

RIGHT AGAINST EXPLOITATION (23 to 24)

1. Prohibition of Traffic in Human Beings and Forced Labour

Article 23 of the Indian Constitution makes it illegal to traffic human beings, force people into unpaid labor, or make them work under similar conditions. This rule applies to both citizens and non-citizens, protecting individuals from both the government and private people.

"Traffic in human beings" refers to things like:

- Selling and buying people (men, women, or children) like goods
- Forcing women and children into prostitution
- The practice of devadasis (where women are dedicated to temples and forced into a life of servitude)
- Slavery

To punish such acts, the government passed the Immoral Traffic (Prevention) Act, 1956.

The term "begar" means forced labor without pay. In old India, landlords sometimes forced tenants to work without any compensation. In addition to "begar," Article 23 also bans other forms of forced labor, such as "bonded labor" (where people are forced to work to pay off a debt).

"Forced labor" means making someone work against their will. This includes not just physical or legal force, but also situations where people are forced to work because of financial pressure, such as earning less than the minimum wage.

2. Prohibition of Employment of Children in Factories, etc.

Article 24 of the Indian Constitution bans the employment of children under 14 years old in factories, mines, or dangerous jobs like construction or working on railways. However, it doesn't stop children from doing harmless or light work.

The Child Labour (Prohibition and Regulation) Act of 1986 is the key law protecting children from harmful work. In 2006, the government also made it illegal to employ children under 14 as domestic workers or in businesses like hotels, restaurants, shops, factories, resorts, tea-shops, etc. Anyone caught employing children in these roles can be prosecuted and punished.

In 2016, the Child Labour (Prohibition and Regulation) Act, 1986, was updated and renamed as the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. This law now also covers adolescents (teenagers) who were previously not fully protected.

Right to Freedom of Religion (Article 25 to 28)

1. Freedom of Conscience and Free Profession, Practice and Propagation of Religion

Art 25 includes in it the following-

- **Freedom of conscience:** Everyone has the right to freedom of conscience, meaning they can choose their relationship with God or others in any way they want.
- **Right to profess:** People can openly declare their religious beliefs and faith.
- **Right to practice:** People can perform religious rituals, worship, and show their beliefs in public.
- **Right to propagate:** People can share their religious beliefs with others and teach about their religion.

However:

- This does **not** include the right to force someone else to change their religion.
- **Forcible conversions** violate the freedom of conscience of others.

Article 25 ensures these rights apply to both **citizens and non-citizens** and covers both religious **beliefs** and **practices**.

2. Freedom to Manage Religious Affairs (Article 26)

- **Article 26** gives religious groups (denominations) the right to:
 - **Establish and run** institutions for religious and charitable purposes.
 - **Manage** their own religious affairs.
 - **Own** and acquire property (both movable and immovable).
 - **Administer** their property according to the law.
- While **Article 25** protects individual religious rights, **Article 26** protects the collective rights of religious groups.
- These rights are subject to public order, morality, and health, but not limited by other Fundamental Rights.

3. Freedom from Taxation for Promotion of Religion (Article 27)

- **Article 27** says no one can be forced to pay taxes for promoting or maintaining any specific religion.
- The government cannot use public tax money to support one religion over another.
- Taxes can be used to support **all religions**, but **not one religion** exclusively.
- The law only stops the government from imposing a **tax**, not a **fee**.
 - **Fees** can be charged for things like special services or safety for pilgrims, or for regulating religious endowments, as long as they don't promote a particular religion.

4. Freedom from Attending Religious Instruction (Article 28)

- **Article 28** says no religious instruction can be given in schools that are fully funded by the government.
- However, this doesn't apply to schools run by the government but created through an endowment or trust that requires religious instruction.
- **No student** in any government-recognized or government-funded school can be forced to take religious lessons or participate in religious activities without their consent. For minors, the consent of a guardian is required.
- **Types of schools** under Article 28:

1. **Fully government-funded schools:** No religious instruction allowed.
2. **Government-run schools created by endowment or trust:** Religious instruction is allowed.
3. **Government-recognized schools:** Religious instruction allowed, but it's voluntary.
4. **Government-aided schools:** Religious instruction allowed, but it's voluntary.

Cultural and Educational Rights

1. Protection of Interests of Minorities (Article 29)

- **Right to conserve culture:** Citizens who belong to a group with a distinct language, script, or culture can protect and preserve their identity.
- **Right to equal education:** No one can be denied admission to a government-funded or government-aided educational institution based on religion, race, caste, or language.
- **Scope of Article 29:** This protects both minorities (religious and linguistic) and, according to the Supreme Court, can also apply to majority groups.
- **Language protection:** Minorities have the right to fight for the protection of their language, and promoting this right in politics is not considered illegal.

2. Right of Minorities to Establish and Administer Educational Institutions (Article 30)

- **Right to establish schools:** Minorities (religious or linguistic) have the right to create and run educational institutions of their choice.
- **Protection from property acquisition:** If the state acquires property from a minority educational institution, the compensation should not affect their right to run the institution. (This was added by the 44th Amendment in 1978.)
- **Equal state aid:** The government cannot discriminate against minority-run institutions when providing financial support.
- **Minority educational institutions can be:**
 1. Schools seeking both recognition and aid from the state.
 2. Schools seeking only recognition, not aid.
 3. Schools that do not seek recognition or aid from the state.

Note: The term "minority" isn't defined in the Constitution, but it specifically applies to religious or linguistic minorities. The right under Article 30 also includes teaching children in the minority's own language.

Right to Constitutional Remedies (Article 32)

- **Article 32** ensures that if anyone's fundamental rights are violated, they can approach the court for help.
- It gives citizens the **right to seek legal remedies** to protect their fundamental rights, making these rights effective and enforceable.
- Dr. Ambedkar called **Article 32** the most important part of the Constitution, describing it as "the soul" and "the heart" of the Constitution.
- The **Supreme Court** has declared that **Article 32** is a basic feature of the Constitution, meaning it cannot be changed or removed, even through amendments.

