



CASE COMMENT: ALIGARH MUSLIM UNIVERSITY V. NARESH AGARWAL

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INTRODUCTION

The Indian Constitution, a monumental document that enshrines the values of justice, equality, and liberty, also acknowledges the significance of protecting the rights of minorities within the diverse socio-cultural fabric of India. Among the various provisions designed to safeguard the interests of minorities, Article 30 stands out by ensuring the right of minorities, whether based on religion, language, or ethnicity, to establish and administer their own educational institutions. The case of Aligarh Muslim University v. Naresh Agarwal checks into the constitutional provisions governing the rights of minority institutions under Article 30 of the Indian Constitution. It raises fundamental questions what is Article 30 of the Indian constitution? So, Article 30 talks about all minorities, whether based upon religion or language, shall have the right to establish and administer educational institutions of their choice. This includes the right to determine the type of institution, its affiliation, and the right to appoint staff. The state cannot discriminate against any educational institution on the grounds of its minority status while granting aid. Minority institutions should receive the same treatment and protection as institutions established by the majority.

The Supreme Court of India delivered its landmark judgment in the case on November 8, 2024. This case was heard by a seven-judge Constitution Bench comprising Chief Justice D.Y. Chandrachud, Justice S.K. Kaul, Justice Sanjiv Khanna, Justice B.R. Gavai, Justice Surya Kant, Justice J.B. Pardiwala and Justice Manoj Misra. The bench delivered a 4:3 majority verdict. However, there were dissenting opinions from three judges—Justices Surya Kant, Dipankar Datta, and S.C. Sharma—who expressed differing views on the minority status of AMU. At the heart of the dispute was whether Aligarh Muslim University (AMU) could claim the status of a minority institution under Article 30(1), which guarantees the right of minorities to establish and administer educational institutions of their choice. This case comment seeks to critically analyze the judgment, exploring the court's reasoning, the broader constitutional implications, and the

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potential impact on minority educational institutions in India. It aims to evaluate whether the decision successfully upholds the delicate balance between protecting minority rights and ensuring equal treatment under the law.

FACTS OF THE CASE

Aligarh Muslim University, established in 1920 through the Aligarh Muslim University Act, emerged from the Muhammadan Anglo-Oriental College founded by Sir Syed Ahmed Khan in 1875. The institution aimed to promote education among Muslims and played a significant role in community upliftment. In 1920, the college was converted into a university through the Aligarh Muslim University Act, 1920. AMU was envisioned as an institution to uplift the educational and social conditions of Muslims. The founders emphasized the role of the university in preserving the cultural and educational rights of the Muslim community. The case of *Aligarh Muslim University v. Naresh Agarwal* revolves around the contentious issue of whether Aligarh Muslim University (AMU) qualifies as a minority institution under Article 30(1) of the Indian Constitution, which grants minorities the right to establish and administer educational institutions of their choice. In 1967, the Supreme Court in *S. Azeez Basha v. Union of India* held that AMU was not a minority institution as it was established by an Act of Parliament rather than by a minority community. This judgment became a precedent for denying AMU its minority status. In the present case, Naresh Agarwal and other petitioners challenged the decision of the Union Government to recognize AMU as a minority institution. They argued that AMU's establishment by a statute disqualifies it from claiming protection under Article 30(1).

The controversy reignited after the Union Government reversed its stance on AMU's minority status multiple times. This led to uncertainty and legal challenges regarding the institution's autonomy and rights. The case reached the Supreme Court after conflicting judgments by lower courts on AMU's minority status. The primary legal question was whether the historical context and purpose of AMU's establishment allowed it to claim minority status despite its statutory origin. The petitioners contended that since AMU was established by Parliament, it could not be considered a minority institution under Article 30(1). They emphasized that the institution is subject to state control and hence lacks the autonomy envisioned for minority institutions. AMU argued that it was established to serve the educational interests of the Muslim community and therefore qualifies as a minority institution. They asserted that statutory recognition does not negate the institution's character or purpose.

LEGAL ISSUES

- Minority Status Under Article 30(1).
- Should the precedent set in *S. Azeez Basha*, which denied AMU's minority status, be revisited or overturned?
- State Control and Autonomy.
- Legal questions primarily revolve around Article 30 constitutional provisions related to minority rights and educational autonomy.

OBSERVATION OF THE COURT

The Supreme Court overruled its earlier decision in *S. Azeez Basha v. Union of India* (1967), which held that AMU, being a statutory institution, could not be considered a minority institution. The Court noted that the establishment of an institution by statute does not automatically disqualify it from being classified as a minority institution under Article 30 of the Constitution. This ruling recognized that minority rights, particularly in the context of educational institutions, could extend to universities created through legislative action if the minority community plays a significant role in managing and controlling the institution. The Court emphasized that while AMU was created through a statute (the Aligarh Muslim University Act, 1920), the Act must be interpreted to align with constitutional provisions, particularly the rights of religious minorities to establish and administer educational institutions. The University's status as a statutory body does not erase its potential to be a minority institution if it meets the necessary criteria of being managed and controlled by the Muslim community. One of the key observations was that the claim for minority status cannot be based solely on the origin of the institution, but also on who controls and administers it. The Court emphasized that a minority institution is one where the minority community controls the management and administration of the institution. This principle is based on the idea that the community's right to establish and administer an institution is a core aspect of its minority rights under Article 30(1). AMU's practice of reserving 50% of postgraduate medical seats for Muslim candidates was struck down as unconstitutional. The Court observed that such a reservation policy based purely on religion was not permissible under the Constitution, as it violates the principles of equality enshrined in Articles 14, 15, and 16. These provisions prohibit discrimination based on religion, race, caste, or sex, and the Court found that AMU's reservation did not meet the necessary constitutional criteria for affirmative action. While the Court recognized the

importance of affirmative action to ensure equal opportunities for disadvantaged groups, it underscored that reservations based solely on religious identity do not comply with constitutional mandates. The Court also stated that the scope for reservation should be reasonable and justifiable, focusing on socio-economic factors rather than religious identity alone.

The judgment reaffirmed that the minority status of an institution should not be misused to justify policies that disproportionately favor one community at the expense of others, especially when it involves state-sponsored reservations. The Court's ruling aimed to strike a balance between upholding minority rights and ensuring fairness in educational opportunities for all. The Court also observed that while minorities have the right to establish and administer institutions, the state has the authority to regulate them to ensure that they adhere to constitutional values, particularly in relation to equality and non-discrimination. This suggests that while minority institutions have a certain degree of autonomy, they must still operate within the constitutional framework.

DECISION

The Supreme Court's decision in *Aligarh Muslim University (AMU) v. Naresh Agrawal* was a landmark judgment addressing two key issues: the university's minority status and its reservation policy. The Supreme Court ruled in favor of AMU being a **minority institution** under Article 30(1) of the Constitution. The Court overruled its previous judgment in *S. Azeez Basha v. Union of India* (1967), which held that AMU, being a statutory university, was not entitled to claim minority status. The Court recognized that even though AMU was established by a statute (the Aligarh Muslim University Act, 1920), it could still be considered a minority institution if it is managed and controlled by the Muslim community. The Court made it clear that the key criterion for an institution's minority status is whether the community has control over its management and administration, not just its establishment. The Court declared AMU's 50% reservation policy for Muslim candidates in postgraduate medical courses to be unconstitutional. The Court observed that such a reservation policy, based purely on religious identity, violated the principles of equality and non-discrimination as enshrined in Articles 14, 15, and 16 of the Constitution. The Court emphasized that any reservations or affirmative action must be in line with constitutional values and should not solely be based on religious considerations. It ruled that the reservation policy was not justified by the principles of equity and was not permissible under the Constitution.

AMU was entitled to claim minority status, allowing it to exercise certain privileges in educational management and policies, but it must comply with constitutional principles in doing so. The specific reservation policy for Muslim students was struck down, sending a clear message that reservations based on religion alone are unconstitutional. Any future affirmative action must adhere to constitutional guidelines, ensuring equality for all citizens, irrespective of their religious background.

ANALYSIS

The Supreme Court's decision to overrule its earlier judgment in *S. Azeez Basha v. Union of India* (1967), which denied AMU the status of a minority institution, is a crucial shift in legal interpretation. The Court recognized that even statutory institutions could claim minority status if the minority community exercises control over the administration and management of the institution. This is a progressive move that reaffirms the broader understanding of minority rights, in line with the intentions of Article 30(1) of the Constitution, which allows minorities to establish and administer educational institutions. The Court's emphasis on the management and control of the institution by the minority community is pivotal. It aligns with the broader constitutional goals of ensuring that minority communities are not merely symbolic beneficiaries but active participants in the running of institutions that serve their needs. This approach could potentially empower other minority communities to seek autonomy in educational matters, provided they maintain control over the management. The Court upheld the core constitutional principle that every citizen must be treated equally before the law, without discrimination on the grounds of religion, race, caste, or sex. By relying solely on religious affiliation for reservations, AMU's policy was deemed contrary to the constitutional mandate of non-discrimination. While the Court acknowledged the need for affirmative action in addressing historical inequalities, it made it clear that such measures must be based on socio-economic factors or educational disadvantage, not religious identity. This aspect of the ruling reinforces the idea that affirmative action must be applied in a manner that ensures fairness, not favoritism based on religion. The decision could attract political and social debates, particularly from those who argue that the denial of a reservation policy based on religion could undermine efforts to address social inequality in minority communities. However, the Court's ruling seems to steer away from policies based on religion and emphasizes a more universal, socio-economic approach to affirmative action. The ruling may lead to a re-evaluation of reservation policies in other religious and educational institutions that claim minority status. While it is likely to encourage

more institutions to adopt more constitutionally compliant reservation policies, it also sets a legal precedent for challenging policies that may be seen as unfairly privileging one group over others.

CONCLUSION

The Supreme Court's decision in *Aligarh Muslim University (AMU) v. Naresh Agrawal* marks a significant moment in the interpretation of minority rights, the autonomy of educational institutions, and the scope of affirmative action in India. By recognizing AMU as a **minority institution** under Article 30(1) of the Constitution, the Court has affirmed the importance of community control in the administration of educational institutions. This ruling aligns with the constitutional objective of empowering minority communities to establish and manage institutions for their benefit. However, the Court's rejection of AMU's religious-based reservation policy underscores a critical point: affirmative action must adhere to constitutional principles of equality and non-discrimination. The Court clarified that reservations based solely on religion are unconstitutional, emphasizing that policies aimed at benefiting disadvantaged groups must be grounded in **socio-economic factors** rather than religious identity. This decision sets an important precedent for other educational institutions seeking to implement similar policies.

REFERENCES

1. Constitution of India 1950, art 30.
2. St. Stephen's College v. University of Delhi (1992)
3. T.M.A. Pai Foundation v. State Of Karnataka (2002)
4. Azeez Basha v. Union of India (1968)
5. P.A. Inamdar v. State of Maharastra (2005)