

Assessing The Impact Of Women's Education On Empowerment And The Efficacy Of Legal Frameworks In Promoting Female Education In India

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Citation: Jyoti Verma, et.al (2024). Assessing The Impact Of Women's Education On Empowerment And The Efficacy Of Legal Frameworks In Promoting Female Education In India, *Educational Administration: Theory and Practice*, 30(4) 11291-11294

Doi: 10.53555/kuey.v30i4.10099

ARTICLE INFO

ABSTRACT

The major objective of education is to impart knowledge to people so that they become responsible citizens and lead a righteous life. A society includes people from all levels of hierarchy and sexes and ages including men, women, and children. Education is important for each and every individual in a society. Women are the most important part of our society and their education is of utmost importance. An educated woman will lead her entire family to better life and pass on her knowledge.

In past women were just a part of family. But now, at present, they are not only part of the family and neighbourhood but they are also becoming the bread earners of their family. For the development of women status and freedom, the women should be well educated so that they can manage their personal as well as their professional lives. The professional development of women in various fields would also contribute in the development of the society and the nation.

Keywords: women education, women empowerment, laws related to education

1. Introduction

In past women's status in India was confined within the four walls of home. They mainly played their role as a wife and mother. In the early Vedic period women enjoyed equal right to any type of education but in the later Vedic period they were educated according to their varnas. The girls of common families could not receive higher education and later on the women education deteriorated further. In Muslim period also, girls and boys both were provided education in makhtabs, the centres of primary education but girls were not allowed to enter madarsas which were centres of higher education. Gender inequality has been the most profound reason for lack in women education in India.

Making political, economic and educational resources available to women can bring the gender discrimination to an end. Women's gender, class and geographic inequalities in education can be reduced by providing them access to employment and resources.

The concept of right to education originated as a goal in the Universal Declaration of Human Rights. The convention against discrimination by UNESCO first included the right to education in a binding treaty. The convention on the elimination of all forms of discrimination against women, adopted in 1979 and entered into force in 1981 and the conventions on the rights of the child (CRC), adopted in 1989 and entered into force in 1990. It guides the state party's to supply all children with same conditions for career, exams and teachers.

There are many factors which contribute to gender discrimination in education. The most prime factor is social disinterest. As the society in which a girl child is raised determines the availability of education to her. Sometimes it is religion which restricts a girl child from enjoying her right to education. Article 10 of CEDAW, states that "The signatory states must take all necessary measures to eliminate discriminations in education, and must ensure that women have access to educational information that will help secure the health and wellbeing of families". Culture plays the role of a biggest obstacle in the way of the right to education of a girl child. Many families consider that the marriage is more important of their daughter than education. Marriage grants girls an adult status and makes them accept responsibilities of parenting and domestic works. Girl child are often employed as a child domestic workers (CDW) because of lack of education and often face sexual, emotional and physical abuses. Education is the only way to empower a girl child socially and economically.

2. Hindu Law and status of women in India

The status of women in India has always been ambiguous. Although in literature she was given an exalted status as an goddess but in practice, most women led miserable lives as servants to their husbands. Until the independence, Hindu men had the freedom to marry more than one wife or keep mistresses. Whereas the household women were kept in confinement. Many girls were married off at an early age to relatively older men and the life of such women when they reached puberty was full of hardship. The Hindu laws have always been male-centric. They prescribe many restrictive conditions for women and curtail their freedom.

Although the situation is gradually changing but women are still subject to many restrictions and disabilities in rural areas as well as urban areas. The financial independence of women and the education levels of the family play an important role in this regard.

Hindu women have to cope with many social and economic pressures even today such as the dowry problem, parental interference in marriage and career matters, domestic violence and abuse, gender based abortions, gender based inequality in almost all areas of life, women trafficking.

Many Hindu men still entertain a traditional mindset and view women with sexist and judgmental attitude. Until that undergoes transformation, women may continue struggle under the weight of traditions, oppression of men, social and economic discrimination and the compulsions of modern life. The Hindu Code Bill was passed in various parts viz, The Hindu Marriage Act, 1955; The Hindu Succession Act, 1956; The Hindu Adoptions and Maintenance Act, 1956; The Hindu Minority and Guardianship Act, 1956. and had brought revolutionary changes The Hindu woman today stands enjoys freedom to a considerable extent from her traditional fettered and dependent status. The Hindu Marriage Act, 1955 makes monogamy the rule both for men and women. Widows can now have a life of their own and even remarry. But discrimination continues since they are not treated in the same manner as married women during rituals and family functions. The marriage customs have also undergone change. There are now age restrictions on marriage. Women enjoy a great say in their marriage matters. The law gives them clear assurances as to their rights and freedom. But even after all this, women face numerous challenges in their professions and personal lives.

There are many shortcomings of Hindu Law that needs to be rectified so that status of women can be fully elevated in India. India has 12 million married children under the age of ten, 84 per cent of these were Hindus, while 11 per cent were Muslims. Though child marriage is prohibited it is not void. Clause (iii) of Section 5 of Hindu Marriage Act age fixes the age of the bridegroom to complete 21 years and 18 for the bride. But any marriage solemnized in contravention of this clause is neither void nor voidable, the consequence is that the persons concerned are liable for punishment under Section 18 of the Act.

Although bigamy is punishable offence but it is also extremely difficult to prove bigamy and punish the guilty because of the application of the validity test of the marriage under Hindu Marriage Act. The offence of bigamy is committed if a person marries again during the lifetime of his or her spouse. And it is punishable under Section 494 of the Indian Penal Code. But according to Section 17 of the Hindu Marriage Act 1955, to prosecute the husband for the offence of bigamy, it insists on the proof of solemnization of both the marriages. If the first marriage was void then the second marriage would not be a bigamous one. And if the second marriage was not validly solemnized then again the offence of bigamy would not be proved. "Solemnization" means observance of all the necessary customary and shastric ceremonies by the parties. Therefore, Many Hindu women hesitate in approaching the court and have no alternative but to live in a life of misery with the bigamous husbands or to obtain either divorce or judicial separation.

Divorce granted by the Hindu marriage Act, 1955 also came as a great relief to Hindu women. But the law did not work well in actual practice since few women could avail of the legislation granting divorce. Hindu women of India continue to suffer the consequences of unhappy marriages due to the social attitude, Moreover, few parents welcome their distressed daughter back, so women are often at a loss about where to go after leaving their husbands.

Under old Hindu law wife's right of maintenance is absolute and the husband can not claim inadequate means to deny maintaining her. But she loses her right if she deviates from the part of chastity. Hindu Adoption and Maintenance Act 1956 provides provisions for maintenance, perhaps keeping in wife's dependent status. Hindu Marriage Act 1955, in contrast makes a departure, where both husband and wife can claim maintenance from each other. In Indian context this is questionable. But Section 125 of the criminal procedure code, on the other hand, the provision of maintenance applies only against husband. The right of married Hindu women and divorcees have continued to be confined to the right of maintenance. The concept of maintenance also envisages a sexually pure woman, both within marriage and after divorce. Where a Hindu woman is entitled to maintenance, the extent she is entitled to claim is not only subject to the limitations imposed by the laws but also the decision of the judge (Court). The Hindu women's Rights to Property Act, 1937 made a revolutionary change in the Hindu law. It included certain widows in the list of heirs. But it did not amend Hindus of inheritance in general. Hindu Succession Act 1956 reformed the Hindu personal law of inheritance and gave Hindu women greater property rights, allowing her full ownership rights instead of limited rights in property. It removes the distinction between the son and daughter in the matter of their right to inherit the property, the share to be allotted to them and the nature of the property they obtain. The Act makes the widow entitled to succeed not only to her husband's separate property, but also to his interest in the coparcenary property. Section 14 of the Act abolishes the principle that runs though' the estate inherited by the female heir,

namely, that she takes only a limited estate and provides that whatever property is inherited by a woman, whether it be from a male or female by whatever school she is governed, is now to be taken by her as an absolute owner. It has been used as a tool to elevate her to equal status with men. The entire concept of limited ownership stands converted into absolute ownership.

Although the changes in the laws are revolutionary though limiting, women are not being able to use them for uplifting their lives in general. The greatest reason being they are deprived of knowledge and education. The need of the hour is to get maximum support for women education.

3. Current scenario of women education

The most important role of various conventions is to consider a child as an individual and a member of family and community. The biggest challenge before Indian government is to spread awareness into society about the importance of a girl's education and its benefits to society. In attempt to restore the lack of female representative in the legislative bodies, the Indian government amended the constitution in 1992 (with the seventy third and seventy fourth amendment) to reserve one third of seats for female in local government. This amendment helped women understand that their participation in politics would solve many problems they face as women and it gives them a good social status. The government of India also introduced campaigns which also inform potential women to take political leadership. The legislature also introduced the MTP, anti-dowry Act, anti-sati laws to increase women's education and employment opportunities.

If a girl child is facing lack of independence, it can be considered as a form of violence. Family violence is defined as 'any act of commission or commission by family members and any condition resulting from such acts and inaction, which deprive other family members of equal rights and opportunities and/or interfere with their optimal development and freedom of choice'. Early marriage is also a form of violence because; it restricts the educational opportunities of a girl child. This inequality which are 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.

Lack of educational opportunities is the main reason for female enslavement and subordination. It hinders the ability of a girl child to socialise, have intellectual stimulation and have her own identity. To elevate the status of girl's education the Indian government has to take initiative to remove the gender discrimination which causes most harm in the ratio of female literacy.

The right to education is precisely introduced from international human rights perspectives and from the perspectives of constitution of India. The right to education is protected as a social and economic right in constitution. With globalisation the position of women in society has improved. With globalisation women have come out of the four walls of home and entered in the new aspects of life leading to the overall development of the community and in turn the whole nation. Education of women has now been made possible through various policies and norms. Obtaining education equally helps women to work shoulder to shoulder to men and reach newer heights.

4. Role of Indian Law and judiciary in women education

The Indian Constitution has put the focus on gender equality everywhere in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Our laws, development policies, plans and programmes have aimed at women's advancement in different spheres. India has also signed various international conventions and human rights instruments that commits to secure equal rights of women such as the ratification of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993 and many others.

4.1 Constitutional Provisions

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard.

4.2 Special Initiatives for Women

In January 1992, the Government established the National Commission for Women to look into all matters relating to the constitutional and legal safeguards for women. The 73rd Constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas. The department of women and child development in the Ministry of human resource development formulated the National policy for the empowerment of women, 2001 for advancement, Development and empowerment of women.

4.3 Some legal provisions for women

These are classified into two categories:

1. The crimes identified under the Indian Penal Code (IPC): It includes rape (Sec.376 IPC), kidnapping and abduction for different purposes (Sec.363-373), homicide for dowry (Sec.302/304-B IPC), torture, both mental and physical (Sec. 498-A IPC), Molestation (Sec. 354 IPC), Sexual Harassment (Sec. 509 IPC)
2. The crimes identified under the special laws (SLL): It includes the employees state insurance act (1948), the family courts act (1954), the equal remuneration act, (1976). The Contract Labour (Regulation and Abolition) Act, 1976, the Equal Remuneration Act, 1976, the Prohibition of Child Marriage Act, 2006, the Criminal Law (Amendment) Act, 1983, the Factories (Amendment) Act, 1986, indecent Representation of Women (Prohibition) Act, 1986, commission of Sati (Prevention) Act, 1987, the Protection of Women from Domestic Violence Act, 2005

4.4 Policies related to women education

There are so many policies and laws that have been formulated by our government for the education of women such as; sakshar bharat mission for female literacy, SABLA: Rajiv Gandhi scheme for empowerment of adolescent girls, right to education, kasturba balika vidyalaya, national programme for education of girls at elementary level, mahila sangha, rashtriya madhyamic shiksha abhiyan, Dhanlakshmi scheme. To achieve the goals of education among the girl child's and children's from India, government has initiated a programme called 'Operation blackboard'. This scheme includes fifty percent of teachers which are recruited would be females. Another scheme called as 'Sarvashikshan Abhiyan' is introduced for universal elementary education throughout the nation.

4.5 Conventions regarding women

Conventions on the political rights of women (1954) focuses on basic international standard for women's political rights. The convention on the elimination of all forms of discrimination against women (CEDAW) (1979) is for women's bill of rights. It focuses on gender equality work. Declaration of the elimination of violence against women (1993) focuses on the right of a women to live a life without violence. Beijing declaration and platform for action (PFA) (1995) enhances government's commitments towards women rights. CEDAW's optional protocol focuses on the rights enforcement of CEDAW. The Paris Agreement considers gender equality and empowerment of women.

5. Conclusion

Women are the essential elements of both our family and society. They bring discipline and dignity in every area they work upon. Women look after their home and make sure that a healthy environment prevails in her family. With the advent of globalisation and education, women have progressed in every field of life, be it be politics, medicine, social service, scientists etc. Women have proved themselves that they can also get independent and work their way out in this male dominated world. Educating a women will lead to educating the whole generation and in turn the whole globe.

Education is the very important jewel by which human beings involve and cooperate with society, and through which the human mind progresses. Education is essential to individual dignity and individual growth. It provides the resources to train children to become valuable members of society and to contribute effectively in democracy and freedom. General literacy programs, education for women, and better anti- discrimination laws provides the regulations needed to break through the unnecessary customs and inequalities faced since ages. We cannot permit the old traditions and customs of our societies to destroy the future of young girls of the nation. Thus our laws needs to be continuously reformed.

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