

UP Madarsa verdict

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With UP Madarsa verdict, Supreme Court upholds positive secularism

Overview of the Supreme Court's Decision

- In *Anjum Qadri vs Union of India*, the Supreme Court upheld the constitutionality of the **Uttar Pradesh Madarsa Act, 2004**, reversing the Allahabad High Court's decision.
- This judgment clarifies the balance between **religious education, secularism, minority rights, and the state's regulatory authority**.

Positive Secularism and Constitutional Interpretation

- The Court reaffirmed the concept of "**positive secularism**", advocating **equal respect for all religions** rather than a strict exclusion of religion from state matters.
- Referring to the **1994 S R Bommai case**, the Court emphasized that **secularism allows state regulation of religious institutions** as long as it respects religious practices.
- **Regulating madarsa education** aligns with positive secularism, ensuring **quality education** for minority communities while respecting religious autonomy, as protected by **Articles 25 to 30 of the Constitution**.

State's Role in Educational Equality

- The Court stressed the **state's responsibility to provide equal access to quality education** for all citizens.
- It referred to **Articles 14 and 15 (Right to Equality)** to highlight that secularism does not mean a strict separation of religion and education.
- The Court clarified that **religious education can coexist with secular standards**, allowing madarasas to retain their **religious identity** while meeting educational quality benchmarks.

Autonomy of Minority Institutions

- The Court acknowledged that **madarasas, as minority institutions**, have autonomy under **Articles 26 and 30**.
- However, this **autonomy is not absolute**; the state can enforce **minimum quality standards** to ensure that madarsa education does not compromise on quality, without infringing on the religious nature of these institutions.

Quality of Madarsa Education and Right to Education

- Addressing **concerns over the quality of madarsa education**, the Court clarified that the **right to education under Article 21A** applies universally, ensuring that all children, including those in madarasas, receive quality education.
 - Although madarsa degrees like **Fazil and Kamil** are not recognized under the **UGC Act**, the Court noted this should not prevent **madarsa graduates from pursuing higher education in theology or Islamic studies**, as such degrees do not compromise broader educational standards.
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Significance of the Ruling

- The ruling reinforces **positive secularism** by balancing the **rights of minority institutions** with the **state's duty to ensure educational quality for all**.
 - It underscores the need for **regulatory frameworks** that respect **both religious freedom and educational standards**, ensuring all citizens have equal educational opportunities, regardless of religious background.
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Conclusion

- The Supreme Court's judgment in *Anjum Qadri vs Union of India* strengthens **positive secularism** by upholding equality, religious freedom, and the state's role in maintaining educational standards.
- By affirming the **UP Madarsa Act**, the Court recognized **madarasas' right to provide religious education** within constitutional limits, while also confirming the **state's responsibility to ensure educational quality across institutions**.

