










# **M. NAGARAJ V. UNION OF INDIA (2006)**

*Constitutional Interpretation & Basic Structure*

## **PRELIMS SNAPSHOT**

-  1. Prelims Snapshot (Fact Box)
-  Year: 2006
-  Case: M. Nagaraj v. Union of India
-  Bench Strength: 5 Judges (Constitution Bench)
-  Key Articles Involved: Article 16(4), 16(4A), 16(4B), Article 335
-  Doctrine Evolved: Conditions for reservation in promotions; Reservation is not a fundamental right
-  Famous Line: "The constitutional amendments do not obliterate the concept of equality."

## **CONTEXT & BACKGROUND**

Following the Indra Sawhney judgment (1992), the Supreme Court had disallowed reservations in promotions. In response, Parliament passed the 77th, 81st, 82nd, and 85th Constitutional Amendments to



allow reservations in promotions for SCs and STs and relax conditions like promotion criteria and carry-forward rules. These amendments were challenged in the M. Nagaraj case on the grounds that they violated the Basic Structure of the Constitution, particularly the principle of equality.

## **CONSTITUTIONAL ISSUES RAISED**

- Can Parliament provide for reservation in promotions for SCs/STs under Articles 16(4A) and 16(4B)?
- Do these amendments violate the Basic Structure Doctrine?
- What are the conditions or safeguards required for implementing such reservations?

## **VERDICT & RATIO DECIDENDI**

The Supreme Court upheld the constitutional validity of the amendments, but imposed strict conditions for their implementation:

- The State must demonstrate backwardness, inadequate representation, and administrative efficiency before granting reservation in promotions
- These conditions must be based on quantifiable data



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## MAJOR SUPREME COURT JUDGEMENTS

- The principle of creamy layer exclusion applies to OBCs but not to SC/STs (this point was later revisited)
- Equality under Article 14 is part of the Basic Structure and must be respected even in affirmative action

Thus, the verdict upheld the amendments but limited their automatic application.

### **DOCTRINE / PRINCIPLE EVOLVED**

- Reservation in promotion is not a fundamental right
- Three-pronged test for promotion reservation:
  - Proof of backwardness
  - Evidence of inadequate representation
  - Assurance of administrative efficiency (Article 335)
- Affirmed that constitutional amendments are subject to Basic Structure review



## IMPACT & LEGACY

- Became the benchmark for applying reservation in promotions
- Forced governments to collect empirical data before implementing such policies
- The judgment was partially reconsidered in *Jarnail Singh v. Lachhmi Narain Gupta* (2018), which:
- Removed the requirement to prove backwardness for SCs/STs
- Reaffirmed the need for quantifiable data and administrative efficiency
- Continues to guide service-related reservation policies and legal challenges



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# MAJOR SUPREME COURT JUDGEMENTS

## RELEVANCE FOR UPSC

- GS Paper 2:
  - Reservation in public employment
  - Judicial checks on affirmative action
  - Interpretation of constitutional amendments
- GS Paper 4 (Ethics):
  - Fairness vs. efficiency, affirmative action ethics
- Essay Paper:
  - Themes like Reservation in Promotions, Merit vs. Representation, Social Justice in Bureaucracy
- UPSC Interview:
  - Useful in discussions on SC/ST representation, service reforms, or EWS and creamy layer debates

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