Affirmative Action for Muslims in India: Beyond Reservations

Why in news?

To address the recent report that advocates a broader, religion-agnostic approach to Muslim upliftment, there is the need for affirmative action for Muslims beyond just reservations, highlighting socio-educational disadvantages.

Muslims in India
• **Population Share** – According to the 2011 Census, Muslims constitute 14.2% of India's total population. • **State-wise Distribution** – According to the 2011 Census: - **Highest Muslim population states** – Uttar Pradesh, followed by West Bengal and Bihar. - **States with highest Muslim percentage (proportion to total state population)** – Jammu & Kashmir, followed by Assam and West Bengal.

What are the Constitutional and Legal Framework for Reservation in India?

- **Article 15(4)** – Empowers the State to make special provisions for the advancement of *socially and educationally backward classes (SEBSc).*
- This clause forms the basis for *educational reservations and affirmative action for SEBCs.*
- **Article 16(4)** – Allows the State to provide *reservation in appointments* or posts in favor of any backward class of citizens *not adequately represented in public services.*
- Facilitates *employment reservations for SEBCs* to ensure adequate representation in government jobs.
- **Article 16(4)** – Authorizes the *President to appoint a commission to investigate the conditions of backward classes* and recommend measures for their improvement.
- Led to the establishment of commissions like the *Kaka Kalelkar Commission and the Mandal Commission* to identify SEBCs and suggest welfare measures.
- **Article 342A** – Inserted by the 102nd Constitutional Amendment Act, 2018.
- It grants the President the authority to *specify SEBCs* for each state and union territory in consultation with the respective Governor.
- Aims to *create a uniform Central List of SEBCs*, though states retain the power to identify SEBCs for their purposes.

What are the Criteria for Identification for SEBC?

- **Social Backwardness** – Communities with *historically limited access to education and social mobility.*
- Presence of social discrimination or stigma.

- **Educational Backwardness** – *Lower literacy rates* compared to the national or state average.
- *High dropout rates and low enrollment in higher education.*
- **Economic Backwardness** – Low per capita income and asset ownership.
- *Predominance in low-paying or unorganized sectors* of employment.

What are the Committees and Reports on Muslim Backwardness?

Sachar Committee Report (2006)
• **Appointed by** – Then-Prime Minister Dr. Manmohan Singh to examine the social, economic, and educational status of the Muslim community in India. • **Key Findings:** • **Educational Status** – Muslims had lower literacy rates than the national average, with a significant dropout rate at the school level. • Poor access to education, with *only 4% of Muslims in higher education compared to 7% for SCs/STs*. • **Economic Conditions** – High incidence of poverty among Muslims, with limited representation in formal employment sectors. • **Social Indicators** – Poor access to healthcare and basic amenities in Muslim-concentrated areas. • **Representation in Public Services** – Underrepresentation of Muslims in government jobs and public sector enterprises. • Only *5% representation in government jobs* despite being 14% of the population. • **Recommendations:** • **Enhance Access to Education** – Establish more schools in Muslim-majority areas and provide scholarships to Muslim students. • **Economic Opportunities** – Facilitate access to credit for Muslim entrepreneurs and promote skill development programs. • **Improvement of Infrastructure** – Develop infrastructure in areas with a high Muslim population to ensure better living conditions.
Ranganath Mishra Commission Report (2007)

• **Objective** – To examine the *status of religious and linguistic minorities* and recommended measures for their socio-economic upliftment.
• **Key Findings:**
• **Social and Educational Backwardness –** Many Muslims were at par with or even *worse than (SCs) and (STs)* in education and employment.
• *Low literacy rates and high dropout rates*, especially among Muslim girls.
• Poor access to higher education and lack of representation in professional and technical fields.
• **Economic Backwardness –** *High incidence of poverty* among Muslims, with a majority engaged in low-income and informal sector jobs.
• Very **low representation** in government jobs and public sector enterprises.
• *Lack of access to institutional credit*, leading to financial exclusion.
• **Political Representation –** *Underrepresentation* of Muslims in elected bodies and decision-making positions.
• **Key Recommendation** – *10% reservation for Muslims in government jobs and education under the OBC quota.*
• In states where Muslims were already classified as OBCs, an *additional 6% reservation* should be given.
• *Legal recognition of Dalit Muslims under Scheduled Caste (SC)* category, allowing them access to SC-specific reservations and welfare schemes.
• Creation of an *Equal Opportunity Commission* to address discrimination in employment and education.

What are the Judicial Stance on Muslim Reservation?

- **Indra Sawhney v. Union of India (1992)** – The Supreme Court *upheld the 27% reservation for OBCs* but emphasized that classification for reservations should be *based on social and educational backwardness, not solely on religion.*
- **P.A. Inamdar v. State of Maharashtra (2005)** – The Supreme Court ruled that the *state cannot impose reservations based on religion in private unaided institutions*, reiterating that affirmative action should *focus on backwardness criteria rather than religious identity.*
- **Calcutta High Court Judgment on OBC Classification (2023):**
- **Background** – The West Bengal government had classified certain Muslim communities as OBCs, granting them reservations.
- **Ruling** – The High Court quashed this classification, ruling that reservations *cannot be granted on the basis of religion alone.*

What are the Challenges with Reservation for Muslims?

- **Legal-constitutional issues** – The Indian Constitution does not explicitly recognize Muslims as a 'socially and educationally backward class.'
- The judiciary has *rejected previous attempts to classify Muslims collectively for reservations.*
- **Diversity within the Muslim Community –** Muslims are not a homogeneous group; they consist of hundreds of biradaris (clans) with varying social, educational, and economic statuses.
- Some Muslim castes face *similar disadvantages as Hindu Dalits***,** while others are relatively better off.

- **Political and Administrative Hurdles** – There is *resistance from the state and political parties* to implement reservations for Muslims.
- West Bengal and Karnataka have introduced sub-quotas, but this approach is debated.

What are the Alternative Strategies for Muslim Upliftment?

- **Targeted Public Infrastructure Development** – The report suggests a "spatial approach" by improving infrastructure in Muslim-concentrated areas (schools, roads, health centers).
- **Economic and Educational Boost** – Expanding scholarships, skill training, and self-employment programs for economically backward Muslims.
- **Implementation of schemes** – Such as Pre-Matric and Post-Matric Scholarship Schemes, Merit-cum-Means Scholarships, and the Maulana Azad National Fellowship to support Muslim students.
- **PM's new 15-Point Programme for the Welfare of Minorities** – Aim to enhance opportunities for education, employment, and economic empowerment among Muslims.

What is the way forward?

- The current reservation debate is too narrow; a broader approach is needed.
- Muslim backwardness should be tackled through multiple dimensions such as education, economy and infrastructure.
- The future of affirmative action should focus on community upliftment beyond quotas.

References

1. Indian Express - Affirmative Action for Muslims in India: Beyond Reservations

SHANKAR IAS PARLIAMENT
Information is Empowering