

THE RIGHTS OF MUSLIM GIRL CHILD TO EDUCATE IN ISLAM

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Abstract

The criticism regarding the Muslim Girl Child pertaining to the field or ambit of education is very much controversial in nature. The Traditional Islam and even the Modern Muslim Law was having its efficacy in the fulfilment of the deliverance of education not only into the Muslim Males but also to the Muslim Female Masses respectively. The truth is as simple as even the Prophet Mohammad (PBUH) himself was of a view that education should reach to the entire community of Muslim Women. Moreover, under the present facets of Islam, unequivocally takes confidence/ believe in the education deliverance taking everything into account on the specific part of the Women or the Muslim Girl Child or the entire Muslim Girl Child Masses at large. According to the Modern Muslim Law, there has to be the same principles being applied to both female masses and male masses especially in the field of education which must be the basic rights of any gender to be accessed, and there shall be no such disparity among the gender masses which, if would occur, then it definitely violates the basic human rights of the person and here the person is the entire female masses at large. Under this Research Paper, the author wishes to highlight the Rights of the Muslim Girl Child pertaining to her basic rights in form of accessing or getting education and also the author will disclose the several merits and positive impacts of education on the Muslim Girl Child and the various legislative provisions and the role of Indian Judiciary in helping the Muslim Girl Child getting effective educational amenities.

Keywords: *Muslim Girl Child, Education, Indian Judiciary, Legislative Supports, Basic Rights.*

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INTRODUCTION ON THE EDUCATION SYSTEM UNDER THE ISLAM AND THE LATER DEVELOPMENT IN THE MUSLIM LAW

According to the practices of Islam, the principles of Quran advised their disciples to read and this statement did not distinguish male and female genders. One of the Prophet Mohammad's (PBUH) wife Prophet Khadeeja (RA) was also educated and was a successful businesswoman. The Prophet Mohammad (PBUH) praised the Women or a Girl Child of Madinah for the best efficacy of their education amenities. The Muslim origin was having the sole belief that the education is the basic right of the Muslim Women or a Girl Child and it is not to be uprooted or just simply be taken away from them abruptly. And therefore this indispensable Right to Access an education for the Muslim Girl Child is the constructive asset for them which makes them feel honoured and respectful, self-esteemed in the society, and also if someone has a good and effective education, or are literate enough to deal with the smaller or trifling matters or concerns of their life or any other matters pertaining to the society, then it becomes quite easy to perform them.

THE NEED OF EDUCATION AMONG THE MUSLIM GIRL CHILD IN INDIA

The need for the non-discrimination especially pertaining to the field of education for the Muslim Girl Child is very much indispensable or mandatory, as there are several benefits for it towards the active development of the women masses or for the Muslim Girl Child at large, below mentioned are some of their absolute benefits if they get their education properly, they are as follows:

- By giving or imparting the effective education program to the Muslim Girl Child or the entire Muslim Women Masses it helps in getting the reasonable information of the entire status of the Muslim Women or the Girl Child of the Muslim domain at large³.
- The education training shall also be able to administer and determine the literacy rate of the entire Muslim Community with a special reference to the Muslim Girl's Child Educational Standardization in Indian Subcontinent⁴.
- This education system will also tell or highlight the positive facets of the educational provisions of the Muslim Girl Child or the Muslim Women Masses at large⁵.

³<http://www.ijmra.us/project>, visited at 6FEBRUARY2020.

⁴Ibid, visited at 6FEBRUARY2020.

⁵Ibid, visited at 6FEBRUARY2020.

CAUSES FOR THE LACK OF EDUCATION SYSTEM IN THE MUSLIM DOMAIN OR ORIGIN WITH SPECIAL REFERENCE TO MUSLIM GIRL CHILD

The mandate to impart the education to Muslim Girl Child at large is very much effectively supported by the Principles of Quran, expressly and even by the Prophet Mohammad (PBUH). But in most of the Muslim Countries the Muslim Girl Child are not permitted to get education like in Afghanistan and Pakistan due to an invasion of Taliban which did not let the Muslim Girl Child to get educated. There are also several reasons behind the non-education of Muslim Girl Child like the security issues of Muslim Girl Child in Non-Muslim Countries. The below mentioned are some of the causes regarding the non-establishment of the education system for the Muslim Girl Child and they are as follows:

- In some of the Muslim Societies, the Muslim Girl Child are not allowed to get education due to their early marriage.
- The reason for the lack of education to the Muslim Girl Child was language also. 'Arabic' was the holy language of Islam, as Allah himself chose it to reveal Quran. Hence, instead of Arabic the question of acceptance of English as the medium of instruction did not arise with the Muslims. Muslim Theologians declared 'Fatua' against English and their system of education.
- The financial burden over the families is also one of the essential reasons for the lack of education among Muslim Girl Child.
- Another reason for the lack of education to the Muslim Girl Child is the illiteracy rate of their parents which leads the Muslim Girl Child to be engaged in work at home.
- Another reason for the lack of education to the Muslim Girl Child is the communal violence and tension in the society like Hindu-Muslim Riots, etc.
- Gender-Based Inequality is highly prevalent in India. Women and Girls are not treated equally with men or boys. The mindset of people is that Girl Child is a burden.

LEGISLATIVE PROTECTION OR THE MEASURES FOR THE MUSLIM GIRL CHILD EDUCATION IN INDIA

- Under Article 21A of the Indian Constitution, there is the provision to provide free and compulsory education for all children up to the age ranging from 6-14 years of age by the 86th Constitutional Amendment Act, 2002.

- Under the ambit of the Minorities Institution by the name of Vikas Manch in the State of Jaipur, the minority institutions have been effectively working for the literacy development or the literacy efficacy for the Muslim Girl Child or the entire Muslim Women Masses at large.
- In some States there are private institutions which are duly working for the effective implementation of education of the Muslim Girl Child at large.
- There is one such college in the village of Mongam near Calicut by the name of Anwar UI-Ulum Women's Arabic College which has been providing an effective education training to the Muslim Girl Child form last couple of years and they have a legislative support as well for imparting them an efficient education for their all-round development.

ROLE OF INDIAN JUDICIARY IN ENSURING THE MUSLIM GIRL CHILD A BETTER EDUCATION SYSTEM

In the case namely **Akbal Ahamd v. Jamila Khatoon and Another**⁶, the Court held that the education is the basic right for the Muslim Girl Child and no personal laws can suppose to waive their basic rights to attain or to access the education.

In the case namely **Smt. Farzanabai v. Ayub Dadamiya**⁷, the Bombay High Court held that as our Indian Constitution provides for the active mandate on the Laws on Education and the Indian Constitution mentions the Right to Access an Education is the basic and fundamental right for the person, so it becomes necessary to attain the education irrespective of the various religious communities being survived in India.

In the case namely **Smt. Ajnunnisa v. Mukhtar Ahmed**⁸, the Allahabad High Court held that education is the most indispensable mission for each State to effectively facilitate it in order to attain the pure mission of a democratic country and the non-denial to it proves to be the ruthless acceptance for the democratic pattern methodology of Indian Preamble.

⁶(2017).

⁷AIR 1989 Bom. 357.

⁸AIR 1975 Allahabad 67.

In the case of **Abdulsattar Hussain Kudachikar v. Shahina Abdulsattar Kudaichikar**⁹, the Court held that the education should be imparted to the Muslim Girl Child in its best and possible manner and that too without distinguishing abruptly the gender i.e. enmity between the Muslim Male Masses and Muslim Female Masses.

RECOMMENDATIONS AND REPORT OF THE SACHAR COMMITTEE

On 9 March 2005, under the Chairmanship of Justice Rajinder Sachar, a Committee was constituted for arrangement of a Report on the Social, Economic and Educational Status of the Muslim Community of India¹⁰. As per the Report which was submitted in November 2006, one-fourth of Muslim Girl Child in the age party of 6-14 years have either never went to class or are drop-outs. For kids past 17 years of age years, the instructive achievement of Muslims at enlistment is 17%, as against national regular at 26%. Just half of Muslims who complete center school are no doubt going to finish optional direction, hiked from 62% at national level. Some of the suggestions are as follows:

- The Government has made a National Data Bank for the Socio-Religious Framework so that the quality education shall be given to the Muslim Girl Child.
- There has to be the standard checking regulatory mechanism for an effective education to the Muslim Girl Child.
- There has to be the effective facility be provided to the Muslim Girl Child in context of providing books, stationaries, and other educational items so that the Muslim Girl Child be well equipped in the field of education.
- There has to be the effective establishment of the Government Schools for the Muslim Girl Child to get a well education.
- There has to be the effective set-up of the schools in various Districts and States by the Government of India for every Muslim Girl Child from class ninth to twelfth to get a quality education.

CONCLUSIONS AND SUGGESTIONS

The need is necessary to be feel for the all-round development of the Muslim Girl Child at large i.e. precisely to impart with them with maximum gains of education in order to advance

⁹AIR 1996 Bom 134.

¹⁰<http://www.minorityaffairs.gov.in/reports/sachar-committee-report>, visited at 6FEBRUARY2020.

their living standards and also to make them literate enough to deal with the complexities of the Indian Society. The following below are some effective provisioning for the all-round development of the minorities and they are as follows:

- The Ministry of Human Resource Development has formulated National Monitoring Committee on Minorities Education under the patron and chairmanship of the Minister of the Human Resource Development for imparting the educational training and other vocational training programs to the minorities at large which was actually not in the picture for so long, so in this way the active and effective emancipation of the educational training program can be easily imparted to the Muslim Girl Child or the entire Muslim Women Masses at large so that the Right to Get an Adequate Education shall not be violated by any personal laws in the massive and gross manner.
- The Government has effectively launched scheme to impart education to the Muslim Girl Child by the name of Scheme for Providing Quality Education in Madrasas i.e. the SPQEM.
- The Government has fruitfully established the National Commission for Minority Educational Institutions i.e. the NCMEI, which provides the quality education training to the entire minorities which includes the all-round development of the Muslim Girl Child in the greatest extent.
- The Government has formulated the Rashtriya Madhyamik Shiksha Abhiyan for the effective Muslim Girl Child education or in other words the effective deliverance of an education programs to the entire minority's classes for their high standard of living.