

Topic: The Supreme Court refuses to revisit Indra Sawhney Judgement.

The Supreme Court of India affirmed the Mandal Commission's 27 percent quota for backward classes, as well as the principle that the combined scheduled-caste, scheduled-tribe, and backward-class beneficiaries do not cross 50 percent of India's population, in the landmark case of Indra Sawhney v Union of India, AIR 1993. At the same time, the government's notification reserving 10% of government employment for economically deprived castes among the upper castes was struck down by the court. The Supreme Court's Constitution Bench of nine judges issued the following decision:

1. In Article 16(4), the backward class of person can be defined not only on the basis of economics but also on the basis of caste.
2. Article 16(4) is not an exception to the general rule . This is an example of grouping. Article 16 allows for reservations.
3. Backward classes in Article 16(4) were not the same as those in Article 15 that were economically and educationally backward.
4. The backward grades do not have the creamy layer.
5. Backward classes can be classified into backward and more backward classes under Article 16(4).
6. A backward class of people cannot be defined solely on the basis of economic parameters.
7. Reservations are limited to 50% of total capacity.
8. The Executive Order will be used to make a reservation.
9. In the promotion, there are no reservations.
10. Over-inclusion and under-inclusion complaints are investigated by a permanent statutory body.
11. The majority felt there was no need to share a view on the Mandal Commission's exercise's correctness or adequacy.
12. Only the Supreme Court will resolve disagreements on new requirements.

One of the questions discussed by the Constitution bench was whether the judgement in Indra Sawhney v. Union of India [1992 Suppl. (3) SCC 217] should be assigned to a larger bench or

whether it should be re-examined by the larger bench in light of subsequent Constitutional Amendments, decisions, and changing social conditions, among other things?

The following are the arguments made in support of Indra Sawhney's request for a retrial:

1. Because of the differing logic used in six distinct decisions issued in the case, there is no unanimity.
2. From 1963 to the present, various judges have talked in different ways about reservation under 15(4) and 16(4).
3. The Balaji has ruled that Article 15(4) is an exception to Article 15(1), a theory that this Court has rejected in N.M. Thomas and Indra Sawhney, and hence the 50 percent ceiling has been removed.
4. There is no proportion of either Article 16(4) or Article 15(4).
5. Since the Indra Sawhney decision is based on Article 16(4) rather than Article 15(4), the ratio of the decision cannot be extended to Article 15(4).