

CLAT LAW PRACTICE WORKSHEET

FUNDAMENTAL RIGHTS — ARTICLES 16, 17, 18 & 19

Instructions

1. Read each passage carefully before attempting the questions.
2. Answer each question on the basis of the **Constitution of India and the principles discussed in class**.
3. Several options may appear plausible. Select the **most constitutionally accurate** answer.
4. Do not rely merely on keywords; identify the relevant constitutional provision and apply it to the facts.

Total Questions: 24

Passages: 4

Questions per Passage: 6

PASSAGE I — ARTICLE 16

EQUALITY OF OPPORTUNITY IN PUBLIC EMPLOYMENT

The State of Pratishtha announces recruitment for 1,000 posts in its public health department. The recruitment notification states that all citizens meeting the prescribed educational and age requirements may apply. However, the notification further provides that candidates must have been residents of Pratishtha for at least ten years before the date of application.

A group of candidates challenges the notification. The State argues that residents of Pratishtha understand local conditions better and that preference to local residents is necessary to ensure efficient administration.

In a separate recruitment exercise, the State reserves 20% of the posts for a backward class of citizens which, according to official data, is inadequately represented in the State's public services. The State explains that the reservation is intended to improve the representation of the class in public employment.

A further rule provides that certain unfilled reserved vacancies may be carried forward to subsequent recruitment years. Another notification provides reservation in promotions for members of the Scheduled Castes and Scheduled Tribes where the constitutional requirements concerning inadequate representation are satisfied.

Finally, the State announces a separate reservation scheme for Economically Weaker Sections, excluding classes covered by Article 16(4).

Q1. The ten-year residence requirement is most directly relevant to which constitutional provision?

- A. Article 15(1), because place of residence is a prohibited ground of discrimination in all State action.
- B. Article 16(2), subject to the specific constitutional exception contained in Article 16(3).
- C. Article 16(4), because residence is an element in determining whether a class is backward.
- D. Article 19(1)(e), because every restriction upon residence is necessarily unconstitutional.

Q2. Assuming the residence requirement is sought to be justified under Article 16(3), which of the following is constitutionally most significant?

- A. The State Legislature may independently prescribe any residence requirement it considers administratively necessary.
- B. The Governor may prescribe a residence requirement through executive instructions whenever local conditions justify it.
- C. Parliament may by law prescribe a residence requirement in the circumstances contemplated by Article 16(3).
- D. Any government department may prescribe a residence requirement provided the requirement applies equally to all citizens.

Q3. The reservation for the backward class that is inadequately represented in State services is most directly traceable to:

- A. Article 15(4)
- B. Article 16(4)
- C. Article 16(4A)
- D. Article 16(6)

Q4. The rule permitting certain unfilled reserved vacancies to be carried forward to subsequent recruitment years most directly concerns:

- A. Article 16(3)

- B. Article 16(4)
- C. Article 16(4A)
- D. Article 16(4B)

Q5. The provision concerning reservation in promotion for Scheduled Castes and Scheduled Tribes is:

- A. Article 16(4), because all forms of reservation in public employment are governed by the same clause.
- B. Article 16(4A), which specifically concerns reservation in promotion for SCs and STs subject to constitutional requirements.
- C. Article 16(5), because promotion of SC/ST employees is a religious and denominational matter.
- D. Article 16(6), because promotion is a form of economic advancement.

Q6. The EWS reservation described in the passage is most directly connected with:

- A. Article 15(6)
- B. Article 16(4)
- C. Article 16(4B)
- D. Article 16(6)

PASSAGE II — ARTICLE 17

ABOLITION OF UNTOUCHABILITY

In the village of Nandipur, a privately managed community temple has traditionally prevented members of a particular caste from entering its inner premises. The temple committee claims that the practice is an ancient social custom and that, because the temple is privately managed, the Constitution cannot interfere with its internal practices.

In the same village, a group of residents belonging to the same caste is prohibited from drawing water from a commonly used public well. The persons enforcing the prohibition state that they are merely preserving traditional social practices.

A local shopkeeper also refuses to serve members of the community and announces that they cannot enter his premises because of their caste.

One of the affected residents argues that these practices are not merely discriminatory but amount to enforcement of a disability arising from the practice constitutionally prohibited by Article 17. The local authorities respond that Article 17 is only directed against governmental action and that private citizens cannot violate a Fundamental Right.

Q7. Which statement most accurately describes Article 17?

- A. It merely directs the State to discourage untouchability through welfare measures.
- B. It abolishes untouchability and prohibits its practice in any form, with enforcement of disabilities arising from it punishable according to law.
- C. It prohibits only caste discrimination by government departments.
- D. It prohibits all forms of social exclusion, irrespective of their connection with the constitutional concept of untouchability.

Q8. The private character of the temple, by itself, is:

- A. sufficient to take the practice outside Article 17 because Fundamental Rights can never affect private conduct.
- B. sufficient to take the practice outside Article 17 unless the temple receives government funding.
- C. not sufficient to immunise the practice from Article 17, because Article 17 has a distinctive horizontal dimension.
- D. sufficient to take the matter exclusively under Article 15 and not Article 17.

Q9. Which of the following is the most constitutionally accurate description of the term "untouchability" in Article 17?

- A. It means every instance in which one individual refuses to physically touch another.
- B. It refers to the historically rooted discriminatory social practice associated with caste-based exclusion, rather than ordinary physical non-contact.
- C. It refers exclusively to discrimination carried out by the government.
- D. It refers to any disagreement between members of different castes.

Q10. The prohibition against members of a particular caste using the common public well is most likely to engage:

- A. Article 17, if the disability is connected with the practice of untouchability.

- B. Article 18, because denial of access creates a social title.
- C. Article 19(1)(g), because access to a public well is a profession.
- D. Article 16(1), because all public facilities constitute public employment.

Q11. Which legislation primarily gives statutory effect to the constitutional prohibition of untouchability?

- A. Protection of Civil Rights Act, 1955
- B. Right of Children to Free and Compulsory Education Act, 2009
- C. Representation of the People Act, 1951
- D. National Security Act, 1980

Q12. Which statement best distinguishes Article 17 from the ordinary operation of many other Fundamental Rights?

- A. Article 17 has no legal enforceability because it is a moral prohibition.
- B. Article 17 specifically addresses a social practice and operates with a distinctive horizontal dimension, including conduct by private persons.
- C. Article 17 applies only to foreigners because citizens are already protected by Article 15.
- D. Article 17 protects only persons belonging to Scheduled Tribes.

PASSAGE III — ARTICLE 18

ABOLITION OF TITLES

The Republic of Aryavarta introduces a new national honours scheme. Under the scheme, the government confers awards upon individuals for exceptional achievements in literature, public service, science, sports and military service.

A separate proposal seeks to create the hereditary civil designation "Maharaja of Aryavarta," which would be conferred by the government upon a particular family and passed on to descendants. The government argues that the designation is merely ceremonial and carries no financial benefit.

Meanwhile, an Indian citizen is offered an aristocratic title by a foreign government. The citizen argues that accepting the title would be permissible because the foreign government is not the Government of India.

A foreign national holding an office of profit under the Indian government is also offered a title by a foreign State. He accepts it without obtaining the President's consent.

Finally, a person holding an office of profit under the State receives an offer from a foreign government of a substantial monetary emolument and an honorary office.

Q13. The hereditary civil designation proposed by the Government of Aryavarta would most directly raise an issue under:

- A. Article 16, because titles are a form of public employment.
- B. Article 17, because hereditary titles constitute untouchability.
- C. Article 18(1), because the State is prohibited from conferring titles subject to the specified constitutional exceptions.
- D. Article 19(1)(a), because titles interfere with freedom of expression.

Q14. Which of the following is expressly excluded from the prohibition contained in Article 18(1)?

- A. Hereditary aristocratic titles
- B. Academic distinctions and military distinctions
- C. Titles conferred by foreign States
- D. Titles carrying no monetary benefit

Q15. The Indian citizen accepting an aristocratic title from a foreign State would most directly implicate:

- A. Article 18(1)
- B. Article 18(2)
- C. Article 18(3)
- D. Article 18(4)

Q16. The foreign national holding an office of profit under the Indian government may accept a title from a foreign State:

- A. freely, because Article 18 applies only to Indian citizens.
- B. only with the consent of the President, subject to the requirements of Article 18(3).

C. only with the consent of Parliament under Article 18(2).

D. only if the title carries no monetary benefit.

Q17. A person holding an office of profit or trust under the State receives a monetary emolument and an office from a foreign State. Which constitutional provision is most directly relevant?

A. Article 18(1)

B. Article 18(2)

C. Article 18(3)

D. Article 18(4)

Q18. The national honours awarded for literature, science, sports and public service would be constitutionally permissible most accurately because:

A. every award granted by the State is automatically excluded from Article 18.

B. Article 18 prohibits only awards carrying financial benefits.

C. national awards are not necessarily prohibited titles, provided they are not used as titles in the constitutionally prohibited manner.

D. Article 18 applies only to hereditary titles and never to national honours.

PASSAGE IV — ARTICLE 19

SIX FREEDOMS AND REASONABLE RESTRICTIONS

The Government of Navbharat introduces several measures following a series of public demonstrations.

First, it prohibits a newspaper from publishing an article sharply criticising the Chief Minister, stating that criticism of elected officials may reduce public confidence in the government.

Second, the government prohibits a proposed peaceful march because intelligence reports indicate that the march may cause serious disturbances to public order. The participants intend to carry no weapons.

Third, the government prohibits citizens from forming an association advocating a controversial political position, claiming that the association's views are unpopular and may embarrass the government.

Fourth, the government restricts entry into a protected tribal area and prohibits outsiders from settling there without permission, citing the need to protect the interests and culture of the Scheduled Tribe residing there.

Finally, the government requires persons practising medicine to possess prescribed professional qualifications and reserves certain commercial activities exclusively for State-owned enterprises.

Q19. The newspaper's right to publish criticism of the Chief Minister is primarily protected by:

- A. Article 19(1)(a), subject to constitutionally permissible restrictions under Article 19(2).
- B. Article 19(1)(b), because publishing criticism constitutes an assembly.
- C. Article 19(1)(c), because newspapers are associations.
- D. Article 21, because all political speech is exclusively protected as personal liberty.

Q20. Which of the following is NOT expressly listed as a ground under Article 19(2) for restricting freedom of speech and expression?

- A. Public order
- B. Defamation
- C. General public interest
- D. Incitement to an offence

Q21. The peaceful march, assuming the government can establish a constitutionally sufficient threat to public order, primarily concerns:

- A. Article 19(1)(b), subject to reasonable restrictions under Article 19(3).
- B. Article 19(1)(a), subject only to restrictions under Article 19(2).
- C. Article 19(1)(d), because all demonstrations constitute movement.
- D. Article 19(1)(g), because organising a march is an occupation.

Q22. The government's prohibition on forming an association merely because its political views are unpopular is:

- A. automatically valid because the State may prohibit any unpopular association.
- B. potentially inconsistent with Article 19(1)(c), because restrictions must fall within constitutionally recognised grounds under Article 19(4).

- C. governed exclusively by Article 19(2), because every political association involves speech.
- D. valid under Article 19(5), because association is equivalent to residence.

Q23. The restriction preventing outsiders from settling in a protected tribal area most directly relates to:

- A. Article 19(1)(d), and Article 19(5) may permit reasonable restrictions for protecting the interests of Scheduled Tribes.
- B. Article 19(1)(e), and Article 19(5) may permit reasonable restrictions for protecting the interests of Scheduled Tribes.
- C. Article 19(1)(g), because settlement is a commercial activity.
- D. Article 19(1)(c), because tribal protection concerns associations.

Q24. The requirements that medical practitioners possess prescribed professional qualifications and that certain commercial activities be exclusively operated by the State are most directly supported by:

- A. Article 19(6), which permits reasonable restrictions in the interests of the general public, professional qualifications, and State monopolies within its constitutional framework.
- B. Article 19(2), because all restrictions on professional activity are restrictions on speech.
- C. Article 19(5), because every profession necessarily involves residence.
- D. Article 18, because professional qualifications constitute academic titles