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Article 23 of the Constitution

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Article 23 of the Constitution

A worker who cannot leave is not free. Article 23 exists for that worker. It bans the buying and selling of human beings. It bans forced work with no real choice. And it applies to private employers as well as the State.



Workers at a brick kiln near Hyderabad. Hard manual sectors like this are where bonded labour has often been reported. Photo: Apoorva Jinka, Wikimedia Commons, CC BY 2.0.

> **Text** Traffic in human beings, begar and similar forced labour are prohibited.
> **Covers** Every person, citizen or not.
> **Binds** The State and private persons.
> **Key case** PUDR (1982): below-minimum wage can be forced labour.

Begar: work forced out of a person with no pay.

Traffic in human beings: buying, selling or moving people for exploitation.

Bonded labour: work done to pay off a debt, with no freedom to leave.

1 What does Article 23 ban?

1.1 What are the two parts of Article 23?

Clause (1) bans **traffic in human beings**, **begar** and other similar forms of forced labour. Breaking this ban is an offence, punishable by law. Clause (2) allows the State to impose compulsory service for public purposes. But it cannot discriminate on grounds only of religion, race, caste or class.

1.2 Who does it protect?

Everyone. Article 23 is not limited to citizens. This sets it apart from Articles 15, 16 and 19. A migrant worker from another country is as protected as a citizen.

- Sits under the **Right against Exploitation** (Articles 23 and 24).
- Covers trafficking, begar and every similar forced labour.
- Applies to **any person**, not just citizens.

Remember This: Article 23 bans trafficking and forced labour. It protects every person and binds private persons too.

> **Quick check 1.** Article 23 protects only citizens of India. *(True or False?)* See answer ↓

2 What does “forced labour” really mean?

2.1 Is force only physical?

No. The Supreme Court gave “force” a wide meaning. In *People’s Union for Democratic Rights v. Union of India* (18 September 1982), known as the **Asiad Workers case**, workers on Delhi’s Asian Games construction were paid below the minimum wage. The Court held that this is forced labour. A poor person who works for less than the minimum wage has no real choice. Hunger is also a kind of force.

2.2 What did later cases add?

In *Sanjit Roy v. State of Rajasthan* (1983), famine-relief workers were paid below the minimum wage. The Court said the State must pay at least the minimum wage even on relief work. In *Bandhua Mukti Morcha v. Union of India* (1984), the Court acted on a

letter about stone-quarry workers near Faridabad. It linked bonded labour to Article 21 and the right to live with dignity. It also read in Articles 39(e) and 39(f). Anyone shown doing forced labour is presumed to be a bonded labourer, unless proved otherwise.

- 1982, PUDR: below-minimum wage is forced labour.
- 1983, Sanjit Roy: the State too must pay the minimum wage on relief work.
- 1984, Bandhua Mukti Morcha: a presumption of bonded labour; a **letter** was treated as a petition.

> **Think it through:** If a worker agrees to a very low wage, is that a free choice? The Court said no, when poverty leaves the worker with no real alternative.

> **Quick check 2.** Under PUDR (1982), paying a worker less than the minimum wage can amount to forced labour. *(True or False?)* See answer ↓

3 Who is bound by Article 23?

3.1 Is Article 23 only against the State?

No. Like Article 17, it works against private persons as well. A factory owner, a landlord or a trafficker can all break it. That is why the Court could act in a case about a private quarry. Articles 17, 23 and 24 are the rare rights that bind private persons

directly.

- Article 17: untouchability.
- Article 23: trafficking and forced labour.
- Article 24: child labour in factories and mines.

Remember This: Articles 17, 23 and 24 bind private persons directly.

4 Can the State ever compel service?

4.1 What does clause (2) allow?

The State may impose compulsory service for public purposes. Military or national service is a common example. This is not forced labour under Article 23. But there is one condition. The State cannot make any distinction on grounds only of religion, race, caste or class.

Type of work	Allowed?	Why
Begar, bonded labour	No	Banned by 23(1)
Work below minimum wage	No	Force includes economic compulsion (PUDR)
Compulsory service for a public purpose	Yes	Allowed by 23(2)
Compulsory service that picks groups by caste or religion	No	23(2) bars discrimination

Explain It Back: In your own words, say why the Court calls below-minimum wage “forced labour”. Then say what the State may still compel under 23(2).

5 Which laws back up Article 23?

5.1 Which laws punish trafficking?

Article 23 says the offence is punishable by law, so Parliament passed laws. The Suppression of Immoral Traffic in Women and Girls Act came in 1956. It was amended and renamed the **Immoral Traffic (Prevention) Act** in 1986. The change widened it to cover men and children. The Bharatiya Nyaya Sanhita now has Section 143 on trafficking. It sets a minimum of seven years in jail, up to ten. For trafficking a child, the minimum is ten years, up to life.

5.2 Which law covers bonded labour?

The **Bonded Labour System (Abolition) Act, 1976** gives the law behind Article 23. It abolishes bonded labour and cancels the debts that bind workers. It also provides for the rehabilitation of freed workers.

- 1956: SITA, renamed ITPA in 1986.
- 1976: Bonded Labour System (Abolition) Act.
- 2023: BNS Section 143 on trafficking.

> **Quick check 3.** The Bonded Labour System (Abolition) Act, 1976 gives statutory force to Article 21. *(True or False?)* See answer ↓

6 How has this topic been asked in exams?

6.1 What did the exams ask?

> **Asked before**
> **PYQ 1 · UPSC CSP 2017, Q97**
> Which of the following are envisaged by the Right against Exploitation in the Constitution of India?
>
> (a) 1, 2 and 4 only
> (b) 2, 3 and 4 only
> (c) 1 and 4 only
> (d) 1, 2, 3 and 4
>
> mcqquestion.com/articles/upsc-csp-2017-general-studies-paper-i-full-question-paper/#q97

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Asked before

PYQ 2 · UPSC CDS (II) 2019, Q63

Which one among the following is not a part of the Fundamental Rights (Part III) of the Constitution of India?

(a) Prohibition of traffic in human beings and forced labour
(b) Prohibition of employment of children in factories
(c) Participation of workers in management of industries
(d) Practice any profession, or to carry on any occupation, trade or business

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6.2 What is the exam angle?

- **Trap:** Article 23 is for citizens only. It protects every person.
- **Trap:** Article 23 binds only the State. It binds private persons too.
- **Fact:** PUDR 1982, Sanjit Roy 1983, Bandhua Mukti Morcha 1984.
- **Fact:** Bonded Labour Act 1976 backs Article 23.
- **Fact:** ITPA is the renamed SITA of 1956.
- **Method:** Articles 23 and 24 make the Right against Exploitation. Article 17 is under Equality.

Practice MCQs

1. The Right against Exploitation, one of India's six Fundamental Rights, specifically prohibits?

A. Human trafficking and forced labour

B. Unequal pay based purely on job seniority

C. Discrimination in private business hiring decisions

D. Restrictions on foreign trade and investment

See answer ↓

2. The Bonded Labour System (Abolition) Act, 1976 gives statutory force to which Article of the Constitution?

A. Article 21

B. Article 32

C. Article 23

D. Article 14

See answer ↓

3. In Bandhua Mukti Morcha v. Union of India (1984), what evidentiary presumption did the Supreme Court establish?

A. Bonded labour could only be proven with a written contract

B. Employers were automatically presumed innocent in all cases

C. Only government inspectors' reports could be used as evidence

D. Anyone shown doing forced labour is presumed a bonded labourer, unless proven otherwise

See answer ↓

4. In Bandhua Mukti Morcha v. Union of India (1984), which Article 39 clauses did the Court connect to the right to live with dignity?

A. 39(a) and (b)

B. 39(c) and (d)

C. 39(e) and (f)

D. None of Article 39

See answer ↓

5. What did the Supreme Court hold in Sanjit Roy v. State of Rajasthan (1983)?

A. Paying workers below minimum wage, even on relief work, violates their dignity

B. Famine relief workers can legally be paid below minimum wage

C. Article 43 is directly enforceable in court like a Fundamental Right

D. Minimum wage laws don't apply to State governments

See answer ↓

6. Who founded the 'Bachpan Bachao Andolan', an organisation fighting child labour?

A. Kailash Satyarthi

B. Anil Agarwal

C. Aruna Roy

D. Shantha Sinha

See answer ↓

Answer Key

1. **A.**
   Human trafficking and forced labour are banned by Article 23. Article 23 also bans *begar*, which means unpaid forced work.
   Article 24 separately bars children under 14 from working in any factory or mine. It also bars them from other hazardous work.
   Article 23 allows compulsory public service, but bars discrimination on the listed grounds. The other options describe different issues, not this Right against Exploitation.
   Read the Fundamental Rights guide for the six rights groups. Source: Constitution of India, Articles 23 and 24.
   ↑ Q1
2. **C.** Article 23 prohibits trafficking in human beings, begar, and other forms of forced labour; the 1976 Act enforces this. ↑ Q2
3. **D.** The Court held the burden shifts to the employer or State to disprove bondage, once forced labour is shown. ↑ Q3
4. **C.** The Court held that the right to live with dignity draws its life-breath from Article 39(e) and (f), on worker and child protection. ↑ Q4
5. **A.** The Court held that paying below minimum wage, even for famine relief work, violated the worker's right to live with dignity. ↑ Q5
6. **A.** Satyarthi shared the 2014 Nobel Peace Prize for his work protecting children's rights. ↑ Q6

Quick-check answers

1. **False.** ↑ 1
2. **True.** ↑ 2
3. **False.** ↑ 3

Previous year answers

1. **(c) 1 and 4 only** Trafficking/forced labour and child labour in factories/mines fall under the Right against Exploitation (Arts. 23-24). Untouchability is abolished under the Right to Equality (Art. 17), and minority protection sits under Cultural and Educational Rights (Arts. 29-30) — neither belongs to the Right against Exploitation.
2. **(c) Participation of workers in management of industries** Worker participation in management is a Directive Principle under Article 43A, in Part IV, not a Fundamental Right.

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