

THE ANDHRA PRADESH RESERVATION IN FAVOUR OF SOCIALLY AND  
EDUCATIONALLY BACKWARD CLASSES OF MUSLIMS ACT, 2007

(Act No. 26 of 2007)

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SECTIONS

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SCHEDULE

THE ANDHRA PRADESH RESERVATION IN FAVOUR OF SOCIALLY AND  
EDUCATIONALLY BACKWARD CLASSES OF MUSLIMS ACT, 2007

Act No. 26 of 2007

[13<sup>th</sup> August, 2007]

AN ACT TO PROVIDE RESERVATION TO SOCIALLY AND  
EDUCATIONALLY BACKWARD CLASSES OF MUSLIMS IN THE  
EDUCATIONAL INSTITUTIONS AND PUBLIC EMPLOYMENT FOR  
THEIR UPLIFTMENT AND FOR MATTERS CONNECTED  
THEREWITH OR INCIDENTAL THERETO.

Whereas, the Andhra Pradesh Commissioner for Backward Classes found that the entire Muslim Community is socially, educationally and economically backward and therefore, recommended that provision be made providing 5% reservation to the Muslim Community in all Educational Institutions and Public Services in the State excluding the creamy layer among them;

And whereas, basing on the recommendations of the Commission, the Andhra Pradesh Reservation of Seats in the Educational Institutions and of appointments or posts in the public services under the State to Muslim Community Act, 2005 was enacted providing for 5% reservation of seats in Educational Institutions and in appointments in Public Services to the Muslim Community excluding the creamy layer amongst them;

And whereas, the Larger Bench of the Andhra Pradesh High Court in W.P. Nos. 13832/05 and batch dated 7-11-2005 held inter alia, that the Backward Classes Commission has not identified the social backwardness of Muslims to declare them as backward and accordingly, declared the above Act as unconstitutional and violative of Articles 15(4) and 16(4) of the Constitution of India;

And whereas, State Government filed SLP in Civil Appeal No. 7513/2005 in the Supreme Court against the above judgment and it is still pending;

And whereas, Government referred the matter to the Andhra Pradesh Commission for Backward Classes basing on the decision of the Hon'ble High Court of Andhra Pradesh again to identify the Muslim Communities and Groups which can be regarded as socially and educationally backward for the purpose of providing reservation to them;

And whereas, the Andhra Pradesh Backward Classes Commission in their report recommended that certain Muslim Communities and Groups are to be considered as socially and educationally Backward Classes of citizens for providing to them Reservations under Articles 15(4) and 16(4) of the Constitution of India;

And whereas, Government approved the recommendations of the Andhra Pradesh Commission for Backward Classes to provide reservation to the eligible socially and educationally backward classes of Muslims;

And whereas, the provisions of the said Act, 2005 cannot be made applicable in the State;

And whereas, it has been decided to provide reservation in favour of the socially and educationally Backward Classes of Muslims as recommended by the Backward Classes Commission;

Be it enacted by the Legislature of the State of Andhra Pradesh in the Fifty-eighth Year of the Republic of India as follows:-

1. Short title, extent and commencement - (1) This Act may be called the Andhra Pradesh Reservation in favour of Socially and Educationally Backward Classes of Muslims Act, 2007.

(2) it extends to the whole of the State of Andhra Pradesh;

(3) it shall be deemed to have come into force on the 6th July, 2007.

2. Definitions - In this Act, unless the context otherwise requires,-

(a) "Commission" means the Andhra Pradesh Commission for Backward Classes constituted under the provisions of the Andhra Pradesh Commission for Backward Classes Act, 1993 (A.P.Act 20 of 1993).

(b) "Educational Institutions" means a college, a school imparting education up to and inclusive of tenth class or other institution by whatever name called whether managed by the Government, private body, local authority or University and carrying on the activity of imparting education therein whether technically, professionally including medical or otherwise and includes a polytechnic, Industrial Training Institute and Teachers Training Institute.

(c) "Notification" means a Notification published in the Andhra Pradesh Gazette and the words 'Notified' shall be construed accordingly.

(d) "Public Services" means Public Services as defined in the Andhra Pradesh (Regulation of Appointments to Public Services and Rationalization of Staff Pattern and Pay Structure) Act, 1994 (A.P. Act 2 of 1994).

(e) "Schedule" means Schedule appended to the Act.

3. Declaration of Muslim Community and Groups as Backward Classes - The Communities and Groups of Muslims specified in the Schedule to the Act are hereby declared as socially and educationally backward classes of citizens and they shall be included in the lists of backward classes prepared by the Government from time to time, as Group E.

4. Reservation in favour of Backward Classes of Muslim Communities and Groups - (1) Subject to the provisions of sub-section (2), there shall be reservation in favour of the socially and educationally Backward Classes of Muslims specified in the Schedule in the matter of admissions in the educational Institutions and in the appointments or posts in the Public Services under the State.

(2) The reservation provided in sub-section (1) shall not be applicable to the Socially Advanced Persons/Sections (Creamy Layer) amongst backward classes of Muslim Groups.

Explanation - For the purpose of this Act, Socially Advanced Persons/Sections (Creamy Layer) mean and include imposition of an income limit, extent of holding or otherwise by the State Government for the purpose of excluding persons from the benefit of reservation whose income, extent of holding etc. is above the said limit.

5. Percentage of Reservations - The reservation in favour of socially and educationally backward classes of Muslims specified in the Schedule shall be four percent of the total seats or as the case may be, of the appointments or posts specified in Section 4.

6. Power to amend the Schedule - (1) The Government may by notification amend the Schedule as per the recommendation of the Commission.

(2) Where a Notification has been issued under sub-section (1) there shall, unless the notification is in the mean time rescinded, be introduced in the Legislature of the State as soon as may be, but in any case during the next session of the Legislature following the date of issue of the notification, a Bill on behalf of the Government to give effect to the amendments of the Schedule specified in the notification and the notification shall cease to have effect when such Bill becomes law, whether with or without modifications, but without prejudice to the validity of anything previously done thereunder.

7. Power to make provision by notification - The Government may, by notification make provision for carrying out all or any of the purposes of the Act.

8. Power to remove difficulties - If any difficulty arises in giving effect to the provisions of this Act, the Government may make such order not inconsistent with the provisions of the Act as may appear to them to be necessary or expedient for the purpose of removing such difficulty:

Provided that no such orders shall be issued after expiry of two years from the date of commencement of this Act.

9. Repeal of Ordinance 5 of 2007 - The Andhra Pradesh Reservation in favour of Socially and Educationally Backward Classes of Muslims Ordinance, 2007 is hereby repealed.

## SCHEDULE

1. Achchukattalavandlu, Singali, Singamvallu, Achchupanivallu, Achchukattuvaru, Achukatlavandlu.
2. Attar Saibulu, Attarollu.
3. Dhobi Muslim/Muslim Dhobi/Dhobi Musalman, Turka Chakla or Turka Sakala, Turaka Chakali, Tulukka Vannan, Tsakalas, Sakalas or Chakalas, Muslim Rajakas.
4. Faqir, Fhagir Budbudki, Ghanti Fhagir, Ghanta Fhagirilu, Turaka Budbudki, Darvesh, Fakeer.
5. Garadi Muslim, Garadi Saibulu, Pamulavallu, Kani-kattuvallu, Garadollu, Garadiga.
6. Gosangi Muslim, Phakeer Sayebulu.
7. Guddi Eluguvallu, Elugu Bantuvallu, Musalman Keelu Gurravallu.
8. Hajam, Nai, Nai Muslim, Navid.
9. Labbi, Labbai, Labbon, Labba.
10. Pakeerla, Borewale, Deera Phagirilu, Bonthala.
11. Qureshi, Kureshi/Khureshi, Khasab, Marati Khasab, Muslim Katika, Khatik Muslim.
12. Shaik/Sheikh.
13. Siddi, Yaba, Habshi, Jasi.
14. Turaka Kasha, Kakkukotte Zinka Saibulu, Chakkitakanevale, Terugadu Gontalavaru, Thirugatigantla, Rollaku Kakku Kottevaru, Pattar Phodulu, Chakketakare, Thuraka Kasha.
15. Other Muslim groups excluding:  
Syed, Saiyed, Sayyad, Mushaik;  
Mughal, Moghal;  
Pathans;  
Irani;  
Arab;

Bohara, Bohra;

Shia Imami Ismaili, Khoja;

Cutchi-Memon;

Jamayat;

Navayat;

and all the synonyms and sub-groups of the excluded groups; and except those who have been already included in the State list of Backward Classes.