

Right Against Exploitation

Exploitation is the deprivation of an individual's due through fraud or force. Articles 23 and 24 of the Indian Constitution have a provision for the right against Exploitation.

Indian Constitution has granted **Fundamental Rights** to every citizen. However, certain activities like forced labor, slavery, human being trafficking, etc., threaten the fundamental rights of an individual. In India, many people are forced to offer services without getting paid or at cheap rates. According to the Global Slavery Index stats, 18.3 million Indian people were subjected to modern slavery. The 2018 stats suggest that the number of victims of modern slavery increased after the addition of child labor and forced prostitution.

Right Against Exploitation- Article 23 of the Indian Constitution

Article 23 of the Indian Constitution deals with the prohibition of human being trafficking and forced labor. Article 23 of the Constitution of India is explained under-

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- **Article 23(1)**- It prohibits human being trafficking, beggar, and forced labor. The violation of Article 23(1) is a punishable offense.
 - **Article 23(2)**- According to Article 23(2) of the Constitution, the State has the right to impose compulsory services for public purposes, and no factor can prevent it from setting these necessary services. Also, no discrimination should be based on class, caste, race, or religion.

According to this Article, exploitation is considered the misuse of an individual's service/labor by force or without payment. India has witnessed many marginalized communities being forced to engage in agricultural and manual work without getting paid. Such labor is called begar. Even if the laborer is getting paid, one cannot force an individual to engage in employment. According to the Indian Constitution, an individual paid less than the minimum wage is forced labor. The Consitution also permits not only forced labor but bonded labor.

[**Note-** When a person is forced to labor or to offer certain services if they cannot repay the debt/loan] The practice of buying and selling women and men for immoral or illegal activities is called human trafficking. Human trafficking and women being forced into prostitution shall also be considered unconstitutional according to Article 23 of the Indian Constitution.

According to Article 35 of the Indian Constitution, the Parliament of India has the authority to enact specific laws to punish the prohibition of Article 23.

Laws Passed in Pursuance of Article 23

Indian Parliament has passed two laws in pursuance of Article 23 of the Constitution of India for the protection of the Right Against Exploitation. These are-

[Suppression of Immoral Traffic in Women and Girls Act, 1956](#)

Suppression of Immoral Traffic in Women and Girls Act, 1956 protects women and young girls from forced prostitution. According to this act, if a person having charge or custody of a young girl or woman aids her in forced prostitution, he shall be subjected to harsh punishment. According to the Consitution, any prohibitor of the Suppression of Immoral Traffic in Women and Girls Act, 1956, shall be imprisoned for 1 year to 3 years and has to pay a fine.

If a person is found guilty of prohibiting the act for the second time, he can be punished for five years, along with a fixed fine.

[Bonded Labour System \(Abolition\) Act, 1976](#)

Bonded Labour System (Abolition) Act 1976 allows for the abolition of the bonded labor system and the prevention of the physical and economic exploitation of the weaker section of the individual. On the commencement of the Bonded Labour System (Abolition) Act, 1976, the bonded labor system shall be abolished, and all the bonded laborers stand free.

Right Against Exploitation- Article 24 of the Indian Constitution

Article 24 of the Indian Constitution prohibits the employment of children in factories or hazardous jobs. According to Article 24 of the Constitution of

India, a child below the age of 14 years shall not be employed to any work in a mine, industry, or other occupation harmful to the child's health. However, it allows the employment of a child in non-hazardous work.

Articles 39 (e) and 39 (f) state that the State is responsible for ensuring that the child shall not be forced to work in an industry which is not suitable (or unhealthy or dangerous) to his age and strength.

Laws Passed in Pursuance of Article 24

To protect the child's right against exploitation by his involvement in any hazardous work, the Indian government has developed specific laws against State and individuals. The laws passed in pursuance of Article 24 of the Indian Constitution are as follows-

The Factories Act, 1948

After independence, the first act passed by the Indian government to limit the minimum age for a child's employment in a factory was The Factories Act of 1948. According to the Factories Act, the minimum age for a child to get employment was 14 years. Later, in 1954, there was an amendment in the act according to which the minimum age for an individual to work at night should not be less than 17 years.

The Mines Act of 1952

The Mines Act of 1952 was introduced to restrict the age of an individual working at a mine. It is an act for the amendment and consolidation of the laws regarding labor and safety regulation in mines. As per the Mines Act of 1952, the minimum age for an individual employed in mines is 18 years.

The Child Labour (Prohibition and Regulation) Act, 1986

The **Child Labour (Prohibition and Regulation) Act** of 1986 marked India's abolishment of child labor under the Right Against Exploitation. It is provisioned for describing the appropriate place and occupations for child employment. According to the act, a child can be defined as any individual below the age of 14 years. It states that the employment of children below the age of 14 should be prohibited in 57 processes and 13 different occupations.

Child Labour (Prohibition and Regulation) Amendment Act, 2016

The amendment to the Child Labour (Prohibition and Regulation) Act 1986 was introduced as Child Labour (Prohibition and Regulation) Amendment Act 2016. According to this act, the minimum age for child employment remains 14 years. However, it added that children between the age of 14 and 18 years should not be allowed to get employment in hazardous occupations. This act grants permission to a child to get employment in specific sectors and allows them to get employed as an artist. The Child Labour Amendment Act, 2016 violators, were subjected to harsh punishments.

Child Labour (Prohibition and Regulation) Amendment Rules, 2017

Though the Indian government came up with particular acts, it feels necessary to form strict rules with a framework for adolescent workers and child prevention, prohibition, rescue, and rehabilitation. The issues regarding the child's employment in family enterprises were cleared after the formation of such laws. These rules also specified the working hours and conditions for a self-employed artist.

