

# FEATURES OF FUNDAMENTAL RIGHTS

**01**
**A. Some are Available only to citizens**

1. Employment
2. Freedom to reasonable restriction
  - a. Language
  - b. Script
  - c. Culture
3. So Articles
  - a. 15
  - b. 16
  - c. 19
  - d. 20
  - e. 30
  - f. Reserved only for citizens of India

**B. White others are available**

1. Citizens
2. Foreigners
3. Legal Persons
  - a. Corporations
  - b. Companies

**02**
**A. Not Absolute but qualified**

1. State can impose reasonable restrictions
2. Reasonable Restrictions
  - a. You cannot hurt FR of other Citizen
  - b. Decided by parliament
  - c. Not by Courts

3. To Both
  - a. i. Citizens of India
  - b. foreigners
4. e.g.
  - a. Equality before Law

**B. Strike Balance**

1. between right of
  - a. Individual
  - b. Society
2. Between
  - a. Individual Liberty
  - b. Social Control

**03**
**A. Available against arbitrary action of the state**
**B. With few Exceptions like**

1. Those against State's Action
2. Against action of Private Individuals

**04**
**A. Some are Positive in nature**

1. Conferring certain Privileges on Persons

**B. Some of them are Negative in Character**

1. Place Limitations on the Authority of the state

**05**
**A. Justifiable**

1. Allow persons to move to Court
  - a. For their enforcement
  - b. When violated

**06**
**A. Defended & Guaranteed by the Supreme Court (SC)**
**07**
**A. Not Sacrosanct**
**B. Not Permanent**
**C. Parliament can**

1. Curtail it
  - a. Reduce in quantity
2. Repeal it
  - a. Revoke it
3. Only by Constitutional amendment act
  - a. Shall be passed in
    - i. LS
    - ii. RS
4. Not by Ordinary act
  - a. Required simple majority
  - b. Without affecting Basic Structure

**08**
**A. Can be suspended except**

1. During National Emergency
2. Except
  - a. Art. 20
  - b. Art. 21
3. Rights under Art. 19
  - a. Suspended only in External Emergency
  - b. Not internal Emergency

**09**
**A. Scope of Operation I limited**

1. Art. 31 A
  - a. Saving of laws providing for acquisition of estates etc.
2. Art. 31 B
  - a. Validation of certain act and regulation
  - b. 9th
    - i. Act & regulation
    - ii. Introduce in 1951
      - a. In 1st Amendment
    - iii. Reason
      - a. To save few laws from review of the Judiciary
3. Art. 31 C
  - a. Saving of Laws giving effect to certain directive principles

**10**
**A. Application to members of the**

1. Armed Forces
2. Paramilitary Forces
3. Police Forces
4. Intelligence Agencies
5. Analogous Services
6. Citizen power can be restricted by Parliament
  - a. Article 33
7. More power to above forces

**11**
**A. Martial Law**

1. Article 34
2. = Military Rule Imposed under Abnormal Circumstances
3. From imposition of National Emergency
4. Citizen power can be Restricted

**12**
**A. Article 35**

- B. Most of them are Directly enforceable (Self-Executory)
- C. While few can be enforced on basis If law made for giving effect to them
- D. Made only by Parliament
- E. Not by State Legislature
- F. Reason:
  1. Uniformity throughout country is maintained