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## **Resistance of Child-Labor: A commitment of Human Rights in global- Indian perspective**

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### **Article**

Children are the blooming buds in the garden of any nation as well as the whole world. They are the potential citizen of the world i.e., society of the tomorrow. But most of the children are the victims of the non-human beings. They are exploited, oppressed and tormented by the money-owner, due to there poverty and the lack of proper school education. They are working in mines, restaurants, hotels, glass – houses factories, private houses, shopping malls and we have snatched away their basic rights of their education of their healthy life. The Fundamental Rights as well as Direction of State Policy of each democratic country try to protect children form exploitation, oppression and torture. But Fundamental Rights are unable to give protection children fully and hence Human Rights emerge as a special institutional organization to save the children of each country as well as the whole world. Actually Human Rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion , language or any other status. We are all equally entitled to our Human Rights without discrimination. These Rights are all interrelated, interdependent and expressed and guaranteed by law, in form of treaties, customary international law, and general principles and other sources of international law. International Human Rights Law lays down obligation of governments to act in certain ways or to protect Human Rights and Fundamental Freedoms of individual or groups. In **1993 Vienna World Conference on Human Rights**, for example, noted that it is the duty of states to promote and protect all Human Rights and Fundamental Freedom regardless of their political, economical and cultural system. Throughout the world, children are exploited and oppressed. In Britain, the literary figures such as William Blake, Charles Dickens have depicted the non – human actions of

the adults upon the children. Henry Vaughan, William Wordsworth - they have glorified the childhood days as happy one. But the life of children is still now problematic. Instead of proper education, care of parents, they are working in the streets, in the tea shop, in the factory. We are unable to give proper nourishment to our future citizens of the world. Is it not a shame of our civilization? In a line, the Rights of children to be healthy, educated are violated by us who have become obstacles of their progress. The Human Rights of the children are violated in this earth and there are at least 120 million children between the age of 5 to 14 who are working as the full time basis and this information is given by **ILO Beureau of Statistics 2000**, an organization for the protection of children from child-labor. It also indicates states that Asia alone covers almost 60 per cent of total child-labor of the world, whereas 32 per cent Africa and 7 per cent in Latin America. Another source, **ILO Estimates and projection, 2005** has given the following percentage of economically active children in Asia between 10 – 14 years of age.

Bhutan – 55 per cent

Nepal – 45 per cent

Bangladesh – 30 per cent

Pakistan – 18 per cent

Thailand – 16 per cent

India – 14 per cent

China – 12 per cent

Indonesia – 10 per cent

Vietnam – 9 per cent

Philippines – 8 per cent

Malaysia – 3 per cent

In India child-labor is a phenomenon. Almost 90per cent children is found in eleven states of A.P, M.P, UP, Maharashtra, Karnataka, Bihar, Tamil Nadu, Rajasthan, Orissa, Surat and West Bengal. The highest

number of cases is in Andhra Pradesh (14.30 per cent) and lowest in West Bengal (4.4 per cent). This child-labor became a major problem for any civilized country and no government is able to tackle the situation. Actually, child-labor refers to the employment of children in any work that deprives children of their childhood, interferes with their ability to attend regular school, and that is mentally, physically, socially or morally dangerous and harmful. This practice is considered exploitative by us. And there are a lot of rules and regulation to prohibit such kind of child-labor. But the work such as child-artist, supervised training, certain categories of work such as those school are not included in the list of child-labor activity. Even children are used as prostitutes. They are used in glass making, cocoa industry, mining, silk weaves factory, farm diary, fisheries, forestry and others agricultural activities. Other service activity such as retail, hawking goods, restaurants, load transfer, polishing shoes, domestic help are done by the children. Whatever is seen in India can be found throughout the whole world and this scenario brings a shame of this ultra modern technology led society.

In front of us there is one question, why are children child-labor? The primary reason is due to poverty and lack of school education. As a consequence, a major section of the population i.e. children are unable to live happily. Their Rights to live happily are violated. Here there is violation of Human Rights of the children to lead a joyful life. And these Human Rights violation are invisible, whether they are civil and political Right, such as the right to life, equality before the law and freedom of expression, economic, social and cultural right, such as the rights to work, social equality and education, our collective right, such as the rights to development and self determination, are invisible, interrelated and interdependent. The improvement of one's Right facilitates advancement of others. Likewise the deprivation of one's Right adversely affects the others making our children labor. We are violating the Human Rights of the children.

There are a lot of organizations who are working against the violation of human rights of the children. **ILO, a specialized agency of UN**, aims to provide guidance and standards for labor practice around the world. The concept of equality of all human being, as embodied in **the**

**Universal Declaration of Human Rights of 1948** stipulates **under Article 25 para 2** that childhood is entitled to special care and assistance .Broadly speaking , **the provision of convention of UN** applies for four main areas of children

1. **The right to survival (art 6 and 24)** – It includes the Right of life, the highest attainable standards of living. It includes the Right to a name and nationality.
2. **The Right to protection (Art 18 and 32 )** – It includes freedom from all forms of exploitation, abuse inhuman or degrading treatment and neglect including the right to special protection in situations of emergency and armed conflicts .
3. **The right to development (Art 6 and 28)** - It includes right to leisure, recreation and cultural activities.
4. **The right to participation (Art 12)** - It includes respect for the views of the child, freedom of expression, access to appropriate action, information and freedom of thought, conscience and religion .

Indian constitution with its Fundamental Rights (**article 23 rights against exploitation for all people and article 24 special rights against exploitation for children**) prohibits all kinds of exploitation and children labor. India becomes a bright star in **United Nations Human Right Charter (UNHRC)** where following lines are suggested:

***Every one has the right to a standard of living adequate for the health .... Everyone has the right to education. Education shall be directed to the full development of human personality ...all children whether born in or out the wedlock, shall enjoy same social protection.***

In the colonial period, **Commission of Labor in India (1930)** and **Labor Investigation Committee (1946)** were set up and both emphasized evil aspects of child labor. In 1992, The **National Human Right Commission** was formed and it had also expressed deep concern over the existence of child labor. Now a days , Indian Constitution offers **Free and Compulsory Education**

**for All Children between 6-14** making education as a Fundamental Right and a Fundamental Duty .**Sarvashikha Avian (2000)** and **Free and Compulsory Education Act – 2009** are trying to save children putting them inside a school and offering an high quality education for their all round development . India along with UN adopted and celebrated 1997 as the **International Year for Children**. Indian Constitution has consciously incorporated provisions to secure compulsory universal elementary education as well as labor protection for children. **Labor Commission of India** has gone into the problems of child-labor and has made extensive recommendations. In 1997, Indian Government set up first committee **Gurupadawamy committee** to study the issue of child-labor and it banned child labor in hazardous areas and recommended multiple policy to solve the problem .**Section 3 of the child labor (prohibition and regulation ) Act 1986** imposes prohibition of employment of children in dhabas , restaurant, hotels, motels, tea-shop etc .

Now a day various NGO's, international agencies, Constitution of each democratic country - all are trying to stop such kind of malpractice, yet there are a lot of problem children have to face. The Human Rights Commission set up by each democratic country watches over the children through out the world. When Rights of children are violated by any individual, government organization, Human Rights Commission jumps over them and rescue the children. It also gives direction to each government to take welfare policy for the children. The participation of the children in school along with removal of their poverty will reduce their engagement in labor-activity. Our attempt and good will from our heart can solve this burning problem along with legislation. To conclude we can promote the slogan of **Sukanta Bhattacharya** to solve children labor:

Jato khon dehe ache pran / e prithibike sisur bas yogya kore jabo ami

(Still I am alive in this earth / I must create this earth a suitable place for the children)

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Last but the not the least Indian Constitution, came into effect from 26<sup>th</sup> Jan, 1950.