



SC Upholds Uttar Pradesh Madrasa Education Board Act, 2004 | Uttar Pradesh | 06 Nov 2024

Why in News?

Recently, the [Supreme Court](#) partially upheld the constitutional validity of the [Uttar Pradesh Madrasa Education Board Act, 2004](#), affirming that the state has the **authority to regulate madrasa education** to maintain standards of excellence.

Key Points

▪ Supreme Court's Judgment:

- The Court declared that **provisions concerning higher education**, specifically at the **Fazil (undergraduate)** and **Kamil (postgraduate)** levels, were **unconstitutional**.
 - These provisions conflicted with the [University Grants Commission Act, 1956](#) falling under the Centre's exclusive jurisdiction as per Entry 66 of [the Union List](#) in the [Seventh Schedule of the Constitution](#).
- The judgment stated that the **Act was consistent with the state's duty to ensure that students** in recognised madrasas **acquire a minimum level of competency**. This ensures they can participate effectively in society and earn a living.
- The Court emphasized that while **minorities have the right under Article 30** of the Constitution to **establish and manage their educational institutions**, this **right is not absolute**.
 - The state has a legitimate interest in maintaining educational standards in minority institutions and can impose regulatory conditions for aid and recognition.
- The Court interpreted '**education**' in **Entry 25 of the Concurrent List** broadly, stating that while madrasas impart religious education, their **primary purpose is educational, bringing them within the ambit of this entry**.
 - The Madrasa Board conducts exams and issues certificates to students, further aligning with the educational framework.
- The Supreme Court set aside the Allahabad High Court's ruling, which had stated that the 2004 Act violated [Article 21A \(Right to Education\)](#) and the [secularism](#) principle of the Constitution.
 - The Court clarified that Article 21A should be interpreted alongside the **rights of religious and linguistic minorities** to establish educational institutions.
- Referring to [Article 28\(3\)](#) of the Constitution, the Court added that students attending a State-recognised minority institution **should not be compelled to take part in religious instruction or worship**, ensuring their [right to freedom of religion](#).

Uttar Pradesh Board of Madarsa Education Act, 2004

- The Act aimed to regulate and govern the functioning of **madrasas (Islamic educational institutions)** in the state of Uttar Pradesh.
 - It provided a framework for the establishment, recognition, curriculum, and administration of madrasas across Uttar Pradesh.
 - Under this Act, the **Uttar Pradesh Board of Madarsa Education** was established to oversee and supervise the activities of madrasas in the state.

