

Act No.9 of 1977 and hence, in my honest opinion, the said judgment of the A.P. High Court reported in 2007 (5) ALD 285, is *per incuriam* and not a binding authority for the law declared in the said judgment to wit, that the purchaser of assigned land, the sale of which is prohibited under Section 3 of A.P. Assigned Lands (Prohibition of Transfer)

Act, 1979 (A.P. Act No.9 of 1979), is entitled for the refund of sale price with interest, even though he is not entitled for specific performance of getting a registered sale deed executed in his favour by the defendant and in case, the defendant refuses to so register, get the same executed and registered by Court.

## **CHILD LABOUR**

### **Welcome measures, half-hearted actions**

Child welfare, elimination of child labour and right to education: International commitment and Constitutional mandate; Supreme Court directions and Legislative measures;  
Failure of legislative measures: A critical study

*By*

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Publishers : ANDHRA LEGAL DECISIONS  
21-1-985, Opp. High Court Bldgs., Hyderabad - 02  
Ph: 66710278, 6671029, 24578310

Edition 2008

Price Rs. 425/-

#### **a. BANNING OF EMPLOYMENT OF CHILDREN AS DOMESTIC LABOUR OR SHOP HANDS**

It is heartening to note that the government is determined to eliminate child labour, which has been considered one of the worst forms of child exploitation and abuse, and which has been playing havoc with the lives of lakhs of children and spoiling their future. By addition of employment of children as domestic workers and/or servants/as shop hands in dhabas (road-side eateries), restaurants, hotels, motels, tea-shops, resort, spas or other recreational centers, as entries 14 and 15 respectively in Part A of the Schedule to the Child Labour (Prohibition and Regulation) Act 1986 under the heading "Occupation", the Government has banned

employment of children who have not completed their 14th year, as domestic labour or shop hands. A notification providing for three months notice was issued under Section 4 of the Act on July 10, 2006 to add the specified occupations in the Schedule to the Act [Notification No. S.O. 1029(E), dated July 10, 2006, published in the Gazette of India, (Extra.), Part II Section 3(ii), dated 10th July, 2006, p.2, No.711] and on expiry of the notice period, the amendment to the Act was enforced by issue of a fresh notification by the labour ministry on October 10, 2005 [Notification No.S.O. 1742(E), dated October 10, 2005 published in the Gazette of India, (Extra.), Part II, Section 3(ii), dated October 10, 2005]. With the enforcement of ban, engaging child as domestic help has

become punishable, which includes a jail term up to one year and imposition of fine ranging from Rs.10,000 to 20,000. The Labour ministry took the decision to ban domestic child labour on the recommendation of the Technical Advisory Committee on Child Labour headed by the Director-General of the Indian Council of Medical Research.

The National Human Rights Commission has time and again expressed concern over the existence of bonded and child labour in various States. According to 2001 census India has over 1.27 crore working children in 5-14 age group engaged in both hazardous and non-hazardous occupations and processes. In the State-wise distribution of working children in the age group of 5-14, Andhra Pradesh, with 13.63 lakh child labour stands second in the national list after Uttar Pradesh, which has the maximum number of over 19 lakh child labour. Rajasthan accounts for over 12.6 lakh child workers, followed by Bihar with over 11 lakh and Madhya Pradesh at over 10.6 lakh. Among the other States that figure high on the national list are West Bengal (8.57 lakh), Tamil Nadu (4.18 lakhs), Jharkhand (4.07 lakh), Orissa (3.77 lakh) and Chattisgarh (3.64 lakh), as per statistics available with the labour ministry. As per government estimates, number of children engaged as domestic labour is around 1,85,000 and, those working in dhabas and hotels, around 70,000. But the non-official estimate is much higher, that is, nearer 20 million, with one million in Delhi alone. According to a moderate estimate there are nearly 60,000 child labour in the Hyderabad city working as domestic help in houses and as shop hands.

#### *a.1. The new law: A ray of hope or nightmare*

While the Amendment to the Act has come into enforcement, the government is yet to work out a comprehensive rehabilitation package. The inability of the government to work out a rehabilitation plan before

implementing the amended provisions of the Act only shows lack of seriousness to the issue. The government should realize that in the absence of a concrete and comprehensive plan, total banning of hiring children would only prove to be a farce and do more injustice by adding to the sufferings of these unfortunate children and making their lives more miserable. Mere rhetoric against child labour or mere enactment of laws won't help the cause, unless the government has done its homework and made a comprehensive plan for rehabilitation of lakhs of children engaged as child labour across the country. Before summarily banning all employment for children, government must explain the ways and means to compensate for the loss of earnings of these children, on whom many families are forced to depend out of economic compulsions. Employers will be punished but at the same time the child-labour and their dependants will also suffer from hunger. The alternatives should have been worked out before the children were taken out of their respective jobs. One cannot be justified to assume that children work without a reason. They work, because in many poor families it is imperative for children to work and to share the burden of their family. It may though sound politically incorrect, but it is true that slapping a ban on child labour without solving its root cause will only deny children a legitimate way to earn money and will force them to have recourse to either begging or to indulge in petty crimes. Thrown out of jobs and without earnings or alternative plans for their rehabilitation, what else will be the fate of these children? No wonder if many of these children compelled by the circumstances are forced to choose a wrong path to compensate for loss of earnings. Absence of a system, which can ensure that every child thrown out or withdrawn from his job because of blanket ban will get education and basic necessities and his family, which is deprived of his earnings, will be compensated for the loss, would only make them even

more vulnerable allowing them to fall prey to nefarious activities. If child labour were evil, allowing the child to get into undesirable or not so legal activities would certainly be even bigger evil. To expect parents of these children to support them now will only be a cruel joke. Had they been capable of supporting them, they would have never sought their employment in the first place. No parents would like their children to be employed out of choice. Such children either had to earn their livelihood or starve to death. If the system is not prepared to support them with basic necessities to survive, it has no right to deny the children even the little chance they have of giving at least a semblance of dignity to their life.

### *a.2. Shutting our eyes to ground realities, no escape*

It is true that scores of children work under hazardous conditions in manufacturing units, fireworks, construction, agriculture, livestock, forestry, fishing, weaving, and most common as domestic helps. It is also true that it is atrocious, it deprives them of education, it violates their rights, as their physical, mental and emotional well-being is compromised and, therefore, can never be supported. But, to say so without an eye to ground realities or even making an attempt to look in to the background of these so-called child workers and conditions of the families they come from, may be politically correct but certainly not justified. Giving lip service that children must be educated does not solve the problem. It is easier said than done. It is time the so-called educated elite and social activists who have been fiercely advocating banning all employment for children look into the ground realities. It is a known fact that poverty is the root cause of this evil practice. Even today a sizeable population is near or below the poverty line and many of them still looking for a livelihood; they have no choice but to seek employment of their children to have access to at least two square meals a day. Have

we ever thought of families of the farmers' who commit suicide driven by sheer desperation leaving behind nothing but huge debts to be inherited by their children? Are they not forced to give up school and shoulder the responsibility of supporting their families or take up the responsibility of their younger siblings? Herding cattle, cultivating fields and taking up all type of odd jobs is a necessity for them but certainly not a matter of choice. Now, if fearing prosecution they are thrown out of jobs by their employers and left with no other livelihood options, what are they supposed to do. Will they not be potential suicide candidates? Is it not imperative for the government to address such imminent issues before enforcing the law and depriving the children of their jobs? Before embarking on such an exercise, families facing acute poverty should have been identified and provided with alternate means to earn a livelihood on a priority basis. The children and the parents who depend on their earnings should have been assured of some minimum source of livelihood, so that the law aimed at protecting children, does not bring turmoil in their lives.

Further, without any programme in place for free education and without having created sufficient infrastructure or machinery for their compulsory schooling, what the government wants these children to do after having been taken out of their respective jobs? Making children vagabonds can certainly not be what the law wants. Perhaps, the government has not learnt from the past experience. It was way back in 80's, when we went through the process of banning child labour engaged in hazardous occupations and processes and then too it was without any back up plans for rehabilitation. The net result is we are yet to meet the aims and objects of the enactment. The apprehension is not without reason that the banning of employment of children as domestic help and shop hands, instead of

benefiting the children will open more avenues for their exploitation. Many of these children having migrated from villages to cities have no place to stay. Once dismissed from their jobs in compliance with the new law and turned away by their employers, where would they go? Has the government made any alternative arrangements for their food and shelter?

***a.3. Mere window dressing to paint a rosy picture***

No doubt, elimination of the evil of child labour is part of our commitment to the world community and it is an obligation of the Government of India to take necessary measures to fulfill our commitment, but can we do so by depriving unfortunate children of their honest means of livelihood without having made any alternative arrangements for their survival. Isn't it a mere window dressing to paint a rosy picture for the world community to be convinced that we as a nation stand by our commitment and the status of our children conforms to the International norms. Without having comprehensive plan for their rehabilitation and having put forward some concrete measures to improve their lives, abrupt banning of domestic child labour will do no good to the image of the country. If employed in hazardous occupations or engaged in undesirable activities and rescued but not rehabilitated, to some extent may still be justified, but certainly not when they are deprived of their honest means of livelihood working as domestic labour or shop hands. By dumping poor in the backyard, no nation can boast of having overcome poverty. In fact, the International Conference on Child Labour, jointly organized by the Government of Norway and the International Labour Organization (ILO) and held in Oslo in 1997 recognized that while strategies for poverty reduction and elimination need to be addressed the problem of child labour and the social conditions of the child and his/her family must be at the

center of sustainable social development policies. Government has to address the issue of rehabilitation if it is really serious about implementation of the Act.

***a.4. Implementation of law should have been in phased manner***

To avoid the turmoil instead of abrupt banning of domestic labour, the government should have put forward some measures to improve their working conditions and the environment at the work place, to regulate working hours and to prevent physical abuse and corporal punishment at the hands of their employers at the same time ensuring that they are paid minimum wages. The law as such should have been implemented in a phased manner with proper plans on hand for their rehabilitation, improvement of their future and guarantee of employment after their education. It is more important to implement and maintain the law than to just enact one. Need of the hour is to address the causes which contribute to problem of child labour, which amongst others include poverty, illiteracy and casual and traditional attitude. Lack of facilities for employments oriented basic education (vocational education) is yet another factor which needs to be addressed. The urgent need of the country is to do away with our outdated syllabus and make it more job-oriented. Only when the government addresses these issues, it can ban child labour in its totality. Otherwise the law like many other such enactments in the past shall be observed more in breach than obedience. No wonder if the children themselves cooperate with their employers to circumvent the law defeating its very purpose.

***a.5. Need to consult people concerned, including child labour, know their desire and address their apprehensions***

Are we, as a society, or our politicians, free to hoist any purpose or ideology upon a

section of the society without even seeking their viewpoint on the issues, which directly concern them and them alone. Whatever may be our favourite ideology or preferred conception of social justice, no policy decision, including affirmative action policies, can be imposed without consulting the people they are meant for and addressing their apprehensions. While talking of evils of child-labour, no well meaning organization has ever attempted to know what exactly these children engaged in child-labour desire. It may sound logical to argue that the decision-making rights of these children or their parents or guardians are taken away in order to offer them a life of dignity, but can the concept of dignity be subjective. Who will decide what dignity means to them? It can certainly not mean one thing for me, or you and, different for the poor and oppressed sections of the society from where these children come. The concept of dignity does not acknowledge economic background of a person as a criteria for deciding what dignity means to him. We don't send our children to municipal schools because we feel that it does not suit our idea of dignity. Such being the social conditioning, will not the child withdrawn from labour and forced to study in the municipal school will be robbed of its dignity. Should not the institutions, where these working children ought to be, revamped and reformed to fit in our idea of dignity. Unless that is done, these very institutions, which are supposed to be symbol of equality and expected to be instrumental in bringing social justice, will turn out to be perpetrators of crimes of prejudice and inequality.

Further, were these children ever asked about the kind of education they want? It may be argued that they are too young to decide for themselves about such vital aspect of their life, which is going to shape their future. The argument, however, does not commensurate with the right enshrined in

Article 12(1) of the Convention on the Rights of the Child, which says:

*“State Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.”*

Often what adults think is in the best interest of the child is not so in the child's view. It may be subject to debate, as to what degree should the opinion of children be part of the decision-making process, but point blank refusal to elicit views of children cannot be justified, more so, when the issues involved concern their future well being. Further, such argument does not go well with our assumption that conventional system of schooling, the one we have today, is what the education should entirely comprise of. As observed by the Supreme Court in *P.A. Inamdar v. State of Maharashtra*, AIR 2005 SC 3226: (2005) 6 SCC 537, “Education is training the mind and not stuffing the brain. We want that education by which character is formed, strength of mind is increased, the intellect is expanded, and by which one can stand on one's own feet. The end of all education, all training should be man making. The end and aim of all training by which the current and expression of will are brought under control and become fruitful is called education.” Unless the system of education is made more relevant aimed at making children stand on their own feet once the 14 years legislative protection has come to an end and they are left to fend for themselves, there is little point in forcing working children to join a system, which can give no guarantee of better life once out of school. Left alone, with no certain future course in sight and no hope, will only make them bitter and angry against the system.

To have in place a system, which is functional and vibrant and one which relates to free society, it is necessary that before



embarking upon any legislative exercise we get the society upon the right track for the discovery of the natural laws of its progression and to make itself abreast of the obstacles offered by the successive phases of its normal development. The society has to be made to realize that such obstacles if not removed or cleared in time will turn in to maladies beyond cure and pose real threat to the very survival of a free society. Neither bold leaps, nor legal enactments can cure such maladies unless the maladies sought to be cured, are acknowledged and treated by the society as such. Law to command and citizens to obey, it is necessary that the laws are limited to core objectives that enjoy consensus support of citizens. For a piece of law to function effectively it is essential that it must be reflexively obeyed by the vast majority of citizens, not because they fear punishment, but because they realize the underlying object and accept that free society is not possible unless the rule introduced by the enactment is enforced in the letter and spirit. The force of law is weakened, if the law has been passed by the legislature without intensive and extensive study of the possible fallout when enforced. The spirit and scheme of the enactment unless found to be an honest effort on the part of the government to deal with a social malady with sincerity and truth and not a farcical attempt or a make believe measure, such law will only invite even reasonable and responsible citizens to choose knowingly to break the law. They break the law not because they do not respect rule of law, because they feel the law, such as the one, which impede employment of children, but has nothing to offer as an alternative, provides no collateral social benefit but will only further worsen the plight of unfortunate children and the families they come from. Being confident that they are doing nothing morally wrong, possibilities are that they shall treat such law as an obstruction to be fudged or ignored.

At a time when India being vouched for as one of the fastest growing economies in

the world and the Government claims that following globalization Country is shining and witnessing a phenomenal growth of nine per cent and more, the responsibility becomes all the more greater to see that benefits of globalization reach the masses and not cornered by a mere 5 to 10 per cent of urban elite. Growth statistics alone will not help the struggling masses of India, more so, when it happens to bypass millions of rural and urban poor and what comes to their share is only the byproduct of growth, an all time high inflationary condition, getting them more steeped in poverty and making their lives miserable than ever before. The rising prices of essential commodities has made it all the more difficult to meet the two ends. When people are chronically hungry, there is no place for sermons. The widening gap between the shining India and struggling India make people feel sick and depressed. The country needs faster growth but at the same time the growth has to be inclusive enough to carry the benefits to all sections of the society and the most marginalized sections in particular. Benefit of growth, if not distributed evenly and economic progress not translated to benefit hitherto neglected sections, the whole excitement about the high growth rate of 8.5 to 9 per cent would only be taken as a mere hoopla based on unrealistic figures designed to give a glow and to create an aura of shine around Indian economy and will only add to growing sense of frustration and disillusionment among the poor and vulnerable sections of the populace. It is high time we stop testing patience of the masses or be prepared to face the terrible consequences in days to come.

*“People crushed by law have no hopes but from power. If laws are their enemies, they will be enemies to laws; and those, who have much to hope and nothing to lose, will always be dangerous, more or less.”*

—Edmund Burke (1729 –1797)  
[Letter to the Hon. C.J. Fox, 8 Oct 1777]

**b. 'RIGHT TO EDUCATION' MADE A  
FUNDAMENTAL RIGHT**

The Government has taken the first definite and positive step since 1950 in promoting cause of education by enacting the Constitution (Eighty-Sixth) Amendment Act 2002, which makes right to education a fundamental right by adding a new article, *i.e.*, Article 21-A to the Constitution that says: "The State shall provide for free and compulsory education to all children of the age of 6 to 14 years in such manner as the state may by law, determine." The constitutional amendment seeks the State to provide free and compulsory education for all children in the age group of 6 to 14 years, but this fundamental right has been made subject to a law to be made by Parliament. Simultaneously, Article 45, which forms part of Directive Principles of State Policy and provides for free and compulsory education for children has been re-written limiting this provision to children in the age group of 6-14 years. By insertion of new clause (k) in Article 51-A, a new fundamental duty has been added making it obligatory for the parents or guardians of the children to send them to schools when they are 6 to 14 years of age.

***b.1. Time to test the resolve of  
government in eradicating illiteracy  
from the country***

The amendment aroused hopes and aspirations in children in the specified age group. Once notified, they could by law compel the State to provide for their education. But, while the amendment Bill was passed unanimously and without debate in both the houses of Parliament, notification of the amendment was held up and even after five years the State has failed to bring legislation as contemplated by the constitution amendment to affirm the right to education, a fundamental right under the Constitution. Over the period of five years, millions of such children should have outgrown the age

criteria prescribed under the Constitution Amendment and now they shall not be able to exercise their fundamental right to education or take the government to Court for violating the promise. Apparently the opposition to notification of the amendment must have come from State Governments for fear of running into major financial problems, as they have to bear the main burden of the fundamental right to education. Any central legislation that forces the States to bear the cost of education of children in the specified age group may naturally have to face resistance from them.

***b.1.1. Draft bill on free and compulsory  
education***

The draft bill on free and compulsory education, "Education Guarantee Bill" though promised, was not introduced in successive sessions of Parliament. After having gathered dust for months, the draft bill it appears was shelved altogether and in place of that the Central Government formulated a "model bill", which has been sent to all State Governments and now it is for them to enact the law. Had the Bill been tabled, approved, got enacted and implemented honestly, it could have changed the face of the Indian education system and Indian schools would have been in much better condition. While ensuring that children in the age group of 6-14 years enjoyed fundamental right to free education given to them under Article 21-A of the Constitution, the Bill if enacted would have helped to bridge several gaps and to contribute to social harmony and clear the way for creating a common school system, which the Bill aimed at. In fact, creation of common school system was one of the recommendations of the Kothari Commission (1964-1966), which resulted in the formulation of the 1968 National Policy on Education. Talking of the machinery and the process, the Bill provided for setting up of a body called the National Commission of Elementary Education, to be constituted by the Central

Government, to monitor the implementation of the Act and to issue directions to the authorities. It contained a mandate for the State to ensure that within three years every child had a school in his/her neighbourhood. It imposed a responsibility on the parents/guardians to get their children enrolled in schools as soon as they reached the age of six. Aimed at guaranteeing quality education, the Bill also required every primary school to ensure that it has—

*Minimum required number of teachers:* at least two for a class of 60, three for 90 students, four for 120 students and 5 for 200 students

*Minimum infrastructure:* at least one classroom for every teacher, an office-cum-store and head teacher's room in every school, toilets (separate for boys and girls), drinking water facilities, kitchen (wherever mid-day meal is cooked in school) and barrier-free access to the school

*Trained teachers:* The Bill contemplated employing untrained teachers in schools to be a cognizable offence liable to attract punishment [the mandatory B.Ed./LT degree made a deciding factor on eligibility as a teacher].

*Minimum salary to teachers:* The Bill provided for payment of minimum salary of Rs.6000 p.m. to every trained teacher.

However, the draft bill<sup>1</sup>, as aforesaid, has been replaced by a “model bill” and sent to State Governments requiring them to enact law. To ensure that the States adopt the model bill in its entirety and enact the same as law, the Central Government has made the funding for the “Sarva Siksha Abhiyan”

subject to compliance with the adoption of the “model bill”. The States failing to comply with said mandate shall be liable for a cut in their Central allocation of funds for the “Abhiyan”, which the State Governments now receive. Sarva Siksha Abhiyan (SSA), the elementary education programme, was launched in 2001 to ensure that 190 million children in the age group of 6-14 would be able to attend school and receive quality preliminary education by 2010. As per the financial formula for the implementation of SSA, the assistance by the Centre to the States was to be on 85:15 sharing arrangement. However, there has been gradual reduction in central contribution and it came down to 50%. Many States being in no position to sustain SSA at this ratio, it appears the same has been changed to 65:35 for 2007-09. Even then the fact remains that the SSA is grappling with the problem of funding. For all these years, the governments at the Centre and the States have only made tall claims and hollow promises that they have been making every effort to raise resources to provide for more schools with necessary infrastructure to ensure that all children in the age group of 6-14 years attend schools whereas their actions sound otherwise. By introducing the policy of levying a two per cent education cess on all taxes in the country, the State made it clear that it was not willing to invest in school education, at least, not by increasing the allocation towards education from the general pool. Considering the present state of infrastructure and keeping in view the huge costs involved in the implementation of such an Act and creation of infrastructure as required by the Act, it is too much to expect any revolutionary change in the structure of education system and condition of Indian school, at least, in the near future.

### ***b.1.2. Actions, no match to rhetoric***

Actions on part of the State when compared to the rhetoric, show how much

1. Since the Bill, in its present form, failed to get acceptance of the States, as they are unwilling to shoulder the huge financial burden of law providing for free and compulsory education would entail, the Central Government has set up a working group which has been asked to prepare a revised draft of Right to Education Bill after considering all the relevant issues.



committed the State is to the cause of education or how serious it is to ensure right to free and compulsory education. Isn't it a matter of shame for the country that at a time when it boasts of an unprecedented rate of development and economic growth, and a Sensex that has broken all previous records, the State talks of limitations and resource-constraints to deprive children of their right to go to school? Recently a five-judge Bench of Supreme Court, while hearing a bunch of PILs, challenging the validity of quota law, has taken notice of gradual reduction in the Central share in Sarva Siksha Abhiyan, which has come down from 80% to 50% over the years. Such gradual reduction in central contribution to Sarva Siksha Abhiyan in contrast to its willingness to spend Rs.36,000 crores to create infrastructure to accommodate 27% OBC quota made the Supreme Court ask the Centre to specify its priority – children's education or reservation? The Bench asked, "If you cannot meet 80% of the funds required for elementary education, why spend Rs.36,000 crore on higher education? This money could be put in Sarva Siksha Abhiyan to empower all children. "What is your primary requirement – right to education or social empowerment?" asked the Supreme Court. No doubt cause of social empowerment under Articles 15 and 16 were equally important being fundamental rights of the citizens and the same cannot be ignored. But question is, can the cause of social empowerment under Articles 15 and 16 be effectively promoted without effective implementation of mandate under Article 21-A of Constitution. As rightly asked by the Supreme Court, would not the grant of money for universalization of education benefit the backwards class? If no money given to fulfill the mandate to universalize elementary education, will not 60% of the children belonging to backward classes be deprived of education? Will they be able to take advantage of reservation in higher education under 27% OBC quota?

We were told that globalization would enable the nation to reach new heights of economic growth and all round development. Globalization has certainly helped the cause of economic growth and the country witnessing impressive growth rate and economic development. But at the same time, as observed by the Nobel laureate and former World Bank Economic Adviser *Joseph Stiglitz* while addressing a gathering during his recent visit to India, it has deepened the rich and poor divide and led to pauperization of the middle class and the poor. It is clear that the benefit of economic growth has not sufficiently percolated, resulting in the widening gap between the rich and poor. Unless globalization is managed to change its course to the benefit of have-nots it will only end up further increasing the level of disparities of income and wealth and in turn lead to increased drop out rate and more children out of schools. The government at the Centre, which has been championing the cause of globalization with great zeal and passion and making tall claims that from a developing country, we are today an emerging economy and a superpower in the making, has got to be more serious than ever before in implementing the constitutional mandate to provide free and compulsory education. In the present scenario, it is education alone that can play a crucial role in changing the course of globalization to the benefit of have-nots and check further deepening of social inequality.

### C. THE BOOK

The aim of present book is to examine the constitutional mandate, legislative measures and to analyze the causes for failure of legislative measures. The stumbling blocks and the bottlenecks in the implementation of the constitutional mandate and the legislative measures are critically analyzed based on the observations of Supreme Court of India and the various studies and surveys done by well meaning persons and organizations working in the field for the welfare of child labour

and eradication of the evil practice. Part 1 of the book deals with importance of child welfare for the future of democracy and gives a brief introduction of constitutional mandate and various initiatives taken and measures adopted by the government. Chapter two under Part I deals with, our international commitment for the child welfare. Part 2 of the book deals with constitutional mandate for eradication of the evil of child labour [Chapter 3] and Supreme Court Directions/ guidelines for this purpose [Chapter 4]. Various legislative measures taken by the government are dealt with under Part 3 of the Book. While Chapter 5 does a survey of labour legislations concerning employment of children, Chapter 6 deals with Child Labour Prohibition/Regulation Act and Rules. Chapter 7 takes notice of March of Law and covers latest legislative measures adopted

by the government for welfare of children. Chapters 7 and 8 under Part 4 while analyzing causes for failure of legislative measures, attempt to study ways and means to deal with the problem without having to corner the child labour or offending their dignity as an individual. Part 5, the last part of the Book, comprises of important appendices having bearing on the subject matter of discussion, which include the Juvenile Justice Act, the Human Rights Act and the Prohibition of Child Marriage Act.

The book, it is hoped shall interest all those concerned with the problem of child labour, shall meet the requirements of the Bench and the Bar and cater to the needs of the officers and authorities entrusted with the task of administering the provisions of the child labour prohibition laws.

## STATUS OF WAKF BOARDS UNDER WAKF ACT 1995

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### *Introduction*

Islam emphasizes social justice in the society. It imbibes definite guidelines for the fulfillment of this noble cause. It lays down various methods of charities for the service of the mankind. Wakf is one of them. The origin of wakf is to be seen in pursuit of the charitable deeds which are characteristic feature of Islam.

Wakf is an important concept of Islam through which, the rulers, the nobles and the rich dedicate a part of their properties for the alleviation of poverty, amelioration of the down trodden and for doing pious and religious ceremonies. According to

*Ameer Ali* “the law of Wakf is very important and the most difficult branch of the Mohammedan Law, for it is interwoven with the religious life and social economy of Muslims”<sup>1</sup>.

The term “wakf” literally means detention or halt. In Shariat it connotes the tying up of the property in perpetuity so as to prevent it from becoming the property of third person. “According to *Abu Hanifa*, (one of the noted Islamic Jurists) the legal meaning of wakf is the detention of a specific thing in the ownership of the wakf or the appropriator and devoting of its profits or in the charity

1. *Ameer Ali*, Principles of Mohammedan Law, 1908 P.