

Topic: Socially And Educationally Backward Classes Under Article 15 (4)

Name of the case: Balaji v. State of Mysore, AIR 1963 SC 649

Bench: Chief Justice Bhuvneshwar Sinha, Justice PB Gajendragadkar, Justice K.N. Wanchoo, Justice K.C. Gupta, Justice J.C. Shah

Fact of the Case: After the enactment of First Constitutional Amendment 1951, Balaji was the first case which came up before Supreme Court.

And order of the Mysore Government issued under Article 15 (4) reserve seats for admission to the state medical and engineering colleges for backward class and more backward classes. This was in addition to the reservation of seats for the Schedule Castes (15%) and for the Scheduled Tribe (3%). Backward and more backward classes were designated on the basis of 'caste' and 'communities'.

Ratio: The Supreme Court invalidated the order based on following grounds:

The first facet in the Mysore order was that it was based solely on caste without regard to other relevant factors and this was not permissible under Article 15 (4). Though caste in relation to Hindu could be a relevant factor to consider in determining the social backwardness of a class of citizens, it must not be made the sole and dominant test in that behalf. Christians, Jains and Muslims do not believe in the caste system and, therefore, the test of the caste could not be applied to them. In as much as identification of all backward classes under the impugned order had been made solely on the basis of caste, the order was bad.

Secondly, the test adopted by the state to measure educational backwardness was the basis of the average of student population in the last three highest school classes of all higher schools in the state in relation to thousands citizen of that community. This average for the whole state was 6.9 per thousand. The court stated that for women the test applied was rational and permissible to judge educational backwardness, it was not validly applied. Only community falling below the state average could properly be regarded as backward, but not a community which came near the average.

Thirdly, the court declared that Article 15 (4) does not envisage classification between backward and more backward classes as was made by the Mysore order. Article 15 (4) authorizes a special provision being made for backward classes and not for such classes as were less advanced in the most Advanced classes in the state. By dropping the techniques of classifying communities into backward and more backward classes, 90% of the total population had been treated as backward. The order, in effect, sought to divide the state population into the most advanced and rest, but put the later into two categories - backward and more backward- and the classification of two categories is not envisaged by Article 15 (4).

"The interests of weaker Sections of society which are a first charge on the state and the Centre have to be adjusted with interest of community as a whole. The adjustment of these computing claims is undoubtedly difficult matter, but if under the guise of making a special provision, state reserves practically all the seats available in the college, that clearly would be subverting the object of Article 15 (4)." The state had "to approach its task objectively and in a rational manner".

The court further drew distinction between caste and class. An attempt at finding a new basis for asserting social and educational backwardness in a place of caste is reflected in the Balaji decision.

Further, the court also ruled that reservation under Article 15 (4) should be reasonable. It should not be such as to defeat or nullify the main rule of equality instrument in Article 15 (1). While it would not be possible to predicate, it was observed that the permissible percentage of reservation ought to be less than 50%, "how much less than 50% would depend upon the relevant prevailing circumstances in each case". Also, a provision under Article 15 (4) need not be in the form of law, it could as well be made by an executive order.
