

Sansad TV Perspective: EWS Quota

In the series Sansad TV Perspective, we bring you an analysis of the discussion featured on the insightful programme 'Perspective' on Sansad TV, on various important topics affecting India and also the world. This analysis will help you immensely for the [IAS exam](#), especially the mains exam, where a well-rounded understanding of topics is a prerequisite for writing answers that fetch good marks.

In this article, we feature the discussion on the topic: 'EWS Quota'

Video link: https://youtu.be/Itb_YurUZf8

Guests:

- Mr Suresh Chandra, Former Law Secretary, Government of India
- Mr Sangram Patnaik, Advocate, Supreme Court
- Mr Satya Prakash, Legal Editor, The Tribune
- Mr Arvind Mohan, Department of Economics, University of Lucknow

Anchor: Vishal Dahiya

Context:

- The Supreme Court recently upheld the 103rd amendment to the Constitution by a 3:2 majority.

Background:

103rd Constitutional Amendment:

- The [103rd amendment](#) to the Constitution introduced a 10 per cent reservation for the Economically Weaker Sections (EWS) in admissions to educational institutions and government jobs.
- This amendment added an economic aspect to the reservation criteria along with the already-used aspect of social backwardness.
- Petitions were filed in the Supreme Court challenging the EWS quota based on the argument that the EWS quota would result in the crossing of the 50 per cent national cap on reservation set by the Supreme Court in 1992 ([Indra Sawhney Judgment](#)) and the EWS quota amounted to changing the basic structure of the constitution as it could result to the exclusion of the socially backward sections.
- The government's line of argument for the 103rd amendment was that the quota would help bring people out of poverty. It also noted that the move would not cut into the existing reservations for

backward classes or reduce seats for the general category and hence cannot be claimed to be discriminatory or violative of the Indian Constitution.

Supreme Court observations:

- The majority verdict by the SC bench noted that the EWS quota is not discriminatory and does not alter the [basic structure of the Constitution](#).
- Two dissenting judges - CJI UU Lalit and Justice S Ravindra Bhat supported quota for the economically backward but said that the exclusion of the socially backward sections is not allowed in the Constitution.

Recommendations going forward:

- As observed by the Supreme Court, the reservation system cannot be allowed to continue forever. There is a need for a relook or re-examination of the reservation system and its effectiveness.
 - Reservation is only a means and not the end. It should result in the upliftment of the weaker sections and should be self-limiting. There should be a timeline to end the reservation system. There should be no vested interests in the reservation system.
 - There should be the concept of a creamy layer in the reservation system for all to ensure that the most deprived are benefitted from the reservation system.
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