

INDRA SAWHNEY v. UNION OF INDIA¹

The Indra Sawhney case, also called the Mandal Commission case, revolves around the issue of reservations in India. It 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. Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs) are the major historically marginalized groups that reservation rules in India are intended to elevate. The use of reservation policies in public employment and education, notably in promotions, presented a problem in this instance.

Facts of the Case

After India acquired independence in 1947, the government started implementing affirmative action for the Depressed Class, Scheduled Castes (SCs), and Scheduled Tribes (STs). The Other Backward Classes (OBC), who were less backward than the ST and SC castes, were not listed.

To solve this issue, India established the first Backward Classes Commission on January 29, 1953. The Kalelkar Commission was named for its chairman, Kaka Kalelkar. The panel identified 2399 castes as socially and educationally backward in its report to the Central Government on March 30, 1955. The Commission's proposal was turned down in 1961 because the Central Government, on the other side, believed in establishing a casteless society.

The Mandal Commission, formerly the Socially and Educationally Backward Classes Commission, was founded on January 1, 1979. Its goal was to identify groups that were socially or educationally disadvantaged and provide them with reservations for government jobs and services. The Janata Party was unable to implement these plans due to the collapse of its administration.

On August 7, 1990, Prime Minister V.P. Singh announced that 27% of positions in central government services and public sector organizations would be reserved for members of the Other Backward Classes (OBCs). The Mandal Commission or the Second Backward Classes Commission's recommendations served as the foundation for the proclamation. The V.P. Singh government's decision to increase the total number of reservations for OBCs, Scheduled Castes, and Scheduled Tribes to 49% caused a stir among the younger working population.

¹ AIR 1993 SC 477

Widespread student uprisings and riots followed the implementation of the Mandal Commission's recommendations. In light of these developments, the Supreme Court transferred all of the petitions contesting the implementations to itself.

A group led by Indira Sawhney opposed the caste-based reservation policy and promoted economic criteria in its place. When this disagreement got to the Supreme Court, a nine-judge panel asked the administration for clarification on the reservation requirements. However, the government's alleged failure to provide adequate justification for the parameters prompted the court to conduct additional investigation. The determination of backwardness, the concept of the creamy layer, and the amount to which reservations should be given were the main topics of discussion.

Question of Law

The key questions of law involved were the scope and relationship between Articles 16(1) and 16(4) of the Constitution. There were questions raised on how the term “backward class of citizens” could be interpreted. There was also a need for clarification about which criteria should be used to identify such backward classes. And, the extent and manner through which reservations would be provided under the Constitution was also to be determined.

Judgement

The idea that caste is a major determinant of backwardness was affirmed by the Supreme Court. It decided that, in general, reservations shouldn't take up more than 50% of the seats or places that are available, however there may be special exceptions. In order to guarantee that reservations help the really poor, the Court supported applying the creamy layer principle to OBCs. There was no provision for quotas in promotions, and reservations were only permitted at the entrance level of public employment. The Court also invalidated the government's 10% reservation for economically weaker sections (EWS), citing a violation of the 50% ceiling and a departure from caste-based standards.

Article 16(4) authorizes reservations in public employment, while Article 15(4) allows the State to create special measures for the upliftment of socially and educationally backward groups. The “creamy layer” principle excludes those members of backward classes who are economically or socially better off from receiving reservation benefits. The Supreme Court's interpretation of these provisions, along with relevant legislation, provided the legal foundation for the case.