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CASE COMMENT: JANHIT ABHIYAN V. **UNION OF INDIA**

AUTHORED BY - VICKY KUMAR

LL.M Student of Chanakya National Law University Patna

Citation: Writ Petition (Civil) 55 Of 2019, (2022) SCC OnLine 1540

Bench: UU Lalit (CJ), D Maheshwari , SR Bhat , BM Trivedi , JD Pardiwala .

INTRODUCTION

The One Hundred and Third (103rd) Amendment to the Indian Constitution was introduced by the Indian Parliament on January 9, 2019. The purpose of this amendment was to increase the employment opportunities and reservations for economically disadvantaged groups in educational institutions. It accomplished this by adding Article 16(6) and modifying Article 15 by adding Article 15(6).

Although the President of India approved the amendment in 2019, the topic has been controversial since it allowed the state the power to make special arrangements for the less fortunate parts of the population in terms of job and educational opportunities. A maximum of twenty petitions have been filed challenging the constitutionality of the 103rd amendment.

The case was decided 3–2 by a five-judge constitutional bench that represented the Supreme Court. The case primarily concerned constitutionality and fundamental structural theory. This article will include an overview of the case, some important details, the Supreme Court's justification for its decision, the arguments put up by both side, and the reasons this decision is noteworthy for redefining reservation in India as a whole.

FACTS OF THIS CASE

In response to the current situation, the Indian government passed the 103rd Constitutional Amendment Act, 2019, which granted 10% of reserves to economically disadvantaged communities. It's important to keep in mind that the constitution only allows reservations based on socioeconomic and educational deprivation. The Constitution's Article 15(6) in Article 15 and

Article 16(6) in Article 16 are the two new parts added by this modification. This reserve clause was also mandated by the amendment's language, and it was applicable to both government and private institutions (assisted and unaided). Minority institutes were the only exception, as stated in Article 30(1) of the Indian Constitution. By implementing the 10% reserve requirement in this way, the number of seats that are now in place will increase by 10% without changing how seats are distributed among government employment and educational institutions. A 100-seat institute will have 110 seats overall, plus 10 extra seats set up for people from low-income backgrounds. This sparked a contentious constitutional debate on the state's right to set new standards for reserving residents in economically disadvantaged areas. As a result, the Supreme Court heard about twenty petitions challenging the constitutional amendment's validity.

ISSUES INVOLVED IN THIS CASE

The following were the issues raised:

- Is it possible to make a reservation exclusively on the basis of economic criteria?
- Whether other socially impoverished sections (such as Schedule Casts, Schedule Tribes, and Socially and Educationally Backward sections) should be excluded from the reservation of Economically Weaker Section?
- Can the reservation under the Economically Weaker segment go beyond the 50% limit set in Indira Sweney's 1992 decision?
- Can the Constitutional Amendment compel private aided or private unaided institutes to admit students from economically disadvantaged groups?

ARGUMENTS PRESENTED BY THE PETITIONERS

The Petitioner's stance on the 103rd amendment reflects several crucial perspectives:

Contradiction to Reservation Principles: The argument that the amendment violates the core tenets of affirmative action by extending reservations to a group of people who have never been marginalized historically. The premise of the argument is that reservations ought to take into account both previous social injustice and economic factors. This point of view is consistent with rulings such as the Mandal Commission report¹ and the Indra Sawhney case², which highlighted the complex nature of reservations that go beyond economic status.

¹ India, Ministry of Social Justice and Empowerment, Mandal Commission Report: Recommendations of the Mandal Commission (1979).

² Indra Sawhney v. Union of India, (1992) 3 SCC 217.

Ceiling Violation Of 50% : There's a strong case to be made that the 103rd Amendment's 50% reservation cap should only be altered in truly exceptional circumstances. From this perspective, maintaining the 50% cap is necessary to respect the original intent of reservations without lowering opportunities for other social groups.

Reasons for The Reservations: The argument implies that even if the impoverished classes attain equality with the affluent classes, poverty and economic inequality may persist. This point of view questions whether the amendment achieves the main objectives of reservations, especially those stated by B.R. Ambedkar. It highlights the concern that reservations may lose their significance if they don't prioritize redressing historical injustices in society.

Challenge of Article 14: Article 14 (Right to equality) and the fundamental framework of the Indian Constitution are allegedly violated by the exclusion of SC/ST and SEBC from the new reservations within the general caste. This viewpoint emphasizes the significance of providing all citizens, regardless of caste or social background, with equal treatment and opportunities.

Criticism of Economic Weaker Sections (EWS) Reservation: The EWS reservation is criticized for potentially perpetuating caste divisions in a society that strives to be caste-free. The vertical reservation imposed inside an already-existing quota system appears to be at odds with the nation's goal of a casteless society, as stated in the preamble of the Indian Constitution.

Essentially, the petitioner's viewpoints express worries about the amendment's conformity to constitutional norms, its departure from the original reservation intention, and its likelihood of sustaining social stratification instead than redressing past injustices.

ARGUMENTS PRESENTED BY THE RESPONDENTS

Reservation Policy's Class-Based Focus: According to the respondents, the primary goal of reservation policy is to uplift economically disadvantaged classes rather than maintain caste-based distinctions. The argument posits that the amendment's intention to assist economically disadvantaged groups is consistent with the core objective of mitigating economic inequities, thereby advancing the constitutional vision of a caste-free society. This focus on economic factors is thought to be a progressive measure to guarantee fair opportunities.

Reinforcing Constitutional Principles: The Attorney General's position emphasizes that the amendment strengthens rather than weakens the foundational ideas of the document. Citing Directive Principles of State Policy Articles 38 and 46, respondents argue for a flexible reading of the constitution. The claim that the amendment is in line with these fundamental ambitions for societal fairness is supported by these provisions, which require the state to take proactive steps toward eliminating various inequities.

Economic Criteria in Classification: Based on prior legal rulings, the respondents contend that poverty has been acknowledged by the courts in cases such as *M.R. Balaji*³, *R Chitralakha v. State of Mysore*⁴, and *Vasanth Kumar* as an indicator of backwardness. The emphasis on economic criteria in the amendment's provisions is justified by the historical evidence that supports the use of economic elements in the classification of backwardness.

Justification for EWS Reservation: The respondents claim that the 10% cap on EWS reservations does not violate the rights of currently in place reserved categories. They contend that since some groups—such as SCs, STs, and non-creamy layer OBCs—already benefit from special reservation rules, their exclusion is warranted. In order to address economic gaps beyond caste factors, the 10% quota for economically disadvantaged parts is viewed as an addition rather than a replacement.

Exceeding the 50% Reservation Limit: Respondents contend that although it is usually discouraged, there are some rare situations when such deviations may be justified. They argue that by granting reservation benefits to economically disadvantaged groups, the amendment responds to societal demands and works toward genuine equality. While recognising the complexity of social and economic inequities, the emphasis is still on guaranteeing fair chances. Overall, the respondents' points of contention center on the amendment's conformity to constitutional norms, the importance of economic standards in determining backwardness, and the goal of achieving substantive equality by extending reservation benefits to economically disadvantaged groups while protecting the rights of currently reserved categories.

³ *Mr. Balaji v. State of Mysore*, AIR 1963 SC 649.

⁴ *R. Chitralakha v. State of Mysore*, AIR 1964 SC 1823.

JUDGEMENT

By a 3:2 majority, the Supreme Court issued a historic ruling on November 7, 2022, maintaining the validity of the 103rd Amendment Act of 2019 and permitting reservations for Economically Weaker Sections (EWS). Justice Dinesh Maheshwari highlighted, among other things, that the 10% quota for EWS did not contradict the fundamental values of the Constitution. He argued that the 50% reservation cap outlined in Articles 15(4), 15(5), and 16(4) of the Indian Constitution is not unchangeable and does not apply to EWS reservations.

Justice Bela M. Trivedi reiterated this point, stressing that recognising economically disadvantaged individuals as a distinct class does not undermine the constitutional framework. Justice Pardiwala supported the idea that affirmative action could have reasonable economic motives in line with the concept of substantive equality. Nonetheless, Justice Bhat sharply disapproved of the majority's view of "economic factors" as grounds for Article 15 reservations in public employment, and questioned the validity of this position. He cited the Indra Sawhney case⁵ to highlight the fact that reservations shouldn't be granted solely for financial reasons. Nevertheless, the Supreme Court's ruling did not expressly rule out reservations because of financial factors. This decision illustrates the differences in the Supreme Court's perspectives about the inclusion of economic factors in reserve criteria. The majority felt that since economic inequality is a valid category and the 50% maximum is flexible, EWS reservations should be included. The opposing viewpoint, on the other hand, stressed how important it was to uphold reservations' original purpose, which was to establish them on social backwardness as opposed to just economic status. The ruling leaves room for more debate and possibly future clarifications about the limits of the quota policy with respect to economic considerations inside the Indian constitutional framework.

ANALYSIS

As this article has previously stated, reservations were imposed in India with the aim of improving the lives of the less fortunate sections of the population. It is still a topic of heated debate and intense discussions even though it has existed since the post-independence period when the Constitution came into force. Many claim that other members of society who may be economically weak but do not belong to a disadvantaged caste have been unfairly treated by the advancement of SCs, STs, and OBCs. Those that benefit from these reservations are often those

⁵ Supra note 2

who are already well-off, well-resourced, and have access to excellent education.

Although most reservation laws provide access to government jobs and education, some have questioned if these actions will ultimately result in a decline in the standard of the labor force and educational system. Some argue that reservations only deepen the divide between the people, causing resentment and obstructing development. Moreover, reserve measures have historically been abused by political parties to achieve their electoral goals. Many state governments enact legislation that beyond the reserve ceiling set by the Court in the Indra Sawhney case for political purposes. However, it is clear that such measures are still necessary to address the widespread poverty and inequality that impact the people of India. Even in the face of abuse, strong action is required to give social and economic benefits to all underprivileged populations and groups in our society.

CONCLUSION

The 103rd Amendment Act of 2019 marked a significant advancement in India's efforts to reduce socioeconomic inequities by introducing reservation privileges for the economically disadvantaged inside the general category. This amendment created a category to lessen the difficulties faced by individuals without financial privilege, to which 10% of government employment and seats in educational institutions were assigned. The amendment sought to lessen economic and educational inequalities by substituting an economic quota system for the previous caste-based one. It was meant to provide opportunities for people who, because of financial constraints, were not previously able to take part on an equal basis

One can study and examine the 103rd amendment to the constitution in depth. This amendment extends reservation to the economically disadvantaged segments of society under Articles 15(6) and 16(6). From there, it is feasible to examine the reality that poverty persists in India and that significant reform is required to advance social and economic justice for all socioeconomic classes. The state must guarantee social homogeneity in order to reduce the wealth gap and create social mobility.

According to the Supreme Court's interpretation, the amendment can achieve the preambular objective of guaranteeing economic justice for all. Additionally, CJI UU Lalit and J Ravindra Bhat's conflicting views highlight the historical significance of reservations as a kind of

compensation for those who have historically faced discrimination due to their caste.

While this assessment emphasizes both the social and economic dimensions of society's backwardness, it is important to recognize that these variables are intricately linked and should be taken into account for the good of society as a whole.

