

# Right to Property

✅ Article 19(1)(f) : Right to acquire, hold & Dispose of property

✅ Article 31: Right against Deprivation of Property (Property कोई छीन नहीं सकता)

*Repealed by 44 CAA 1978 and shifted to Article 300A (Moved from Part 3 to Part 12), It is a legal & constitutional Right but not a fundamental Right (Can't go to S.C)*

Everybody has Right to compensation if state acquire any private property

Example:

Article-30: State acquire minority institution then compensation

Article-31(A): If state acquire any personal property (Cultivation) then compensation has to be provided

Exceptions:

Article 31(A): Saving of laws providing for acquisition of Estates  
Means Which property state can acquire under law is given under this Article.

• Five types of Properties are given and if state acquire these nobody can challenge that in court

- In other words, *Article 31a of Indian Constitution* was immune to *Article 14 and 19 of Indian Constitution* that provide for right to equality and the right to freedom respectively.

Article 31(B): 9th Schedule

**Validation of certain acts & Regulations .**

**Means any subject under 9th schedule can't be challenged in court even if it is violating FRs.**

**It means 31(B) > 31(A)**

**2007 S.C Judgement that from 24 April 1973 onwards whatever subjects added in 9th schedule are subjected to Judicial Review  
On this date Keshawa nanda bharti case judgement on basic structure was given and Judicial Review was considered as basic structure**

**So in 2007 it was clear that 31(B) will not be protected from Judicial Review**

**Article-31(C):Added by 25 CAA 1971**

**Saving of laws giving effect to certain directive principles**

**Means if laws are giving effect to dpdp and FRs are violated then even those laws will remain safe**

- **Directive Principles:39B & 39C,If laws are made considering these & it violates 14 or 19 then even these laws will be safe**
- **No Judicial Review also on these**

**1)In 1973 Judgement this second provision of Article 31(c) was made unconstitutional,so after that only one provision is active under Article 31(C)**

**2)In 1976 Under Indira Gandhi Govt 42nd CAA(Mini Constitution) was made and it was said that All DPSP > Arc-14&19**

**After this S.C gave Minerva Mills 1980 case suggesting that this point is invalid.So now also only two dpdp 39(B) & 39(C) are greater than FRs rest are not**

