

Ques. "Fundamental Rights are not sacrosanct, hence amendable!" comment. (150 W)

Ans. → Part III of Indian constitution gives a comprehensive list of justiciable rights to the people of India. Though have been influenced by the USA's bill of rights are more elaborate than those found in any other constitution.

→ Fundamental rights provide the necessary protection to the citizens of the nation against any largesse of the State. But these F.R. are not sacrosanct and come with the liable restrictions.

→ Constitutionally speaking, Article 368 itself provides provision for amending the part III of the constitution given it is done via constitutional amendment Bill.

→ The F.R. of individuals are restricted for the overall development of the society and to maintain national security and orders.

Restrictions

- Art. 33 - empower the parliament to modify the F.R.
- Art. 34 - during the operation of martial law, it affects the F.R.
- Art. 352 - proclaimed national emergency in which the F.R are guaranteed.
- Art. 358 - authorize the parliament to restrict the F.R. (Art. 19 is restricted.)
- Art. 359 - empower the president to suspend the right to move the courts. president also can be suspend art. 32.

Through the rights given in part III of the constitution are fundamental and inalienable, they are not sacrosanct. Restrictions have been imposed on them keeping in mind that the overall welfare and security of the Nation. Hence it is amendable.

Excellent!