

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

UNSTARRED QUESTION NO:4385  
ANSWERED ON:16.12.2009  
RELIGION BASED RESERVATION IN EDUCATIONAL INSTITUTIONS  
Patel Shri Deoraj Singh

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

- (a) whether any provisions for religion based reservation has been made in educational institutes including Aligarh Muslim University;
- (b) if so, the details thereof;
- (c) whether the Court has held the said provision unconstitutional; and
- (d) if so, the details thereof?

**Answer**

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

(a) and (b) While the Central Government has not made any reservation in education based on religion, each Minority Institution may adopt a policy of reservation for the minorities establishing the institution of their choice, provided the relevant Act/ Statutes/ MOA establishing the institution empowers so. The Aligarh Muslim University (AMU), in exercise of the powers vested in it under the provisions of the University Act, had reserved 50% seats in the Postgraduate Medical Courses for the Muslims of India on all-India basis. The Central Government had conveyed its no objection to the aforesaid decision of the University, However the matter is subjudice.

(c) and (d) A Single Bench of High Court, Allahabad has in its order dated 4th October, 2005 held, inter-alia, that the Aligarh Muslim University is not a minority institution within the meaning of Article 30 of the Constitution of India and has quashed the decision of the University's authorities to reserve 50% seats in the Postgraduate Medical Courses for the Muslims, as also the 'no-objection' thereto conveyed by the Central Government. Following a Special Appeal filed by the Union of India, a Division Bench of High Court, Allahabad in its judgment dated 5th January, 2006 held, inter-alia, certain provisions of the Aligarh Muslim University (Amendment) Act, 1981 invalid and hence, struck out the same, as also set aside the 'no objection' conveyed to the University by the Central Government to their decision to reserve seats for the Muslims in the Postgraduate Medical Courses. The AMU as well as the Union of India filed a Special Leave Petition (SLP) in the Supreme Court of India, which was heard by the Hon'ble Court on 24.4.2006. Following an undertaking given by the appellant- University that it would not implement 50% quota reserved for Muslims of India for admission, the Court ordered that status quo would be maintained from the filing of the writ petitions before the High Court, so far as all other matters are concerned, the question raised in the appeals being of general importance, the matter would be considered by a larger Bench and, accordingly, would be placed before the Hon'ble Chief Justice of India for further directions.