

# LEGALFOXES LAW TIMES

## EVOLUTION OF WOMAN AND CHILD HUMAN RIGHTS IN UTTAR PRADESH

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### Introduction

An Introduction to Human Rights Human Rights are the rights that come with being a human being and therefore are necessary and unalienable rights that are significant for all living things. No exceptions can be imposed based on sex, race or ethnicity, ability, political or religious beliefs, cultural customs or traditions, gender identity, etc. since these rights belong to all people. Both the idea of human rights and their violations are as old as the human race. "Man's struggle against tyranny has been lengthy and enduring," said Diwan. Tyranny has occasionally manifested in a variety of ways. "The history of mankind is the history of repeated injuries and injury usurpation on the part of man towards woman, having in direct object the creation of tyranny towards her rights," responds Mamta Rao. Even though everyone has the right to human rights, they are often violated by people all over the world. In essence, these rights are designed to treat everyone equally and fairly. One must look back in time to the ancient historical perspective events in pre- and post-independent India in order to properly understand the status or position of human rights in India now.

India was once known as "the Golden Bird," and it has been repeatedly invaded, pillaged, and colonised<sup>1</sup>. The invasion of the foreigners had a significant impact on locals' psychology and standard of living. Since the beginning of time, people's rights have been violated; children and women have historically suffered the most as a result. Ironically, the most exploited of the used, women and children, inherit their rights under the Human Rights Act. Nevertheless, the work to defend the two parties' rights has been done, albeit slowly and without yielding any positive results. The biggest example of the violation of these rights is the acknowledgement of those rights, first at the world level and then at the national level. No defensive measures are taken until the degree of saturation has been reached, just as no thoughts are generated in a vacuum.

### Evolution of the Rights

The idea of human rights emerged over a lengthy period of time as a result of political, legal, social, and philosophical considerations. A purposeful understanding of human rights that is as

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<sup>1</sup> Ed: Kumar P, Women Power and Development in Politics, Global Publications New Delhi, pg 60, visited on 16<sup>th</sup> October 2022

old as natural rights was emphasised in many publications that reflected the concepts and ideas of great thinkers like Aristotle, Cicero, Montesquieu, and others. The Second World War's conclusion represented a turning point in the evolution of human rights. The fundamental human rights and liberties were codified in a political-legal document for the first time in human history when the General Assembly adopted the Universal Declaration of Human Rights on December 10th, 1948. The UDHR was seen as the first step towards creating a "International Bill of Human Rights" that would have more moral and legal sway over the global society. The first international document that stressed the significance of "defending life, liberty, independence, and religious freedom and upholding human rights and justice in every territory" was the Atlantic Charter of August 14, 1941. Deep understanding and urgency for the advancement of human rights on a global scale did not succeed in putting an end to the ongoing violations. Women's and children's rights were not given enough consideration, necessitating the creation of separate bills of rights for each group.

The past is audibly vocal about the loneliness and pain that humanity has experienced over the millennia in one way or another. It is agonising to witness how the entire species is being victimised by the current horrors in many ways. The self-awareness that followed self-determination in World War II, when over fifty million people were slaughtered, may have been one of the most significant shifts in human destiny in history. Eleanor Roosevelt introduced the Declaration of Human Rights Commission on December 10, 1946, and it eventually became known as the Magna Carta of the 20th Century.

Human rights awareness on a global scale officially began at this time. Universal Declaration of Human Rights Adoption The Universal Declaration of Human Rights was adopted despite the conflicting viewpoints. The adoption of the UDHR clearly declared that after the Second World War, people needed to be protected. Human rights were considered one of the most challenging subjects even back then since there was no universally accepted definition of them. Since there are no geographic limitations on these rights, they are universal. In actuality, the "fight of individuals against injustice, exploitation, and disdain" has been at the centre of human civilization throughout its long history. We see that humanity has been associated with discrimination and exploitation ever since the creation of this blue planet and the existence of the human race on it. Saying that "the history of human rights has been the history of human wrongs" would not be incorrect<sup>2</sup>.

### Human Rights in India

Being colonised for almost two centuries shielded India from the effects of the World Wars, but when the country attained freedom, the authorities faced a number of difficulties. The most crucial duties became taking up the burden of nation-building and defending the rights of the populace. The women and children who were usually easy targets had suffered greatly as a result

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<sup>2</sup> Legal Manual, Women Law, Universal Law Publishing Co., pg 143, visited on 17<sup>th</sup> October 2022

of the persistent violations of their rights. As a result, numerous attempts were made to provide some security to the vulnerable group, which resulted in the establishment of rights. As a result, the rights became necessary and were established for the safety and benefit of the populace. We observe the sad rights of women and children under these rights, which are frequently ignored and unattended.

#### Rights of the Women and Children:

Since they are thought to be the most vulnerable members of society, women and children have routinely had their rights violated throughout history. It is accurate to claim that gender violence occurs in all cultures, regardless of ethnicity or social level. Thus, any form of violence against women committed by an individual, group, or community constitutes a violation of human rights. It is ironic that India, a sacred nation, has suffered the most from human rights abuses. As this study focuses on the development of women's and children's rights in the state of Uttar Pradesh, an effort has been made to cover how these rights have been violated in post-independence India, the legislative measures taken to protect them, the accounts of these violations, the role of government and social organisations in promoting these rights, etc. Therefore, a thorough investigation into the infringement and defence of these rights was conducted.

#### Uttar Pradesh: A Brief Note

One of India's major states, Uttar Pradesh, can be measured for its liveliness by the number of immigrants it attracts, particularly from the north of the country. With a sizable population, this state in India is one of the most populous. The state is known for its thriving agricultural industry on the one hand, but it also experiences abhorrent acts of inhumanity. Inherent characteristics of the state include gender inequality, child labour, domestic violence, and the highest rates of infant and child mortality in the nation. The vicious circle of extreme poverty that results in disease, illiteracy, starvation, etc., is ingrained in society. Due to the women's own chronic malnutrition, U.P. has one of India's worst rates of maternal death. In addition, the state boasts the highest fertility rate in the nation, which has alarmingly higher population growth than the national average. The state claims to have the greatest percentage of child labourers in the nation due to the cycle of poverty. These kids frequently work as domestic helpers in people's houses or in back-room shops producing carpets or metal goods<sup>3</sup>. Children risk maltreatment or, in the worst situations, death since these incidents are hard to spot and monitor.

#### Rights of the Women:

Since ancient times, women have campaigned for the acknowledgement of their rights. Although there have been numerous improvements for women, prejudice and cultural pressure still exist. The situation of women has significantly improved throughout the course of the twentieth

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<sup>3</sup> Women Laws; Universal Law Publishing Co. pg 152, visited on 19<sup>th</sup> October 2022

century, yet even during periods of peace and advancement, women's rights were not given special consideration. Even after years, the cries for the protection of their rights and dignity go ignored, yet this unfinished mission requires additional attention. U.P. has been particularly slow to recognise women; they are treated less favourably by the state than their male counterparts. They are not only subjected to the harsh social system, but they are also deprived of food and medical treatment starting in infancy. Women are exploited socially and economically and are even denied access to basic services like health care, nourishment, and education. In Uttar Pradesh, women have historically been socioeconomically underprivileged.

The right for women to hold public office has been taken away from them, and they also struggle with unequal pay, wage discrimination, lack of property ownership, and other issues. Even if the position of women has greatly improved recently, there is still much work to be done. The alienation of half the population from several significant features has long been a phenomenon. Since ancient times, Indian women have been denied a number of privileges.

#### International Conventions:

The systematic violation of children's rights brought up the topic of child protection on a global scale. Concerns about child protection have been raised by the international conventions. Perhaps the first person to initiate a global campaign for giving children status was Eglantine Jebb of England. Only in the 1950s of the 20th century did the United Nations decide to rewrite the Charter of the Rights of the Child, and after revisions, the UN General Assembly unanimously ratified it.

#### India and International Conventions<sup>4</sup>:

India has ratified a number of international agreements for the welfare and protection of children. A National Plan of Action for Children has also been developed by the Ministry of Human Resource Development's Department of Women and Child Development. Additionally, this plan takes into account the needs, rights, and aspirations of the nation's 300 million children. Because it is a part of the country, Uttar Pradesh is required to follow the laws and conventions of the country.

#### Indian Women from Ancient time to Present:

The women's condition is changing, and this is seen occasionally. Since forever, women have been in pitiful positions in every facet of life, and men have oppressed them historically. With a few exceptions, women in ancient India did not enjoy many privileges. The following is a brief discussion of how women's health changes from one period to the next:

#### Early Vedic Period

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<sup>4</sup> ED by Patel. N. Bimal; India and International Law: Introduction, Martinus Nijhoff Publishers, pg 388, visited on 20<sup>th</sup> October 2022

Because women were revered and valued throughout the Early Vedic Period, it is known as the era of womanly pride. According to D.P. Khanna, "during the Vedic period, all people were thought to be equal, and any behaviour based on the principal of equality was thought to be moral."

The rights of the people were honoured during the Vedic Period as well. Women and children were given a special place of honour and appreciation, and they also had a good deal of freedom and equality. The "Samani vah kuti" and "Samano mantrah samiti samani samanamanah" policies were adhered to. Even the Vedas state that "Practicing equality in matter of mind is the first law of social mortality." The guys offered the ladies complete support and even let them pick the men they wanted to be their husbands. The young maiden was free to pick the husband to whom she should link her knot, according to various Vedic hymns, including the hymn of Syavaswa to the Maruts. At that time, women took part in religious rituals and even enjoyed property rights. At that period, there was no discrimination between the sexes.

There were a few incidents that tarnished the women's status among all the comforts that were offered to them during this time. According to R.C. Majumdar, the female element was subordinate to the male and gods like Indra, Varuna, Mitra, Surya, and Nasatyas were given the place of honour. Because of this, the writers' views on the status of women at the time are ambiguous. Although the households were patriarchal, there were sporadic acts of violence, as shown by the words of several distinguished writers. Although the women were permitted sufficient freedom of speech and thinking, they were nonetheless excluded from the Sabha, at least according to a later Vedic scripture.

Some incidents also claim that numerous rituals and prayers were performed in preparation for the birth of a son, which was the object of the greatest yearning. According to Majumdar, "the male element was superior to the female element, and the male deities like Indra, Varuna, Mitra, Nasatyas, Surya, and Agni were accorded the place of honour." In the perspective of the law, women were likewise dependent on men for help and assistance at all times. Polyandry was not permitted in Vedic period due to the contradicting structure. The widow's second marriage was legal, and the woman was approached with the proposition at her husband's funeral. Overall, the Vedic period did much to liberate and emancipate women; they were free to participate in decision-making and to reap the benefits of a free society. B.S. There is no mention of the purdah system during the Vedic period, according to Chandra Babu. The healthy lifestyles of the ladies at the period are articulately described by the paradigms of the day.

### Property Rights of Women<sup>5</sup>

Since ancient times, women's property rights have also been a source of debate; occasionally, we observe differences in how these rights are applied. "During the Vedic Age, it was said that the wife should be the joint owner of the household and property," claims Madhu Shastri. It's vital to

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<sup>5</sup> Ram Ahuja; 1997, Society in India; Rawat Publications, pg 291, visited on 23<sup>rd</sup> October 2022

remember that the husband used to swear he would never interfere with his wife's financial affairs. The interests of the women were treated with respect. In contrast to now, women enjoyed various sorts of freedoms and were not slaughtered for dowry. The most amazing fact that caught people's attention was the fact that in some marriages, the bridegroom was required to pay a dowry in order to secure the bride. A portion of the bride's price was given to the girl as a wedding gift in the "Asura marriage," which was one of those unions where the bridegroom could only receive the bride by paying a fair price for her. In the Vedic Age, brides frequently received wedding presents, which were very common. The women were deemed competent enough to investigate the property.

We can see from the Vedic period that parental instincts were expressed in numerous utterances that included prayers for children. Heroic sons were thought of as blessings bestowed on men by the gods. The concept of the Three Debts was evolving during the Vedic era. A son was referred to as "Rinachyuta," which may refer to both parental and financial debts, and having children was seen as a sacred duty that belonged to everyone.

#### Later Vedic Period

The post-Vedic Period had a very different situation as various changes gradually filtered through to society. The general public's condition underwent a radical metamorphosis, particularly for women, who were suddenly seen as the victims of misery. In the post-Vedic era, Manu established a number of limitations on women's rights and privileges, which had a negative impact on their standing. Therefore, these abrupt social changes had a negative impact on the societal structure.

Women were denied the opportunity to participate in legacy and public discussions, which was a loss. Women were subject to severe limitations, and their access to tribal council or assemblies was also severely restricted. Inheritance rules also underwent significant revisions. During this time, the repulsive system of polygamy increased in popularity, leaving the women completely helpless. Particularly upper class married women frequently had to suffer from the presence of competitor wives. The power was entirely in the hands of the men during the Manusmriti era. The ladies were distressed by the total transformation to patriarchy. The male members of the household began to express their anguish and animosity over the birth of a daughter. Only a select few women had the good fortune to receive education of the calibre that allowed them to play a prominent role in philosophical debates at royal courts. The women were now seen as second-class citizens; they were shunned from decision-making and participation in significant matters because they were deemed incompetent<sup>6</sup>.

Maghrib Epoch, There was a marked difference between the conditions of women in the South and the North during this time. In the South, women enjoyed a position of honour, whereas in the

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<sup>6</sup> See Human Rights-A Compilation of International Instruments Vol.1,UN, New York Geneva 1994, p. 174, visited on 25<sup>th</sup> October 2022

North, they were denied such privileges. According to the facts, unlike in North, where there were stringent limitations on marriage, in South the woman was permitted to eat in the company of the husband. The north-west was rife with Sati-related malpractice. The women in the Dharama-Sutras were helpless creatures who were reliant on their male counterparts at all times.

### Medieval Period

During this time, the women's health continued to deteriorate. The Muslim conquest altered India's fundamental structure. The purdah system was introduced with the arrival of the Muslims, and the women also saw it as a means of protection. Sati became a very common practise in Rajasthan and other Indian states. The state's economy benefited from the prostitution trade's dominance. The government ensured its survival by designating a distinct section of the town, Shaitanpura (devilville). For it, a darogha (superintendent) and a clerk who registered the names of clients of prostitutes were appointed. These ladies were known as rupajivas, which literally translates to "women who make a living via their beauty." They were characterised as samanyas, or people who are the property of no one and are simply interested in making money. The technique of maintaining many wives, known as polygamy, was commonly used by Hindu Kshatriya kings. In the Middle Ages, autocratic rulers who were governed by hierarchy held a disproportionate amount of arbitrary power. The Sultans who held power had traditional views and had a fierce devotion to their religion. These causes led to the greatest suffering during that time among women and children. The women and children were confined within the walls with insufficient freedom. At that period, Hindu women suffered the most. Female infanticide and other heinous traditions like Sati were tolerated during this era<sup>7</sup>.

These customs were deeply ingrained in the culture and instilled fear in the populace. Education and other enjoyable pursuits were utterly outlawed. Some women achieved greatness in the fields of politics, literature, education, and religion despite these abhorrent circumstances. The only woman to have ruled over Delhi was the well-known individual Razia Sultana. For almost fifteen years, Durgavati, the Gond queen, governed on behalf of her son Bir Narayan. She defended her rule with incredible bravery before succumbing to Asaf Khan, a general under the Mughal emperor Akbar. Due to her skill as a warrior and administrator, the famous Jijabai, Shivaji's mother, was appointed as queen regent. However, the general state of the women at that time was one of tyranny and mockery.

### Eighteenth Century India

The great social and religious ideals of the ancient Hindus faded into the background in the demoralising environment. Religion has become a superstitious mass that has lost its inner spirit. In the entire nation, intellectual stagnation and social decay predominated, and education was barely worth the name and nonexistent. The social structure changed as a result of the unusually

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<sup>7</sup> MWCD CEDAW Report: Draft 20 Nov 2011, visited on 25<sup>th</sup> October 2022

bad behaviour in society, and corruption and evil behaviour eventually became part of the system as a whole.

### Women during the British Period

The British had only one goal during their lengthy occupation of India: their own personal advancement. The arrival of the Europeans in India upended the foundation of the country, causing many acts of mayhem among the populace. They crippled the Indian economy, paralysed the populace, and used every trick in the book to hold them captive. The Charter Act of 1813 gave the British control over the education of the Indian populace. However, the conservative company officials restricted their activities to men and refused to take any direct action to educate women when putting these Parliamentary directives into practise. Even so, later on, some missionaries contributed significantly to the education of the women's population. To prevent the Indian population from growing during the British era, rigorous regulations were put in place<sup>8</sup>. However, new laws were being passed to eliminate some social ills that directly affected women's rights.

### Reform Movements

Some significant reform groups emerged throughout the British era, and many reformists and social workers banded together to speak out against social injustice. The nationalist movements of the 20th century and the social reform movements of the 19th century both significantly altered society. These two movements brought up the issue of women achieving equal status.

The reformers were drawn to a number of social ills, which inspired them to grant women access to education. The issue of child marriage was taken up by the association of Brahma Samaj and Arya Samaj. To protect the child wife from the pain and abuse at the hands of the husband, a special law was required. The first step in this direction was made in 1860 at Ishwar Chandra VidyaSagar's insistence. If the girl was under 10, the consummation of the marriage was illegal according to the Indian Penal Code. Later reformers like Keshab Chandra Vidyasagar and Behram ji Malabari regarded this age as low. Keshab Chandra Sen devised a novel marriage ritual in which both the bridegroom and the bride had to sign off on it. Gandhi vehemently opposed the practises of child marriage, the ban on child marriage, the ban on widow marriage, temple prostitution, and the Purdah System. The marriageable age for girls was set at and for boys at under the Brahma Act 1872, later known as the Native Act. The nationalist movement attracted a lot of women to political activity and gave them the strength to stand up for their beliefs. After India gained its independence, the majority of societal vices that negatively impacted women's rights were outlawed, including the Sati system, child marriage, female infanticide, etc. More legislation were passed to give women the same possibilities for education and employment as males. Laws were also passed to prevent gender-based discrimination against

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<sup>8</sup> See Human Rights-A Compilation of International Instruments Vol.1,UN, New York Geneva 1994, p. 174, visited on 26<sup>th</sup> October 2022

women. The Indian Constitution includes provisions to safeguard women's rights. In the public sector, plans were made to increase the proportion of women and bring it up to parity with the male population.

## Children

### Rights of the Children

India is renowned throughout the world for having the largest democracy, and according to the national census, the nation not only has the most children but also claims to be home to 19% of all children in the world. For India's plans to invest in its young population, Uttar Pradesh (U.P.) is essential among the Indian states. The number of children in the U.P. is almost the same as Germany's entire population. One in five children in India live in Uttar Pradesh, if one were to compare the states. The nation recognises that "Children are supremely important assets, and the nation's primary responsibility is to protect their nature and solitude," but in reality, many of these children lack even the most basic necessities. These children are caught in a cycle of malnutrition and extreme poverty as a result of deceptive practises.

India proclaims itself to be a country of contented children; according to the administration, the kids in this country receive an education and have access to a variety of options. Given that the big kid force is living a horrible existence, all of these claims appear to be empty. The Indian government is working to give the nation's children a sufficient and respectable life. The prevalence of child trafficking, female infanticide, child marriage, widespread child labour, etc., all point to the nation's children's poor condition as well as the inability of the nation builders to put an end to these practises. Despite the fact that many laws and rules have been created, their shoddy execution has only served to escalate the violent crimes. Children have experienced violence in one form or another for a very long time. Even though efforts have been made to protect them, there is still unrest. The recognition of children's rights as fundamental, inalienable rights has only recently come to India, according to studies. A child's health and general well-being are negatively impacted when their rights are violated, which has serious physical and psychosocial repercussions.

### Condition of the Children over the Periods<sup>9</sup>

Over time, there have been a number of changes in the children's condition. Similar to women, not much has been done to support the country's youth development. Aversion to a female child even prevented the birth of the girl child, who has been the category's worst sufferer. Ironically, the birth of a girl child has caused suffering, and evidence of that suffering is still present. Children's basic illnesses included malnutrition, low or no educational attainment, and child labour.

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<sup>9</sup> The Child Labour (Prohibition and Regulation) Act, 1986, visited on 27<sup>th</sup> October 2022

### Rig Vedic Age

Although women's conditions were slightly better during the Rig Vedic Age, the gender gap frequently caused problems for female offspring. The primary goal of marriage was to produce male offspring because only the son could officiate at the father's funeral. Thoughtfulness and consideration were still shown to the newborn female child despite the preference for a male child over a female child. The girls' education was not ignored, and some of them went on to write hymns and attain the ranks of Visvavara, Ghosha, and Apala. There is no proof that the consent of the father and brother was required for the marriage, and girls were allowed the freedom to make their own decisions. The children led comfortable lives because there were no restrictions on their education or their ability to get married after reaching the appropriate age.

### Later Vedic Age

The children's situation did not improve during this time because the girls' marriageable age was lowered to 9 or 10 years. The biggest setback to the educational system was the age reduction because children were getting married much earlier than they should have, preventing them from receiving a proper education. The previous method of picking one's own partner was completely abandoned. Under the whims and wishes of the elders, their childhood aspirations and desires crumbled.

### Problem of Child Labour<sup>10</sup>

India has long engaged in the practise of child labour. Children have assisted their parents with household tasks and other family activities. Several Sanskrit books describe how young people assisted their parents and gurus during their workdays (Brahmacharya time). One can infer from historical evidence that the Industrial Revolution was the catalyst for the problem of child labour. It was the responsibility of parents in ancient India to send their kids to school, also known as the Ashrams, which were residential schools run by the Gurus. The only form of child labour at that time was that of child slaves. For these jobs, sometimes even younger children than eight years old were purchased. The fourth-century B.C. philosopher Kautiliya opposed this practise and thought it was beneath children to perform such menial tasks.

### Medieval Period

The deplorable practises of female infanticide and child marriage during this time further explain the miserable state of children. Evidence of unethical behaviour was widespread throughout India, not just in Uttar Pradesh. The practise of Devdasi was very popular in South India. Zeid al Masan, an Arab traveller, described the devdasi as "she prostitutes at certain rates and delivers her gains into the hands of Idol's priests to be used by him for the upkeep and support of the temple" in his account of her in 867 A.D. James Forbes identified the Brahmanical mysteries in

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<sup>10</sup> Khan Parveen Nuzhat; Child Rights and the Law, Universal Law Publishing, pg 301, visited on 28<sup>th</sup> October 2022

this establishment as "these damsels are not only dedicated to the principal idols but to the pleasure of the priests." During this time, children's rights also received very little recognition. There is no proof that children were cared for or that their rights were taken into account.

### British Era

The birth of a female child was regarded as a bad omen during the British era. There was a clear gender gap when cases of newborn baby girls being drowned in a tub of milk were reported. Not only were the girls killed at that time, but if they were still alive, they had to endure numerous hardships.

### No or limited Education for Girls

The patriarchal society promoted education for guys but severely restricted it for girls, which left them permanently handicapped. In continuing with the GO No. 1253/XV-1348-1927 dated July 2, 1928, the order by J.C. Donaldson (Secretary of the Government, United Province) below shows that more emphasis was placed on the education of males than that of girls. I have been given the go-ahead to give the District Board of Meerut permission to pay the non-recurring grant of Rs 23,370/- during the current fiscal year in order to outfit new primary schools for boys in the six village districts mentioned in the aforementioned GO, where boys will be required to attend primary school beginning on August 13, 1928. Additionally, it was observed that the district boards treated girls differently and specifically made compulsory attendance for boys. According to section 3(1) of the United Province District Board Primary Education Act 126, the district board of Lucknow has requested the issuance of a notification making primary education for male students in the district's six school districts of Itaunja, Malihabad, Kakori, Chinhat, Nagram, and Goshaijanj mandatory<sup>11</sup>.

### Practice of Female Infanticide

Female infanticide was also widely performed at this time, and official documents from the time provide ample evidence of this wrongdoing. According to official archival archives, one of W.H. Tyler's letters, dated December 20, 1851, indicates that the "crime of infanticide can only be prevented by the agency of the people themselves." Mr. Tyler is writing to John Thornton, Secretary to the Government, North Western Provinces.

This clearly states that female infanticide was a common practise and that the people were to blame for it. "My own firm belief that the time has arrived for the extinction of this unnatural crime of child-murder, in the very surest and best manner, I mean by the agency of the people itself" There are additional proofs for this bad practise as well. Another letter by C Raikes states: Letter dated 9th December 1851 by C Raikes addressed to WH Tyler, EsQ, commissioner Agra Division. He mentioned in point 15 that, "In 1843, not a female child was found among the

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<sup>11</sup> Khan Parveen Nuzhat; Child Rights and the Law, Universal Law Publishing, pg 301, visited on 29<sup>th</sup> October 2022

Chouhans in this districts, they are now living, from the ages of one to seven from the last accounts, 1488”.

Through these letters, an effort was made to lower the dower price in the Chaouhan and Thakoor (groups in Uttar Pradesh), which was the main driver of female infanticide. Numerous innocent lives were taken as a result of the horrific act's primary motivation, dower. Numerous girl children were killed, and the practise still exists. These letters stand for the historical occurrence of female infanticide in the state of Uttar Pradesh. There is no question that the people murdered the girl child decades after generations.

### Child Marriage

During the British era, child marriage was also commonplace, which gave the children a bleak future. Children were frequently married off at a young age, and the caste system was strictly upheld. Even though marriage was a barrier to a child's growth and development, it was nonetheless done.

### Evidence of Child Marriage

According to Mr. Raikes, "The Hindu does not believe in the puberty of the sex; he believes that a daughter who has reached puberty must either be married or disgraced. When the family is looking for a husband for her, it must be in his own caste, but it also needs to be in the higher caste's sub-division; higher than his own caste, but at all times different from his own. Mr. Raikes continues, "Marriage within one's own sub-division was regarded as incestuous, and marriage within one of the lower rank as a disgrace.

### Post-Independence

Even after the kids gained independence, the disparity in their conditions stayed the same. Even in independent India, children's welfare was not given top priority. The issues of foeticide, malnutrition, illiteracy, sexual assault, and trafficking continued to exist. In some States, including Punjab, Haryana, Delhi, Rajasthan, and Uttar Pradesh, female foeticide is rife. Despite numerous national and international laws, not much progress has been made in this area. A number of additional programmes, including the National Policy for Children, had been created to support child development.

### Atrocities faced by the Children<sup>12</sup>

Agriculture started to become more mechanised in the early 19th century after the Industrial revolution. The workers began wrapping up their projects and heading out to the fields. Children began to fill the vacancies as factories needed inexpensive labour because they matched the

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<sup>12</sup> The Child and the Law-UNICEF, New Delhi, 1994, Article of Upendra Baxi: "Reclaiming our Common Future: Human Rights of Children" pg 12, visited on 30<sup>th</sup> October 2022

requirements and were uncomplaining. The ILO was established in 1919 as a result of a growing awareness of child abuse at the turn of the 20th century. As a result, the children's conditions gradually improved, and in the ILO's first session, the minimum age for child workers was set at 14.

### Present condition of Children

Ironically, the nation still won't brag about the state of its kids. Much lesser percentage of children are being enrolled in schools, despite right to education being a fundamental right and governments drive for Sarv-Siksha- Abhiyan. India has the world's largest population of street children among the most vulnerable children. Despite being a significant part of human society, children in India have always been subjected to abuse and exploitation. Inadequate attention has been paid to child rights violations, and there have been only sporadic attempts to comprehend and rectify them. Numerous factors, such as a lack of education, unemployment, poverty, large families, divorced parents, etc., contribute to violations of children's rights. People also hold the belief that since children contribute to the family's income, it is preferable to start putting them to work as young as possible. One of the main causes of this is the failure of government programmes to be put into action.

### The Rights of the Children

The issue of children's rights is complicated, and it can be violated in a variety of ways. The sad reality is that many children lose their lives to malnutrition at a very young age, which is why it is true that this statistic exists. As a popular industrial and agricultural region, Uttar Pradesh has been battling with one of the highest infant and child mortality rates in India. Polio is still endemic locally. History also documents the systematic mistreatment of children.

Children who work as labourers in India frequently experience violence. A girl child is not an exception to this rule; it seems that girls are more likely to engage in violence in a variety of ways. The narrations from the past show how suppressed and upset the children of India have been. According to Dr. Nuzahat Khan, "Child right violation is a pattern of behaviour that takes place over the period of years, the longer the child abuse continues, the more severe it becomes." With 13 million infants added every year<sup>13</sup> India has gained the distinction of having the world's highest population of children.

### Constitutional Provisions<sup>13</sup>

All of the nation's citizens were intended to be safeguarded and protected by the Constitution. With an emphasis on fundamental rights and guiding principles, this chapter concentrates on all the articles that address the needs of women. The legislative enactments established for the women are examined further the Acts listed in the Chapter include Factories Act 1948,

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<sup>13</sup> Women Laws; Universal Law Publishing Co. pg 152, visited on 2<sup>nd</sup> November 2022

Employees State Insurance Act 1948, The Dowry Prohibition Act (1961), Medical termination of Pregnancy of 1971. The International Commitments with which India abides is also stated in the chapter. The major monuments consequently are Convention on the Political Rights of Women, 1953: Suppression of Immoral Traffic in Women and Girls Act (1956), Convention on Elimination of all forms of Discrimination (1967). (1967). The provisions made for the children's development are described in depth in the chapter's second half. It establishes the clear definition of who is a child and lays the onus on the state for safeguarding the children. Therefore, the chapter includes all of the articles cited in the Constitution for preventing child labour, enhancing nutrition, making education mandatory, etc. As child rights did not gain attention till long so not much was done for the children till 1977. Children<sup>14</sup> were mentioned in the country's five-year plans, which are the only topics covered in this chapter. Therefore, in Independent India, the laws were an attempt to safeguard women and children. These were some great government initiatives, and the fact that they affected every state made the situation of the populace better. In terms of children numbers of legislative enactments were produced and special focus was put on eradication of child labour. The Child Labour (Prohibition and Regulation) Act (1986), The National Policy on Child Labour, Juvenile Justice Act ( 1986) were some major Acts. Other than this the International Conventions were also signed by India for the protection and advancement of the children. Following were the international conventions; International Covenant on Civil and Political Rights (ICCPR), 1966, The United Nations Convention on the Rights of the Child, 1989.

#### Execution of Laws in Uttar Pradesh for Women and Children

In this chapter, the value of law enforcement has been emphasised. Emphasis has been levied upon the welfare which is the utmost important responsibility of the government. It has been studied in the previous chapters that the enactments have been made and the success of which can be assured by the proper execution of those laws. The chapter analyses the role of State Human Rights Commission (UPHRC ) which was founded quiet late. The participation of the police is also vital in this regard since only a good police administration can help in proper implementation of the laws. The role of local bodies like Panchayat has also been highlighted, evolution of all these local bodies in the state of Uttar Pradesh has benefited the needy, though their working has not been very effective. The state's law and order as well as the administrative agencies like the Police who are in charge of preserving the welfare of the state have received some attention. In this context, the role of the media has also been briefly discussed.

#### Conclusion:

The chapter concludes by highlighting the development of human rights and eloquently presenting the situation of women and children throughout Indian history. The harsh realities of

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<sup>14</sup> Juvenile Justice Act, 1986, visited on 4<sup>th</sup> November 2022

the past are responsible for the children's and women's deplorable conditions<sup>15</sup>. From Ancient time till modern India an attempt has been made to codify the atrocities that the vulnerable group of the country had to face. Whereas the Vedic period was a time of equality and prosperity, the country later experienced gender inequality, which has persisted to the present.

The chapter illustrates how the problem facing women and children spread throughout all of India like a virus. The letters of the officials also reveal that the problems of infanticide etc were pervasive even in the state of Uttar Pradesh. The presence of female infanticide, child marriage, etc. is evidence of parental abuse of their children's rights. The formation of UDHR and other such initiatives emphasise that the rights were not of any importance till long period of time. The disregard for human rights has been around for a while. And the persistence of the violation showed how the reformers' efforts had a delayed impact. The later part of the chapter also brings into light the efforts made by India to safeguard the rights, which was initiated with signing of different treaties and conventions. The violation of the rights is never hidden from the people however these rights either did not exist in the perception of the violators or the society accepted the denial of rights to the victim eg: women, children, downtrodden etc. The study therefore highlights all the problems being faced by the women and children in Uttar Pradesh. The State of Uttar Pradesh continues to lag behind many of India's developed states where women and children enjoy better conditions. The study carefully details all the steps taken by the federal and state governments to prevent crimes against the two, but the dire circumstances account for the machinery's failure to carry out its design. The role of NGOs has been thoroughly researched, and they make a sizable contribution. The problem in implantation has been studied and lacunas are found. Recommendations have therefore been made so that some positive results can be achieved in future. It is required that the emphasis is laid on reporting the cases. Funding which is a major problem should be met out, the NGO workers who face lot of hurdles in working should be supported. Additionally, it is crucial that the public alters its perspective and outright out laws crimes like female infanticide. Finally, it should be noted that while the Central and State Governments have implemented numerous policies over the years, more foresight and a desire to work toward ensuring the peaceful coexistence of the so-called vulnerable group of women and children in the State of Uttar Pradesh is required.

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<sup>15</sup> See Human Rights-A Compilation of International Instruments Vol.1,UN, New York Geneva 1994, p. 174, visited on 5<sup>th</sup> November 2022

**BIBLIOGRAPHY**

**Statutes and Legislations**

1. The Factories Act 1948
2. The Constitution of India 1950
3. Dowry Prohibition Act 1961
4. The maternity Benefit Act, 1961, Act No. 53 of 1961
5. National Policy for Children; 1974
6. National Policy on Education; 1986, para 5.8.
7. The Child Labour (Prohibition and Regulation) Act, 1986
8. The Immoral trafficking (Prevention) Act, 1986
9. The Juvenile Justice (Care and Protection of Children) Act, 2000
10. The Medical Termination of Pregnancy (MTP) Act, 1971
11. The National Commission for the Protection of Child Rights Act, 2005
12. The Pre-Natal Diagnostic Techniques (PNDT) (Regulation and Prevention of Misuse) Act, 1994.
13. The Prohibition of Child Marriage Act, 2006
14. Juvenile Justice Act, 1986
15. Suppression of Immoral Traffic in Women And Girls Act 1956; Act No. 104 of 1956

**International Conventions and Legislations**

1. Universal Declaration of Human Rights 1948
2. Human Rights-A Compilation of International Instruments Vol.1, UN, New York Geneva 1994, p. 174.
3. UN Doc A/C 3/L 650.

4. The Fourth World Conference on Women, Beijing, 1995; ILGA Europe
5. International Human Rights References to Sexual and Reproductive
6. Health and Rights; ILGA Europe

National and International Reports

1. Annual Report 2003-2004; National Commission for Women
2. Legal Manual, Women Law, Universal Law Publishing Co.
3. Supra note 6
4. MWCD CEDAW Report: Draft 20 Nov 2011
5. Quality Institutional care and Alternative for Children, U.P
6. Das Manisit and Munka Ankit, Children in India's Five Year Plans (2011)
7. Adopted by the General Assembly on 28 March 1991; UN Doc A/RES/45/112
8. The Child and the Law-UNICEF, New Delhi, 1994, Article of Upendra Baxi:"Reclaiming our Common Future: Human Rights of Children.
9. Suppression of Immoral Traffic in Women And Girls Act 1956; Act No. 104 of 1956 184
10. UNICEF, Early Marriages: A Harmful Practice, A Statistical Exploration New York, USA
11. Munka Ankit and das Manisit, Children in India's Five Year Plan, Kokata 2011
12. Maternal Mortality Report Uttar Pradesh: Reality Check

Books

1. Ahuja Ram, Society in India (1997); Rawat Publications
2. Aseefa Beqnele and Jo Boydan, (Eds) Combating Child Labour, International Labopur Office, Geneva, 1998
3. Abul Fazl, Ain-I-Akbari, Vol .1, tr. H. Bloachmann (New Delhi Oriental Books, Reprints 1977) 201-2
4. Ashish kr Das and Prashant kr Mohanty, Human rights in India.

5. Beg Tara Ali; Our Children; Ministries of Information and Broadcasting Government of India
6. Constitution of India; Government of India ministry of Law and Justice ( As Modified up to the 1st Dec, 2007)
7. Chandrababu B.S, Thilagavathi L; Women Her History and Her Struggle for Emancipation; Bharati Puthakalayam
8. Diwan Paras and Diwan Piyushi, Human Rights and Law;
9. Das Kumar Ashish, Mohanty Kumar Prakash, Human Rights in India (2007), Sarup and Sons New Delhi.
10. Dobash, R.E and Dobash,R.(1078). "Wives: the 'appropriate' victims of marital violence". Victimology
- 11.Fernandes Water; Burra, Neera; Anand, T.S Child Labour in India, a Summer of a report prepared by Indian Social Institute 1986
- 12.Geeraldine Van Bueren: The International Law on the aright of the Child, Netherland, Khuner Academic Publishers 1995.
- 13.Gargain Swapan; Indian Journal of Social Work; Volume 56; pg 331, 1995
- 14.Gupta Natthulal, Women Education through The Ages; Concept Publishing Co. 187