

'FORCIBLE DISPOSSESSION OF A PERSON'S PROPERTY IS A HUMAN RIGHTS VIOLATION'

Relevant for: Indian Polity | Topic: Indian Constitution - Features & Significant Provisions related to Fundamental Rights, Directive Principles and Fundamental Duties

The Supreme Court has reiterated that forcible dispossession of a person of his private property without due process of law is a violation of human rights.

In a recent judgment by a Bench led by Justice S.K. Kaul, the court stressed that right to property is both a human right and a constitutional right — the latter under Article 300A of the Constitution.

“It is accepted in every jurisprudence and by different political thinkers that some amount of property right is an indispensable safeguard against tyranny and economic oppression of the government... Property itself is the seed bed which must be conserved if other constitutional values are to flourish,” the judgment quoted a precedent.

The verdict came on the acquisition of a few acres in Sikkim by the State's Agriculture department in 1980 for building the Progeny Orchard Regional Centre. The land was recorded in two names — 1.29 acres in the name of the Maharaja of Sikkim and 7.07 acres in the name of Man Bahadur Basnett, who was the father of the original appellant in this case. The judgment found that “in this case, the appellant could not have been forcibly dispossessed of her property without any legal sanction...”

The court gave the State three months' time from the date of the judgment for it to “make up their mind as to what they want to do”. “Would they still like to retain the land by issuing a proper notification, or would they like to surrender possession of the land. In either eventuality, the question of payment for use and occupation would still arise, which will have to be determined in accordance with law,” the judgment said.

Subscribe to The Hindu digital to get unlimited access to Today's paper

Already have an account ? [Sign in](#)

Find mobile-friendly version of articles from the day's newspaper in one easy-to-read list.

Enjoy reading as many articles as you wish without any limitations.

A select list of articles that match your interests and tastes.

Move smoothly between articles as our pages load instantly.

A one-stop-shop for seeing the latest updates, and managing your preferences.

We brief you on the latest and most important developments, three times a day.

*Our Digital Subscription plans do not currently include the e-paper ,crossword, iPhone, iPad mobile applications and print. Our plans enhance your reading experience.

To continue enjoying The Hindu, You can turn off your ad blocker or [Subscribe to The Hindu](#).

[Sign up for a 30 day free trial.](#)

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

CrackIAS.com