

21. Power to modify certain fundamental rights in their application to persons subject to this act.

Subject to the provisions of any law for the time being in force relating to the regular Army or to any branch thereof, the Central Government may, by notification, make rules restricting to such extent and in such manner as may be necessary the right of any person subject to this Act—

- (a) to be a member of, or to be associated in any way with, any trade union or labour union, or any class of trade or labour unions or any society, institution or association, or any class of societies, institutions or associations ;
- (b) to attend or address any meeting or to take part in any demonstration organised by any body of persons for any political or other purposes ;
- (c) to communicate with the press or to publish or cause to be published any book, letter or other document.

NOTES

This section has been enacted under the authority of [Art 33](#) of the Constitution which empowers Parliament to restrict or abrogate the fundamental rights conferred by the Constitution in their application to 'the Armed Forces'. It gives the Central Government power to make rules restricting the three of the fundamental rights conferred by Art 19 of the Constitution. The restrictions imposed by the Government under this rule making power will be found in [ARs.19, 20](#) and [21](#). Other instances where fundamental rights have been modified in pursuance of [Art 33](#) are:

- (a) **Protection from double jeopardy** : Art 20(2) of the Constitution has been abrogated by [AA.s.127](#)
- (b) The right to be defended by legal practitioner of his choice provided vide Art 22(1) of the Constitution has been restricted by [ARs 96](#) and [129](#).