

The Republic and religious minorities

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The Andhra Pradesh High Court has struck down the Government of India order establishing a sub-quota for religious minorities within the reservation for Other Backward Classes (OBCs) in Central educational institutions. This order was based on the recommendations of the National Commission for religious and Linguistic Minorities (NCRLM)

The NCRLM was chaired by Justice Ranganatha Misra, former Chief Justice of India and Member of the Rajya Sabha. Other members were Professor Tahir Mahmood (former Chairman, Minorities Commission), Dr Anil Wilson (Principal, St Stephen's College) and Dr Mohinder Singh (Director, Institute of Punjab Studies). A former Secretary to Government, Asha Das, was Member-Secretary.

Among the groups, Jains have the highest proportion of graduates. Only 4% of Muslims have diploma/graduate qualifications – the lowest proportion of all. Two-thirds of Muslims have education only up to primary level.

	Up to Primary	Middle	Secondary	Senior Secondary	Diploma	Graduation	Other
Muslim	65.31	15.14	10.96	4.53	0.41	3.60	0.05
Christian	45.79	17.13	17.48	8.70	2.19	8.71	0.01
Sikh	46.70	16.93	20.94	7.57	0.90	6.94	0.02
Buddhist	54.69	17.52	14.09	7.65	0.35	5.70	0.01
Jain	29.51	12.27	21.87	13.84	1.03	21.47	0.01

The proportion of Muslims studying further is lower than other religious minorities. NCRLM reports that only 3.85 % of Muslim females have senior secondary education, again the lowest for all religious minorities.

Why do Muslims do worse than other religious minorities? Is it because they want education in their mother tongue, Urdu, that is not available in most vernacular State schools? The situation is better in Kerala and Tamil Nadu where Muslim mother tongue is the local language – their literacy rate in Kerala is 89% and in Tamil Nadu 83%. Is this then a case of linguistic disadvantage for Urdu speakers rather than a religious one?

If so, J&K Muslims should be better in J&K where they are in a majority and schools teach in local language, but there too Muslim literacy rate is an abysmal 47% compared to other groups; Christians (75%), Sikhs (85%), Buddhists (60%) and Jains (87%) and the Hindu minority with 71%! The linguistic advantage that J&K Muslims have does not seem to help them much in this respect.

With only 4% Muslims with diploma or graduate qualifications, it will be impossible to achieve a Muslim white-collar

government employment equivalent to their population of 13-15% even with reservations. To encourage and retain Muslims in the education system provided free or at very low cost by government is the first requirement. How is this to be done?

The NCRLM suggests: "The socially and economically deprived minorities need to be enlightened about the importance of acquiring knowledge and creating competitive spirit with a view to ensuring that merit is properly rewarded and reservation is not used to kill initiative and competitive spirit. The intelligentsia among the religious minorities should convince the community for active participation in educational programmes /schemes and nurture initiative and spirit of competition amongst them" (p.146).

Such an off-hand statement was not expected from eminent persons working on this issue for four years with huge budget for 40 staff and provision for carrying out surveys, etc. These issues have to be dealt with at grass roots level if solutions are to be found as such solutions will vary depending on the local circumstances. A general vague 'solution' to a complex and variable problem is no solution.

Without making such analysis, NCRLM recommended a 15% reservation for religious minorities in all non-minority educational institutions and, of that, 10% for Muslim exclusively so that the other religious minorities do not crowd out Muslims even in the sub-quota (p.150).

NCRLM also recommended a sub-quota of 8.4% for religious minorities and a sub-sub quota of 6% for Muslims within the 27% OBC reservation in all non-minority educational institutions (p.153). The Government of India issued the order for a sub-quota of 4.5 % for all minorities in the OBC quota for Central educational institutions. This was struck down as being against the secular basis of the Republic. Justice Misra should have known better.

The Government asked NCRLM for recommendations on the pending litigation before the Supreme Court and other High Courts regarding the Para 3 of the Presidential Order (Scheduled Castes), 1950. This Order gave concessions to Hindu, Sikh, Buddhist and Jain Scheduled Castes. The question was whether it should be extended to Muslims and Christians. This is a sub judice matter and both the Government and NCRLM can be hauled for Contempt of Court! Justice Misra would have known that, at least!!

Nonetheless, the NCRLM recorded evidence that Christian churches and Muslim mosques discriminated against their Scheduled Caste converts by assigning them separate mosques and churches or separate timings for worship and separate burial grounds.

It was alleged that conversion to Islam and Christianity did not alter the conditions of the scheduled caste converts as they were still discriminated against by their co-religionists.

Therefore, they should get the same legal protection for illegal caste discrimination and concessions as other scheduled castes in terms of free entry into religious places, reservation in education and employment, etc.

The NCRLM recommended: "...that the caste system should be recognized as a general characteristic of the Indian society as a whole, without questioning whether the philosophy and teachings of any particular religion recognize it or not – since Indian brands of certain faiths' traditions like Christianity and Islam have never assimilated many puritan principles of those religions" (pp.153-154).

What did the NCRLM mean by the "puritan" principles of Christianity and Islam? Puritanism is a Protestant Christian sub-sect and Roman Catholics, Syrian Christians and other Protestant sects do not subscribe to its principles.

Islam's most fundamental principles, as represented by Wahabist sect, are not acceptable to most Indian Sunnis, let alone to Shias, Sufis, Ahmadiyyas and Bohras. The NCRLM dealt mindlessly with profound, controversial and divisive issues in Islam and Christianity which have different sects with strong and different worldviews.

The Member Secretary dissented: "Both Islam and Christianity do not accept 'caste system' which is the basic feature of Hinduism. It may also be mentioned that discrimination on grounds of caste / untouchability within a religious

community that does not recognize, much less sanctify, the caste system, call for internal reform within the religion and community-based interventions rather than governmental intervention for inducting them into the caste system from which they chose to move to an egalitarian religion (pp.161-162).”

It is now left to the Supreme Court to decide on the matter.

In positive terms, what emerged from the NCRLM report is that Christian, Buddhist, Jain and Sikh religious minorities are doing extremely well. In fact, they do better than Hindus in all respects.

This shows their positive participation in the social, economic and other spaces within the majority Hindu society whose polytheistic approach allows for diversity. Here the Republic has done extraordinarily well - in continuation of the traditions of this ancient land.

However, Muslims are not doing as well as other religious minorities. What they should aim to reach – both as individuals and as a community - are not just the levels of the majority Hindus but those even higher levels reached by their fellow religious minorities. This calls for a more sophisticated and complex response and solution to the condition of Muslims in India.

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