



# HUMAN RIGHTS OF WOMEN AND CHILDREN IN INDIA

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## **ABSTRACT**

In the past, human rights were conceived of in a manner that did not take into consideration the realities of the lives of women and the reality that they were subjected to acts of violence, criminality, discrimination, and coercion. Historically, this conception of human rights persisted. In the past, women were expected to adhere to a set of conventions and customs that imposed a great deal of restriction upon them. This was especially true in societies where males predominated. To ensure that the human rights framework has matured and changed to summarise the gender-specific aspects of human rights abuses in order to protect women in a more effective manner, the work that has been done by activists, human rights mechanisms, and state governments has been essential. A comprehensive understanding of the fundamental societal structures and power relations that define and stimulate the ability of women to enjoy their human rights is required in order to effectively ensure women's human rights. This understanding is necessary for ensuring that women are able to enjoy their human rights. These power structures have an effect on every facet of life, including law and politics, economic and social policy, family and community life, education and training, the development of skills, and the ability to get work prospects.

***Keywords:** Women, Empowerment, Rights*

## **INTRODUCTION**

The realisation of equality between women and men and the eradication of any and all forms of discrimination against women are key goals associated with both human rights and the ideals upheld by the United Nations. However, it is very uncommon for women in any part of the globe to have their human rights violated at some point throughout their life, and the protection of the human rights of women has not always been a top concern. A comprehensive understanding of the ways in which women are subjected to discrimination and are denied equality is required in order to develop appropriate strategies and norms for the purpose of eradicating the aforementioned forms of discrimination in order to realise the goal of achieving equality between women and men. Some groups of women face extra types of discrimination due to factors such as their age, ethnicity, nationality, religion, health status, marital status, education, handicap, and socioeconomic position. These factors can all play a role. According to Women's Rights are Human Rights (2014), while designing measures and actions to combat discrimination against women, these interconnected types of discrimination must be taken into consideration. (Women's Rights are Human Rights) The advancement of women is inextricably linked to the successful elimination of discriminatory practises. In addition to this, one should make the protection of women's rights a priority and work to ensure that their rights are effectively implemented.

The contributions that women make to society are vitally significant. They are considered the key contributors to the family's upbringing and nourishment. Women continue to face a number of barriers that prevent them from reaching their full potential for development, despite the fact that their contributions to the development of the nation are comparable to those made by their male counterparts. These barriers prevent women from fully realising their growth potential. As a result of this perspective, governments all over the world felt the need to prioritise the needs and interests of women, recognise their contribution at various stages, and overcome obstacles that would occur in the course of their empowerment. This was done against the backdrop of the fact that women make up half the population of the world. The term "women's empowerment" refers to the capacity of women to make all of the significant decisions that are related to them, on an independent basis, throughout their entire life span, which will lead to the women's success in all aspects of life. This capacity is implied by the term "women's empowerment" (Saryal, 2014).

### **Diagramming of Violations of Women's Rights**

The following is a list of the areas in India that are responsible for the violation of the rights of women:

**Missing of Women and Girls**— When it was discovered that the percentage of women in comparison to men in the population was low in a number of developing nations, the phrase "missing women" was coined to describe the situation. Women and girls vanish without a trace in a number of India's states. Human trafficking is one of the key factors that contributed to their disappearance. Girls who are victims of trafficking suffer severe forms of exploitation and are frequently denied access to food and other essentials. The girls who come from families that are struggling to make ends meet are sold by brokers to males in northern India, which has a problem with an unequal gender ratio that is more obvious there. In addition to that, there have been reports of instances in which married women have vanished from their homes. The frequency of violent and illegal crimes committed against women both within and outside the home is the primary factor that contributes to their absence.

**Dowry Deaths** – In recent years, there has been a disturbing rise in the number of dowry-related murders committed against married women in India. Dowry disagreements have developed into a significant source of friction in recent years. According to the National Crime Records Bureau, there were about 8,233 newlywed women murdered for dowry purposes in 2012. The practise of demanding and accepting dowry is regarded as unlawful across the nation. The Dowry Prohibition Act has not been implemented well in India, despite being a law that prohibits the practise. It has come to light that the majority of states neither have a Dowry Prohibition Officers nor have they made it obligatory to maintain a record of goods given and received. This is despite the fact that this practise should be made required.

**Domestic Violence** – Despite the passage of the Protection of Women from Domestic Violence Act in 2005, there is still a problem of violence against women in intimate relationships in India. A woman is said to be a victim of domestic violence if she is subjected to violent or criminal activities at the hands of a male family member, such as her husband, father-in-law, brother, or another male relative. As examples, we have physical abuse, verbal abuse, and the infliction of a variety of other sorts of mistreatment. There are many reasons why women are more likely to be victims of domestic violence within their married homes. Some of these reasons include an inability to carry out the household tasks in an appropriate manner, problems with finances, a desire for a male child, ignorance and illiteracy on the part of women, difficulties in meeting essential needs and requirements, health issues, and feelings of hostility and resentment.

**Sati** – Sati is a ritual in which widows were traditionally burned alive with their deceased husbands on funeral pyres. The social reformer Raja Ram Mohan Roy was responsible for putting an end to this practise. Even in the post-colonial era, it maintains its stronghold in India. The Sati Prevention Act was just enacted, and with it came the proclamation that the act of sati, or female genital mutilation, is a felony that is punishable by the death sentence. The ordinance also proclaimed that it is illegal to honour Sati by building a temple to her and to worship the spirits of dead women as if they were gods. This provision was included in the statute. On the other hand, some people believe that this rule violates their freedom of religion by interfering with their ability to follow the precepts of their faith.

**Child Marriage** – Child marriage occurs when a girl is married before the age of 18 and when a male is married before the age of 21. Girls can be married before the age of 18, and boys can be married before the age of 21. It is a widely held belief that girls who are forced to marry before the age of 18 miss out on their youth. They have difficulty obtaining an education, getting enrolled in school, participating joyfully in other activities available to children their age, and developing their talents and capabilities. The child's social, psychological, and emotional development are all negatively impacted as a result of this circumstance as well. When female children are subjected to domestic abuse in their own married homes, they feel defenceless and anxious about their surroundings. The Child Marriage Act of 2006 makes it illegal for children to be married and sets the legal age of marriage for girls at 18 and for guys at 21.

**Preference for a Male Child** – Those people who live in rural areas and are economically disadvantaged are more likely to favour having a son. This is also the case in portions of society that are more culturally traditional. They have the mindset that guys will contribute to their families by earning wealth and boosting their reputation, therefore they consider males to be the most valuable members of the family and perceive them as the family's assets. The patriarchal structure that prevails in Indian culture has contributed to the development of a cultural phenomenon known as the desire for male offspring. The transition of Indian society from its primitive stage, which was predominately matrilineal to its feudal stage, during which agriculture emerged as the primary recognised occupation of the people and was to be controlled by males, is largely credited with the rise of the strong preference for having a son. This change took place during the course of the transformation.

**Female Foeticide and Female Infanticide** – Murdering a female child either before or after she is born is known as female foeticide or female infanticide, respectively. Female foeticide refers to the act of killing a female child before she is born. Because of these practises, the girl child is deprived of one of her most fundamental rights: the right to survive. There have been populations of people throughout history that have held a strong preference for the offspring who are male. They held the perspective that it was a source of pride for families to produce male offspring, particularly if those households controlled a bigger portion of the land. They viewed women as a burden on their family since they knew they could not contribute financially to the household.

**Education** – Education is often viewed as one of the most crucial factors that, if improved, would result in increased levels of female agency. Article 21 of the Indian Constitution outlines an individual's right to get an education, and as a result, the Indian government is required to make education accessible to all citizens without charge. When compared to the retention rate of male students at schools located in rural regions, the retention rate of female students is lower. There are a variety of factors that cause females to drop out of school as they advance to higher courses. Due to financial constraints, the inability of parents to pay for their children's education is the major factor that contributes to their dropping out of higher education. Due

to the rising cost of education and the fact that parents believe their daughters will eventually get married and give up any opportunity to put their education to use, they expect their daughters to care for their younger siblings while they are at work. In addition, while they are at work, their mothers instruct their daughters on how to properly perform household chores.

**Forced Evictions and Exclusions** – After the death of their spouses, widows in India are forced out of the houses they shared with their husbands and are expected to take care of all of their own personal wants and necessities on their own. Their children are evicted along with the rest of the family as well. Women are more vulnerable than males in general, and women who head homes are more vulnerable. When a woman experiences the death of her spouse, society expects her to go through a variety of painful stages as a result of the loss of her partner. In the event that they are kicked out of their houses, they are compelled to persevere through any and all adversities in order to ensure that they have enough food to eat. When a lone woman has neither land nor family to care for, she frequently winds up living in a slum in the city.

**Sexual Harassment at the Workplace** – It is well acknowledged that the presence of sexual harassment in the workplace is the most destructive problem that imposes restrictions in the way of their advancement. In India, there is a gender pay gap between men and women, which leads to unequal payment and pay for women's work. They are treated unfairly in regards to issues of promotion and progress within the context of the job setting. This is a truth that applies to both urban and rural places. When trying to launch any form of company, female business owners sometimes face a greater number of challenges than their male counterparts in securing the necessary cash and resources. The psychological approach of a woman is hampered when she is subjected to sexual harassment in the job. Even though she is not in a stable financial position and could use the income from her employment, she finds that she is impelled to quit her job.

**Rape** - Over the course of the last decade, there has been a considerable rise in the number of rape incidents that have been reported in India. Violent acts like rape are frequently the result of hostility, hatred, anger, or any other negative emotion. In 2012, there were a total of 250,000 rape cases that were recorded, as stated by the National Crime Records Bureau. Individuals from higher castes in India's rural areas, particularly those located in the north of the country, have been known to resort to committing mass rapes as a method of exerting their authority over people from lower castes. The brutal gang rape that occurred in Delhi in December 2012 led to the introduction of a more stringent law, known as the Criminal Law (Amendment) Act 2013, which was designed to deal with rape incidents that occurred throughout the country.

**Societal Violence against Women** - The patriarchal normative system is deeply ingrained in the majority of India's groups and civilizations. This is especially true in rural areas. In these kinds of communities, it is more challenging for women to assert their position and fight for justice. There isn't much of an example of equality between men and women in traditional institutions like religious groups, rural communities, or even artificial communities like professional bodies. The lives of women have been made significantly more difficult by religious organisations on several occasions, since these societies have coerced women into adhering to traditional traditions that would have unfavourable consequences. As a result of the widespread occurrence of violence in society, women are typically forced to remain restricted within their houses and become cut off from the outside world. They are obligated to maintain a level of restraint in their interactions with the other members of the community.

**Empowerment of Women**

In today's world, empowerment has emerged as one of the concepts that is used most frequently to describe women who have made strides forward in their personal and professional lives. Empowerment is one of the primary goals pursued by women's rights organisations, non-governmental development organisations, activist organisations, political parties, national governments, and international organisations. Women who have been empowered have increased awareness and comprehension of various programmes, plans, measures, strategies, policies, and norms. This is a direct result of their empowerment. It is treated as a project, the likes of which are generally undertaken by individuals and which, in the end, results in alterations and transformations. The act of altering the distribution of power throughout a society's institutions as well as its interpersonal relationships is referred to as empowerment. Empowerment can take place either individually or collectively. The process of obtaining, supplying, or awarding the resources and the means, or facilitating access to a control over such resources and methods, is another interpretation of the word "acquisition." In light of the information presented above, the concept is more pertinent to the disadvantaged groups, like the impoverished, the uneducated, the indigenous populations, and those women who are fighting to obtain their rights within the society.

The concept of empowerment can be understood in a variety of contexts, including social, economic, cultural, and political settings, making it a difficult problem to solve. Women have begun to acquire an understanding of a number of areas as a result of their empowerment. These areas include: participation in the decision-making processes; domestic work should be carried out by both males and females and not just females by themselves; women should take control of the reproductive functions and decide on the size of the family; women should be allowed to spend the income, she has earned, according to her own needs and desires; working women should value and take pleasure in their work; women should be allowed to spend the income, she

Existence of women's organisations, allocation of funds to women and women projects, increase in the number of women leaders at village, district, provincial, and national levels, involvement of women in the design, strategy, development, and application of technology, participation in the community programmes, productive enterprises, politics, and arts, involvement of women in the design, strategy, development, and application of technology; increase in the number of women leaders at village, district, provincial, and national At the national level, these include awareness of social and political rights, the inclusion of women in the general national development plan, the existence of women's networks and publications, the degree to which women are publicly noticeable and acknowledged, and the degree to which women's issues can be addressed to the media. Incorporating women into the general national development plan is another important factor.

### **Fundamental Rights to Uplift the Status of Women**

The following is a list of the articles that can be found in Part III of the Indian Constitution, which is devoted to the Fundamental Rights, and which seek to advance the position of women and ensure that they have equal access to opportunities:

Article 14 of the Constitution of India states that all persons, including women, are equal in the eyes of the law and that they are also entitled to enjoy equal protection of laws within the geographical jurisdiction of India. This provision applies to all laws that are enacted inside India. It denotes that all individuals, regardless of gender, should be treated equally in conditions that are comparable to one another. Both



individuals and groups should be treated in the same manner under the law, and the state should not engage in any form of discrimination.

It is prohibited for the state of India to discriminate in any way against any person, including women, on the basis of their race, caste, gender, ethnicity, religion, place of birth, or socioeconomic background, as stated in Article 15 of the Constitution of India. It emphasises that all people have the right to enjoy equal rights regarding access to stores, hotels, restaurants, banks, and other businesses as well as public areas and spaces. However, the state is allowed to make whatever particular arrangements it deems necessary for the welfare of children and women, as well as for members of scheduled castes and tribes and other backward classes.

According to Article 16 of the Constitution of India, all citizens, including women, will enjoy equality of opportunity in matters of public employment, regardless of their gender, race, caste, ethnicity, religion, or socio-economic backgrounds. This applies to all citizens, regardless of gender, race, caste, ethnicity, religion, or socio-economic background. There are a few notable exemptions to this rule, such as the possibility that the state legislature might make it a legal requirement for specific jobs that applicants live in the state. The state has the authority to set aside certain positions for members of backward classes, as well as members of scheduled castes and scheduled tribes. Additionally, appointments made in connection with religious organisations may be set aside for individuals who identify as members of that religion.

Article 17 of the Constitution of India stipulates the following: The Untouchability (offence) Act of 1955 was passed by the parliament in order to put an end to the system of untouchability and punish those who practised it. The Untouchability (offence) Amendment Act of 1976 made the law more harsh so that it might eradicate untouchability from society. This Act was one of the laws that was altered.

Article 19 of the Constitution of India grants every citizen, including women, the right to freedom of speech and expression, the right to assemble in a peaceful manner and without the use of arms, the right to form unions or associations, the right to freely move throughout the country, the right to reside or settle down in any part of the country, and the right to practise any profession or carry on any lawful trade or business in accordance with one's own aspirations. In addition, every citizen has the right to form unions or

Pursuant to the Constitution of India, Article 21, "No person shall be deprived of life or personal liberty, except according to the method provided by law," states that no one may be denied their right to either their life or their personal liberty. This right to life encompasses a number of other rights as well, such as the right to live with dignity and the right to privacy. Because it diminishes the victims' sense of self-respect and dignity, domestic violence against women is also in violation of Article 21 of the Indian Constitution. This is because the victims of domestic violence are the ones who experience it.

According to Article 21A of the Constitution of India, the state is required to provide free and compulsory education to all children who are between the ages of six and fourteen in a manner that the state may determine by law. This provision is made in accordance with the provisions of the constitution.

Article 20 of the Constitution of India states that no person, including women, shall be convicted of any offence except for the violation of a law, and that no person shall be prosecuted and punished for the same offence more than once. The purpose of this provision is to provide a facility for women who have been accused of committing a crime.

Any individual should not be accused of committing any crime; rather, that individual should be required to testify as a witness against himself or herself.

In order to put a stop to the unethical trade in women and girl children The trafficking of human persons and the use of forced labour are both prohibited under Article 23 of the Constitution of India. As a means of enforcing the provisions of this article, the Parliament of the United Kingdom enacted, in 1956, the Suppression of Immoral Trafficking in Women and Girls Act, which has since been renamed the immoral Trafficking (Prevention) Act 1956. This law is intended to punish the behaviours that lead to the trafficking of human beings.

In accordance with Article 24 of the Constitution of India, which states that "Activity of children below the age of fourteen years in factory or mine or engaged in any other hazardous employment is illegal," efforts are being made to outlaw child labour, particularly among young women.

According to Article 25 of the Constitution of India, all individuals, including women, are equally entitled to freedom of conscience as well as the right of freedom to profess, practise, and propagate their own religious beliefs.

## CONCLUSION

Understanding of women's human rights is the primary objective of this research paper's investigation and subsequent discussion. The presence of patriarchal societies is the primary factor responsible for the gradual erosion of women's legal protections throughout the course of history. In the culture that was dominated by men, male offspring were given precedence over female children, and there were even instances of female infanticide and female foeticide. Males were viewed as assets because of their ability to produce riches for their families, whilst females were seen as liabilities since they would lead to further spending for the family. Men were in charge of making decisions as well as holding various positions of power and authority in the society. The duties of the women were confined to taking care of the children and other members of the family, as well as tending to the home chores.

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