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RIGHT TO EDUCATION OF GIRL CHILDREN IN INDIA

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I. ABSTRACT

Education is a fundamental right of every child and a foundation for dignity, confidence and informed citizenship. Yet poverty, gender bias, child marriage, domestic chores, safety concerns and inadequate school infrastructure continue to prevent many girl children in India from enrolling in, attending and completing school. Although Article 21A of the Constitution of India guarantees free and compulsory education to every child between six and fourteen years of age, equal access for girls remains both a social and a legal problem. The research problem addressed in this paper is whether the existing constitutional and statutory framework adequately secures the right to education of girl children, and where its enforcement falls short. Adopting the doctrinal method, the paper analyses the relevant constitutional provisions, including Articles 14, 15, 21, 21A and 51A(k); the Right of Children to Free and Compulsory Education Act, 2009; leading judgments of the Supreme Court; and official sources on government schemes. It finds that the framework is largely gender-neutral, that the parental duty to educate carries no sanction, that the gender ground in Section 2(d) of the Act has rarely been notified, and that the guarantee ends at fourteen, the age at which many girls leave school. It also notes that recent judicial developments, notably the recognition of menstrual health as part of the rights to life and education, have converted certain policy goals into enforceable obligations. The paper argues that legislation alone cannot secure the right without effective enforcement, adequate infrastructure, financial support and sustained social support. It proposes reforms including the notification of girls as a disadvantaged group, the enforcement of parental and State duties, and the statutory extension of free education to eighteen years. It concludes that girls' education is essential to gender equality, social justice and national development.

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II. KEYWORDS

Right to Education; Girl Child; Article 21A; RTE Act 2009; Gender Equality

III. INTRODUCTION AND RESEARCH PROBLEM

Learning is a critical component to the development of all people. It gives knowledge, enhances skills and contributes to the understanding of people's rights and responsibilities. All children, both boys and girls have the right to equal educational opportunities.

Education of girl children is one of the significant issues in Indian society and law. In certain families' girls are generally not encouraged to focus on educational pursuits but rather on marriage and domestic duties. Despite the progress made in society and equality in education, some girls are still being discriminated against.

If girls from poorer families are involved, they may encounter further challenges. Their parents might not have the funds to send them to school, or to buy books, uniforms and other school supplies. Some girls will be expected to care for younger siblings or engage in domestic duties. Others may drop out of school due to child marriage, safety issues and lack of schools near their homes.

Education and equality are accorded priority in the Indian Constitution. Article 21A provides free and compulsory education to children in the age group of six to fourteen years.[4] This constitutional right has been given effect through the enactment of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act).[5]

Equality, dignity and social justice are linked with the education of girl children. A well-educated girl has better opportunities to pursue higher education, obtain employment and make informed decisions. Their education is also of benefit to their families and society.

[4] Constitution of India 1950, art 21A.
[5] Right of Children to Free and Compulsory Education Act 2009.

Thus, education is not just the right to enter school, but the right to regular attendance, protection from harm and to be treated fairly, and the right to complete education.

The research problem addressed in this paper arises from the gap between this legal guarantee and the lived reality of many girls. Although the Constitution and the RTE Act guarantee elementary education to every child, the framework is largely gender-neutral, and girls continue to leave school because of barriers that the law addresses only in part. The paper therefore examines whether the existing constitutional and statutory framework adequately secures the right to education of girl children in India, and how its gaps may be remedied.

A. Research Objectives

The objectives of this paper are:

1. To examine the constitutional and statutory framework governing the right to education of girl children in India;
2. To analyse the contribution of the judiciary to the content and enforcement of that right;
3. To identify the principal barriers to the enrolment, attendance and retention of girls, and to assess how far the law responds to them; and
4. To suggest legal and policy reforms, each linked to a specific provision and a responsible authority.

B. Research Questions

This paper seeks to answer the following questions:

1. Do the Constitution of India and the RTE Act adequately secure the right to education of girl children?
2. How have the courts interpreted and enforced this right, and what is the present status of the leading decisions?
3. What social and infrastructural barriers continue to restrict girls' education, and how far does the existing law respond to them?

4. What legal reforms are required to make the right effective for girls?

C. Research Methodology

This paper adopts the doctrinal method of legal research. It analyses primary sources, namely the Constitution of India, the RTE Act, the Prohibition of Child Marriage Act, 2006 and judgments of the Supreme Court of India, together with secondary sources, including official publications and web pages of the Ministry of Education and the Ministry of Women and Child Development, and scholarly commentary. The study is descriptive and analytical and does not involve empirical fieldwork. Its scope is confined to the right to education of girl children in India, with particular reference to elementary education.

IV. MEANING OF THE RIGHT TO EDUCATION

The right to education implies that every child has the right to education without discrimination. It calls for setting up conditions by the government enabling the children to attend school and realize their education.

Article 21A of the Constitution provides for the right to free and compulsory education for all children between six and fourteen years of age, in such manner as the State may by law determine.[6] The RTE Act provides the modalities for the implementation of this right.[7]

Free education means that no child is liable to pay any fee, charges or expenses which may prevent him or her from pursuing and completing elementary education.[8] Compulsory education places an obligation on the appropriate Government and local authorities to ensure the admission, attendance and completion of elementary education by every child.[9]

[6] Constitution of India 1950, art 21A.
[7] Right of Children to Free and Compulsory Education Act 2009, ss 3, 8 and 9.
[8] Right of Children to Free and Compulsory Education Act 2009, s 3(2).
[9] ibid s 8(a), Explanation.

The right is available to both boys and girls. The denial of education on the basis of gender, economic status or the family background of a girl is unacceptable.

The presence of a legal right does not necessarily mean that there are no barriers. Girls may not have the opportunity to exercise their right due to poverty, discrimination and lack of facilities. It is thus important that the government and society collaborate to put education within reach and make it meaningful.

V. CONSTITUTIONAL PROVISIONS RELATING TO GIRLS' EDUCATION

1. **Article 14: Equality Before the Law:** Article 14 guarantees to every person equality before the law and the equal protection of the laws.[10] It promotes the equality of educational opportunities for boys and girls. Admission and educational facilities should not be denied on the basis of gender.
2. **Article 15: Prohibition of Discrimination:** Article 15(1) of the Constitution prohibits the State from discriminating against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. Of these grounds, sex is the most significant for girls, since the denial of educational opportunity to a child because she is a girl is precisely the discrimination this paper examines. Article 15(3) further permits the State to make special provisions for women and children.[11] This enables the government to address the inequalities that girls experience, including through special programmes and educational support.
3. **Article 21: Protection of Life and Personal Liberty:** Article 21 guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law.[12] Education is intricately linked with human dignity, personal development and informed decision-making. Girls' access to education enables them to understand their rights and engage in society.

[10] Constitution of India 1950, art 14.
[11] Constitution of India 1950, art 15(1) and (3).
[12] Constitution of India 1950, art 21.

4. **Article 21A: Right to Education:** Article 21A provides that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.[13] It was inserted by the Constitution (Eighty-sixth Amendment) Act, 2002.[14] This provision is the constitutional basis of the RTE Act. It makes elementary education a right of every girl and boy.
5. **Article 39(f): Protection of Children:** Article 39(f), a Directive Principle of State Policy, directs the State to ensure that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and that childhood and youth are protected against exploitation and against moral and material abandonment.[15]
6. **Article 45: Early Childhood Care and Education:** Article 45 directs the State to endeavour to provide early childhood care and education for all children until they complete the age of six years.[16] Early learning environments help girls to develop foundational skills before they enter school.
7. **Article 46: Promotion of Educational Interests of Weaker Sections:** Article 46 directs the State to promote with special care the educational and economic interests of the weaker sections of the people, and in particular of the Scheduled Castes and the Scheduled Tribes.[17] It is pertinent to girls who are disadvantaged by poverty, caste or social exclusion.
8. **Article 51A(k): Fundamental Duty of Parents and Guardians:** The same amendment that inserted Article 21A also inserted Article 51A(k), which makes it a fundamental duty of every citizen who is a parent or guardian to provide opportunities for education to his child or ward between the age of six and

[13] Constitution of India 1950, art 21A.
[14] Constitution (Eighty-sixth Amendment) Act 2002, s 2.
[15] Constitution of India 1950, art 39(f).
[16] Constitution of India 1950, art 45, as substituted by the Constitution (Eighty-sixth Amendment) Act 2002, s 3.
[17] Constitution of India 1950, art 46.

fourteen years.[18] The duty complements the State's obligation under Article 21A: while the State must make free and compulsory education available, parents and guardians must ensure that their children actually receive it.

The provision is directly relevant where families withhold daughters from school for marriage, domestic work or the care of siblings, as discussed in Sections 6.2 and 6.4. Fundamental duties are not, however, enforceable by courts in themselves, although they may guide the interpretation of laws.[19] The RTE Act restates the duty in Section 10 but prescribes no penalty for its breach.[20] The duty is therefore largely hortatory, and its effect depends on persuasion, incentives and monitoring by local authorities.

Together, these provisions provide the constitutional basis for equality of educational opportunity for girls.

VI. THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

The RTE Act was enacted to give effect to Article 21A. It came into force on 1 April 2010 and provides the legal framework for the elementary education of children aged six to fourteen years.[21]

1. Section 2(d): Child Belonging to Disadvantaged Group

Section 2(d) defines a "child belonging to disadvantaged group" to mean a child with disability or a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor, as may

[18] Constitution of India 1950, art 51A(k), inserted by the Constitution (Eighty-sixth Amendment) Act 2002, s 4.
[19] *AIIMS Students' Union v AIIMS* (2002) 1 SCC 428.
[20] Right of Children to Free and Compulsory Education Act 2009, s 10; Ministry of Human Resource Development, 'The Right of Children to Free and Compulsory Education Act, 2009: Section-wise Rationale' <https://education.gov.in/hi/sites/upload_files/mhrd/files/upload_document/RTE_Section_wise_rationale_rev_0.pdf> accessed 2 November 2026.
[21] Right of Children to Free and Compulsory Education Act 2009, s 1(3).

be specified by the appropriate Government by notification.[22] This is the Act's most direct provision for girls, since it allows the appropriate Government to notify girls, or a sub-group of girls, as a disadvantaged group eligible for the 25 per cent admissions under Section 12(1)(c). The gender factor has, however, seldom been used. Rajasthan was reported to be among the few States whose rules included girls in this category, while the rules of most other States examined confined it to caste, tribe, disability and similar groups.[23] The Act's principal gender-specific mechanism thus remains largely unused.

2. Section 3: Right of Child to Free and Compulsory Education

Section 3 provides that every child of the age of six to fourteen years shall have the right to free and compulsory education in a neighbourhood school till the completion of elementary education.[24] This provision applies equally to girls and boys.

3. Section 4: Special Provisions for Out-of-School Children

Section 4 provides that where a child above six years of age has not been admitted to any school, or, though admitted, could not complete elementary education, the child shall be admitted to a class appropriate to his or her age, and shall have the right to receive special training in order to be at par with others. A child so admitted is entitled to free education till the completion of elementary education even after fourteen years.[25] The provision is of central importance to girls who have never enrolled or who have dropped out owing to marriage, domestic work or migration, since it requires them to be readmitted at an age-appropriate level rather than turned away.

4. Section 8: Duties of Appropriate Government

Section 8 sets out the duties of the appropriate Government, which include providing free and compulsory elementary education and ensuring that children belonging to

[22] Right of Children to Free and Compulsory Education Act 2009, s 2(d).
[23] Shailey Tucker and Gayatri Sahgal, '25% Reservation under the RTE: Unpacking the Rules in PAISA States' (Accountability Initiative Policy Brief, June 2012) https://accountabilityindia.in/wp-content/uploads/2020/03/policy_brief_on_rte_reservation.pdf accessed 2 November 2026.
[24] Right of Children to Free and Compulsory Education Act 2009, s 3(1).
[25] Right of Children to Free and Compulsory Education Act 2009, s 4.

weaker sections and disadvantaged groups are not discriminated against or prevented from pursuing and completing elementary education on any grounds.[26]

5. **Section 9: Duties of Local Authority**

Section 9 sets out the duties of local authorities in relation to elementary education, including ensuring and monitoring the admission, attendance and completion of elementary education by every child residing within their jurisdiction.[27] With the support of schools, local authorities can identify girls who are out of school, inform their families of the opportunities available and assist those who have left school to return.

6. **Section 10: Duty of Parents and Guardians**

Section 10 makes it the duty of every parent or guardian to admit, or cause to be admitted, his or her child or ward to elementary education in the neighbourhood school.[28] It gives statutory form to the fundamental duty in Article 51A(k). As noted above, the Act attaches no penalty to this duty; the Ministry's own rationale describes it as a moral responsibility and observes that support may be needed to secure regular attendance, particularly of older girls.[29] Its value for girls therefore depends on local authorities using it as a basis for follow-up with families.

7. **Section 12(1)(c): Admission of Children from Weaker Sections and Disadvantaged Groups**

Section 12(1)(c) requires unaided schools and schools of a specified category to admit in Class I, or in pre-school education where it is provided, to the extent of at least 25 per cent of the strength of that class, children belonging to weaker sections and disadvantaged groups in the neighbourhood, and to provide them free and compulsory elementary education till its completion.[30]

[26] Right of Children to Free and Compulsory Education Act 2009, s 8(a) and (c).
[27] Right of Children to Free and Compulsory Education Act 2009, s 9.
[28] Right of Children to Free and Compulsory Education Act 2009, s 10.
[29] Ministry of Human Resource Development (n 17).
[30] Right of Children to Free and Compulsory Education Act 2009, s 12(1)(c).

The provision can open admission to private schools for girls from poor and disadvantaged families. It is not, however, a reservation for girls; it benefits them only where they fall within the categories of weaker section or disadvantaged group, which, as noted under Section 2(d), rarely include gender. Its reach is further limited by the exemption of minority schools from the Act, discussed in Section 7.4.

8. Section 17: Prohibition of Physical Punishment and Mental Harassment

Section 17 prohibits physical punishment and mental harassment of children.[31] It is important in ensuring that girls learn in a safe and respectful environment, free from humiliation, bullying or abuse.

To ensure the effectiveness of the RTE Act, its proper implementation, monitoring and enforcement against violations are essential.

VII. IMPORTANCE OF EDUCATING GIRL CHILDREN

Girls' education is significant for their personal growth and opportunities for the future.

First, education improves knowledge and confidence. It gives girls the opportunity to learn about social issues, communicate effectively and make decisions.

Secondly, education enhances employment opportunities. Girls are able to access further education and vocational training and other career opportunities after completion. This can be a way to help them become economically self-sufficient.

Thirdly, it promotes the awareness of health and hygiene. Educated girls are able to understand nutrition, personal hygiene and available health services.

Fourthly, education helps to achieve gender equality. Equal educational opportunities challenge the notion that boys have a greater entitlement than girls.

[31] Right of Children to Free and Compulsory Education Act 2009, s 17.

Fifth, education can help to prevent child marriage. Further education could open up more opportunities for girls, and help families to back the ambitions of their daughters. However, effective child protection measures must be in place to support education.

Lastly, educated girls can bring value to their families, communities and nation's economy. So, investing in girls' education is good for the individual and society.

VIII. CHALLENGES FACED BY GIRL CHILDREN IN EDUCATION

1. Poverty

Poverty is a major constraint on education. Families might have difficulty paying for transportation, uniforms, books and other school costs. In some families, boys' education is a priority and the girls are expected to stay at home. The problems can be reduced by providing the financial support as well as implementing the educational schemes appropriately.

2. Gender Discrimination

Some families think that girls' education is not necessary, as they will get married. These attitudes may impact admission into school, attending and whether to stay in school for further study. The significance of girls' education along with boys' education should be brought to the attention of parents and the community. Such attitudes run contrary to the fundamental duty of parents under Article 51A(k) of the Constitution and their statutory duty under Section 10 of the RTE Act to ensure that their children receive elementary education.

3. Child Marriage

Child marriage often results in girls dropping out of school and assuming domestic responsibilities. Early marriage may restrict their future opportunities and impact on health and independence. The Prohibition of Child Marriage Act, 2006 seeks to address

this problem,[32] and the Supreme Court has issued guidelines for its effective implementation.[33]

4. Household Responsibilities

In a few families' girls will cook, clean and take care of younger brothers and sisters. These responsibilities may have a negative impact on education time and attendance. Household chores should be allocated fairly among family and time spent studying should be sufficient. Where such work keeps a girl out of school, the parental duty under Article 51A(k) of the Constitution and Section 10 of the RTE Act is directly engaged.

5. Limited Availability of Toilets and Sanitation

The absence of separate, clean and functional toilets, water and facilities for menstrual hygiene in schools causes girls discomfort and loss of dignity, and contributes to their absenteeism and dropout.

In *Dr Jaya Thakur v Government of India*,[34] decided on 30 January 2026, a bench of Pardiwala and Mahadevan JJ held that menstrual health is an aspect of the right to life and dignity under Article 21, and that the absence of menstrual hygiene measures undermines the right of girl children to free and compulsory education under Article 21A. The Court found a clear causal link between menstrual poverty and girls' lower school attendance.

It directed all States and Union Territories to ensure that every school, whether government-run or privately managed, provides functional gender-segregated toilets with water and handwashing facilities, free oxo-biodegradable sanitary napkins, menstrual hygiene corners and a safe disposal mechanism, and that teachers are trained in menstrual hygiene. District Education Officers were directed to conduct periodic inspections, and the directions were to be complied with within three months of the

[32] Prohibition of Child Marriage Act 2006 (6 of 2007), ss 3 and 9–11.
[33] *Society for Enlightenment and Voluntary Action v Union of India* 2024 INSC 790.
[34] *Dr Jaya Thakur v Government of India* 2026 INSC 97.

judgment.[35] The judgment thus converts what was a policy aim, that schools should provide safe toilets and sanitary facilities, into an enforceable constitutional obligation.

6. Safety and Transportation

Some parents are reluctant to send their daughters to schools far from home. Roads may be unsafe, and harassment or the lack of transport may prevent girls from attending. Accessible schools, safe transport and effective measures against harassment can improve girls' learning opportunities.

7. Child Labour

Girls from poor families may be required to work or to assist in family occupations. When they work in place of studying, they lose the knowledge and skills that education provides. Authorities need to identify children who are out of school and help them to return, including through age-appropriate admission and special training under Section 4 of the RTE Act.

8. Lack of Awareness

Some parents may not know they are entitled to free elementary school education and that there is assistance for girls. Schools, local authorities and community organisations can disseminate awareness through campaigns and conduct awareness programmes on rights.

9. Social Discrimination

There exists a potential for caste, poverty, language or social background-based discrimination among girls. These challenges can impact school enrolment and retention. Special barriers encountered by these children should be taken into account in educational support.

10. Digital Divide

[35] ibid paras 173–179.

Not all girls own a smartphone, a computer or have a good internet connection. In some families, boys may be given priority in choosing their device. Low-cost technology and digital learning facilities can support to reduce this gap.

IX. ROLE OF THE JUDICIARY

The judiciary has played a pivotal role in shaping the right to education in India through a series of significant decisions.

A. Mohini Jain v State of Karnataka (1992)

In *Mohini Jain v State of Karnataka*,[36] the Supreme Court examined the levy of capitation fees by educational institutions. Reasoning broadly from Article 21, the Court held that the right to education flows directly from the right to life and human dignity, and that the charging of capitation fees was arbitrary and denied that right. The decision laid the foundation for recognising education as a constitutional right.

B. Unni Krishnan v State of Andhra Pradesh (1993)

In *Unni Krishnan v State of Andhra Pradesh*,[37] a five-judge bench reconsidered *Mohini Jain* and confined its broad reasoning. The Court held, first, that the right to education is implicit in the right to life under Article 21, read with the Directive Principles of State Policy; secondly, that every child has a fundamental right to free education until the age of fourteen years; and thirdly, that beyond that age the right is subject to the limits of the economic capacity and development of the State.

The decision paved the way for the Constitution (Eighty-sixth Amendment) Act, 2002, which inserted Article 21A and made elementary education an express fundamental right.

The later history of the case must also be noted. In *TMA Pai Foundation v State of Karnataka*,[38] decided on 31 October 2002, an eleven-judge bench overruled the scheme

[36] *Mohini Jain v State of Karnataka* (1992) 3 SCC 666.
[37] *Unni Krishnan v State of Andhra Pradesh* (1993) 1 SCC 645.
[38] *TMA Pai Foundation v State of Karnataka* (2002) 8 SCC 481.

framed in *Unni Krishnan*, under which private professional institutions were required to admit students to free and payment seats at fees fixed by the State, holding that it infringed the autonomy of private unaided institutions. The core holding on the fundamental right to free education up to fourteen years was unaffected. *Unni Krishnan* therefore remains authority for the fundamental right to elementary education, but not for its admission and fee scheme.

C. Society for Unaided Private Schools of Rajasthan v Union of India (2012)

In *Society for Unaided Private Schools of Rajasthan v Union of India*,[39] a three-judge bench upheld the constitutional validity of the RTE Act. The majority held that the Act, including the 25 per cent admission requirement under Section 12(1)(c), applies to government schools, aided schools and unaided non-minority schools, but not to unaided minority schools. Radhakrishnan J dissented on the application of the Act to unaided schools.

The decision upheld the objective of enhancing access to elementary education for children from weaker sections and disadvantaged groups, and eligible girls may benefit from the admission opportunities it secured.

D. Pramati Educational and Cultural Trust v Union of India (2014)

In *Pramati Educational and Cultural Trust v Union of India*,[40] a five-judge bench held that the RTE Act, insofar as it applies to minority schools, aided or unaided, violates Article 30(1), and thereby exempted all minority schools from the Act. In 2025, a two-judge bench in *Anjuman Ishaat-e-Taleem Trust v State of Maharashtra*[41] doubted the correctness of this blanket exemption and referred the question to the Chief Justice of India for consideration by a larger bench.

[39] *Society for Unaided Private Schools of Rajasthan v Union of India* (2012) 6 SCC 1.
[40] *Pramati Educational and Cultural Trust v Union of India* (2014) 8 SCC 1.
[41] *Anjuman Ishaat-e-Taleem Trust v State of Maharashtra* 2025 INSC 1063.

At the time of writing, the reference remains pending. For girls, the exemption means that Section 12(1)(c) seats are unavailable in minority schools, which narrows the range of private schools in which girls from weaker sections and disadvantaged groups may seek admission.

E. Dr Jaya Thakur v Government of India (2026)

As discussed in Section 6.5, the Supreme Court in *Dr Jaya Thakur*[42] recognised menstrual health as part of the rights guaranteed by Articles 21 and 21A, and issued binding directions to all States and Union Territories on toilets, sanitary napkins and menstrual hygiene in every school. The decision is significant because it addresses directly a barrier specific to girls' attendance and retention.

These judgments illustrate the importance of constitutional protection and legislation in promoting educational opportunity. Effective action by the government nevertheless remains necessary to put the right into practice.

X. GOVERNMENT SCHEMES FOR GIRLS' EDUCATION

1. **Beti Bachao, Beti Padhao:** Beti Bachao Beti Padhao is a Government of India scheme, launched in January 2015, to promote the survival, protection and education of the girl child.[43] It aims to tackle gender discrimination and to raise awareness of the importance of girls' rights.
2. **Samagra Shiksha:** Samagra Shiksha is an all-inclusive School Education Programme from Pre-school to Class XII. It promotes access, equity and quality in education and has measures that are designed to enhance the participation of disadvantaged children.[44]

[42] *Dr Jaya Thakur* (n 31).
[43] Ministry of Women and Child Development, 'Beti Bachao Beti Padhao' <https://wcd.gov.in/> accessed 2 November 2026.
[44] Ministry of Education, 'Samagra Shiksha' <https://samagra.education.gov.in/> accessed 2 November 2026.

3. **Kasturba Gandhi Balika Vidyalaya:** Kasturba Gandhi Balika Vidyalayas are residential schools for girls from disadvantaged groups in educationally backward areas, now run as part of Samagra Shiksha.[45] They assist girls who live in remote areas where schools are not easily accessible, or who face difficulty in attending regularly.
4. **Scholarships and Financial Assistance:** Financial support through scholarships and education assistance can alleviate the financial strain on families. This kind of support could help girls who are eligible to stay in school. Information about eligibility and application procedures should be made easily available.[46]
5. **PM POSHAN:** PM POSHAN is a centrally sponsored scheme that provides hot cooked meals to eligible children in government and government-aided schools.[47] School meals can improve nutrition and attendance and relieve part of the burden on families.

These schemes are capable of enhancing the quality and accessibility of education, provided they are adequately funded, have public awareness and are implemented properly.

XI. SUGGESTIONS AND RECOMMENDATIONS

The following ten recommendations are grouped under five headings. Each is linked to a legal provision and to the authority responsible for its implementation.

A. Enforcing Parental and State Duties

1. Local authorities, acting under Section 9 of the RTE Act, should conduct awareness campaigns with schools to inform parents of the importance of girls'

[45] Ministry of Education (n 41).
[46] National Scholarship Portal, Government of India <https://scholarships.gov.in/> accessed 2 November 2026.
[47] Ministry of Education, 'PM POSHAN' <https://pmposhan.education.gov.in/aboutus.html> accessed 2 November 2026.

education and of the parental duty under Article 51A(k) of the Constitution and Section 10 of the Act.

2. Local authorities should maintain records of girls who are absent for extended periods or have left school, ascertain the reasons with their families, and secure their readmission with special training under Section 4 of the Act.

B. Making the RTE Act Work for Girls

1. The appropriate Governments should notify girls, or vulnerable groups of girls, as a disadvantaged group under Section 2(d) of the Act, so that they become eligible for admission under Section 12(1)(c).
2. Complaints of denial of admission, discrimination or unsafe school conditions should be decided promptly by the local authority under Section 32 of the Act, with monitoring by the National and State Commissions for Protection of Child Rights under Section 31.[48]

C. Safe and Inclusive Schools

1. State Governments and District Education Officers should secure full compliance with the directions in *Dr Jaya Thakur* on toilets, water, free sanitary napkins and safe disposal facilities in every school.[49]
2. State Governments should ensure neighbourhood schools and safe transport where needed, and should make school facilities accessible to girls with disabilities, with appropriate learning support.
3. Teachers should be trained to prevent discrimination, bullying and harassment, in keeping with Section 17 of the Act, and girls should be encouraged to take part in classroom activities and sport on an equal footing with boys.

[48] Right of Children to Free and Compulsory Education Act 2009, ss 31 and 32.
[49] *Dr Jaya Thakur* (n 31).

D. Preventing Child Marriage and Supporting Retention

1. District authorities and Child Marriage Prohibition Officers should enforce the Prohibition of Child Marriage Act, 2006 and apply in schools the guidelines and recommendations in *Society for Enlightenment and Voluntary Action*, including age-appropriate sexuality education, treating the prolonged absence of a girl from school as an early warning sign.[50]
2. The Union and State Governments should ensure that scholarships, financial assistance and digital learning resources reach needy girls without undue procedural restrictions.

E. Bridging the Gap between Fourteen and Eighteen Years

1. The guarantee under Article 21A and the RTE Act ends at fourteen years, the age at which many girls leave school. Parliament should consider extending free education by statute to eighteen years; pending such reform, the Union and State Governments should provide a guaranteed scheme of free secondary education for girls.

These recommendations respond to the Research Questions. The first two groups address the gaps identified in the constitutional and statutory framework (Question 1); the third and fourth give effect to recent judicial developments and respond to the barriers examined in Section 6 (Questions 2 and 3); and the fifth proposes the principal legal reform advocated in this paper (Question 4).

XII. CONCLUSION

Education is an integral aspect of the equality of access in India, and a part of the social justice and human dignity of girl children. Education empowers girls to build their skills, learn about their rights, and their independent futures. It has positive effects on families and society as well.

[50] *Society for Enlightenment and Voluntary Action* (n 30).

The Indian Constitution provides a robust foundation for this right in Articles 14, 15, 21, 21A, 39(f), 45, 46 and 51A(k), and the RTE Act gives it statutory effect. In answer to the first Research Question, however, this framework is largely gender-neutral: the gender ground in Section 2(d) has rarely been notified, the parental duty under Article 51A(k) and Section 10 carries no sanction, and the guarantee ends at fourteen years.

On the second question, the judiciary has progressively strengthened the right, from *Mohini Jain* and *Unni Krishnan* to *Society for Unaided Private Schools of Rajasthan*, although *Pramati* has limited the reach of the Act in minority schools and is now under reconsideration. *Dr Jaya Thakur* marks a significant advance by making menstrual hygiene facilities in schools an enforceable obligation. On the third question, poverty, gender discrimination, child marriage, household responsibilities, poor sanitation and safety concerns continue to keep girls out of school, and the law responds to them only in part. Legislation alone is therefore insufficient; girls must be able to attend school regularly, learn in a safe environment and complete their education.

On the fourth question, these barriers can be reduced through the reforms proposed in Section 9, supported by government schemes, financial assistance, awareness and adequate school facilities. Parents, teachers, government and communities must cooperate to secure equal educational opportunity.

Every girl deserves access to education and the freedom to shape her life without discrimination. Ensuring girls' education is not only a task for the education sector but also a constitutional and social duty.

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