Part XVI deals with reservation of SC and ST in Central and State legislatures.

Article 15(4) and 16(4) of the Constitution enabled the State and Central Governments to reserve seats in government services for the members of the SC and ST.

The Constitution was amended by the Constitution (77th Amendment) Act, 1995 and a new clause (4A) was inserted in Article 16 to enable the government to provide reservation in promotion.

Later, clause (4A) was modified by the Constitution (85th Amendment) Act, 2001 to provide consequential seniority to SC and ST candidates promoted by giving reservation.

Constitutional 81st Amendment Act, 2000 inserted Article 16 (4 B) which enables the state to fill the unfilled vacancies of a year which are reserved for SCs/STs in the succeeding year, thereby nullifying the ceiling of 50% reservation on total number of vacancies of that year.

Article 330 and 332 provides for specific representation through reservation of seats for SCs and STs in the Parliament and in the State Legislative Assemblies respectively.

Article 243D provides reservation of seats for SCs and STs in every Panchayat.

Article 233T provides reservation of seats for SCs and STs in every Municipality.

Article 335 of the constitution says that the claims of STs and STs shall be taken into consideration constitutively with the maintenance of efficacy of the administration.

Judicial Verdicts of Reservation

- The State of Madras v. Smt. Champakam Dorairajan (1951) case was the first major verdict of the Supreme Court on the issue of Reservation. The case led to the First amendment in the constitution.
- The Supreme Court in the case pointed out that while in the case of employment under the State, Article 16(4) provides for reservations in favour of backward class of citizens, no such provision was made in Article 15.
- Pursuant to the Supreme Court’s order in the case the Parliament amended Article 15 by inserting Clause (4).
- In Indra Sawhney v. Union of India (1992) case the court examined the scope and extent of Article 16(4).
- The Court has said that the creamy layer of OBCs should be excluded from
the list of beneficiaries of reservation, there should not be reservation in promotions; and total reserved quota should not exceed 50%.

- The Parliament responded by enacting the **77th Constitutional Amendment Act** which introduced Article **16(4A)**.
- The article confers power on the **state** to reserve seats in favour of **SC and ST in promotions** in Public Services if the communities are not adequately represented in public employment.
- The Supreme Court in **M. Nagaraj v. Union Of India 2006** case while upholding the constitutional validity of Art 16(4A) held that any such reservation policy in order to be constitutionally valid shall satisfy the following three constitutional requirements:
  - The SC and ST community should be **socially and educationally backward**.
  - The SC and ST communities are **not adequately represented** in Public employment.
  - Such reservation policy shall not affect the overall efficiency in the administration.
- In **Jarnail Singh** vs Lachhmi Narain Gupta case of 2018, Supreme Court holds that reservation in promotions does not require the state to collect quantifiable data on the backwardness of the Scheduled Castes and the Scheduled Tribes.
- The Court held that **creamy layer exclusion extends to SC/STs** and, hence the State cannot grant reservations in promotion to SC/ST individuals who belong to the creamy layer of their community.