



NEET APPLIES TO MINORITY COLLEGES: SC

Why in news?

The National Eligibility-cum-Entrance Test (NEET) is mandatory for admission to medical colleges run by religious and linguistic minority communities, the Supreme Court held on 29th April 2020.

The court dismissed arguments made by the managements of several minority-run medical institutions that bringing them uniformly under the ambit of NEET would be a violation of their fundamental right to “occupation, trade and business”.

Claims made by some Institutions

- The colleges had argued that imposing NEET would violate their fundamental rights of religious freedom, to manage their religious affairs, to administer their institutions.
- They said the State was reneging its obligation to act in the best interest of minorities.

What the Court’s Judgement said?

- The court held that rights of trade, business and occupation or religious rights “do not come in the way of securing transparency and recognition of merits in the matter of admissions”.
- Regulating academics and imposing reasonable restrictions to ensure educational standards was in national and public interest.
- The right to freedom of trade or business is subject to “reasonable restriction in the interest of the students’ community to promote merit, recognition of excellence, and to curb the malpractices.
- A uniform entrance test qualifies the test of proportionality and is reasonable.
- NEET is intended to check several maladies which crept into medical education, to prevent capitation fee by admitting students which are lower in merit and to prevent exploitation, profiteering, and commercialisation of education.



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- The court said minority institutions were equally bound to comply with the conditions imposed under the law.
 - The regulations, including admission through NEET, were neither divisive or disintegrative, rather they were necessary.
 - **Uniform entrance exams would ensure improvement in future public health by encouraging merit in furtherance of the Directive Principles enshrined in the Constitution.**

What is this “right to manage Religious Affairs”?

Under Article 26 of the Indian Constitution which is about the Freedom to manage religious affairs:

Any section has the right to:

1. to establish and maintain institutions for religious and charitable purposes;
2. to manage its own affairs in matters of religion;
3. to own and acquire movable and immovable property; and
4. to administer such property in accordance with law.

However, limitations can be imposed subject to **public order, morality and health.**

What is this right of “occupation, trade and business”?

Article 19 of the constitution guarantees to the citizen of India the following 6 freedoms:

1. freedom of speech and expression.
2. freedom of assembly
3. freedom to form associations.
4. freedom of movement.
5. freedom to reside and settle in any part of the territory of India.
6. freedom to practise any profession, or to carry on any occupation, trade or business.



Hence this Article 19 (g) guarantees that all citizens shall have the right to practice any profession, or to carry on occupation, trade or business.

However, limitations can be imposed by the State by making a law subject to:

- a. the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or
- b. the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.

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