

REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/ORIGINAL JURISDICTION**

CIVIL APPEAL NO.2317 OF 2011

THE STATE OF PUNJAB & ORS.

...APPELLANTS

VERSUS

DAVINDER SINGH & ORS.

...RESPONDENTS

WITH

CIVIL APPEAL NO.6936 OF 2015

With

CIVIL APPEAL NO.5597 OF 2010

With

WRIT PETITION (Civil) NO.21 OF 2023

With

CIVIL APPEAL NO.5593 OF 2010

With

SPECIAL LEAVE PETITION (Civil) NO.30766 OF 2010

With

SPECIAL LEAVE PETITION (Civil) NO.8701 OF 2011

With

SPECIAL LEAVE PETITION (Civil) NO.36500-36501 OF 2011

With

T.C. (C) NO.38 OF 2011

With

T.P. (C) NO.464 OF 2015

With

WRIT PETITION (Civil) NO.1477 OF 2019

With

CIVIL APPEAL NO.5586 OF 2010

With

CIVIL APPEAL NO.5598 OF 2010

With

CIVIL APPEAL NOs.5595-5596 OF 2010

With

CIVIL APPEAL NO.2324 OF 2011

With

T.C (C) NO.37 OF 2011

With

CIVIL APPEAL NO.5589 OF 2010

With

CIVIL APPEAL NO.5600 OF 2010

With

CIVIL APPEAL NO.5587 OF 2010

With

SPECIAL LEAVE PETITION (Civil) NOs.5454-5459 OF 2011

With

CIVIL APPEAL NO.2318 OF 2011

With

CIVIL APPEAL NO.289 OF 2014

With

WRIT PETITION (Civil) NO.562 OF 2022

J U D G M E N T

PANKAJ MITHAL, J.

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INTRODUCTION

- 1.** The issue under reference to this Constitution Bench as succinctly described by the Chief Justice in his opinion is whether sub-classification of the scheduled castes is constitutionally permissible for the purposes of reservation.
- 2.** The issue arose as the Punjab legislature enacted the Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006, *inter alia* providing for reservation of 25% in favour of scheduled castes and that 50% of the aforesaid percentage shall be offered to particular scheduled castes such as *Balmikis* and *Mazhbi Sikhs* in direct recruitment.
- 3.** The validity of providing 50% reservation in favour of the above two categories of scheduled castes, out of the various mentioned in the Presidential list of scheduled castes, was challenged before the High Court by invoking the writ jurisdiction under Article 226 of the Constitution of India. The High Court of Punjab and Haryana relying upon the Constitution Bench decision of this Court in **E.V. Chinnaiah vs. State of Andhra**

Pradesh and Ors.¹ declared Section 4(5) of the aforesaid Act which sub-classified the scheduled castes and provided for 50% reservation of the 25% admissible to the scheduled castes in favour of the above two categories of scheduled castes only to be invalid.

4. The **Chinnaiah case** (*supra*) arose from the decision of the Andhra Pradesh High Court whereby it rejected the challenge to the provision of Andhra Pradesh Scheduled Castes (Rationalization of Reservations) Act, 2000, which provided for apportionment of reservation among scheduled castes by classifying them into four groups: 1% for Group A, 7% for Group B, 6% for Group C and 1% again for Group D.
5. The Constitution Bench in **Chinnaiah's case** was of the unanimous opinion that the provision of the above Act of sub-classifying the scheduled castes into four groups and apportioning the reservation criteria group wise was unconstitutional. It was held that the sub-classification permitted by **Indra Sawhney and Ors. vs. Union of India and**

¹ (2005) 1 SCC 394

Ors.² was limited only to backward and other backward classes and is not applicable to scheduled castes.

6. It is in the above background that the Constitution Bench dealing with one of the cases at hand i.e. State of Punjab and Ors. vs. Davinder Singh and Ors. held that the matter requires to be revisited by a larger Bench.
7. In somewhat similar fashion, a matter came to be referred from the State of Haryana and another from the State of Tamil Nadu wherein by notification in the State of Haryana scheduled castes were classified into two categories i.e. A and B for the purposes of applying reservation and in the State of Tamil Nadu by an Act of 2009, reservation of seats was provided to Arunthathiyar's in educational institution and for appointment in services.
8. All the three categories of matters i.e. from the State of Punjab, State of Haryana and the State of Tamil Nadu are before the Bench in the form of Civil Appeals, Writ Petitions, TP (C) & TC (C) and Special Leave Petition (Civil) and have been taken up as

² (1992) Supp (3) SCC 217

clubbed matters as the issue is common as described in the beginning.

9. The issue of sub-classification of scheduled castes has been appropriately answered by the Chief Justice and my esteemed brother Justice Gavai by their separate opinions with which I respectfully agree but at the same time since the matter in issue is basically concerning “reservation”, I consider it to be of utmost importance and, therefore, deem it appropriate to pen down my own views separately.

10. Man/human as rightly understood is a social animal and has to live in a society. An ideal form of society is one which progresses on merit or where merit alone prevails. This is evident from Articles 14 and 15 of the Constitution which provides for equality before law and that State shall not discriminate on grounds of religion, race, caste, sex or place of birth. Articles 14 and 15 (as it originally stood) are quoted below:

“Article 14- Equality before law

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15- Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—

(a) access to shops, public restaurants, hotels and places of public entertainment; or

(b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

(3) Nothing in this article shall prevent the State from making any special provision for women and children.”

- 11.** However, no society can exist in its ideal form as all citizens are not alike. The basic needs of everyone are different and have to be taken into account to carry the society forward. Therefore, there is pressing need to consider the social, economic and political need of all persons or classes of persons. In the context of India, the trinity of social, economic and political justice has to be balanced and to promote social justice, provisions have to be made for the upliftment of the so-called marginalized citizens or the depressed classes of persons who later came to be known as backward class of persons and scheduled castes as well as scheduled tribes etc. It is to achieve the above social objective of bringing every citizen or a class of citizen on equal level and

at par in law that provision for reservation came to be made in the Constitution.

- 12.** The provision for reservation for any class of persons at first sight may appear to be anti-merit but if weighed on the scales of social justice, it is imperative.
- 13.** The poor and the downtrodden sections of the Indian society were earlier described by the ruling class as the “depressed classes” which included a wide range of persons such as untouchables, persons of various backward communities and those living in tribes in hills and forests or in remote areas of the country. Slowly, these depressed classes of persons came to be classified into various groups according to their vocation such as scavengers, leather workers, ironsmiths, carpenters, watchman and other menial workers and were referred to as scheduled castes; and those living in tribes in hills, forests or remote areas came to be recognized as scheduled tribes. The remaining depressed classes of persons or marginalized classes were later classified as other backward classes.
- 14.** The Government of India Act, 1935, for the first time, recognized the above referred depressed classes of persons as scheduled

castes and the primitive tribes as backward tribes and *inter alia* provided reservation of seats for the scheduled castes and backward tribes in the federal legislature. The objective was of bringing about political equality only.

- 15.** The Constitution of India as enacted and adopted on 26th November, 1949 and enforced w.e.f. 26th January, 1950, originally provided for two categories of reservation, one for the political purposes and the other for social purposes *vide* Articles 330 & 332 and Articles 15(3) & 16(4).
- 16.** Articles 330 and 332 of the Constitution aimed to achieve political justice by providing reservation of seats for scheduled castes and scheduled tribes in Lok Sabha and State Legislatures whereas Article 15(3) and 16(4) were aimed at social justice and provided for special provision for women & children and for reservation in the services in favour of backward classes of persons respectively.

AMENDMENTS TO CONSTITUTION WITH REFERENCE TO CASE LAWS

- 17.** On the legislative front, in the wake of various verdicts of the apex court concerning reservation, a constitutional amendment

regime commenced bringing about amendments after amendments in the Constitution to overcome the difficulties in the implementation of the reservation policy in the light of the decisions of the courts in context with reservation.

- 18.** The Constitution (First Amendment) Act, 1951 w.e.f. 18th June, 1951, was brought about in order to solve the problems posed by the decision of 5 Judges Constitution Bench of this Court in **State of Madras vs. Champakam Dorairajan**³ which struck down caste-based reservation for admission in medical colleges being violative of Article 29(2) of the Constitution and by an other 5 Judges Constitution Bench decision in **B. Venkataramana vs. State of Madras and Ors.**⁴ which held that the appointment of judicial officers as unconstitutional as Article 16(4) permitted reservation for backward classes of citizens only. Thus, Sub-Article (4) to Article 15 of the Constitution of India was introduced so as to empower the State for making special provision for the advancement of any socially

³ AIR (1951) SC 226

⁴ AIR (1951) SC 229

and educationally backward classes of citizens or for scheduled castes and scheduled tribes.

- 19.** In this manner, Articles 16(4), 15(3) and 15(4) as introduced, envisaged to bring about social justice amongst the citizens of the country.
- 20.** After the Constitution Bench decision in **Indra Sawhney** (*supra*), there was a spate of amendments in the Constitution to overcome the difficulties caused by various observations of the court.
- 21.** The Constitution (Seventy-seventh Amendment) Act, 1995 added Article 16(4)(A) to the Constitution so as to provide reservation in promotion in favour of scheduled castes and scheduled tribes which are not adequately represented in the services of the State.
- 22.** It was followed by the Constitution (Eighty-first Amendment) Act, 2000 which inserted Article 16(4)(B) so as to make provisions for carry forward of unfilled vacancies of the reserved category. The new Article 16(4)(B) provided that the State is not denuded of power to consider any unfilled vacancies of a year reserved for being filled up in that year in accordance with the

provisions for reservation made under Clause 4 or Clause 4(A) of Article 16 to be carried forward to be filled up in any succeeding year or years and that such carried forward vacancies shall not be counted for determining the sealing of 50% reservation in total number of vacancies of that year.

- 23.** In immediate succession came the Constitution (Eighty-second Amendment) Act, 2000 which was necessitated to overcome one of the decisions of this Court in case of **S. Vinod Kumar and Anr. vs. Union of India and Ors.**⁵ which held that even if reservation in promotion is permissible, no lower qualifying marks or lesser level of evaluation for promotion is legally permissible for the reserved categories. The said amendment permitted provision for relaxation in qualifying marks in any examination or for lowering the standards of evaluation for reservation in the matters of promotion to any class or classes of services for posts in connection with the affairs of the Union or the State.

⁵ (1996) 6 SCC 580

- 24.** In **Union of India vs. Virpal Singh Chauhan**⁶, this Court held that the accelerated promotion to the persons of the reserved categories would not give them consequential seniority and that their seniority in promoted category shall be governed by their seniority in the feeder cadre.
- 25.** The above view was reaffirmed in **Ajit Singh Januja vs. State of Punjab**⁷ and it was held that reserved category persons are entitled only for accelerated promotion and not consequential seniority.
- 26.** The above two decisions were followed by **Ajit Singh (II) vs. State of Punjab**⁸ wherein upholding the principles of accelerated promotion and consequential seniority as laid down in the above two cases it was clarified that the general candidates on promotion will get seniority over reserved candidates who were already promoted by way of accelerated promotion, if both were in the same cadre.
- 27.** The Constitution (Eighty-Fifth Amendment) Act, 2002, was enacted to undo the principles laid down by the above decisions

⁶ (1995) 6 SCC 684

⁷ (1996) 2 SCC 715

⁸ (1999) 7 SCC 209

especially in **Ajit Singh (II) case** (supra) and the expression “with consequential seniority” was inserted in Article 16 (4)(A) of the Constitution. This amendment was given retrospective effect w.e.f. 07.06.1995, the date on which Article 14(4)(A) was inserted into Article 16 of the Constitution by the Constitution (Seventy-Seventh Amendment) Act, 1995.

- 28.** In the meantime, following the directions of the Supreme Court in **Indra Sawhney’s case** (supra), an office memorandum was issued by the Government of India on 08.09.1993 designating certain categories of people as “creamy layer”. The State of Bihar and Uttar Pradesh *vide* The Bihar Reservation of Vacancies in Post and Services (For Scheduled Castes, Scheduled Tribes and Other Backward Classes) (Amendment) Ordinance, 1995, and Uttar Pradesh Public Services Reservation for Scheduled Castes and Scheduled Tribes and Other Backward Classes Act, 1994, provided that IAS and IPS Officers would be within “creamy layer” if they have a (i) salary of Rs.10,000/- per month; (ii) either of the spouse is a graduate; and (iii) one of them owns a house in an urban area. Similarly, professionals with income of Rs.10 lakhs per annum were also categorized under the

“creamy layer” with additional criteria that either of the spouse should be a graduate and the family owns an immovable property of at least Rs.20 lakhs.

- 29.** In **Ashoka Kumar Thakur vs. State of Bihar**⁹, this Court struck down the additional conditions of education and property prescribed in the Bihar and by U.P. enactment to be unconstitutional for identifying the “creamy layer” as violative of Articles 16(4) and 14 of the Constitution.
- 30.** In **Indra Sawhney (II) vs. Union of India**¹⁰, the Kerala State Backward Classes Act, 1995, which provided that there are no socially advanced sections in any backward classes of the State and that the backward classes in the State are not adequately represented in the services under the State and as such backward classes would continue to avail the benefit of reservation, thus, declaring that there was no ‘creamy layer’ amongst the OBC in the State, was struck down holding that ‘creamy layer’ in the backward classes is to be treated at par with the forward classes and are not entitled to benefit of

⁹ (1995) 5 SCC 403

¹⁰ (2000) 1 SCC 168

reservation. It was also observed that “creamy layer” is to be excluded otherwise it will be discriminatory and violative of Articles 14 and 16 as “forwards” and “creamy layer of backward classes” cannot be treated unequally.

31. In **M. Nagaraj vs. Union of India**¹¹, the validity of the constitutional amendments namely Constitution (Seventy-Seventh Amendment) Act, 1995, Constitution (Eighty-first Amendment) Act, 2000, Constitution (Eighty-second Amendment) Act, 2000 and Constitution (Eighty-fifth Amendment) Act, 2002, were upheld.

32. In **TMA Pai Foundation vs. State of Karnataka**¹², the 11 Judges Constitution Bench of this Court laid down various principles regarding right to establish educational institutions, the procedure for grant of admission, the right of minorities and the extent of State regulatory mechanism. The said judgment came to be interpreted and clarified by **Islamic Academia Education vs. State of Karnataka**¹³. In **P.A. Inamdar vs.**

¹¹ (2006) 8 SCC 212

¹² (2002) 8 SCC 481

¹³ (2003) 6 SCC 697

State of Maharashtra¹⁴, the 7 Judges Constitution Bench held that the 5 Judges Constitution Bench in Islamic Academia Education case did not interpret the TMA Pai Foundation case correctly. In such a situation, Constitution (Ninety-Third Amendment) Act, 2006, was brought about to overcome the confusion alleged to have been created in the interpretation of TMA Pai Foundation case and Sub-Article (5) was inserted in Article 15 of the Constitution which reads as under:

“Article 15 (5)- Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.”

- 33.** The validity of the Constitution (Ninety-Third Amendment) Act, 2006, was upheld by the 5 Judges Constitution Bench in **Ashok Kumar Thakur case** (supra) which provided reservation for socially and educationally backward classes of citizens or for scheduled castes and scheduled tribes in educational

¹⁴ (2005) 6 SCC 537

institutions insofar as it relates to State maintained institutions and Government aided educational institutions.

34. A similar view was expressed in **Pramati Educational & Cultural Trust vs. Union of India**¹⁵, wherein also the constitutional validity of the Constitution (Ninety-Third Amendment) Act, 2006, was upheld and reservation for socially and educationally backward classes of citizens or for scheduled castes and scheduled tribes in unaided private institutions as well was upheld.

35. In **Ram Singh vs. Union of India**¹⁶, reservation for *Jats* in various States was struck down as no such reservation in their favour was recommended by the National Commission for Backward Classes and there was no quantifiable data for justifying reservation in their favour. Accordingly, Constitution (One Hundred and Second Amendment) Act, 2018, was brought about and Articles 338B & 342A were inserted constituting a separate commission for socially and educationally backward

¹⁵ (2014) 8 SCC 1

¹⁶ (2015) 4 SCC 697

classes and empowering the President to specify socially and educationally backward classes.

- 36.** In **Jaishri Laxmanrao Patil vs. State of Maharashtra**¹⁷, 5 Judges Constitution Bench struck down the reservation for Marathas in the State of Maharashtra on the ground that the State does not have power to declare any class of people as socially and educationally backward classes.
- 37.** In order to overcome the difficulty created by the above decision, Constitution (One Hundred and Fifth Amendment) Act, 2021 was brought about amending Article 342A so as to provide that the list of socially and educationally backward classes of citizens prepared by the President is only for the Central Government but the State can also prepare its own list.
- 38.** In between, Constitution (One Hundred and Third Amendment) Act, 2019, was enacted whereby Sub-Article (6) was inserted in Articles 15 and 16 in the following terms:

“Article 15 (6)- *Nothing in this article or sub-clause (g) of clause (1) of article 19 or clause (2) of article 29 shall prevent the State from making,—*

(a) any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5); and

¹⁷ (2021) 8 SCC 1

(b) any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5) in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30, which in the case of reservation would be in addition to the existing reservations and subject to a maximum of ten per cent. of the total seats in each category.

Article 16 (6)- *Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any economically weaker sections of citizens other than the classes mentioned in clause (4), in addition to the existing reservation and subject to a maximum of ten per cent. of the posts in each category.”*

39. The validity of the aforesaid amendment was upheld in **Janhit Abhiyan vs. Union of India (EWS Reservation)**¹⁸.

40. The various amendments carried out in the Constitution since its adoption in relation to making provision for reservation can be summarised as under:-

1.	Constitution (First Amendment) Act, 1951	Inserting Sub-Article (4) to Article 15 providing reservation for socially and educationally backward classes.
2.	Constitution (Seventy-seventh Amendment) Act, 1995	Inserting Sub-Article (4)(A) to Article 16 providing reservation in promotion.
3.	Constitution (Eighty-first Amendment) Act, 2000	Inserting Sub-Article (4)(B) to Article 16 providing for carry forward of vacancies.

¹⁸ (2023) 5 SCC 1

4.	Constitution (Eighty-second Amendment) Act, 2000	Inserting proviso to Article 335 providing relaxation of qualifying marks for the reserved category of persons.
5.	Constitution (Eighty-Fifth Amendment) Act, 2002	Inserting the phrase “with consequential seniority” in Article 16(4)(A) providing not only accelerated promotion but consequential seniority as well to the reserved category.
6.	Constitution (Ninety-Third Amendment) Act, 2006	Inserting Sub-Article (5) to Article 15 providing for mechanism of admission in Education Institution to the reserved category.
7.	Constitution (One Hundred and Second Amendment) Act, 2018, and Constitution (One Hundred and Fifth Amendment) Act, 2021	Providing for identification of backward classes by the Centre and the States by inserting Article 342A.
8.	Constitution (One Hundred and Third Amendment) Act, 2019	Providing for reservation of equally weaker section EWS by inserting Sub-Article (6) of Article 16.

41. The above summary of the constitutional amendments carried out for the purposes of extending the benefit of reservation to the reserved categories would reveal that the Constitution has been amended as many as 9 times in order to implement the reservation policy in a fair and impartial manner so that the so-called depressed classes may be elevated at par with the forward classes. Most of the times the amendments to the Constitution were carried out either to undo the decisions of this Court or to

carry out the directions or the observations made by this Court in implementation of the reservation policy in a more fair and reasonable manner so that the benefit of reservation trickles down to the most backward of the other backward classes/scheduled castes/scheduled tribes.

CENTRAL GOVERNMENT AND STATE GOVERNMENT COMMISSIONS ON SC/ST AND OBCs

42. Apart from the above legislative exercise, the Union Government after independence, set up a Backward Class Commission in the year 1953 under the chairpersonship of Kaka Saheb Kalelkar. The Commission in its Report recommended *inter alia* that all women as a 'class' be treated as 'backward'; all qualified students of backward classes be granted benefit of 70% seats reservation in all technical and professional Institutions; in all Government services and local bodies backward classes should be provided minimum reservation that is 25% in Class-I, 33-½% in Class-II, 40% in Class-III and 40% in Class-IV. The said Commission in its Report observed :

“if entire communities, with some exceptions, are treated to be backward, actual needy would lose in

the mob and they seldom attract attention towards them and get sufficient help.”

- 43.** The Commission also observed that in certain States such as Rajasthan vagabond/restless movers/wanderers who groom and breed animals should be given special protection. The report was placed in the Parliament with an action plan but it went undebated. The Central Government at that time had spent a sum of Rs. 4.5 lakh which is equivalent to about Rs. 5 crore as of today.
- 44.** In 1965, the Central Government appointed a Committee to advise on the revision of the existing list of scheduled castes and scheduled tribes. This Committee popularly known as B.N. Lokur Committee, reported and concluded that the question of de-scheduling (or excluding) of relatively advanced communities should receive serious and urgent consideration. It recommended for the intensive periodical survey of the socio-economic progress made by each of the scheduled castes and scheduled tribes, probably to exclude certain communities that have progressed and to include those that have been left behind. It further recommended that in framing of development

schemes for scheduled castes and scheduled tribes, priority ought to be given to the welfare of the most backward amongst them. It also prepared a list of communities (castes/tribes) that were relatively forward and recommended to de-schedule or exclude 14 scheduled tribes and 28 scheduled castes from the list.

- 45.** The Constitution though aimed at a casteless society, it defined certain depressed/disadvantageous classes as Scheduled Castes and certain tribes living in forest, hilly areas and other remote areas as Scheduled Tribes. However, a significant segment of the population that was otherwise socially, economically and politically backward were not given any privileges or benefits of upliftment. They were marginalised and were left behind in education as well as employment. In order to address this anomaly, the most talked about second backward class Commission was constituted on 1st January, 1979 by the Government of India which is popularly known as B. P. Mandal Commission. This Commission was entrusted with the job to investigate the conditions of socially and educationally backward classes, to recommend the criteria for

defining such classes of citizens, steps to be taken for their advancement and upliftment and the manner in which they can be extending the benefit of the reservation.

- 46.** The Commission submitted its report on 31st December, 1980. The Commission on the basis of 1961 census compiled a national list of 3743 classes of persons under the heading 'Other Backward Classes' out of which 2108 were classified as 'depressed backward classes'. The Commission recorded that 52 per cent (including 44 per cent hindus and 8 per cent non-hindus) of the citizens are Other Backward Classes whereas 22.5 per cent are Scheduled Castes and Scheduled Tribes in India.
- 47.** The Government while implementing the recommendations of the Mandal Commission took a historic decision on 6th August, 1990 to introduce 27 per cent reservation for Other Backward Classes which were socially and educationally backward classes. This was in addition to 22.5 per cent reservation for Scheduled Castes and Scheduled Tribes. The 27 per cent reservation in favour of other backward classes was confined as

this Court in ***M.R Balaji vs. State of Mysore***¹⁹ has put a cap of 50 per cent mark for the purposes of reservation.

- 48.** The Mandal Commission thus recommended for 27 per cent reservation for OBCs in public sector and Government jobs and in promotion at all levels. It is also recommended that in the event the above quota remains unfilled in a particular year, the remaining vacancies be carried forward for a period of 3 years whereupon the unfilled vacancies if any would stand de-reserved. It further recommended for age relaxation to the OBCs at par with the Scheduled Castes & Scheduled Tribes. The validity of the aforesaid 27 per cent reservation in favour of OBCs was upheld by this Court in the year 1992 in **Indra Sawhney (supra)**.
- 49.** In addition to the above exercise of the Government on the executive/administrative side, on the direction of this Court in the case of **E.V. Chinnaiah's (supra)**, the Government of India appointed a single Member Justice Usha Mehra Commission of a National level to examine the issue of sub-categorization of

¹⁹ AIR 1963 SC 649

scheduled castes in Andhra Pradesh. This Commission appointed in the year 2006 was followed by another Commission set up by the Central Government in 2007 under the chairpersonship of Justice G. Rohini. It was also entrusted with the task of studying the entries in the Centre list of the OBCs and to examine the extent of equitable distribution of benefits of reservation amongst the OBCs. One important aspect which was also entrusted to this Commission was to work out a mechanism for sub-categorization of OBCs.

50. This apart, different States on different occasions had set up various State Level Committees and Commissions to study and report about the improvements to be made in reservation policy and the smooth implementation of the provisions of reservations *vis-a-vis* the concerned State. In this context, it may be beneficial to refer to some of the such Committees and Commissions set up by different States:

1.	1961	Dr R. Naganna Gowda Committee, Karnataka	It suggested 50% reservation in technical and professional institutions and 45% in Government services.
2.	1963	V.K. Vishwanathan Commission, Kerala	It recommended reserving 40% seats in technical and professional colleges for OBC

			students and 10% for SC/ST students.
3.	1964	B.D. Deshmukh Committee, Maharashtra	It recommended grouping of backward classes into four categories and reservation in Government services and educational institutions related in the ratio of their percentage in the State.
4.	1969	A.N. Sattanathan Commission, Tamil Nadu	It submitted its Report in 1970 and recommended 33% reservation in State Government jobs and in educational institutions.
5.	1970	Manohar Pershad Commission, Andhra Pradesh	It identified four different categories of OBCs and recommended reservations in their favour, in both professional colleges and in Government services.
6.	1970	J.N. Wazir Committee, Jammu and Kashmir	On the basis of the recommendations of this Committee "The Jammu and Kashmir Scheduled Castes and Backward Classes (Reservation) Rules, 1970" were framed by the State Government.
7.	1973	Dhebar Commission Ministry of Tribal Affairs	This Commission was set up to study the vulnerable tribal groups. It suggested creation of separate category for the less developed among the tribal groups. In 1975 Government of India carried out an exercise to identify the most vulnerable tribal groups as a separate category and declared 52 of them to be in such a group wherein 23 new groups were added in 1993 making it a total of 75 out of 705 scheduled tribes.

8.	1975	L.G. Havanur Commission, Karnataka	It recommended 16% reservation for backward communities, 10% for backward castes and 6% for backward tribes in Government vacancies and educational institutions.
9.	1976	Mungeri Lal Commission, Bihar	It identified 128 communities as backward and 94 of them as most backward. It recommended 20% reservation in Government services and 24% in professional institutions.
10.	1976	A.R. Bakshi Commission, Gujarat	It listed 82 castes and communities as socially and educationally backward and recommended 10% reservation in Government services and in professional institutions.
11.	1977	Chhedi Lal Sathi Commission, Uttar Pradesh	It is one of the most talked about Commission on most backward classes. It recommended classification of backward classes into 3 categories and suggested reservation in Government services and educational institutions under a separate quota.
12	1990	Justice Gurnam Singh Commission, Haryana	The Commission found that reservation benefits have been primarily availed by one particular scheduled caste and the overall benefits have not percolated down to rest of the 36 scheduled castes. Consequently, the scheduled castes' list for the purposes of reservation in Haryana was divided into Block 'A' and Block 'B' putting the 36 scheduled castes in Block 'A' and the one

			that has availed most of the benefits in Block 'B'.
13.	1997	Justice P. Ramchandra Raju Commission, Andhra Pradesh	This Commission was set up on the demand of the extremely backward castes within the scheduled castes of the State of Andhra Pradesh. The Report opined that largely the benefits of reservation had gone to a particular caste among the scheduled castes and therefore recommended for categorizing of the scheduled castes into Group A, B, C and D. It is on the basis of the recommendation of this Commission that scheduled castes in Andhra Pradesh were categorized in Group A, B, C and D which enactment led to E.V. Chinnaiiah where this Court declared such classification as unconstitutional opining that scheduled castes/scheduled tribes are one homogenous class and cannot be sub-categorised for the purposes of reservation.
14.	2001	Hukam Singh Committee, Uttar Pradesh	The Committee upon study found that the benefits of reservation was not percolating down to the most depressed classes of persons rather the Yadav's alone had a maximum share of jobs. Thus, it recommended sub-categorisation of list of scheduled castes/OBC.
15.	2003	Lahuji Salve Commission, Maharashtra	This Commission was appointed to study the socio-economic condition of Mangs caste which was within the list of scheduled castes. The Commission recommended the

			sub-classification of the scheduled castes as Mangs being the lowest in the hierarchy of caste system were not being adequately benefited.
16.	2005	Justice A.J. Sadashiva Commission, Karnataka	This Commission was appointed to identify the castes, races and tribes of scheduled castes in the State to whom the benefit of reservation was not being adequately extended. The Commission recommended the division of 101 castes specified in the Presidential List into four categories with 15% of the total reservation of scheduled castes to each of the categories.
17.	2007	Mahadalit Commission, Bihar	The Commission was to identify the castes within the scheduled castes that lagged behind. The Commission recommended inclusion of 18 castes as extremely weaker castes from amongst the list of scheduled castes.
18.	2007	Justice Jasraj Chopra Committee, Rajasthan	The Committee reported that Gurjar's live in remote, isolated and uninhabited areas and are extremely backward and therefore recommended that they may be provided with better facilities than those available to the other backward classes.
19.	2008	Justice Thiru M.S. Janarthanam Committee, Tamil Nadu	The Committee recommended that the Arunthathiyar's deserve differential treatment in reservation.
20.	2017	K. Ratna Prabha Committee,	Based upon the recommendation of this Committee, The Karnataka

		Karnataka	Extension of Consequential Seniority to Govt. Servants Promoted on the Basis of Reservation (to the posts in the Civil Services of the State) Act, 2018 was enacted and the matter came up to the Supreme Court wherein the validity of the Act was upheld and it was opined that the reserved category candidates are not only entitled to accelerated promotion but to consequential seniority.
21.	2018	Justice Raghvendra Kumar Committee, Uttar Pradesh	According to the Report there are 79 castes under the OBC category in the State out of which 9 are backward, 37 are more backward and 33 are most backward classes. Therefore, it recommended splitting of 27% quota of OBC in the State: 7% for backward classes, 11% for more backward classes and 9% for most backward classes.

THE RAMIFICATIONS OF RESERVATION

51. The above history of “Reservation” in the country would amply indicate that tremendous amount of effort has been put in by all the three organs of the State i.e. the Legislature, the Executive and the Judiciary to bring about social justice by promoting the reservation policy and its implementation in such a manner that not only the backwards but the most backwards

of the backwards are brought into the forefront with the mainstream. So the question arises that how far has the reservation policy succeeded in someone's wild guess? Notwithstanding, the success or failure of the reservation policy, one thing is for sure that it has burdened the Judiciary at all levels specially the High Courts and the Supreme Courts with enormous litigation which could have been avoided if a robust reservation policy with a vision would have been envisaged under the constitutional provisions in the very beginning instead of making piecemeal changes.

- 52.** It is a matter of experience that every kind of process of selection and appointment in the government services and admission at higher level has come to be challenged before the courts *inter-alia* on the grounds of misapplication of the rule of reservation. Most of the times, the appointments and admissions get stuck up for years on account of litigation. This has caused enormous delay in the recruitment process and the vacancies remaining unfilled for long, giving rise to stop-gap/ad-hoc appointments resulting in further litigation. It is also noticeable that enough time and energy has been spent by all the three wings of the

State in streamlining the process of reservation and to evolve a flawless mechanism for implementing the reservation policy but still the non-visionary approach to handle the upliftment of the backward castes has created more difficulties rather than ironing them out.

- 53.** It is a matter of record that in pro-reservation agitations and anti-reservation agitations, the peace and tranquillity of the entire country, at times, stood disturbed. Specially, during the anti-Mandal Commission agitation somewhere in 1990, most of the States witnessed large scale disturbances. The turmoil so created by such agitations and demonstrations particularly in the months of August-November of 1990 is the ample indication of the wide spread violence.
- 54.** It may not be out of context to point out that apart from the anti-Mandal Commission violence, the country witnessed similar violence in the year 2006 when the students of IITs and AIIMS came out on the streets opposing reservation. Also, there was violence in Maharashtra against the Maratha reservation, to talk about the few.

55. After independence, a special provision was made in the Directive Principles of State Policy to provide compulsory primary education to all children within a period of 10 years but the target could not be achieved even after 77 years of independence. The Central Government, few years back, in order to provide free education to children enacted Right to Education Act, 2009. The aforesaid Act proved to be a very weak legislation and have not been able to provide primary education to one and all irrespective of the caste, creed, race, religion and sex as most of the children of the so-called depressed class either fail to attend schools or drop out after one and two years of education. There is no compulsion to give education to such children. The policy of reservation is applicable at the higher level only and for the purposes of employment. Thus, depriving such children or the drop outs, at the primary level of the benefit of reservation or upliftment in any other manner, as a result of which these children ultimately remain the most backward of the backwards.

56. The statistics proves that the deprived and the marginalized persons have not been able to achieve the benefit of reservation

which is permissible at higher level as about 50% of the students from the most backward classes drop out of school before Class-V and 75% drop out before Class-VIII. The figure goes to even 95 per cent when it comes to the level of high school. Thus, only the children of some of the castes, who are already affluent or urbanized, are able to obtain higher education and the benefits of reservation.

- 57.** By referring to the above agitations, disturbances, violence, litigation and shortcomings, I do not intend to suggest that the task of upliftment of the downtrodden be brought to an end or that the government should give up the reservation policy. But the issue is how to carry out the process to bring about equality and development of all, the manner of identification of the so-called depressed classes or the downtrodden and the form/nature of steps to be taken for their upliftment. The Government has used caste as the basis for the upliftment rather than identifying the class of people on the basis of vocation or their social and economic conditions who actually requires help to be promoted to the level of the forward class. It is for this reason, today we are grappling with a situation of sub-

classification of the castes notified for the purpose of reservation. The experience shows that the better of the class amongst the backwards eats up most of the vacancies/seats reserved leaving the most backward with nothing in their hands.

- 58.** This may be illustrated and better explained by taking three students namely 'A', 'B' and 'C'. Both 'A' & 'B' are equals in every manner as they come from well-to-do family having same kind of status, family background, education and financial capacity. 'A' being a general category candidate, qualifies for admission in higher education on merits whereas 'B' who belongs to a backward class competes and qualifies for admission in the reserved category. The student 'C' who is also of the backward class but has no advantage as that which is available to both 'A' and 'B', despite competing in the backward category remains unsuccessful. He continues to remain unsuccessful in the following years as well, as again and again backward category candidates having the status equivalent to that of a forward class or that which is available to 'A' and 'B' keeps on qualifying leaving the most backward of the backwards far behind. In this

manner, the most backward of the backward category loses the battle even with the backward classes who are practically enjoying the status of the forward class people.

CASTELESS SOCIETY-CASTE SYSTEM VIS-À-VIS THE VARNA SYSTEM

59. The Constitution virtually visualises a casteless society and a unified society but in the name of 'equality' to accord facility and privileges to the depressed class/downtrodden, it is said that we have continued with the so-called *Manuwadi System* of caste. I am not an expert of religious scriptures nor do I claim that I have any knowledge of any one of them though I may have gone through *Bhagwad Gita* and *Ramcharit Manas* some times. According to my limited understanding of the scriptures specially the *Gita*, I am of the firm view that in primitive India there was no existence of any caste system rather there was categorisation of the people according to their profession, talent, qualities and nature. This can very well be reflected by *verse 13 of chapter 4* and *verse 41 of chapter 18* of the *Bhagwat Gita* which I quote below.

60. चातुर्वर्ण्यं मया सृष्टं गुणकर्मविभागशः । (Chapter 4, Verse 13, Bhagwat Gita)

ब्राह्मणक्षत्रियविशां शूद्राणां च परन्तप ।
कर्माणि प्रविभक्तानि स्वभावप्रभवैर्गुणैः ॥ (Chapter 18, Verse 41, Bhagwat Gita)

Lord Krishna says that I have categorised humans in 4 **varnas** according to their nature and characteristics.

Gita thus only promotes *varna* system which is different from present day caste system. It lays emphasis on abilities, qualities and consciousness of a person to have a balanced structure of society and to bring out the best in every person. The four *varnas* (occupational categories) are: -

1.	Bharama	Teachers, Priests and Intellectuals (Priestly class)
2.	Kshatriyas	Warriors, Police and Administrators (Administrative class)
3.	Vaishayas	Farmers, Merchants, Traders and Businessman (Mercantile and Farmer class)
4.	Shudras	Artisans, Workers and Labour class (Worker class)

61. The *Bhagwad Gita* in subsequent verses describes the intrinsic qualities of each of the *varnas*. The *varna* system depicting occupational categories can also be explained with the physical body of a person wherein the head of a person which does

intellectual work is called '*Bharaman*'. The hands which protect him and his family does the job of a '*Kshatriya*'. The abdomen which requires food to convert it into energy refers to '*Vaishayas*', who are predominantly the farmers and the merchants invested to earn livelihood. The lower limbs (legs) do all kind of labour work and are referred to as '*Shudras*'.

62. The *Skanda Purana* also contains a *shloka*:

जन्मना जायते शूद्रः संस्कारात् द्विज उच्यते²⁰ ।

which means that everyone is born as Shudra i.e. to work and slowly each one of them elevates himself to a higher status of *Vaishya*, *Kshatriya* and *Brahmin* on the strength of his talent, quality, character and nature.

63. It means the duties of *Brahmins*, *Kshatriyas*, *Vaishyas* and *Shudras* were distributed according to their qualities (*guns*) and nature (and not by birth). All people have different nature and characteristics. Their personality is shaped according to their qualities (*gunas*). Thus, different professionals duties are suited to persons of different nature and character. Since the center of

²⁰ Skanda Purana Vol.18 Book VI, Nagar Kanda, Chapter 239, Verse 31-34.

society is God (*Parmatma*), everyone (*atma*) works according to their intrinsic qualities to sustain themselves and the society.

- 64.** According to the *varna* system no one is to be considered as lower or higher, rather it is preached that everyone is equal fragment and a part and parcel of Him, the Almighty. *Gita* nowhere preaches that the aforesaid *varnas* are on the basis of birth and are not interchangeable. However, with the passage of time, the *varna* system deteriorated and the people started labelling these *varnas* on the basis of birth, ignoring the nature and characteristics of a person which is exactly the opposite to what is preached in *Gita*. The *varnas* were given the nomenclature of castes in a very loose manner.
- 65.** Later, children of Brahmins started calling themselves as Brahmins, irrespective of whether they possessed the corresponding qualities or not. Similarly, the children of other *varnas* also adopted the *varna* of their father ignoring their own nature, talent and qualities. When this system grew rigid & birth based, it became dysfunctional.
- 66.** In short, what is intended to be conveyed is that according to *Gita* there is no caste system and the *varna* system

(categorization) referred to therein is quite distinct, based upon persons nature & qualities. Thus, there was no caste system in ancient India i.e., Bharat. The misconstruction of the *varna* system as a caste system was a social defect that crept in with time and was not considered to be good as it divided the society and brought about discrimination & inequality.

67. The social problems created by the so-called caste system or the problem of untouchability etc. were widely considered to be bad practices prevailing in the Indian society. Thus, social reformers always propagated giving up of such malpractices.

68. Mahatma Gandhi, the Father of the Nation, during the entire freedom struggle strenuously worked for the upliftment of the so-called depressed classes including 'untouchables'. He described the untouchables as 'persons of God' - 'Harijans'. After independence with the adoption of the constitution, we decided to move towards the unified casteless society and vide Article 17 envisaged to abolish the practice of untouchability in any form and contemplated to make untouchability 'a punishable offence'. Notwithstanding, the objective of casteless society and the principle of equality; the original Constitution

made provision by Article 15 (3) enabling the State to make special provision for women and children despite prohibition of discrimination on grounds religion, race, caste, sex or place of birth. Similarly, Article 16 (4) enabled the State for making special provision for reservation of appointments or post in favour of any backward class of citizens. This was done with the object to bring about social equity and justice.

69. The Constitution at the same time vide Article 341 conferred power upon the President to notify certain castes, races or tribes or part of such caste, races and tribes to be deemed to be Scheduled Castes. In fact, the constitution otherwise does not recognise any caste except for the above deeming provision. The country as such had moved into a casteless society except for the above legal fiction only for the purposes of the constitution and not otherwise.

70. In other words, to put it summarily there was no caste system in primitive India. Slowly the *varna* system prevalent was misconstrued to be a caste system which practice was found to be socially non-acceptable and as such after independence with the adoption of the Constitution we again tried to move into a

casteless society but in the name of social welfare to uplift the depressed and the backward classes, we again fell into the trap of caste system. We gave privilege of reservation to the depressed or the backward class or the Scheduled Caste to bring about equality.

- 71.** It is common understanding that what is conceded once to appease any class cannot be taken back. So are the benefits extended to the reserved category of persons under the constitution. Each concession once made, just goes on swelling like a raisin/balloon. This actually happened with the policy of reservation also.

RESERVATION IS ONLY A MEDIUM OF FACILITY BUT ITS EXECUTION REVIVES CASTEISM

- 72.** ‘Reservation’ is one of the modes of helping or uplifting the status of the OBCs/SCs/STs. Anyone who suggests another or a better way of helping the so-called depressed classes or the downtrodden or the marginalised persons of the society is immediately pounced upon as ‘Anti Dalit’. At the cost of being

called 'Anti Dalit', I quote Nani A Palkiwala from his book 'We, The Nation, The Lost Decades)²¹

“The basic structure of the Constitution envisages a cohesive, unified, casteless society. By breathing new life into casteism, the judgment fractures the nation and disregards the basic structure of the Constitution. The decision would revitalise casteism, cleave the nation into two – forward and backward - and open new vistas for internecine conflicts and fissiparous forces, and make backwardness a vested interest. It will undo whatever has been achieved since independence towards creating a unified, integrated nation. The majority judgments will revive casteism which the Constitution emphatically intended to end; and the pre-independence tragedy would be re-enacted with the roles reversed – the erstwhile underprivileged would not become the privileged.”

73. In fact, Scheduled Castes, Scheduled Tribes and other backward classes simply deserve equality with the other forward classes of people. Justice O. Chinnappa Reddy in **K C Vasantha Kumar & Anr. vs. State of Karnataka**²² said “*they need facility; they need launching; they need propulsion. Their needs are their demands. The demands are matters of rights and not of philanthropy. They ask for parity and not charity.*”

²¹ NANI PALKIWALA, WE, THE NATION: THE LOST DECADES 179 (Mehta Publishing House 1995)

²² 1985 SCC Suppl. 714

- 74.** In ***State of Kerala vs. N M Thomas***²³, Justice V R Krishna Ayer said “you can’t throw to the winds considerations of administrative capability and grind the wheels of Government to a halt in the name of ‘*harijan welfare*’.”
- 75.** This Court in ***A. Periakaruppan Chettiar vs. State of Tamil Nadu & Ors.***²⁴ observed that reservations should not be allowed to become a vested interest. In ***Akhil Bharatiya Soshit Karamchari Sangh vs. Union of India & Ors.***²⁵ it was observed that efficacy of the reservation policy will depend upon how soon reservations can be done away with. The then Chief Justice of India Y.V. Chandrachud counselled in ***Vasanth Kumar*** (supra), “the policy of reservation in employment, education and legislative institutions should be reviewed every five years or so.”
- 76.** Pandit Jawahar Lal Nehru in his letter dated 27th June 1961 addressed to all the Chief Ministers of all the States laments upon the habit of giving reservations and privileges to any caste or group and expresses that such practice ought to be given up

²³ (1976) 2 SCC 310

²⁴ (1971) 1 SCC 38

²⁵ (1981) 1 SCC 246

and emphasis to help the citizens on economic considerations and not on caste basis and that the Scheduled Castes and Scheduled Tribes do deserve help but not in the shape of any kind of reservation more particularly in services. He wrote:

“I want my country to be a first-class country in everything. The moment we encourage the second-rate, we are lost.

The only real way to help a backward group is to give opportunities of good education, this includes technical education which is becoming more and more important. Everything else is a provision of some kind of crutches which do not add to the strength or health of the body.”

In the same letter he went on to speak about two very important decisions, *“one is, universal free elementary education that is the base; and the second is scholarship on a very wide scale at every grade of education to the bright boys and girls”*. He went on to express if reservation on communal and caste basis continues, India will remain second rate or third rate. He said *“This way lies not only folly, but disaster. Let us help the backward groups by all means, but never at the cost of efficiency.”*

CONCLUSION

- 77.** Our predecessors, not only the Judges but also the former Prime Minister have appeared to be against providing reservation to any class or caste of persons on purely caste basis and wanted to take the country forward on merit basis. Despite the views so expressed, the Constitutional amendments envisaged to promote the depressed and the backward classes of persons to bring them to the level of the privileged class enjoying the status of an urban elite. Thus, the reservation policy was rightly applied and since its implementation faced difficulties as some in the backward classes have marched ahead, it has become imperative to uplift the backward of the backwards, for which purpose sub-classification has become the order of the day.
- 78.** I had the privilege of going through the erudite judgments of the Chief Justice and my esteemed brother Justice Gavai.
- 79.** The Chief Justice in his opinion has dwelled upon the legal aspects to answer the core issue whether sub-classification of the scheduled castes is constitutionally permissible for the

purposes of reservation. He has clearly opined that this Court in **Indra Sawhney** (Supra) never intended to limit the application of sub-classification to the other backward classes only. If any class is not integrated it can be further classified and such sub-classification of a class would not be violative of Article 14 of the Constitution, so long persons in a class are not similarly situated. There is no violation of Article 341(2) of the Constitution in sub-classification within the scheduled caste as by such sub-classification no caste is being included or excluded from the list of scheduled castes.

- 80.** His Lordship Justice Gavai in his opinion quoted an example where a member of a backward class becomes an IAS or an IPS or any other officer of the All India Service and improves upon his status in the society but even then his children get full benefits of reservation. No doubt, “*one swallow does not make a summer*” meaning thereby that if few members of a particular caste/class advances in the society the entire caste or class would not cease to be backward. Nonetheless if any member of designated backward class acquires a higher status and attains equality with the forward class, it is difficult to comprehend how

his children would be treated as depressed, downtrodden or backward in any manner be it socially, economically or educationally. Therefore, the caste to which this person belongs may not be excluded as a whole from the benefit of reservation but certainly the family which has obtained the benefit once shall not be allowed to take advantage of reservation in the next generation. The reservation to such families has to be confined to one generation only.

- 81.** It has rightly been stated by my brother Justice Gavai in his opinion that Justice Krishna Iyer in ***N. M. Thomas*** (supra) has repeatedly observed that State is entitled to take steps for weeding out socially, economically and educationally advanced sections of scheduled castes and scheduled tribes from the ambit of reservation.
- 82.** It has rightly been observed that a child studying in St. Stephen's College or any good urban college cannot be equated with a child studying in a rural school/college and that he cannot be grouped into a same bracket.
- 83.** In these circumstances my brother Justice Gavai has rightly concluded that the State must evolve a policy of identifying the

creamy layer even from the scheduled castes and scheduled tribes so as to exclude them from the benefit of reservation.

84. Agreeing with the scholarly separate opinions authored by the Chief Justice and Brother Gavai, J., I summarise my views as under:

- (i) The policy of reservation as enshrined under the Constitution and by its various amendments requires a fresh re-look and evolvement of other methods for helping and uplifting the depressed class or the downtrodden or the persons belonging to SC/ST/OBC communities. So long no new method is evolved or adopted, the system of reservation as prevailing may continue to occupy the field with power to permit sub-classification of a class particularly scheduled caste as I would not be suggesting dismantling of an existing building without erecting a new one in its place which may prove to be more useful;
- (ii) In the Constitutional regime, there is no caste system and the country has moved into a casteless society

except for the deeming provision under the Constitution for the limited purposes of affording reservation to the depressed class of persons, downtrodden or belonging to SC/ST/OBC. Therefore, any facility or privilege for the promotion of the above categories of persons has to be on a totally different criteria other than the caste may be on economic or financial factors, status of living, vocation and the facilities available to each one of them based upon their place of living (urban or rural);

(iii) The reservation, if any, has to be limited only for the first generation or one generation and if any generation in the family has taken advantage of the reservation and have achieved higher status, the benefit of reservation would not be logically available to the second generation; and

(iv) It is reiterated that periodical exercise has to be undertaken to exclude the class of person who after taking advantage of reservation has come to march, shoulder to shoulder with the general category.

85. The reference is accordingly answered and it is held that sub-classification of scheduled castes is permissible in law for the purposes of reservation.

..... **J.**
(PANKAJ MITHAL)

NEW DELHI;
AUGUST 1, 2024.