



Vertical and Horizontal Reservations

Why in News

Recently, the [Supreme Court \(SC\)](#), in a case, has clarified the **position of law** on the interplay of vertical and horizontal [reservations](#).

Key Points

▪ Vertical Reservation:

- Reservation for [Scheduled Castes](#), [Scheduled Tribes](#), and [Other Backward Classes](#) is referred to as vertical reservation.
- It **applies separately for each of the groups** specified under the law.
- **Example: Article 16(4)** of the Constitution contemplates vertical reservation.

▪ Horizontal Reservation:

- It refers to the **equal opportunity provided to other categories of beneficiaries** such as women, veterans, the transgender community, and individuals **with disabilities**, cutting through the vertical categories.
- **Example: Article 15 (3)** of the Constitution contemplates horizontal reservation.

▪ Application of Reservations:

- The **horizontal quota is applied separately** to each vertical category, and not across the board.
- For **example**, if **women have 50% horizontal quota**, then **half of the selected candidates will have to necessarily be women in each vertical quota** category i.e., half of all selected **Scheduled Caste candidates** will have to be women, half of the unreserved or general category will have to be women, and so on.

▪ The Case:

- **Saurav Yadav versus State of Uttar Pradesh 2020** dealt with issues arising from the way different classes of reservation were to be applied in the selection process to fill posts of constables in the state.
- The **Uttar Pradesh government's policy was to restrict and contain reserved category candidates to their categories**, even when they had secured higher grades.

▪ SC's Ruling:

- The court ruled against the Uttar Pradesh government, holding that if a **person belonging to an intersection of vertical-horizontal reserved category** had **secured scores high enough to qualify without the vertical reservation, the person would be counted as qualifying without the vertical reservation, and cannot be excluded from the horizontal quota** in the general category.
- The court said Uttar Pradesh Government's argument meant that it was ensuring that the general category was 'reserved' for upper castes.

▪ Significance:

- The ruling will give **clarity on reservation and make it easier for governments to**

implement and apply reservation.

- More **needy scheduled caste, scheduled tribes and other backward class candidates will be benefited** if high scoring candidates are recruited under general category.

Reservation

- Reservation is a form of **positive discrimination, created to promote equality among marginalised sections**, so as to protect them from social and historical injustice.
- Generally, it means giving **preferential treatment to marginalised sections** of society in employment and access to education.
- It was also originally **developed to correct years of discrimination and to give a boost to disadvantaged groups.**
- In India, people have been historically discriminated against on the basis of caste.

Constitutional Provisions Governing Reservation in India

- **Article 15(3)** allows **protective discrimination in favour of women.**
- **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.**
 - Recently, the Supreme Court of India has said that reservation of seats provided to certain communities **is not a fundamental right.**
- **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 fifty percent 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.**
 - It also **provides for the reservation of not less than one-third of the total number of seats for women** (including the number of seats reserved for women belonging to the SCs and STs).
- **Article 233T** provides reservation of seats for SCs and STs in every **Municipality.**
- **Article 335** of the Constitution says that the claims of SCs and STs shall be taken into consideration constitutently with the maintenance of efficacy of the administration.

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