

# Is Reservation beyond an Agenda or Tool of Inclusion? A Case of Muslims in India

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## ARTICLE DETAILS

### Article History

Published Online: 10 January 2019

### Keywords

Minority Muslims, Reservation, Indian society, Social stratification, Exclusion & Inclusion

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## ABSTRACT

The democratic tradition of post independent India has been quite complicated. The constitutional prescriptions for minorities provides just liberal and equal guarantee in civil society but the plural nature of the social structure confines them into different social groups not only as religious groups but beyond this canvas too. Many of us see reservations as an instrument for excluded Muslims but thousands also think reservation as a tool of divisive society. But the fact remains taller than utopian arguments of divisive politics and appeasement agenda. The crucial question is, if the reservations can upheld the dignity of Hindu Dalits and neo-Buddhists which was buried on the name of social hierarchy and smooth functioning of social order. Reservations is basically regeneration of new order based on just equal and justified inclusive system and this has only brought the best social mobility among the reserved social groups why not the Muslims or Muslim Dalits too question the right of reservation. The conundrum of reservation has been bone of contention in Indian socio-politico institutions but it has also been most appropriate tool of upliftment of certain social groups as proven. It is also inherently deep-rooted feature of the upper castes and upper class to ensconce the systematic social stratification not only in the Hindu fourfold groups rather the outreach is reflected among Indian Muslims and Christians as well. This paper tries to study the causal effects of pervasive politics that obstructing the marginalized group's inclusion through reservation into mainstream and questioning the validity of argument against or pro of marginalized Muslims and Dalit Muslims as it has given to other backward sections. The study questions -is reservation beyond an agenda or tool of inclusion-A case of Muslims in India. The study conducts on the basis of primary as well as secondary data that has been collected from various reports and newspapers.

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## 1. Introduction

The democratic tradition in the post independence of India has been quite complicated. The constitutional prescriptions for minorities provides just liberal and equal guarantee in civil society but the plural nature of the social structure limits them into different social groups not only as religious groups. Many of us see reservations as an instrument for excluded Muslims but there are another group of people who discourse and think that reservation acts as a tool of division in the society. But the fact remains taller than utopian arguments of divisive politics and appeasement agenda. The crucial question is if the reservations can upheld the dignity of Hindu Dalits and neo-Buddhists which was buried on the name of social hierarchy and smooth functioning of social order than why not to other excluded groups of Muslim. Reservations is basically regeneration of new order based on just equal and justified inclusive system and this has only brought the best social mobility among the reserved social groups so not the Muslims or Muslim Dalits too question the right of reservation be given to them. The democratic dilemma restricts the possibilities of such initiatives in the backdrop of constitutional violations. I do not argue that liberty, equality, and fraternity is not an indispensable and intrinsic part of any modern society but the three are achieved possibly when the three creates space for the excluded and marginalized of the society.

The problem is not that why Muslims or Dalit Muslims be given reservations, rather most contentious issue is that

making such an empirical argument is just a political propaganda. This is the violation of civil society norms when the majority begins to question the existence of minority not because they are minority groups but due to the fact that this trend helps them to garner a greater Hindutva support and spread hatred communal political debate. How can such noteworthy data consistently documented and presented by several committees can be rejected or labeled as sectarian agenda of such political parties? Is there any counter and scientific study to deny the facts and data presented in the Report on Social, Economic and Educational Status of Muslim Community of India, precisely known as Rajinder Sachar Committee Report (2005) and Rangnath Misra Report, both the committees were constituted by the Government of India.

While examining the apathy of the huge Indian citizens, i.e. Muslims, Rudolf C. Herdia (2011) writes that "minorities who are culturally vulnerable but still valuable in the diversity of our pluralist society"; this fits strongly into the debate of bracketing minorities into the quota framework and have a most liberal civil society. The conundrum of reservation has been bone of contention in Indian socio-politico institutions but it has also been most appropriate tool of upliftment of certain social groups. It is also inherently deep-rooted feature of the upper castes and upper class to ensconce the systematic social stratification not only in the Hindu four-fold groups rather the outreach is reflected among Indian Muslims and Christians as well.

## 2. Constructing Minority Rights

The premises of minority rights are based on the notion and reflection of the concept of minority or minorityism in our society (Fazal, 2014). We do not deny that the minority rights enshrined in our constitution are the statutory expression of a minimum protection for vulnerable religious and linguistic groups, a baseline for a pluralism that preserve our diversity (Heredia, 2011). In continuation it is rightly pointed that identity politics must function but the transition from old hierarchies and persistent hegemonies to egalitarian and celebratory pluralism does not go uncontested. In the most popular writings of Geertz, *Old Societies and New States: the Quest for Modernity in Asia and Africa* (Geertz, ed. 1963), the author has been to enforce a brutal uniformity as an imperative for political unity, replicating the process that carved out the nation states of the west (ibid). The paper do not argue about the formation of nation states in absolute uniformity and conformity rather the basic idea is to illustrate the best taste of plural society per se, . India is the melting pot of plurality. The constitutional collective guarantee to minorities for the protection of their language, culture, and religion legitimizes the debate of reservations at public domain. In contrary this may generate and have done in the past (Mandal Commission Report Implementation) conflict and tensions in the society but how any research should deny the accrued benefits of Mandal Commission to the large proportion of Other Backward Classes in India.

Sarva Dharma Sama Bhava may live and survive along with the principle of reservations and inclusion but not without. The quota politics can be effectively used a path for inclusive society barring socio-religious barriers and adding all the excluded population in the orbit of most sensitive and responsive society. The State finds at compulsive ground to continue the quota of SCs and STs time by time and has been periodically extending the duration of benefits but who and how the same State is restricted on the questions of Minorities in India. Constitutional amendments are sought to maneuver to extend the protective provisions to the most excluded groups of Indian society not because it is desired but to conform to the political pressure and vote bank. It is an established fact that religious minorities have been more discriminated and marginalized than the constitutionally recognized linguistic groups. Monolith Muslims upper class deny the practice of injustice among Indian Muslims to an extent which is contested by several studies (Ahmad, 1976) but the discrimination is intense on communal aspects of questioning the state. Dalits do face untouchability and indignity for centuries for which the consensus is received in the civil society. Mohanty puts this situation into three trends into the last fifty years of independence as; a consensus for eliminating caste hierarchy, a conscious mobilization of deprived castes and yet the persistence of caste inequality and upper caste dominance in the political economy as a whole" (Mohanty, 2004).

There have been seminars after seminar to the question of Muslims in India which interrogates various strands of this debate. A huge study and writings also brings the Muslim question to the core. There has been no dearth of scholarly attention to the Muslim question in India but the problem has been locating the Muslim in Indian context (Bajpai, 2008; Jha,

2008; Harel-Shalev, 2009; Mahajan & Jodhka, 2010; Shariff and Basant. 2010; Fazal, 2014, Rajan, 1998). The marginalization of Muslims has always got political colour no policy for their inclusion. The presidential order 1950 is one caveat that lifted all other backward groups but disqualified Muslims to find solace in reservation policies.

The relative socio-economic disadvantages among Muslims cannot be denied, how Muslims are currently presented as a marginalized and excluded community is shown to be too simplistic and actually leads to isolation. In view of the multi-dimensional nature of group disadvantage for Muslims, particularly spatial patterns observable across India, more careful understanding is needed to develop effective affirmative action policies (Alam, 2010).

What it means to be a Muslim in India today? In different words by different people the answer was same: it means to be vulnerable to state terrorism, to be fit to be treated as second-class citizen, said family members of some of the terror blasts accused from across the country.....they were sharing a dais provided by ANHAD in the three-day National Convention on Status of Muslims in Contemporary India in New Delhi on October 3, 2011 (The Hindu, 27 March 2011). The purpose of the convention was to document the continuing ways of discrimination, exclusion, persecution of Muslims in India today, to document overt as well as low intensity violence and the insecurity that they live with, and to prepare a charter of demands for the present government. This feeling of exclusion was also found in the field study in the districts of Telangana and Andhra Pradesh during a huge study on Muslims. The narrative of the Muslims being discriminated did arise in a small fieldwork in the urban pockets of Jharkhand, a tribal populated state followed by OBCs (Ziyauddin, 2016).

Systematic Appropriation of the Waqf properties and Qabristans, failures to control organizations spreading hatred, impunity and failures to implement enquiry reports and punish those guilty of communal crimes, hate campaigns around cow slaughter, politics of symbols and words, emergence and role of new age gurus and state Impunity has made the everyday sufferings of Muslim in India vulnerable, with an anecdote that the largest historically oppressed groups consist of Dalits and Adivais. But their plight is quite dissimilar and nature of exclusionary process is addressed while implementing reservation for them. Although 80.5% of the people are Hindus, India, with 13.4% of its population Muslim, is also home to the third-largest Muslim population in the world after Indonesia and Pakistan but this popular narration of being Muslims the largest backward community has not reaped any benefits than harming continuously. India also contains the majority of the world's Zoroastrians, Sikhs and Jains and other religious groups including Christians (2.3%), Buddhists (0.8%), Jews and Bahá'ís (Census, 2011) but the marginalization of the other groups are very slow and unnoticeable unlike backward Muslims.

In 1995, the National Minorities Commission collected data on the share of minorities in police and para-military services and, found that their presence, especially of the Muslims, in that sector was "deplorably disproportionate to their population in various states". The Commission in its

report (1996) highlighted that the representation of Muslims in the State and all-India services was very low as compared to their population and there were no purposeful action to remedy this imbalance whereby the state plays a catalytic role to allow all communities to perform to decay (Mahmood, 2016). Citing another earlier report, commission in its 1998-99 report the Commission specifically recommended that "in all public employment under central government there must be at least 10 per cent representation of Muslims and this should be ensured by adopting suitable measures. Both these reports of National Minorities Commission had met same fate as that of the Gopal Singh Panel and still awaiting appropriate response from those who matter (Ibid). Once they are a backward community in India, the entire logic to rationalize them as monolithic, elite like, ruled like, notional connect of Umma etc. does not bring any happiness and fruits in their life.

Mostly, Muslims live in areas deprived of basic necessities such as electricity, roads and municipal services (Ziyauddin and Thaha, 2016). In some states such as Maharashtra banks denied loans to Muslim businessmen. Muslims face worse discrimination in respect of jobs. The Sachar Committee data from 12 states where Muslim share in total population is 15.4 percent shows that their representation in government jobs is only 5.7 percent. In police, administrative and diplomatic services their representation varies from 1.6 to 3.4 percent. Muslims are poorly represented in judiciary and military. From the beginning the Muslims are under-represented in the armed forces. The Indian leaders also accepted this fact. Nehru said in 1953 that in our defence services, there are hardly any Muslims left. The Muslims are totally absent from intelligence agencies such as Research and Analysis Wing (RAW) and National Security Guard (NSG) as they are mistrusted (SCR, 2006, Khalidi, 2010).

The prejudice towards Muslims is also reflected at political level. Muslims have consistently been under-represented in the Lok Sabha and all State Assemblies since independence. In India, only half as many, or fewer, Muslims get elected as legislator as their population share. Ironically, there is one place where Muslims are over-represented that is in prisons. Rajiv Bhargava, a political theorist attached to the Centre for Study of Developing Societies in Delhi said, "The pain, bitter truth is that Muslims' have long been the target of systematic exclusion and discrimination. They face institutionalized religious prejudice, just as ethnic minorities from the former colonies face institutionalize racism in Western Europe, or blacks do in the United States" as recorded by Siddharth Varadarajan.

The Government of India has failed to implement the recommendations of Justice Rajinder Sachar Committee Report even after the passage of three years since the submission of the report. It is trying to delay its implementation like the earlier reports. The recommendation for the creation of 'Equal Opportunity Commission' is a technique in this regard, to delay the implementation. As, it is widely said that an Equal Opportunity Commission is to be set up to look into the recommendations of the Sachar Report and check the feasibility of its implementation. The Central and the State governments have been only making statements and assuring

the community to implement report's recommendations but no solid step has been taken so far. The need is to take concrete action rather than making mere statements in this regard. Giving due respect to the feelings of Muslim community, the government must implement the Sachar Committee recommendations forthwith. Muslims are troubled with the hollow promises from the government on the one hand and the Hindu communal forces challenges on the other (The current affairs).

### 3. Discrimination against Muslim community in services

According to 1991 nationwide census, Muslims constituted 12.60 percent of the total Indian population. However, the representation of Muslims in the parliament, state legislatures, administrative services, armed forces, police and Para-military forces, educational institutions and the private and public sectors has continued to be far below their proportion. According to a white paper, prepared by All India Milli council (AIMC) and presented to Prime Minister Inder Kumar Gujral, on the performance of Indian Union during last 50 years, there were only 116 Muslims out of a total of 3883 administrative officers (2.98%), 45 out of 1433 police service officers (3.14%) and 57 out of 2159 foreign service officers (2.64%). In central government, Muslims constitute 1.6% of all class I officers, 3.9% of all class II officers and 4.4% of the technical supervisory staff (Haq, 2004). According to an official report prepared by Dr. Gopal Singh Committee, there is a marked disparity between Hindus and Muslims in economic, social and educational field. The committee's report based on a sample survey of 80 districts across the country, found that there were only 92 Muslims out of 2698 students in Engineering colleges. The number of Muslim students in the MBBS course in 8 universities of eight states was only 98 out of 2895(Ibid).

### 4. Plight of the Muslims in India (Sachar committee report)

The Indian governments setup a committee on 9th March, 2005 in order to prepare a report on the Social, Economic and Educational Status of the Muslim Community of India, the report presented some of the following aspects of the Muslim Indian community. In rural areas: 94.9% of Muslims living below poverty line fail to receive free food grain. A few 3.2 percent Muslims get subsidized loans, only 2.1 percent Muslim farmers have tractors while just 1% own **hand** pumps, whereas 54.6% of Muslims in villages and 60% in urban areas have never been to schools. In rural areas, only 0.8% of Muslims are graduates, while in urban areas despite 40% of the Muslims receiving modern education only 3.1% are graduates. Only 1.2% of Muslims are post-graduates in urban areas. While West Bengal has 25% Muslim population, only 4.2% are employed in state services. In Assam, with a 40% Muslim population, only 11.2% are in government employment. Kerala has 20% Muslims, but only 10.4% of government employees are Muslim (SCR, 2006).

A better hopeful portrait is projected by data collected in Karnataka, where against Muslim population of 12.2%, 8.5% are employed in government services. While in Gujarat, of the 9.1% Muslim population, 5.4% are in state jobs, in Tamil Nadu, against a 5.6% Muslim population, 3.2% are employed in government. Though West Bengal is known as a political bastion of the left bloc, the ones who have always spoken

strongly against parties entertaining communal bias, the state has zero% Muslims in state PSUs. While Kerala has 9.5% in state PSUs, Maharashtra has only 1.9% (Ibid).

Though the Sachar committee was not able to secure data regarding the presence of Muslims in the armed forces, it is fairly well-known that their percentage here is not more than three. Muslims form only 10.6% of the population in Maharashtra, but 32.4% of the prison inmates here are Muslims. In New Delhi, 27.9 % of inmates are Muslims, though they form only 11.7% of the population here. While in Gujarat, Muslims forms 25.1% of the ones imprisoned, they form 9.1% of the population. In Karnataka, Muslims forms 12.23% of populace and 17.5% of those imprisoned (ibid). All the above statistical analysis is to describe the level of Muslims' backwardness and a way step to see the rising hope. Hope for an inclusive India, just equal society at certain parameters. Reservation exists relevant and this mechanism shall also reach to Indian backward Muslims.

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## 5. Conclusion

The Muslims of India are in a state of dilemma, whether to accept humility in the form of Indian nationalism (based on secular ideas) or to preserve their Muslim identity. They have to rationalize whether by accepting the secular nationalism they will be given equal status like Hindus or will they remain aliens as they are. The Hindu desire to absorb the Muslims into Hinduism through Indian nationalism still persists. They have already done this with Jainism and Buddhism and they are working on other communities living in India as well. However Indian Muslims and Christians have profound ground of being in themselves and also stand with the constitutionality of India. Reservation is sure enough a tool to gain the vote share of citizens on the basis of backwardness but not by losing their basic tenets of practices. Sure enough reservation is a tool if utilized or a means to deprive, if not used. The last resort of Telangana State to reserve 12 percent Muslims to be backward has essentially added a new discourse to the question of Muslims.

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