

From path of religion-based reservation. Can a secular country have religion based reservation. Comment.

Reservations in India are provided to certain communities that have undergone historical injustice and repression. In a secular country like India, reservation based on religion is unjustified.

Path of religion based reservation

① 1936 - Reservations for Muslims in the Cochin - Travancore state

② 1950s - Reservations to Anglo Indian communities in Madras.

③ Early 2000s - Reservations to Muslims within the OBC layer by Kerala, Tamil Nadu and Karnataka

④ 2004 - Str. reservation to Muslims by Andhra Pradesh was struck down.

Dichotomy - Secularism Vs Religious Reservation

In India religious minorities constitute almost 20% of the population. In order to safeguard their rights, Constitution has Article 29 and 30 and the latter is exclusive to the minorities.

In India reservation to religious minorities can be given under the ambit of Article 16(4) which provides reservation for backward classes and 15(4) special provisions for socially educationally backward classes.

In case if reservation is granted, there are possibilities for it being unconstitutional as the

cases of Indira Sawney and MR Balaj can strike it down.

It exceeds the notion of secularism of the country and can lead to rift between communities leading to clashes.

what can be done

* States can appoint commission to collect data regarding the socio-economic status of minorities.

* Implement the executive order of 2012 providing 4.5% reservation to minorities under the 27% quota for OBCs.

Religion based reservation is a anathema to our constitution. At the same time weakening them can address the right issue of minorities.