

Right against Exploitation (Articles 23 & 24) - Indian Polity

The Right against Exploitation is enshrined in Articles 23 and 24 of the Indian Constitution. These are important Fundamental Rights that guarantee every citizen protection from any kind of forced labour. In this article, you can read all about the right against exploitation and its implications for the [UPSC IAS exam](#).

Right against Exploitation

There are two articles of the Constitution which guarantee the right against exploitation. They are described below:

Article 23 - Prohibition of traffic in human beings and forced labour

Article 23(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.

Article 23(2): Nothing in this article shall prevent the State from imposing compulsory service for public purposes, 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.

- Exploitation implies the misuse of others' services by force and/or labour without payment.
- There were many marginalised communities in India who were forced to engage in manual and agricultural labour without any payment.
- Labour without payment is known as *begar*.
- Article 23 forbids any form of exploitation.
- Also, one cannot be forced to engage in labour against his/her will even if remuneration is given.
- Forced labour is forbidden by the Constitution.
- It is considered forced labour if the less-than-minimum wage is paid.
- This article also makes 'bonded labour' unconstitutional.
- Bonded labour is when a person is forced to offer services out of a loan/debt that cannot be repaid.
- The Constitution makes coercion of any kind unconstitutional. Thus, forcing landless persons into labour and forcing helpless women into prostitution is unconstitutional.
- The Article also makes trafficking unconstitutional.
- Trafficking involves the buying and selling of men and women for illegal and immoral activities.
- Even though the Constitution does not explicitly ban 'slavery', Article 23 has a wide scope because of the inclusion of the terms 'forced labour' and 'traffic'.
- **Article 23 protects citizens not only against the State but also from private citizens.**
- The State is obliged to protect citizens from these evils by taking punitive action against perpetrators of these acts (which are considered crimes), and also take positive actions to abolish these evils from society.
- Under Article 35 of the Constitution, the Parliament is authorized to enact laws to punish acts prohibited by Article 23.
- Clause 2 implies that compulsory services for public purposes (such as conscription to the armed forces) are not unconstitutional.
- Laws passed by the Parliament in pursuance of Article 23:
 - Suppression of Immoral Traffic in Women and Girls Act, 1956

- Bonded Labour System (Abolition) Act, 1976

Article 24 - Prohibition of employment of children in factories, etc.

Article 24 says 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.”

- This Article forbids the employment of children below the age of 14 in any hazardous industry or factories or mines, without exception.
- However, the employment of children in non-hazardous work is allowed.

You can read more about child labour in India [here](#).

Laws that were passed in pursuance of Article 24 in India.

The Factories Act, 1948

This was the first act passed after independence to set a minimum age limit for the employment of children in factories. The Act set a minimum age of 14 years. In 1954, this Act was amended to provide that children below the age of 17 could not be employed at night.

The Mines Act of 1952

This Act prohibits the employment of people under the age of 18 years in mines.

The Child Labour (Prohibition and Regulation) Act, 1986

This was a landmark law enacted to curb the menace of child labour prevalent in India. It described where and how children could be employed and where and how this was forbidden. This Act designates a child as a person who has not completed his/her 14th year of age. The 1986 Act prohibits the employment of children in 13 occupations and 57 processes.

Child Labour (Prohibition & Regulation) Amendment Act, 2016

This Act completely forbids the employment of children below 14 years of age. It also bans the employment of people between the ages of 14 and 18 in hazardous occupations and processes. Punishments to violators of this law were made stricter by this amendment act. This Act allows children to be employed in certain family occupations and also as artists.

Child Labour (Prohibition and Regulation) Amendment Rules, 2017

The government notified the above Rules in 2017 in order to provide broad and specific framework for prevention, prohibition, rescue and rehabilitation of child and adolescent workers. The Rules clarified on issues concerning employment of family enterprises, and also provides safeguards for artists in that the working hours and conditions are specified.

Also read: [National Child Labour Project Scheme](#)

UPSC Questions on Right against Exploitation

What does right against exploitation say about child Labour?

Article 24 says 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 fundamental right against exploitation guaranteed to all citizens prohibits child labour in mines, factories and hazardous conditions.

Which article deals with right against exploitation?

Articles 23 and 24 of the Indian Constitution deal with the right against exploitation.

What is right to equality?

The right to equality is guaranteed by the Constitution in Articles 14 - 18. It provides for the equal treatment of everyone before the law, prevents discrimination on various grounds, treats everybody as equals in matters of public employment, and abolishes untouchability, and titles (such as Sir, Rai Bahadur, etc.). You can read more about the right to equality in the linked article.

