

Topic: Comparative Scope Of Article 15(4) And Article 16(4)

Name of the case: EV Chinnaiyan v. State of AP, (2005) 1 SCC 394

Bench: Justice N. Santosh Hedge, Justice S.N. Variava, Justice B.P. Singh, Justice H.K. Sema, Justice S.B. Sinha

Fact of the case: The validity of Andhra Pradesh Schedule Caste (Rationalisation of Reservation) Act, 2000 was challenged before the High Court of Andhra Pradesh which was dismissed by majority of five judge bench.

The State of Andhra Pradesh appointed a commission headed by Justice Ramachandra Raju to identify the group among the Schedule Caste found in the list prepared under Article 341 of the Constitution of India by the President, who had failed to secure the benefit of education provided for Schedule Caste in the state in admission to professional colleges and appointments to services in the state.

Ratio: The scope of Article 15 (4) is wider than Article 16 (4). Article 15 (4) covers within eight several kinds of positive action program in addition to reservation. However, reservation of posts and appointments must be within reasonable limits, which is the maximum of 50%. The same limit applies to Article 15 (3). Reservation to a backward class is not a constitutional mandate, but a prerogative of the state.

The provisions for Article 330 (1) (b) and (c) shows that the Constitution has treated Scheduled Tribes in the autonomous district of Assam as a separate category distinct from all other scheduled tribes. This clearly indicates that when the Constitution makers wanted to make a sub-classification of scheduled Tribes, they have themselves made it in the text of the Constitution itself and have not empowered any legislature or government to make such a sub-classification.

It was also observed that Article 341 indicates that there can be only one list of Schedule Caste in regard to a state and that list should include all specified castes, races or tribes or part or groups notified in that presidential list. In the entire Constitution whenever reference has been made to "Schedule Castes" it refers only to the list prepared by President under Article 341 and there is no reference to any sub-classification or division in the state list except, maybe, for the limited purpose of Article 330. Therefore, it is clear that the Constitution intended all the castes including the subcastes, races and tribes mentioned in the list to be a member of one group for the purpose of Constitution and in this group cannot be subdivided for any purpose. The Constitution intended that all the castes included in the schedule under Article 341 would be deemed to be one class of persons.