literacy rate. While in 1971 only 22% of Indian women were literate, by the end of 2001 54.16% female were literate. The growth of female literacy rate is 14.87% as compared to 11.72% of that of male literacy rate.

## 3. Importance Of Women Education

<sup>2</sup>Women education is a catch all term which refers to the state of primary, secondary, tertiary and health education in girls and women. There are 65 Million girls out of school across the globe; majority of them are in the developing and underdeveloped countries. All the countries of the world, especially the developing and underdeveloped countries must take necessary steps to improve their condition of female education; as women can play a vital role in the nation's development.

Women are the soul of a society; a society can well be judged by the way its women are treated. An educated man goes out to make the society better, while an educated woman; whether she goes out or stays at home, makes the house and its occupants better.

Education makes women more confident and ambitious; they become more aware of their rights and can raise their voice against exploitation and violence. A society cannot at all progress if its women weep silently. They have to have the weapon of education to carve out a progressive path for their own as well as their families.

<sup>1</sup>Available at <http://www.yourarticlelibrary.com/education/the-history-of-womens-education-in-india/9982> (Visited on 24 feb 2019)

<sup>2</sup>Available at <https://www.indiacelebrating.com/article/importance-of-education-for-women/> (Visited on 25 feb 2019)

<sup>3</sup>Below are some of the reasons why women need to be educated.

- Educating the women will empower them to seek gender equality in the society.
- Women will be able to earn that would raise their economic condition and their status in the society.
- They will be aware about the advantages of small and planned family and this will be a big step towards achieving stabilized population goals.
- It has been reported that the single most important factor affecting high total fertility rates (TFR) is the low status of women in many societies. Women education will help increase the age of marriage of women and they would tend to have fewer, healthier children who would live longer.

#### 4. <sup>4</sup>Leading Case On Women Education

MOHINI JAIN VS STATE OF KARNATAKA

##### Full citation

Miss Mohini Jain v State of Karnataka and Others 1992 AIR 1858

##### Forum

Supreme Court of India

##### Date of decision

30 July 1992

##### Summary of decision

In this case, a resident of Uttar Pradesh state challenged a notification issued by the Karnataka government that permitted private medical colleges to charge higher fees to students who were not allocated 'government seats'. The Supreme Court of India held that the charging of a 'capitation fee' by the private educational institutions violated the right to education, as implied from the right to life and human dignity, and the right to equal protection of the law.

##### Issues and keywords

Civil & political rights; Right to life; Equality and non-discrimination; Accessibility; Regulation of private schools; Privatization; Duties of non-State actors; Tuition fees; Higher education.

##### <sup>5</sup>Facts

Miss Mohini Jain, a resident in Uttar Pradesh, applied to enrol in a course at Sri Siddhartha Medical College, a private medical college in Karnataka. The college requested a deposit of Rs. 60,000 for tuition fees for the first year and a bank guarantee to cover the fees for the remaining years. Jain and her family did not have the means to pay the requested sum, and the private medical college denied her admission to the

course. Jain filed a petition with the Supreme Court of India against the Karnataka government, challenging the notification permitting the private medical college to charge a higher tuition fee to students not admitted to government seats than those admitted to government seats. The Karnataka Medical Colleges Association and the Sri Siddhartha Medical College were also added as respondents.

##### <sup>6</sup>Issue

The case presented three main questions before the Supreme Court:

1. Whether a right to education is guaranteed under the Indian Constitution.
2. If so, whether allowing private schools to charge capitation fees violates this right.
3. Whether charging capitation fee in educational institutions violates Article 14 of the Indian Constitution, which guarantees equal protection of the laws.

##### <sup>7</sup>Decision

The Supreme Court first held that, although the right to education was not explicitly guaranteed by the Constitution, it is essential to the realisation of the fundamental right to life and human dignity under Article 21. In addition, the Court found that "It [is] clear that the framers of the Constitution made it obligatory for the State to provide education for its citizens." In its reasoning, the Court cited the Universal Declaration of Human Rights, and a number of cases that held that the right to life encompasses more than "life and limb", including necessities of life, nutrition, shelter and literacy.

Turning to the issue of the fees, the Court struck down the payment of capitation fees as a condition for entry into any educational institution, whether public or private. According to the decision, access to education must be realised for all people regardless of income. If the State decides to discharge its obligations under the Constitution through private institutions, these institutions must abide by the same constitutional requirements as the State. Therefore, because capitation fees make access to education based on income rather than merit, they were deemed to be contrary to the right to education, and arbitrary and in violation of the right to equal protection of the laws under Article 14 of the Constitution.

Finally, the Court held that the fees charged by the Sri Siddhartha Medical College under the government notification were capitation fees, and not tuition fees. Therefore, the charging of the fee was also in violation of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act.

##### <sup>8</sup>Relevant Legal Provisions

###### National:

- Articles 14 and 32, Constitution of India
- Section 3, Karnataka Educational Institutions (Prohibition of Capitation Fee) Act of 1984

###### International:

<sup>3</sup> Supra note 1

<sup>4</sup> Available at <https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/India%20Supreme%20Court%2C%20Jain%20v%20Karnataka%2C%201992.pdf> (Visited 10 march 2019)

<sup>5</sup> Ibid

<sup>6</sup> Ibid

<sup>7</sup> Supra note 4

<sup>8</sup> Supra note 4

- Article 26, Universal Declaration of Human Rights

## 5. Conclusion

<sup>9</sup>Thanks to the Right to Education Act passed in 2009, "India has made impressive strides in getting its children into primary schools and especially improving the number of female students"

The recent leveling off of the amount of girls and boys receiving education is also promising for the future of India's girls. Movements like the All India Women's Conference have been an enormous help.

The All India Women's conference sums up our belief in the importance of girls' education with the following statement: "empowerment of women is an essential ingredient in protecting women's right and has to be looked at from a holistic perspective.

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<sup>9</sup>Available at <https://wordpress.clarku.edu/id125-womansrightsedu/2016/11/18/womens-education-in-india/> (Visited on 20 march 2019)