

UPSC Syllabus Topic : GS Paper 1 Indian Society – Secularism.

What is the long-running legal dispute over AMU's minority character

A 7-judge Bench of the Supreme Court has recently commenced hearings on the matter concerning the minority character of Aligarh Muslim University (AMU).

Historical Background of Aligarh Muslim University (AMU):

AMU traces its roots to the Muhammadan Anglo-Oriental (MOA) College, founded by Sir Syed Ahmad Khan in 1875. Established with the aim of addressing the educational backwardness of Muslims and preparing them for government services, the institution provided both Western education and Islamic theology. Sir Syed was also an advocate for women's education.

In 1920, the MOA College was granted university status, evolving into what is now known as Aligarh Muslim University.

Understanding the 'Minority Character' of an Educational Institution:

Article 30(1) of the Constitution empowers religious and linguistic minorities to establish and administer educational institutions. This constitutional provision reflects India's commitment to ensuring the welfare of minority communities by guaranteeing non-discriminatory aid based on their 'minority' status.

Supreme Court's Historical Stand on AMU's Minority Character:

The legal debate over AMU's minority status originated in 1967 with the case of S. Azeez Basha and others versus Union of India:

- The Supreme Court reviewed amendments made in 1951 and 1965 to the AMU Act of 1920.
- The petitioners argued that since Muslims established AMU, they had the right to manage it.

Observations of the Court:

- The Supreme Court held that AMU was neither established nor administered by the Muslim minority.
- Emphasizing that AMU was established through a central Act for the government's recognition of its degrees, the Court stated that the university was not solely operated by Muslims.

Persistent Legal Challenges:

Since the 1967 ruling, the legal issue has persisted due to judicial interpretations and executive actions:

- In 1981, an amendment to the AMU Act explicitly affirmed its minority status.
- In 2005, the implementation of a reservation policy in AMU was challenged in the Allahabad High Court, which overturned the reservation and nullified the 1981 Act. The High Court held that, according to the SC's verdict in the S. Azeez Basha case, AMU did not qualify as a minority institution.
- In 2006, various petitions, including one from the Union government, contested the High Court's decision before the Supreme Court.
- In 2016, the government withdrew the appeal, stating that the government cannot be seen as setting up a minority institution in a secular state.

Current Developments:

The recent initiation of hearings by a 7-judge Bench indicates the continued legal scrutiny of AMU's minority character, a matter that holds significance at the intersection of constitutional provisions and historical context.