# What Constitutional Rights available in India to N.R.Is living in Abroad?

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(LAUNCH: 1.1.2018),

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The framers of the constitution of India while framing the fundamental rights, took caution as to what fundamental rights have to be applied to foreigners and what rights have to be specifically reserved for the citizens of India. And accordingly, only the following rights are available to foreign nationals:

1. Article 14 - Right to equality before law and equal protection of laws
2. Article 20 - Right to protection in respect of conviction for offences
3. Article 21- Right to protection of life and personal liberty
4. Article 21A - Right to elementary education
5. Article 22 - Right to protection against arrest and detention in certain cases
6. Article 23 - Prohibition of traffic in human beings and forced labour
7. Article 24 - Prohibition of employment of children in factories etc.,
8. Article 25 - Right to freedom of conscience and free profession, practice and propagation of religion
9. Article 26 - Right to freedom to manage religious affairs
10. Article 27 - Right to freedom from payment of taxes for promotion of any religion
11. Article 28 - Right to freedom from attending religious instruction or worship in certain educational institutions

While the foreigners enjoy the above FR, however they're not entitled to enjoy the rights like Article 15 Article 16 Article 19 Article 29 - Protection of language, script and culture of minorities Article 30 - Right of minorities to establish and administer educational institutions .

Supreme Court has recently reaffirmed that the right to life and liberty (Article 21) is basic right to N.R.Is besides the citizens of India in response to an FIR filed by police against three Uganda nationals. SC observed:   
 *“Article 21 of the Constitution [right to life and liberty] applies to all citizens, whether Indian or foreign nationals. Their right to liberty could not be restrained by the police due to a business dispute."*  
 However, in an earlier case filed in the Supreme Court, the Union Of India had argued that not all the fundamental rights under the articles 14 and 21 are available to foreigners. To clear the ambiguity I've filed an online RTI application with the Ministry of Home Affairs seeking the info about fundamental rights to the foreigners. Let's wait for the official reply.

PRINCIPLES OF NATURAL JUSTICE

While the term *natural justice* is often retained as a general concept, it has largely been replaced and extended by the general "duty to act fairly".

The basis for the rule against bias is the need to maintain public confidence in the legal system. Bias can take the form of actual bias, imputed bias or apparent bias. Actual bias is very difficult to prove in practice while imputed bias, once shown, will result in a decision being void without the need for any investigation into the likelihood or suspicion of bias. Cases from different jurisdictions currently apply two tests for apparent bias: the "reasonable suspicion of bias" test and the "real likelihood of bias" test. One view that has been taken is that the differences between these two tests are largely semantic and that they operate similarly.

The right to a fair hearing requires that individuals should not be penalized by decisions affecting their rights or legitimate expectations unless they have been given prior notice of the case, a fair opportunity to answer it, and the opportunity to present their own case. The mere fact that a decision affects rights or interests is sufficient to subject the decision to the procedures required by natural justice.

Fundamental rights for Indians have also been aimed at overturning the inequalities of pre-independence social practices. Specifically, they have also been used to abolish untouchability and thus prohibit discrimination on the grounds of religion, race, caste, sex, or place of birth. They also forbid trafficking of human beings and forced labour (a crime). They also protect cultural and educational rights of ethnic and religious minorities by allowing them to preserve their languages and also establish and administer their own education institutions. They are covered in Part III (Articles 12 to 35) of Indian constitution.

Satyameva jayethe=Mera Bharat Mahaan=Jai Hind.