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# Detailed Case Analysis: Indira Sawhney v. Union of India

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## Facts of the Case

The case, commonly known as the “Indra Sawhney case,” revolves around the issue of reservations in India. The case arose from the recommendations of the Mandal Commission, which proposed a 27% reservation for Other Backward Classes (OBCs) and an additional 10% for socially and economically backward classes (SEBCs) in public sector jobs. Led by Indira Sawhney, a group contested the caste-based reservation policy, advocating for economic criteria instead.

This dispute reached the Supreme Court, prompting a nine-judge bench to seek clarity on the reservation criteria from the government. However, allegations of insufficient explanation by the government regarding the parameters led to further examination by the court. The debate primarily focused on the extent to which reservations should be granted, the determination of backwardness, and the concept of the creamy layer.

Reservation policies in India aim to uplift historically marginalized communities, primarily Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). The challenge in this case stemmed from the implementation of reservation policies in education and public employment, particularly in promotions.

## Legal Provisions

1. Article 16(4) of the Indian Constitution allows for reservations in public employment.
2. Article 15(4) permits the state to make special provisions for the advancement of socially and educationally backward classes.
3. The concept of the creamy layer refers to individuals within the backward classes who are economically advanced and hence ineligible for reservations.

4. The Supreme Court's interpretation of these constitutional provisions and related laws formed the legal framework for the case.

## Issues Identified

1. Whether caste alone should be the determinant factor for backwardness or if other factors should also be considered.
2. Whether reservations should be limited to a certain percentage and whether there should be exceptions to this limit.
3. Whether the creamy layer principle should apply to OBCs and if so, how it should be determined.
4. Whether reservations should extend to promotions within public employment or be restricted to initial appointments.

## Arguments Advanced

The petitioners, represented by advocates including Nani Palkhiwala, contended that continuing reservation policies would exacerbate the entrenched caste system in India, hindering the nation's progress towards becoming a welfare state.

They argued that prolonged reservation would erode standards, replacing meritocracy with mediocrity. Moreover, they alleged that the Mandal report sought to fundamentally alter the Constitution.

Conversely, the respondents, represented by the State, asserted that the report provided a mechanism for backward classes to address historical injustices. They viewed it as a continuation of earlier efforts, such as affirmative action, aimed at rectifying the longstanding grievances of these marginalised communities.

## Judgment

The Supreme Court upheld the concept of caste as a dominant factor in determining backwardness. It ruled that reservations should generally not exceed 50% of available seats or positions, although exceptions could be made in extraordinary circumstances.

The Court endorsed the application of the creamy layer principle to OBCs to ensure that reservations benefit the genuinely disadvantaged. Reservations were allowed only at the entry level of public employment, with no provision for quotas in promotions.

The Court also struck down the 10% reservation for economically weaker sections (EWS) introduced by the government, citing its breach of the 50% ceiling and its deviation from caste-based criteria.

## Analysis of the Case

Following the Indra Sawhney case, the 77th Amendment to the Constitution in 1995 introduced Article 16(4A), allowing states to reserve promotions for Scheduled Castes (SC) and Scheduled Tribes (ST) in public services under certain conditions upheld by the Supreme Court in *M. Nagaraj v. Union of India*.

This amendment necessitates that SC/ST groups are socially and educationally backward, lack adequate representation in public employment, and such reservations do not compromise administrative efficiency. Subsequent state legislation like the Karnataka Extension of Consequential Seniority to Government Servants Promoted on the Basis of Reservation (2018) aligns with these requirements, validated by the Supreme Court in 2019.

However, the court clarified in the *Mukesh Kumar v. State of Uttarakhand* case that reservation in promotions is not an inherent fundamental right, emphasizing the need for careful consideration of adequacy of representation, backwardness, and administrative efficiency in such policies.

## Conclusion

The Indra Sawhney case established important principles regarding reservations in India. It reaffirmed the significance of caste in determining backwardness and emphasized the need to balance affirmative action with the principles of meritocracy and equal opportunity. The judgment provided guidelines for implementing reservation policies, including the imposition of a 50% cap, the application of the creamy layer principle, and restrictions on reservations in promotions. Subsequent amendments to the Constitution and legislation reflect the court's rulings in this landmark case.

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