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## DEVELOPMENT POLICIES FOR MUSLIM MINORITIES IN ANDHRA PRADESH

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### Introduction

Muslims in India have a poor human development status. Widespread illiteracy, low income, irregular employment - implying thereby a high incidence of poverty is all pervasive among the Muslims. Muslims in contemporary society face a combination of unfavorable exclusion and unfavorable inclusion. Ever since India got independence, the Muslims who opted to make India as their homeland have to witness numerous problems in terms of their economy, education, politics and culture. Indian governments have constituted several commissions to probe into Muslims' plight, but have showed reluctance to implement the findings or recommendations of the said committees on the one hand while the Hindu extremists always blame the Indian government's policy of "Muslims' appeasement" on the other. Since independence the Muslims have been made sandwich between the two variations. The duplicity of Indian governments and the adverse attitude of the Hindu fundamentalists. However, it is the need of the hour to take certain affirmative measures to curtail the Muslims' deprivations in the areas of education, economics and politics.

The Muslim Backwardness is sound in Government data and reports. The facets of backwardness are miscellaneous in nature in the area under discussion of common information. There is consent on corrective measures too and it is now well accepted that education is the core and long term way out to deal with varied facet of backwardness of Muslims Muslims are educationally backward and have stumpy employment rate so far the circumstances of Muslim women is concerned. However, this authenticity cannot be understood in a partial way and for which there is need taking on a broader socio-economic, political and programmatic manner along

with the presented heterogeneity in terms of class, region, sect, caste and gender and by adopting such viewpoint it would be achievable to set up the genuine reason behind Muslim women's inadequate educational level predominantly in advanced and profession oriented education and also to set up required interferences concerning both at the local neighborhood level and at the policy or programmatic phase

The Muslim population is also principally rural, but the level of urbanization among them has been higher than the population as a whole. In 1961, while overall only 18.0% of the population lived in urban areas, 27.1% of the Muslim population did so this considerable gap has persisted, and in 2001, 35.7% of the Muslim population was urban compared to 27.8% of the overall population. 2011 census urban population 18.23% and total Muslim population 6.87 Crores.

### **BACKWARD CLASSES COMMISSION OF ANDHRA PRADESH**

The first Backward Classes Commission was set up in 1968 initially with Justice Monohar Pershad, ex-Chief Justice, Andhra Pradesh High court as Chairman, replaced on his resignation with Shri K. N. Anantaraman, ICS. A number of representations were received by this Commission from several Muslim organizations urging the inclusion of the entire Muslim community as backward. The following are the comments of the Commission on the Muslims: "it is not correct to say that Muslims as a class in this State are socially and educationally backward. All Muslims drawn from any stock of community are treated as equal.

The traditional caste distinction never existed among the Muslims. There was social equality among all the individuals. Unlike in the Hindu society, there was no restriction on choice of occupations among the Muslims. Some families are continuing the occupations chosen by their ancestors and they are usually called by their trade name like Dudekula, Kasab, Darzi, Momin, Mochi etc. the Muslims did not recognize social distinctions as was done in the case of caste groups in Hindu society. There was no derogation of communities as such among them. Gradually, however, due to historical and other reasons, the sense of high and low has permeated the Muslim society also. Certain occupations have come to be regarded as inferior even among the Muslims and today there are a few distinct classes among Muslims who are suffering from social inferiority due to occupation and poverty. Therefore, social backwardness among the Muslims has to be determined with reference to their hereditary occupations and poverty and without reference to caste". The Commission found only two classes of Muslims who could be classified as socially and educationally backward, namely, "Mehtars (Scavengers)' and "Dudekula (traditionally engaged in cotton-ginning, making of beds, Pillows, Nawar-weaving etc.)' along with its synonyms Laddaf, Pinjari, Noorbash. About these two communities, the

following are the remarks of the Commission:“Mehtar (Scavengre): Their hereditary occupation is scavenging. They are economically very backward. They are looked known upon with disdain and contempt by other Muslims. Practically they do not have relationship with other Muslims. They rarely intertwine with others. The social status of this sub-sect is very low due to their profession. As this community is already included in the scheduled castes, they need not be included in the list of Backward Classes. Dudekula (Laddaf, Pinjari or Noorbash): Most of this class of Muslims are converts from lower rants. They are also known as Laddaf, Pinjari and Noorbash.

### **STATE LIST AFTER ANATARAMAN COMMISSION**

The last sentence about Mehtar was a misunderstanding. The Mehtar in the SC list did to include Muslim Mehtar on account of the proviso to clause 3 of the Presidential Order. On account of this misunderstanding, Mehter was not included in the list recommended by the Commission. Therefore, the list of Backward Classes issued in 1970 by the government accepting the Anantaraman Commission recommended the list in toto did not contain Mehtar and contained only one entry of Dudekula and its synonyms/sub-groups/related groups. This oversight was noticed later and the government included Mehtar (Muslim) also in 1972 thus there were two communities of Muslims in the AP list.

### **BACKWARD CLASSES COMMISSION OF ANDHRA PRADESH**

The second Backward Classes (NK.Murlidhara Rao) Commission 1982 of AP received representations from Dudekula and others already included in the list that they should be continued as BC. The commission recommended the continuance of Dudekula ad its synonyms/sub-groups but it recommended the deletion of Mehtar Muslims on the same ground as mentioned by the Anantaraman Commission. The qureshi (Muslim Butchers) community pleaded for their inclusion. The commission noted that the Hindu Butchers, namely Katika and Arekatika had already been included on the basis that their profession is being liked down upon and they're educationally backward. The Butchers among Muslims suffer from the same disabilities and their profession is treated as unclean. They arc looked down upon in the society of Muslims. In social status they are on par with Arekatika and Katika, and there is no difference between them and Qureshi either in social status or educational backwardness. Therefore, the Commission recommended the inclusion ot this community in the list. According to the Commission their population was reportedly 5 Lakhs as against the State's Muslim population of 35 Lakhs as per the 1971 Census. About the question of inclusion of Muslims in the list of Backward Classes the Commission observed as follows: “There is no caste system in the Muslim religion. The Muslim brother-hood is a sign of equality of members in the

Islamic religion. There is no social segregation among the group of Muslims. Before Mosques, all Muslims can offer their prayers jointly without any discrimination and without superiority and inferiority complex. Every Muslim is at liberty to follow any profession of his liking without any barriers. Except a few Muslim sects already included in the Backward Class list and the Muslim butchers who are proposed for inclusion now the other sects among the Muslims are enjoying equal social status and therefore there is no social backwardness among them. The Kaka Kalelkar Commission appointed by the President of India under Article 340 of (he Constitution had a Muslim member Mr. Abdul Quayuim Ansari. The said Commission decided that Muslim community as such was not to be treated as a backward class. Muslims in toto cannot be considered to be 'socially backward' in the conventional sense known to the Hindu society. This Commission entirely agrees with the above view. For any class of citizens to be treated as Backward Classes they should satisfy the twin criteria of social and educational backwardness as indicated in Article 15(4) of the Constitution of India. Since there is no social backwardness among Muslims either in relation to various sects in their community or because of treatment by other religious groups like Hindus, Christians and Parsis, there is no legal justification for including all the Muslims in the list of Backward Classes”.

#### **MURALIDHARA RAO COMMISSION**

In the government order that was issued in 1996, Quresh (Muslim Butchers) was included. The Government again noticed the error regarding 'Mehtar (Muslim)' and continued this community in the list. Thus three communities came into the list but when later in the same year, the High Court struck down the G.O. on the ground that the revised percentage of reservation for the Backward Classes took the total for SC, ST and BC to 65% as against the limit of 50% the government restored the status quo ante, on account of which Quresh went out of the list unintentionally.

#### **MANDAL COMMISSION REPORT ON MUSLIMS**

Thus, two communities namely, 'Dudekula, Laddaf, Pinjari or Noorbash' and 'Mehtar (Muslim)' remained in the state list and both these were included in the Mandal List also and therefore in the Central List of Backward Classes for Andhra Pradesh drawn up in 1993 on the basis of principle of commonality between the state list and the Mandal list for the state Request for inclusion of Muslims in the Central list was received by the NCBC from a number of organizations. It was stated by the request makers that “the entire Muslim community is educationally economically backward and therefore they are also socially backward and hence the entire Muslim community should be included in the list of Backward Classes”. The foil bench of the commission which held a public hearing on 7th December 1999, suggested to the

representatives present that since the Muslim community is not a socially homogenous class only such communities/groups among them who are socially backward can be considered for inclusion and they may come forward with the names of such specific groups/communities among them. They however, persisted with their demand for inclusion of the entire Muslim community.

### **IDENTIFICATION OF B.C. OF MUSLIMS IN ANDHRA PRADESH**

Andhra Pradesh is unique in having, in its list of SEDBC/OBC a very limited presence of socially and Educationally Backward classes of Muslims. The inclusion of scheduled caste converts of Christianity has rightly covered almost the entire population of the Christian religious community. But in the case of the Muslim religious community, as mentioned above, the State list of Backward classes and also the Central List for Andhra Pradesh cover only a fraction of the population of the Muslim religious community. Looking at the objective condition of the different communities, this disparity strikes a person who knows the State and its people as a glaring lacuna, this lacuna can be seen also through a comparison which I have provided from the NSSO's indicative figures given in the Sachar Committee's Report between Andhra Pradesh and other States of the South and major States of the North in the matter of the proportion of the Muslim community which has come within the respective BC lists.

While it is necessary to go by social realities and judicial decision ruling out the inclusion of any religious community as a whole in the list of Backward Classes unless it is socially homogenous, it should not also happen that a large proportion of any religious community fails to be included on account of perceptive inadequacies with regard to the occurrence of social backwardness, specific to that religious community. Apart from the obvious injustice that is thereby caused to large numbers, the feeling that it creates of the existence of bias against it and the consequent resentment is not in the larger interest of the State as a whole and its optimal economic progress. The fact that the bias is not intentional makes no difference to the sense of alienation and resentment. People arrive at their own perception from outcomes and output and not on the basis of intentions or processes.

### **Social Basis of Inclusion of Muslim Communities**

The criteria for identification of SEDBC is free from any religion related stipulation and any caste or community or group which fulfills the criteria can be and should be included in the lists of SED BC irrespective of the religion followed. Accordingly all Central and state lists include such classes of Muslims also, this is based on the following aspects of social reality which have emerged from the chapters in which I have examined social stratification in Indian Muslim society in different regions of India.

1. The overwhelming majority of the Indian Muslim population is of Indian origin and

- those who are or claim to be descendents of immigrants from outside India constitute a small minority;
2. The overwhelming majority of the Indian Muslim population of Indian origin begin to are from the same castes/communities which have been subsequently classified as SC and BC among Hindus./ in other words those who adopted Islam in Indian are mostly from the "untouchable" and other lower castes, who were the disadvantaged and deprived under the traditional social order of India and constituted the laboring classes, employed or self-employed, the Islamic social ideology of Equality and Fraternity and its regular practical application in certain spheres like prayer in the mosque was particularly attractive to them.
  3. Islamic social ideology being based on the principle of equality after acceptance of Islam a number of caste identities have been obliterated while some caste identities have continued to exist.
  4. The extent to which caste like identities continue to exist in Indian Muslim society varies from region to region.
  5. Where and to the extent individual backward caste identities have been obliterated again in varying extents in different regions such identities have merged or conflated into a larger collective identity like Mokplah in Malabar of Kerala, Labbain Tamilnadu and Sheikh in regions like Andhra Pradesh and Kashmir. The collective social backwardness of all those previous backward identities have continued in the larger identity that emerged by such merger and conflation.
  6. Even though the lofty principle of Equality and Fraternity was a fundamental feature of Islamic social ideology, social stratification in Muslim society, arising from social conditions, thus has been and is a reality which cannot be ignored and has to be duly taken into account in the preparation Backward Class list.

### Central Commissions

The Backward Classes Commission set up by Government of India in 1953 and submitted its report in 1955 and which after its Chairman is known as the Kaka Kalelkar Commission and among its members had a senior Muslim leader Abdul Quaiyurn Ansari, received representations from some Muslim organizations asking that all Muslims should be treated as backward and be given educational aid and adequate representation in Government service. There report of the Commission says that "it would not be faire or just or list all Muslims as SED BC. Officially Muslims do not recognize any caste. It must be said to the credit of Islam it did not compromise its position in the mater of untouchables. All Muslims drawn from any stock or

community were regarded as equals both in the Mosque and dinner parties. They did not recognize social distinctions as is done in the case of caste groups in the Hindu society. Gradually however Islamic society in India succumbed to the influence of caste and lost its pristine purity. The racial distinction of Mughal and pathan, Sheikh and Syed has been maintained though without any sense of social inferiority. There are certain professions however that are regarded as inferior even by the Muslims. The sense of high and low has gradually permeated Muslim society and today there are a number of a communities amongst them that are suffering from social inferiority and consequent educational backwardness. We have recognized this deterioration that has overcome Muslim society today and added the names of such backward communities found among them in the list of Other Backward Classes.

### **SACHAR COMMITTEE**

Sachar Committee<sup>8</sup> has recognized the existence of social stratification in Muslim Society with three categories of communities namely, Ashraf, Ajlaf & Arzal. After discussing details of stratification the committee has summed up the position as follows, "Thus one can discern three groups among Muslims: (1) Those without any Social disabilities, the Ashrafs: (2) Those equivalent to Hindu OBCs, the Ajlafs, and (3) those equivalent to Hindu SCs, the Arzals. Those who are referred to as Muslim OBCs combine 2 & 3."

Taking into account the nature of deprivations faced by communities, groups, sections in the Arzals, the Sachar Committee has expressed the following view, "Being at the bottom of the Social hierarchy, the Arzals are the worst off and need to be handled separately. It would be most appropriate if they were absorbed in the SC list, or at least in a separate category, Most Backward Classes (MBCs) carved out of the OBCs." An indication also emerges from the discussion in the Committee's report on the existing lists of OBCs, which in the case of Muslims consist of Social groups in the non-Ashraf i.e., in Ajlaf & Arzal categories, according to the Committee, that there is a deficit in the identification and listing of underprivileged groups among Muslims. The Committee observes as follows on this point, "There are still a number of Muslim groups that have neither been included in the State list nor the Central List. These groups can be identified using the information collected by Anthropological Survey of India under its People of India project." This is what the Andhra Pradesh Commission for Backward Classes is attempting in this report. From the State-wise figures of the proportion of Muslim population who are included in the existing lists of OBCs according to the NSSO's survey given in the Committee's report, it can be seen that Andhra Pradesh is one of the States with the largest deficit compared to comparable States. These figures are not reproduced here as the figures for relevant and comparable states are furnished in Sri P.S.Krishnan's report. The APCBC's present

report is intended to remove this deficit.

After reproducing and analyzing the data provided by the NSSO's surveys of 1999 and 2004, the Sachar Committee has concluded as follows, "Based on the arguments and data presented here, it is logical to suggest that Muslims in India, in terms of their social structure, consist of three groups - Ashraf, Ajlaf & Arzal. The three groups require different types of affirmative action. The second group, Ajlafs / OBCs need additional attention which could be similar to that of Hindu OBCs. The third group, those with similar traditional occupation as that of the SCs, may be designated as Most Backward Classes (MBCs) as they need multifarious measures, including reservation as they are 'cumulatively oppressed.' The Sachar Committee report has been accepted by the Cabinet of Govt, of India. Many of the Muslim groups who were present and spoke in the hearings referred to it approvingly. The present approach of A.P. Commission for Backward Classes is in line with the Sachar Committee's approach. The National Commission for Religious and Linguistic Minorities (NCRLM) was set up by the Government of India on the 29th October 2004 for suggesting criteria for identification of "socially and economically backward sections among religious and linguistic minorities" and to recommend measures for such "socially and economically backward sections amongst religious and linguistic minorities" including reservation and other related matters. Later the subject of Scheduled Caste converts to Christianity as well as Islam and the demands to include them as Scheduled Caste was added to its terms of reference. Justice Ranganath Mishra, former Chief Justice, Supreme Court of India and former Member of Parliament (RS) was appointed as its Chairperson. Its report repeatedly refers to "the socially and economically backward. But there is no such category mentioned in the Constitution of India. It speaks of castes, races, tribes or parts of them to be scheduled as scheduled castes and similarly tribes and races to be scheduled as Scheduled Tribes respectively in terms of Article 341 and 342. Article 340 does not speak of backward classes, or socially and economically Backward Classes but only of Socially & Educationally Backward Classes.

The Mishra Commission expresses aversion to caste & class as basis for identification of SC, ST, & OBC. It recommends 15% reservation for minorities consisting of 10% for Muslims and 5% for others under Article 16(4) on the ground that they should be regarded as backward within the meaning of the term used in Article 16 (4) " notably without qualifying the word 'backward' with the words Socially and educationally'." The Mishra Commission has not made it clear how this can be done in view of the existing Supreme Court interpretation of Article 16(4). Further, the Commission has not made it clear how 15% can be given over and above the existing 49.5% reservation for SC, ST and SEBC in the context of the ceiling of 50% laid



down by and consistently insisted upon by the Supreme Court. While asserting that they are convinced that this recommendation has the full sanction of Article 16(4), they still seem to express a lurking doubt by saying that "Yet should there be some insurmountable difficulty in implementing this recommendation, as an alternative, we recommend" 8.4% sub quota for the minorities within the Mandal Commission based OBC quota of 27% with a sub sub-quota of 6% for Muslims and 2.4% for other minorities.

Under the present Constitution and the Supreme Court judgments especially the Mandal case judgment of 1992 this Commission cannot follow' the NCRLM's approach and has to go only by the identification of socially and educationally backward classes in the Muslim community.

At the same time there are certain observations and recommendations in the Ranganath Mishra report which should be taken note of by those who commend its approach. The Mishra Commission notes that "Ajlafs and Arzals. are bracketed together under the OBC category. Ajlafs comprise of such occupational groups as carpenters, artisans, painters, graziers, tanners, milkmen etc. and Arzals, lowliest among Muslims, consist of Halalkhor, Lalbegi, Abdal and Bediya." The Mishra Commission also refers to Ashrafs. Thus the Mishra Commission has taken notice of the social stratification among the Muslims.

Elsewhere, the Ranganath Mishra Commission concludes that, "We do find the caste system to be an all-pervading social phenomenon of India shared by almost all Indian communities irrespective of religious persuasions." In the same vein, the Mishra Commission says that "We recommend the caste system should be recognised as a general social characteristic of the Indian Society as a whole without questioning whether the philosophy and teachings of any particular religion recognize it or not-since the Indian brands of certain faith traditions like Christianity and Islam have never assimilated many puritan principles of those religions, posing this question in respect of the caste system only and singling out for a differential treatment is unreasonable and unrealistic ... We would like this tact to be duly recognized that among the Muslims of India the concepts of zat (caste) and arzal (lower castes) are very much in practice; and even the Muslim law of marriage recognizes the doctrine of kufw - parity in marriage between the parties in all vital respects including social status and descent — which in this country means nothing but caste."

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