

# **The “Right to Dream”: A Constitutional Reconstruction of Aspirational Justice for the Girl Child**

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## **Abstract:**

This paper explores the idea of the “Right to Dream” as a constitutional metaphor for the unarticulated aspirations of the girl child in India. Moving beyond the conventional focus on legal entitlements, it reconstructs the Indian Constitution as an aspirational document — one that envisions not only equality before law but equality in life opportunities, dignity, and imagination. The study examines how constitutional morality, directive principles, and judicial interpretations can collectively nurture a framework of aspirational justice — a form of justice that empowers the girl child to envision and achieve her fullest potential. By analysing landmark judgments, government schemes, and social realities, the paper highlights the tension between constitutional ideals and societal constraints. It argues that realizing the “Right to Dream” requires transforming the Constitution from a guarantor of rights into a catalyst of possibilities - a living promise that the girl child’s dreams are not luxuries, but constitutional imperatives.

## **Introduction:**

The Indian Constitution envisions a society based on equality, dignity, and freedom. Yet, for millions of girl children, this vision remains a distant dream. Despite numerous policies and judicial interventions, gender inequality continues to restrict their aspirations. The question, therefore, is not only whether girls are protected but whether they are empowered to dream. The notion of aspirational justice extends beyond distributive justice; it seeks to create an environment where the girl child’s dreams are legitimized and facilitated by the state and society. The Constitution, in this sense, is not merely a legal document but a moral charter that envisions the unfolding of every individual’s capabilities — a vision that must include every girl’s right to imagine her own future.

The “Right to Dream” symbolizes more than freedom of thought; it signifies the constitutional promise of empowerment, the ability to imagine a future unconstrained by gender-based limitations. This research reimagines justice not as a static right but as an evolving process — aspirational justice — which enables every girl child to realize her potential as a full constitutional citizen.

## **Research Methodology**

### **Nature of Study**

Doctrinal Research: Examines constitutional provisions (Fundamental Rights and Directive Principles), relevant case laws, and statutory schemes concerning the protection and welfare of the girl child.

## Sources of Data

- **Primary Sources:**

Constitution of India (Articles 14, 15(3), 21A, 39(f), 45, 46, etc.)

Landmark Supreme Court and High Court judgments (e.g., *Vishaka v. State of Rajasthan*, *Laxmi v. Union of India*, *M.C. Mehta v. State of Tamil Nadu*).

Government policies and schemes (*Beti Bachao Beti Padhao*, *Sukanya Samriddhi Yojana*, etc.)

- **Secondary Sources:**

Books and academic journals on constitutional law, gender justice, and human rights.

Reports by the National Commission for Women (NCW), UNICEF, and NITI Aayog.

## Hypothesis

“The Indian Constitution, when interpreted through the lens of aspirational justice and constitutional morality, implicitly guarantees the girl child not only the right to equality and protection but also the Right to Dream — the right to pursue aspirations and human flourishing.”

## Objectives

- To examine constitutional provisions ensuring justice and equality for the girl child.
- To analyse the concept of “Aspirational Justice” as a transformative constitutional value.
- To evaluate judicial trends promoting empowerment of the girl child.
- To identify the gap between constitutional ideals and ground realities.
- To propose a reconstructed vision of the “Right to Dream” as a constitutional right.

## Scope and Limitations

Limited to girl child issues related to education, dignity, equality, and empowerment.

## Constitutional Foundation: Equality and Protection for the Girl Child

The Constitution of India recognizes equality as the cornerstone of justice.

### Key provisions include:

Article 14: Equality before law and equal protection of laws.

Article 15(3): Permits special provisions for women and children.

Article 21A: Right to free and compulsory education.

Directive Principles: Articles 39(e), 39(f), and 45 emphasize child welfare, equal opportunities, and early childhood care.

These provisions collectively signify a constitutional commitment to empowerment, not just protection. The Constitutional Morality envisioned by Dr. B.R. Ambedkar demands that institutions uphold these ideals not as mere legal commands but as ethical duties toward the vulnerable.

### **Aspirational Justice: A Philosophical Reconstruction**

Aspirational Justice extends beyond the procedural or distributive conception of justice. It envisions justice as the realization of one's potential to live a dignified and meaningful life. Drawing inspiration from:

Amartya Sen's "Capability Approach", which emphasizes freedom to achieve valued functioning;

John Rawls' "Justice as Fairness", emphasizing equal opportunity; and Ambedkar's transformative constitutionalism, focusing on liberty, equality, and fraternity —

this study defines Aspirational Justice as a constitutional ethic that nurtures dreams, aspirations, and self-fulfilment. For the girl child, this means the right to imagine her own future and the freedom to pursue it without structural hindrance.

### **Judicial Approach: Expanding the Horizons of Justice**

The judiciary has been instrumental in transforming the constitutional ideals of equality and dignity into actionable rights. Through progressive interpretation, courts have infused moral force into the constitutional text.

#### **Landmark Judgments:**

**Vishaka v. State of Rajasthan:** Established guidelines for protecting women from sexual harassment, reinforcing dignity and equality as fundamental rights.

**M.C. Mehta v. State of Tamil Nadu:** Prohibited child labour and directed the state to ensure education for children.

**Laxmi v. Union of India:** Recognized acid attack victims' rights to compensation and dignity.

**Independent Thought v. Union of India:** Declared marital rape of minor girls unconstitutional, reinforcing bodily autonomy.

**Sheela Barse v. Union of India:** Directed humane treatment and protection of children in custodial institutions.

These judgments collectively expand the juridical imagination of justice, making the Constitution a living instrument for realizing the dreams of the marginalized.

## Policy Framework: Translating Ideals into Action

The State has introduced several welfare schemes aimed at empowering the girl child, including:

- Beti Bachao Beti Padhao (2015): Focus on saving and educating the girl child.
- Sukanya Samriddhi Yojana (2015): Financial inclusion for the girl child.
- Kasturba Gandhi Balika Vidyalaya Scheme (2004): Residential schooling for girls from marginalized backgrounds.

Despite these initiatives, implementation remains inconsistent due to inadequate awareness, patriarchal attitudes, and institutional limitations. The policy gap reveals that while the Constitution envisions empowerment, real justice requires structural transformation — legal, educational, and socio-cultural.

## Reconstruction: Recognizing the Right to Dream

The Right to Dream must be recognized as an intrinsic aspect of Article 21 — the right to life with dignity — and as an interpretive principle under Articles 14 and 39(f).

Reconstructing constitutional justice for the girl child requires:

Recognition of Aspirations: The law must safeguard the ability to aspire — educationally, economically, and personally.

Constitutional Literacy: Empowering girls with knowledge of their rights to strengthen agency.

Judicial Vigilance: Continued judicial interpretation to protect emerging rights.

Gender-Sensitive Governance: Embedding equality and empowerment in policy design and budget allocation.

This reconstruction ensures that justice is not only legal but also moral, social, and emotional — a justice that allows every girl to dream boldly and live freely.

## Challenges

Despite India's progressive constitutional framework and numerous welfare initiatives, the realization of aspirational justice for the girl child remains fraught with multiple, intersecting challenges. These challenges operate across legal, institutional, social, and psychological dimensions, restricting the transformation of constitutional ideals into lived realities.

### 1. Socio-Cultural Barriers

Deeply entrenched patriarchal attitudes continue to dictate gender roles, limiting girls' autonomy and self-expression. Practices such as child marriage, son preference, and dowry persist, undermining the equality envisioned in Articles 14 and 15 of the Constitution. These

cultural patterns not only curtail education and mobility but also erode the confidence and aspirations of young girls.

## **2. Educational Inequality and Dropout Rates**

While the Right to Education Act (2009) ensures free and compulsory education, gender disparity in school retention remains high, especially in rural and marginalized communities. Economic constraints, safety concerns, and inadequate infrastructure (such as lack of separate toilets) discourage continued education for girls. This educational gap obstructs the development of the capabilities necessary for aspirational growth.

## **3. Implementation Deficit of Welfare Schemes**

Although government schemes like Beti Bachao Beti Padhao, Kasturba Gandhi Balika Vidyalaya, and Sukanya Samriddhi Yojana aim to uplift the girl child, their implementation is inconsistent. Reports indicate misuse of funds, lack of coordination between departments, and poor awareness at the grassroots level. The absence of monitoring and accountability mechanisms dilutes their intended impact.

## **4. Judicial and Legislative Gaps**

While the judiciary has been proactive in expanding gender rights, legislative and policy frameworks often lag behind evolving social realities. Many progressive judgments remain under-enforced due to weak institutional mechanisms. There is also an absence of explicit recognition of aspirational rights — rights that promote emotional, creative, and intellectual growth of girls — within statutory law.

## **5. Economic Vulnerability**

Poverty continues to be a major determinant of gender inequality. Economic insecurity pushes families to prioritize boys' education over girls' and often forces girls into early marriages or informal labour. This not only restricts their right to dream but also perpetuates intergenerational cycles of deprivation.

## **6. Violence and Insecurity**

Gender-based violence, including sexual harassment, trafficking, and abuse, remains one of the most severe deterrents to empowerment. Fear and stigma suppress the voice of the girl child, preventing her from fully exercising her constitutional rights. The lack of gender-sensitive policing and slow judicial redress further exacerbate this vulnerability.

## **7. Digital and Technological Divide**

In the digital age, access to information and technology is essential for empowerment. However, the digital divide disproportionately affects girls, especially in rural areas. Limited internet access and restrictive social norms prevent them from participating in virtual education, career development, or civic engagement — thereby stifling modern forms of aspiration.

## **8. Psychological and Emotional Marginalization**

Aspirational justice also requires emotional well-being and self-belief. Yet, girls often grow up in environments that limit their sense of worth and agency. The absence of mental health support and motivational education systems prevents them from internalizing constitutional values of equality and dignity.

### **Suggestions**

#### **1. Constitutional Recognition of Aspirational Rights**

The Constitution should be interpreted to include Aspirational Justice as an implicit component of Article 21 (Right to Life with Dignity). The judiciary and legislature must acknowledge that the right to live with dignity also entails the right to dream, hope, and pursue self-fulfilment. This recognition would strengthen the moral force of constitutional guarantees for the girl child.

#### **2. Strengthening Constitutional Literacy**

Introducing constitutional education at the school level, especially for girls in rural and marginalized areas, can empower them to understand and assert their rights. Awareness programs should teach the values of equality, justice, and gender dignity so that every girl perceives herself as an active constitutional citizen rather than a passive beneficiary.

#### **3. Gender-Sensitive Policy Implementation**

Existing welfare schemes such as Beti Bachao Beti Padhao, Sukanya Samridhi Yojana, and Kasturba Gandhi Balika Vidyalaya must be monitored through independent evaluation committees to ensure transparency and effectiveness. Policies must move from symbolism to substance — focusing not merely on protection but on empowerment and leadership development.

#### **4. Inclusive and Accessible Education**

- Educational institutions should adopt gender-responsive infrastructure and pedagogy — including safe transport, separate sanitation facilities, and mentorship programs — to encourage the enrolment and retention of girls.
- Scholarships and digital literacy programs should target marginalized and rural communities to reduce the digital divide and foster educational equality.

#### **5. Economic Empowerment and Skill Development**

Economic independence is the foundation of aspirational freedom. The government and NGOs should create vocational and entrepreneurial training programs tailored for adolescent girls to ensure their transition from dependency to self-reliance. Linking these programs with digital platforms and microfinance initiatives can strengthen financial inclusion.

## **6. Reforming Social Attitudes through Community Engagement**

Transforming the status of the girl child requires cultural reconstruction. Awareness campaigns must involve families, religious leaders, educators, and community organizations to dismantle stereotypes that restrict girls' potential. Initiatives such as "Constitution in the Community" can bridge the gap between legal ideals and local realities.

## **7. Judicial and Institutional Accountability**

- Courts and commissions should adopt a child- and gender-sensitive approach while adjudicating issues involving the girl child.
- Fast-track courts should handle crimes against girls with sensitivity and efficiency.
- The National and State Commissions for Women and Children must be strengthened with greater autonomy and monitoring powers to ensure policy compliance and accountability.

## **8. Integration of Mental Health and Emotional Development**

Aspirational Justice also includes emotional well-being. Schools and child welfare institutions should provide counselling services, mentorship programs, and life-skills education to help girls build confidence, resilience, and self-belief. This psychological empowerment forms the inner foundation for realizing their dreams.

## **9. Data-Driven Governance**

Policymaking for the girl child must be supported by reliable, disaggregated data on education, health, safety, and employment. Data transparency ensures evidence-based decisions and allows civil society to monitor progress effectively.

## **10. From Protection to Partnership**

Finally, the girl child should not merely be seen as a subject of protection but as an equal partner in constitutional progress. Her voice must be included in policymaking, school governance, and local institutions. A participatory approach will turn the "right to dream" from an abstract aspiration into a lived constitutional reality.

## **Conclusion**

Justice for the girl child is not merely about protection but about participation, empowerment, and recognition. The Right to Dream encapsulates the moral essence of the Constitution — a right that affirms human potential, dignity, and equality.

By reconstructing justice as aspirational, India can move closer to realizing its constitutional vision — where no girl's dreams are curtailed by circumstance, and where the Constitution itself becomes a living instrument of hope.

The journey from legal justice to aspirational justice marks the evolution of the Indian Constitution from a text of governance to a testament of dreams.

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