

MINORITY QUOTA SCRUTINY: POLITY

NEWS: House panel looking to pursue quota for Muslim OBCs in AMU, Jamia Millia Islamia

WHAT'S IN THE NEWS?

A Parliamentary Committee is reviewing Muslim OBC representation in AMU and JMI to balance constitutional minority rights with social justice mandates, highlighting gaps in admission and employment inclusion.

This initiative could shape policy reforms encouraging equitable access for backward communities within legally protected minority institutions.

Context

- A **Parliamentary Committee on the Welfare of OBCs** is set to review the **representation of Muslim OBCs in admissions and employment** at prominent minority institutions like **Aligarh Muslim University (AMU)** and **Jamia Millia Islamia (JMI)**.
- The visit aims to **assess the adequacy of current inclusion practices** and explore the possibility of **enhancing reservations** for Muslim OBCs without violating constitutional autonomy.

Mandate and Jurisdiction of the Parliamentary Committee

- **Core Mandate:**
 - Tasked with **monitoring and recommending policies** related to the **social, economic, and educational welfare of Other Backward Classes (OBCs)**.
- **Focus on Minority Institutions:**
 - Given **Article 30(1)** protection, institutions like AMU and JMI enjoy **administrative and admission-related autonomy**.
 - This legal status exempts them from following central government reservation policies, prompting scrutiny of their **voluntary inclusion practices** for OBCs.
- **Key Inquiry Objective:**
 - To evaluate the **extent of Muslim OBC representation** in these universities.
 - To ensure **equity without undermining constitutional protections** granted to minority-run institutions.

Existing Reservation Policies in AMU and JMI

- **Aligarh Muslim University (AMU):**
 - Does **not have formal reservations** based on caste or religion.
 - Provides **internal preferences to students** graduating from AMU-run schools.
 - No reservation in **faculty or staff appointments** for SCs, STs, or OBCs.

- **Jamia Millia Islamia (JMI):**
 - **Admission Reservations:**
 - **30%** for **Muslim candidates**.
 - **10%** for **Muslim women**.
 - **10%** for **Muslim candidates from OBC/ST backgrounds**.
 - **No employment reservation** for SCs, STs, or OBCs, as per a parliamentary response.
- **Policy Disparity:**
 - The contrasting approaches of AMU and JMI reflect **variations in institutional interpretations** of autonomy and affirmative action mandates.

Socio-Political Implications and Policy Complexities

- **Constitutional Protection vs. Social Justice:**
 - **Article 30(1)** allows minorities to establish and manage their own educational institutions.
 - However, this must be balanced with **affirmative action goals** enshrined in **Articles 15(4) and 16(4)** to ensure **social justice** for backward communities.
- **Need for Muslim OBC Inclusion:**
 - Muslim OBCs, as listed in the **central OBC list**, face **similar socio-economic disadvantages** as Hindu OBCs.
 - Their **low representation** in minority institutions suggests a **policy gap** needing redress.
- **Policy Gaps and Oversight Role:**
 - The **absence of mandated reservations** for Muslim OBCs in minority institutions raises **questions about equitable representation**.
 - Parliamentary oversight may lead to **recommendations encouraging voluntary reservation** within legal boundaries.

Way Forward

- **Policy Harmonization:**
 - Develop a **national-level voluntary framework** for minority institutions to adopt **Muslim OBC reservations**.
 - Such a model can maintain **Article 30 autonomy** while promoting **inclusive development**.

- **Evidence-Based Planning:**
 - Conduct **socio-economic surveys** focused on Muslim OBC households.
 - Use data to guide **targeted scholarships, access schemes, and enrolment drives**.
- **Strengthened Parliamentary Oversight:**
 - Institutionalize **regular reviews** by parliamentary committees.
 - Mandate **transparency in admissions and faculty recruitment**, especially regarding underrepresented OBC groups.
- **Institutional Support and Outreach:**
 - Provide **financial grants, infrastructure improvements, and counselling services** in minority institutions.
 - Promote **capacity building** for OBC students through **bridging programs and academic mentoring**.
- **Legal and Administrative Clarity:**
 - Ministry of Education can issue **guidelines** to minority institutions for ensuring diversity.
 - Ensure that such guidelines respect **constitutional protections** while promoting **substantive equality**.

Relevant Constitutional Provisions on Reservation

- **Article 15(1):**
 - Prohibits discrimination on grounds of **religion, race, caste, sex, or place of birth**.
- **Article 15(4) [First Constitutional Amendment, 1951]:**
 - Permits the State to make **special provisions for socially and educationally backward classes**, including SCs and STs.
- **Article 16(1):**
 - Guarantees **equal opportunity** in public employment.
- **Article 16(2):**
 - Prohibits discrimination **only on grounds of religion, race, caste, etc.** in employment.
- **Article 16(4):**
 - Enables the State to **provide reservations for backward classes** underrepresented in public services.

Key Supreme Court Judgments on Muslim Reservation

- **M.R. Balaji v. State of Mysore (1962):**
 - Held that **caste can be a criterion but not the sole basis** for backwardness.
 - Recognized that **non-Hindu communities**, including **Muslims**, can be socially backward.
- **E.P. Royappa v. State of Tamil Nadu (1973):**
 - Reaffirmed that **equality is a dynamic, substantive concept**, not merely formal classification.
- **State of Kerala v. N.M. Thomas (1975):**
 - Viewed **reservations as extensions of equality**, not exceptions.
 - Supported **positive discrimination** for disadvantaged groups.
- **Indra Sawhney v. Union of India (1992):**
 - Affirmed that **Muslim communities can be recognized as OBCs** if they meet backwardness criteria.
 - Allowed **sub-quotas within OBCs** (e.g., for Muslim OBCs) without breaching the overall 50% cap.

Conclusion

- The ongoing parliamentary review represents an opportunity to **realign constitutional protections for minorities** with the **principle of social justice**.
- Ensuring the **adequate representation of Muslim OBCs in admissions and faculty roles** at AMU and JMI could serve as a **model for equitable reform**.
- Any policy change must preserve **minority autonomy**, yet push for **inclusive frameworks that address deep-rooted socio-economic disparities**.
- A **balanced, data-driven, and legally sound approach** will help bridge the gap between **constitutional ideals and institutional realities**.

Source: <https://www.thehindu.com/news/national/house-panel-looking-to-pursue-quota-for-muslim-obcs-in-amu-jamia-millia-islamia/article69638188.ece>