

Date 06.10.2025 time 09.30 am period 1

Article 25 it is talk about practice of religion.

Our country India is a secular country mean country has no religion.

Case for article 25 as well as article 19 ***Bijoe Emmanuel v. State of Kerala (1986)***

The Supreme Court of India case ***Bijoe Emmanuel v. State of Kerala (1986)*** is a landmark judgment on the scope of Article 25 of the Constitution, which guarantees the right to freedom of conscience and religion. The case affirmed that this right includes the freedom to remain silent during the national anthem if singing it conflicts with one's sincerely held religious beliefs.

Facts of the case

- **The petitioners:** Bijoe Emmanuel and his two sisters, Binu Mol and Bindu Emmanuel, were students in a school in Kerala.
 - **The religious belief:** The children belonged to the Jehovah's Witnesses faith. Followers of this faith believe that their religion forbids them from singing the national anthem of any nation, as they view it as a form of worship to an earthly authority rather than to God.
 - **The refusal to sing:** During the school assembly, the children stood respectfully in attention while the national anthem, "Jana Gana Mana," was being sung but refused to sing it themselves.
 - **The expulsion:** Following a complaint, the headmistress expelled the students. The school authorities justified the expulsion, arguing that the children had shown disrespect to the national anthem by not singing it.
 - **Issues and Supreme Court's reasoning**
 - The Supreme Court considered whether expelling the children for not singing the national anthem violated their rights under Article 19(1)(a) (freedom of speech, including silence) and Article 25(1) (freedom of conscience and religion). The Court emphasized protecting minority rights and held that compelling a child to violate their religious faith infringes on their freedom of conscience. It reasoned that standing respectfully during the anthem was adequate and forcing them to sing against their beliefs was unnecessary.
 - **Judgment and conclusion**
 - The Court ruled that the expulsion violated the children's fundamental rights and ordered their readmission. This established that individual rights of conscience must be respected, and patriotism cannot be compelled.
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Case "Farooqi" is associated with a prominent 1994 Supreme Court case, *Dr. M. Ismail Faruqui v. Union of India*, which involved the doctrine of "essential religious practices" in the context of the Ayodhya land dispute. This doctrine was subsequently central to the hijab-related cases in Karnataka.

The Hijab ban and related legal challenges

In early 2022, a controversy erupted in Karnataka over the right of Muslim students to wear a hijab in government educational institutions.

- **The ban:** The state government issued an order effectively banning the hijab in classrooms by prescribing uniforms.
- **High Court ruling:** The Karnataka High Court upheld the government's ban in March 2022. The court reasoned that wearing the hijab was **not an essential religious practice** in Islam and that the state's uniform policy was a reasonable restriction.
- **Supreme Court's split verdict:** The matter was appealed to the Supreme Court of India, which delivered a split verdict in October 2022.
 - **Justice Hemant Gupta** upheld the ban, agreeing with the Karnataka High Court that the uniform rule was valid.
 - **Justice Sudhanshu Dhulia** struck down the ban, arguing that wearing the hijab was a matter of choice, dignity, and privacy under Article 19(1)(a), Article 21, and Article 25(1) of the Constitution. He stated that forcing girls to remove the hijab at the school gate was an invasion of their privacy and an assault on their dignity.
- **Current status:** Due to the split verdict, the matter was referred to the Chief Justice of India for the formation of a larger bench. The case has since been pending before the Supreme Court.

Case **M. Siddiq (D) Through LRS. vs. Mahant Suresh Das & Ors.**. The Supreme Court delivered its unanimous verdict on November 9, 2019, settling the decades-old dispute over a 2.77-acre plot of land.

Key details of the Supreme Court's 2019 verdict

- **Case name:** *M. Siddiq (D) Through LRS. v. Mahant Suresh Das & Ors.*. The primary Muslim litigant was represented posthumously by his legal heirs (LRS).
- **Verdict for temple construction:** The Supreme Court granted the entire 2.77 acres of disputed land to the Hindu parties for the construction of a Ram temple. The court's decision was based on evidence of Hindus' continuous worship at the site, which demonstrated a better claim to the title.
- **Compensation for mosque:** The court directed the government to allot a separate five-acre plot of land in Ayodhya to the Sunni Waqf Board for the construction of a mosque.
- **Basis of the judgment:** The verdict noted that the Babri Masjid had not been built on vacant land, citing the Archaeological Survey of India's (ASI) report that pointed to evidence of a pre-existing temple-like structure beneath the mosque.

What is article 142?

Article 142 of the Indian Constitution grants the Supreme Court of India unique, plenary, and extraordinary power to pass any order necessary for doing "complete justice" in any matter pending before it. This provision is meant to provide a remedy when existing laws or statutes are inadequate to deliver a fair and just outcome.

Key provisions of Article 142

Article 142(1) allows the Supreme Court to issue any order needed for "complete justice" in cases before it, enforceable throughout India. Article 142(2) gives the Court powers related to securing attendance, document production, and investigating contempt, subject to parliamentary law.

Purpose and intent

The provision was included to address potential injustices due to legal system delays or gaps in the law. It is intended for use in exceptional circumstances where strictly following the law would be unjust.

Landmark examples of its use

The Supreme Court has applied Article 142 in notable cases, such as ordering compensation for victims of the Bhopal Gas Tragedy, resolving the Ayodhya land dispute, granting divorce based on irretrievable breakdown of marriage, and establishing the Vishaka guidelines on workplace sexual harassment.

Concerns and criticisms

Critics argue that the extensive power under Article 142 can lead to judicial overreach and blur the lines between the judiciary and other branches of government. Concerns include the potential for the Court to infringe on legislative and executive functions, a lack of accountability for decisions made under this article, the undefined nature of "complete justice" allowing for broad discretion, and instances where the article has been seen as bypassing existing laws.

Case right of religion article 14-25.

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बिजोय इमैनुएल बनाम केरल राज्य (अनुच्छेद 25)

- **पृष्ठभूमि:** यह मामला 1986 में हुआ था। बिजोय इमैनुएल और उनकी दो बहनों, जो यहोवा के साक्षी संप्रदाय से थीं, को स्कूल से निकाल दिया गया था। वे राष्ट्रगान के समय सम्मानपूर्वक खड़े तो होते थे, लेकिन अपने धार्मिक विश्वासों के कारण इसे गाते नहीं थे।
- **सुप्रीम कोर्ट का फैसला:** सुप्रीम कोर्ट ने माना कि यहोवा के साक्षी लोगों के लिए किसी भी राष्ट्रगान को गाना उनके धर्म के खिलाफ है। अदालत ने फैसला सुनाया कि बच्चों को राष्ट्रगान गाने के लिए मजबूर करना उनके धार्मिक विश्वासों का उल्लंघन है। सुप्रीम कोर्ट ने उनकी स्वतंत्रता के अधिकार को बरकरार रखा और स्कूल को उन्हें वापस लेने का आदेश दिया।

फारूकी सिद्दीकी बनाम भारत संघ (हिजाब मामला)

- **हिजाब विवाद:** 2022 में, कर्नाटक के स्कूलों में हिजाब पहनने पर विवाद शुरू हुआ। कर्नाटक हाई कोर्ट ने स्कूलों में हिजाब पर प्रतिबंध को सही ठहराया, यह मानते हुए कि हिजाब पहनना इस्लाम का एक "आवश्यक धार्मिक अभ्यास" नहीं है।
- **सुप्रीम कोर्ट में सुनवाई:** मामला सुप्रीम कोर्ट तक पहुंचा, लेकिन अदालत के न्यायाधीशों ने एक विभाजित फैसला दिया। एक न्यायाधीश ने प्रतिबंध को बरकरार रखा, जबकि दूसरे ने इसे असंवैधानिक बताया। इस मामले में **डॉ. एम. इस्माइल फारूकी बनाम भारत संघ (1994)** मामले का उल्लेख किया गया, जिसमें "आवश्यक धार्मिक प्रथाओं" का सिद्धांत स्थापित किया गया था।
- **वर्तमान स्थिति:** खंडित फैसले के कारण, मामले को एक बड़ी बेंच को भेज दिया गया है, और अभी भी इस पर फैसला नहीं आया है।

मोहम्मद सिद्दीक बनाम महंत सुरेश दास (राम मंदिर मामला)

- **मामले का नाम:** इस मामले को **एम. सिद्दीक (डी) थ्रू एलआरएस. बनाम महंत सुरेश दास और अन्य** के रूप में जाना जाता है। इसमें अयोध्या में विवादित 2.77 एकड़ भूमि का मामला था।
- **सुप्रीम कोर्ट का फैसला:** 9 नवंबर, 2019 को सुप्रीम कोर्ट ने सर्वसम्मति से फैसला सुनाया। अदालत ने माना कि हिंदू पक्ष को राम मंदिर के निर्माण के लिए विवादित भूमि दी जानी चाहिए, क्योंकि हिंदुओं के निरंतर पूजा के सबूत थे।
- **सुत्री वक्फ बोर्ड के लिए जमीन:** अदालत ने सरकार को मस्जिद के निर्माण के लिए सुत्री वक्फ बोर्ड को अयोध्या में एक अलग 5 एकड़ का प्लॉट आवंटित करने का निर्देश दिया।
- **ऐतिहासिक संदर्भ:** कोर्ट ने बाबरी मस्जिद के विध्वंस को भी गैरकानूनी बताया।

अनुच्छेद 142

- **क्या है अनुच्छेद 142:** यह भारतीय संविधान का एक विशेष अनुच्छेद है जो सुप्रीम कोर्ट को "पूर्ण न्याय" करने के लिए आवश्यक कोई भी आदेश पारित करने का अधिकार देता है।
- **उद्देश्य:** इस अनुच्छेद का उपयोग उन असाधारण स्थितियों में किया जाता है, जब मौजूदा कानून किसी मामले में न्याय देने के लिए पर्याप्त नहीं होते।
- **उदाहरण:** भोपाल गैस त्रासदी के पीड़ितों को मुआवजा देने, अयोध्या विवाद को सुलझाने, और यौन उत्पीड़न के खिलाफ विशाखा दिशानिर्देश स्थापित करने जैसे मामलों में सुप्रीम कोर्ट ने इस अनुच्छेद का इस्तेमाल किया है।
- **आलोचना:** आलोचकों का मानना है कि यह अनुच्छेद न्यायिक अतिक्रमण को बढ़ावा दे सकता है, जिससे न्यायपालिका, विधायिका और कार्यपालिका के बीच की शक्तियों का संतुलन बिगड़ सकता है।

सबरीमाला मामला (अनुच्छेद 14-25)

- **पृष्ठभूमि:** सबरीमाला मंदिर में 10 से 50 वर्ष की महिलाओं के प्रवेश पर प्रतिबंध था, क्योंकि मंदिर के देवता भगवान अय्यप्पा को ब्रह्मचारी माना जाता है।
- **सुप्रीम कोर्ट का फैसला (2018):** 28 सितंबर, 2018 को, सुप्रीम कोर्ट ने 4:1 के बहुमत से फैसला सुनाया कि यह प्रतिबंध असंवैधानिक है।
- **समानता का अधिकार (अनुच्छेद 14):** अदालत ने कहा कि यह प्रतिबंध लिंग के आधार पर भेदभाव है, जो समानता के अधिकार का उल्लंघन है।
- **धर्म का अधिकार (अनुच्छेद 25):** अदालत ने फैसला सुनाया कि महिलाओं को धर्म का पालन करने से रोकना इस अधिकार का उल्लंघन है।
- **आवश्यक धार्मिक अभ्यास:** कोर्ट ने कहा कि महिलाओं का बहिष्कार मंदिर का "आवश्यक धार्मिक अभ्यास" नहीं था।
- **वर्तमान स्थिति:** 2019 में, इस फैसले की समीक्षा के लिए एक बड़ी बेंच का गठन किया गया, लेकिन यह मामला अभी भी लंबित है।

Article 26 it talk about religion manage

Maintainence and property purchase for religion purpose.

Article 27 it talk about no tax duty liable on the name of promotion of religion.

Article 28 it talk about no one can do the religious practice in any education society. Because our country is a secular country that is why no one can force to any one to follow the other religion practices.

Article 29-30 it talk about minorities protection.

Aligarh muslim university AMU. And any other minorities education society can reserve up to 50% seats for its own religious student but this reservation is based on reasonable classification (intelligible differential) and rational nexus. As article 14 says.

Article 29 it talk about the protection of interest of minorities.

Article 29 of the Indian Constitution, titled "Protection of interests of minorities," guarantees cultural and educational rights to citizens. It has two main clauses, protecting the right of

distinct groups to preserve their unique heritage and prohibiting discrimination in state-funded educational institutions.

Key provisions of Article 29

Article 29 has two main clauses. Article 29(1) focuses on the right to conserve culture, stating that any section of citizens with a distinct language, script, or culture has the right to preserve it. The Supreme Court has interpreted this to cover both minority and majority groups. Article 29(2) addresses non-discrimination in education, prohibiting denial of admission to state-maintained or state-aided educational institutions based on religion, race, caste, language, or any of these grounds.

Relation to Article 30

Article 29 is related to Article 30, which grants minorities the right to establish and manage their own educational institutions. While Article 29 protects the cultural rights of any citizen group, Article 30 specifically pertains to religious and linguistic minorities running educational institutions. Article 29(1) is broader as it applies to "any section of citizens".

Supreme Court interpretations

Supreme Court cases have clarified aspects of Article 29. A 1951 case, **State of Madras v. Champakam Dorairajan**, found religion and caste-based college seat reservations to violate Article 29(2). In **D.A.V. College, Jullundur v. State of Punjab** (1971), the court held that while a university can promote a regional language, it cannot enforce it in a way that harms a minority's language rights under Article 29. Testbook testbook.com notes that **St. Stephen's College v. University of Delhi** (1992) supported the right of government-aided minority institutions to prioritize admitting students from their own community, consistent with Articles 29 and 30.

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Article 30 talk about language and religion.

State bound to provide fund without any discrimination.

Case

"State of Gujarat v. Saint Xavier's College, Ahmedabad (1974 AIR 1389, 1975 SCR (1) 173)",

Facts of the Case:

- **St. Xavier's College**, Ahmedabad, was run by a Christian minority community.
- The **Gujarat University Act, 1949** imposed **certain regulations** on affiliated colleges — regarding appointments of teachers, management structure, and university control.
- The College argued that these provisions **interfered with their right to administer** their minority institution under **Article 30(1)**.
- The **State of Gujarat** argued that the regulations were necessary to maintain academic standards and did not violate Article 30.

 **Issues:**

1. Whether the provisions of the Gujarat University Act that controlled appointments, discipline, and management violated **Article 30(1)**?
2. To what extent can the State regulate minority educational institutions?

 **Judgment:**

- The **Supreme Court** held that **minority institutions have the fundamental right to administer their institutions freely**, but this right is **not absolute**.
- **Reasonable regulations** by the State are **permissible** to ensure:
 - Educational standards,
 - Academic excellence, and
 - Proper conditions of employment.
- However, **direct control or interference** in management, such as appointment or removal of staff by the State or University, **violates Article 30(1)**.

 **Key Principle:**

“The right to administer is not the right to maladminister.”

Minority institutions can be regulated to maintain quality, but **the core right of management must remain with the minority**.

 **Significance:**

- It **strengthened minority rights** under Article 30(1).
- Distinguished between “**reasonable regulation**” (allowed) and “**excessive control**” (unconstitutional).
- Became a **foundation case** for later decisions like *T.M.A. Pai Foundation v. State of Karnataka (2002)*.

Case 2

Saint Stephen’s College vs University of Delhi (1992) case — one of the most important Supreme Court judgments on **Article 30(1)**

कॉलेज एडमिशन के लिए इंटरव्यू भी ले रहा था केस रैसेड की क्या इंटरव्यू जायज है। कोर्ट सेक्स हॉ वो ले सकते है अपनी कोई भी जायज कंडीशन लगा सकते है। लेकिन वो कंडीशन सबके लिए बराबर हो कोई भेद भाव न हो।

 **Facts of the Case:**

- **St. Stephen’s College**, Delhi, was founded and administered by the **Christian minority**.

- The College was **affiliated with Delhi University** and **received government aid**.
- The **University of Delhi** directed all affiliated colleges to **admit students purely on the basis of merit** — through a **common admission process** (no interviews, only marks).
- St. Stephen's College refused, saying that as a **minority institution**, it had the **right to select its students** and conduct its **own admission interviews**.
- The College also **reserved 50% of seats for Christian students**.

The **University challenged this**, claiming the College's policy **violated Article 29(2)** (equal access for all citizens).

 **Issues:**

1. Whether St. Stephen's College, as a minority institution, can have its **own admission procedure** independent of Delhi University rules?
 2. Whether reserving **50% of seats for Christians** violates **Article 29(2)**?
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 **Judgment:**

The **Supreme Court** held:

- St. Stephen's College **is a minority institution** under **Article 30(1)**.
 - The College has the **right to administer its own admission process**, including interviews.
 - However, it cannot exclude non-Christian students entirely.
 - The **reservation of 50% seats for Christians** was held **valid**, provided the **remaining 50% are open to everyone based on merit**.
-

 **Key Principles Laid Down:**

1. Minority institutions can:
 - Formulate their own admission procedures.
 - Reserve a reasonable percentage of seats for students of their community.
 2. However, such institutions **cannot deny admission to others solely on religious grounds**.
 3. **Balancing of rights:** Article 30(1) (minority rights) and Article 29(2) (non-discrimination) must be harmonized.
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Case 3

T.M.A. Pai Foundation & Ors. v. State of Karnataka & Ors. (2002) case — one of the **most important judgments** in Indian Constitutional and Education Law.

 **Main Issues Before the Court:**

1. What is the meaning of "minority" under Article 30 — **State-wise** or **national** basis?

2. Do minorities (religious or linguistic) have **exclusive rights** to establish and administer educational institutions?
3. What is the **extent of government control or regulation** over private and minority institutions?
4. Can the State **fix fees and admission procedures** in such institutions?
5. Do **non-minority private institutions** also enjoy similar rights under Article 19(1)(g)?

 **Judgment & Key Principles (11-Judge Bench Decision):**

1. **Meaning of Minority:**
 - Minority is to be determined **State-wise**, not nationally.
 - For example, a Telugu-speaking person is a minority in Tamil Nadu but not in Andhra Pradesh.
2. **Right to Establish and Administer:**
 - Both **minority and non-minority** citizens have the **right to establish and administer educational institutions** (minorities under Article 30; others under Article 19(1)(g)).
3. **Autonomy of Educational Institutions:**
 - Institutions can **devise their own admission procedures** and **fix reasonable fees**.
 - However, **no profiteering or capitation fees** are allowed.
4. **Government Regulation:**
 - State can **impose reasonable regulations** to ensure:
 - Educational standards,
 - Merit-based admissions,
 - Prevention of exploitation of students.
 - But **excessive control** or **interference in day-to-day management** is unconstitutional.
5. **Unaided vs Aided Institutions:**
 - **Unaided minority institutions** (not taking government funds) have **greater freedom in administration and admissions**.
 - **Aided institutions** can be subjected to **reasonable conditions** because they receive **public funds**.
6. **Balance Between Article 29(2) & 30(1):**
 - Minority institutions cannot **completely exclude non-minority students**; a **reasonable balance** must be maintained.

 **Famous Line from the Judgment:**

“The right to establish and administer educational institutions is a fundamental right. The State can regulate, but not destroy, this right.”

 **In Short (for LLB Exams):**

Aspect	Ruling
Bench	11 Judges
Year	2002
Article	19(1)(g), 29, 30
Minority	Determined State-wise
Unaided Institutions	Greater autonomy
No Profiteering	Capitation fee banned
Government Role	Only reasonable regulation
Landmark Impact	Basis for <i>Inamdar</i> and <i>Islamic Academy</i> cases

Question whether Aligarh Muslim University is a minority institution or not?

Ajit badsha 1967

Review petition 2025

The Hon’ble Supreme court says why this AMU made.” For education of minority. AMU through its registrar.

Aligarh Muslim University Through its Registrar Faizan Mustafa v. Naresh Agarwal & Ors. (2024 INSC 856, decided Nov 8, 2024)

 **Case Name**

Aligarh Muslim University Through its Registrar Faizan Mustafa vs. Naresh Agarwal & Ors. [Bar and Bench - Indian Legal news+3](#)

 **Key Issues / Questions before the Court**

1. **Whether an educational institution established by a statute (i.e. by Parliamentary act) may nonetheless be recognized as a minority institution under Article 30.**
[CaseMine+2barqilegal.in+2](#)
2. What are the *indicia* or test/criteria for classifying an institution as a *minority educational institution* under Article 30. [CaseMine+2Supreme Court Observer+2](#)

3. Whether the earlier precedent **S. Azeez Basha v. Union of India** (1968) (which held, among other things, that AMU could not claim minority status because it was established by statute) remains good law. [CaseMine+2Bar and Bench - Indian Legal news+2](#)
4. What effect do regulation/statute, date of establishment, and administration by non-minority persons have on minority status

Decision / Holding (Majority, 4:3)

The majority (4 judges) held in favour of AMU's position in certain respects — that AMU **does not necessarily lose its minority status** merely because:

- it was created by an Act of Parliament/statutory enactment, or
- its administration involves non-minority persons, or
- its date of establishment is pre-Constitution or statutory incorporation. [The Senate of Jurists+3Bar and Bench - Indian Legal news+3CaseMine+3](#)

They laid down that **the critical factor** is: **who originally established it / whose will / initiative** was behind its foundation, the purpose of establishment, and whether the institution has the character of being for the benefit of the minority, even if over time certain aspects (like administration by non-minorities, or regulation by law) came in. [CaseMine+2Supreme Court Observer+2](#)

Thus:

- The judgment **overruled parts of Azeez Basha** to the extent that Azeez Basha had treated establishment by statute alone as disqualifying minority status. [barqilegal.in+1](#)
- It clarified that even if an institution is statutory, its minority character can be preserved if the other indicia are satisfied. [CaseMine+1](#)

यह रहा आपका **संक्षिप्त एक-पृष्ठीय "Revision Note"** —

AMU Minority Status Case (Faizan Mustafa v. Naresh Agarwal, 2024) के लिए 📌

संक्षिप्त नोट (Revision Sheet – हिन्दी में)

मामले का नाम:

अलीगढ़ मुस्लिम यूनिवर्सिटी (रजि. फैज़ान मुस्तफ़ा) बनाम नरेश अग्रवाल एवं अन्य
(*AMU Minority Status Case, 2024*)

निर्णय की तिथि:

8 नवम्बर 2024

पीठ: 7-न्यायाधीश संविधान पीठ

मुख्य न्यायाधीश: डी.वाई. चंद्रचूड़

संविधान के अनुच्छेद:

- **अनुच्छेद 29:** अल्पसंख्यकों के हितों की रक्षा
- **अनुच्छेद 30(1):** अल्पसंख्यकों का शैक्षणिक संस्थान स्थापित व संचालित करने का अधिकार

 **मुख्य प्रश्न:**

1. क्या संसद द्वारा बनाई गई संस्था को अल्पसंख्यक संस्थान माना जा सकता है?
2. अल्पसंख्यक संस्थान निर्धारित करने के मानदंड क्या हैं?
3. क्या *S. Azeez Basha v. Union of India (1968)* अब भी सही कानून है?

 **निर्णय (बहुमत 4:3):**

- केवल इस आधार पर कि कोई संस्था **कानून द्वारा स्थापित** हुई है, उसका **अल्पसंख्यक दर्जा समाप्त नहीं होता**।
- यदि संस्था की **स्थापना की पहल**, उसका **उद्देश्य** और **लाभार्थी समुदाय** किसी अल्पसंख्यक से संबंधित हों – तो वह **अल्पसंख्यक संस्था** कहलाएगी।
- गैर-अल्पसंख्यक प्रशासन या सरकारी नियमन से उसका अल्पसंख्यक चरित्र समाप्त नहीं होता।
- *Azeez Basha (1968)* को **आंशिक रूप से पलट दिया गया**।

 **अल्पसंख्यक संस्था निर्धारण के मानदंड:**

1. **स्थापना (Founding):** किस समुदाय ने संस्था प्रारंभ की?
2. **उद्देश्य (Purpose):** क्या संस्था उस समुदाय की शिक्षा-उन्नति हेतु बनी?
3. **क्रियान्वयन (Implementation):** क्या समुदाय ने वित्तीय या प्रबंधकीय योगदान दिया?
4. **प्रशासन (Administration):** क्या प्रशासनिक नीति अल्पसंख्यक हित में है?

 **अल्पमत का मत:**

- केवल स्थापना नहीं, बल्कि **प्रशासन भी अल्पसंख्यक** के हाथ में होना चाहिए।
- अन्यथा संस्था का अल्पसंख्यक स्वरूप खत्म माना जाएगा।

 **परिणाम:**

- सुप्रीम कोर्ट ने सिद्धांत तय किया, अब एक **साधारण पीठ (Regular Bench)** यह तय करेगी कि **AMU वास्तव में अल्पसंख्यक संस्था है या नहीं**।

💡 महत्व:

- *Azeez Basha (1968)* के पुराने सिद्धांत को बदला गया।
- **Article 30(1)** की व्याख्या को व्यापक बनाया गया।
- यह फैसला भारत में अन्य विश्वविद्यालयों और कॉलेजों के अल्पसंख्यक दर्जे के लिए **नया मार्गदर्शन** बनेगा।

⚡ मुख्य पंक्ति (Exam Quote):

“किसी संस्था का अल्पसंख्यक चरित्र उसकी स्थापना और उद्देश्य से तय होगा, न कि केवल इस बात से कि उसे संसद के अधिनियम से बनाया गया था।”

क्या आप चाहेंगे कि मैं इसी **नोट का सुंदर व सुव्यवस्थित Word और PDF फ़ाइल संस्करण** भी तैयार कर दूँ ताकि आप प्रिंट लेकर अपनी LLB फाइल में रख सकें?

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Article 31 right to property is not a fundamental right?

Perfect

Here's your one-page "Revision Note" on Right to Property in both English and Hindi, clearly formatted for quick study or print (LLB exam-ready):

⚖️ Right to Property (Article 31 & Article 300A)

— English Summary (LLB Quick Revision)

🏛️ Original Position (Before 1978)

- Right to Property was a Fundamental Right under:
 - Article 19(1)(f): Right to acquire, hold and dispose of property.
 - Article 31: Protection against deprivation of property without compensation.
- It aimed to protect individual ownership, but became an obstacle for land reforms and social equality.

⚖️ 44th Constitutional Amendment, 1978

- The Janata Government removed Articles 19(1)(f) and 31.
- Introduced Article 300A under Part XII (Chapter IV) of the Constitution.

- Thus, Right to Property ceased to be a Fundamental Right and became a Constitutional (Legal) Right.

Article 300A – Current Provision

“No person shall be deprived of his property save by authority of law.”

Meaning:

- The State can acquire private property only by a valid law.
- Compensation depends on what the law provides.
- Citizen cannot move Supreme Court under Article 32, but can move High Court under Article 226.

Important Cases

1. Kesavananda Bharati v. State of Kerala (1973):
Parliament can amend property rights, but cannot destroy basic structure.
2. Indira Gandhi v. Raj Narain (1975):
Right to property not part of basic structure.
3. Jilubhai Nanbhai Khachar v. State of Gujarat (1995):
Property is now only a Constitutional Right under Article 300A.

Quick Comparison

Period	Status	Article	Remedy
Before 1978	Fundamental Right	19(1)(f), 31	Supreme Court (Art. 32)
After 1978	Constitutional Right	300A	High Court (Art. 226)

Key Line for Answer Writing:

“Right to Property is no longer a Fundamental Right; it is a Constitutional Right under Article 300A.”

IN संपत्ति का अधिकार (अनुच्छेद 31 व 300A)

— हिंदी सारांश (एल.एल.बी. त्वरित पुनरावृत्ति हेतु)

🏛️ मूल स्थिति (1978 से पहले)

- संपत्ति का अधिकार एक मौलिक अधिकार था, जो दो अनुच्छेदों में था:
 - अनुच्छेद 19(1)(f): संपत्ति प्राप्त करने, रखने और बेचने का अधिकार।
 - अनुच्छेद 31: सरकार द्वारा बिना विधिक अधिकार के संपत्ति छीने जाने से सुरक्षा।
 - यह अधिकार भूमि सुधारों में बाधा बना, इसलिए इसे संशोधित किया गया।
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⚖️ 44वाँ संविधान संशोधन, 1978

- जनता सरकार ने अनुच्छेद 19(1)(f) और 31 को हटा दिया।
 - नया अनुच्छेद 300A जोड़ा गया, जो भाग XII में आता है।
 - अब संपत्ति का अधिकार मौलिक अधिकार नहीं, बल्कि संवैधानिक (कानूनी) अधिकार है।
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📖 अनुच्छेद 300A – वर्तमान स्थिति

“किसी व्यक्ति की संपत्ति उससे विधि के अधिकार के बिना नहीं छीनी जाएगी।”

अर्थ:

- राज्य केवल कानून के अनुसार ही संपत्ति ले सकता है।
 - मुआवज़ा (compensation) कानून पर निर्भर करेगा।
 - नागरिक अब अनुच्छेद 32 के अंतर्गत सुप्रीम कोर्ट नहीं जा सकता, परंतु अनुच्छेद 226 के अंतर्गत हाई कोर्ट जा सकता है।
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🧠 मुख्य वाद (Cases):

1. केशवानंद भारती बनाम केरल राज्य (1973):
संसद संपत्ति का अधिकार संशोधित कर सकती है, पर संविधान की मूल संरचना नहीं बदल सकती।
 2. इंदिरा गांधी बनाम राज नारायण (1975):
संपत्ति का अधिकार संविधान की मूल संरचना का भाग नहीं।
 3. जिलूभाई नानभाई खचर बनाम गुजरात राज्य (1995):
संपत्ति का अधिकार अब संवैधानिक अधिकार है।
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✳️ संक्षिप्त तुलना

काल	स्थिति	अनुच्छेद	उपाय
1978 से पहले	मौलिक अधिकार	19(1)(f), 31	सर्वोच्च न्यायालय (अनु. 32)
1978 के बाद	संवैधानिक अधिकार 300A		उच्च न्यायालय (अनु. 226)

❖ मुख्य पंक्ति (Exam Quote):

“संपत्ति का अधिकार अब मौलिक अधिकार नहीं है; यह केवल अनुच्छेद 300A के अंतर्गत संवैधानिक अधिकार है।”
