Issue with Aligarh Muslim University (AMU)

Why in news?

Recently the Supreme Court was hearing a reference related to the minority status of Aligarh Muslim University.

How was Aligarh Muslim University established?

- **Established**- 1875 as Muhammadan Anglo-Oriental (MAO) College
- **Founder**- Sir Syed Ahmad Khan
- **Pre-independence** - ***Aligarh Muslim University (AMU) Act, 1920*** was passed during colonial era which enabled MAO and a few other colleges to be affiliated with it.
- **Post-independence-** The Centre passed two amendments to the law in 1951 and 1965 which changed the structure of the governing body of the university and gave powers to ***President of India*** to nominate its members.

AMU is ranked 9th across universities and autonomous institutions in India by the Ministry of Education's National Institutional Ranking Framework (NIRF) in 2023.

What is the issue with AMU?

- ***S. Azeez Basha vs Union of India, 1967*** ruled that the AMU was not a minority institution as there was a central legislation governing the same.
- The Centre through the ***AMU (Amendment) Act, 1981*** restored the minority status of the university, thereby permitting it to make reservations for the Muslim community in India.
- In 2006, the ***Allahabad High Court***, however, struck down the provision of the 1981 law by which the university was accorded minority status.
- The case ultimately reached the ***Supreme Court***, and the issue was referred to 7 judge bench in 2019.

What is the stand of the Centre and AMU?

- **Centre's stand** - The government said that the AMU was not and cannot be a university of any particular religion or religious denomination.
- It said a university declared as an institution of national importance cannot be a minority institution.
- Hence, if it is declared as a minority institution it will not be required to implement the reservation policy of the government.

- **AMU's stand** - The University had contended that it was established for educating and empowering the Muslim community.
- The essential thing that a minority community wants is the right to retain their identity and to be part of the national life and mainstream.
- The AMU contended that it was a minority institution and did not lose its character by complying with the uniform standards prescribed for varsities.

What is the Supreme Court ruling regarding AMU?

- It observed that the right given to religious and linguistic minorities to establish and administer their own educational institutions under ***Article 30(1)*** of the Constitution was ***not to restrict*** them.

Article 30 (1) says that all religious and linguistic minorities in India have the right to establish and manage their own educational institutions including schools, colleges and other educational facilities.

- The minority character of an educational institution is ***not lost*** if its founders, who belong to a particular minority community, chose administrators from other communities to run the institution.
- Article 30 confers on the minority the discretion to choose the administrators of the institution.

References

1. The Hindu- AMU minority rights
2. Indian Express- Lack of minority tag impact women education

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