BLOGS

Notes on Right against Exploitation: Article 23 and Article 24 of the Indian Constitution

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Edit TABLE OF CONTENTS Introduction Article 23 of the Indian Constitution Landmark Cases under Article 23 of the Indian Constitution Article 24 of the Indian Constitution Landmark Cases under Article 24 of the Indian Constitution

Introduction

Right against exploitation is a fundamental right available to citizens of the country. Articles 23 and 24 of the Indian Constitution deal with this right. In this article, we'll take a look at the provisions under Article 23 and 24 along with a few landmark cases.

Article 23 of the Indian Constitution

Article 23 of the Indian Constitution prohibits trafficking in human beings and forced labor.

Article 23 of the Indian Constitution states:

(1) Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law

(2) Nothing in this article shall prevent the State from imposing compulsory service for public purpose, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them

The main purpose of this Article is to prevent the exploitation of individuals through forced labor, slavery, and human trafficking. The Government has taken several measures to enforce this provision and provide protection to the victims of such crimes.

The Supreme Court has interpreted Article 23 broadly to include bonded labor and trafficking in human beings. One of the landmark cases related to Article 23 is ***People's Union for Democratic Rights v. Union of India*** in which the Supreme Court held that forced labor was a

violation of fundamental rights guaranteed by the Indian Constitution. The case was related to the working conditions of contract laborers who were employed by the Government. The court held that the Government could not exploit the workers and that they were entitled to fair wages and working conditions.

Another significant case is ***Bandhua Mukti Morcha v. Union of India*** , in which the Supreme Court held that bonded labor was a form of forced labor and was therefore prohibited under Article 23. The case was related to the exploitation of workers in stone quarries in the Faridabad district of Haryana. The Court directed the Government to take measures to eliminate bonded labor and provide rehabilitation to the victims.

The Supreme Court has also held that trafficking in human beings violates Article 23. In the case of ***State of Tamil Nadu v. Nalini*** , the Court held that trafficking in women for the purpose of prostitution was a violation of their fundamental rights. The case was related to the abduction and trafficking of a young woman who was forced into prostitution.

To further the agenda of prohibiting human trafficking and bonded labour the Government of India has enacted several laws to prevent trafficking in human beings and forced labor.

- The Immoral Traffic (Prevention) Act, 1956 prohibits prostitution and related activities.
- The Bonded Labour System (Abolition) Act, 1976 prohibits bonded labor and provides for the rehabilitation of bonded laborers.
- The Child Labour (Prohibition and Regulation) Act, 1986 prohibits the employment of children in certain occupations and regulates the conditions of work of children in other occupations.

Article 24 of the Indian Constitution

Article 24 of the Indian Constitution prohibits the employment of children below the age of 14 years in factories, mines, or other hazardous employment. The article recognizes the right of children to have a childhood free from exploitation and to receive education and training for a better future.

Article 24 states that:

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

The article states that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any hazardous employment. The provision also applies to the employment of children in any other form of work that is likely to interfere with their education or be harmful to their health or mental or physical development.

The Constitution recognizes that children are vulnerable and require protection from exploitation and abuse. The prohibition of child labour is essential for the development and well-being of children and is in line with the international standards set by the United Nations Convention on the Rights of the Child.

In the case of ***MC Mehta vs State of Tamil Nadu***, the Supreme Court held that the employment of children in hazardous industries violated Article 24 of the Constitution. The Court observed that the children employed in hazardous industries were being subjected to inhuman and degrading treatment, which violated their fundamental rights.

In ***People's Union for Democratic Rights vs Union of India***, the Supreme Court held that the right to education and the right to life with dignity were fundamental rights under the Constitution. The Court held that the employment of children in any work that interferes with their education or mental and physical development violated their fundamental rights.

The Indian government has also enacted laws like the Child Labour (Prohibition and Regulation) Act, 1986, to prevent the employment of children below the age of 14 years in hazardous industries. The Act provides for the regulation of the employment of children in non-hazardous industries and imposes penalties for violations.

The Government also introduced the Child Labour (Prohibition & Regulation) Amendment Act, 2016 and the Child Labour (Prohibition and Regulation) Amendment Rules, 2017 to further protect children against exploitation.

In recent years, there has been an increase in the awareness of child labour in India. The Government, along with civil society organizations, has taken several initiatives to eliminate child labour and provide education and training to children. The Government has also launched programs like the National Child Labour Project to rehabilitate child labourers and prevent the exploitation of children.

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