BLOGS

Are Fundamental Rights Mutually Exclusive?

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.docxpressoPlugin { font-size: 83.35%; } .h5p_layout { box-sizing: content-box !important; } .h5p_layout *{ float: none; text-align: initial; box-sizing: border-box; } /*to make sure that floating elements are always inside the document bounds*/ .h5p_layout:after { content: " "; display: block; height: 0; clear: both; visibility: hidden; } /* a default layout for documents without maste styles */ .h5p_default_layout { margin-top: 3.6rem; margin-left: 8.50464rem; margin-bottom: 3.6rem; margin-right: 8.50464rem; writing-mode: lr-tb; } /*hack for IE */ wbr:after { content: "\00200B"; } /*hack to get some extra top margin for anchors if needed*/ .h5p_layout span[id^="_Toc"]{ padding-top: 10px; margin-top: -10px; } /* Remove unwanted numbering styles */ .h5p_layout .removeNumbering:before{ content: initial !important; display: none; all: initial !important; } /* give zero default top and bottom paddings for paragraphs*/ .h5p_layout p { color: #000000; line-height: 1; margin-top: 0; margin-bottom: 0; } .h5p_layout span { color: #000000; font-weight: normal; } .h5p_layout span.dropcap { color: inherit; font-family: inherit !important; } .h5p_layout h1, .h5p_layout h2, .h5p_layout h3, .h5p_layout h4, .h5p_layout h5, .h5p_layout h6 { margin-top: 0; margin-bottom: 0; font-family: inherit; font-weight: 500; line-height: 1; color: inherit; } /* give zero default top and bottom paddings for paragraphs in tables*/ .h5p_layout table p { margin-top: 0; margin-bottom: 0; } .h5p_layout ul, .h5p_layout ol { list-style-type: none; margin-top: 0; margin-bottom: 0.5em; padding-left: 0; } .h5p_layout ul li, .h5p_layout ol li { list-style-type: none; margin-top: 0; margin-bottom: 0.5em; } .h5p_layout li p { margin-top: 0; margin-bottom: 0; } .h5p_layout table { border: none; } .h5p_layout td { vertical-align: top; border: none; } .h5p_layout th { vertical-align: top; border: none; } .h5p_layout div { margin-bottom: 10pt; } .h5p_layout img { margin: 0; padding: 0; } .h5p_layout ul ul { margin-top: 0; margin-bottom: 0; } .h5p_layout li { margin-top: 0; margin-bottom: 0; list-style-type: none !important; } .h5p_layout ul, .h5p_layout ol { list-style-type: none !important; } .h5p_layout td[data-sorting] p:before, .h5p_layout th[data-sorting] p:before { content: ' '; padding-right: 16px; background: url(background-position: left center; background-repeat: no-repeat; } .sortDecorator { border-bottom: 3px solid #b70000 !important; } /* This is a spacial class designed to remove unwanted bullets when a li has ul as its first child*/ .h5p_layout .removeBullet:before { content: none !important; }

/*responsive tables*/ .h5p_layout div.dxoResponsiveTable{ margin: 0 !important; padding: 0 !important; overflow-x: auto !important; overflow-y: hidden; } /* chart tooltips */ .c3-tooltip-container td.name { white-space: nowrap; } /* External services*/ .h5p_layout iframe { resize: vertical; border: 1px solid #fff; } .h5p_layout div.youtube { position:relative; padding-bottom:56.25%; height:0; overflow:hidden; background-color: transparent; } .h5p_layout div.youtube iframe { resize: none; position:absolute; top:0; left:0; width:100%; height:100%; } div#h5p_6a7bf4843839e p.P1 {break-before: page !important;text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4843839e p.P1 span {hyphenate: false;font-family: Times New Roman;font-weight: bold;font-size: 12pt;text-decoration: single;text-decoration: underline;text-decoration-style: solid;} div#h5p_6a7bf4843839e p.P2 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4843839e p.P2 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;} div#h5p_6a7bf4843839e p.P3 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4843839e span.T4 {font-family: Times New Roman !important;font-size: 12pt !important;} div#h5p_6a7bf4843839e p.P5 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4843839e p.P5 span {hyphenate: false;font-family: Times New Roman;font-weight: bold;font-size: 12pt;text-decoration: single;text-decoration: underline;text-decoration-style: solid;} div#h5p_6a7bf4843839e p.P6 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4843839e p.P6 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;} div#h5p_6a7bf4843839e p.P7 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4843839e p.P7 span {hyphenate: false;font-family: Times New Roman;font-weight: bold;font-size: 12pt;text-decoration: single;text-decoration: underline;text-decoration-style: solid;} div#h5p_6a7bf4843839e p.P8 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4843839e p.P8 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;} div#h5p_6a7bf4843839e p.P9 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4843839e span.T10 {font-family: Times New Roman !important;font-size: 12pt !important;} div#h5p_6a7bf4843839e p.P11 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4843839e p.P11 span {hyphenate: false;font-family: Times New Roman;font-weight: bold;font-size: 12pt;text-decoration: single;text-decoration: underline;text-decoration-style: solid;} div#h5p_6a7bf4843839e p.P12 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4843839e p.P12 span {hyphenate: false;font-family: Times New Roman;font-size:

12pt;} div#h5p_6a7bf4843839e p.P13 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4843839e span.T14 {font-family: Times New Roman !important;font-size: 12pt !important;} div#h5p_6a7bf4843839e p.P15 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4843839e p.P15 span {hyphenate: false;font-family: Times New Roman;font-weight: bold;font-size: 12pt;text-decoration: single;text-decoration: underline;text-decoration-style: solid;} div#h5p_6a7bf4843839e p.P16 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4843839e p.P16 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;} div#h5p_6a7bf4843839e p.P17 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4843839e p.P17 span {hyphenate: false;font-family: Times New Roman;font-weight: bold;font-size: 12pt;text-decoration: single;text-decoration: underline;text-decoration-style: solid;} div#h5p_6a7bf4843839e p.P18 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4843839e p.P18 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;} div#h5p_6a7bf4843839e p.P19 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4843839e span.T20 {font-family: Times New Roman !important;font-size: 12pt !important;} div#h5p_6a7bf4843839e div.a0 {border: none !important;background-color: transparent !important;font-size: 11pt;} div#h5p_6a7bf4843839e div.a1 {border: none !important;background-color: transparent !important;font-size: 11pt;} div#h5p_6a7bf4843839e div.a2 {border: none !important;background-color: transparent !important;font-size: 11pt;} div#h5p_6a7bf4843839e div.a3 {border: none !important;background-color: transparent !important;font-size: 11pt;} div#h5p_6a7bf4843839e p.Normal {font-size: 11pt;} div#h5p_6a7bf4843839e p.Normal span {hyphenate: false;font-size: 11pt;} div#h5p_6a7bf4843839e span.DefaultParagraphFont {font-size: 11pt;} div#h5p_6a7bf4843839e div {font-size: 11pt;} div#h5p_6a7bf4843839e div.Graphics {font-size: 11pt;} div#h5p_6a7bf4843839e p.P3 span {hyphenate: false;hyphenate: false;font-size: 11pt;} div#h5p_6a7bf4843839e p.P9 span {hyphenate: false;hyphenate: false;font-size: 11pt;} div#h5p_6a7bf4843839e p.P13 span {hyphenate: false;hyphenate: false;font-size: 11pt;} div#h5p_6a7bf4843839e p.P19 span {hyphenate: false;hyphenate: false;font-size: 11pt;} div#h5p_6a7bf4843839e table {margin-left: 0in;border-collapse: collapse;writing-mode: lr-tb;font-size: 11pt;} div#h5p_6a7bf4843839e table tr {height: 0in;keep-together: auto;font-size: 11pt;} div#h5p_6a7bf4843839e table td, table th {background-color: transparent;vertical-align: top;wrap-option: wrap;font-size: 11pt;} div#h5p_6a7bf4843839e p {keep-with-next: auto;keep-

together: auto;widows: 2;orphans: 2;break-before: auto;border: none;text-align: left;writing-mode: lr-tb;margin-bottom: 0.1111in;line-height: 1.07;background-color: transparent;font-size: 11pt;} div#h5p_6a7bf4843839e p span {font-family: Calibri;font-weight: normal;font-style: normal;text-transform: none;font-variant: normal;letter-spacing: normal;font-size: 11pt;background-color: transparent;text-decoration: none;text-decoration-color: font-color;language: en;country: IN;hyphenate: true;}

A K Gopalan v State of Madras (1980) (SC)It was held that various Fundamental rights are mutually exclusive and one Fundamental Right will not touch upon another Fundamental Right.Kharak Singh v State of UP (1963) (SC)It was held that various fundamental rights are mutually exclusive but larger purpose of all fundamental rights is same.R C Cooper v Union of India (1970) (SC)It was held that various fundamental rights are not mutually exclusive, rather they overlap in their essence.Kesavananda Bharti v State of Kerala (1973) (SC)It was a 13 Judges Bench decision and the judgement was declared by Justice Sikri. In this case, the Court held that there are some elements which are the part of Basic Structure of Constitution and there are underlying Fundamental Rights and they cut across each other and thus they bring about interconnection between various Fundamental Rights and that is where it can be concluded that the fundamental rights are not mutually exclusive (overarching principles).Maneka Gandhi v Union of India (1978) (SC)The judgement was given by the seven judges bench of the Supreme Court and the judgement was declared by Justice PN Bhagwati. The Fundamental Rights are not mutually exclusive.Justice K S Puttaswami (retd.) v Union of India (2017) (SC)It was held that various Fundamental rights ae not mutually exclusive and therefore if a restriction is imposed upon a right under Article 19(1) of the Constitution of India on the basis of Article 19(2) till Article 19(6), then it has to pass the test also of reasonable, just, fair and non-arbitrary of Article 21. Not only the procedure, rather the law also has to be examined to be just, fair, reasonable and non-arbitrary.(function($) { //footnotes $('.defaultNote').children(":first").css('cursor', 'pointer'); $('.defaultNote').children(":first").click(function(){ var gotoID = '#' + $(this).parent().attr('id'); $('html, body').animate({ scrollTop: $('a[href="' + gotoID + '"]').offset().top - 60, }, 250, 'linear') }); }(jQuery)); var numFormat = ",."; (function($) { "use strict"; //do some cleaning on load var sortCells = $('td[data-sorting], th[data-sorting]'); sortCells.each(function(){ var first = $(this).text().trim().charAt(0); if (first == '@'){ var oldHTML = $(this).html(); var newHTML = oldHTML.replace('@', ''); $(this).html(newHTML); } }); function sortingTable(node, pos, ordBy){ var rows = node.children('tbody').children('tr').get(); rows.sort(function(a, b) { var X = $(a).children('td').eq(pos).text().toUpperCase(); var Y =

$(b).children('td').eq(pos).text().toUpperCase(); if (numFormat != '.,'){ //we are dealing with a different locale and we need to do some //transformation in numbers X = convert2number(X); Y = convert2number(Y); } else { X = X.replace(/,/g, '').replace(/ /g, ''); Y = Y.replace(/,/g, '').replace(/ /g, ''); } var currencies = ['$', '¥', '£', '€']; var arrayLength = currencies.length; var XX = X; var YY = Y; for (var i = 0; i < arrayLength; i++) { XX = XX.replace(currencies[i], ''); YY = YY.replace(currencies[i], ''); } if (!isNaN(XX) && !isNaN(YY)){ var floatXX = parseFloat(XX); var floatYY = parseFloat(YY); return -(floatYY-floatXX) * ordBy; } else if (!isNaN(XX) && isNaN(YY)){ return -1 * ordBy; } else if (isNaN(XX) && !isNaN(YY)){ return ordBy; } else { if(X < Y) { return -1 * ordBy; } if(X > Y) { return 1 * ordBy; } return 0; } }); $.each(rows, function(index, row) { node.children('tbody').append(row); }); } function removeTableCellDecoration() { $("td[data-sorting], th[data-sorting]").removeClass('sortDecorator'); } //unbind the click event just in case we are loading more than one document $("td[data-sorting], th[data-sorting]").off('click'); $("td[data-sorting], th[data-sorting]").click(function(){ removeTableCellDecoration(); $(this).addClass('sortDecorator'); //get desired ordering var ordering = $(this).attr('data-sortOrdering'); if (ordering == 'ASC'){ var ordBy = -1; $(this).attr('data-sortOrdering', 'DESC'); } else { var ordBy = 1; $(this).attr('data-sortOrdering', 'ASC'); } var cellPosition = $(this).prevAll().length; var table = $(this).parents('table:first'); sortingTable(table, cellPosition, ordBy); }); function convert2number(str) { str = str.trim(); if (str.match(/^\d+/)) { //we have to take special care when the thousand separators are '.' var result_0 = str.replace(/\./g, '_@_'); var result_1 = result_0.replace(window.numFormat[0], '.'); var result = result_1.replace(/_@_/g, ''); result .replace(/ /g, ''); return result; } else { return str; } } }(jQuery));

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