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Universal Declaration of Human Rights and Child Labour: A Global Concern

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ABSTRACT:

Human rights are international norms that help to protect all people everywhere from severe political, legal, and social abuses. Examples of human rights are the right to freedom of religion, the right to a fair trial when charged with a crime, the right not to be tortured, and the right to engage in political activity. They are addressed primarily to governments, requiring compliance and enforcement. The main sources of the contemporary conception of human rights are the Universal Declaration of Human Rights (United Nations, 1948) and the many human rights documents and treaties that followed in international organizations such as the United Nations, the Council of Europe, the Organization of American States, and the African Union.

KEY WORDS: Human Rights, Child Labour, School Drop-Out, Cheap Labour etc.

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INTRODUCTION:

The **Universal Declaration of Human Rights**, 1948 sets out a list of over two dozen specific human rights that countries should respect and protect. These specific rights can be divided into six or more families: *security rights* that protect people against crimes such as murder, massacre, torture, and rape; *due process rights* that protect against abuses of the legal system such as imprisonment without trial, secret trials, and excessive punishments; *liberty rights* that protect freedoms in areas such as belief, expression, association, assembly, and movement; *political rights* that protect the liberty to participate in politics through actions such as communicating, assembling, protesting, voting, and serving in public office; *equality rights* that guarantee equal citizenship, equality before the law, and nondiscrimination; and *social (or “welfare”) rights* that require provision of education to all children and protections against severe poverty and starvation¹.

Free of charge quality education is a human right for all people, without consideration of race, religion or nationality. Many of the international human rights instruments have already defined the full development of the human personality and the strengthening of human rights as the object of education. For example, article 26 of the Universal Declaration of Human Rights that countries should respect and protect. **Article 26 of the Universal Declaration of Human Rights**² is:

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

In India, the national struggle for freedom was truly an attempt of the Indians to secure basic human rights for all the people with the result that the promulgation of the constitution by the people of India in January 1950. Viewed from the Indian standpoint, human rights have been synthesized, as it

were, into an integrated fabric by the preamble promise and constitutional clauses of the National Charter of 1950 surely influenced by the UN Charter and the Universal Declaration of Human Rights.

When citizens are in deplorable ignorance and squalor, when they do not know how they themselves can make the best of the opportunities, the talk of fundamental rights or human rights become meaningless. Even the framers of the constitution were aware that more than seventy percent of the people of India would have no meaning unless they were educated and with that hope Articles 41 and 45 were incorporated in part IV of the constitution.

The origin of awareness of human rights is from the notion that all human beings are born free and equal in dignity and rights. Every human being is entitled to certain natural rights by virtue of his being a member of human society. Human rights and fundamental freedom allow us to fully develop our intelligence and dealing to satisfy our spiritual and other needs.

Though the philosophy of human rights in India has come a long way yet the progress through the historical path has always remained gradual and never lost its link with the past³.

Objectives of the Present Study: The present paper is designed with the following basic objectives.

1. To know about general idea of human rights and child rights.
2. To determine the causes of child labour; and
3. Another important objective of this paper is to enquire the availability of child promotion and protection.

MATERIALS AND METHODS: He research present paper is descriptive one. The paper is basically compiled with the help of various secondary sources like- News papers, Magazines, Books and Journals etc.

Major Problems of Child Labour:

The problem of child labour to pose a worldwide challenge and despite various legislations, guidelines, rules, action plans and Acts child labour still prevails in this modern world. Wordsworth suitably expressed in his famous continues lines “Child is father of the man” as the future of a community is in the well being of its children. In the majority of countries it is considered an illegal

practice and international organizations make consistent attempts to protect kids from exploitation in some developing and poor countries, where child labour still a common practice. UNICEF organized a campaign called “End Child labour” in the United Kingdom which emphasized that more than ten million children around the world are involved in labour relations⁴.

As per the child rights charter, a universal definition of child includes all persons under the age of eighteen years. In India forty percent of total population is children. India has the largest number of children employed among other countries in the world. In world, 246 million children are child labourers. The largest number of working children-127 million-age 14 and under is in the Asia-Pacific region. Sub-Saharan Africa has the largest proportion of working children: nearly one-third of children age 14 and under (48 million children). Another 2.5 million working children are in the developed economies, and 2.5 million in transition economies. 73 million working children are less than 10 years old. Every year 22,000 children die in work-related accidents. Most children work in the informal sector, without legal or regulatory protection: 70% in agriculture, commercial hunting and fishing or forestry; 8% in manufacturing; 8% in wholesale and retail trade, restaurants and hotels; 7% in community, social and personal service, such as domestic work⁵. In Assam a maximum number of child labourers are found working in various sectors like restaurants, dhabas and their working conditions seem inhuman and unhygienic. As per the Census Report of 2001, Assam has 3, 51,406 child labourers. According to the statistics provided by the Government of India, around 90 million out of 179 million children in the six to fourteen age groups do not go to schools and are engaged in different occupations and works. It means that close to 50 percent of children are deprived of their right to a free and happy childhood. Every nook and corner whether it is in big cities, small towns, or in urban areas children are forced to work and abused either as domestic servants, hawkers, tea boys, porters, prostitutes etc. A large number of children work in cottage industries producing carpets, bidis, brassware, diamond, glass, embroidery, matches, firecrackers, hand loomed cloth, hosiery, leather goods, plastic, bangles and sporting goods. On the other hand the highest numbers of children are found working in the agricultural sector. Reasons of child labour might not be the same in all the countries of the world but the primary and common reason of child labour is poverty. Apart from this, population explosion, parental illiteracy, school drop out, acts by vested interests to get cheap labour, the problem of unemployment, lack of awareness, problem of militants etc are treated as other reasons for the expansion of child labour⁶.

Solution of the Problem of Child Labour:

To tackle the problem of child labour, numerous laws have been passed. Factories Act, 1881 is the first Act in India to regulate the employment of children and their hours of work. Subsequently, the Indian Factories Act, 1948; the Indian Mines Act, 1948; the Motor Transport Workers Act, 1951; the Merchant Shipping Act, 1958; Bidi and cigar workers (Conditions of Employment) Act, 1966; the Child Labour (Prohibition and Regulation) Act, 1986; State Shops and Establishments Act, the Juvenile Justice (Care and Protection) of Children Act, 2000; the Right of Children to free and compulsory Education Act, 2009 are the other important Acts passed in India to prohibit the employment of child⁷. For the total elimination of child labour the constitution of India itself in Article 24 clearly states that no child below the age of 14 years shall be employed to work in any factory or mine or engaged to work in any other hazardous employment. Article 39(f) directs that the children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against moral and material abandonment⁸. The Child Labour (Prohibition & Regulation) Act, 1986 is considered as important law in India was enacted on the recommendations of Gurupadaswamy Committee formed in 1979. The Committee observed that as long as poverty continued it would be difficult to totally eliminate child labour. A national policy on child labour was formulated in 1987 which adopted action plans with a view to eliminate child labour by giving most priority on rehabilitation of children working in hazardous occupations. In 1988, the National Child Labour Project (NCLP) Scheme was launched in 9 districts which expanded to 100 districts in the 9th plan and 250 districts during the 10th plan. The NCLP scheme envisages running of special schools for child labour⁹. They are provided formal as well as non-formal education along with vocational training in these special schools. A stipend of Rs 100 per month, supplementary nutrition and health care facilities are also provided. At present 7,328 special schools are functioning in 20 states. In Assam also Nagaon, Kokrajhar and Lakhimpur are the three districts covered under the NCLP scheme and likewise the number of the districts has been increased since 1988.

The role of judiciary is praiseworthy for the elimination of illegal child labour. In M C Mehta case (1996) the Supreme Court directed the Union and State governments to identify all children working in hazardous occupations, to withdraw them from work and to provide them with quality education. The apex court also directed that a child labour rehabilitation-cum-welfare fund set up using contributions from employers who contravene the child labour Acts. Very good news came on April 18,

2011 on petition filed by an NGO, Bachpan Bachao Andolan that the Supreme Court directed the Central government to issue notification prohibiting the employment of children on circuses¹⁰.

CONCLUSION:

Child labour is an epidemic and curse to the society. It not only causes damage to a child's physical and mental health but also deprives him of his basic rights to education, development and freedom. There are many problems of child labour in our society. Some children resort to crimes like stealing and girl children are indulged in prostitution. The increasing number of child labour in the organized sector is higher because it is easy for employers to circumvent laws. If we minutely observe then it appears that most of the children are deprived of their rights to personal individuality. It is a matter of right a child is to be registered as soon as it is born and the right for having a name and citizenship arises at the moment of birth but, unfortunately it does not happen in most of the cases. The street children as well as their parents have no identification documents and place of registration, but it seems that neither children nor parents realize the value and importance of this right. On the other hand, lack of rehabilitation centres, lack of awareness, insufficient number of NGOs, lack of funds, lack of active co-operation of government are the major reasons of challenges in the process total elimination of child labour which has become as a global concern even in this 21st century. In this regard, it may be rightly remarked that new and large-scale efforts are needed against child labour. We must scale up action and move in to higher gear.

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