

Right to property



History

The Constitution of India originally recognized the 'Right to Property' as a fundamental right under Article 31.

However, this right was ceased to be a fundamental right with the 44th Constitution Amendment in 1978.

Why in News

The Supreme Court has recently held that a citizen's right to own private property is a human right.

Key points from the judgement

A citizen's right to own private property is a human right. The state cannot take possession of it without following due procedure and authority of law.

- ✓ Article 300A required the state to follow due procedure and authority of law to deprive a person of his or her private property.
- ✓ Article 300-A of the Constitution of India reads as under: "Persons not to be deprived of property save by authority of law. No person shall be deprived of his property save by authority of law."

Doctrine of Adverse Possession

The state cannot trespass into the private property of a citizen and then claim ownership of the land in the name of 'adverse possession.

- ✓ Grabbing private land and then claiming it as its own makes the state an encroacher.
- ✓ In 1967, when the government forcibly took over the land, 'right to private property was still a fundamental right' under Article 31 of the Constitution.
- ✓ Right to Property ceased to be a fundamental right with the 44th Constitution Amendment in 1978.