BLOGS

Article 15 under the Indian Constitution

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Introduction to Article 15

Article 15 of the Indian Constitution prohibits discrimination against any citizen on the grounds of religion, race, caste, sex, or place of birth. Article 15 states that “the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.”

In this article, we will discuss the various aspects of Article 15 and the landmark cases related to it.

Scope of Article 15

Article 15 prohibits discrimination not only by the State but also private organizations. It extends to education, employment as well as access to public areas.

The first two clauses of Article 15 prohibit discrimination based on grounds provided in the provision like- religion, race, caste, sex, place of birth or any of them. Article 15 has, however, received broader interpretation from the judiciary. In two landmark cases, the Supreme Court has interpreted ‘sex’ as including both ‘sexual orientation’ and ‘gender identity’ which has extended the protection of Article 15 to gay, lesbian, bisexual and transgender persons as well. The next 3 clauses of Article 15 provide positive discrimination in favour of disadvantaged groups thus fulfilling state’s agenda of affirmative action.

Exceptions to Article 15

Exceptions to Article 15 comprise reservations for socially and educationally backward classes as provided under Article 15(4). The objective of this exception/reservation is to provide equal opportunities to the historically disadvantaged people by virtue of their social and economic background.

To further aid socially and educationally backward classes as well as Scheduled Castes and Scheduled Tribes, there is another provision to provide aids, awards, scholarships, admission etc. under Article 15(5).

Landmark cases related to Article 15

These landmark cases have played a significant role in shaping the interpretation and implementation of Article 15 of the Indian Constitution, which is a crucial provision that prohibits discrimination on various grounds. The cases have also helped in defining the scope and limitations of the provision and in ensuring that reservations are provided only to those who are socially and educationally backward.

State of Madras v. Champakam Dorairajan

This was the first case related to Article 15 to come before the Supreme Court of India. In this case, the State of Madras had issued an order reserving seats in medical and engineering colleges for different communities based on their population. The Supreme Court held that such a policy violated Article 15(1) as it discriminated against certain communities on the grounds of their caste. The court also held that the State could not provide reservations solely on the basis of religion or caste.

Indra Sawhney v. Union of India

This case, also known as the Mandal Commission case, dealt with the reservation policy for the socially and educationally backward classes (SEBCs) in public employment and education. The Supreme Court upheld the validity of Article 15(4) and held that reservations could be provided only for those classes of citizens who were socially and educationally backward and not for any particular caste or community. The court also set a cap of 50% for reservations in public employment and education.

Ashok Kumar Thakur v. Union of India

This case dealt with the constitutional validity of 27% reservations for Other Backward Classes (OBCs) in institutions of higher education. The Supreme Court held that the 27% quota was not based on any proper identification of socially and educationally backward classes and that the

State could not rely solely on caste as a criterion for identifying backwardness.

Jarnail Singh v. Lachhmi Narain Gupta

This case dealt with the interpretation of the creamy layer concept in reservations. The Supreme Court held that the creamy layer concept would be applicable to reservations for SCs and STs as well as OBCs. The court clarified that the creamy layer would be determined based on the economic status of the individual rather than their social status.

Maratha Reservation Case

This case dealt with the constitutional validity of the Maratha Reservation Act, which provided reservations for Marathas in education and employment. The Supreme Court held that the 2018 law providing reservations for Marathas was not valid as it breached the 50% ceiling on reservations set by the court in the Indra Sawhney case.