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## **Exploring the Evolution of Fundamental Rights in India Constitution**

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### **Abstract**

*The evolution of India's fundamental right after independence is a robust journey reflecting a nation's social, political and economic journey. Since the Independence of India fundamental rights have changed a lot. These changes happened due to new amendments, court decisions, and how society has evolved. In the beginning there was a struggle to find the right balance between individual balance and government jurisdictions. But landmark judgements helped the fundamental rights to evolve and expand. During the emergency some rights were restricted. In later years there was a focus on making sure everyone, especially those who were fewer in resources, had equal rights. Law and court actions aim to make society fairer. Later new issues like privacy and marginalised group rights also gained importance. India also focuses on international rules and regulations for the improvement of its own rights.*

**Keywords:** *Fundamental Rights Evolution, India, Landmark Judgements, Equality and Social Justice*

### **Introduction:**

The constitution of India has Fundamental rights in its Part III. In this respect, the Bill of Rights that was contained in the constitution of the United States served as an example to our constitutional makers. The Constitution's Part III is famously known as the Magna Carta of India. It comprises a detailed list of "justiciable" fundamental rights. As a matter of fact, our Constitution's fundamental rights are far broader than those in any other nation including those found in the USA's constitution.

All persons have equal guarantees under the Indian Constitution regarding their fundamental rights. The said principles promote equal treatment for all individuals and dignity for each individual person, while at the same time having regard to overall public interest and national unity. Fundamental Rights are meant to further ideals of democracy. Thus, they defend against dictatorship and authoritarianism from taking root within our country by safeguarding personal liberties and freedoms against state encroachments. They operate as limitations on executive tyranny or arbitrary laws made by legislatures. Ultimately, they aim at establishing ‘a government characterised by rule of law rather than by men’.

From the beginning, there are seven fundamental rights in constitution:

1. Right to Equality (Article 14-18)
2. Right to freedom (Article 19-22)
3. Right against exploitation (Article 23-24)
4. Right to Freedom of Religion (Article 25-28)
5. Cultural and educational rights (Article 29-30)
6. Right to Property (Article 31)
7. Right to constitutional remedies (Article 32)

Nevertheless, the right to own property was omitted from the list in the 44th Amendment Act, 1978. Then it became a legal right which is enshrined in Article 300-A in Part XII of the Indian Constitution. Now, there are six Fundamental Rights. (M. Laxmikanth, Indian Polity, 2017)

### **Right to Equality (Article 14-18)**

#### **Equality before Law and Equal Protection of Laws**

All citizens of the State are entitled to equal treatment before the law and equal protection of the laws across India. This therefore extends the right to all persons, be they nationals or aliens. Besides, “person” also includes juristic persons such as, companies, societies or any other type of legal person in between. The concept ‘equality before law’ is a borrowing from English jurisprudence whereas the notion ‘equal protection of laws’ has been confiscated from the Constitution of the United States of America.

It means: —

- (a) that there shall be no special rights or privileges in favour of any individual
- (b) that all persons shall be subjected to ordinary law administered through regular courts and
- (c) that no person is above the law, irrespective of whether he is rich or poor, powerful or weak, influential or insignificant.

The second concept conversely implies that

- (a) under the same circumstances, both in terms of rights and duties as required by law, there should be equal treatment
- (b) The law must have to applied uniformly to all individuals in comparable circumstances

(c) treat cases impartially without any form of discrimination.

### **Prohibition of Discrimination on Certain Grounds (Article 15)**

The state shall not distinguish against any citizens on grounds of religion, caste, sex, race or place of birth.

According to Article 15(2), no individual shall have restrictions placed upon them solely because of their affiliation to a tribe, religion, race, place of birth or caste in the matter concerning

(a) access into restaurants, hotels and places for entertainment etc.

(b) use of public resorts' roads, wells, tanks, bathing ghats, and other areas that are maintained entirely or mostly with state money and are available to the general public.

The last provision prohibits discrimination by the State and it also bars private citizens from being discriminatory against each other unlike the former clause which only outlaws State's conduct.

### **Equality of Opportunity (Article 16)**

Article 16 ensures that every citizen has equal opportunity in regard to employment or state office. No citizen can be discriminated against and also does not disqualify only a religious person, a racial individual, on the basis of one's caste system within Indian systems, sex, race or descent in terms of public service appointments or employment.

Nonetheless, this basic principle of equal opportunity in public employment has three major exceptions:

(a) In any body of law, like a state, union territory, local government or other legal entity, the Parliament may specify conditions for residential qualification for certain employment or offices.

b) On the other hand, the State may provide reservation relating to appointment posts in favour of any class declared backward but not adequately represented among its services.

(c) Any enactment may prescribe that a holder of such an office related to religion/denomination institution should belong to that religion or denomination.

### **Abolition of Untouchability (Article 17)**

Elimination of the Untouchability" Untouchability" is outlawed, and its application in any context is prohibited. Enforcing a disability resulting from "untouchability" is a criminal offence that carries legal penalties.

"Untouchability" is illegal and its practice is forbidden in all forms under Article 17. Enforcing any impairment resulting from untouchability is illegal. Not only that, but it also states that this forbidden "untouchability" should never be practised again. If this occurs, it ought to be a crime that is dealt with by the law.

### **Abolition of Titles (Article 18)**

Abolition of titles. — (1) No title, not being a military or academic distinction, shall be conferred by the State.

(2) No citizen of India shall accept any title from any foreign State.

(3) No person who is not a citizen of India shall, while he holds any office of profit or trust under the State, accept without the consent of the President any title from any foreign State.

(4) No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, emolument, or office of any kind from or under any foreign State. (INDIA CONST. ART. 18 CL. (1) (2) (3) (4))

The article 18 of the Indian Constitution prohibits the government from conferring titles on any person whether a citizen or non-citizen. Nonetheless, this does not apply to military and academic distinctions that are given to encourage more commitment in improving the State's military power necessary for its survival or research required for its welfare. A citizen of India is prohibited under clause (2) from acquiring a title given by any foreign authority. According to clause (3), a foreign national holding a governmental post of profit or trust is not permitted to accept a title from a foreign state without the President's consent. The main motivation behind this provision is to ensure loyalty to the sitting Government and exclude all forms of foreign influence in matters regarding the administration of Government. Clause (4) provides that Without the President's approval, no one holding a profit-sharing or trust position under the State may accept a gift, an emolument, or an office of any sort from or under a foreign state.

## **Evolution of Right to Equality**

### **Mandal Commission Case**

The fight over the implementation of Mandal Commission's recommendations on reservation in public sector employment and educational institutions in India was referred to as the case of Mandal Commission. The Mandal Commission recommended 27% reservations for OBCs (Other Backward Classes) in government jobs and educational institutions for a larger social justice cause. However, it was only in 1990 that the Government decided to implement these recommendations leading to massive protests across the length and breadth of India. Many petitions were filed challenging the implementation of these recommendations, which subsequently led to a groundbreaking decision by the Supreme Court of India. While upholding reservations for OBCs with certain limitations, including a cap of total reservations at 50%, exclusion of "creamy layer" from such reservations within OBCs, this judgement is important in one regard. In Indian Legal history, the Mandal Commission case remains to be a significant landmark case because it had an effect on affirmative action policies and social justice.

**Constitution (103rd Amendment) Act, 2019, amended Article 15.** The 2019 Amendment Act has inserted a new clause (6) to provide for special provisions for the upliftment of economically disadvantaged people of the country including their capacitation in schools now should this include even private schools or? – both unaided and helped by the government other than minority educational organizations mentioned in the Article's first subsections. A reservation under this newly added clause (6) would be over and above the existing reservations but not exceeding ten per cent of all seats available per category.

A nine-Judge Bench of the Supreme Court has in Indra Sawhney's case - 153 (popularly known as Mandal Commission case) encapsulated some major points that summarize the law on reservations in Government employment. [For further discussion, see Author's Shorter Constitution, 14th Edition, 2008 under Article 16(4)].

## **Shayara Bano Case v. Union of India**

The matter was heard by a Bench of 5 Judges constituted by the SC on 30th March, 2017. Between 11th May and 19th May this year the case was heard by the Bench and Judgment delivered on August 22nd, 2017. In a majority of three to two, it held that talaq-e-biddat amounted to 'manifestly arbitrary' violation of the constitutionality theory of practice.

In July of the following year, the Muslim Women (Protection of Rights on Marriage) Act, 2019 passed by Parliament, making talaq-e-bidat a punishable offence by up to three years in prison. Kerala Samastha Ulama-I-Hind Jamiat In August 2019, Jamiathul Ulema, along with its President at Rashtriya Ulema Council, filed separate petitions contesting this Act before the Supreme Court.

## **Sabarimala Temple**

On November 14th, 2019 the Supreme Court delivered a judgment maintaining that the review petitions are pending. The court reasoned that other cases involving freedom of religion may be adversarial to the rationale in Sabarimala Judgment of 2018, and therefore invoked some fundamental constitutional questions for resolution by a bigger bench composed of nine jurists. These issues also touch on women's access to religious places of public worship. Justice Nariman and Justice Chandrachud disagreed with this line of thought which was beyond the scope of a review petition. For more on this visit the page Sabarimala Review Petition. Significantly, it was stated by the Bench that the 2018 Judgment would be in operation until all review petitions were decided.

## **Economically Weaker Section**

According to the Constitution 15th Amendment, it allows the State to have some special provisions for promoting any citizen from economically weaker sections including their reservations in educational institutions. This implies that such a reservation can be made in an educational institution which is either aided or non-aided and not being a minority institution as outlined by Article 30(1). Furthermore, limits on EWS quotas will be restricted to 10% (capacity for up to graduate seats in favour of EWS category people). This limit of ten percent is distinct from other reservations' ceilings.

## **Right to Freedom (Article 19-22)**

Article 19 guarantees to all citizens the six rights.

These are:

- (i) Right to freedom of speech and expression.
- (ii) Right to assemble peaceably and without arms.
- (iii) Right to form associations or unions or co- operative societies,
- (iv) Right to move freely throughout the territory of India.
- (v) Right to reside and settle in any part of the territory of India.
- (vi) Right to practise any profession or to carry on any occupation, trade or business. (INDIA CONST. ART. 19)

This originally comprised seven but after the 44th Amendment only six remains.

### **Evolution of Right to Freedom**

One of the vital and important fundamental rights, which is the right to Property has been repealed through Articles 19 (1) (f) and 31 by the 44th Amendment Act, 1978. The same amendment however shifted Article 31(1) to a new article, Art.300A outside Part III of the Constitution. This was titled “Chapter IV” of Part XII on “Finance Property Contracts and Suits.” However, this does not amount to “fundamental right.”

### **A.K. Gopalan v. State of Madras**

It is a significant pronouncement by the Supreme Court of India in which the Court decided that Indian courts are not required to employ a due process clause as mandated by Article 21. Consequently, it was held that the Prevention Detention Act, 1950 was valid except for Section 14 which said reasons for which custody order was made and any depiction made by him should not be disclosed to any court of law. (A.K. GOPALAN V.,1950)

Each judge wrote an individual judgement. They ruled that Section 14 of the Act violated constitutionally guaranteed rights on free speech. There was a dissenting judgement written by Justice Fazl Ali. The case is also regarded as one where Preamble was questioned before the court. In response to this, The Apex Court held that preamble cannot be used for interpretation of the constitution.

### **Romesh Thappar v. State of Madras**

The main issue was whether the State of Madras had infringed upon the petitioner’s freedom of speech was protected under Article 19(1)(a) by proscribing the journal “Cross Roads.” The court decided that the petitioner could go straight to the Supreme Court before first applying for a remedy from the High Court. It also held that Section 9(1-A) of Madras Maintenance of Public Order Act, which empowered the authority to impose restrictions in order to safeguard the public safety and maintain order, was unconstitutional because it went further than allowable limits on freedom of speech and expression. This judgement set an important precedent for free speech rights in India. (ROMESH THAPPAR V, 1959)

### **Right To Information**

In 2019, significant amendments were made to the RTI Act resulting in some changes that raised concerns about the autonomy and effectiveness of the framework of RTI. The changes allowed for Information Commissioners at both state and central levels to have their tenure, salary, and terms of service determined by the national government. Critics pointed out that these adjustments had compromised the independence of Information Commissions hence rendering them incapable of an objective resolution on RTI appeals.

Besides, key matters such as political parties’ inclusion under RTI or establishment of a separate appellate body for resolving cases related to RTI were ignored by these amendments. Nevertheless, despite this Act’s amendment, it still plays a major role in India in ensuring transparency and accountability though there are ongoing arguments about its fulfilment and efficiency.

## **Right to Education**

It is a landmark legislation enacted in 2009 in India, for the objective to give free and necessary education for all children from the ages of 6 to 14. It is an edict that no boy or girl should be denied an opportunity to learn in formal school, regardless of their socio-economic background. This means equal access to education for marginalised sectors of society, including those who are poor, disabled or from minority groups. The Act prohibits discrimination in admission into schools, requires provision of free textbooks and uniforms as well as sets standards on infrastructure and teacher qualifications. The RTE Act marks a significant advance towards universal elementary education and equity in the educational system. However, there are still challenges related to inadequate infrastructure, lack of teachers, and variations in quality balance point out that more has to be done so that the full potential of RTE can be realised.

## **Right to Privacy**

It is an essential basic right that shields a person's individual place, freedom and self-respect. This ensures that people can govern their private data and decisions. It allows individuals to maintain secrecy concerning certain aspects of their lives such as personal talks, health records or daily routines which may be accessed or shared without permission. This particular right is necessary in order to secure individual liberty while guarding against uninvited intrusions by the government or other bodies; it also helps build trust among individuals in relationships and in society at large. In fact, this fundamental right has been recognized across many legal systems all over the world including India's constitution where the Supreme Court declared it so in 2017 landmark case of "Justice K.S. Puttaswamy (Retd.) vs Union of India".

## **Right against Exploitation (Article 23-24)**

### **Prohibition of Traffic in human being and force labour**

The prohibition on forced labour and other similar forms of servitude is imposed by Article 23. Any infringement on this clause is subject to legal penalties. This right protects a person from the government and private parties, and it is applicable to anyone. (India Consti. art. 23-24)

The following activities fall under the category of "traffic in human beings": (a) the buying and selling of humans as commodities; (b) prostitution and other forms of immoral trafficking; (c) devadasis; and (d) enslavement. The Immoral Traffic (Prevention) Act of 1956, which was passed by Parliament, makes these offences illegal.

### **Prohibition of Employment of Children in Factories, etc.**

Article 24 forbids children under the age of 14 from working in any mine, industry, or railroad. It does not, however, prohibit people from working in safe or non-dangerous jobs. (India Constitution)

## **Bandhua Mukti Morcha vs Union of India**

It was a significant case concerning bonded labour in India. An NGO called Bandhua Mukti Morcha filed a Public Interest Litigation (PIL) before the Indian Supreme Court, requesting protection for bonded labourers and the upholding of their fundamental rights. The case brought to light the pervasive mistreatment and exploitation that bonded labourers endure across a range of sectors, including construction, brick kilns, and agriculture. In its ruling, the Supreme Court ordered the government to act quickly to locate and free bound labourers, give them

compensation and rehabilitation, and uphold the laws that forbid bonded labour. This case reaffirmed the state's obligation to safeguard human rights and end forced labour in India while also significantly contributing to the public's understanding of bonded labour and the establishment of legal protections for vulnerable workers. (Bandhua Mukti Morcha v., 1984)

### **M.C. Mehta v. State of Tamil Nadu**

It was an environmental case in India. As a result of the pollution their activities generated, several tanneries in Tamil Nadu had to close. Nature activists filed a Public Interest Litigation (PIL) in the Indian Supreme Court, requesting closure of these tanneries in order to stop more environmental contamination and safeguard public health. The case brought to light the detrimental effects of industrial activity on the environment and the necessity of strictly enforcing environmental rules. The Supreme Court's ruling mandated the tanneries' closure and instructed the state government to take action to stop pollution and properly enforce environmental laws. This case highlighted the judiciary's responsibility in preserving the environment and public health and established a precedent for judicial activism in environmental protection. ( M.C. MEHTA V., 1997)

### **Right to Freedom of Religion (Article 25-28)**

#### **Freedom of Conscience and Free Profession, Practice, and Propagation of Religion**

According to Article 25, in India everybody has the right to freedom of awareness or conscience as well as the ability to openly practise, and spread their beliefs.

They suggest:

- (a) Conscience freedom: The internal right of a person to shape his or her relationship with God or other living things whatever they see fit.
- (b) Right to profess: The unrestricted, open expression of one's faith and religious views.
- (c) Right to practise: Conducting religious services, rites, and ceremonies; expressing one's faith; or delivering sermons.
- (d) Right to propagate: The communication and spread of their own religious convictions or explanation of the teachings or principles of their religions.

#### **Freedom to Manage Religious Affairs**

Every denomination or any of its branches shall enjoy the following privileges, per Article 26:

- (a) The freedom to form and run institutions for philanthropic and religious reasons;
- (b) The autonomy to conduct its own religious affairs;
- (c) The right to possess and buy real estate, including immovable and mobile; and
- (d) The right to manage such property legally.

The Supreme Court said a religious branch must meet some conditions: it should be composed of person with shared beliefs (doctrines) that contribute to their wellbeing; it should have a common administration; and it must have a distinct name. Ramakrishna Mission' and 'Ananda Marga' were also held by the Supreme Court as denominations under Hindu religion in line with these criteria, whereas Aurobindo Society was held not to be one.

## **Freedom from Taxation for Promotion of a Religion (Article 27)**

Article 27 states that no one should be forced to pay taxes imposed for upholding or advancing a specific religion or religious movement. State funding derived from taxes cannot be utilised for the purpose of endorsing or sustaining any certain religion. This clause also prohibits the state from sponsoring and supporting a particular religion in addition to giving it preferential treatment over others. Taxes can therefore be helpful in sustaining or promoting a variety of religions.

## **Freedom from Attending Religious Instruction**

It forbids the learning or teaching of religion in any school that receives all of its funding from the state. However, a State may continue to oversee an educational institution funded by a trust or endowment that mandates the teaching of religion, notwithstanding this provision.

Furthermore, no one enrolled in a state-approved educational program or getting financial assistance from the state may be forced to attend religious services or instruction without their permission. If he is younger than that, though, his parents' approval will be required.

## **Evolution**

### **Kesavananda Bharati v. State of Kerala**

It was a historic case in the Indian constitution. In terms of Indian constitutional law, it was a landmark case. It contested the 24th Amendment Act's validity, which aimed to change the Constitution by limiting judicial review. Spiritual teacher Kesavananda Bharati argued that this modification undermined the core framework of the Constitution. The Supreme Court upheld the "basic structure doctrine" in its 1973 ruling against the act, finding that while Parliament might change the Constitution, it could not use that power to destroy India's fundamental structure. Understanding and defending the fundamental values of the Indian Constitution require an understanding of this verdict. This historic Indian case has preserved democracy, the rule of law, and constitutionalism. (KESHAVNANDA BHARTI V. 1973)

### **Golaknath v. State of Punjab**

It was an important case in Indian constitutional law because it questioned the government's power to amend the Constitution. In 1967, the Supreme Court held that Parliament could not alter fundamental rights secured by the Constitution. A landowner by profession, Golaknath contested state's acquisition of his land on grounds that it breached his fundamental rights. The court said fundamental rights were unalterable and that Parliament had no power to modify them. By this decision, the Court proclaimed fundamental human rights' supremacy over laws enacted by Parliament. Nevertheless, in subsequent cases like Kesavananda Bharati v. State of Kerala, the Supreme Court modified this holding saying that the basic structure of constitution could not be altered although parliament can change its provisions thereof. All in all, Golaknath's case constituted a watershed moment for India's constitutional development as well as for establishing an equilibrium between legislature and judiciary powers. (GOLAKNATH V., 1967)

## **Cultural and Educational Rights (Article 29-30)**

### **Protection of Minority interest**

It states that the right to maintain one's particular tradition should apply to any area of the country where there is a population that communicates a language, writes a script, or performs a particular way of life. Furthermore, no Indian person may be excluded from any State-run educational facility or denied aid funded by State funds based solely on their race, religion, caste, or language.

### **Rights of minority to setup and manage Educational Institutions**

Article 30 grants certain rights to minorities, irrespective of their language or religion:

- a) The right to found and run any type of educational institution is guaranteed to all minorities.
- b) The state-fixed compensation cannot limit or eliminate a minority educational institution's claim to property that is obtained through compulsory acquisition. The purpose of this clause in the 44th Amendment Act was to protect the minority right. Under this statute, the right to property ceased to be a Fundamental Right (Article 31).
- c) When providing aid, the government will not differentiate between projects run by minorities and nonprofit organisations.

### **Evolution of Cultural and Educational Rights**

#### **S.P. Mittal v. Union of India**

It is a turning point in the history of Indian law to decide and establish the constitutionality of the Special Courts Bill, 1978. Among other things, it is important for cases relating to economic offences that were taken by the government to be resolved in special courts and not ordinary ones. In answering, the apex court declared that parliament had power under its legislative competence to make laws on special courts so as to speedily try economic offences; thus confirming some rights entrenched from within while it was at it. The Court stressed the need for expeditious disposal and conclusion of such cases in order to fight corruption and uphold rule of law as well as social justice. In addition, S.P. Mittal v Union of India judgement itself has laid down the framework under which special courts dealing with economic offences can be instituted thereby strengthening anti-corruption capacities as well as accountability in governance. (S.P. MITTAL V. 1983)

#### **Ahmedabad St. Xavier's College v. State of Gujarat**

It was landmark litigation regarding the rights of minority educational institutions in India. The case revolved around the efforts by the State of Gujarat to control entrance into St. Xavier's College, a minority institution. In its judgement, the Supreme Court reasserted freedom and autonomy ensured through Article 30 of Indian Constitution to minority institutions. According to the court, minority institutions have independence on how they manage their affairs including admission processes without interventions from government agencies. The decision stressed on preserving cultural and educational rights of minorities whilst safeguarding their establishments against undue interference by governments without apparent reason for doing

so. Ahmedabad St. Xavier's College V State of Gujarat established a precedent that upheld autonomous rights of minority educational institutions in India. (Ahmedabad St. Xavier's College v., 1974)

### **Saving of Certain Rights (Article 31 A- C)**

#### **Article 31-A**

In India, Article 31-A of the Constitution is very important for protecting land reform process. Among the directive principles of state policy, this is the provision that enables government to make laws on agrarian reform such as acquisition of estates among others. This article became a law in 1951 when it was introduced through the First Amendment Act so as to provide legal backing for land redistribution with a view to eliminating intermediaries and ensuring that there is equal access to rural lands by all peasants. Due to its non-justiciability, in accordance with Article 31-A, no court can question them but this has been one of the ways in which India's land reforms have been implemented effectively without subjecting them to judicial review. For social justice and alleviation of rural poverty, it helps those without property become owners of land while assuring marginalized small farmers and other disadvantaged members of society access to land. Over many years now Article 31-A has helped shape various Indian agricultural and address economic disparities in our system even though there were controversies over its scope and operationally part. It was added under the first amendment act enacted in 1951 which aimed at protecting certain laws from repeal that dealt with zamindari system and other feudalism existing between landlords and tenants.

#### **Article 31-B**

Article 31-B of the Indian Constitution protects certain land reform policies from judicial review. It was added in 1951 with the First Constitutional Amendment Act and Article 31-A to make laws pertaining to agrarian reforms passed by various state legislatures legitimate. This clause prevents these regulations from being viewed as violating the fundamental liberties protected by Articles 14 and 19 of the Indian Constitution. Protection is intended to make it easier for land reform initiatives to be implemented successfully, such as those that involve transferring property and abolishing middlemen, which will promote social fairness and equitable resource allocation. Article 31(B) helps the state remedy past injustices and economic disparities associated with land ownership, particularly in rural areas.

#### **Article 31-C**

The objectives stated in Articles 39(b) and (c) of the Constitution's Directive Principles of State Policy are aligned with laws established under Article 31-C of the Indian Constitution. Rather than promoting wealth accumulation, which is bad for society, these principles empower people to own and manage material resources in the good of the whole. In order to prevent courts from ruling that these statutes are unconstitutional due to their violation of fundamental rights guaranteed by articles 14 (equality before the law) or 19 (protection of freedom of speech, among other provisions), the Twenty-fifth Constitutional Amendment Act, 1971 introduced article 31-C into the Constitution. The effect of Article 31-C on striking a balance between fundamental rights and directive principles.

### **Evolution**

#### **44<sup>th</sup> Constitutional Amendment of 1978**

The Janata Government eliminated the right to property completely from the list of Fundamental Rights in Part III, despite the Congress Government having undermined the core provisions of Article 31(2) for more than 25 years through the series of revisions mentioned above. The 44th Amendment Act of 1978, which we have already covered in relation to judicial review, has brought about this. However, its episodes can be recapped to provide a clear picture of the extent and nature of the property rights preserved by the Indian Constitution after April 1979.

(a) Article 19(1)(f) has been repealed.

(b) Article 31(1) has been taken out of Part III, and made a separate Article, viz, 300A, which reads as follows:

No person shall be deprived of his property save by authority of law.

According to Article 300A of the Constitution, "law" refers to a validly adopted legislation that satisfies the requirements of being just, fair, and reasonable. (DD Basu, 2022)

It is necessary to comprehend the compensation in light of the property right. Article 300A, Section 343 of the Constitution lists the limited protections afforded to the ousters.

The result, in short, is that if an individual's property is taken away by a public official without legal authority or in excess of the power conferred by law in this behalf, he can no longer have speedy remedy direct from the Supreme Court under Article 32 (because the right under Article 300A is not a fundamental right). He shall have to find his remedy from the high court under Article 226 or by an ordinary suit.

(c) Clauses (2A) -(6) of Article 31 have been omitted.

(d) Clause (2) of Article 31 has been omitted, 344 but its proviso has been transferred to Article 30, as clause (1A) to that Article.

(e) Article 31 itself might have been repealed, but Article 31A that was originally brought in as an exception to Article 31 has been retained with the omission of any reference to Article 31. Therefore, Article 31A still plays its role as an exception of Articles 14 and 19 which protect the five laws designated by the Constitution under the title of "Directive Principles". It is worth noting that this proviso does not include the previous payments made for such land before these provisions came into force. Nonetheless, it is curious that this second exception is linked to four other exceptions given in article 31A sub-clause (1) but does not contain a reference to article 31 or paragraph (1) of article 31A from which it was excluded.

### **Right to Constitutional Remedies (Article 32-35)**

A declaration in the constitution is useless if it does not provide efficient mechanisms for the enforcement of fundamental rights that have been violated. Thus, Article 32 provides redress to a citizen who feels wronged in order to enforce their fundamental rights. Put another way, securing the protection of basic rights is a fundamental right in and of itself. Because of this, Dr. Ambedkar referred to item 32(1) as "The most important article of the Constitution," without which this document would be void. This gives them legitimacy. For this reason, it is appropriately called "The soul of the constitution."

## **Evolution**

### **State of West Bengal v. Committee for Protection of Democratic Rights**

In its judgement, the Supreme Court established guidelines on investigating encounters to ensure transparency and accountability. It also emphasised that an independent agency must carry out a thorough investigation into cases where death occurred as a result of encounters and if it is found to be false, compensation should be given to victims' families. This case showed the need for rule of law observance and protection of people's human rights even when it comes to tasks done by policemen.

## **Conclusion**

To sum up, the evolution of fundamental rights in India after independence has been full of progress, challenges and resilience. India's commitment to maintaining individual liberties can be traced from the time it adopted its Constitution that had an inclusive set of fundamental rights to date when landmark decisions and legislative reforms have broadened and deepened these rights. Throughout the years, the judiciary has been instrumental in interpreting and enforcing constitutional rights thus protecting them against state or non-state actors' encroachments. Furthermore, various legislative measures combined with social movements have led to more expansive human rights' frameworks that address historical injustices and promote inclusivity as well as equality. Nevertheless, such issues as social inequalities still exist. They remain among the many challenges that people face until they realise their ultimate goal of achieving the full potential of fundamental rights for every citizen. Thus, India's journey towards justice, liberty and equality is a continuing process as outlined by its constitution principles along with aspirations expressed by all its inhabitants so far.

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