










# **INDRA SAWHNEY V. UNION OF INDIA (1992)**

*Constitutional Interpretation & Basic Structure*

## **PRELIMS SNAPSHOT**

-  1. Prelims Snapshot (Fact Box)
-  Year: 1992
-  Case: Indra Sawhney v. Union of India (also known as the Mandal Commission case)
-  Bench Strength: 9 Judges
-  Key Articles Involved: Article 14, Article 15(4), Article 16(4), Article 340
-  Doctrine Evolved: 50% cap on reservations; Concept of the "creamy layer"
-  Famous Line: "Equality is not merely formal; it must be real and substantive."

## **CONTEXT & BACKGROUND**

In 1990, the V.P. Singh government implemented the recommendations of the Mandal Commission (1979), which



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proposed 27% reservation for Other Backward Classes (OBCs) in central government jobs. This triggered widespread protests across the country and led to multiple legal challenges. The case was referred to a 9-judge Constitutional Bench to decide the constitutional validity of the move and examine the larger question of reservation, backwardness, and equality under the Constitution.

### **CONSTITUTIONAL ISSUES RAISED**

- Can the State provide reservations solely based on caste?
- Is there a limit to how much reservation can be given under Article 16(4)?
- Can creamy layer individuals among OBCs be excluded from benefits?
- Do reservations apply only to initial appointments, or also to promotions?

### **VERDICT & RATIO DECIDENDI**

The Court upheld the constitutionality of 27% reservation for OBCs, but with key restrictions:

- Introduced the concept of the “creamy layer”, excluding socially



- advanced individuals among OBCs from reservation benefits
- Imposed a 50% cap on total reservations, except in extraordinary circumstances
- Held that economic criteria alone cannot determine backwardness
- Ruled that reservations in promotions were not allowed under Article 16(4) (this was later modified by the 77th Amendment)

The judgment emphasised substantive equality, while preserving administrative efficiency.

## **DOCTRINE / PRINCIPLE EVOLVED**

- Creamy layer doctrine to ensure that benefits reach the truly backward
- 50% reservation cap as a general constitutional rule
- Backwardness must be social and educational, not just economic
- Reaffirmed that Article 16(4) is not an exception but a facet of equality





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## IMPACT & LEGACY

- Became the definitive legal position on reservations in India
- Guided all future policies on OBC identification and quota design
- Led to constitutional amendments like the 77th (1995) and 93rd (2005) to restore reservation in promotions and educational institutions
- Formed the legal foundation for challenges and decisions in later cases like:
  - M. Nagaraj (2006)
  - Jarnail Singh (2018)
  - Maratha Reservation case (2021)



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## RELEVANCE FOR UPSC

- GS Paper 2:
  - Reservation policy, social justice, and equality
  - Balance between merit and affirmative action
  - Constitutional interpretation of Articles 15 and 16
- GS Paper 4 (Ethics):
  - Equity vs. equality, distributive justice
- Essay Paper:
  - Topics on Reservation Debate, Social Inclusion, Equality of Opportunity
- UPSC Interview:
  - Relevant in debates on reservation caps, EWS quota, caste census, or creamy layer in SC/ST categories

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