



## Issue of Reservation for Muslims in Andhra Pradesh

**For Prelims:** Reservation, [Indra Sawhney Judgment](#), [Article 16 \(4\)](#), [Article 16 \(4A\)](#), [Article 16\(4B\)](#), [Article 15\(4\)](#)

**For Mains:** [Reservation in Public Employment](#) and related Judgements, Reservation on Basis of Religion

**Source:** [IE](#)

### Why in News?

Recently, the issue of the 5% quota given to Muslims in Andhra Pradesh in 2004 has resurfaced, reigniting the debate regarding the religion-based reservation.

### What is the Background of the Reservation for Muslims in Andhra Pradesh?

#### ▪ About:

- In Andhra Pradesh, where Muslims constitute about 9.5% of the population, certain Muslim groups are already included in the [state OBC lists](#), with quotas ranging from 7% to 10%.
  - However, there has been a push to include all Muslims in the OBC category, following the models of Karnataka and Kerala.

#### ▪ Reservation in 2004:

- In June 2004, the government examined the **socio-economic and educational status** of Muslims in the state for inclusion in the OBC list, leading to a 5% reservation under [Articles 15\(4\) and 16\(4\)](#).
- However, the Andhra Pradesh [High Court](#) struck down the quota for being implemented without being referred to the [Backward Classes Commission](#) and for not excluding the [creamy layer](#).
  - Court held that the **muslim community cannot be considered as a homogenous group**.
  - One of the key questions before the court was whether Muslims, as a group, are **entitled to affirmative action** within the constitutional framework, which the **court ruled affirmatively**, stating that such reservations **do not violate secularism**.

#### ▪ Reservation in 2005:

- The **Backward Classes Commission** recommended providing reservations to the **entire Muslim Community**, stating that they are socially, educationally, and economically backward.
- The state government again introduced an [Ordinance](#) granting a 5% quota to Muslims, which was subsequently replaced with legislation.
- The High Court once again **struck down the quota**, stating that the Commission did not rely on **objective criteria** ([M. Nagaraj v. Union Of India, 2006](#)) to conclude that Muslims as a group were backward in Andhra Pradesh.
- The ruling was challenged before the [Supreme Court](#), which in 2010 directed to **maintain the status quo** till the issue was heard.

- **Current Status:**
  - The final hearing in the Supreme Court was scheduled for 2022. However, the SC decided to hear the case after the [Economically Weaker Section \(EWS\) quota issue](#) was decided.
  - The EWS quota was cleared in November 2022, but the AP quota issue is **yet to be heard**.
- **Issues With Andhra Model of Reservation:**
  - Considering Muslims as a homogenous group violates [principle of equality](#) in the [Constitution's Basic Structure](#).
  - It also violates the **constitutional prohibition** on granting reservations based **solely on religion (Articles 15(1) and 16(2))**.
  - The High Court observed that Andhra Pradesh's reservation quota, already at 46% under Articles 15(4) and 16(4), **breached the 50% limit** with the addition of a 5% quota for Muslims, questioning the lack of compelling reasons for this breach.

## Similar Religion-based Reservation in Other States:

- **Kerala:** Provides an 8% Muslim quota within its 30% OBC quota.
- **Tamil Nadu and Bihar:** Also include Muslim caste groups in their OBC quota.
- **Karnataka:** Had a 4% sub-quota for Muslims within the 32% OBC quota.
  - State government in 2023 redistributed this sub-quota among [Vokkaligas and Lingayats](#).
- **Recent Issue of Karnataka:**
  - [National Commission for Backward Classes \(NCBC\)](#) has summoned the [Chief Secretary](#) of the Karnataka government regarding the categorisation of the Other Backward Classes (OBC) quota in Karnataka, specifically addressing the issue of **"blanket reservation" for Muslims under Category II-B**.
  - **Current Status:** Karnataka categorises Muslims under **Category II-B** of the OBC categorisation, in addition to 17 Muslim castes in **Category I** and 19 Muslim castes in **Category II-A**.
  - **NCBC's Concern:**
    - NCBC questions the need for a separate category for Muslims and doubts the **validity of reports** justifying their backward classification.
    - NCBC asserts that **Muslims in Karnataka are being over-represented** in postgraduate medical admissions due to their categorisation within the OBC quota.
    - NCBC is concerned that **allowing all Muslims to contest from any OBC or General category seat in local body elections** may deprive other deserving OBC communities of opportunities.
  - **Karnataka Government's Justification:**
    - The Karnataka government justified categorising Muslims under Category II-B by considering them as **neither caste nor religion** but as backward classes, as recommended by various State Commissions.

## What are Various Legal Provisions Related to Reservation?

- **Constitutional Provision:**
  - **Article 16(4)** of the Constitution allows for reservation for "backward class of citizens." **States** have **the discretion** to determine which communities qualify as backward.
    - To qualify for reservations in educational institutions under **Article 15**, a group must **first demonstrate its social and educational backwardness**, and for reservations in public employment under **Article 16(4)**, the authorities must establish both the backwardness of the group and its inadequate representation in government employment.
- **Major Supreme Court's Judgements:**
  - [The State of Madras v. Smt. Champakam Dorairajan Case, 1951:](#)
    - Struck down reservations in educational institutions based solely on caste.
    - Led to 1<sup>st</sup> Amendment of the constitution.
  - [Indra Sawhney v. Union of India Case, 1992:](#)
    - Defined limitations on reservations:
      - Creamy layer exclusion

- 50% quota limit
- No reservations in promotions (except SC/ST).
- **M. Nagaraj v. Union Of India Case, 2006:**
  - Upheld Art. 16 (4A allowing reservations for SC/ST in promotions)
  - Established 3 conditions for such policies:
    - Social and Educational Backwardness
    - Inadequate Representation
    - Maintaining Efficiency
- **Jarnail Singh vs Lachhmi Narain Gupta Case, 2018:**
  - Creamy layer exclusion applies to SC/ST in promotions
  - No need for quantifiable data on backwardness for SC/ST promotions
- **Janhit Abhiyan vs. Union of India, 2022:**
  - **Supreme Court** has upheld the validity of the **103<sup>rd</sup> Constitutional Amendment** which provides **10% reservation** for the **Economically Weaker Sections (EWS)** among forward castes in government jobs and colleges across India.

## What are the Arguments Related to Religion-based Reservation in India?

- **Arguments in Favour of Religion-Based Reservations in India:**
  - **Socio-Economic Backwardness:** According to the **Sachar Committee Report**, Muslims in India lag behind other communities in terms of **socio-economic indicators** such as education, employment, and income.
    - Reservations can help in bridging this gap.
  - **Constitutional Mandate:** The Indian Constitution provides for affirmative action for socially and educationally backward classes irrespective of the **religious** and **cultural** denomination.
  - **Ensuring Adequate Representation:** Reservations can ensure **adequate representation of** underrepresented religious groups in employment, **education**, and other fields.
- **Arguments Against Religion-Based Reservations in India:**
  - **Secularism:** Critics argue that providing reservations based on religion goes **against the principle of secularism** enshrined in the Indian Constitution, which advocates **equal treatment** of all religions by the state.
  - **Undermining National Unity:** Religion-based reservations could undermine national unity as it could lead to **resentment and division** among different communities.
  - **Economic Criteria:** Reservations should be based solely on economic criteria rather than religion, to ensure that benefits reach those who are truly economically disadvantaged, irrespective of their religion.
  - **Administrative Challenges:** Implementing reservations based on religion could pose **administrative challenges**, such as determining the criteria for identifying beneficiaries and **preventing misuse** of the system.

## Way Forward:

- **Socio-Economic Criteria:** Instead of religion, reservations could be based on **socio-economic criteria**, ensuring that benefits reach the most disadvantaged individuals regardless of their religion.
- **Empowerment Through Education:** Focus on improving **educational infrastructure** and **providing skill development programs** to empower the backward communities and enhance their socio-economic status.
- **Inclusive Policies:** Implement **inclusive policies** that address the specific needs of the backward religious communities in areas such as education, employment, and healthcare, without resorting to religious-based reservations.
- **Dialogue and Consensus:** Engage in a **dialogue involving all stakeholders** to arrive at a consensus to address the socio-economic challenges faced by the various communities, ensuring that any measures taken are in line with constitutional values and principles.

**Drishti Mains Question:**

Q. Discuss the constitutional validity and socio-political implications of providing reservation based on religion in India. How does it impact the principles of secularism, equality, and social justice?

**UPSC Civil Services Examination, Previous Year Question (PYQ)**

**Prelims**

**Q. With reference to the period of Indian freedom struggle, which of the following was/were recommended by the Nehru report? (2011)**

1. Complete Independence for India.
2. Joint electorates for reservation of seats for minorities.
3. Provision of Fundamental Rights for the people of India in the Constitution.

**Select the correct answer using the codes given below:**

- (a) 1 only  
(b) 2 and 3 only  
(c) 1 and 3 only  
(d) 1, 2 and 3

**Ans: (b)**

**Mains:**

**Q. Whether National Commission for Scheduled Castes (NCSC) can enforce the implementation of constitutional reservation for the Scheduled Castes in the religious minority institutions? Examine. (2018)**

PDF Reference URL: <https://www.drishtias.com/printpdf/issue-of-reservation-for-muslims-in-andhra-pradesh>