

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

UNSTARRED QUESTION NO:276
ANSWERED ON:09.07.2014
RELIGION BASED RESERVATION IN UNIVERSITIES
Adityanath Shri Yogi

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

- (a) whether the Government has granted permission for religion based reservation in certain Universities; and
(b) if so, the details thereof and the rationale behind such reservations?

Answer

MINISTER OF HUMAN RESOURCE DEVELOPMENT (SMT. SMRITI ZUBIN IRANI)

(a) & (b): No, Madam. Out of 46 Central Universities, 2 Central Universities viz., the Aligarh Muslim University and the Jamia Millia Islamia had issued orders for providing admission to students belonging to Muslim minorities. The Jamia Millia Islamia has reported that it has been declared, on 2nd February, 2011, a Muslim Minority Educational Institution under article 30(1) of the Constitution by the National Commission for Minority Educational Institutions(NCMEI). The Supreme Court in T.M.A. Pai Foundation vs. State of Karnataka (2002) 8 SCC 481 has laid down that an aided minority educational institution would be entitled to have the right of admission of students belonging to minority group and at the same time, would be required to admit a reasonable extent of non-minority students, so that the rights under Article 30(1) are not substantially impaired and further the citizens' rights under Article 29 (2) are not infringed. The admission of students belonging to minorities in Jamia Millia Islamia are covered under the aforesaid judgement and other pronouncements of the Supreme Court in similar matters. The Aligarh Muslim University has reported that pursuant to the Supreme Court Order dated 24.4. 2006 in Civil Appeal No.2286 of 2006 (Aligarh Muslim University vs. Dr. Naresh Agrawal & ors.) it is not implementing 50% quota reservation for admissions. The matter is sub-judice.

The reservation policy for State Universities is laid down by the concerned State Government. Earlier, pursuant to the Constitution (Ninety Third Amendment) Act, 2005, Central Government enacted the Central Educational Institutions (Reservation in Admission) Act, 2006 to provide for reservation in admission to the students belonging to the Scheduled Castes/Scheduled Tribes/ Other Backward Classes(OBCs) in Central Educational Institutions established, maintained or aided by the Central Government. The Central Government through a resolution and Office Memorandum (OM) dated 20.4.2008, by way of clarification, reconfirmed that the Central Lists of Socially and Educationally Backward Classes (SEBCs)/OBCs are and have always been for all purposes including reservation in admission to Central Educational Institutions, and notified and adopted the Central Lists of SEBCs/OBCs notified State wise from time to time by the Ministry of Welfare/Social Justice and Empowerment. By way of a further Resolution and OM dated 22.12.2011, the Central Government clarified that reservation in admission to the educational institutions as elucidated in its earlier Resolution would continue to apply subject to a sub-quota of

4.5 percent for minorities, as defined in clause (c) of section 2 of the National Commission for Minorities Act, 1992 out of the 27 per cent reservation for OBCs. The Andhra Pradesh High Court has set aside this Resolution and OM dated 22.12.2011 against which the Central Government has filed an appeal in the Supreme Court. No stay has been granted by the Supreme Court till date. The matter is sub-judice.