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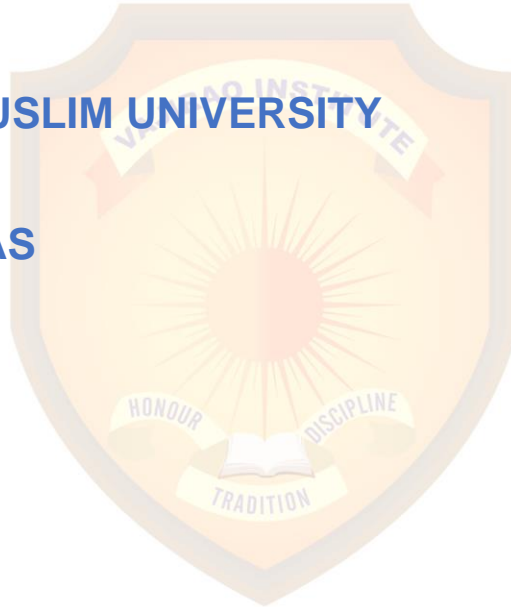
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TODAY'S ANALYSIS

(14 November 2024)

TOPICS TO BE COVERED

- SC ON ALIGARH MUSLIM UNIVERSITY
- ANTARIKSH ABHYAS
- MCQs



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SC ON ALIGARH MUSLIM UNIVERSITY



- On **8 November 2024**, the **Supreme Court of India** made an important ruling regarding the **Aligarh Muslim University (AMU)** case.
- The Court **overruled its 1967 decision** in the **Azeez Basha case**, which had previously denied AMU the status of a **minority institution**.
- The new judgment stated that just because an educational institution is created by a law (a statute) does not mean it loses its **minority status**.

HISTORY OF AMU

- **Sir Syed Ahmad Khan** established the **Muhammadan Anglo-Oriental College** in **Aligarh**, with the aim of providing modern education to Muslims in India, **who were perceived to be socially and educationally backward**.

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- The institution later became the basis for AMU.
- **The Aligarh Muslim University Act was passed by the Indian Legislative Council in 1920**, formally transforming the MAO College into Aligarh Muslim University (AMU).

BACKGROUND OF AMU DISPUTE

- The legal case began in **2006**, when the **Allahabad High Court** cancelled changes made to the **AMU Act (1981)**, which had restored AMU's **minority status**.
- The court referred to the **1967 Azeez Basha case**, where the **Supreme Court** had ruled that AMU was not a **minority institution** because it was set up by a law (the **AMU Act of 1920**) passed by the **Central Government**, not by the Muslim community itself.

KEY EVENTS IN LEGAL JOURNEY

- **1967 (Azeez Basha Case):** The Supreme Court ruled that AMU was **not a minority institution**. The Court said that **because AMU was created by the government through a statute, it could not be considered a Muslim minority institution**.
- **1981 Amendment to the AMU Act:** The Act was amended to state that **AMU was created to benefit the Muslim community**.

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- However, the **Supreme Court** did not change its decision and **did not recognize AMU as a minority institution.**
- **2005-2006:** AMU began offering **reservations** (special seats) for **Muslim students in its postgraduate** medical courses.
- The **Allahabad High Court** ruled against this, again using the earlier **1967 decision** as the basis for its judgment.
- **2019-2024:** The case was sent to a **7-judge bench** of the Supreme Court for reconsideration.
- **November 2024:** The Supreme Court ruled that **AMU can claim minority status**, overturning the earlier decision from 1967.

ARGUMENTS OF CENTER & AMU

The **Central Government** argued that recognizing AMU as a **minority institution** could:

- Lead to **too many seats being reserved** (up to 50%) for Muslim students, **which would differ from other national universities.**
- Make AMU a **special institution**, different from other national universities, which could affect its functioning and governance.

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AMU's Defense:

AMU's legal team argued that **Article 30** of the **Indian Constitution** protects the rights of **minorities** to establish and manage educational institutions. They said:

- AMU's **exemption from reservations for SC/STs** was in line with **minority rights**, allowing the university to run the institution in a way that best serves the Muslim community's interests.
- This approach was a balance between **minority rights** and the **rights of other groups** in society.

THE SC RULING (NOVEMBER 2024)

In a **4-3 majority decision**, the Supreme Court:

- **Overruled** the **1967 Azeez Basha case** and ruled that **AMU can claim minority status**.
- Stated that just because an institution is created by a **law (statute)** does not mean it automatically loses its **minority status**.
- Emphasized that the **purpose** and **community involvement** behind the institution's creation are more important than how it was created.

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MAJORITY VERSUS DISSENTING OPINION

- **Majority Opinion:**

- **Chief Justice D.Y. Chandrachud**, leading the majority opinion, ruled that statutory creation (i.e., creation by a law) **does not remove minority status**.
- The Court said that the **important factor is who established the institution and for what purpose**.
- The majority emphasized that **minority institutions** should be protected under **Article 30** and that the legal process used to create the institution does not change its **identity**.

- **Dissenting Opinion:**

- **Justice Dipankar Datta** and other dissenting judges argued that AMU should **not be recognized as a minority institution** because it was created through a **statute**.
- Other dissenting judges also questioned whether the case should have been referred to a larger bench to reconsider the earlier ruling.

CONSTITUTIONAL PROVISIONS REFERENCED

- **Article 30:** This article grants **minorities** the right to **establish and manage** educational institutions of their choice. It protects these institutions from state interference and ensures that the minority community can control the institution's admissions, management, and rules.

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- **Article 15(5):** Added in **2006**, this provision allows **minority institutions to not reserve seats for Scheduled Castes (SCs) and Scheduled Tribes (STs)**, which has been a key issue in the AMU case.
- **Article 30(2):** Ensures that **minority educational institutions** are not treated unfairly by the state in terms of **funding or regulation**.

KEY POINTS OF THE COURTS JUDGEMENTS

- **Minority Status Depends on Purpose, Not Statutory Creation:** The Court ruled that the **origin and purpose** of an institution are more important than whether it was created by a law. If a minority community established or supported an institution, it should keep its **minority status**, even if it was created by a law.
- **State Regulation Cannot Be Discriminatory:** While the **state** can regulate **minority institutions**, it **cannot treat them unfairly** or discriminate against them in terms of **funding or regulations**. Minority institutions should be treated equally under **Article 30**.
- **Minority Rights Include Secular Education:** The ruling clarified that **Article 30** is not just about religious education. It also protects the rights of minorities to run institutions offering **secular education**, ensuring broad academic freedom.

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- **No Difference Between Institutions Set Up Before or After the Constitution:** The Court ruled that **minority institutions** set up before or after the **Indian Constitution (1950)** can be recognized as minority institutions under **Article 30**. It does not matter if the institution was created before India's independence or through a law passed after 1950.



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ANTARIKSH ABHYAS



Exercise Dates: 11-13 November 2024

Location: New Delhi

- India has launched its first-ever space exercise, **Antariksha Abhyas – 2024**, organized by the **Defence Space Agency (DSA)** under the **Headquarters Integrated Defence Staff**.
- This 3-day exercise aims to enhance India's understanding of the strategic importance of space in military operations and address the growing challenges to **space-based assets and services**.

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OBJECTIVES

Antariksha Abhyas – 2024 is designed to:

- **War-game** the growing threats to **space-based assets** and services.
- **Secure national strategic objectives** in space.
- Integrate India's **space capabilities** into broader **military operations**.
- Identify **vulnerabilities** in military operations that could arise from disruptions or denial of space-based services.

PURPOSE & GOALS

The primary goals of **Antariksha Abhyas – 2024** are:

1. **Enhanced Understanding:** To help participants gain a deeper understanding of **space-based assets** and services, and how they are integrated into **military operations**.
2. **Operational Dependency:** To highlight the **dependence** on space capabilities for modern warfare and defense strategies.
3. **Vulnerability Assessment:** To **identify vulnerabilities** and challenges in the conduct of military operations if space-based services are disrupted or denied.

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4. **Collaboration:** Foster collaboration among different military branches, defense agencies, and space organizations to enhance the overall security and resilience of India's space infrastructure.

PARTICIPANTS

- **Defence Space Agency:** The key agency leading the exercise, tasked with overseeing India's space defense capabilities.
- **Indian Armed Forces:** Representatives from the **Army**, **Navy**, and **Air Force** will actively participate to understand how their operations depend on space systems and how to safeguard them.
- **Defence Cyber Agency:** This agency plays a crucial role in addressing cyber threats to space-based systems, which are becoming a growing concern.
- **Defence Intelligence Agency:** Will contribute insights into how space-based intelligence is vital for national security.
- **Strategic Forces Command:** Involved in understanding the role of space in **nuclear deterrence** and other strategic defense operations.

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- **ISRO & DRDO:** India's premier space and defense research organizations will collaborate to provide insights into current and future space capabilities, helping the military develop a robust defense strategy for space.

OPENING ADDRESS BY CDS ANIL CHAUHAN

In his **opening remarks**, **Chief of Defence Staff (CDS) General Anil Chauhan** emphasized the critical role of space in modern defense and security. He stated:

- **Space** is no longer just the "final frontier," but a **crucial enabler** for India's defense capabilities.
- India, with its **strong legacy in space exploration** and **growing military capabilities**, is well-positioned to tackle challenges related to **space-based assets**.
- He highlighted the need for India to secure its national interests in space, as the domain is becoming:
 - **Congested:** More space objects and activities are crowding the area.
 - **Contested:** Competition is increasing for control and access to space.
 - **Competitive:** Nations and private players are vying for space superiority.
 - **Commercial:** The space sector is becoming an important part of the global economy.

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CONCLUSION

The **Antariksha Abhyas – 2024** exercise represents a significant step in India's efforts to strengthen its **space defense** capabilities. It brings together various branches of the military, defense agencies, and space organizations to create a comprehensive approach to managing and securing space-based assets. With the growing **congestion** and **competition** in space, it is essential for India to maintain a strong, resilient, and innovative space defense strategy to protect its national interests.

The exercise is expected to contribute to India's preparedness in addressing **space threats**, **developing new technologies**, and integrating **space capabilities** into the country's defense framework.

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MCQs

1. Consider the following statements and mark the correct one:

1. Aligarh Muslim University is established by a statute.
2. The Azeez Basha case gave the status of a minority institute to AMU.

- (A) Only 1
(B) Only 2
(C) Both 1 & 2
(D) Neither 1 nor 2



Ans. (A)

2. Which of the following was a reason cited in the Azeez Basha case for AMU not being declared as a minority institution?

- (A) AMU was offering reservation to SC/ST which it should not be doing.
(B) It was established before the Constitution was adopted.
(C) It was established by a law.
(D) None of the above

Ans. (C)

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3. Consider the following statements and mark the correct one:

1. Minority institutions can be regulated by the state.

2. Minority institutions can offer religious education.

(A) Only 1

(B) Only 2

(C) both 1 & 2

(D) Neither 1 nor 2



Ans. (C)

4. Which of these organisations did not participate in Antariksh Abhyas?

(A) Defence Cyber Agency

(B) Armed Forces

(C) Defence Intelligence Agency

(D) Central Armed Police Forces

Ans. (D)

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5. Consider the following statements and mark the correct one:

1. Antariksh Abhyas is the first ever space exercise conducted by India.
2. Antariksh Abhyas aims to secure India's defence assets.

- (A) Only 1
- (B) Only 2
- (C) Both 1 & 2
- (D) Neither 1 nor 2

Ans. (C)



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