

WORKSHEET 6 — CLAT LEGAL REASONING - CONSTITUTION OF INDIA

Articles 29, 30, 32 & Right to Property

PASSAGE 1 — THE LANGUAGE OF THE CITY

Articles 29(1) and 29(2)

The city of Navapur has historically been home to several linguistic communities. One such community, the Madhavi community, consists of citizens whose ancestors migrated to the city several generations ago. Although they constitute only a small percentage of the city's population, they have preserved a distinctive language and script called Madhavi. The community establishes the Madhavi Cultural Society, which publishes books, maintains an archive and conducts weekend classes to teach children the language and script.

The Society approaches the State Government seeking recognition of its cultural activities. The Government refuses, stating that the Constitution protects only minorities and that the Madhavi community cannot invoke Article 29 because it has not been officially notified as a "minority."

Separately, Navapur State University, which is maintained entirely by the State, announces admissions for its undergraduate programme. Its prospectus states that students who speak the dominant regional language will receive preference because, according to the University, they are "more culturally compatible with the institution."

A Madhavi-speaking student, Anaya, obtains higher marks than several candidates who speak the dominant language. However, she is denied admission because she studied in the Madhavi language and does not belong to the linguistic group preferred by the University.

The University argues that Article 29(2) protects only recognised minority communities. It also argues that since Anaya is otherwise eligible, the University's language preference is merely an administrative classification and not discrimination.

Meanwhile, a privately owned college called Navapur International College receives substantial financial aid from the State. It introduces a policy under which students speaking the Madhavi language will not be admitted because the management believes that the language is "too regionally concentrated." The college argues that Article 29(2) applies only to government institutions and not private institutions.

A group of citizens challenges all three decisions.

Q1.

The Madhavi community's strongest constitutional claim regarding preservation of its language and script arises under:

- A. Article 30(1), because every group possessing a distinct language automatically becomes a minority educational institution.
- B. Article 29(1), because the provision protects any section of citizens having a distinct language, script or culture.
- C. Article 32, because every cultural activity is directly enforceable only through the Supreme Court.
- D. Article 300A, because language and script constitute property.

Q2.

The Government's argument that Article 29(1) applies only to officially recognised minorities is:

- A. correct, because Article 29 expressly uses the term "minority."
- B. correct only where the group possesses a distinct script.
- C. incorrect, because Article 29(1) refers to "any section of the citizens" having a distinct language, script or culture.
- D. incorrect only because Article 30 automatically applies to all linguistic groups.

Q3.

The University denies Anaya admission because she belongs to a linguistic group different from the preferred group. Which provision is most directly relevant?

- A. Article 29(1), because it guarantees preservation of every language.
- B. Article 29(2), because it prohibits denial of admission into State-maintained or State-aided educational institutions on the ground only of language, among other specified grounds.
- C. Article 30(1), because every student has the right to establish an educational institution.
- D. Article 300A, because denial of admission amounts to deprivation of property.

Q4.

The University's argument that its language-based admission policy is merely an administrative classification is:

- A. necessarily correct because educational institutions possess unlimited autonomy in admissions.
- B. irrelevant because Article 29(2) expressly identifies language as one of the prohibited grounds when it is the sole ground for denial.
- C. correct because Article 29(2) applies only to discrimination based on religion and caste.
- D. correct because Article 29(1) overrides Article 29(2).

Q5.

The private college receives State aid. Its argument that Article 29(2) can never apply to a private institution is:

- A. correct because Article 29(2) applies only to institutions owned by the State.
- B. incorrect because Article 29(2) covers educational institutions maintained by the State or receiving aid out of State funds.
- C. correct because private institutions are outside Part III.
- D. incorrect only if the college is also a minority institution under Article 30.

Q6.

Which of the following best captures the distinction between Article 29(1) and Article 29(2) in this passage?

- A. Article 29(1) protects minorities while Article 29(2) protects only linguistic minorities.
- B. Article 29(1) concerns conservation of distinct language, script or culture by any section of citizens, while Article 29(2) protects citizens against certain forms of admission discrimination in State-maintained or State-aided institutions.
- C. Article 29(1) concerns education while Article 29(2) concerns property.
- D. Both provisions protect exactly the same right and apply to exactly the same persons.

PASSAGE 2 — THE MINORITY UNIVERSITY

Article 30

The St. Raphael Educational Trust has been operating in the State of Dakshin Pradesh for several decades. The Trust is managed by members of a religious minority and establishes a university offering courses in medicine, law and engineering. The Trust claims minority status and argues that Article 30(1) gives it the right to establish and administer educational institutions of its choice.

The State Government accepts that the institution has minority character but introduces a new law providing that all minority educational institutions must obtain prior approval from a Government Committee before appointing teachers, changing their internal management structure or modifying their admission procedures.

The Government argues that the regulation is necessary to maintain academic standards and prevent mismanagement.

The Trust challenges the law, arguing that "administer" means that the State cannot interfere with any decision taken by a minority institution.

A few years later, the Government decides to acquire a large parcel of land belonging to the university to construct a public transport terminal. The Government says that the acquisition is necessary for public purposes and that minority institutions have no special immunity from compulsory acquisition.

The Trust accepts that acquisition may sometimes be possible but argues that the compensation offered is so low that, after losing the land, the university will no longer be capable of functioning effectively. It therefore invokes Article 30(1A).

Meanwhile, the State announces a new grant scheme for educational institutions. The scheme provides financial assistance to schools and colleges across the State but expressly excludes institutions "managed by religious minorities" because, according to the Government, such institutions have "independent sources of support."

The Trust challenges this exclusion.

A rival educational association argues that Article 30 is discriminatory because it gives special rights only to religious and linguistic minorities and not to every cultural group.

Q7.

The Trust's primary right under Article 30(1) is the right of religious minorities to:

- A. establish and administer educational institutions of their choice.
- B. demand unlimited government funding.
- C. prevent the State from regulating any educational standard.
- D. deny admission to any student based on any ground.

Q8.

The State argues that the word "administer" gives the Trust no constitutional protection because the State can control all management decisions. Which is the best response?

- A. The State is correct because Article 30 only protects the physical establishment of minority institutions.
- B. The Trust has a constitutional right to administer its institution, although this does not necessarily make every form of State regulation impermissible.
- C. The State is correct because minority institutions have no rights against State regulation.
- D. The Trust can never be regulated even for academic standards.

Q9.

The Government argues that its teacher-qualification and academic-standard regulations violate Article 30 because the minority institution must be completely autonomous. Which is the most

constitutionally accurate answer?

- A. Every regulation is automatically unconstitutional.
- B. Reasonable regulation aimed at maintaining academic standards and preventing maladministration may be permissible; Article 30 does not necessarily create an absolute immunity from regulation.
- C. Regulations are permissible only if the minority institution voluntarily agrees to them.
- D. The Government may abolish the minority character of the institution whenever it considers regulation necessary.

Q10.

The State acquires the university's land. The Trust argues that the amount offered is so inadequate that the institution's ability to function will be seriously impaired. Which provision is most directly relevant?

- A. Article 29(1).
- B. Article 30(1A).
- C. Article 32(1).
- D. Article 300A alone, with no relevance whatsoever to Article 30.

Q11.

The State excludes minority-managed educational institutions from receiving government aid solely because they are minority institutions. This most directly raises an issue under:

- A. Article 30(2).
- B. Article 29(1) only.
- C. Article 24.
- D. Article 31.

Q12.

The rival association claims that Article 30 must apply to every cultural group possessing a distinctive culture. Which is the best response?

- A. Correct, because Article 30 protects every cultural group.
- B. Incorrect, because Article 30 specifically concerns minorities based on religion or language.
- C. Correct, but only where the group possesses a separate script.
- D. Incorrect because Article 30 protects only religious minorities and never linguistic minorities.

PASSAGE 3 — THE GOVERNMENT ACQUISITION

Right to Property — Article 300A

The State Government of Prithvi Pradesh announces a major infrastructure project to construct a new expressway. A portion of the proposed road passes through land owned by Raghav, who has inherited the property from his grandfather. Raghav receives a notice informing him that the State intends to acquire his land.

Raghav objects, claiming that the Constitution guarantees a Fundamental Right to property and therefore the State cannot take his land without his consent.

The Government's legal adviser tells him that the Fundamental Right to Property was removed from Part III by the 44th Constitutional Amendment. According to the adviser, however, this does not mean that the State can simply take property without legal authority.

The Government subsequently passes a law authorising acquisition of land for the expressway. The law establishes a procedure for determining the amount payable to affected landowners. Raghav believes the amount is unfair and approaches the Supreme Court directly under Article 32, arguing that deprivation of property violates his Fundamental Rights.

The Government responds that Article 32 cannot ordinarily be used merely because a person alleges violation of a non-Fundamental constitutional right.

Raghav then argues that because Article 31 once protected property as a Fundamental Right, Article 31 must still apply to him unless the Constitution is amended again to remove it.

A second landowner, Meera, discovers that the State has taken possession of her property without identifying any statute or legal authority authorising the acquisition. She challenges the action, arguing that even though property is no longer a Fundamental Right, the Constitution still protects her against deprivation of property without authority of law.

Q13.

Raghav's statement that the Constitution currently guarantees a Fundamental Right to property under Article 31 is:

- A. correct because Article 31 remains part of Part III.
- B. incorrect because the Fundamental Right to Property was removed and Article 31 was repealed.
- C. correct because all constitutional rights automatically remain Fundamental Rights once created.
- D. correct because Article 300A restored Article 31.

Q14.

The 44th Constitutional Amendment is relevant because it:

- A. transformed Article 300A into a Fundamental Right.
- B. removed the Right to Property from the category of Fundamental Rights.
- C. abolished property rights entirely.
- D. transferred Article 32 to Article 300A.

Q15.

The present constitutional protection for the right to property is primarily found in:

- A. Article 31.
- B. Article 19(1)(f).
- C. Article 300A.
- D. Article 32.

Q16.

Raghav approaches the Supreme Court under Article 32 solely on the ground that his property has been taken. The Government's objection is strongest because:

- A. Article 32 can never be used in relation to property.
- B. Article 32 is a remedy for enforcement of Fundamental Rights, while the present Right to Property under Article 300A is not a Fundamental Right.
- C. Article 32 applies only to criminal cases.
- D. Article 32 applies only to citizens below 18 years.

Q17.

Meera's claim that property cannot be taken without legal authority is:

- A. constitutionally irrelevant because property is no longer a Fundamental Right.
- B. potentially valid because Article 300A provides that no person shall be deprived of property save by authority of law.
- C. valid only if she proves violation of Article 31.
- D. invalid because the State may acquire property without any law whenever it claims a public purpose.

Q18.

Which statement best explains the present status of the Right to Property?

- A. It is a Fundamental Right enforceable under Article 32.
- B. It has completely disappeared from the Constitution.
- C. It is a constitutional right protected under Article 300A, but it is not a Fundamental Right.
- D. It is merely a moral right without constitutional protection.

PASSAGE 4 — THE FIVE WRITS

Article 32 and Constitutional Remedies

A group of students at National Law University, Bharat encounters five different constitutional disputes.

In the first case, Aarav is detained by the police. His family claims that there is no lawful basis for his continued detention and that the authorities refuse to produce him before the appropriate judicial authority. His sister wants to approach the Supreme Court to secure his release.

In the second case, Meera has applied for a statutory licence. The relevant public authority is legally required to consider her application according to prescribed criteria, but the officer refuses even to perform the statutory duty because he personally dislikes Meera.

In the third case, a specialised tribunal begins hearing a matter that clearly falls outside the jurisdiction granted to it by statute. The tribunal has not yet delivered its final decision. Meera's lawyer wants a higher court to stop the tribunal from continuing the proceedings.

In the fourth case, another tribunal has already completed its proceedings and passed an order despite acting beyond its jurisdiction. The affected party wants the higher court to invalidate the tribunal's decision.

Finally, Kabir discovers that a person has been appointed to a statutory public office despite not possessing a mandatory qualification expressly required by the governing law. Kabir wants to challenge that person's authority to occupy the office.

All five students initially approach the High Court. Their professor explains that Article 226 gives High Courts a wider writ jurisdiction than Article 32 because Article 226 can be invoked for Fundamental Rights as well as other legal rights.

The students then ask whether they could instead approach the Supreme Court under Article 32. The professor explains that Article 32 guarantees the right to move the Supreme Court for enforcement of Fundamental Rights. He also reminds them that Article 32 itself is a Fundamental Right.

Q19.

Aarav's case most directly calls for which writ?

- A. Mandamus.
- B. Habeas Corpus.
- C. Quo Warranto.
- D. Prohibition.

Q20.

Meera's demand that a public authority perform a legal/statutory duty it is refusing to perform most closely corresponds to:

- A. Habeas Corpus.
- B. Mandamus.
- C. Certiorari.
- D. Quo Warranto.

Q21.

The tribunal in the third case has begun proceedings outside its jurisdiction but has not yet delivered a final decision. Which writ is most appropriate?

- A. Certiorari, because the decision has already been made.
- B. Prohibition, because the higher court is being asked to prevent the tribunal from continuing proceedings beyond its jurisdiction.
- C. Mandamus, because every tribunal is a public authority.
- D. Habeas Corpus, because jurisdictional errors amount to detention.

Q22.

In the fourth case, the tribunal has already passed an order while acting beyond its jurisdiction. Which writ is most directly appropriate?

- A. Prohibition.
- B. Certiorari.
- C. Habeas Corpus.
- D. Quo Warranto.

Q23.

Kabir wants to challenge the legal authority of a person occupying a statutory public office without satisfying a mandatory qualification. Which writ is most appropriate?

- A. Quo Warranto.
- B. Habeas Corpus.
- C. Prohibition.
- D. Mandamus.

Q24.

Which statement most accurately distinguishes Article 32 from Article 226?

- A. Article 32 allows the Supreme Court to enforce Fundamental Rights, whereas Article 226 gives High Courts power to issue writs for Fundamental Rights as well as other legal rights.
- B. Article 32 applies to all legal rights, whereas Article 226 applies only to Fundamental Rights.
- C. Article 32 is not itself a Fundamental Right, while Article 226 is.
- D. Article 226 can be used only against private individuals, whereas Article 32 can be used only against government departments.