
CASE NOTES: ALIGARH MUSLIM UNIVERSITY V. NARESH AGARWAL & ORS. 2024 SC 3213

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INTRODUCTION:

The case of Aligarh Muslim University v. Naresh Agarwal & Ors. (2024) stands as a landmark judgment. On November 8, a seven-judge bench of the Supreme Court, in Aligarh Muslim University v Naresh Agarwal & Ors, overruled the five-judge bench decision in Azeez Basha v Union of India. It particularly concerning the rights of minority educational institutions under Article 30(1) of the Indian Constitution. This provision guarantees religious and linguistic minorities the right to establish and administer educational institutions of their choice.

The case dealt to determine whether Aligarh Muslim University (AMU) qualifies as a minority institution entitled to the protections under Article 30(1). The Supreme Court's decision in this case not only revisited historical interpretations but also set new precedents affecting the educational landscape of India.

In this case commentary I engage with the major opinion of Chief Justice Chandrachud in relation to Article 30(1) as well as the overruled judgement of Azeez Basha v. Union of India.

HISTORY:

AMU's origins trace back to the Muhammadan Anglo-Oriental (MAO) College, established in 1875 by Sir Syed Ahmad Khan in Aligarh, Uttar Pradesh. The primary objective of establishing this college was to promote modern education among Muslims by the blended traditional Islamic teachings with Western scientific knowledge.

In 1920, the MAO College was transformed into Aligarh Muslim University through the Aligarh Muslim University Act, enacted by the British Indian government. This legislative act aimed to provide higher education to Muslims while encouraging sense of nationalism and modernity.

The question of AMU's minority status first came under judicial custody in the case:

* S. Azeez Basha v. Union of India (1968).

In this case, the Supreme Court held that AMU was not a minority institution under Article 30(1) because it was established by a legislative act of Parliament, not by the Muslim community itself. The Court emphasized that for an institution to claim minority status, it must be both "established" and "administered" by the minority community-a basic requirement. This interpretation had many wide implications, as it denied AMU the autonomy granted to minority institutions under the Constitution.

FACTS OF THE CASE:

In 2002, AMU introduced a reservation policy that allocated 50% of seats in its postgraduate medical courses to Muslim students. This move was based on the university's decision of its minority status, which it claimed to implement such reservations.

However, this policy was challenged in the Allahabad High Court by Naresh Agarwal and others, who contended that since AMU was not a minority institution-as per the Azeez Basha ruling-it could not lawfully implement religion-based reservations.

The High Court, in its 2005 judgment, struck down the reservation policy, reaffirming that AMU did not qualify as a minority institution.

This decision prompted AMU to appeal to the Supreme Court, leading to the present case.

ISSUES:

- 1) Interpretation of "Establish and Administer": Should the terms "establish" and "administer" in Article 30(1) be interpreted according to requirement of minority community must both establish and administer an institution to claim protection?
- 2) Minority Institution Status: Does Aligarh Muslim University qualify as a minority institution under Article 30(1), considering its establishment through a legislative act?
- 3) Validity of the 1981 Amendment: Can the Aligarh Muslim University (Amendment) Act of 1981, which sought to restore AMU's minority status, overriding the Supreme Court's earlier decision in Azeez Basha v. Union of India.
- 4) Reservation Policy: Is AMU's policy of reserving 50% of seats for Muslim students constitutional, given its disputed minority status?

ARGUMENT

By APPELLANT(AMU)

*Historical reason: The appellants argued that the original reason of the MAO College's

founders were to establish a Muslim educational institution. The 1920 Act merely transformed the college into a university without changing its initial minority character.

***Autonomy in Administration:** The appellants maintained that AMU has historically been administered by Muslims, reflecting its minority character and justifying its reservation policies.

***Legislative Recognition:** They argued that the 1981 Amendment Act explicitly recognized AMU as a minority institution, thereby this rectifies any problem arising from the Azeez Basha judgment.

By RESPONDENT

***Statutory Establishment:** The respondents argued that since AMU was established by an act of Parliament, it does not fulfil the "establishment" criterion under Article 30(1).

***Equality and Non-Discrimination:** The respondents contended that the reservation policy violated the principles of equality listed in Articles 14 and 15 of the Constitution, as AMU did not hold the minority status to justify such reservations.

***Unanimous Requirement:** They emphasized the Azeez Basha ruling, asserting that both establishment and administration by the minority community are necessary to claim protection under Article 30(1).

JUDGEMENT

The Supreme Court overruled the Azeez Basha judgment, recognizing AMU as a minority institution under Article 30(1). The majority opinion, authored by Chief Justice D.Y. Chandrachud and supported by Justices Sanjiv Khanna, J.B. Pardiwala, and Manoj Misra, held that:

***Interpretation of Article 30(1):** The majority agreed that the terms "establish" and "administer" should not be interpreted strictly unanimously .. An institution primarily established to serve a minority community and administered in a manner reflecting its minority.

***Historical Context:** The Court acknowledged the historical reason of the Muslim community in establishing the MAO College, which later became AMU. The 1920 Act was viewed as a formalization of an institution that was mainly minority in character.

***Legislative Amendments:** The 1981 Amendment Act was deemed a valid exercise of legislative power, clarifying and restoring the minority status of AMU. The Court held that

Parliament has the authority to amend statutes to show the true character and purpose of institutions.

ANALYSIS

Majority believe that Aligarh Muslim university fulfil the educational need of the Muslim people so it somehow fulfils the duties of article 30(1). But in contrary it has also believed that university does not fulfil minority status which it is enjoying.

It emphasized that the university's establishment through a statutory enactment places it under governmental control, which is inconsistent with the autonomy given for minority institutions under Article 30(1).

CONCLUSION

The Supreme Court's decision in Aligarh Muslim University v. Naresh Agarwal & Ors. marks a drastic shift in the interpretation of minority rights under the Indian Constitution. By recognizing Aligarh Muslim University as a minority institution, the Court has expanded the understanding of what constitutes establishment and administration by a minority community. This judgment changes the dynamic nature of constitutional interpretation and its impact on educational institutions in India.