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EWS RESERVATIONS: A BOON FOR THE UNRESERVED CLASS?

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ABSTRACT:

The Economically Weaker Section, refers to the group of individuals, from the society, who's annual income is less than the threshold of 8 lakh rupees & they are from the general/unreserved category. Introducing, 10% reservation in educational institutions & public service agencies, for the economically backward, specifically the middle class, was a prolonged desire. It is a great head-start towards mitigating the problems faced by ordinary students and employment-seekers, who were always devoid of their true deserving opportunities, due to the edge available to SCs, STs & OBCs. This scheme aims at blessing millions of ordinary people in fulfilling their dreams. Ever since our independence, the terminology 'reservation' is known to every Indian. It started with reservation in the public representative system & seeded into education and finally, public employment. With all this, only one community was at the worse, the general category. This article delves into the necessity and legitimacy of EWS reservation in India, examining its historical backdrop, evaluating the arguments for and against it, and analysing its potential impact on marginalized communities. Furthermore, it explores the challenges of implementation and discusses alternative policy approaches to address socio-economic disparities. By doing so, this article seeks to provide a comprehensive understanding of the complex issue of EWS reservation in India.

Key-Words: Economically Weaker Sections, Unreserved Category, Marginalised Community, Reservation, General Quota

1. Introduction:

"Reservation is an instrument of affirmative action by the state, so as to ensure an all-inclusive approach."⁵⁰⁸ Understanding the concept of EWS reservation in India. In India, the reservation system has long been a cornerstone of social justice, providing opportunities for historically marginalized communities to access education, employment, and political representation. While the caste-based reservation has played a crucial role in addressing historical injustices, there has been a growing recognition of the need to consider economic factors in addition to social identities. This recognition has led to the introduction of Economic Weaker Section (EWS) reservation, aimed at ensuring fair representation for economically disadvantaged individuals.

Reservation policies in India have long been a means to address historical inequalities and provide opportunities to marginalized sections of society. The concept of EWS (Economically Weaker Section) reservation is a relatively recent addition to this framework. EWS reservation aims to ensure equal representation and access to educational institutions and government jobs for individuals from economically disadvantaged backgrounds. This reservation is based on the individual's economic status rather than their caste or social category.

a. Historical context of reservation policies in India: India has a complex history of reservation policies aimed at promoting social justice and reducing inequality. The roots of such policies can be traced back to the early initiatives towards social upliftment and representation in the pre-independence era.

⁵⁰⁸ Justice Dinesh Maheshwari in *Janhit Abhiyan vs Union of India* (2022) WP(C) No. 55 of 2019.

Over time, reservation policies evolved to include caste-based reservation, which sought to address the historical disadvantages faced by certain communities. However, with the introduction of EWS reservation, the focus has shifted towards recognizing economic disparities as a barrier to social mobility.

2. Historical backdrop: Evolution and origins of reservation policies in India

Even before India gained independence, the need to uplift marginalized communities and provide them with equal opportunities was recognized. Initiatives like the Poona Pact of 1932 guaranteed political representation for the depressed classes, which laid the foundation for future reservation policies. After independence, the Indian Constitution incorporated reservation policies to bridge the gap between privileged and underprivileged sections of society. Caste-based reservation was introduced to address historical disadvantages faced by communities that had long been discriminated against in social, economic, and educational spheres. While caste-based reservation played a significant role in empowering marginalized communities, it had limitations. Many individuals from these communities continued to face economic hardships due to various factors. To address this, the concept of economic reservation emerged. The introduction of EWS reservation aimed to ensure that individuals from economically weaker sections, irrespective of their caste, had access to benefits and opportunities to improve their social and economic status.

3. EWS reservation: Exploring the need for economic reservation in addition to caste-based reservation

"Reservation is not an end, but a means to secure social & economic justice. It is very much necessary to review the methods of identification & ways of determination of backward classes."⁵⁰⁹ Caste-based reservation has undoubtedly played a crucial role in

providing opportunities to historically marginalized communities. However, it has often been criticized for excluding individuals from these communities who may have achieved economic stability. EWS reservation seeks to address this limitation by focusing on economic conditions, ensuring that those facing economic disadvantages have access to benefits, regardless of their caste. India is a country with significant economic disparities, where individuals from economically weaker sections often struggle to access quality education and secure stable employment. By introducing EWS reservation, the government recognizes the importance of economic factors in determining social mobility and aims to create a more level playing field for individuals facing economic hardships.

4. Legitimacy debate: Evaluating the arguments for and against EWS reservation

Supporters of EWS reservation argue that economic disparities can be as significant a barrier as caste-based discrimination. They believe that providing reservation based on economic status will ensure that individuals from economically weaker backgrounds have a fair chance to uplift themselves through education and job opportunities. While the critics of EWS reservation raise concerns about the potential dilution of caste-based reservation and argue that economic criteria alone may not capture the complex realities of marginalization. There are also debates regarding the implementation and identification of individuals falling under the EWS category, as determining economic status can be a challenging task. To summarise the above contentions, it can be said, that, EWS reservation in India represents a significant step towards addressing economic disparities and providing opportunities to those from economically weaker sections of society.

While the introduction of this reservation is a positive development, ongoing discussions and careful considerations are needed to strike the

⁵⁰⁹ Justice Bhatt in *Janhit Abhiyan vs Union of India* (2022) W.P.(C) No. 55 of 2019.

right balance between caste-based and economic-based reservation policies. After all, progress is often a delicate balance of recognizing past injustices while adapting to the changing dynamics of social and economic realities.

5. Impact on marginalized communities: the benefits and challenges of EWS reservation

For empowerment and upliftment of economically weaker sections, EWS reservation holds the potential to bring about the quintessential change & transition in the functioning of the administrative set-up. By providing reserved seats in educational institutions and job opportunities, it opens doors for individuals who have historically been denied access due to their economic background. This reservation allows them to compete on a more level playing field and break the cycle of poverty. Moreover, EWS reservation can foster a sense of inclusion and dignity for marginalized communities. It sends a powerful message that economic disadvantage should not be a barrier to progress and success. By giving them equal opportunities, it helps to bridge the gap between the rich and the poor, promoting social cohesion and a more equitable society.

While the intentions behind EWS reservation are noble, it is important to acknowledge some potential challenges and unintended consequences that may arise. One concern is the possibility of fraudulent claims and misuse of reservations by individuals who may not genuinely belong to economically weaker sections. Ensuring transparency and a fair implementation process becomes crucial in addressing this issue. Another challenge is the limited availability of seats and resources. With the addition of EWS reservation, there is a need to increase the number of seats in educational institutions and expand job opportunities to accommodate the increased demand. Failure to do so may lead to overcrowding and compromise the quality of education or

employment opportunities for both reserved and general category candidates. Additionally, there may be unintended consequences such as increased competition among different marginalized communities. While the reservation aims to uplift the economically weaker sections as a whole, it is essential to ensure that it does not create divisions or conflicts between different groups based on economic backgrounds.

6. Implementation challenges: Examining the practicality and effectiveness of implementing EWS reservation

One of the key challenges in implementing EWS reservation is the need for transparency and fair implementation. It is crucial to establish a robust system to verify the economic status of individuals and prevent misuse of reservations. This can be achieved through proper documentation and verification processes, as well as regular audits to identify any irregularities or discrepancies. Moreover, there should be clear guidelines and mechanisms in place to address complaints and grievances related to the implementation of EWS reservation. This ensures that individuals who genuinely belong to economically weaker sections are not denied their rightful benefits, while also preventing any misuse of reservations.

Another practical challenge is accurately identifying the beneficiaries of EWS reservation and defining economic criteria. The criteria to determine economic weakness should take into consideration various factors like income, assets, and expenditures. It is essential to strike a balance between ensuring that the benefits reach those who truly need them, while also avoiding exclusion of deserving individuals who may not fall strictly within the defined economic criteria. Additionally, regular review and updates of the economic criteria become necessary to account for changes in the cost of living and economic conditions over time. This allows for a more accurate identification of beneficiaries and ensures that the reservation

remains effective in addressing the needs of economically weaker sections.

a) While EWS reservation is an important step towards addressing socio-economic disparities, alternative approaches can also be explored. One such approach is income-based affirmative action initiatives. Instead of solely focusing on reservations, these initiatives can provide targeted financial support, scholarships, and educational opportunities to individuals from economically weaker sections. This allows for a more comprehensive and tailored approach to upliftment, targeting those who truly need assistance while minimizing unintended consequences.

b) Another policy alternative is to strengthen existing welfare and development programs. By enhancing the effectiveness and reach of programs aimed at poverty alleviation, skill development, and job creation, the government can address socio-economic disparities in a more holistic manner. This approach focuses on upliftment through economic empowerment and self-sustainability, reducing the reliance on reservations while still providing support to economically weaker sections.

7. Conclusion: Reflections on the necessity and legitimacy of EWS reservation in India

In conclusion, EWS reservation is a necessary and legitimate policy tool to uplift economically weaker sections in India. It has the potential to empower marginalized communities, bridge socio-economic gaps, and promote a more inclusive society. However, careful attention must be given to address challenges related to transparency, fair implementation, and defining criteria for economic weakness.

Additionally, alternative approaches such as income-based affirmative action initiatives and strengthening existing welfare programs can complement EWS reservation and address socio-economic disparities in a more comprehensive manner. By striking the right

balance and continuously evaluating its effectiveness, EWS reservation can contribute to a more equitable and just society for all; the introduction of Economic Weaker Section (EWS) reservation in India has sparked important debates surrounding the inclusion of economic factors alongside social identities in the reservation system. While there are valid arguments both for and against EWS reservation, it is undeniable that addressing economic disparities is crucial to ensuring social justice and equal opportunities for all. The implementation of EWS reservation, however, comes with its own set of challenges, requiring transparency and careful identification of beneficiaries. Lastly, alternative policy approaches, such as income-based affirmative action initiatives and strengthening existing welfare programs, present viable alternatives to consider. Ultimately, the necessity and legitimacy of EWS reservation in India lies in striking a balance between addressing economic inequalities and upholding the principles of social justice, while ensuring that the most marginalized sections of society are uplifted and empowered.

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