

It is said that every human has a right to live with dignity. But some people don't value the lives of other human beings and money, even if coming at the cost of a life is everything for them. As a result crimes like human trafficking and forced labor, specifically children and women. Therefore Prohibition of Traffic in Human Beings & Forced Labour has become the need of the hour.

In this article, we will understand what human trafficking means, what is forced labour, its types, the constitutional provisions dealing with the same, and some judgments that further widened the scope of these laws.

## Meaning of human trafficking and forced labor:

Human trafficking refers to the process of buying and selling humans or human organs for wrong motives. This crime shakes the whole of humanity where one human is compromising with the freedom and right to a dignified life of another human just for some money.

Similarly, forced labour is a kind of labour in which the person is made to do work more than what he is paid. The labour class is forced to render their services against their wishes which makes this labour an immoral one. Sometimes, the masters exploit the workers and don't even pay anything. This is also a kind of forced labour.

## What are the reasons why traffic in human beings and forced labour are becoming an all-time high?

Some of the prominent factors behind the menace of human trafficking are-

1. **Poverty** – Rising Poverty in India is a major factor in human trafficking. It has the potential to lead people to become traffickers, even force parents to sell their children or other family members.
2. **Scarcity of resources**: Human trafficking is prevalent in areas with uneven resource distribution. Therefore when people are in dire need of money, they switch to illegal means of earning money like human trafficking and forced labor.
3. **Social factors**– The disadvantaged sections of society, such as women, children, the illiterate, and the marginalised, are adversely impacted because they are powerless to speak out the against injustice

4. **Inadequate Legislative and Legal Framework**– Existing laws are insufficient to combat human trafficking. The government's failure to raise public awareness and execute the existing laws at the grass-root level contributes to its increasing number of cases.
5. **Lack of sufficient economic prospects** – The situation of massive unemployment also pushes the youth towards unethical ways of earning money. This is why traffickers lure them into forced labor, prostitution, human organs black markets, and other illegal activities by showing the amount of money that they can make in these types of activities.

Therefore if we want to eradicate human trafficking and forced labor from their roots, we have to address the causes of human trafficking.

## **Prohibition of traffic in human beings and forced labour comes under which fundamental right?**

Let's now understand different provisions of the Constitution of India which strive to prohibit such illicit acts. prohibition of traffic in human beings and forced labour is a provision under Article 23 of the Constitution of India and is a fundamental right of every citizen of India.

According to this article, if any person indulges in human trafficking or any type of forced labor like begar, he will be punished by the court. In India, different types of forced labour are practised. One is begar in which the people are forced to work lifelong to compensate for some debt that they had taken.

Similarly, Devdasi was a kind of forced labour of young women, though Article 23 of the Indian constitution does not explicitly mention it. In this practice, young girls were given away to certain temples.

Under Article 23 of the Indian constitution, activities like exploiting others, paying less than what they deserve, bonded labour, forced labour, etc. are completely banned. Therefore if anyone contravenes these provisions, he will face serious legal action.

The special point to note here is that the article does not only safeguard Indian citizens but also non-citizens. Further, it is also applicable against individuals.

Prominent judgments that deal with Prohibition of Traffic in Human Beings & Forced Labour:

1. State of Gujarat v. Hon'ble Supreme Court of Gujarat 1998: This judgement explained the ambit of Article 23 and Article 24 of the Indian Constitution.
2. Suraj Narayan v State of MP, 1960: Not only unorganised workers but also organised workers like teachers if unpaid for their service can come under bonded labour.
3. Bandhua Mukti morcha v. Union of India 1984: This is a landmark judgement in which the court defined how bonded labour can be determined.

## **Conclusion:**

Human trafficking and forced labor are very serious crimes that shake the very essence of humanity. If we want to make the world a better living place, we have to overcome these malicious activities. For Prohibition of Traffic in Human Beings & Forced Labour, the constitution of India, Article 23 prescribes very strict punishment for the offenders. But this is adequate with proper implementation. We need to address the problem from its root.

By analysing the factors that are motivating the youth to switch to such illicit activities, we should come up with proper policies. Through small but effective steps, we can truly overcome this problem and save our society from such crimes..