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Q92

What is the position of the Right to Property in India? (a) Legal right available to citizens only (b) Legal right available to any person (c) Fundamental Right available to citizens only (d) Neither Fundamental Right nor legal right Official key: B.

UPSC Civil Services Prelims 2021 · General Studies · 2 marks · Polity and Governance

Indian Constitution, polity, rights, governance - Prelims GS Paper I.

Explanation

(a)

Legal right, citizens only. **Article 300A** is 'any person'.

(b) Official key

Legal right available to any person. After the 44th Amendment, property is 300A, not a FR.

(c)

FR for citizens only. That was 19(1)(f)/31 before 1978.

(d)

Neither FR nor legal. 300A is a constitutional legal right.

Summary

Official key is (b). Right to property is a constitutional legal right under **Article 300A**, available to any person - not a Fundamental Right, and not citizens-only.

Related possible facts

These can be asked in a future Prelims paper.

44th Amendment, 1978

Deleted 19(1)(f) and 31; inserted 300A.

Persons not citizens

Companies and foreigners can invoke 300A.

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