Human Rights and Children

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Introduction
Since 18th century some or other form of Human Right Movement was going on in England to protect the oppressed people, war prisoners hardships and windows problems etc. It was found that elsewhere also there were problems of inhuman treatment to soldiers, women and children during war and to foreigners and refugees. There was also problem of court cases and punishments to foreigners. There was a need to have a human policy at global level. On 10th December 1948 the UN General Assembly proclaimed the universal declaration of human rights. It has 30 articles on various human aspects at global level and in his chapter effort is made to touch only what is relevant to IHRM studies.

Protection of Human Rights is an important precondition for the development of a harmonious society. Peace and Security are invariably interlinked with human rights and relationship between harmonious world and human rights can be a virtuous-circle. Harmony requires peace, security and happy coexistence between different people, community and nation. Social Harmony relies on social justice and right to development, because poverty and injustice are the roots of disharmony. All disparities between human beings, urban and rural, rich and poor are attributing to neglect and ignorance of human rights. The Universal realization of human rights is impossible without harmonious coexistence of the society with different cultural, political and religious believes. Denial of human rights has its effect on peace, harmony and tolerance. The protection of individual rights may be viewed in the light of Peace and Harmony in the Society at large.

Although children are regarded as God’s Apostles who come to this world bringing messages of God. Actually, only during this century, “Children have been discovered”. Children were not regarded as separate entities with distinct interests and attitudes and were taken for granted. Children were not recognized on their own rights and were looked upon as properties that could be handled in any way. They were taken as merely the members of the family not of the society as a whole. They had to suffer or enjoy lives according to the status and conditions of their parents.

We all love our children. We all know that they are the actual assets and they are the future of our nation, future of the world. But they are neglected, their needs are not fulfilled: their thoughts and felling are not appreciated. We impose our ideas on them to the extent that they are ignored, illtreated and tortured. They are taken as mini-men and women, mini not only in body, but also in mind. We do not realize that the child has a separate identity with different needs and conditions. They live in a world different from ours and they will live in a world beyond our imagination.

The child has no right actually. He is given what we adults want to give him. He cannot demand as he is small and innocent. We decide his fate, we allow the facilities that we want. We give him whatever we like, The ground reality is that we ignore the child, his feelings, his sentiments and his dreams because we labour under the impression that he is ignorant and weak. That is why, we have to decide his fate and give him whatever we can, without taking his physical, mental, emotional and other conditions into account. Thus, we have decided to give them certain rights which are still a vision, an illusion always eluding the grasp.

It was perhaps Eglantyne Jebb of England who first started an international movement for providing the child with a status. The debates she initiated, culminated in a Declaration adopted by the League of Nations on
September 26, 1925. But unfortunately the Declaration could not be given effect to as the League itself died. It was only in the fifties of the 20th century that the United Nations decided to draft once again a charter of the rights of the child and after certain modifications it was adopted unanimously at a plenary session of the UN General Assembly on November 20, 1959. According to the UN Declaration, a child has to be given 10 basic rights as follows.

1. The child shall be brought up in a spirit of understanding friendship, peace and universal brotherhood and shall not be exposed to racial, religious or other forms of discriminations.

2. The child shall be protected against all forms of neglect, cruelty exploitation and traffic and shall not be permitted to be employed before appropriate age.

3. The child shall, in all circumstances, be among the first to receive protection and relief.

4. The child is entitled to free and compulsory elementary education and such an education as in his best interest and for which parents are to be responsible.

5. The child is entitled to grow up in an atmosphere of affection and moral and material security, with public authorities taking care of children without families or other support.

6. The physically, mentally or socially handicapped child shall be entitled for special treatment, education and proper care.

7. The child shall have rights to adequate nutrition, housing, recreation and medical services, including special health care and protection and pre-natal and post-natal care for mother.

8. The child shall be entitled to a name and nationality.

9. The child shall enjoy special protection to be able to develop in every way in conditions of freedom and dignity.

10. All children irrespective of their race, colour, sex or creed of their parents shall be entitled to these rights.

   In passing the 86th Amendment to the Constitution of India, education is a fundamental right. This has implications for fulfillment of the obligation of the State to ensure that every child is in school. Since most children who do not attend schools are engaged in some form of work and mainstream them into schools. In other words the labour department has a crucial role to abolish child labour in all its forms and ensure that children enjoy their right to education. This is indeed a challenging task, but can be attained with concerted effort and a clear perspective.

Child Labour in India

India continue to host the largest number of child labour in the world today. According to the Census 2001, there were 12.7 million economically active children in the age-group of 5-14 years. The number was 11.3 million during 1991 (Population Census) thus showing an increase in the number of child labourers. Workers in general are classified into main and marginal workers by the population census. Census data shows that there is a decline in the absolute number as well as the percentage of children (5-14) to total population in that age group, classified as main workers from 4.3 percent in 1991 to 2.3 percent in 2001. But there was a substantial increase in marginal workers in every category of worker irrespective of sex and residence. As a result, despite the number of main workers declining from 9.08 million in 1991 to 5.78 million in 2001, the total number of children in the work force increased. A large part of the increase was accounted for by the increase in marginal workers, which increased...
from 2.2 million in 1991 to 6.89 million in 2001. The trends between 1991 and 2001 of declining main child workers along with increasing marginal workers may indicate the changing nature of work done by children. This is also to be seen in the context of decelerating employment growth in general in the economy during the last decade.

According to NSSO estimates WPR for children in the 5-9 age group is negligible and for children in the age group of 10-14, it still continues to be significant thought declining.

**STATUS OF INDIAN CHILDREN**

The legal conception of a children varies depending upon the purpose. For instance, according to Criminal Law (Indian Penal Code, 1860) “nothing is an offence which is done by a child under the seven years of age” (Section 82) and “Nothing is an offence which is done by a child above 7 years of age and under 12(Section 83). As per juvenile Law(The Juvenile Justice Act, 1986) “Juvenile is a boy who has not attained the age of 16 and a girl who has not attained the age of 18. According to Family Law(child Marriage Restraint Act, 1929). “Child” means a person who, if a male, has completed 21 and if a female a person who, if a male, has not completed 21 and if a female not completed 18 years. Labour Laws and Factory Laws (Apprentices Act, 1951) says that a person shall not be qualified to be engaged as an apprentice, unless he is less than 15 years. But the Mines (Amendment) Act, 1983 states that no person below shall be allowed to work in mines. The handicapped and deprived children are viewed as burden to the family and also to the society. Under different situations, the child is regarded as a commodity, as an insurance, as a source of labour force or a social burden.

In India, the definition a child also varies under circumstances. The Census of India treats persons below the age of 14 as children. The social scientists include females in the age-group of 15 to 19 years under the category “Girl Child”. The Constitution of India debars a child below 14 years to be employed in any factory of mine or any other hazardous employment (Art.23). Despite the reduction in the birth rates from 41.9 per 1,000 population in 1960-61 to 29.5 in 1990-91 the child population has continued to increase. It was expected that in 1996 the total population would increase and reach as high as 307 million and in 1991 it was estimated that there would 7.8 million less girls than boys. The Census of India 1991 indicates that there were 150 million children between 0 and 6 years of age out of which 70 million were girls and 77 million were boys. 78% of children resided in rural areas.

In the National Nutrition Policy (1993) Government of India have discussed serious problem of malnutrition among the children in our country. Although there has been drop in the population below the poverty line to 29.2% in 1987-88 in terms of number. There has been a staggering growth of 250 million people presently suffering from various diseases due to malnutrition. Children are particularly affected adversely and their data are as follows. (The Right to be a Child, UNICEF, 1994, pp.12-13).

i) nearly 43.8% of children suffer from moderate degrees of PEM (protein energy malnutrition) and 8.7 per cent suffer from extreme from of malnutrition.

ii) roughly 56 per cent of pre-school children and almost 50 per cent of expectant mothers in the third semester of pregnancy suffer from iron deficiency.
iii) no state in India is free of iodine deficiency.

iv) an estimated 30 per cent of all infants born in India are low weight babies, and the situation has not improved since 1979.

V) iodine deficiency alone accounts for an estimated 90,000 still births and neo-natal deaths every year.

ILO-launched IPEC Programme in 1991 to contribute to the effective abolition of child labour in the World. India was first country to sign MOU in 1992. The INDUS project envisages direct Interventions in the identified 21 districts spread across five states for identification and rehabilitation of child labour. The strategy under the project is to complement and build up on the existing government initiatives.

II.O-International Programme for Elimination of Child Labour (IPEC)

REFERENCES

- Asian Academy of Education and Culture Education in Asia, April-June and July-Sept. 1994, Bhopal, MP.