



## SC Upholds UP Madarsa Act 2004

**For Prelims:** [Supreme Court](#), [High Court](#), [National Council of Educational Research and Training \(NCERT\)](#), [Article 14](#), [Article 15](#), [Right to Education Act, 2009](#), [Article 21A](#), [Ms. Aruna Roy vs Union of India, 2002](#), [Article 28](#), [Democracy](#), [Federalism](#), [Secularism](#), [State Legislature](#), [Concurrent List](#), [Article 30](#).

**For Mains:** Balancing minority rights and quality education in a secular democracy.

[Source: BS](#)

### Why in News?

Recently, the [Supreme Court](#) partially upheld the constitutional validity of the [Uttar Pradesh Madrasa Education Board Act, 2004](#), overturning the [Allahabad High Court ruling \(March 2024\)](#) which declared it **unconstitutional**.

- However, the SC declared the Provisions pertaining to **higher education** (Kamil and Fazil) **unconstitutional** as they conflict with the [University Grants Commission Act \(UGC Act\) 1956](#) which is governed by **Entry 66 of List 1**.

### Why has the Supreme Court Upheld the UP Madrasa Education Board Act, 2004?

- **Constitutional Validity:** The Madrasa Act, 2004 **effectively regulates** the standards of education which aligns with the **state's obligation** to ensure that students achieve a level of competency to participate actively in society.
- **Legislative Competence:** The Supreme Court affirmed that the Madarsa Act falls within the legislative competence of the [State Legislature](#), specifically under **Entry 25 of List 3 (Concurrent List)** of the Constitution.
- **Religious Education vs Religious Instruction:** The Court distinguished between **religious education** and **religious instruction**.
  - The Court in [Ms. Aruna Roy vs Union of India, 2002](#) defined **religious education** as promoting **communal harmony is permissible**, while **religious instruction**, like **mandatory worship**, is prohibited in state-recognised institutions under [Article 28](#).
- **Immunity to Basic Structure:** The constitutional validity of a statute cannot be challenged for the violation of the [Basic Structure](#) of the Constitution (***Indira Nehru Gandhi vs Raj Narain Case, 1975***), the statute must **violate the Constitutional provisions** pertaining to secularism to declare it unconstitutional.
  - Allowing courts to strike down legislation for violating **undefined concepts like [democracy](#), [federalism](#), and [secularism](#)** introduces **uncertainty** in constitutional adjudication.
- **State Regulation:** The Court stated that the **state government** can make rules under the Act to ensure madrasas teach **secular education** along with **religious instruction**, without violating **secularism**.
- **Minority Rights and Quality Education:** The state should issue **suitable directions** to ensure

that students studying in madrasas are **not deprived of the quality of education** that is made available by the State in other institutions.

- **Minority Rights:** By upholding the Act, the court has reinforced the right of religious minorities to **establish educational institutions** under [Article 30](#) of the Indian Constitution.
- **Focus on Inclusivity:** The court's directive to ensure that madrasa students can access **quality education** supports the **integration of madrasa education within the broader educational framework** of the state.

### **Indira Nehru Gandhi vs Raj Narain Case, 1975**

- The Supreme court had used the **Basic Structure doctrine** for the first time in the [Raj Narain case, 1975](#) to strike down a **Constitutional Amendment**.
- The judges on the Raj Narain Bench had **differentiated** between an **ordinary statute and a Constitutional Amendment**.
  - Constitutional amendments are tested against the basic structure doctrine, **not ordinary legislation**.
- Then Chief Justice, **A.N. Ray** said that applying the Basic Structure doctrine to test the validity of a statute would amount to **"rewriting the Constitution"**.
  - Other judges found the Basic Structure concept **"too vague and indefinite** to provide a yardstick to determine the validity of an ordinary law".
- The court had opined that Constitutional Amendments and ordinary laws operate in **different fields** and were subject to **different limitations**.

**Note:** The court, while noting that minorities have the fundamental right under **Article 30** of the Constitution to establish and administer **educational institutions** to impart religious or secular education, said the right was **"not absolute"**.

### **What is the UP Madrasa Education Board Act, 2004?**

- **About:** It is a legislative framework aimed at **regulating and formalising madrasa** education in the state of Uttar Pradesh.
  - It ensured that madrasas operate within a set of defined **educational standards and norms**.
- **Madarsa Education:** It aimed to integrate **religious education** alongside the **secular curriculum** prescribed by the [National Council of Educational Research and Training \(NCERT\)](#), blending formal education with Islamic teachings.
- **Board of Madarsa Education:** The Act led to the creation of the **Uttar Pradesh Board of Madarsa Education**, which was tasked with **overseeing and regulating** madrasa education in the state.
- **Examination:** It provides for **conducting exams** for madrasa students, with courses ranging from the **'Maulvi' level** (equivalent to Class 10) to the **'Fazil' level**.

### **Why did Allahabad HC Declare UP Madrasa Education Board Act, 2004 Unconstitutional ?**

- **Secularism:** The Allahabad HC found that the **Madarsa Act, 2004** violated secularism by making **Islamic education compulsory** at all levels while offering **modern subjects** as **optional** or **absent**.
  - The government must provide **secular education** and **cannot prioritize religious-based education** over modern education.
- **Violation of Fundamental Rights: Right to Education (Article 21A):** The Act violated [Article 21A](#), which mandates **free and compulsory education** for children between the ages of **6 and 14**. The court rejected the claim that **traditional education** with a nominal fee met constitutional obligations.
  - The Act violates [Article 14](#) by creating discrimination between madrasa and mainstream

school students.

- The Act violates [Article 15](#) by establishing a separate, unequal education system for madrasa students.
- **Conflict with Central Law:** The court found that the **Madarsa Act, 2004** conflicted with the [University Grants Commission Act, 1956 \(UGC Act\)](#).
  - Only **universities** or institutions **deemed to be universities** under the UGC Act, 1956 have the authority to **grant degrees**.

## Constitutional Provisions Related to Freedom of Religion:

- **Article 25:** It imparts freedom of **conscience and free profession, practice and propagation** of religion.
- **Article 26:** It gives freedom to manage **religious affairs**.
- **Article 27:** It sets freedom as to **payment of taxes** for promotion of any particular religion.
- **Article 28:** It gives freedom as to attendance at **religious instruction or religious worship** in certain educational institutions.

## What are Implications of the SC Ruling on UP Madrasa Education Board Act, 2004?

- **Regulation of Education Standards:** Reinforces the state's role in setting education standards to maintain quality.
- **Protection of Minority Rights:** Affirms the rights of religious minorities to establish educational institutions as long as they adhere to educational standards.
- **Quality Education:** Reinforces the state's obligation to ensure all children receive quality education as per **Article 21A** of the Constitution.
- **Inclusivity:** Supports madrasas' integration into the broader educational framework.

## Conclusion

The Supreme Court's decision to uphold the **Uttar Pradesh Madrasa Education Board Act, 2004**, emphasises the balance between **religious education and secular standards**. While affirming minority rights, it reinforces the **state's authority to regulate education**. The ruling may influence the regulation of religious education nationwide, ensuring inclusivity and quality.

### **Drishti Mains Question:**

Q. Examine the implications of the Supreme Court's ruling on the Uttar Pradesh Madrasa Education Board Act, 2004, particularly in relation to minority rights and the state's responsibility to provide secular education

## UPSC Civil Services Examination, Previous Year Questions (PYQs)

### **Prelims**

**Q.What was the exact constitutional status of India on 26th January, 1950?**

- (a) A Democratic Republic
- (b) A Sovereign Democratic Republic
- (c) A Sovereign Secular Democratic Republic

**(d)** A Sovereign Socialist Secular Democratic Republic

**Ans: (b)**

**Q.Consider the following statements: (2020)**

1. The Constitution of India defines its 'basic structure' in terms of federalism, secularism, fundamental rights and democracy.
2. The Constitution of India provides for 'judicial review' to safeguard the citizens' liberties and to preserve the ideals on which the Constitution is based.

**Which of the statements given above is/are correct?**

- (a)** 1 only
- (b)** 2 only
- (c)** Both 1 and 2
- (d)** Neither 1 nor 2

**Ans: (d)**

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### **Mains**

**Q.**What are the challenges to our cultural practices in the name of Secularism? **(2019)**

**Q.**How the Indian concept of secularism different from the western model of secularism? Discus **(2018)**

**Q.** Distinguish between religiousness/religiosity and communalism giving one example of how the former has transformed into the latter in independent India. **(2017)**

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