

ITEM NO.502

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No.546/2000

ASHOK KUMAR JAIN

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

WITH W.P.(C) No.60/2001 (X)

W.P.(C) No.132/2001 (X)

W.P.(C) No.451/2006 (PIL-W)

W.P.(C) No.255/2007 (X)

W.P.(C) No.269/2007 (PIL-W)

W.P.(C) No.312/2012 (X)

W.P.(C) No.1276/2018 (X)

T.C.(C) No.87/2022 (XV)

W.P.(C) No.593/2023 (PIL-W)

(With IA No.108280/2023-EX-PARTE STAY and IA No.108282/2023-  
EXEMPTION FROM FILING O.T.)

Date : 20-09-2023 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.S. BOPANNA

HON'BLE MR. JUSTICE M.M. SUNDRESH

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. C.A. Sundaram, Sr. Adv.  
Mr. Sushil Kumar Jain, Sr. Adv.  
Mr. Puneet Jain, Adv.

**Ms. Pratibha Jain, AOR**

**Mr. P.B. Mishra, Sr. Adv.  
Mrs. Priya Puri, AOR  
Mr. Sharad Kumar Puri, Adv.  
Mr. Ranjay Kumar Dubey, Adv.  
Ms. Tanvi Nigam, Adv.  
Mrs. Priya Puri, Adv.**

**Mr. S.S. Khandusa, AOR**

**Dr. Surender Singh Hooda, AOR**

**Mr. T.V. Ratnam, AOR**

**Dr. Sushil Balwada, AOR  
Mr. Kaushal Yadav, Adv.  
Mr. Nandlal Kumar Mishra, Adv.  
Mr. Ram Kishor Singh Yadav, Adv.  
Dr. Ajay Kumar, Adv.**

**Dr. (Mrs.) Vipin Gupta, AOR**

**Mr. Sarad Kumar Singhania, AOR  
Ms. Rashmi Singhania, Adv.**

**Mr. S.M. Chandrashekhar, Sr. Adv.  
Mr. Sharanagouda Patil, Adv.  
Mr. Murali, Adv.  
Mr. Girish G.N., Adv.  
Mr. S.B. Mathapati, Adv.  
Mrs. Supreeta Patil, Adv.  
M/s. S-legal Associates**

**Mr. Aruneshwar Gupta, Sr. Adv.  
Mr. Himanshu Chaturvedi, Adv.  
Mr. Abhishek Sharma, Adv.  
Mr. Keshav Kumar Ishwar, Adv.  
Mr. Rajeev Singh, AOR**

**By Courts Motion**

Mr. Gopal Sankar Narayanan, Sr. Adv.  
Mr. Pradeep Aggarwal, Adv.  
Mr. Lal Pratap Singh, Adv.  
Mr. Shobhit Tiwari, Adv.  
Mr. Umesh Pratap Singh, Adv.  
Mr. Arjun Aggarwal, Adv.  
Mr. Bhaskar Aditya, Adv.  
Mr. Vishal Singh, Adv.  
Ms. Sejal Jain, Adv.  
Mr. R.C. Kohli, AOR

**For Respondent(s)**

Mr. P. Parmeswaran, AOR

Mr. A.N. Arora, AOR

Ms. Abha R. Sharma, AOR

Mr. Mohit D. Ram, AOR

Mr. R. Venkataramani, AG

Mr. Tushar Mehta, SG

Mr. Vikramjeet Banerjee, ASG

Mr. Kanu Agarwal, Adv.

Mr. Ankur Talwar, Adv.

Ms. Swati Ghildiyal, Adv.

Mr. Anandh Venkataramani, Adv.

Mr. K Parmeshwar, Adv.

Mrs. Vijayalakshmi Venkataramani, Adv.

Mr. Vinayak Mehrotra, Adv.

Ms. Mansi Sood, Adv.

Mr. Chitvan Singhal, Adv.

Ms. Sonali Jain, Adv.

Mr. Abhishek Kumar Pandey, Adv.

Mr. Raman Yadav, Adv.

Mr. Kartikey Aggarwal, Adv.

Mr. Arvind Kumar Sharma, AOR

Mr. B. Krishna Prasad, AOR

Mr. Sahil Tagotra, AOR

Mr. Sidhant Kumar, Adv.

Ms. Vidhi Udayshankar, Adv.  
Ms. Abhivyakti Banerjee, Adv.  
Ms. Sakshi Garg, Adv.

Dr. Manish Singhvi, Sr. Adv.  
Mr. Sandeep Kumar Jha, AOR  
Ms. Shubhangi Agarwal, Adv.

Mr. Vivek Sharma, AOR

Mr. Kailas Bajirao Autade, AOR

Mr. V.K. Biju, AOR  
Mrs. Ria Sachthey, Adv.  
Mr. Chetanya Singh, Adv.  
Mr. Aniruddha Purushotham, Adv.  
Mr. Abhay Pratap Singh, Adv.  
Ms. Shalaka Srivastava, Adv.  
Mr. Shaji George, Adv.

Mr. Samir Ali Khan, AOR

Mr. Santosh Kumar - I, AOR

**UPON hearing the counsel the Court made the following  
O R D E R**

- 1 The following issues are framed for decision by the Constitution Bench:
  - (i) Whether the Constitution (104<sup>th</sup> Amendment) Act 2019 is unconstitutional; and
  - (ii) Whether the exercise of the constituent power of amendment to extend the period of reservations for Scheduled Castes/Scheduled Tribes under Article 334 of the Constitution is constitutionally valid.
- 2 Issue No (ii) above, it is clarified, shall not impinge on the legitimacy of the amendments to the Constitution which were made prior to the 104<sup>th</sup>

Amendment.

- 3 The validity of the 104<sup>th</sup> Amendment shall be determined to the extent that it applies to Scheduled Caste/Scheduled Tribes only since the reservation for Anglo Indians in Article 334(b) has come to an end on the expiration of seventy years after the adoption of the Constitution.
- 4 The reference to the Constitution Bench shall be titled as:  
  
“In Re: Article 334 of the Constitution.”
- 5 A common compilation of case law, documents and written submissions shall be prepared in terms of the Circular dated 22 August 2023. In modification of the procedural directions issued on 1 November 2022, Mr Puneet Jain on the side of petitioners and Mr Chitwan Singhal on the side of the respondents are appointed as nodal counsel. The nodal counsel shall prepare soft copies of the common compilations duly indexed in terms of the above circular.
- 6 The common compilations shall be e-filed on or before 17 October 2023. Written submissions shall be e-filed on or before 7 November 2023.
- 7 At the commencement of the hearing of the matter, all the counsel appearing on behalf of the petitioners including the intervenors and the counsel appearing on behalf of the respondents shall provide to the Court a statement of the tentative time limit within which they seek to place their respective arguments.
- 8 List the Petitions for hearing on 21 November 2023.

**(CHETAN KUMAR)**  
**A.R. -cum-P.S.**

**(SAROJ KUMARI GAUR)**  
**Assistant Registrar**