



# Allahabad High Court Declares UP Madrasa Education Act Unconstitutional

## Why in News?

Recently, the Allahabad High Court ruled that the **Uttar Pradesh Board of Madarsa Education Act, 2004**, is "unconstitutional" and violates the principle of secularism, and ordered the state government to accommodate current students in the formal schooling system.

## Key Points

- The petitioner had challenged the **constitutionality of the UP Madarsa Board** as well as objected to the management of madarsa by the **Minority Welfare Department**, rather than the education department.
- The petitioner and his counsel submitted that the Madarsa Act **violates the principles of secularism**, which is the **basic structure of the Constitution**, fails to provide quality compulsory education up to the age of 14 years/Class-VIII as is mandatorily under **Article 21-A**; and fails to provide universal and quality school education to all the children studying in madarasas.
  - There are about **25,000 madrassas in UP** of which 16,500 are recognised by the UP Madrasa Education Board. Of them, 560 madrassas receive grants from the government. Apart from this, there are 8,500 unrecognized madrassas in the state.
- In 2004, the Madarsa Education Act was enacted by the government. Similarly, the **Sanskrit Education Council** has also been formed in the state.
  - The objective of both the boards was to **promote languages like Arabic, Persian and Sanskrit**.
- According to the UP Madrasa Education Board Chairman the board will study the decision and decide the further course of action.

## UP Madrasa Education Act, 2004

- The legislation was **enacted in 2004 to streamline madrasa education**, defining it as education in Arabic, Urdu, Persian, Islamic studies, Tibb (traditional medicine), philosophy and other specified branches.
- The board was then reconstituted, comprising a **chairperson, director, principal** of the state-run Oriental College in Rampur, a **legislator** each representing the **Sunni and Shia sects**, an **NCERT representative**, heads and teachers of Sunni and Shia institutions, and a science or Tibb teacher.

## Article 21 (A)

- Right to Education declares that the State shall provide free and compulsory education to all children of the **age of six to fourteen years**.
- This provision makes only elementary education a Fundamental Right and not higher or professional education.
- This provision was added by the **86<sup>th</sup> Constitutional Amendment Act of 2002**.
- Before the 86<sup>th</sup> amendment, the Constitution contained a provision for free and compulsory education for children under **Article 45 in Part IV** of the constitution.

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