Telangana Muslim Reservation

Why in news?

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- The Telangana assembly passed a law increasing the reservation for OBC Muslims in jobs and education from **4% to 12%.**
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- It asked the Centre to include the 62% reservation in the state in the **Constitution's Ninth Schedule** — on the pattern of Tamil Nadu, which has 69% reservation.
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Why is the demand being made?

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- **90% of Telangana's population is SC/ST and OBC** and so the 50% limit is irrational in the state's case.
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- The Hyderabad High Court had twice struck down reservation for Muslims earlier.
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- So the state government is keen to get its new reservation law inserted in Schedule Nine.
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- The **50% cap on reservation is a judicial innovation** and is not mentioned in the Constitution.
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- As of now the IX schedule does not provide complete immunity from judicial review.
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Is the demand justified?

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- The latest legislation cannot be called reservation for Muslims as the benefits will not include all Muslims in the state.
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- They will only be for some Muslim castes such as butchers, carpenters, gardeners and barbers.
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- Similar occupational castes among the Hindus enjoy the benefits of reservation.
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- The legislation passed by the Telangana assembly will thus benefit certain classes identified on the basis of social and educational backwardness.
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- This will not be against Article 15(1) of the Constitution which prohibits discrimination “only on the basis of religion”.
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Source: The Indian Express

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