

Right Against Exploitation

Article 23- 24

- **Article 23 and 24** deals with right against exploitation
- **Article 23** deals with prohibition of traffic in human beings and forced labour
- **Article 24** deals with prohibition of employment of children and factories etc.

- **Prohibition of traffic in human beings and forced labour [Article 23]**
- **Article 23 (1)** provides that traffic in human beings and beggars and other forms of force deliver are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.
- **Article 23 (2)** provides that state can impose compulsory service for public purposes.

- Traffic in human beings means selling and buying human beings as goods for Immoral or other purposes. Beggar means in voluntary work without payment.
- Right under article 23 is available not only against the state but also against private individuals.
- In **People's Union for Democratic Rights vs. Union of India 1982** Supreme Court held that a person who provides labour or service to another for less than minimum wage also amounts to forced labour.
- **Deena vs Union Of India 1983** Supreme Court held that labour taken from prisoners without paying proper enumeration is violative of article 23.

- **Prohibition of Employment of Children in Factories Etc Article 24**
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- **Article 24** provides that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. [(read with art. 39(f)]
- **Employment of children act, 1934** – a child means a person less than 12 years of age.
- The **Child Labour (Prohibition and Regulation) Act 1986** was enacted to prohibit children from engagement in certain hazardous conditions. It contains a list of occupations such as *bidi* making, manufacturing of match boxes, explosives and fireworks, etc. where employment of children is prohibited.

- The law was further amended in 2016 to increase its scope. It now prohibits the employment of a child in the age group of 14-18 years in hazardous jobs. However, it allows a child upto 14 years of age to work in family enterprises. Further, it allows a child in the age group of 14-18 years to work non-hazardous jobs

- In **People's Union for Democratic Rights Vs Union of India 1982** Supreme Court held that the construction work is a dangerous work and Employment of children in construction industry amounts to violation of article 24.
- In **MC Mehta Vs Union of India 1997** Supreme Court held that children below the age of 14 years cannot be employed in any hazardous industry, or other works. The court laid down guidelines to protect economic, Social and humanitarian rights of children.(shivakashi firecracker)