CHAPTER- 1

Introduction

Gender inequities throughout the world are among the most pervasive forms of inequality. Gender equality concerns each and every member of the society and forms the very basis of a just society and hence, the issue of 'gender justice' is of enormous magnitude and of mammoth ramification engulfing and embracing all the illimitable canvas. In the midnight of August 15, 1947, when India awoke to "life and freedom," most of its 170 million women scarcely knew what the 'Tryst with Destiny' was all about. Victims of poverty, ignorance and oppressive social institutions, they hardly knew their destiny and who controlled it.

Being conscious of the need of the time, the framers and founding fathers of our 'compassionate' Constitution incorporated certain sacrosanct ideals in the forms of comprehensive rights for women so as to metamorphose the abstract ideals into a concrete form, which would enable the upliftment of the status of women in the male dominated chauvinistic society.

Despite regression in the social and moral values, there is still a ray of hope in the midst of the darkness surrounding the realization of women's rights. Time and again the Indian judiciary has played a proactive role by their positive interpretation of the various Constitutional provisions for women upholding the validity of various legislations and laying down exhaustive guidelines to realize the concept of 'gender justice' and 'gender equality'. The Apex Court of our country has observed that democracy, development and respect for women's rights and fundamental freedom are interdependent and have mortal reinforcement. All forms of discrimination on the ground of gender are violative of fundamental freedoms or human rights. In this way, the judiciary has laid down extensive guidelines in its various decisions to realize the concept of 'gender justice' and 'gender equality'.

Our Constitution, the fountain head of all laws and the organic law of the land, recognizes equality of sexes and prohibits discrimination on the basis of the sex. It also provides legislation to be made to confer more rights on women by making special provisions. It has to be borne in mind that in the absence of equality of gender, women's rights remain in the inaccessible realm.

The 'Preamble' of the Constitution is "a Key to open the mind of the makers of the Constitution which may show the general purposes for which they made the
Constitution. It declares the rights and freedoms which the people of India intended to secure to all citizens. The preamble begins with the words "We, the people of India..." which includes men and women of all castes, religious, etc. It wishes to render "Equality of status and of opportunity" to every man and woman. The Preamble again assures "dignity of individuals" which includes the dignity of women.

The status of Indian women is, after a long history of discrimination and subjugation, undergoing a change in India. Women are now passing through a phase between subjugation and emancipation and, are now entering the outside world leaving behind the age old tradition of domestic confinement. However, gender based discrimination still represents the ugly face of the society of our times. It is a travesty of all canons of social justice and equity that women who constitute half of the world's population and work two-third of the world's working hours earn just one-tenth of the world's income. This statistics itself portrays the subordinate position of women.

The principle of equality as one of the milestones has been embodied in the Preamble of the Constitution of India. With respect to women, the Constitution assures that there shall be equality of opportunity for every citizens in fields of education and employment, and no one shall be discriminated against on the basis of sex as per Articles 15 (1) and 16 (1) of the Constitution of India and nothing shall prevent the state from making any special provision for women under Article 15 (3) of the Constitution of India. In order to achieve the goal of gender equality and to provide gender justice to women, the Government of India has initiated several programmes for empowering women and to this effect the National Commission for Women was set up in 1990 by an Act of the Parliament with the mandate to monitors the implementation of policies and programmes for women. Keeping in view the importance of Education for Women’s Equality as envisaged by the National Policy on Education, 1986 and Programme of Action, 1986, the National Committee on Self Employed Women and Women in the Informal Sector recommended in 1993 not to impart mere literacy, rather deliver education service which should lead the women to

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2 The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them.
3 There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.
4 Nothing in article shall prevent the State from making any special provision for women and children.
deal with the question of equality, social justice and self-confidence. Despite all these
effort, the existing scenario of women education in India is far from satisfactory.
Majority of them are yet to acquire literacy skills. So, the priority should be given to
women education then to incarceration, bread to whip and more, life to death.
Focusing on the importance of education Supreme Court in *Uni Krishnan, J.P. vs.
State of Andhra Pradesh* cited the following passage from 'Neethishatkatm' by
Bhartruhari (First Century B.C.) Translation:
"Education is the Special manifestation of man;
Education is the treasure, which can be preserved without the fear of loss;
Education secures material pleasure, happiness and fame;
Education is god incarnate;
Education secures honor at the hands of the state, not money;
A man without education is equal to animals".

Census of India, Report 2001 reveals that three fourth of the male and a little
over half of the female are literate in India. The female literacy has increased from 8
per cent in 1951 to 54 per cent in 2001. The rise in women's literacy rate is also faster
than that of men. Consequently, the gulf between male and female literacy rate has
decreased from 28.84% in 1991 to 21.70% in 2001.

The empowering of women through education has been primary concern of
civil society. Through successive Five Year Plans, the Government of India has also
envisaged upliftment of women through education. Every effort has been made to
ensure availability of primary education to all girls. So far as enrolment of girls in
different disciplines in Indian Universities is concerned, the majority of girl students
have been enrolled in Humanities and Social sciences. Their enrolment in
Engineering, Technology and Law is meagre. Disparity between woman and men
with regard to their respective educational status could also be seen at other levels of
education system as well. Women's educational development and growth in our
country is depressing and demotivating which has the potential of causing their
backwardness in the field of employment as well. Government has now made higher
education its thrust area with a view to increasing the gross enrolment ratio to 15 per
cent by the end of the 11th Plan. A key announcement budget was in the form of a
student loan for economically weaker sections. Under this scheme, eligible students

5 AIR 1993 SC2178.
will be provided full interest subsidy during the period of moratorium. It will cover loans taken by such students from scheduled banks to pursue any of the approved courses of study, in technical and professional streams, from recognized institutions in the country. An estimated five lakh students would benefit from this scheme.

Further, the Finance Minister has extended the scope of Section 80E of the Income tax Act, providing tax exemptions for educational loans to pursue higher studies in specific areas to cover all sectors including vocational studies after school. While the Plan outlay for higher education has been raised from Rs. 6,800 crore in 2008-09 to Rs. 9,596 crore, the allocation for school education and literacy remains static at Rs. 26,800 crore. However, the non Plan outlay in both departments has gone up sizeably; primarily owing to the increase in salaries following the implementation of the Sixth Pay Commission recommendations.

The Finance Minister announced the setting up of a National Mission of Female Literacy. This mission-mode exercise to reduce female illiteracy by half in three years will focus attention on the minorities and SCs and STs. To make the best use of the demographic advantage the country has in terms of a large percentage of young population, he increased the allocation for the ‘Mission in Education through ICT’ scheme to Rs. 900 crore.

Inspired by these Constitutional safeguards, the State has enacted various legislative measures to provide protection to women against social discrimination, violence and atrocities and to prevent child marriages, dowry, rape and practice of sati, etc. The Equal Remuneration Act, 1976 provides for equal pay to men and women for equal work. The Hindu Marriage Laws Amendment Act, 1955 has been amended by the Hindu Marriage Laws Amendment Act, 1976 to provide for the right of a girl to repudiate a child marriage before attaining maturity whether the marriage has been consummated or not. The Act 1956 for Suppression of Immoral Traffic against Women and Girls was amended in 1986 to make the sexual exploitation of female, a cognizable offence. It was renamed as “The Immoral Traffic (Prevention) Act of 1986”. An amendment brought in 1984 to the Dowry Prohibition Act, 1961 made women’s subject of cruelty a cognizable offence. A second amendment to the Act in 1986 makes the husband or in laws punishable, if a woman commits suicide within 7 years of her marriage and it has been proved that she has been subject to

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cruelly. The Child Marriage Restraint Act, 1929 rises the age for marriage of a girl to 18 years from 15 years and that of a boy to 21 years. The Factories Act, 1948 provides for establishment of crèche where 30 women are employed. The Medical Termination of Pregnancy Act, 1971 legalized abortion by qualified professional on humanitarian or medical grounds. The enactment “Indecent Representation of Women (Prohibition) Act, 1986” and the “Commission of Sati (Prevention) Act, 1987” have also been passed to protect the dignity of women and prevent violence against them as well as their exploitation.

Over the decades the general public has come to repose absolute faith in the judiciary. The Supreme Court of India has responded to issues of gender justice in a positive manner. It has made a determined bid to assuage the women’s grievances against discrimination by upholding their Constitutional and legal rights. Some of the recent decisions given by the apex court significantly advance the cause and dignity of women. In Ningunmar vs. Chikkaiah Case7 compulsory blood test to determine paternity was held to be violative of fundamental right of life or liberty. In Chandrima Das Case8, the Supreme Court has held that where a national a Bangladeshi woman was gang raped, compensation can be granted under public law (Constitution) for violation of fundamental right on the ground of ‘Domestic Jurisprudence’ based on Constitutional provisions and Human Rights jurisprudence., Danai/ Latif & another vs. Union of India9, in which the Constitutional validity of Muslim Women (Protection of Rights on Divorce) Act, 1986 was upheld and held that a Muslim divorced woman has right to maintenance even after iddat period under the 1986, Act; John Vallamattum vs. Union of India,10 in which Supreme Court struck down section 118 of Indian Succession Act, 1925 restricting bequeathing of property for religions or charitable use except in the manner provided therein. It was observed that the right to equality of women vis-à-vis their male counterparts is accepted worldwide. It will be immoral and illegal to discriminate woman on the ground of sex; CEHAT vs. Union of India,11 the Supreme Court referred to the repercussions of unhindered female infanticide effecting overall sex ratio in various states. The court issued directions to Central government, State governments, Union territories, and appropriate authorities

7 AIR 2000 Karnataka 50.
8 Chairman, Railway Board vs. Chandrima Das, AIR 2000 SC 988.
9 J.T. 2001 (8) SC 218.
of the implementation of the enacted Act; In *CEHAT & others Petitioners vs. Union of India & others Respondents*, the apex court made the registration of the clinics with ultrasound machines mandatory and directed the state governments to the suitable action for creating awareness in public.

In this way, judiciary has acknowledged the concept of 'Gender Equality'. Gender equality is a multi-faceted concept which implies equality of opportunity in economics as well as socio-political and legal aspects. Gender sensitivity is a bent of mind which may come through socialisation by the family and other associations, educational institutions, etc. alternatively, it may be the result of intellectual conviction developed at a later stage through the acquisition of certain types of knowledge and gradual extension of one’s other social value. To curb down the menace of existing gender inequality many steps have been taken at national as well as international level, but still a lot needs, to be done to stamp out the growing violation of women’s dignity. Gender justice remains a far cry all over the world as has been highlighted by *Human Development Report, 1995* brought out by the United Nations Development Programme. Though the world as a whole has moved closer to gender equality, over the past two decades, there is still no society, where women fare as well as men.

It is not ironical that when Indian mythology places women on a very high pedestal and they are worshipped and Honoured, Goddess of learning is Saraswati; of wealth Laxmi; of power Parvati, we adopt double standards in so far as her guaranteed rights are concerned. There has been over the decades an alarming decline in moral values all around and that today is a great challenge which we face particularly in our country. In the name of progress and advancement, we are losing out on our moral values. It is rather sad that while we keep celebrating women’s right in all spheres, we show no concern for her honour and her dignity.

Internationally, the *World Conference on Human Rights, 1993* at Vienna, which was one of the main turning points in women’s right declared that human right of women and of the girl child are inalienable integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic and cultural life at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the

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12 AIR 2002 SC 3689.
international community. The conference urged upon government's institutions, inter-
governmental and non-governmental organizations to intensity their efforts for
protection and promotion of human rights of women and the girl child\textsuperscript{13}. It's, for the
first time, recognized the gender based violence against women in public and private
life as a human rights concern. The Vienna Declaration specifically condemned
gender based violence and all forms of sexual harassment and exploitation. The
conference concludes that:

"The human rights of women and of the girl-child are an inalienable, integral and
indivisible part of universal human rights. The full and equal participation of women
in political, civil, economic social and cultural life at the national, regional and
international levels, and the eradication of all forms of discrimination on grounds of
sex are priority objective of the international community."

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During the 19\textsuperscript{th} century, because of western impact, advancement of knowledge and
education, there had been rise in the awareness of women about their status. This
growing awareness had led to measures to protect their rights.

It is universally acknowledged that education is the key to the transformation
of women but the educational system itself does not seem to be free from the rampant
bias against women. Statistics reveal that in almost all the stages up to higher
secondary level, women teachers are less than half of the male teachers.

In India, women have been held in high esteem at all times, of women, Manu,
the ancient law giver, spoke in the most eloquent and reverential tones:

\textit{A father excels ten Upadhayas in glory} \\
\textit{But a mother excels a thousand fathers.}

Since time immemorial, she is the embodiment of sacrifice and suffering. As a
mother, she is almost delightful. Taking blessing and inspiration from her, whatever
works a man undertakes, succeeds. Thus, a man is delighted being able to get her
touch, her good wishes. From her he acquires ability to work and becomes active with
her power, such is the conception of Indian Philosophy. According to Indian tradition
since the inception of society, woman has been treated with great honour and dignity,

\textsuperscript{13} Vienna Declaration and Programme of Action, June 1993.
though occasionally we do find derogatory references to woman. While analyzing the Indian History and Puranas, the facts reveal that the relationship between a man and a woman has always been in a state of flux and there has been a sea change in the position, rights and status of woman since the dawn of civilization.

Whether a citizen has a fundamental right to education for medical, engineering or other professional degree colleges was a prime issue for judicial consideration in the cases of *Mohini Jain*¹⁴ as well as *Unni Krishnan vs. State of Andhra Pradesh*.¹⁵ In *Mohini Jain*’s decision, the Supreme Court declared that imparting of education as a State function as well as education as a right was implicit in and flowed from the right to life guaranteed by Article 21¹⁶ of the Constitution. But in *Unni Krishnan*’s judgment, the Supreme Court modified the *Mohini Jain*’s decision and restricted a right to education only to be level of primary education that too subject to the limits of economic capacity and development of the State.

Though there are various definitions of the term ‘Education’ I would like to mention few definitions which are worth quoting. Mr. Will Durant defines ‘education’ as the “transmission of civilization”. George Bernard Shaw, one of the eminent thinkers of the last century, while talking about ‘education’ spoke thus:

“A fool’s brain digests philosophy into folly, science into Superstition, and art into pedantry. Hence University education”

George Peabody has defined ‘education’ as follows:

“Education: a debt due from present to future generations.”

The purposes of education are manifold. Someone has rightly called it the beauty of learning. It has energy, Prowers, animation, activation and inherent potentiality of transformation.

*Bhartruhari*, the famous poet, sang in the glory of ‘Vidya’, translation of which mean that education is the most resplendent exposition of a man and in it inheres the concept of quintessential treasure. It is the bedrock of all happiness, fame and pleasure. Education is the preceptor of the teacher and acts as a dear friend in travel and is the supreme creative intelligence. It is education but not money which is

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¹⁴ AIR 1992 SC 1858.
¹⁵ AIR 1993 SC 2178.
¹⁶ No person shall be deprived of his life or personal liberty except according to procedure established by law.
honoured and respected in the royal assembly. For these reasons, a man without education is equated with an animal.

Another Sagacious sage has said as follows:

"Na Chauraharyama Na Che
Rajaharyam, Na Bhartrubharyama
Na Cha Bharakari,
Vyaye Krite Vardhata Eva Nityam
Vidya Dhanam, Sarva Dhanam Pradanam."

From the aforesaid it is quite luminescent that it is education, the real hidden treasure in a human, which comes to his aid. Not for nothing it has been said that the process of evolution from ignorance to knowledge, from knowledge to wisdom and from wisdom to understanding of consciousness takes place through education which is regarded as a part of dignified attainment. It is education which teaches purity of mind, righteousness of conduct and truthfulness of soul and prowess to assert for right.

Education has its functionalism in almost all spheres of life. Its signification can never be marginalized. An educated society prepares the present generation for a bright future and enables the individual to galvanize the capacity of collective. More than 2300 years back Chanakya has said: "That mother and that father are enemies, who do not give education to their children"

In the recent past Nelson Mandela has proclaimed: "Education is the most powerful weapon which you can use to change the world." Liberty, equality and fraternity, the three principles on which the French Revolution of 1789 was based did not mean liberty for women and equality between men and women. The concept of equality, even for Karl Marx, did not call for any adjustment in the position of men and women. In contrast, Joseph Mazzini who, in the days when political thinkers could provoke only the thought of rights, could exhort in his essay "Duties to the Family" to forget that man was in any way superior to woman, said:

"Love and respect Woman. Do not seek only consolation in her, but strength, inspiration, redoubling of your intellectual and moral faculties. Blot out of your mind any idea of superiority to her; you have none whatever. The prejudice of ages has created through unequal education and the perennial oppression of the laws that apparent intellectual inferiority which you use today as an argument for maintaining
the oppression. But does not the history of all oppression teach you that those who oppress rely always for their justification upon a fact created by them?"

By the time the Constitution of India was drafted the demand for equality between men and women was fully recognized. The UN Charter is the first's ever international agreement to proclaim gender equality a fundamental woman right. Inter-government Commission on the Status of Women met for the first time in 1947 to discuss implementation of the UN Charter when writing of the Indian Constitution was under way. The Universal Declaration of Human Rights, 1948 like the International Covenant of Economic, Social and Cultural Rights, 1966 lays stress equality between men and women. Convention on Elimination of Discrimination against Women, 1981 (CEDAW) adopted by the General Assembly in 1979 has come to be recognized as an International Bill of Rights for Women.

The fundamental rights and the Directive principles which themselves have incorporated the equality principles have been perceived to have been influenced by the Universal Declaration of Human Rights, 1948. In Kesavananda Bharati vs. State of Kerala17 Chief Justice Sikri observed.

"I may here mention that while our fundamental rights and directive principles were being fashioned and approved of by the Constituent Assembly, on 10-12-1948, the General Assembly of the United Nations adopted a Universal Declaration of Human Rights. The Declaration may not be a legally binding instrument but it shows how India understood the nature of human rights."

The Constitution makes specific mention of equality between the sex in Articles 1418, 15 (1)19 & (2)20 and 16 (1)21 and 16 (2)22 which prohibit discrimination against women and also can make affirmative action which is so adequately spoken in CEDAW and subsequent declarations aimed at implementation of CEDAW.

17 (1973) 4SCC 225.
18 The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.
19 The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them.
20 No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to-
   (a) access to shops, public restaurant, hotels and places of public entertainment; or
   (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of general public.
21 There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.
22 No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.
directive principles of State policy contained in Part IV of the Constitutions direct the State to protect human rights of women including right to equal pay for equal work, the right to health and work in hygienic conditions, right to maternity benefits, etc. The Equal Remuneration Act, 1976, the Maternity Benefit Act, 1961, the Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, the Dowry Prohibition Act, 1961 and the Immoral Traffic (Prevention) Act, 1956 are some of the enactments which owe their existence to those provisions of the Indian Constitution. Even without CEDAW and other Conventions, the State was under obligation to bring about gender justice. And yet the importance of the international Covenants cannot be lost of sight.

It is a widely held view across societies that it is through education that women can gain better knowledge of how to organize their lives and acquire the prerequisites to challenge and dismantle the prevailing order of inequalities. Education is, therefore, viewed as the most effective tool of reducing social inequality and deprivation as well. In India, the political leaders, social activists and reformers have acknowledged this point of view for over a century. In order to realize the Constitutional principles of equality of educational opportunities, educational policies as well as official documents since independence have constantly laid emphasis on increasing participation of women in the system of education.

Conventionally, the concept of 'equal educational opportunities,' is understood to mean providing everyone equal opportunities to obtain education. However, in recent decades it is argued that equal educational opportunities mean more than mere providing access to educational facilities or services; rather it involves a range of issues.

Gender bias is not endemic to education but is systematic. Indian has an early and rich tradition of education of women. The high point on women’s education and status was the Vedic period. Education of girls and women in India through the 19th century up to the time of independence, developed largely through private effort, the lead given by the Christian missionaries for setting up the first institution for female education was followed by large scale effort, on the part of the social reformers who gave overriding priority to female education as the driven arm of social generation and freedom from alien rule and obscurantism. Raja Ram Mohan Roy (1772-1833) championed modern education, equal rights for women, advocated the rights of widows to remarry and the right of women to property. Iswar Chandra Vidya Sagar
(1820-91) dedicated himself to the emancipation of women and worked hard to promote education to girls. On the regional level, *Jyotiba and Sabitri Bai Phule in 1873* opened the first school for lower caste’s girls in Maharashtra. *Kandukari Veerasalingam (1848-91)* pioneered the movement in support of widow remarriage and girl’s education in Andhra Pradesh. *Arya Samaj* worked as a vehicle of social reform especially through education of women and men. *Vivekananda (1861-1902)* took keen interest in the improvement of education of women. *Annie Besant* also contributed to the growth of education of women. There were reform movements worked for the emancipation of women, fighting the system of purdah, polygamy, and child marriage. There were instances of participation of women in the Freedom Movement which accentuated the need to give special attention with respect to their education.

Indigenous education system had in existence before the advent of British rule in Bengal and other provinces, the educational institutions were for example, *Tol, Chatuspathi, Guru Mahasayer Pathsha, Moktab, Madrasa, and, Immbara*. The foundation of the system of English education that exists in India today was laid in the eighteenth century, not by British administrators but by missionaries and private individuals. In early years company was engaged in fostering some proselytizing and educational activities within its possession. The first school for girls was established by one *Swedish missionary in 1787*. The free school society was formed in 1789, and in 1800 the old charity school, which had existed some time before 1756, was merged into it. *Calcutta Free School in 1794* and two other schools for Christian girls were established at Zanbazar, Calcutta in 1798.

*Mr. J.E.D. Bethune (1801-51)* was the law-members of the executive council of the *Council of the Education* from 1848-1851. He was keenly interested in the education of women. After his arrival in India he began to consider ways and means to foster it. For the development of women’s education *Brahmmo Samaj* had a worthy mentioning role. *Keshab Chandra Sen* established a female teacher’s training school in 1871. An Adult School was established at Dacca in 1873 by *Brahmo Samaj, Radhakanta Deb, Kishore Chandra Mitra, and Akshay Kumar Dutt*, played a vital role in the development of women education in Bengal. From late 19th century to early 20th century female education began to flourish rapidly, but it was confined within school level. One Muslim women personality *Begum Rokeya Sakhawat Hossain (1880-1932)* played splendid role in the emancipation of Muslim women.
It is worth mentioning that the Muslims community took part in modern education after one hundred years than Hindu community. If Sir Syed Ahmed, Ameer Ali, Nawab Abdul Latif and Begum Rokeya would not have taken step for education for Muslims the whole community would have been more backward. Moreover the matter of women education could have remained beyond the imagination of Muslims. In the genesis and development of women education in Bengal the pioneering role was played by various agencies like Christian Missionaries, enlightened foreign personalities, the Government of India and Bengal social reformers. The progress of female education in Bengal was accelerated by the 19th century “BENGAL RENAISSANCE” which enlightened and widened the horizon of Contemporary Bengali intellectuals and made them feel that for the advancement of the country a whole upliftment of women from their degraded condition was the most necessary thing and to achieve this women must be educated.

According to the Constitution of India, all children between 6 and 14 years have a fundamental right to free and compulsory education as well be detailed in law by the Government. This is similar to our basic fundamental rights such as the right to life, equality, and freedom of expression, freedom of religion, right against exploitations, and right to Constitutional remedies.

In the Original Constitution, this was in form of a Directive principle to be implemented within 10 years. The Constitution said: “The State shall endeavour to provide within a period of 10 years from the commencement of this constitution, for free and compulsory education for all children until they complete the age of 14 years.” The Supreme Court in the Unni Krishnan vs. State of Andhra Pradesh23 ruled that right to education flows from the right to life in Article 2124 of the Constitution. In 2002, education as a fundamental right was passed in the form of 86th an amendment vides Article 21A25 and fundamental duty upon the guardian to send their wards to school vide Article 51A (K)26.

23 AIR 1993 SC 2178.
24 No person shall be deprived of his life or personal liberty except according to procedure established by law.
25 The State shall provide free and compulsory education to all children of the age six to fourteen years in such manner as the State may, by law, determine.
26 Who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.
The 1976 Constitutional amendment made education a concurrent subject, meaning it was the responsibility of both the Central and State governments. Education is a concurrent subject, meaning it is the responsibility of both States and Central governments.

Education opens the door of perception, intuition and discernment and is a testament to one’s desire for knowledge and understanding, for human dignity for knowledge and understanding, for human dignity, decency and moral progress. Education is also regarded as one of the means to enable women to assert their rights, overcome constraints and to achieve emancipation. Education is significant especially for girls and women because it is not only an entry point to other opportunities, but also has multiplier effects within the family and across the generations. The educational achievements of women can increase their strength to resist oppression, to protest against gender based inequality and to get a fairer deal in the society. The process of education and its attainment has an impact on all aspects of women’s life. The Nairobi Conference\textsuperscript{27} highlighted ‘education’ as the basis for the promotion and improvement of women’s status and a tool to support their role as equal partners in society.

Women’s education is affected by the Socio-cultural milieu in which the people live. Despite the great significance of women’s education, it has not received due attention. Historically, women in ancient India were held in high esteem. In Rig-Vedic period, women enjoyed a position of equality and were respected both in the family and society as well. They were imparted education like men and enjoyed considerable freedom in their lives. During this period, some women even composed Vedic hymns and participated in public academic discourses. The evidence shows that during the Rig-Vedic period itself, at least 33 Mantras of the Rig-Vedic were composed by women. The Rig-Vedic speaks of women’s education as “Mother should impart proper education to her children so as to broaden the horizon of their ideas,” in the later Vedic period, women’s position deteriorated to some extent because of the undesirability of daughters and due to certain internal changes in society. In the latter Vedic period, institutions of marriage and family and some Brahminical notions confined women to homes, and there was a gradual decline in

\textsuperscript{27} World Conference to Review and Appraise the Achievements for the United Nations Decade for Women: Equality, Development and Peace were held at Nairobi from 15 to 26 July 1985. This Conference was held in pursuance of the General Assembly Resolution of 11 December 1980.
female education. However, women of royal, rich and cultured families used to get their education like their male counterparts. In the post-Vedic period, women became a condemned section of the Hindus society. They were considered dependent on men throughout their lives. They were denied spiritual education and were confined to their homes and husbands. It was subsequent to the days of Manu that women suffered a setback and their education declined. The Medieval period strengthened three atrocious practices female infanticide, child marriage and sati in the Hindu society. The marriageable age of girls generally was 9 to 10 years. This gave practically a death blow to any education worth the name to women. Women’s education suffered a lot with the advent of Muslim rule. The purdah system was introduced, which confined most of the women to the four walls of their houses, and deprived them of education.

With the advent of independence, education of girls as well as that of boys was recognized as a cardinal need, a sine qua non for national progress and development and a tool for bringing about social equality and transformation by our leaders, planners and policy makers.

It has been realized in free India that education of women is more important than that of men. The Radha Krishnan University Commission Report, 1950 states that “there cannot be educated people without education of women. If general education had to be limited to men or women, that opportunity should be given to women; for then it would most surely be passed onto the next generation.” The Kothari Commission Report, 1966 also pointed out that “the significance of the education of girls cannot be over emphasized.” For full development of our human resources, for the improvement of homes and for moulding the character of children during the most impressionable years of infancy, the education of women is of even greater importance than that of men.

A National Committee on Education for girls was set up in 1958 under the chairmanship of Smt. Durgabai Desmukh who recommended concentrated attention and their important issue and allocation of resources for greater facilities to girls at primary and secondary levels. It also recommended the setting up of national and state level councils for the promotion of female education. A resolution to this effect in the National Policy on Education was placed in 1968. The National Policy on Education, 1986, viewed education as a premier instrument for promoting equality of status and opportunities between men and women. It regarded education as an agent of basic
change in the status of women. It stated that the national education system would play a positive, interventionist role in the empowerment of women. It also stated that women's studies would be promoted as a part of the various courses and educational institutions would be encouraged to take up active programmes to further Women's Studies Centre's / Cells set up in various universities and colleges with financial support from the University Grants Commission essentially function to promote the goals as stated in the National Policy on Education.

In May 10, 1990, the Government of India, appointed a 17 number committee to review the implementation of the National Policy on Educations, 1986 with Acharya Ramamurti as its chairman. The committee submitted its report under the title “Towards an Enlightened and Humane Society”, which stated that in order to promote participation of the girls and women in education at all levels, there was a need for an integrated approach in designing and implementing the schemes that would address all the factors that inhibit their education. Education of women is not to be construed merely as a question of having access but of empowering them to have equality of sexes without any discrimination.

The Programme of Action (POA), 1992 provides for a high level inter-ministerial committee for women’s education in the Department of Education, Ministry on policies and programmes related to girl’s education and to accelerate planning mechanisms to ensure provision of essential support services that will enhance women’s access and participation in education. The programme of Action of National Policy on Education, 1992 entitled its first chapter as ‘Education for women’s equality’. It is vital component of the overall strategy of securing equity and social justice in education. According to it, education can be an effective tool for women’s empowerment.

The Government of India has initiated various schemes and programmes to promote and accelerate education among girls and women both at the Central and State levels. A number of programmes are being implemented by the government such as Mahila Samakhya, Sarva Shiksha Abhiyan, Mid-Day Meal Scheme, District Primary Education Programme, and National Programme for Education of Girls at Elementary level, Kasturba Gandhi Balika Vidyalaya Scheme, etc. Out of these, two flag ship programmes of the Government are the ‘Sarva Shiksha Abhiyan’ and the ‘Mid-Day Meal Scheme.'
Apart from their schemes and programmes, the *Department of Women and Child Development* has also introduced schemes like condensed course for education and vocational training, and *distance education* programme for women for extending and enlarging the scope of education among women and girls child. Further, under a centrally sponsored scheme, efforts have been made to arrest as far as possible with a focus on the girl’s students belonging to Scheduled castes, Scheduled tribes, other backward classes, minorities and other socially disadvantaged groups who are usual victims through providing hostel facilities and other incentives like scholarships, educational aids and other related support. Beside these, education is also made free for all girls up to the higher secondary stages in most of the States and Union Territories and many States have made girl’s education free up to the University level. There are many special scholarships for girls announced by the Government and other agencies. Further, the efforts are being made by the Government to encourage the participation of girls in vocational and technical programmes at different levels in order to promote their participation in non-traditional and modern occupations in the context of the present era of globalization and liberalization. The conscious efforts are also being made to improve the content and process of education from gender bias and sex-stereotyping, and making the curriculum at all levels of education more gender sensitive and gender friendly.

Gone are the days when women were no better than household cooks and nurses for the children. Today, Indian women want equality, education and recognition. They are realizing their rights in society and are aware that they are no less efficient than men. Their number is growing in schools, colleges and even in universities day by day. More girls are coming out with flying colours in public examinations than boys. The pass percentage of girls is higher than that of boys. There is no field where girls and women have not entered and won praise and appreciation.

It may also be stated that even after six decades of independence still about half of the women population in India cannot read or write and they constitute the world’s largest number of unlettered women in any country. A large gender gap in literacy still persists. The gap between male and female literacy was 18.30 per cent in 1951, which has increased to 21.96 per cent in 2001, whereas in an ideal situation, their gap should have been brought down considerably.
It was in 16th century, when the Queen Poetess Habba Khatoon of the Himalayan State Kashmir woke up to generate awareness about the miseries and sufferings of the female folk. She laments in a lyric as to how people looked at a female on her birth in the following words:

"Unwanted and un-craved was I born; 
On my birth many hearts were torn. 
Accepted all this without a groan 
Deserted love kept me forlorn." 28

‘Kanyeyam Kula –Jivitam’ the girl is very life of the family, observed Kalidasa. The Mahabharata declares, ‘Niyam nivaste ’ lakshmi Kanyakasu pratish pratishthia. In the person of a girl, resides every steady fortune as well as grace. The greatest homage paid by Manu to women is expressed thus:

“Yatra naryastu pujyante romante tatra devatah 
Yatraitastu na pujyante sarvastara phalah kriyah”.

From the immemorial, India has always honoured women. Manu and his six commentator’s viz., Mednatithi, Govindaraja, Sarvajnanarrayana, Kullu Kabhatta, Raghavananda, Nandana,Ramchandra have paid eloquent testimony to the greatness of Indian womanhood. Besides these Yajanvalkaya, Vatsyayana, Nardas and other have paid glowing tributes and honoured women. English education broadened the outlook of Indians to a considerable extent. The missionaries may be said to be torch bearers of modern education in India. Celebrated among those who had dedicated themselves for the course of women education were Francina Sorabji, Ramabai Ranade, and Pundita Ramabai. It was in 1971 that the first Women’s University was founded in Poona. In 1932 the lady Irwin College was founded in Delhi in order to make women utilize the advantage of science in their homes and to add to them the loveliness of art. The Madras university instituted post graduate course in dietics, cookery, and house keeping hygiene and sanitation, and many other Universities followed the example of Madras. G.K. Deodhar, one of the founder members of the Servants of India society dedicated a major part of his life for the cause of women’s education. D.K. Karye was a staunch protagonist of widow remarriage and devoted his energies to the work of the education of the widows. The establishment of the

S.N.D.T. Women’s University dispelling ignorance of hundreds of women was the glorious climax of that modestly begun work in the field of social work.

Vivekanand’s ideal of women in India is the mother first and the mother last. The word woman calls up to the mind of Hindu, motherhood; and God is called Mother. He laid great stress on education of women. ‘Religion, arts, science, housekeeping, cooking, sewing, hygiene the simple essential points in these subjects ought to be taught to our women’ observed swamiji’. He held strong conviction that women should be taught the value of liberty, self initiative and heroism. He felt that India’s downfall was due to the position of subjugation in which the Indian women were kept. Vivekananda was the early founder of the institutions devoted to the welfare of the mass of Indian people and women in particular. Thus, Swami Vivekananda raised his powerful voice many decades ago on behalf of our women. Adopting the verse of the Katto Upanishad, Uthisthata, Jagrata, prapya, verrn, and nibhodhata. Vivekananda pro-claimed: ‘Arise awake, and stop not till the goal is reached’.

Pandit Jawaharlal Nehru, the first Prime Minister of India, in his speech in Madras, dated 22 January, 1955 stated that “Truly no argument is required in defence of women’s education. For my part, I have always been strongly of the opinion that while it may be possible to neglect men’s education it is not possible to neglect women’s education. The reasons are obvious. It you educate the women, probably men will also be affected thereby, and in any event children will be affected. For every educationist knows that the formative years of a person’s life are the first seven or eight years. We talk about schools, and colleges which are no doubt important, but a person is more or less made in the first ten years of his life or her life. Obviously, in that period, it is the mother who counts most of all. Therefore the mother who has been well trained in various ways becomes essential to education. Most mothers, trained otherwise, I regret to say, are not good mothers. They are too soft. They stiff their children with all kinds of stables, put to many clothes on them, wrap their necks and heads and ears with all kinds of woolen apparel and make the boy or girl almost an imbecile before he or she grows up. Therefore, it is necessary for women to be educated, if not for themselves, at any rate for their children......”

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles of State Policy. Within the framework of a democratic polity, our laws, development policies, plans and programmes have aimed at women's advancement in different spheres. The women's movement-wide-spread network of non-governmental organizations having a strong grass roots presence functioning in various areas and levels and deep insight into women's concerns have contributed in inspiring initiatives for the empowerment of women. The underlying motive for enshrining gender equality in the Constitution and efforts thereafter is the realization that a happy and vibrant society will not be a reality without educated and empowered women. However, despite concerted efforts in the direction of the goals enunciated in the Constitution, legislations, policies, plans, programmes and related mechanisms, a wide gap still exists between the theory and practical reality of the status of women in India. Gender inequality persists in various forms and at almost at all levels. The underlying causes of gender inequality are related to (in) formal norms and practices deep rooted in patriarchal socio-economic structure of our society. The Indian society is a patriarchal system in which women's position within the structure and duties towards the family precede their rights as individuals. These structures are tightly woven but there always is scope for modification and education is the key for restructuring.

The question whether the right to life is limited only to protection of limb or faculty or does it go further and embrace something more was arose in Francis Coralie vs. Administrator, Union Territory of Delhi\(^\text{30}\), the court when celebrating the right guaranteed under Article 21\(^\text{31}\) of the Constitution of India held that the right to life includes the right to live with human dignity and all that goes along with it, namely the bare necessaries of life such as adequate nutrition clothing and shelter and facilities for reading writing and expressing oneself in diverse forms, freely moving about and mixing and commingling with fellow human beings. Subsequently, the Supreme Court had an occasion to interpret right to education vis-à-vis right to life in Bandhua Mukti Morcha vs. Union of India\(^\text{32}\), the Court speaking through Bhagwati, J, (as he was than) held that "right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principle of State

\(^{30}\) AIR 1981 SCat 746.

\(^{31}\) No person shall be deprived of his life or personal liberty except according to procedure established by law.

\(^{32}\) AIR 1984 SC at 802.
policy and particularly clause (e) and clause (f), of Article 39 and Articles 41 and 42 and at least therefore it must includes protection of the health and strength of workers man and women, and of tender age of children against abuse, opportunities and facilities to the children to develop in healthy manner and in conditions of freedom and dignity, educational facilities.

These are the minimum requirement which must exist in order to enable a person to live with human dignity. Bringing the right to education within the purview of Article 21 has for reaching consequences. The preliminary question is; whether this amount to extending the meaning of the expression "right to life" far beyond the original intent of the Constitution, makers is justified. It was also pointed out in Constituent Assembly that the right to life does not merely mean the sanctity of either human or animal life. It means also the fullest opportunity to develop ones personality and potentiality to the highest possible level.

However, the question of the fundamental right to education, its scope and limitation directly came up before the Apex count in Mohini Jain's Case where the court opined that "the right to education has been treated as one of the transcendental importance in the life of an individual has been recognized not only in the country since thousands of year, but all over the world. The court further observed that without education being provided to the citizens of this country, the objectives set forth in the Preamble to the Constitution cannot be achieved. The Constitution would fail."

'Right to life' is the compendious expression for all those right which the courts must enforce because they are basic to the dignified enjoyment of life. It extends to full range of conduct which the individual is free to pursue. The court following Francis Coralie's and Bandhua Mukti Morcha's Case observed:

"The right to education flows directly from right to life. The right to life under Article 21 and the dignity of an individual cannot be assured unless it is accompanied by the right to education".

33 See Article 38 of Constitution of India.
34 See Article 41, Ibid.
35 See supra note 25.
37 AIR 1981 SC 746.
38 AIR 1984 SC 802.
It is to be noted that education seeks to build up the personality of the people by assisting their physical, mental, intellectual, moral and emotional development, therefore it would be wrong to say that the right to life and personal liberty does not include right to education under Article 21\textsuperscript{40} of our Constitution and the court did not impose any limitation as to the age limit while availing this right of the people in the above case.

However, the whole doubt as regards to the emergence to fundamental right to education was removed by the Supreme Court in its landmark judgment in \textit{Unni Krishnan vs. State of Andhra Pradesh}\textsuperscript{41}, B.P. Jeevan Reddy, J. Speaking through the court held that right to life includes right to education. The citizens have a fundamental right to education. The said right flows from Article 21\textsuperscript{42}. Its contents and parameters have to be determined in the light of Articles 45 to 41. In other words every child / citizens of this country has a right to free education until he completes the ages of 14 years. Therefore his right to education is subject to the limits of economic capacity and development of the State. The court in the above case interpreted the right to education in the right to life and personal liberty guaranteed by Article 21\textsuperscript{43} in the light of the directive principles in Part IV of the Constitution, particularly Article 41 and 45.

From the decision in \textit{P. Cherriyakoya vs. Union of India}\textsuperscript{44} it is now well established that even though it is not expressly stated in Article 21, regarding the right to education, it forms part of the concept of "right to life". The right to education is implicit in the right to life and personal liberty guaranteed under Article 21\textsuperscript{45}. This right to education is to be understood in the background of Articles 45\textsuperscript{46} and 41\textsuperscript{47} of the Constitution and the State is under an obligation to establish educational institutions to enable the citizens to enjoy the said rights. Thus, Article 21\textsuperscript{48} acts as

\begin{itemize}
\item No person shall be deprived of his life or personal liberty except according to procedure established by law.
\item AIR 1993 SC 2178
\item See supra note 34.
\item See supra note 34.
\item AIR 1994, Ker 31
\item No person shall be deprived of his life or personal liberty except according to procedure established by law.
\item The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.
\item Right to work, to education and to public assistance in certain cases.
\item No person shall be deprived of his life or personal liberty except according to procedure established by law.
\end{itemize}
shield against deprivation of such right. Therefore, it has been established that the right to education is part of the fundamental rights.

Another significance question regarding right to education is what the parameters of this right is\(^49\) whether the State may be directed through the writs to provide education to all persons of the choice and to establish as many institutions of different disciplines as necessary for that purpose. In Mohini Jain's case, Kuldip Singh, J, opined that "the state is under a Constitutional mandate to provide educational institutions at all levels for the benefit of the citizens."\(^50\)

The final question arises whether the right to education remained subject to the economy of State as a Directive principles; the right to education means that a person has a right to call upon the State to promote educational facilities to them within limits of its economic capacity and the development.

But the court in Ramchandra Tandi v. State of Orissa\(^51\) directed the State to grant recognition and to provide financial assistance to the deaf and dumb sections of the physically handicapped school. The State in the instant case did not take the plea of poor economy but contested that the court had no jurisdiction. The court replied: "It is said justice is blind, but judges are not blind to the plight of the people. They are not deaf and dumb. They can hear the unspoken words of misery of the deaf and dumb, which need protection. Their hands are not paralysed. If the court fails to wipe out tears from the eyes of those who deserve it, it would be handicapped."\(^52\)

It is to be noted, that in the absence of legislation, the judiciary started with great dynamism and protected the right to education in its entire sphere. This judgment gave hope to all the people of India, rich or poor, that illiteracy will be wiped out from the Indian Soil.

The dream and prayer of Rabindra Nath Tagore for the future State of India can apply to the changed status of women in India and in the word:

"Where the mind is without fear and the head is held high;
where Knowledge is free;
Where the world has to broken up into fragments by narrow domestic walls;
Where words come out from the depth of truth;"


\(^{50}\) AIR 1992 SC 1858 1. (3) AIR 1993 SC 2.

\(^{51}\) AIR 1994 Ori. 228.

\(^{52}\) See supra note 49 at 286.
Where tireless striving stretches its arms towards perfection;
Where the clear stream of reason has not lost its way into the dreary deserted sand of dead habit;
Where the mind is led forward by thee
Into ever-widening though and action
Into that heaven of freedom, my father,
Let my country awake."

Traditionally, the system of higher education has been largely course-based, and as a result most educational activities have centered on the course. However, the past decades, has seen the introduction of a number of educational initiatives designed to enhance the accessibility and flexibility of higher education, bringing with them a number of significant benefits for both students and teacher. Higher education is now regarded as an institution not only for developing knowledge and training young minds, but for disseminating and applying such knowledge as well. The 20th century will be remembered for its intellectual discoveries of relativity and quantum mechanics, and for the interpretation of the structure of DNA discoveries that have enabled researchers to unravel some of nature’s secrets and the fundamental behaviour of some of its life forms. The university’s utilitarian perception of its mission, now regarded with greater emphasis and urgency, has come about largely as a result of these break thoughts of knowledge in the natural sciences.

Information technology has proven to be a powerful aid to the women’s education; but its potential has yet to be fully exploited. Its recent forays into the higher education industry, through the establishment of the ‘Virtual University’, has led some to forecast the demise of the traditional university structure as it is presently constituted. This is because of the several advantages the ‘virtual university’; has over the traditional one: it encourages collaboration between universities and staff in distant locations; it affords the ready availability of to first class libraries to students in varied institutions; and it is an excellent tool for cutting down costs. All that the internet is encouraging is the possibility of providing at lower cost the capacity to unite spatially disparate people. In this way, it enlarges the women research community to include those outside one’s physical neighbourhood, so that people with shared interests can interact while working in different places on the globe.

The challenge is for the world’s women community of higher educational institutions and researchers to make hope a reality, by finding ways to build bridges
between the worlds of north and south, first and third, men and women. The challenge is to ensure that all women's, irrespective of where they might find themselves, will be suitably positioned to contribute their best towards solving the world's complex problems, thereby giving substances to the International nature and universality of knowledge.

Education is undergoing constant changes under the effects of globalization. The introduction of information technology and communication is changing the delivery of education, changing the roles of students and teachers, and producing a shift in society. The changes in education due to globalization have also had profound effects upon a broad spectrum of cultures leading to suggestions of a new form of cultural imperialism. In addition, the structure of education is being altered to enable it to compete on an open, global market, leading to the 'Commodification' of education. Educational institutions around the world are being forced to compete globally, by engaging in entrepreneurial activities to sustain themselves in an uncertain and competitive world. Globalization impacts on many facets of life, including education. Rapid development in technology and communication are foreseeing changes within education system of the women's across the world as ideas, values, and knowledge vital to education, cross nation States and boundaries.

The rise of a global society, driven by technology and communication developments are shaping children, the future citizens of the world into 'global citizens', intelligent people with a broad range of skills and knowledge to apply to a competitive, information based society. The future of countries often lies within their ability to compete in a global market where industrial based economic are giving way to knowledge based industries, realizing the importance of "knowledge, skills and the intellectual capacity to meet the challenges of accelerated changes and uncertainty".

Education is becoming a lifelong and training process, developing transformable skills and knowledge that can be applied to competitive markets where knowledge is internationally traded as commodity. Globalization also creating a fast paced, competitive environment through technology and communication which education systems must keep up with. "Children cannot be effective in tomorrow's world if they are trained in yesterdays skills" is a statement that is particularly true for citizens of western, developed societies which are rapidly embracing the advancing technological and communication development into education system.
The introduction of technology into the classroom is changing the nature of delivering education to students from primary to tertiary levels. Print literacy, although still widely used is gradually giving way to a new form of electronic literacy. Blackboards are now being replaced by video projection screens, books with storage device servers and CD-ROM as well as the emergence of on-line digital libraries.

The transformation of technology and communication into education systems is being seen as a dawn of a new era where most colleges and universities must decide whether to change a little and remain in the academic candle industry or changing a lot and launch themselves into the academic electrical business. An increase in information technology business has been developing and replacing industrialization since, World War II. The rapid growth of television services, with their immense influence as media of mass communication, has been very relevant in the technological shift. Other large contributions to these shifts include the transistor and space satellites.

The introduction of the internet into class-rooms means that girl students must filter though a mass of information that is available to them and learn to deal with the complexity of this information. The internet is providing girl student with an interconnected world of knowledge to explore which they must decipher for themselves. Communication technology is offering new challenges for girls students of all abilities as they can discuss issues of concern with their fellow students from around the world, thus developing communication and interpersonal skills, fostering a mutual understanding across countries and cultures for individuals to explore new areas of learning and thinking that could not be done with a pen and paper.

Globalization and technological advancements are delivering and increasing access to the world and subsequently subjects should reflect this global outlook as we combine knowledge, creativity and intelligence through electronic correction spanning time and distance. Subsequently, there is demand for women graduates who are highly proficient in dealing with the dramatic, scientific, technology and cross cultural changes accruing throughout the world. While there is no "one stop destination for educational materials on the internet, the Educational Resources information centre comes close.

The internationalization of education, particularly higher, education is a growing phenomenon. Universities and colleges around the world are increasingly becoming forced to compete in the global capitalist market and engage in
entrepreneurial activity to sustain themselves in an increasingly 'uncertain world'. Universities are no longer always State controlled and are, more often than not controlled by transnational companies carrying names like Microsoft Corporation. Government’s support to universities to market themselves internationally as it provides education locally while at the same time creating revenue.

Education in this has literally become 'Comommodified'. But, is this commodity accessible to all, including people in developing countries like survives the ‘open market’? The internationalization of higher education can be linked to various internal and external changes in the international system.

Internationalising education means courses and topics, either existing or new, must be delivered in a global capacity which naturally means via the Internet and online. Coping with this technology requires huge amounts of time and money, not to mention expertise and skilled workers to deal with the technology. Tragically, Government funding to universities is suffering massive cutbacks leaving many longstanding institutions with little money, yet they are still expected to compete 'globally'. In order to attract foreign students and therefore foreign revenue, universities must provide the global consumers with what is demanded. Courses must be flexible, adaptable, online and above all, interactive between the various cultures around the world. For Universities, the internationalisation of education does it come easily. The internationalization of education almost gives the impression that the educational institution is no longer in control.

A prime example of the impact that globalization has on education is that in America Channel One TV, which exchanges free TV to school students, for the right to screen two minutes of commercial advertising during the school day. This sort of entrepreneurial activity pushes students in the direction of a globalised technocratic, consumeristic, fragmented world, when instead we need people to repair the damage that the world has done. Access to higher education remains one of the great inequalities in today’s global community.

The 'internationalisation' of education and therefore its globalization, is carrying the "full ensemble of western institutions to much of the developing world". Together with this and the decline of international economic aid, there has been a considerable amount of underpinning for university development in the poorer countries. The role of education has become more linked to globally competitive
positions. This in turn produces change in institutional approaches to the development of overseas education.

The World Declaration for Higher Education for the Twenty-First Century has reflected a commitment to provide "access to higher education... based on the merit of the individual". This raises an interesting question. In a rapidly expanding educational system, how affordable can higher education is? Access to higher education is a right; it should not be limited to 'the better off' due to inability to pay. Education is becoming more invaluable to individuals as society changes to cope in a globalizing world. In today's environment, education provides individuals with a better chance of employment, which in turn leads to a better life style, power and status. In an 'internationalised' society "globalization of education depends upon the existence of classes able to pay". Education, particularly full fee education "is an expensive commodity", those who receive it are regarded as being 'better off'.

The internationalisation of education leads to the distribution of future status and power, western institutions conveying their interests overseas by marketing 'our' universities is rather like 'selling a standard product that is marketed as being the right product for all occasions'. The need to sell education overseas is increasingly being interpreted as "a lifeline for higher education and vocational training providers squeezed by shrinking government education budgets". Universally, higher education has become an extremely competitive enterprise on the global capitalist market.

Now coming to the framework of the present study it has been divided into six chapters. Chapter one is introductory and chapter two brings out the development of education in India including its historical perspective, and conceptual. It highlights the development of women's education through various Commission reports. Chapter three mainly discusses gender equality and respect to women's education, opportunity, and Constitutional safeguards; such as protective discrimination and affirmative action. As it lays emphasis on Constitutional development, particularly with respect to the availability of women's education as a matters of right. As a result of dynamic judicial activism women's education has emerged as a fundamental right, this development has been included in this chapter. Chapter four brings out the situation of women's education after globalization. Globalization has had many obvious effects on women education at elementary stage and higher education. It discusses the scenario of women's education focusing on the facilities and freedom required to raise the same. Chapter five lays emphasis on elementary and higher
education for women, highlighting various policies and programmes adopted by the government for improvement of women education in India. The net result of the present study with certain observations, conclusions and suggestion has been discussed in the last chapter.

The methodology of the present work is mainly doctrinaire research where historical and analytical approach is followed. It involves four dimensional areas viz., the study of relevant Constitutional provisions, the study of relevant judicial decisions, to study the International Conventions and Instruments to combat women’s illiteracy in order to draw an inference how far their experience may be useful in India., and the study of academic opinions gathered from the books and articles published in the first rate journals. The available materials in these areas is studied and analysed in order to evolve the conspectus of the whole study. The cases of Supreme Court and High Courts are collected from All India Report and Supreme Court Cases. The present study mainly concentrates in relation to the Indian position.

Thus, the entire frame work of the present study has been divided in six chapters. Each chapter deals with the theme of women’s education keeping in view the equality rights, the concept of gender justice, the Constitutional safeguards, the judicial activism, the International Covenants and Conventions, various reports of the Government, Commissions reports, and World Women conferences, which had advocated for the access to education for women with par with men, and various education policies of the Government of India including Mahila Samakhya, Sarva Shiksha Abhiyan, Mid-Day Meal Scheme, District Primary Education Programme, and National Programme for Education of Girls at Elementary level, and Kasturba Gandhi Balika Vidyalaya Scheme.