Polity & Governance · GS - II

Examine the constitutional safeguards available to individuals and institutions against arbitrary deprivation of property by the State. How can judicial review maintain a balance between public interest and property rights?

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 23/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

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Answer Hint

Article 300A, 44th Constitutional Amendment, authority of law, procedural fairness, judicial review, public purpose, proportionality, protection against arbitrary state action

Model Answer

Introduction

The right to property was originally a Fundamental Right under Articles 19(1)(f) and 31. The 44th Constitutional Amendment Act, 1978, removed it from Part III and introduced Article 300A, retaining it as a constitutional right.

Constitutional Safeguards

1. **Article 300A:** No person can be deprived of property except by authority of law. The government cannot take private property merely through executive instructions or arbitrary administrative action.

2. **Article 14:** State action concerning property must satisfy the requirement of equality before law and must not be arbitrary or discriminatory.

3. **Legal procedure:** Any acquisition or deprivation must comply with the applicable legislation, including prescribed procedures, safeguards and compensation requirements wherever provided by law.

4. **Public purpose:** Acquisition of private property must be supported by a legally recognised public purpose and cannot be justified merely by administrative convenience.

Role of Judicial Review

1. **Constitutional scrutiny:** Courts examine whether the State has acted within its legal powers and complied with constitutional limitations.

2. **Procedural fairness:** Judicial intervention can address violations of notice requirements, hearings, statutory procedures and other safeguards.

3. **Protection against arbitrariness:** Courts can examine whether government decisions violate Article 14 or exceed statutory authority.

4. **Balancing competing interests:** Judicial review helps reconcile infrastructure development, urban planning and other public objectives with individual property rights.

Challenges

1. Delays in land acquisition and compensation disputes can affect both citizens and development projects.
2. Administrative discretion and inadequate transparency may generate disputes over possession and ownership.
3. Unequal bargaining power can weaken the position of affected landowners.

Conclusion

Article 300A establishes that property cannot be taken without the authority of law. Judicial review ensures that public interest remains subject to constitutional discipline, legal procedure and protection against arbitrary state action.

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