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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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