

CHILD LABOUR

It goes without saying that today's children are tomorrow's nation builders. Observance of human rights begins with the manner in which a society treats its children. A civilized and sensitive society will accord dignity to its young citizens by creating conducive conditions in which they can develop their full potential and look forward to a full and satisfying adult life.

But in spite of above thinking, child labour is a major threat to Indian society. Almost 50 lakh children are still working across India. Child labour is a matter of serious concern all over the world. Millions of children start working at a very young age both nationally and internationally. It is a challenge for both developed and developing countries.

The term "Child Labour" is often used synonymously with "Employed Child" or "Working Child." In this sense it is co-extensive with any work done by child for gainful purpose. But more commonly it suggests something which is hateful and exploitative. Homer Folks, Chairman of the United States National Child Labour Commission, defined Child labour as "any work done by children that interferes with their full physical development and their opportunities for a desirable minimum level of education or their needed recreation. According to the International Labour organization, 'child labour includes children permanently leading adult lives, working long hours for low wages under conditions damaging to their health and to their physical and mental development, sometimes separated from their families, frequently deprived of meaningful educational and training opportunities that could open up for them a better future.'"

Child labour refers to engagement of children in

livelihood for different industries. These child labourers are mostly found working barehanded in factories like carpet making, glass blowing unit and firework making factories. In the carpet industries the child labourers are paid very less wages and they have to work in an unhygienic condition for long hours. Poverty and over population can be regarded as the two most important reasons of child labour in India. The parents are compelled to send their children for working in such factories due to economic reason. Child labour is harmful to the mental and physical development of the child.

The problem of child labour was identified as a major problem in the 19th century when the mechanized large-scale production was first started. At that time for the lack of state regulation over the conditions of employees in industries, the employers were free to bargain with labour. Many children were employed in cotton and jute mills and they were employed even for underground works. Gradually public attention was drawn towards the evils done on child labour.

The fact that children are entitled to rights have been acknowledged in various declarations and conventions from time to time. The Geneva Declaration of the Rights of the child, 1924 was the first convention adopted by the League of Nations to consider the rights of children. The Universal Declaration of Human Rights, 1948 confers rights to all human beings without any discrimination on the basis of age or sex. Moreover, it also stresses that a child is entitled to special care and assistance. Article 24 of the Universal Declaration of Human Rights specifies that : Every child shall have without any discrimination the rights to such measures of protection as are required by his status as a minor, on the part of his family, society and the state.

* Evry child shall be registered immediately after birth and shall have a name.

* Every child has the right to acquire a nationality.

Article 10 of the International convention on Economic, Social and Cultural Rights Specifically deal with the rights of the child. An independent Declaration of Rights of the child was passed by the UN in 1959. The Declaration asserts, "mankind owes to child the best it has to give." To protect child's rights and to eradicate child labour the parliament of India enacted a law called "The Child Labour (Prohibition and Regulation) Act, 1986 and Rules in 1986. The Act aimed at the creation of social and beneficial legislation to protect the interests of a class of society who, because of their economic conditions, deserves such protection. According to this act, "child means a person who has not complete fourteenth year of age. Before fourteen years no one can employ child as labour. Basically the Act barred child to work in the establishment includes, a shop, commerical establishment, work-shop, farm residential hotels, restaurent, eating-house, theatre or other place of public amusement or entertainment."

However, it is the Convention on the Rights of the Child, 1989, which is regarded as landmark in the international efforts to strengthen justice, peace and freedom in the world through the protection of human rights of children. The Convention is the most complete statement of children's rights and it provides an international framework to determine the rights of the child. The convention was adopted unanimously, by the General Assembly of UN on 20 November 1989. It entered into force on 2nd September, 1990 and became international law. The Convention is the most widely ratified human rights treating as it has been ratified, as on September 1996, by all countries except the Cook Islands, Oman, Somalia, Switzerland, the United Arab Emirates and the United States of America.

The Convention on the Rights of the Child, 1989, defines a child as " a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier." The Convention's definition of childhood can be perceived as setting a basic minimum standard in view of Article 4 which declares, "nothing in the Convention or any of its provisions shall affect realization of the rights of the child, under the law of a state party." The Convention provides for the first time a clear framework and statement of right which are worked out in greater detail than in many other human rights documents.

The rights provided by the Convention can be classified into –

- i. Survival Rights which include provisions of adequate food, shelter, clear water and primary health care.
- ii. Development Rights which include access to information, education, cultural activities, opportunities for rest, play and leisure and the rights to freedom of thought, conscience and religion.
- iii. Protection Rights include assurance of protection not only from violation of rights but also from all kinds of exploitation and cruelty. Protection is vital for especially vulnerable group among children like abandoned children, street children and displaced children.
- iv. Participation Rights include the right to express opinions and right to play an active role in the community and society through freedom of association.

Thus it is seen that Indian Government prohibits child labour as well as provides penalty if someone found guilty. In consonance with the above approach, a National Policy on Child Labour was formulated in 1987. The Policy seeks to adopt a gradual and sequential approach with a focus on rehabilitation of children working in hazardous occupation and process in the first instance.