

**ARTICLE 15**

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**ABSTRACT**

We all feel proud of being born an Indian . The diversity in languages, cultures and habits form a part of our identity. As individuals and as citizens . After all ‘ Unity in diversity ‘ is our strength. Two Indians are never alike and yet there is no discrimination . There is a sense of inclusiveness in our diversity. Our politicians have played a pivotal role since Independence to make India one, despite the cultural ,linguistic and religious differences . our media houses show the brotherhood we Indians believe in .Oh , Wait! I skipped the disclaimer at the beginning .‘ This is a work of fiction, Names, characters, businesses, and incidents are either the products of the incidents are either the products of author ‘s imagination or used in a fictitious manner. Any resemblance to actual persons, living or dead, or actual events is purely coincidental. How badly I wish that the ‘ Unity in diversity’ we boast about was a reality and not a myth. Yet, unfortunately , the reality is scarier and saddening. We all are guilty of infringing Article 15 of the Indian constitution. The Indian society is badly plagued by the caste – divide. I have heard more ‘ panditjis ’ , ‘Singh saabs ’ , ‘ khan bhais’ than being called by their first name in colleges , offices and other places. While this may seem harmless at the offset , but it does reflect our mindsets. We have developed a tendency to associate people with the caste they belong to . It defines us more than anything else. Meet a new person and he will inevitably judge you on the basis of the second name you carry . But I fail to find logic in how being born in a certain family qualifies someone to be an ‘upper’ or ‘lower’ being. What pride does any caste hold in today’s time , and who gives the license to anyone to label someone else as a lower being in a democratic country like India? The questions are many but the answers are lost. To understand the issue it is important to know the background of the caste system. Initially , it was a way of dividing society into differently ranked tiers of people on the basis of the occupation. A person who was born in a particular family necessarily had to take up that occupation by virtue of his birth . This led to a clearly demarcated caste division. The ones belonging to lower castes were denied access to basic healthcare and education and often shunned entirely from society and left to do jobs considered ‘ unclean’ such as waste disposal , toilet cleaning and cremation. Dalits also known as untouchables who were considered to be outside of the caste system, suffered particularly badly under this system – Indian History is marked with stories

of untouchable children being spat on and forced to bathe in the same water like animals. The localities for lower castes were usually made outside the main area where only the upper castes were allowed to stay. The caste system and untouchability stand together and will fall together. Prior to independence, people from upper castes considered touching people from lower caste a sin. Untouchables were restricted from entering houses, temples, schools, etc. of the Upper Caste people. Fortunately, after India's Independence, The Indian Constitution abolished untouchability under Article 17. The practice of untouchability is an offence and anyone doing so is punishable by law. Protection of Civil Rights Act, 1976 provides penalties for preventing a person from entering a place of worship or from taking water from the tanks. However, it will be ignorant of us to consider this as a problem of the past. The caste divide and untouchability are so intrinsically mixed that in every nook and corner of the country, the Dalits face handicaps, suffer discrimination and are meted out injustice as a daily routine due to the problem of untouchability. It is saddening to realize that untouchability is still "normalized" in our society- the ones who oppress consider it as their right and the ones who are oppressed, consider it as their destiny. It is more common in rural areas than urban areas. In a documentary named "India Untouched: Stories of a People Apart", it is shown how a Dalit man, removes his slippers to enter the area which is owned or controlled by people belonging to upper caste. And this all is happening in the 21st century, after 70 years of illegalizing untouchability. They are still not allowed to enter temples, draw water from public taps, etc.

In 2006, then PM of India, Dr. Manmohan Singh acknowledged that the practice of untouchability based on caste still exists in India, despite stringent constitutional and legal safeguards. This might sound like a sad state of affairs, but thinking rationally, our politicians have benefitted the most through this caste-divide. I do not see much difference between British Rulers in colonized India and political leaders of Independent India. Just like Britishers, our politicians survive on the politics of "Divide and Rule". India has seen the majority of the political parties rooting out of a particular caste or religion or representing a certain ideology based on communal thoughts. These shrewd politicians look like "opportunists" waiting for one communal incident to spark the sentiments of the public for gathering votes. The situation currently is worse because there are more debates on "Which religion or caste produces more criminals" than discussing "which political party works more to fight criminals". However, the onus does not lie on politicians alone. We need to blame ourselves too. For Indian voters, a politician's caste matters more than his work credentials

and ethics. How can the “caste” of a politician determine his political will to improve our lives? It won't be an exaggeration to say that we choose the leaders who divide us. In *Thol.Thirumavalavan vs The Home Secretary, 2013*, Madras High Court observed: “Some of the caste-based political parties very often kindle casteism and racism in the minds of the public”. We, the gullible, caste-ridden and ignorant voters fail to see the real intent of the politicians. To allow them to rule us is our mistake and we need to take responsibility.

### **PROHIBITION OF DISCRIMINATION ON GROUNDS of RELIGION, CASTE, RACE, SEX OR PLACE OF BIRTH**

**Article 15:** Prohibition of discrimination on grounds of faith ,race ,caste ,sex or place of birth. Article fifteen is accessible to national solely and not one and all whether or not ‘citizen or non ‘ as below Article fourteen. The word ‘only ‘ indicates that discrimination can not be created simply on the grounds that one belongs to a selected caste , religion , sex etc. mustn't be a ground for preference or incapacity. If a law makes discrimination on any of the on top of ground it may be declared invalid.

When we state Article fifteen there are some failures of Article fifteen too as we all know that Article fifteen says that State ought to prohibits the discrimination on the grounds of gender, caste, religion , race , place of birth or anyone of them. It suggests that nobody ought to be discriminated on any of those grounds however there square measure some provisions or exceptions that square measure against the Article fifteen or we can say that there are some failures of Article fifteen , thus lets discuss concerning them –

There are 2 things that may not Preclude the State from-

- a. creating special provision for ladies and kids
- b. creating special provision for the advancement of any socially and educationally backward categories of voters or for the SC and ST.

These exceptional categories of individuals need special protection and thus any legislation that is important for the creating of special provisions for Persons of those categories ,would not be command to be unconstitutional. Thus, it's been command that section 497 of the Indian legal code , that says that in associate degree offence of fornication although the person is punishable for fornication , the lady isn't punishable as associate degree abetter ,

isn't unconstitutional , as a result of such immunity is important for the protection of girls seeable of their existing position in Indian Society.

Similarly, through discrimination on the bottom of caste solely in prohibited by clause [1] of the Article , it'd be permissible below clause [4] for the State to order seats for the members of backward categories or of the regular Castes or tribes or to grant them fee concessions , publicly academic establishments. Article 15[4] of the Constitution doesn't create any obligatory provisions for reservation and therefore the power to create reservation below this text is discretionary and no official document may be issued to impact to reservation. Article 15[4] envisages the policy of countervailing or protecting discrimination however it ought to be affordable and in line with the last word public interest i.e , national interest and therefore the interest of community or society as an entire however the supply can not be with reason invoked in granting remission to be guilty persons happiness to be regular castes and regular tribes because it wouldn't be live for his or her advancement . However, the profit obtained was permissible to be maintained. it had been command that associate degree SC/ST candidate chosen for admission to a course on the premise of benefit as a general candidate mustn't be treated as a reserved candidate and reservation for admission to the specialities/super specialities in post-graduate and student course in medication is permissible. Clause[5] was inserted by the Constitution [93rd modification ] Act, twenty05 with impact from 20 Jan 2006. It empowers the State to create special provision, by law , for the advancement of any socially and academically backward categories of voters or for the regular Castes or the regular tribes relating to their admission to educational establishments as well as personal ones whether or not assisted or unaided by the State, excepting the minority establishments. the position of clause five of Article fifteen of the Constitution within the equality code is of nice significance. What it will is that it enlarges as opposition truncating , a necessary and so a early feature of equality Code.

Article 15[5] inserted by the Constitution [93rd Amendment] Act, 2005 is valid to the extent that it permits reservation for socially and academically backward categories in State or State assisted educational establishments subject to the exclusion of the 'creamy layer' from OBCs. Exclusion of minority academic establishments from the orbit of Article 15[5]held to be valid. but there's distinction of opinion with reference to question of validity of inclusion of personal unaided establishments inside the orbit of Article 15[5].

currently let's more discuss concerning each clause of Article fifteen in brief . There square measure total six clauses in Article 15-

**ARTICLE FIFTEEN CLAUSE 1: THE STATE SHALL NOT DISCRIMINATE AGAINST ANY NATIONAL ON GROUNDS SOLELY OF FAITH, RACE, CASTE, SEX, PLACE OF BIRTH OR ANY OF THEM**

In the case of STATE OF RAJASTHAN VS PRATAP SINGH The Supreme court nullified a notification below the POLICE ACT Of 1861 that declared sure areas as distributed and created the inhabitants of these areas in grips the price of further police stationed there however exempted all HARJANS and MUSLIMS. The exemption was given on the premise solely of 'caste 'or 'religion ' and thus was contrary to Article 15(1). Article fifteen doesn't apply on discrimination supported the place of residence it solely prohibits discrimination supported place of birth as a result of each state need to strengthen their youth thus on give them a lot of opportunities and do higher for his or her folks.

**D.P. JOSHI VS STATE OF M.B.**

It was command that a law that discriminate on the bottom of residence dies not violate Article 15(1). therein case a rule of state Medical school requiring a revenue enhancement fee from Madhya Pradesh Asian nation students for admission within the school was command valid because the ground of exemption was residence and not place of birth. Place of birth is totally different from residence. What 15(1) prohibits is discrimination supported place of birth and not that supported residence. Similarly, the need of a take a look at within the regional languages for the state employment, doesn't contravene Article fifteen because the tests created mandatory for all persons seeking employment.

**ARTICLE FIFTEEN CLAUSE 2 : NO CITIZEN SHALL ON GROUNDS JUST FOR CASTE, RELIGION, RACE, SEX, PLACE OF BIRTH OR ANY OF THEM BE SUBJECTED TO ANY INCAPACITY, LIABILITY, RESTRICTION OR CONDITIONS WITH REGARD TO**

a. Access to outlets , public restaurants, hotels and places of public amusement, b. the utilization of wells ,tanks, bathing Ghats ,roads and places of public resort, maintained by

entirely or partially out of state funds or dedicated to the utilization of the final public. whereas clause(1) of Article fifteen prohibits discrimination by the state ,clause(2) prohibits each the state and personal people from creating any discrimination. the item of Article 15(2) is to eradicate the abuse of the Hindu system and to herald a United nation. Discrimination supported caste still exists in Asian country, folks square measure divided on the premise of caste like Brahman , Kshatriya, Vaishya, Shudra. The Shudras square measure thought of to be the Lower caste folks and earlier they weren't allowed to use public places e.g. Wells, public restaurants etc. It exists all told faith Hindu, Muslim, Sikhs, Christians etc. Example: within the village of upper caste folks , Shudras weren't allowed to enter carrying sleepers. The lower caste folks weren't allowed to use identical utensils that Brahmins used they have wash their utensils and nobody touches their things. The Madras Removal of civil disabilities Act punishes social disabilities. No law ,customs or usages might authorize a person to forestall any Harijans, depressed categories or like from having access to the general public places mentioned within the Acts.

### **ARTICLE FIFTEEN CLAUSE 3: SPECIAL PROVISIONS FOR LADIES AND KIDS**

Nothing during this Article shall forestall the state from creating any special for ladies and kids. In Indian girls and kids needs special provisions for them. the rationale is that women's body and therefore the performance of maternal perform place her at an obstacle within the struggle for subsistence associate degreed her physical well being becomes an object of public interest and care so as to preserve the strength and vigour of that race. it'd not be a violation of article fifteen if academic establishments square measure established by the state solely for ladies. The reservation of seats for ladies in a very school doesn't offend against arrival 15(1). In JOSEPH SHINE VS UNION OF Asian country The Supreme court in a very 5 decide bench aforesaid that penalising the flattering offensive of Article fourteen, 15(1), and twenty one of the constitution of Asian country and not a useful legislation lined by article 15(3) of the constitution. As we are able to see girls currentlydays coming back forward and contributory to the Nations progress and earlier girls were underrated and confined to perform solely menage work however now she recognized her strength and potential and our constitution is supporting her to come back out and do wonders. Childrens were conjointly given truthful chance to figure on their future . They were supplied with

education (RIGHT TO EDUCATION). Childrens weren't allowed to figure as a labour below the age of fourteen years .

**IN SALIL island VS UNION OF INDIA** The Supreme court concerning the supply of the Juvenile Justice(care and protection of children) Act, 2000 fixing eighteen years as higher ordinance for treating persons as Juveniles control it to be constitutionally valid. The constitution permits the regime to create special provisions for kids. the premise of fixation of this age is Article one of the convention of the Rights of the kid, 1989. it had been four years once the adoption of the Peking Rules that the United Nation adopted this convention that came into force on 2d Sep ,1990. Bharat isn't solely a person to the current convention however has conjointly legal on eleventh Dec, 1992. The essence of the Juvenile Justice Act and rules created under it is restorative not retributed . The age has been mounted on account of the understanding of specialists of kid psychological science associated activity patterns that until such an age, the youngsters in conflict with law might still be saved and restored to thought society, rather than changing into hardened criminals in future.

**In RAGUBHANS SINGH v/s STATE OF PUNJAB AIR 1972 P& H 117** – it had been aforementioned that ‘ No affordable nexus for the article of classification is exercised by government . therefore such act amounts to violation of Article 15[3].

In **STATE OF Andhra Pradesh v/s VIJAY KUMAR AIR 1995 SC 1648-** during this Supreme court dominated that the post will be reserved for girls beneath Article 15[ 3] because it is far wider in scope.

Making special provision for girls in respect of employment is integral a part of Article fifteen [3] and its not violation of Article sixteen [2].

#### **ARTICLE FIFTEEN CLAUSE FOUR**

**SPECIAL PROVISION FOR ADVANCEMENT OF BACKWARD** categories. Article fifteen(4) is another exception to clause (1) and (2) of Article 15,which was inserted by the constitution first modification Act 1951, because of the choice in **STATE OF MADRAS VS CHAMPAKAM DORAIRAJAN** , The Madras Government had by a G.O reserved seats in state Medical and Engineering faculties for various communities in bound proportion on the premise of faith , race, caste . The Supreme court control the G.O void as a result of it classified students on the premise of caste and faith regardless of advantage.. Nothing during

this Article or clause (2) of Article twenty nine shall forestall the state from creating any special provision for the advancement of any socially and educationally backward categories of voters or for the regular castes and schedule tribes.

Under clause 15 (4) 2 things are to be determined:

1. Socially and educationally backward classes;

2. The limit of reservation. In Hindu deity SAWHNEY VS UNION OF Bharat The court control that the reservation cannot exceed over fifty %. the excellence ought to air the premise of degrees of social stupidity. In India ,there is sudden social and academic stupidity, our constitution manufacturers realized this malady and tried their exhausting to get rid of it from the social lifetime of folks. As we are able to see Bharat has the foremost illiterate adult.

**INDRA SAWHNEY VS UNION OF INDIA** standard as Mandal Commission case, the Supreme Court by 6:3 majority control , The sub classification of backward categories into additional backward and backward categories for the aim of Article 16(4) will be done however as a results of sub classification the reservation cannot exceed over fifty nine %. the excellence ought to air the premise of degrees of social stupidity otherwise those of the backward categories United Nations agency ar very little additional advanced than the additional backward categories would possibly exclude all the seats. This interpretation is equally applicable to Article 15(4), because the words different socially and educationally backward categories conjointly.

**HISTORY OF 1st AMENDMENT-** In STATE OF MADRAS v/s CHAMPAKAM – it had been aforementioned that Supreme court affected down as categoryfication is mere supported caste ‘ Constitution didn't shall shield the interest of backward class within the matter of admission into instructional institution’.

The object of this modification is to override the judgment and to push Special care of weaker section of society [ Article 46]

### **KALEKAR COMMISSION [1953]**

It's for to-

1- verify the check for backward



2- to arrange the list of such communities

3- to look at the difficulties of backward categories.

- No meaty action was taken once 1956 either for constituting another commission or for evolving a higher criteria.
- On August fourteen , 1961 the Central government wrote to the State governments that ‘while the State governments have the discretion to settle on their own criteria for outlining stupidity , within the read of the govt of Bharat it'd be higher to use economic tests than to travel by caste’.

After kalekar commission another commission was came named as MANDAL COMMISSION CASE-

**Mandal Commission [1979]**- the choice to line up a second backward category commission was created official by the Gregorian calendar month one, 1979. the commission popularly referred to as Mandal Commission, its chairman being b. p Mandal . it's submitted the report in Dec 1980.

The recommendations of the commission were –

The population of obcs that embody each Hindu and non Hindu is around fifty two % of the full population. But twenty seven % of reservation was suggested as a result of the legal constraint that the full quantum of reservation mustn't exceed fifty per cent .

States that have already introduced reservation for obc exceptional twenty seven % won't be littered with these recommandations. With these general recommendations the commission projected the subsequent over – all theme of reservation for obc;

Candidates happiness to obc recurited on the premise of advantage in associate open competition mustn't be adjusted against their reservation quota of twenty seven % .

The higher than reservation ought to even be created applicable to promotion quota in the least levels, reserved quota remaining empty ought to be carried forward for a amount of 3 years and de-deserved thenceforth, relaxation within the higher ordinance for direct recuriment ought to be extended to the candidates of obc within the same manner as exhausted the case of sc and st.

A roll system for every class of posts ought to be adopted by the involved authorities within the same manner as presently exhausted respect of sc and st candidates.

In this case the foremost recommendation is twenty seventh reservation for OBC that constitutes fifty two population. Earlier no action was taken for long. In 1990 Janta dekalitre government accepted Mandal commission and announces twenty seventh reservation for socially and educationally backward categories.

In 1991 Congress party created 2 classifications-

- 1- The poorer sections among backward category get preference .
- 2- 10% vacancies reserved for economically backward categories.

**ARTICLE FIFTEEN CLAUSE 5:** Nothing during this article or in sub clause (g) of clause (1) of article nineteen shall forestall the state from creating any special provision, by law, for the advancement of any socially and instructionally backward categories of voters or for the regular castes or the regular tribes in to this point intrinsically provisions relate to their admission to instructional establishments as well as personal educational establishments whether or not assisted and unaided by the state, other than the minority instructional establishments refered to in clause (1) of article thirty.

This clause inserted by the 93rd constitutional modification act, 2005. In PRAMATI instructional and cultural trust vs union of Bharat The Supreme court control that clause (5) of Article fifteen of the constitution isn't associate exception or a precondition paramount Article fifteen of the constitution however associate facultative provision to create equality of chance secure within the preamble within the constitution a reality. Clause (5) of article fifteen in to this point because it treats unaided personal instructional establishments and assisted personal isn't immune from challenge beneath article fourteen of the constitution. The advantage of reservation couldn't be created out there to creamy layer candidates of OBC .The reservation should be reviewed in once each five years . The creamy layer demand wouldn't apply to SC and ST candidates United Nations agency would lean reservation per annum. There ar bound seats that ar reserved for OBC and SC / ST candidates I every and each establishment of Bharat therefore as uplift them and supply them truthful chance so they will live peaceful and dignified life.

**ASHOK KUMAR THAKUR VS UNION OF INDIA** A five-judge bench of the Supreme Court headed by magistrate K.G Balakrishnan control the constitution ninety three modification Act 2006 providing twenty seven % reservation in admission to OBC Candidate in higher instructional establishments like IIT and IIM constitution. However, the court left open the question of reservation to those classes of voters to non-public instructional establishments. The modification as long as while not touching the current strength of general class candidates, the OBC candidates will be given reservation. The Court, but control that the advantage of reservation couldn't created out there to creamy layer candidates. The reservations should be reviewed in once each five years. The creamy layer demand wouldn't apply to SC/ ST candidates United Nations agency would lean reservation per annum.

**ARTICLE FIFTEEN CLAUSE 6: NOTHING DURING THIS ARTICLE OR SUB CLAUSE (G) OF CLAUSE(1) OF ARTICLE 19 OR CLAUSE (2) OF ARTICLE 29 SHALL FORESTALL THE STATE FROM CREATING ANY SPECIAL PROVISION FOR THE ADVANCEMENT OF ANY ECONOMICALLY WEAKER SECTION OF VOTERS APART FROM THE CATEGORIES MENTIONED IN CLAUSE (4) AND (5)**

Any such provision for the advancement of any economically weaker sections of national apart from the categories mentioned in clause(4) and (5) in to this point intrinsically provisions relate to their admission establishment as well as personal instructional establishments , whether or not assisted or unaided by the state apart from the minority instructional establishments mentioned in clause (1) of Article thirty that within the case of reservation would be additionally to the present reservation and subject to most of simple fraction of the full seats in every class. This clause tried to create the lifetime of economically weaker section of upper category folks easier and tried to uplift them .someone happiness to the next category will be fined owing to their caste.

**SABRIMALA CASE** IN respect to ARTICLE fifteen - As we have a tendency to all recognize that Article fifteen clearly declared that nobody ought to be discriminated on ground of sex however There was a serious case Of Sabrimala case that forbid the Article fifteen . therefore let's discuss regarding The Case - The Supreme Court has affected down a rule that disallowed women and girls within the 10-50 people from getting into the

Sabarimala temple in Kerala. magistrate Dipak Misra-headed Constitution bench in an exceedingly 4-1 finding of fact aforementioned the temple rule profaned their right to equality and right to worship.

The denial of this right to girls considerably denudes them of their right to worship,” the court aforementioned. Justices AM Khanwilkar, RF Nariman concurred with the CJI.

Justice Dy Chandrachud termed the custom as a sort of “untouchability” that can not be allowed beneath the Constitution. “Article seventeen actually applies to untouchability practices in respect to lower castes, however it'll conjointly apply to the general humiliation, exclusion and subjugation moon-faced by girls.”

“Prejudice against ladies supported notions of impurity and pollution related to period could be a image of exclusion. The social exclusion of ladies supported emission standing could be a sort of untouchability that is associate anathema to constitutional values.” In any event, he said, the apply of excluding ladies from the temple at Sabarimala isn't a necessary spiritual apply. “The court should decline to grant constitutional legitimacy to practices that belittle from the dignity of ladies associated to their title to an equal citizenship. the bulk rejected all the arguments of the temple board that had resisted permitting ladies of all ages. This enclosed associate argument that it had been associate antique apply and a necessary apply of Hindu faith which followers of Ayyappa were a separate denomination. On the contrary, it's a necessary a part of the Hindu faith to permit Hindu ladies to enter a temple as devotees, the bench aforementioned. Chandrachud aforementioned all people were created equal. “To exclude ladies from worship by permitting the proper to worship to men is to put ladies during a position of subordination. The Constitution shouldn't become associate instrument for the continuance of structure.

The crucial enquiries that the case offers square measure – what quite judicial scrutiny ought to be used in examining the claims of non secular denominations? however so much will a gender discriminatory custom be allowed beneath the colour of it being a necessary religious custom? will the individual right to faith (Article 25) be fully overshadowed and abrogated by a denominational right to manage internal affairs [Article 26(b)]? will preventing entry of ‘menstruating women’ in temples qualify as discrimination beneath Article 15? Judicial responses can cause clarity on 2 vexed queries – the link between individual and cluster rights in matters of faith and also the prospects of understanding ‘morality’ as constitutional morality. this can be exactly why Sabarimala generates additional excitement and presents a

significant chance for the court to flex its muscles and consolidate its equality and cluster rights jurisprudence into a coherent whole.

### **RECENT CHANGES**

The hajji Ali Dargah case finding of fact was acquired by hewing closely to the Constitution, to law, and to the task of defensive individual rights. it's admirable for resisting the temptation of informative foolhardiness.

When B.R.Ambedkar was asked why he was therefore hooked in to the difficulty of temple entry for Dalits, he replied: “ the difficulty isn't entry, however equality “. It didn't bear on Ambedkar that he, himself, was indifferent towards faith, or that temple entry was hardly the answer to Dalit oppression. What did bear on him, however, was that one among the foremost powerful tools by that associate unequal society expressed and strengthened its hierarchical'- through the denial of equal access to non secular and sacred area – had to be smashed. over eighty years later August twenty six, 2016 ,the urban center state supreme court united with Ambedkar once it command that the exclusion of ladies from the inner sanctum of the hajji Ali Dargah by the Dargah trust offending not solely their basic rights to non secular freedom however conjointly their right to equality and non discrimination beneath the Indian constitution and in holding that ladies were entitled to police protection, if required to exercise their right to equal access, the court placed the state firmly on the spot for effectively guaranteeing and imposing the constitution rights of people, even against their own communities.

**IN JARNAIL SINGH VS LACHHMI NARAIN GUPTA** , 2018 the constitution bench of the Supreme court command that the thought of creamy layer shall be applicable in reservation for schedule castes and schedule tribes that is presently applicable solely to OBC .The court ascertained that “ the entire object of reservation is to envision that backward categories of voters move forward so they'll March hand in hand with alternative subject of Asian nation on associate equal basis. this can not be attainable if solely the creamy layer at intervals that category bag all the sought after jobs within the public sector and continue themselves, feat the remainder of the category as backward as they invariably were “ .

however can we see any political can to convey impact to the current judgement? clearly not finally , WHO can guarantee votes if this idea is introduced.

**IN THOL. THIRUMAVALAN VS the house SECRETARY, 2013 THE COURT** ascertained – although our country has developed heaps class structure, racism, caste discrimination and untouchability haven't modified. Some leaders from the caste based mostly political parties created animus between the higher caste folks through their speeches, interviews and writing. Our nice leader like DR. Ambedkar and Thanthaiperiyar greatly fought for the abolishment of caste discrimination and their teachings principally say that put down caste marriages are the foremost supply for the abolishment of the caste sys.

**THE HON'BLE SUPREME COURT IN PUNIT RAI VS V. DINESH CHAUDHARY,** 2003 ascertained that the class structure in Asian nation is implanted within the Indian mind . The foremost underprivileged, extraordinarily poor folks belong to the socio-economic class, specifically in ruler space. Redressing economic, social and political difference between the castes is important.

### **AMENDMENTS IN ARTICLE 15**

- 1- Central instructional establishments [Reservation in admission] Act, 2006.
- 2- Act provides reservation for fifteen, 7.5 and twenty seventh reservation in central establishment of upper education and analysis for members of SC ,ST and SEBC.
- 3- IN ASHOK KUMAR THAKUR v UOI [2007] four SCC 361.- It challenges the validity of the Act additionally because the modification . By a majority of 4:1 the court upheld the modification additionally because the act. The court left the validity of modification undecided to that degree because it applies to personal unaided instructional establishments as a result of no such establishments came to the court to challenge its validity.

### **CONCLUSION**

Even when seventy one years of independence, our minds don't seem to be free from the evils of the caste divide, untouchability and social disgust within the name of faith and caste . we tend to Indians don't respect the book that empowers U.S.A. our constitution notwithstanding

this plight of the state angers and saddens U.S.A. , square measure we tend to doing enough to vary the case or square measure we tend to merely watching for a messiah to free U.S.A. once the evil lies at intervals U.S.A. ?the queries square measure issues square measure uncounted ,but answers lie at intervals U.S.A. . The tunnel is long and dark ,but there's a lightweight at the tip of it . It upon U.S.A. to achieve the brighter finish of the tunnel. Because the film suggests, associate farglayenge. Some steps here and there , some film addressing this issue isn't the answer . A collective and daring initiative is that the would like of the hour . we'd like to shunt our caste ridden identities . If we tend to don't modification and become the answer, our flesh pressers can continue their policy of “divide and rule and our sold media can continue glorifying them .the modification ought to happen from the grassroots level. Why can we have to be compelled to teach the youngsters concerning the class structure will ne'er be additional vital than creating the recent minds of kids would like additional sensitive to social problems. It is time we tend to begin evaluating. Questioning and turning away the previous and unreasonable notions. We'd like to own reasoning. Little initiatives square measure required like questioning the requirement to fill your faith or caste in application forms, or questioning the communal remarks created around U.S.A. , or questioning the communal speeches created by the politicians . Let's be Indians first of all and in conclusion we'd like to require responsibility as Indians subject. This can be our country, its future is in our hands, and that we square measure the heroes this nation is watching for.

Article fifteen has invariably hurdled its reply to achieve to the one very in would like. The condition of the downtrodden has extremely improved since its origin in 1949. It provides a base to every and everything that general assembly must formulate provisions to market harmony within the society. There's associate extreme decline within the range of cases of atrocities against the underclass categories.

There should be some changes accordance in following the Article fifteen , There ought to be a correct implementation of law. we tend to solely discuss or speak in theoretical facet however if we tend to see it much , there should be changes , law ought to be enforced a lot of effectively.