
MUSLIM RESERVATION IN MAHARASHTRA: ORIGIN, LEGAL STRUGGLE AND PRESENT POSITION

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ABSTRACT

Muslim reservation in Maharashtra has been argued over for more than a decade now, and it remains one of the State's more contested social justice questions. Back in July 2014, the government of the day gave five per cent reservation in education and public jobs to fifty-two Muslim communities, grouped under a newly created 'Special Backward Category-A'. The Bombay High Court stayed the jobs part but let the education quota stand; the underlying ordinance then lapsed in December 2014 without ever being turned into law, and on 17 February 2026 the State formally withdrew the administrative framework that had been built around it. This paper traces how Muslim reservation developed historically, looks at what the Sachar, Ranganath Misra and Mehmoodur Rahman committees actually found, works through the constitutional principles and case law on reservation based on backwardness rather than religion, compares the experience of other States, and takes stock of where things stand today. The central argument is that the real obstacle here has been legislative and procedural, not constitutional – and that a durable way forward lies in properly identifying backward Muslim communities through data, followed by actual legislation.

Keywords: Muslim reservation; Maharashtra; backward classes; Articles 15 and 16; Sachar Committee; Indra Sawhney

I. INTRODUCTION

Reservation has always been a touchy subject in Maharashtra politics, and the demand for Muslim reservation has run alongside the much louder demand for Maratha reservation for over a decade now. Muslims are the State's biggest religious minority – roughly 1.30 crore people, about 11.54 per cent of the population.¹ The five per cent quota announced in 2014 was the only real attempt at giving them reservation, and its story since then has mostly been one of ordinances lapsing, court stays, and finally, in 2026, the government pulling the plug on it altogether.

The question this paper tries to answer is a fairly basic one: is Muslim reservation actually barred by the Constitution, as its opponents keep saying, or did the 2014 attempt fail for reasons that had nothing to do with constitutional validity? The approach here is doctrinal and socio-legal – it looks at how the constitutional rules on reservation interact with what the data actually says about Muslims' social and economic position in the State. Parts II to IV lay out the background and the various commissions that have looked into this. Part V goes through the 2014 episode in some detail. Part VI is the constitutional and case-law analysis, Part VII looks at what other States have done, Part VIII considers what the absence of reservation actually costs, and Part IX ends with some suggestions.

II. SOCIO-ECONOMIC PROFILE OF MUSLIMS IN MAHARASHTRA

The most detailed official study on this is the Mehmoodur Rahman Committee report, set up in 2008 and finally submitted to the Chief Minister in October 2013.² Working mostly off 2001 census figures, it found that about 70 per cent of the State's Muslims live in cities and towns, that close to 60 per cent of both urban and rural Muslims were below the poverty line, and that only 2.2 per cent had actually finished a graduate degree – just 1.4 per cent among women. The work participation rate stood at 32.4 per cent. Muslims made up barely 4.4 per cent of the police force, and the committee noted their presence in the State's IAS cadre was almost nil.³ It also found that urban Muslims in Maharashtra were, on average, worse off than the State's Scheduled Castes and Scheduled Tribes.⁴

None of this is unique to Maharashtra. The Sachar Committee, at the national level, found Muslim literacy in 2001 at 59.1 per cent against a national average of 64.8 per cent, and concluded that Muslims were only marginally better off than SCs and STs overall, and actually

slightly worse off in cities.⁵ Of course Muslims aren't a single block – there's a small, comfortably-off, well-educated section, but a much larger part of the community works as artisans, in small trade, or in informal and daily-wage labour. That is more or less exactly the kind of profile the Constitution has in mind when it talks about socially and educationally backward classes.

III. HISTORICAL BACKGROUND

Reservation in India didn't start with the Constitution, and it was never a single-religion affair. Chhatrapati Shahu Maharaj of Kolhapur, on 26 July 1902, reserved half of all vacancies in his state's service for what he called 'backward classes' – defined as everyone except Brahmins, Prabhus, Shenvis, Parsis and a few other 'advanced' groups, which of course included backward Muslims.⁶ A little later, in 1936, the princely State of Cochin-Travancore did something similar for backward communities including Muslims, and by the time Kerala was formed in 1956 that figure had gone up to 50 per cent.⁷

The Constitution carries the same logic forward. Articles 15(4) and 16(4) allow special provision for socially and educationally backward classes, and Article 340 provides for a commission to look into their condition. The test throughout is backwardness, not religion. There is one glaring exception, though. Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 restricted Scheduled Caste status to Hindus, later extended to Sikhs and Buddhists, but never to Muslims or Christians.⁸ In *C.M. Arumugam v. S. Rajgopal*, the Supreme Court did acknowledge that caste is more of a social phenomenon than a purely religious one, but still made a convert's SC status depend on proving continued disability and acceptance by the old community.⁹ And in *Soosai v. Union of India*, it upheld paragraph 3 outright, saying the President hadn't acted arbitrarily and that comparable disability among Christian converts hadn't really been demonstrated.¹⁰ So Muslims who might otherwise qualify for SC status are shut out of that route entirely, and reservation for them can only come through the OBC channel.

IV. COMMISSIONS AND COMMITTEES

The Gopal Singh Committee, which reported in 1983, found a general feeling of discrimination among minorities that the government needed to address.¹¹ The Mandal Commission, set up in 1979 and reporting the following year, went further and drew up an all-India OBC list, which

included Muslim groups – mostly communities that were considered ‘untouchable’ before converting, or that carried the same occupational names as backward Hindu castes.¹² The recommendations were announced in August 1990, and once the Supreme Court cleared the way in *Indra Sawhney*, the OBC quota actually kicked in from 1993.¹³ So Muslims did enter the reservation framework this way, on the same footing as everyone else – through occupation and social status, not religion.

There’s a practical problem with this route, though. Claiming OBC benefits means proving you belong to a listed community, usually through documentary evidence of caste. A lot of backward Muslims – whose ancestors converted partly to escape the caste system in the first place – are simply recorded as ‘Muslim’ in official papers, with no caste noted at all, which makes this kind of proof very hard to produce.

Three more committees looked at the issue head-on. The Sachar Committee has already been mentioned. Then there’s the Ranganath Misra Commission (National Commission for Religious and Linguistic Minorities), which submitted its report on 21 May 2007, recommending 10 per cent reservation for Muslims and 5 per cent for other minorities within a wider 15 per cent minority quota, carved as an 8.4 per cent sub-quota inside the existing 27 per cent OBC reservation. It also recommended scrapping paragraph 3 of the 1950 Order so SC status wouldn’t be tied to religion anymore.¹⁴ The Union Cabinet actually acted on part of this in December 2011, creating a 4.5 per cent minority sub-quota within OBC reservation – but the Andhra Pradesh High Court struck it down in May 2012, calling it a classification based on religion rather than backwardness, and therefore contrary to Articles 15(1) and 16(2).¹⁵ Finally, the Mehmoodur Rahman Committee recommended 10 per cent, or at the very least 8 per cent, reservation for Muslims in education and government jobs, along with a set of non-reservation measures on scholarships, banking access, skill training, housing, and protecting Waqf properties.¹⁶

V. THE 2014 DECISION AND WHAT HAPPENED AFTER

On 26 June 2014, the Congress-NCP government under Prithviraj Chavan decided to give Marathas 16 per cent reservation and Muslims 5 per cent, in both jobs and education, and ordinances were issued the following month.¹⁷ The Muslim quota covered fifty-two communities, grouped under a newly created ‘Special Backward Category-A’.¹⁸ A Government Resolution dated 22 July 2014, followed by a circular on 28 August 2014, set out

the procedure for issuing caste and validity certificates under this category.¹⁹

These ordinances didn't survive long without a legal challenge. Writ petitions, including *Sanjeet Shukla v. State of Maharashtra* (W.P. No. 2053 of 2014) and W.P. No. 3151 of 2014, were filed almost immediately. On 14 November 2014, a Bench led by Chief Justice Mohit Shah stayed both the Maratha quota and the Muslim jobs quota, but let the Muslim education quota stand, reasoning that total reservation couldn't cross 50 per cent and 52 per cent of seats were already reserved without adding anything new.²⁰ The State tried taking this to the Supreme Court, but its special leave petitions against the interim order weren't entertained – the Court simply asked the High Court to decide the matter quickly.²¹

What really sank the Muslim quota, though, was procedure rather than principle. Under the Constitution, an ordinance lapses six weeks after the legislature reconvenes unless it's replaced by an actual statute.²² That's exactly what happened here – the Muslim ordinance lapsed in December 2014 and was simply never turned into law. The Maharashtra Legislature did pass an Act for the Maratha quota, on 23 December 2014 (deemed effective from 9 July 2014), but the Muslim component was dropped entirely.²³ So the education quota the High Court had allowed to continue technically had no statute behind it at all. Later governments talked about fixing this – the Maha Vikas Aghadi government, for instance, announced in February 2020 that it would bring in legislation for a 5 per cent education quota – but nothing ever actually got passed.²⁴

Then, on 17 February 2026, the Social Justice and Special Assistance Department issued a fresh Government Resolution formally cancelling the 2014 resolution and the 2014 circular, effectively shutting down the whole SBC-A certification process.²⁵ The government's position was that this was purely an administrative clean-up, since the underlying ordinance had lapsed back in 2014 anyway; critics, unsurprisingly, called it discriminatory. This is now being challenged in *Syed Ejaz Naqvi v. State of Maharashtra*, pending before the Bombay High Court. As of the latest reporting available (April 2026), the State's stand is that the Constitution doesn't allow reservation purely on religious grounds, and that no court can force the legislature to pass a law or revive an ordinance that has already lapsed.²⁶

VI. CONSTITUTIONAL FRAMEWORK AND CASE LAW

Article 15(1) bars the State from discriminating against citizens only on grounds of religion,

race, caste, sex or place of birth; Article 16(2) says essentially the same thing for public employment. Articles 15(4) and 16(4) then carve out an exception – special provision is allowed for socially and educationally backward classes, and for classes not adequately represented in State services – and Article 46 directs the State to look after the interests of weaker sections generally. The word ‘only’ in Articles 15(1) and 16(2) does a lot of work here. Reserve seats for a group simply because it happens to be Muslim, and that’s unconstitutional. Reserve seats because a group is socially and educationally backward, even if its members happen to share a religion – that’s a different matter entirely.

The Supreme Court has built this reading up case by case. In *M.R. Balaji v. State of Mysore*, it held caste could be one factor in judging backwardness but never the only one.²⁷ *E.P. Royappa v. State of Tamil Nadu* described equality as something dynamic, not frozen in older, narrower conceptions.²⁸ *State of Kerala v. N.M. Thomas* went further and treated reservation as part of equality itself, not an exception carved out of it.²⁹ Then came *Indra Sawhney v. Union of India*, probably the most important word on the subject – any group shown to be backward by the same yardsticks used for others qualifies as a backward class, subject to excluding the creamy layer and staying within an overall 50 per cent ceiling.³⁰ *Ashoka Kumar Thakur v. Union of India* upheld the 27 per cent OBC quota in central educational institutions on similar terms.³¹ More recently, in *Ram Singh v. Union of India* (2015), the Court struck down the inclusion of Jats in the Central OBC list, insisting that backwardness needs to rest on current, objective evidence – not just caste identity or the fact that a group was included before.³² What all this adds up to is fairly simple: Muslim communities, or particular sections within them, can be recognised as backward classes, but only if the State can actually back this up with data.

The cases that have struck down Muslim quotas elsewhere illustrate exactly why data matters so much. In *T. Muralidhar Rao v. State of Andhra Pradesh* (2004), a Full Bench of the Andhra Pradesh High Court threw out a five per cent quota for the entire Muslim community because the State hadn’t consulted its own Backward Classes Commission, hadn’t excluded the creamy layer, and had relied on a report the Court itself described as tailor-made to fit a decision already taken.³³ A later, narrower Act giving 4 per cent to fourteen specific Muslim groups met the same fate for lack of supporting data. When this reached the Supreme Court in *State of Andhra Pradesh v. T. Muralidhar Rao* (2010), the Court allowed the 4 per cent to continue as an interim arrangement for those fourteen groups, minus the creamy layer, and sent the larger question to a Constitution Bench.³⁴ West Bengal saw something similar play out recently: in *Amal*

Chandra Das v. State of West Bengal (2024), the Calcutta High Court quashed OBC status for 77 classes – 75 of them Muslim – finding that religion, not backwardness, appeared to be the real basis for their inclusion. The State eventually withdrew its Supreme Court appeal in July 2026, though other affected parties are still pursuing theirs.³⁵ The 2012 central minority sub-quota fell for exactly the same reason – it was built around religion, not backwardness.³⁶

Maharashtra has an added complication: the ceiling itself. With 52 per cent of seats already reserved before any Muslim or Maratha quota is even added, there simply isn't room left under the 50 per cent cap. This is more or less what sank the Maratha quota in *Jaishri Laxmanrao Patil v. Chief Minister* (2021), where the Supreme Court held it exceeded the ceiling without the kind of exceptional circumstances that might justify crossing it.³⁷ The 10 per cent EWS quota, open to people of any religion and upheld in *Janhit Abhiyan v. Union of India* (2022) despite also crossing 50 per cent, does give Muslims some access – but it's aimed at economic deprivation, not the social and educational backwardness that the Rahman and Sachar reports actually document.

VII. WHAT OTHER STATES HAVE DONE

Kerala's reservation for backward Muslim communities goes back to 1936 and, by most accounts, currently works out to around 12 per cent in jobs and 8 per cent in education.³⁸ Karnataka has given 4 per cent to Muslims within its OBC quota (Category 2B) since 1995, based on 36 Muslim castes drawn from the central OBC list.³⁹ Tamil Nadu carved out a 3.5 per cent Muslim sub-category within its backward classes quota in 2007, leaving out upper-caste Muslims.⁴⁰ Karnataka briefly scrapped its 4 per cent quota in March 2023, reallocating it to Vokkaligas and Lingayats, but the Supreme Court called the move 'prima facie' shaky and poorly reasoned, and once the State assured the Court it wouldn't act on the decision, the old Muslim quota effectively continued.⁴¹ Telangana tried to go further still – a 2017 Bill proposing 12 per cent reservation went past the 50 per cent ceiling and had to be sent to the Centre for inclusion in the Ninth Schedule, where it has simply sat, never taken up in Parliament.⁴²

There's a clear pattern across all these examples. Sub-quotas built out of a State's existing OBC reservation, backed by a commission's findings on which Muslim communities are actually backward, tend to survive judicial scrutiny. Blanket, community-wide quotas, or ones that push past the 50 per cent ceiling without solid data, generally don't.

VIII. WHAT THE ABSENCE OF RESERVATION ACTUALLY COSTS

Only 2.2 per cent of Maharashtra's Muslims finish graduation, and they make up just 4.4 per cent of the police force – numbers that point squarely to a problem of access, to higher education and to public employment. This is precisely the gap the education quota the High Court once allowed was meant to close. A few consequences follow fairly naturally from this. Students who can't afford coaching or private fees keep missing out on professional course seats by small margins. Fewer people completing higher education means more people stuck in low-skilled, low-paying work. Once education stops looking like it pays off, dropout rates tend to climb. And with so few Muslims clearing competitive exams, the community ends up thinly represented in administration, which means its concerns rarely make it into the rooms where policy actually gets decided. None of this is directly measured – it's inferred from the committee data – and a fresh, targeted study on admissions and dropout by community would make the case considerably stronger.⁴³

IX. SUGGESTIONS AND CONCLUSION

A few things follow from all this:

- (i) The Maharashtra State Backward Classes Commission needs to run a proper, current empirical study on Muslim communities. The Rahman Committee worked mostly off 2001 census data,⁴⁴ and *Indra Sawhney*, *Ram Singh* and the Andhra Pradesh judgments all insist on objective, up-to-date evidence of backwardness.
- (ii) Any reservation should be passed as an Act of the legislature, not left hanging on an ordinance or a Government Resolution – that's exactly what killed the 2014 attempt.
- (iii) The State needs to identify which Muslim communities are actually backward, using occupation, education and social status as criteria, place them in a sub-quota within OBC or a special backward category, and exclude the creamy layer as usual.
- (iv) For communities recorded simply as 'Muslim' with no caste noted, the proof-of-community process should accept alternative evidence – occupational records, official survey findings, and so on – rather than demanding documents that may not exist.
- (v) Any quota should fit within the existing 50 per cent reservation, or be backed by strong

enough data to justify crossing that ceiling.

- (vi) The non-reservation recommendations from the Rahman Committee – scholarships, bank credit, skill training, housing, using Waqf land for schools and hospitals – should be pursued alongside all this, not instead of it.

The Constitution doesn't actually stand in the way of Muslim reservation in Maharashtra. What it rules out is reservation based on religion alone. The 2014 attempt didn't fail because backward Muslims can't be treated as a backward class – it failed because it was never turned into a proper statute, and because there was no fresh data to defend it once it was challenged. The 2026 withdrawal closes that particular administrative chapter, but the underlying constitutional question is still open, and it's sitting with the Bombay High Court right now. A workable way forward probably lies in careful, current, community-by-community identification of who's actually backward, followed by proper legislation – so that the Constitution's promise to backward classes reaches the people it's meant for, regardless of what religion they follow.

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