

**GOVERNMENT OF INDIA  
HUMAN RESOURCE DEVELOPMENT  
LOK SABHA**

UNSTARRED QUESTION NO:5638

ANSWERED ON:07.09.2011

BHADRA SAKA RELIGION BASED RESERVATION IN EDUCATIONAL INSTITUTIONS

Aaron Rashid Shri J.M.;Adityanath Shri Yogi

**Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:**

- (a) whether the Government has recently permitted religion based reservation in Aligarh Muslim University and other Central Educational/Institutions;
- (b) if so, the details thereof and the reasons therefor;
- (c) whether the said decision of the Union Government has been held unconstitutional; and
- (d) if so, the details thereof?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DR.D.PURANDESWARI)

(a to d) On a request received from Aligarh Muslim University (AMU) for 'No Objection' to the proposal of the University to reserve seats in postgraduate medical courses for students belonging to Muslim minorities, the Government conveyed its 'No Objection' as in its opinion, under the relevant Act, AMU enjoyed minority status. The said 'No Objection' was quashed by the Allahabad High Court, which held, inter alia, that the Aligarh Muslim University was not a minority institution within the meaning of Article 30(1) of the Constitution of India. On an appeal by AMU and the Union of India, the Supreme Court of India has ordered that while status-quo be maintained till the pendency of the matter in the Apex Court, the University should not give effect to its proposed admission policy for minority students. In the case of one more university namely, Jamia Millia Islamia, Delhi, the National Commission for Minority Educational Institutions (NCMEI) has held that the Jamia Millia Islamia is a minority educational institution covered under Article 30(1) of the Constitution. In pursuance thereof, Jamia Millia Islamia has framed an Ordinance providing for 50% reservation in admission for Muslim community. The said judgement of NCMEI has been challenged, through a set of Writ Petitions, in the High Court of Delhi. The matter is Sub-judice.