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State can Regulate Minority Institutions: SC

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Why in News

state has the rights to introduce a regulatory regime Recently, the Supreme Court held that the in the national interest to provide minority educational institutions with well-qualified teachers so that they can achieve excellence in education.

Article 30 to establish and administer their educational institutions according to their choice. cannot ignore the regulations recommended by the state. Minority institutions have the fundamental right under of the Constitution However, they

Key Points from the Judgement

- **regulatory law should be a balance dual objectives ensuring the standard of excellence preserving the right of minorities to establish and administer** The judgment held that the of the of as well as their educational institutions.
- **court broadly divided education into two categories:**
 - Secular education.
 - Education “directly aimed at or dealing with preservation and protection of the heritage, culture, script and special characteristics of a religious or a linguistic minority.”

For this, the

- **“maximum latitude” management to appoint teachers.**
 - Teachers who believe in the religious ideology or in the special characteristics of the concerned minority would alone be able to imbibe in the students admitted in such educational institutions, what the minorities would like to preserve, profess and propagate.
 - However, secular minority institutions should focus on imparting education by availing the best possible teachers.

When it comes to education related to minorities, the court advocated to be given to the

Background

- **West Bengal Madrasah Service Commission Act of 2008**
 - **mandated that the process of appointment of teachers in aided madrasahs would be done by a Commission**, This Act whose decision would be binding.
 - **Madrasahs are recognised as minority institutions.**

The judgment came after the validity of the was challenged.

- **upheld the validity of the 2008 Act profound knowledge in Islamic Culture and Islamic Theology.**

- It added that the Act was not violative of the rights of the minority educational institutions on any count.

- **specially designed for madrasahs and the madrasah education system in West Bengal.** The provisions of the Act were

The SC and said that the Commission is composed of people who have

- **TMA Pai Foundation case, 2002 Article 30(1) (Right of minorities to establish and administer educational institutions of their choice)**

- **must necessarily apply to all institutions** A regulation framed in the national interest regardless of whether they are run by majority or minority as the essence of Article 30(1) is to ensure equal treatment between the majority and minority institutions.

- **unfavourable treatment objection can be raised.** If an is given out to an educational institution established and administered by a minority, an

- It becomes a different matter if a regulatory regime ensures excellence in educational institutions and the teacher selection method is designed to achieve excellence in institutions.

SC referred to the and said that was neither absolute nor above the law. As per the laws laid in the case-

Article 30 of the Indian Constitution: Right of minorities to establish and administer educational institutions.

(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.

(2) The state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

Source: TH