

(2009) 03 GUJ CK 0096

In the Gujarat High Court

Case No : Special Civil Application No. 2245 of 2008

Vijay Harishchandra Patel

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 20-03-2009

Acts Referred:

Constitution of India, 1950 — Article 14, 15, 15(1), 15(3), 16
National Commission for Minorities Act, 1992 — Section 2

Citation : (2009) 3 GLR 2153

Hon'ble Judges : K.S. Radhakrishnan, C.J.; Akil Kureshi, J

Bench : Division Bench

Advocate : D.G. Shukla, for the Appellant; Harin P. Raval, for the Respondent

Judgement

K.S. Radhakrishnan, C.J.—Petitioner has come up with this public interest litigation challenging the steps taken by Union of India and the Planning Commission to utilise the national resources in favour of a particular minority community which according to the petitioner is discriminatory, arbitrary and violative of various constitutional provisions.

2. President of India, in his address to the Joint Sessions of Parliament on 25-2-2005, had announced that "the Government would recast the 15-Point Programme for planning, formulating and implementing specific interventions, policies and programmes for the welfare of the minorities which was reiterated by the Prime Minister, in his Independence Day address made in the year 2005. Consequently, the Government had revised its earlier programme and finalized 15-Point Programme for welfare of the minorities and ordered that the same would be implemented by the Central Governments/Departments concerned, through State Governments/Union Territories. Programme envisaged location of a certain proportion of development projects in minority concentration are as and to provide wherever possible, upto 15% of targets and outlays under various schemes be earmarked for minorities. Emphasis of the programme was also to maintain communal peace and harmony through appropriate measures and for

ensuring reasonable representation of the minorities in Government including public sector.

3. Government however noticed that there was lack of authentic information about the social, economic and educational status of the Muslim community in India which came in the way of planning, formulating and implementing specific interventions, policies and programmes and to address the issues relating to the socio-economic backwardness of that community. Government, therefore, decided to constitute a High Level Committee to prepare a comprehensive report on the socio-economic and educational status of the Muslim community in India. Notification dated 9th March, 2005 was issued by the Government appointing a Committee headed by Justice Rajinder Sachar. Terms of reference of the High Level Committee were as follows:

(a) Obtain relevant information from department/agencies of the Central & State Governments and also conduct an intensive literature survey to identify published data, articles and research on relative social, economic and educational status of Muslims in India at the State, regional and district levels, to address, inter alia, the following questions:

(i) In which States, Regions, Districts and Blocks do Muslims of India mostly live?

(ii) What is the geographical pattern of their economic activity, i.e. what do they mostly do for a living in various States, Regions and Districts?

(iii) What is their asset base and income levels relative to other groups across various States and Regions?

(iv) What is the level of their socio-economic development in terms of relevant indicators such as literacy rate, dropout rate, M.M.R., I.M.R. etc? How does this compare with other communities in various States?

(v) What is their relative share in public & private sector employment? Does it vary across States and what is the pattern of such variation? Is the share in employment in proportion to their population in various States? If not, what are the hurdles?

(vi) What is the proportion of Other Backward Classes (O.B.Cs.) from the Muslim community in the total O.B.C. population in various States? Are the Muslims O.B.Cs. listed in the comprehensive list of O.B.Cs. prepared by the National and State Backward Classes Commissions and adopted by the Central and State Governments for reservations for various purposes? What is the share of Muslim O.B.Cs. in the total public sector employment for O.B.Cs. in the Centre and in various States in various years?

(vii) Does the Muslim community have adequate access to education & health services, municipal infrastructure, bank credit, & other services provided by Government/public sector entities? How does this compare to access enjoyed by other communities in various States? What is the level of social infrastructure

(Schools, health centres, I.C.D.S. centres etc.) located in areas of Muslim concentration in comparison to the general level of such infrastructure in various States?

(b) Consolidate, collate and analyse the above information/literature to identify areas of intervention by Government to address relevant issues relating to the social, economic and educational status of the Muslims community.

Committee had conducted detailed study, consulting the State Governments, non-Governmental organizations, universities, academic bodies, intellectuals, women, youth and specialized organizations and bodies of the Central Government and submitted its report on 17-11-2006. Following are salient features of the recommendations of the Sachar Committee:

(i) Targeted intervention is proposed for improvement of basic amenities and employment opportunities in 90 identified minority concentration districts which are backward in terms of various developmental parameters.

(ii) Appropriate measures will be taken to improve the deficiency in civil amenities and economic opportunities in 388 identified towns and cities with a substantial population of minorities. An inter-ministerial task force is already working on this to recommend appropriate strategies in this regard.

(iii) An inter-ministerial group has been constituted to plan and monitor the implementation of a comprehensive programme for skill and entrepreneurship development among the Muslim community and for ensuring easy and smooth access to credit to the minorities. "Clusters", having a substantial presence of the Muslim community, especially of those engaged in artisanal activities, will be given focused attention. The group has commenced its deliberations.

(iv) Public Sector Banks will open more branches in Muslim concentration areas, financial institutions will promote micro-finance among the minorities, especially women, Public Sectors Banks will monitor the disposal of loan applications for minorities and maintain reasons for rejection, Reserve Bank of India will maintain district-wise and Bank-wise data regarding disposal of applications of its website and the flow of credit to minorities, would be monitored regularly. The data can be accessed under the Right to Information Act. Efforts will be made for stepping up priority sector lending to minorities from the present level to 15% over a period of three years.

(v) A multi-pronged strategy will be adopted for addressing the problem of educational backwardness of the Muslim community. The outreach of upper primary schools will be expanded, particularly for Muslim girls, and where necessary, with "girls only" schools, more Kasturba Gandhi Balika Vidyalyayas (K.G.B.V.) will be opened in areas with substantial Muslim population; priority would be given to the opening of secondary and senior secondary school in areas of Muslim concentration, a special literacy drive will be taken up in districts with a substantial population of Muslims, Block Institutes of Teacher Education

(B.I.T.Es.) would be established to impart pre-service and in-service training to primary, upper primary and secondary level teachers in such areas, additional allocation will be made for opening women's hostels in schools and universities, the Madars as Modernization Programme will be revised to enhance the components eligible for assistance, the mid-day meal scheme will be extended, especially in educationally backward Muslim concentration blocks and the question of equivalence of qualifications from Madarsas for subsequent access to higher education will be addressed.

(vi) Three scholarships schemes are proposed exclusively for the minorities. A merit-cum-means scholarships scheme for 20,000 students from the minority communities for pursuing technical and professional courses has been approved already. The other two viz. a pre-metric and a post-metric scholarships scheme will be introduced shortly. A revised coaching and remedial tuition scheme has been approved to improve the employability and academic performance of students belonging to the minority communities. Guidelines have been issued already to improve the representation of minorities, in Government, public sector enterprises, Public Sector Banks etc. The corpus of the Maulana Azad Education Foundation (M.A.E.F.) would be augmented and its operations expanded and streamlined.

(vii) Dissemination of information regarding health and family welfare schemes will be done in Urdu and regional languages and in such districts, blocks and towns with a substantial minority population.

(viii) A comprehensive amendment of the Wakf Act is proposed to address existing deficiencies at the earliest.

(ix) A suitable agency would soon assist in the development of Wakf properties so that the augmented income could be utilized for the purposes intended.

(x) All personnel, like Government employees, teachers, health personnel would be sensitized to the importance of diversity and social inclusion.

(xi) Civil Rights Centres will be opened in universities, beginning with Central Universities.

(xii) A High Level Committee has been constituted to review the Delimitation Act and the concerns expressed by the Sachar Committee regarding anomalies in the representation of Muslims have been considered by this Committee.

(xiii) It has been decided in principle to set up an Equal Opportunity Commission (E.O.C.) to look into grievances regarding discrimination. An expert group will study and recommend its (E.O.C's.) structure and functions.

(xiv) In order to promote diversity and social inclusion in educational institutions, work places and living spaces, an expert group has been constituted to propose an appropriate "diversity index". Such an index can be the basis for providing incentive for better representation in all three areas mentioned above.

(xv) A National Data Bank (N.D.B.) and an autonomous Assessment and Monitoring Authority (A.M.A.) will be soon set up which will analyse the data so generated and suggest appropriate policies to Government on a continuous basis.

Salient Findings of the Sachar Committee:

(i) Education:

(a) The literacy rate among Muslims was 59.1%, which was below the national average of 64.8%.

(b) The mean years of schooling (M.Y.S.) is lower compared to the average M.Y.S. for all children.

(c) 25% of Muslim children in the age of 6-14 year age-group have either never attended school or have dropped out.

(d) The majority of Muslim girls and boys fail in their Matriculation examination or drop-out before that.

(e) Less than 4% of Muslims are graduates or diploma holders compared to about 7% of the population aged 20 years and above.

(f) There is a strong desire and enthusiasm for education among Muslim women and girls across the board.

(g) Schools beyond primary level are few in Muslim localities. Exclusive schools for girls are fewer.

(h) Lack of hostel facilities is a limiting factor, especially for girls.

(i) Muslim parents are not averse to modern or mainstream education and to sending their children to affordable Government schools. They do not necessarily prefer to send children to Madrasas. However, the access to Government schools for Muslim children is limited.

(ii) Skilled development:

(a) Skill development initiatives for those who have not completed school may be particularly relevant for some sections of Muslims given their occupational structure.

(b) The skill demands in the manufacturing and service sectors are changing continuously and youth with middle school education would meet these needs.

(c) A rehabilitation package for innovative re-skilling and for upgrading the occupational structure in the wake of liberalization is seen as an urgent need.

(iii) Employment and economic opportunities:

(a) Self-employment is the main source of income of Muslims. They are engaged more in self-employed manufacturing and trade activities compared to others.

(b) The share of Muslim workers engaged in street-vending is the highest. More than 12 percent of Muslim male workers are engaged in street-vending as compared to the national average of less than 8 percent.

(c) The percentage of women Muslim workers undertaking work within their own homes is much large at 70 percent compared to all workers at 51 percent.

(d) The share of Muslims in the total workers engaged in the tobacco and textiles/ garment related industries are quite significant.

(e) The share of Muslim workers in production related activities and transport equipment operation is much higher at 34%, as against 21% of all workers.

(f) More than 16 percent Muslims were engaged as sales workers, while the national average was only about 10 percent.

(g) While the participation of Muslim workers is relatively higher in production and sales-related occupations, their participation was relatively lower in professional, technical, clerical and to some extent managerial work.

(h) Muslims, by and large, are engaged in the unorganized sector of the economy and have to bear the brunt of liberalization.

(i) The participation of Muslims in regular salaried jobs is much less than workers of other socio-religious categories.

(j) Muslims are relatively more vulnerable in terms of conditions of work as their concentration in informal sector employment is higher and their job conditions, even among regular workers, are less for Muslims than those of other socio-religious communities.

(k) Percentage of households availing Banking facilities is much lower in villages where the share of Muslim population is high.

(iv) Poverty and development:

(a) About 38% of Muslims in urban areas and 27% in rural areas live below the poverty level.

(b) Muslims are concentrated in locations with poor infrastructure facilities. This affects their access to basic services like education, health facilities, transport, etc.

(c) About a third of small villages with high concentration of Muslims do not have any educational institutions.

(d) There is a scarcity of medical facilities in large villages with a substantial Muslim concentration. About 40% of large villages with a substantial Muslim concentration do not have any medical facilities.

(e) Muslim concentration villages are not well served with pucca roads.

(f) Policies to deal with the relative deprivation of the Muslims in the country should sharply focus on inclusive development and main streaming of the community while respecting diversity.

(v) Social Conditions:

(a) A community-specific factor for low educational achievement is that Muslims do not see education as necessarily translating into formal employment.

(b) The Muslim population shows an increasingly better sex ratio compared with other socio-religious communities.

(c) Infant and childhood mortality among Muslims is slightly lower than the average.

(d) There has been a large decline in fertility in all the religious groups including Muslims.

4. Report was submitted before both Houses of Parliament on 30th November, 2006. 15-Point Programme for the welfare of the minorities aimed at enhancing opportunities for education, equitable availability of Integrated Child Development Services (I.C.D.S.) scheme and also improving access to School Education. Emphasis has also been made for giving central assistance to the recruitment and posting of Urdu language teachers in primary and upper primary schools and for modernization of Madrasa Programme/Education and scholarships for meritorious students from minority communities and improving educational infrastructure through the Maulana Azad Education Foundation. Emphasis has also been made for providing equitable share in economic activities and employment through the Swarnjayanti Gram Swarozgar Yojana, the Swarnjayanti Shahari Rojgar Yojana and the Sampurna Grameen Rozgar Yojana etc. and to strengthen the National Minorities Development & Finance Corporation by providing greater equity support to enable it to fully achieve its objectives. Further, in the recruitment of police personnel, it was suggested that the State Governments would be advised to give special consideration for appointment to members of minority communities and also in Railways, Nationalised Banks and public sector enterprises etc. Emphasis has also been made to improve conditions of the slums inhabited by minority communities. It was noticed that scheme of Integrated Housing and Slum Development Programme and Jawaharlal Nehru National Urban Renewal Mission, the Central Government provides assistance to States/Union Territories for development of urban slums through provision of physical amenities and basic services. Programmes envisage that benefits of these programmes flow equitably to members of the minority communities and to the cities/slums, predominantly inhabited by minority communities. Programmes also envisage to prevent communal riots and also to constitute special Courts to try those offence. Further, programme also stipulates the target group of this programme would be eligible sections among the minorities notified u/s 2(c) of the National Commission for Minorities Act, 1992 viz. Muslims, Christians, Sikhs, Buddhists

and Zoroastrians (Parsis). 15-Point Programme was envisaged for welfare of the minorities and not exclusively for Muslim community.

5. Petitioner has come up with this Public Interest Litigation questioning the wisdom of utilisation of national resources in favour of a particular minority community, which according to the petitioner, is contrary to the constitutional mandate. Petitioner referred to a newspaper report and submitted that an amount of Rs. 1900 crores has been earmarked for improving quality of life of Muslim population of the country which according to the petitioner is clearly violative Article 14 of the Constitution and is not protected by any of the exceptions carved out under Articles 15 and 16 of the Constitution of India. Petitioner further submitted that impugned 15-Point Programme encourages concept of minorities on the basis of religion, for getting special protection, privileges and treatment and is a serious jolt to the secular fabric of our nation. Further, petitioner submits that all religions and religious groups have to be treated equally and with equal respect without interfering with their individual rights of faith and worship and carving out few minorities for special treatment is contrary to the constitutional scheme. Learned Counsel Mr. D. G. Shukla appearing for the petitioner also submitted that reservation has been envisaged under Constitution only in favour of women and children under Article 15(3) and also for the Scheduled Castes, Scheduled Tribes as well as Socially and Educationally Backward Community citizens under Article 15 of the Constitution or in favour of the vulnerable class citizens which in the opinion of the State is not adequately represented in the services under the State under Article 16 of the Constitution. Further, learned Counsel submitted that Articles 15(1) and 16(1) of the Constitution is mandate to the State Government not to discriminate inter alia only on the grounds of religion. Petitioner has submitted that the present challenge is confined to the basis on which the national resources are utilised in favour of a particular religion. Petitioner has submitted crores of tax payers' money is being utilised to appease a particular community for political gain in the ensuing general election. Learned Counsel for the petitioner in support of his contentions relied on the decisions of the Apex Court in the case of Nain Sukh Das and Another Vs. The State of Uttar Pradesh and Others, The State of Rajasthan and Others Vs. Thakur Pratap Singh, Bal Patil and Another Vs. Union of India (UOI) and Others, T.M.A. Pai Foundation and Others Vs. State of Karnataka and Others,

6. Learned Counsel Shri Harin Rawal, appearing for the Central Government-first respondent relied extensively through the counter-affidavit filed on behalf of the Government of India and also highlighted main features of 15-Point Programme for welfare of the minorities and also salient feature of the Sachar Committee report and steps taken for implementing the same. Main feature of Five Year Plan was also referred to and stated that Five Year Plan is being implemented through Annual Plans with detailed description of the allocation of resources between Centre and States. Reference also made to Annual Budget of Eleventh Five Year Plan for 2007-2017 and also Para 5.7.2 and steps taken by the Government in

implementing 15-Point Programme which has been highlighted in the counter-affidavit. Reference was also made to the D.O. Letter dated 4-10-2006 by the Ministry of Minority Affairs and the guidelines issued to the Chief Secretaries of all the States/Union Territories for implementing the Programme. Further, it was also pointed out that Eleventh Five Year Plan (2007-2017) also set targets for reduction of poverty, mortality rates, improvement of literacy and etc. for all sections of the society which includes socially disadvantaged sections of society viz. Scheduled Castes, Scheduled Tribes, Other Backward Classes and Minorities. Further, learned Counsel also highlighted the importance and the objectives of the new programme which ensures that the benefits reach the disadvantaged sections of minorities communities.

7. Learned Counsel refuted the statement appeared in Gujarati Daily Newspaper "Divya Bhaskar" that an amount of Rs. 1900 crores has been allocated for implementing programme for betterment of Muslim community. Further, it was also stated that 15-Point Programme is not exclusively for improving the quality of life of Muslim community but minorities in general. Counter-affidavit further states that by providing educational and economic benefits to minorities who have been lagging behind on development parameters than the advanced sections of the society, will in no way encroach upon fundamental rights of the other sections of the society and it is the duty of the States to provide all the opportunities for educational and economical development of all the sections of the society including minorities. Further, it was also submitted that 15-Point Programme has been included in the Eleventh Five Year Plan for giving effect to the various recommendations of the Sachar Committee report and also providing enhanced opportunities for education and equitable share in economical and employment for improving the conditions of living of the minorities through the rural housing scheme and also for improving the conditions of slum inhabitants predominantly occupied by the minorities and rehabilitation of the victims of the communal riots and other related programmes to improve social, economical, educational status of the minority communities including Muslims community. Respondent has taken up the stand the same would in no way go contrary to the constitutional scheme or violates basic structure of the Constitution or in any way affects fundamental rights of the rest of the communities.

8. Our nation has no religion of its own. We are living in a secular nation being secular in character. State will treat all the religions and religious groups with equal respect and religious neutrality is the motto of our nation. In a Welfare State like ours, it is the prime responsibility of the State to provide the people with those facilities to minimise inequalities. State's obligation is not to pamper any particular religion or to utilize its resources for promoting any particular religion or its religious activities. We, the people of India have resolved to constitute India into a sovereign, socialist, secular democratic republic and we have also resolved to secure to all its citizens justice, social, economic and political liberty of thought, expression, belief, faith and worship and to promote among them all fraternity assuring the dignity of the individual and the unity and

integrity of the nation. Constitution intends to remove social and economic inequality to make equal opportunities available to all. Right to social and economic justice envisaged in the Preamble and elongated in the Fundamental Rights and Directive Principles of the Constitution is included to make the quality of the life of the poor, disadvantaged and disabled citizens of the society, meaningful. Justice, social and economic, political equality of status and opportunities ought to be made available to the citizens of the country so that socialist pattern of society intended by the founding fathers would be achieved. Justice requires that equality, security be accorded to all human beings to the greatest extent consistent with the common good. Principal aim of socialist State is to eliminate inequality in income and status and standards of life. Constitution of India through its Preamble contemplates Directive Principles of State Policy accorded to secure social order, Secular State based on the principles of equality and non-discrimination and striking balance between rights of the individuals. Fundamental Rights and Directive Principles are the means to achieve the above object of democratic socialism. Articles 14, 15, 16, 17, 23, 38, 39, 46 and all cognate articles seek to establish i.e. to reduce inequalities in income and status and to uphold equality of opportunities and facilities. Apex Court in *Samatha Vs. State of A.P. and Others*, held that social justice enjoins the Court to uphold the Government's endeavor to remove economic inequalities, to provide decent standard of living to the poor and to protect the interest of the weaker section of the society so as to assimilate all the Sections of the society in a secular integrated socialist India with dignity of person and equality of status to all.

9. "Secularism" is the basic structure of the Constitution and used in the Preamble and is reflected in the provisions of Articles 25 -30 and Part IV-A to the Constitution and Article 51-A prescribing fundamental duties. Concept of "Secularism" is principle of equality as between all religions and is more than a passive attitude of religious toleration, it is a positive concept of equal treatment of all religions to uphold Articles 25 -30 of the Constitution of India. Secularism is a positive concept of equal treatment of all the religions and to bring minority community at par with the majority communities in the social and economic status. Social justice requires abolition of all sorts of inequalities which result from inequalities of wealth and opportunities, race, caste, religion, title and the distribution of the material resources of the community in such a way as to subserve the common good. Principle embodied in Article 39(b) of the Constitution is one of the essential directives to bring about the distribution of material resources and it would give full play to the distributive justice. The Directive Principles of the State Policy in Part IV of the Constitution provides that the State shall, in particular, strive to minimize the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations. Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities promulgated by the United Nations in the year 1992 states that the State shall protect the existence

of the National or Ethnic, Religious and Linguistic Minorities within their respective territories and encourage conditions for the promotion of their identity. Law is settled that provisions of International Covenant and Declarations adopted by United Nations have to be respected and the meaning given to them have to be such as would help in effective implementation of those rights. This is implied in Article 51-C and the enabling powers of Parliament to enact laws for implementing such conventions by virtue of Article 253 read with Entry 14 of the Union List, in the Seventh Schedule.

10. Welfare of the people is ultimate goal of the State actions. State if finds that a minority community is not equally placed with the majority community, socially or economically, can take steps to minimise inequalities and bring that community at par with those communities which are otherwise well placed in the social fabrics of the society. Principal aim of socialist State is to eliminate inequalities in income, status and standard of life. Concept of equality contemplates minimizing the inequality in income and eliminating inequality in status, facilities, and opportunities for which it is at times necessary to adopt some affirmative actions. Government have decided to open more branches of public sector Banks in Muslim concentrated areas and also to take measures to promote micro-finance amongst minorities and special literacy drive has also been undertaken in the areas where substantial population of minorities reside. Decision to establish Block Institutes of Teacher Education (B.I.T.Es.) to impart pre-service and in-service training to primary, upper primary and secondary level teachers in such areas would no way affect our Constitutional objectives. On the other hand, actions of the State to minimise inequality in income and status and the endeavour to eliminate poverty and to provide opportunities in employment would only uphold constitutional objectives. Sachar Committee report reveals that Muslim community concentrated areas, with poor infrastructure facilities, affect their access to basic services like civil amenities, education, health facilities etc. Government on the basis of the report took steps to identify the minorities concentrated areas which are backward and also initiated steps to improve deficiency in civil amenities and socio-economic opportunities and monitor the implementation of a comprehensive programme for skill and entrepreneurship development among the Muslim community.

11. The Central Government also on the basis of the report has taken decision to implement various schemes for slum development. Through the Integrated Housing and Slum Development Programme and Jawaharlal Nehru National Urban Renewal Mission, the Central Government provides assistance to States/ Union Territories for development of urban slums through provision of physical amenities and basic services. Facts reveal that sizable members of minority communities are inhabiting in slums and the necessity of improving their living conditions need not be over-emphasised. Right to live in a clean, hygienic and safe environment is a right flowing from Article 21. Recently, two slum-boys by name Rubina Ali and Azharuddin Ismail members of a minority community depicted their talents in an Oscar Award winning movie "Slumdog Millionaire".

Efforts must be made to bring out such talents to the main stream of our society. Every child has the right to reap whatever benefits he can derive from his nature and capabilities but State is bound to give a platform for him to come up in life. Government, should ensure that the national resources spent should really reach the down-trodden and the poor sections of that community and not to the affluent and rich members of such communities.

12. Petitioner has raised the contention that national resources are being utilised for betterment of a particular religion which is impermissible in law. Law is well settled that a State is prohibited to patronage any particular religion. Ours is a Secular nation and it has no religion of its own and no particular religion can receive any special patronage from the State. State's endeavour to improve health, family welfare, safety recreation and general well-being of the citizens of the minority community may indirectly impose burden on the State exchequer, but it cannot be said that those actions of the State would amount to patronizing any particular religion. Article 27 of the Constitution states that no person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination. Funds utilised by the States for improving the basic amenities, providing infrastructure facilities to minority concentrated areas, improvement of their health, family welfare, safety, general well-being, spreading literacy, providing education, etc. would not violate Article 27 of the Constitution. Funds are not utilised for inculcating any religion or advancement of any particular religion affecting the constitutional requirement of neutrality.

13. Government should, however, observe complete religious neutrality. Religious tolerance and fraternity are basic features and postulates of the Constitution and no action of the Government should directly or impliedly offends the religious sentiments or freedom or conscience of other religions. Madrasas have played an important role in providing religious education to the Muslim population. Policy envisages a mechanism whereby Madrasas are linked with a Higher Secondary School Board, so that the students wanting to shift to a regular mainstream education can also do so after having passed from Madrasas. Further, it is also stipulated that recognition of degrees from Madrasas for eligibility in competitive examinations, desirable. Government would ensure that the aid or services rendered by it, be secular in nature and not utilised by any institution for inculcating religion or for the advancement of religious teaching, lest it may violate religious neutrality to be maintained by the Government. State would while implementing those programmes, ensure that the funds be utilised only for social welfare activities and not directly or indirectly used for promotion of any religious activities or advancement of religious teaching of a particular minority community.

14. We are, therefore, of the considered view that the funds used to minimise inequalities among minority communities by adopting various social and welfare

activities like public safety, health, slum development, improving the deficiencies in civic amenities, economic opportunities, improving standard of education, skill and entrepreneurship development, employment opportunities, eradication of poverty etc., would no way violate the constitutional principles of equality or affect any of the fundamental rights guaranteed to the members of the other communities.

Special Civil Application thus stands disposed of with the above observations.