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SC nod for AP Muslim quota

Subject To HC Order, 4% Slice To Be Carved Out Of 27% Reservation For OBCs

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New Delhi: The Supreme Court on Tuesday cleared the way for the implementation of the Andhra government's controversial community-based quota for Muslims in educational institutions, in a development fraught with serious repercussions for extending quota to new frontiers.

The apex court had earlier refused to lift the stay ordered by the high court on the rollout of Muslim quota in admissions to engineering, medical, BDS and other professional colleges, including polytechnics, forbidding the Congress government from moving beyond counselling of students eligible for reserved seats. The 4% earmarked for Muslims have been carved out of the 27% OBC reservation to avoid breaching the 50% quota cap stipulated by the SC.

With this, Andhra Pradesh has joined other states in South India—



STATE OF RESERVATION

Tamil Nadu: 3.5% compartment within OBC reservation of 30% in educational institutions

Manipur: 4% reservation in jobs (no Muslim quota in educational institutions); Minorities in Manipur are Nepalese, Sikhs and Muslims. Muslims are 7% of the total population

Karnataka: 4% quota in educational institutions from 1993 and for jobs from 1994

Kerala: 11% quota in educational institutions

TN, Karnataka and Kerala—to provide for different versions of quota for Muslims which the opponents argue is violative of the constitutional provision prohibiting religion-based reservations.

The AP government had argued that the Muslim quota had not been introduced on the basis of religion but because of the social and educational backwardness of the commu-

nity. It seems to be working. A bench, after hearing senior advocate K Parasaran and additional solicitor general Gopal Subramaniam, said there should not be any problem with the scheme if it was being provided on the criteria of social and educational backwardness of the community. It backed up the reasoning by citing the recent judgment of the court endorsing 27% reservation for OBCs

in central educational institutions.

However, the order came with the rider that the admissions would be subject to the final decision of the HC hearing a bunch of petitions challenging the constitutional validity of the law, AP (Reservation in Admissions of Muslims in Educational Institutions) Act, 2007. The state had challenged an interim order of a seven-judge bench of the HC staying the implementation of 4% Muslim quota in admissions to colleges. With the apex court allowing reservation to Muslims, ostensibly on the ground of their backwardness, it is sure to fan demands from other minority communities in various states for similar quota benefits. Appearing for the petitioners who have challenged the validity of the act in the HC, senior advocate Ramakrishna Reddy argued that the state's earlier law providing for 5% Muslim quota, which was identical to the present law, had been struck down by the HC.