

RESEARCH
ARTICLE**Origin, Development, and Implementation of Article 23 of the Constitution of India: How Far We Have Achieved Abolition of Modern-Day Slavery?**

PhD

Sarfaraz Ahmed Khan

Symbiosis Law School Hyderabad, Symbiosis International (Deemed University)

Pune, Maharashtra, India

Email: director@slsh.edu.in, ORCID: 0000-0003-0788-450X

Doi Serial<https://doi.org/10.56334/sei/8.7.6>**Keywords**

Modern Day Slavery, Human Trafficking, Bonded Labour, Regulatory Framework, Legislature

Abstract

Human trafficking is a modern form of slavery, and it can be said that it is one of the worst kinds of human rights violations and millions of people are victims of it throughout the globe. Our forefather was conscious that abolition of human trafficking was much needed, and accordingly, they took a conscious effort from the constituent assembly. Article 23 was inserted in Constitution with narrow wordings under the impression that some form of modern-day celebrity will end soon. But facts remain the same even after seven decades of Independence; slavery in modern states is an undisputed fact in most countries. There is a lack of initiatives by all stakeholders. Legislatures failed in bringing adequate legislative reforms while the executive utterly failed in the implementation of the laws. The present regulatory framework is highly inadequate, which is reflected from the quantum of cases of modern-day slavery, be it sex trafficking or Labour trafficking transpires. Thus, we failed in fulfilling the dream of the forefather to make India free from modern-day slavery. To achieve such a goal, we need to have a comprehensive regulatory framework that requires this literary form and its practical implementation, considering every incident of trafficking is a violation of human rights. The victim shall be at the center of entire efforts undertaken by different stakeholders.

Citation

Sarfaraz A.Kh. (2025). Origin, Development, and Implementation of Article 23 of the Constitution of India: How Far We Have Achieved Abolition of Modern-Day Slavery? *Science, Education and Innovations in the Context of Modern Problems*, 8(7), 56-63; doi:10.56352/sei/8.7.6. <https://imcra-az.org/archive/365-science-education-and-innovations-in-the-context-of-modern-problems-issue-7-volviii-2025.html>

Licensed

© 2025 The Author(s). Published by Science, Education and Innovations in the context of modern problems (SEI) by IMCRA - International Meetings and Journals Research Association (Azerbaijan). This is an open access article under the CC BY license (<http://creativecommons.org/licenses/by/4.0/>).

Received: 09.03.2025

Accepted: 01.05.2025

Published: 05.06.2025 (available online)

Introduction56 - www.imcra.az.org, | Issue 7, Vol. 8, 2025

Origin, Development, and Implementation of Article 23 of the Constitution of India: How Far We Have Achieved Abolition of Modern-Day Slavery?

Sarfaraz Ahmed Khan

“To be free is not just to cast off one's chains, but to live in a way that respects and promotes the freedom of others,” Nelson Mandela famously remarked.” (Mandela, 1994) Diving down in the depth of time, we can remember those days of eminent slavery India faced. Great poems like “My Native Land” (Vivian Derozio, 1828) had been written against slavery. All our ancestors understood the menace of slavery and the need to abolish slavery, and they decided to end it once and for all [1]. The introduction of this right against exploitation in the constituent assembly in draft Article 17 was done by the Constituent Assembly Chairman Dr. B. R Ambedkar, to fulfil such Nobel dream of our forefather to abolish slavery in modern form. Some forms of modern-day slavery, such as Devadasi, were left out of draught Article 17 and final Article 23 of the Indian Constitution because we will eradicate them in a short period [2].

However, we have not been able to bring the much-needed reform that the constitution-makers debated for. The existence of modern-day slavery, in its different forms, is present in India even in this digitalized 21st Century era and after 73 years of Independence. Its continuous existence is a shame for the human race in general and all Indian citizens.

Human trafficking, bonded labor, forced labor, and begging are all prohibited under Article 23, and the phrase is wide enough to cover all types of modern-day slavery. In *People's Union for Democratic Rights vs. Union of India* (1982), the Supreme Court clarified the notion of forced labor, stating that when a worker is paid less than the minimum wage, the worker is compelled to labor under Art 23. Through *S. Vasudevan v. S.D. Mital*, (1962) We can see how being a beggar is a sort of forced labor. Furthermore, the Bonded Labor System (Abolition) Act defines the idea of bonded labor (BLSAA, 1976). The Indian Penal Code (IPC) was recently amended in 2013, adding Section 370, which defines human trafficking as the "recruitment, transportation, harbouring, transfer, or receipt" of a human being through various means, including "threat, force, abduction, fraud, deception, abuse of power, or through inducement.". As a result, while we can see that the breach of Article 23 is rather broad, no practical actions, adequate measures, or extreme action are being taken to end modern-day slavery dominance in India [3].

In this paper, I will explore the purpose of incorporation of Article 23, the then Article 17, in the Constitution of India from the debate that took place in the constituent assembly and what dream the constituent assembly members had towards the abolition of modern-day slavery. In the second part, I have shown India's constitutional obligation in such abolition of modern-day slavery. In part three, I will try to analyze the international legal responsibility for India to end modern-day slavery. In the fourth part, domestic legislation will be discussed to assess its adequacy. In contrast, part five will try to establish through different statistics that we are still far away from the dream of abolishing modern-day slavery. In the end, the paper argues that we require a collaborative effort to achieve a future where India will be free from modern-day slaves [4].

Constituent Assembly Debate and Onerous Task of Abolition of Slavery in Independent India

The Drafting Committee had submitted the Draft Constitution of India on February 21, 1948, to the President of the Constituent Assembly. The Draft Constitution consisted of 315 Articles incorporated in eighteen 'Parts and eight 'Schedules'. Dr. B. R. Ambedkar formally introduced the draft of the Constitution in the Constituent Assembly on November 4, 1948. Article 17 of the draft proposes the following provisions.

- (1) Human trafficking, begging, and other types of forced labor are banned, and any violation of this rule will be prosecuted.
- (2) Nothing in this Article prevents the government from enforcing mandatory service for public interests. The State shall not discriminate based on race, religion, caste, or class in enforcing such assistance." Members of the constituent assembly proposed several changes.

For instance, in the Constituent Assembly Debate, Kazi Syed Karimuddin suggested a substitution of the provision with the following, “Within the Union State, neither slavery nor involuntary servitude such as beg shall exist save as a punishment for crime.” (CAD, 1948, para 7.66.105). His suggestion was based on the premise that the State must have the power to force prisoners to do compulsory work and a similar provision is there in America (CAD, 1948, para. 7.66.106). Shri Damodar Seth moved the amendment to include “Servitude and serfdom” within the Article to make it holistic and implicit of religious practices like Devadasi (CAD, 1948, para 7.66.108-109) [5].

Shri K.T. Shah moved an amendment to include “other kinds of enslavement” or “dedication in the name of religion to be Devadasis” (CAD, 1948 para. 7.66.115). The statement of Shri K. T. Shah in the constituent assembly is essential, and it shows broad knowledge and concerns of the members on modern-day slavery. He emphasized that "human trafficking is not limited to what was formerly known as slavery," but also occurs on a much larger scale previously known as "White Slave traffic," which involves the buying and selling of young women for export or import from one set of countries to another, as well as their permanent enslavement or servitude to an owner or proprietor of commercial establishments.” (CAD, 1948, para 7.66.117)

Shri K. T. Shah further emphasizes the need to combat practices like Devadasi and another modern form of slavery (CAD, 1948, 7.66.164). On his suggestion for combating Devadasi, Shri Raj Bahadur observed that “If Mr. Shah's proposal is approved by the House, the Devadasi system—temple women's dedication—will be eliminated by a constitutional clause.” (CAD, 1948, para. 7.66.121-122). K.T. Shah offered another amendment at the end of the debate to include the term “only” after the phrase “discrimination on the ground” in section (2) regarding compulsory service. (CAD, 1948, para 7.66.144-46) He expressed his conviction that drafting technicians shall accept this minor amendment. Shri G. Gurmukh Singh moved amended to include trafficking for prostitution (CAD, 1948, para 7.66.129) [6].

The deliberation in the constituent assembly clearly shows the members' awareness about this menace of modern-day slavery, and sex trafficking is an issue of gender oppression. For example, Shri Raj Bahadur observed that;

“Acts to prevent immoral trafficking in women already exist in this country, but they are ineffective, and even if legal flaws are corrected, they will only be truly effective when men's attitudes toward this problem change, where a segment of women is at the mercy of exploiters, and the very dignity of womanhood is lowered.” (CAD, 1948, para 7.66.165)

While different members suggested many amendments, but except for one minor change in clause (2), no other amendment was carried out. In his remark itself, he made it clear that he was in favor of accepting one modification of the word ‘only’ suggested by Prof. K. T. Shah. He also observed that as the issue of ‘devadasi’ was already replied to by the other members with the reasons for its non-inclusion; there is no need for further deliberation (CAD, 1948, 7.66.183).

When Dr. Ambedkar referred to other members' replies, he presumably referred to Shri T.T Krishnamachari, who, during his deliberation, was of the view that the scope of the Article should not be stretch to a great extent as many evils can be combated by legislation in place. There is no need to put them as fundamental rights. Shri T. T. Krishnamachari has given an example of the Devadasi system for which specific legislation was in place in Madras, and he was of the view that for these kinds of evil, the legislative mechanism should be sufficient and there is no need to bring everything into fundamental rights (CAD, 1948, para 7.66.171.) [7]. To quote him;

“We are attempting to eradicate it, and including it in the fundamental rights would expedite legislation to eradicate such evils, as it will become a state responsibility. I'd want to remind the House that we should not try to expand the scope of these Articles by including problems that may be eliminated via legislation.”.

Thus, the present form of Article 23 was incorporated in the Constitution after much deliberation but after negating different suggestions for amendment. The single amendment brought was the inclusion of the word ‘only’ in clause (2) to protect the citizen from the discriminatory practice of forcing them for compulsory labor on different discriminatory grounds, including religion.

Methodology

Constitutional Obligation of Abolition of Modern-Day Slavery in its Diverse Form

Article 3 of the Constitution of India expressly prohibits trafficking in human beings. The constitutional mandate for combating trafficking also includes its different facets, which are collectively called modern-day slavery. In constituent assembly proposal for inclusion of its other form such as slavery, involuntary servitude and beggar by Kazi Syed Karimuddin; serfdom by Shri Damodar S. Seth; and Devadasi by Shri K. T. Shah indicates that the constituent assembly members intended to combat these evils also, but they did not incorporate all these words primarily because they were under the impression that some of these evils will be fought by the legislation itself within a short period [8].

Article 23 uses three words explicitly, namely: “(a) traffic in human beings; (b) begar; (c) different forms of forced labor.” Each of the words is too broad to make different implicit forms of exploitation. Traffic in human beings signifies various forms of modern-day slavery, including the beggar and forced labor (Khan, 2015, 62). Neither national legislation nor any international legal instruments incorporated a universally accepted definition of the term ‘traffic in human beings’ until 2000, when trafficking protocol was adopted as part of the organized crime convention (PUCL, 1982). Article 3 of the trafficking protocol defined the word human trafficking as follows:

“Recruitment, transportation, transfer, harboring, or receipt of persons by threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or vulnerability, or the giving or receiving of payments or benefits to obtain the consent of a person having control over another person, shall be considered trafficking in persons. The exploitation of others’

prostitution or other types of sexual exploitation, forced labor or services, slavery or practices akin to slavery, servitude, or the removal of organs are all examples of exploitation." (Trafficking Protocol, 2000)

This definition of trafficking protocol is broad enough to include begar, bonded labor, and other forms of exploitative practices such as Devadasi or Join. The term begar implies involuntary work without payment (Singh, 2019). The Collins English Dictionary defined the term begar as compulsory labor, usually without cost and slave labor. Bombay High Court in *S. Vasudevan vs. S. D. Mital* (1962) observed that, while the term "begar" is not defined, it is a well-understood term that refers to forcing someone to labor against their choice and without payment [9]. The court also cited Molesworth, which defined begar as "labor or service demanded by a government or a powerful person without remuneration" (1962). The court also referred to Wilson's Glossary, which defined begar as "forced labor, one compelled to bear burdens for individuals or the public; under the previous system, no compensation was granted when pressured for public service" (1962). In the case of *Suraj Narain vs. State of M P* (1960), the court stated that "to urge a guy to labor and then not pay him any salary or wages smacks of Begar."

Supreme Court in PUCL case (1982) explain Article 23's broad scope, stating that "by including, in addition to 'beggar,' other forms of forced labor within the prohibition of Article 23, it brings 'every form of forced labor,' beggar or otherwise, within' its ambit. It makes no difference whether the person forced to give his labor or service to another is reimbursed or not." "Even if payment is given, labor supplied by a person would be struck by Article 23 if it is forced labor, that is, labor supplied not freely but as a consequence of force or compulsion," the Supreme Court continues.". In the case, *Ruiweino Kahaosan Tangkhul v. Ruiweino Siminirei Shailei Khullakpa*, (1961) issue raised about the prevailing custom in the Ukhrul subdivision Manipur where one person from each household was giving free service to the village head. The court held that even though such custom is the practice from immemorial, Article 23 [10] is violative.

In *Sanjit Roy vs. the State of Rajasthan* (1983), the Supreme Court invalidated part of the Rajasthan Famine Relief Works Employees Act, 1964, which exempted the applicability of the minimum wages act. The apex court opined;

"The government cannot take advantage of the vulnerable State of the afflicted people to collect labor or services from them for less than the minimum wage. No useful or valuable work can be built with the blood and sweat of people who have been rendered powerless by drought and famine. Under the pretext of assisting these individuals, the State cannot take work of usefulness and worth from them without paying them the minimum wage."

The Supreme Court noted in *Bandhua Mukti Morcha vs. UOI* (1994) that the "pernicious practice of bonded labor existed" in various regions of the nation and that to counteract it, the framers of our Constitution included Article 23. "The system of bonded labor in whatever form is forbidden by Article 23 of the Constitution, the court added". In *Neeraja Chaudhary vs. the State of M.P.*, (1984), the Supreme Court imposed a positive legal obligation on the State, in compliance with Article 23 read with Article 21 of the Constitution, not only identify and release bonded labor but also must be suitably rehabilitated. Thus there are explicit obligations on the State to combat all forms of modern-day slavery [11].

Obligation to Abolish Modern Day Slavery under International Law

The term 'slave' has been defined as "a person who is strongly influenced or controlled" (Soanes, 2005). International human rights agreements are also the source of constitutional responsibilities for the eradication of modern-day slavery. When the constituent assembly debated Draft Article 17 of the Constitution, they used Article 4 of the Universal Declaration of Human Rights (UDHR, 1948) as a guide. Still, they deliberately departed from its language. They incorporated the much broader term "traffic in human beings," which is "much larger amplitude than "slave trade," and they also interdicted "beggar" and other similar terms." (PUCL, 1982) [12].

Slavery having a long history, existed as early as 4000 BCE in Mesopotamia, the world's oldest known civilization (Burke, 2013). One of the first rights recognized under international law is the prohibition of slavery, while more than seventy-five legal instruments explicitly incorporate provisions against it (Gallagher, 2010).

Under customary international law, the prohibition of slavery is regarded as a peremptory rule of jus cogens (Ohchr & Dottridge, 2002). The League of Nations published the first globally accepted definition of slavery in 1926, defining it as "a state or condition of a person over whom any or all of the rights linked to the right of possession are exercised" (Slavery Convention, 1926). The "Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery" was approved by the United Nations in 1956." (Slavery Convention, 1957) [13]. It tried to broaden the Convention's reach by including a prohibition on "institutions and practices comparable to slavery, such as debt bondage, serfdom, forced marriage, or other slave-like circumstances." A recent research on sex-trafficking discovered that the modern-day practice of trafficking contains virtually all of the characteristics of slavery (Khan, 2014). In reality, in *Rantsev v.*

Cyprus (2010), the European Court of Human Rights (Ct. H.R.) had the chance to examine the practice of modern-day slavery and made the following remark:

“Human trafficking is predicated on the use of powers associated with the right of ownership, by its very nature and goal of exploitation. It considers people as commodities to be bought, sold, and coerced to work for little or no compensation, most commonly in the sex business and elsewhere..... It's been described as "a modernized version of the ancient global slave trade.”

The preceding essay demonstrates that international human rights law imposes positive legal duties on states to prevent modern-day slavery. This indicates that India should have a sufficient legal and regulatory structure to prevent modern-day slavery, a constitutional need under Article 23 of the Constitution, and a legal requirement under international law [14].

Regulatory Framework to Combat Modern Day Slavery

While constituent assembly debate itself shows the firmness of our forefather to combat trafficking and Constitution of Independent India incorporate such assertion in Article 23, it took more than six decades to bring legislation to define 'Human Trafficking' and prescribed punishment for it. In 2013, Section 370 was added to the IPC, which described 'Trafficking-in-Person' (Khan, ILI, 2014). This definition is based on Article 3 of trafficking protocol (2000) and incorporated in compliance with the recommendation of the Justice Verma committee, constituted to look into sexual offenses in India and laws thereof (Verma, Seth, & Subramaniam, 2013). Verma committee report recommended incorporating Article 3 of trafficking protocol in its entirety, but our legislature, for a reason best known to them, leftover one essential means of trafficking 'abuse of a position of vulnerability (APOV)' (Khan, ILI, 2014). The study found that one of the main reasons for trafficking is the vulnerability of the victim. (Khan, 2019, Chapter 5) Accordingly, it was a great or omission and mistake on the part of the legislature to leave APOV in Section 370 of IPC. Moreover, incorporating a single provision in Section 370 in the IPC is not enough, and we need a solid institutional support system [15].

To combat bonded labor, the Bonded Labor System (Abolition) Act, 1976, was enacted. It also mandates under section 5 to provide freedom to all bonded labor in India from the agreement or contract made. Thus, it envisages taking decisive steps of criminalizing and further prohibiting and eradicating the debt bondage system. The act discharges all bonded labor from service and payment obligations to their master legally, and Section 7 also states that property of the laborers will be “free of mortgage, charge, lien or other encumbrances and shall be restored to his possession”. Further, according to Section 8, a bonded laborer will not be asked to leave their current residential area that he has been given as a part of bonded labor service. Lastly, the laborer will not have to pay any ‘extinguished debt’ to his creditor as Section 9 [16].

Indian judiciary played a significant role in bringing forth bonded labor and mandating the government in series of cases to discharge the responsibility and abolish this age-old practice (PUCL, 2004). But despite having laws and an activist judicial approach, we failed to a bullish bonded labor system, and still, there are bonded laborers throughout the country. Siddharth Kara has identified the following four reasons among others for the inability of the Indian government to eliminate bonded labor, namely; “(a) corruption; (b) an indifferent bureaucracy that refuses to enforce the law; c) a perplexing failure of district judges and vigilance committees to identify, release, and rehabilitate bonded laborers; and d) an inadequate number of criminal prosecutions.” (Kara, 2014) [17].

The Suppression of Immoral Traffic in Women and Children Act, 1956, renamed the Immoral Traffic (Prevention) Act, 1956 (ITPA), was enacted to fulfill the government of India's obligations under the "Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949" (Trafficking Convention, 1949) and to implement Article 23 of the "Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949". The 1986 amendment attempted to gender-neutralize the legislation, recognizing the idea of male trafficking and prostitution. In Section 2 of the legislation, the term "prostitution" was redefined to include "the sexual exploitation or abuse of individuals for commercial objectives." The ITPA made the following acts punishable offenses to combat sex trafficking: "keeping a brothel or allowing premises to be used as a brothel" under section 3; "living on the earnings of prostitution" under section 4; "procuring, inducing, or taking persons for the sake of prostitution" under section 5; and "detaining a person in premises where prostitution is carried on" under section 6. Sections 8 and 9 define "seducing or soliciting for prostitution" and "seduction of a person in custody," respectively. However, According to the research, the majority of the time, law enforcement agencies do not use ITPA and instead pursue the criminals under the IPC. (Khan, 2014, para 6.4) This is one of the reasons that we are still unable to combat sex trafficking [18].

The Trafficking of Persons (Prevention, Protection, and Rehabilitation) Bill, 2018, was introduced to remedy loopholes in the existing legislative framework by conducting specific investigations in cases of human trafficking and rescuing, safeguarding, and rehabilitating impacted individuals (Trafficking Bill, 2018). The law also aims to improve scientific study and the development of rehabilitation authorities at the state and federal levels (Trafficking Bill, 2018, chapter 4). Anti-Trafficking Units were also proposed as a means of rescuing victims and investigating instances. (Trafficking Bill, 2018, chapter 5) Lastly, the formation of Rehabilitation Committees was recommended, which can provide care for the victims who have been rescued (Trafficking Bill, 2018, chapter 4). The bill also puts forward and clarifies the concept of ‘aggravated’ forms of trafficking. Still, the bill lapsed, and we hope much-improved legislation will bring combat trafficking [19].

The above-stated facts are the positive sides of work conducted to uphold the concept and combat trafficking in its different forms. However, only put effort into such critical matters is not enough; results are a need of the time which has a lot of shortfalls, i.e., efforts are being made, but implementation and handy results are unseen.

Results And Discussion

Seven Decades of Independence and Unaccomplished Agenda of Abolition of Modern-Day Slavery in India

We have seen and understood the different constitutional and legal provisions provided to protect the rights of individual labor. However, the time has come for us to face the honest reality. The accurate picture of India must be brought before us to all take a step back and understand what is going wrong, yet our fellow brothers and sisters have to suffer in the life of enslavement [20].

To start with, the world report of the International Labour Organization (ILO) indicates that there are 5.4 victims of modern-day slavery for every thousand people globally as of 2016 (ILO, 2017). Further, as of 2017, the numbers of victims of modern slavery were about 40 million, which can be divided in 25 million forced labor and the rest 15 million forced marriage. (ILO, 2017) As per the Global Slavery Index, India stands at 53 globally regarding the prevalence of modern-day slavery, with an approximate number of people under enslavement is about 7,989,000 (GSI, 2019).

In 2018, the National Crime Record Bureau released the report, which stated that about 1,625 potential trafficking victims and 3,946 trafficking victims were identified (NCRB, 2019). However, the numbers are a small ray of hope as they have decreased from the 2017 report, where about 2,137 potential trafficking victims and 4,137 victims were identified. This 2016 picture is a further decrease from the 2016 report, which had identified about 22,955 victims (NCRB, 2019). The number of victim’s practices such as bonded labor identified, rescued, and rehabilitated till recent past, as responded by the government of India in Lok Sabha, was three lakhs thirteen thousand six hundred and eighty-seven (Kumar Gangwar, 2019). The state-wise number of victims identified rescued and rehabilitated are given below.

TABLE 1. Bonded laborers identified and rehabilitated (Kumar Gangwar, 2019)

STATES	Identified and Released	Rehabilitated
Andhra Pradesh	38,141	31,687
Arunachal Pradesh	3,526	2992
Assam	12	12
Bihar	17,886	17,068
Chhattisgarh	3548	3548
Gujarat	64	64
Haryana	594	92
Jharkhand	314	314
Karnataka	66,281	60,029
Kerala	823	710

Madhya Pradesh	13,319	12,394
Maharashtra	1,404	1,325
Puducherry	09	09
Orissa	51,441	48,313
Punjab	252	252
Rajasthan	7,872	6,715
Tamil Nadu	65,573	65,573
Uttar Pradesh	42279	42279
Uttaranchal	5	5
West Bengal	344	344
TOTAL	3,13,687	2,93,725

Table 1 shows that almost 19962 victims of practices like Bonded Labor were not rehabilitated even though they were identified and rescued (Kumar Gangwar, 2019). The government responded that they were either left the place without informing the authorities or died.

Further, many such case studies will bring out the ongoing picture of child labor. For example, the Brick Kiln industry in Tamil Nadu is one of its kinds where children also work with their parents (Augendra, 2005). In another case, known as the *Re: Chopping of the Palms of two Migrants*, (2017), S.C. took up this case Sue Moto, in this case, their employer chopped two migrant workers hands. The court issued an order to ensure that the requirements of the Inter-State Migrant Worker Act be implemented appropriately. (PUCL, 2019).

So far, cases relating to sex trafficking in India are concerned; there is a shortage of accurate figures to assess an exact number of cases while the number of cases is undeniably increasing yearly. In the year 1996, the survey conducted by the Central Social Welfare Board (CSWB) found 70,000 to 1,00,000 victims of sex trafficking in six cities, namely Bangalore, Bombay, Calcutta, Delhi, Hyderabad, and Madras (Mukherjee & Das, 1996). Another study estimated that the number of prostituted women to be 900,000 and economic transactions through their exploitation to be around Rs. 37,000 crores (577 Million USD) (Gathia, 1999). According to a study conducted by the Indian Association for the Rescue of Fallen Women, around 8 million prostituted women are in India's brothels. (NHRC, 2002) Thus, we can see that despite the passing of seven decades of Independence, constitutional mandate, and international human rights obligation, there still exists a prevalence of modern-day slavery in almost every form, whether it is sex trafficking or labor trafficking. The expectation of our forefathers to abolish all such exploitative practices is still a distant dream.

Conclusion

Throughout the research paper, we have come across many examples and statistics showing how the fundamental human rights of the individual are not protected in India. We have seen that to actualize the dream of a constituent assembly, Article 23 of the Constitution was incorporated as a fundamental right. But in reality, this constitutional mandate was given the least priority. This reflects the delayed domestic legislation to combat different forms of modern-day slavery and lack of implementation, which resulted in millions of Indians still living under modern-day slavery. Lack of prioritization of modern-day slavery is also indicated from the fact that Justice Shri M. N. Venkatachaliah committee was constituted to review the working of the Constitution, and it did not deliberate upon Article 23 in the same way as it engages with the majority of the other parts of the Constitution (Venkatachaliah, 2002)

Thus, we can conclude that in a world that is moving so fast in this 21st century, we cannot afford to have the concept of slavery living among us. The constitutional goal of abolition of modern-day slavery and the imminent desire for an India free from such exploitation is still a distant dream even after seven decades of Independence. Freedom is when you have a choice. These people who are still in the shekels of modern-day slavery do not have the right to choose in this digitalized world.

We need a concerted effort of all functionaries keeping victims of modern-day slavery at the center of all discourses and considering such exploitation as a violation of human rights. Thus, the victim's right to reparation needs to be ensured. The future model to combat modern-day slavery may consider adopting an 'integrated reparation model' (Khan, 2014), a victim-centric human rights-based model that mandates every stakeholder to work keeping the victim at the central point of discourse.

References

1. American Convention on Human Rights, (1969).
2. B. Augendra, "Child labor and debt bondage: a case study of brick kiln workers in southeast India," (2005). Retrieved on July 23, 2020 from: https://www.researchgate.net/publication/249818104_Child_Labour_and_Debt_Bondage_A_Case_Study_of_Brick_Kiln_Workers_in_Southeast_India.
3. Balram vs. State of Madhya Pradesh AIR 1990 SC 54.
4. Bandhua Mukti Morcha v. UOI AIR 1994 SC 802.
5. Bonded Labor System (Abolition) Act 1976 (BLSAA).
6. M. Burke, "Routledge handbook of transnational organized crime." London ; New York: *Routledge*, (2013).
7. Constituent Assembly Debate. Retrieved August 13, 2020, from: https://www.constitutionofindia.net/historical_constitutions/draft_constitution_of_india__1948_21st%20February%201948
8. Convention Against Transnational Organized Crime, (2000), Retrieved on 20-8-2020 from: <https://doi.org/10.1017/s0020782900007154>
9. Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949).
10. Convention to Suppress the Slave Trade and Slavery, (1926), 60 LNTS 253.
11. David Weissbrodt, "Contemporary Forms of Slavery: Updated review of the implementation of and follow-up to the conventions on slavery' and Anti-Slavery International," (UNCPHR 2000) 19 U.N. Doc E/CN.4/Sub.2/2000/3.
12. European Convention of Human Rights, 1953
13. T. Gallagher, "The international law of human trafficking 179." *Cambridge University Press*, (2010).
14. Gangwar and S. S. Kumar, "Lok Sabha Unstarred Question No. 345, Ministry of Labor and Employment, GOI," (2019). Retrieved on 2-8-2020 from: <http://164.100.24.220/loksabhaquestions/annex/171/au345.Pdf>.
15. J. A. Gathia, "Child prostitution in India." New Delhi: *Concept Pub. Co*, (1999).
16. Global Slavery Index, (2019). Retrieved July 23, 2020, from: <https://www.globalslaveryindex.org/2018/data/country-data/india/>
17. Hussainara Khatoon vs. Home Secretary, State of Bihar, (1980) 1 SCC 84.
18. ILO, Global Estimates of Modern Slavery Forced Labor and Forced Marriage (2017). Retrieved July 23 2020 from: https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf
19. Immoral Traffic (Prevention) Act, (1956).
20. International Covenant on Civil and Political Rights, (1966).