



## **Public Opinion on the Economically Weaker Section Reservation in India**

***M.R.S. Eswara Pandian***

Student – B.A. LLB (Hons), Saveetha School of Law, Saveetha Institute of Medical and Technical Sciences (SIMATS), Chennai 600077, E-Mail ID: [eswarpandi37@gmail.com](mailto:eswarpandi37@gmail.com)

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### **ABSTRACT:**

Equality appears to be easy as a notion, but it is actually deceptively complex. Jurists differentiated among 'formal equality' and 'substantial equality' concepts of equality. If certain classes of individuals have been put at a major disadvantage due to severe historical injustices, then the state can legitimately take beneficial action to remedy that condition until the former victims are able to expand their capacities and operate without the unique protections. In this paper, the main objective is focused on public opinion and to analyze The Constitution (103rd Amendment) Act, 2019, which has introduced two fresh provisions enabling the State to make a reservation of up to 10% for economically weaker segments' (EWS) of people other than the Scheduled Castes (SC), the Scheduled Tribes (ST) and the non creamy Other Backward Layer and how far is it justified with respect to jurisprudence of reservation. The research method followed here is empirical research. The sample size is 200 and the samples were selected through simple random sampling technique. The research problem was identified through the review of literature. Descriptive research design was adopted for the study. Data collection included both primary and secondary resources. Primary data was collected through questionnaires. Secondary sources included published information from, research articles, journals. The analysis was done by using the SPSS 21 version. The independent variable is Age, gender, place of residence, educational qualification, working sector. Comparisons were done across the demographic variables using these bar charts and the percent value of the ratings received from the survey. Hence the findings for the study is any reservation on the basis of caste should be get rid off by step forwarding as such as Reservation for economically weaker sections.

**Keywords:** Reservation, economic, employment, weaker, section, education

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### **Introduction:**

The security of digital images is a major concern in India, as with many other countries. In recent years, there have been a number of high-profile cases. The Constitution 103rd Amendment Act, 2019 allows for a reservation of 10% for the Economically Weaker Sections (Economically Weaker Sections) in jobs and seats in the institution of Higher Education within the general category. Inadequacy is one of the means to discriminate against people in India. The constitution of India just after independence introduced the principle of reservation for Schedule Caste and Schedule Tribe, as a transport vehicle of acknowledging the colonial discrimination imposed in these people. The implementation was done under the principle of providing greater exposure to services and opportunities. The father of the constitution of India, Dr. B R Ambedkar had a larger significance to enhance the principle of the republic, sovereignty, fraternity among citizens. After the introduction of reservation for scheduled tribes, scheduled caste, and other backward classes, a debate overflowed on reservations, to make a distinction between backward caste and backward classes. The arguments involved advocacy of reservation solely on the basis of economic criteria doesn't stand in Constitutional Sanction. Many questions were raised about the general category of people being in abject poverty. The outcome of the debate turned out to be in the Parliament to Provide reservation for Economically Weaker Sections among the general category candidates. Economically Weaker Sections in India is categorized as a subcategory of individuals who belong to the General Category having an annual family income less than 8 lakhs, and who don't belong with any other classified caste-like Schedule Tribes, Schedule Caste, and other backward classes. The terms Economically Weaker Sections and Economically Backward Class seem to be similar but are distinctive in the definition. Economically Weaker Sections is a term used to allude to those citizens or families with income below a certain threshold level. Although there could be other economic vulnerability, income is the primary criteria. In public policy, the terminology must be acknowledged in relation to the preamble of the Constitution of India, which seeks Justice-social, economic and political. The categorization of Economically Weaker Sections is distinct from the previously defined categories like unprivileged sections, which allude to those who fall under Schedule Tribes, Schedule Caste, and other backward classes who might be having a drawback attributable to social, culture, linguistic, gender, and other such different components. The meaning of the Economically Weaker Sections terminology may include those categorized as Below Poverty Line. There is no simple/exceptional definition of Economically Weaker Sections in India.

It is characterized distinctively for various plans run by the government. Considering the economic condition as the sole basis for reservation, this policy uses two criteria to define the eligibility: annual household income and asset ownership. In its Office Memorandum no. 20013/01/2018-BC-II dated

January 17, 2019, the Ministry of Social Justice and Empowerment, Government of India has stipulated that only those persons who are not covered under the scheme of reservation for SCs, STs and OBCs and whose family has gross annual income below Rs 8 lakh (Rupees eight lakh only) are to be identified as EWSs for benefit of reservation. Income shall also include income from all sources i.e. salary, agriculture, business, profession, etc. for the financial year prior to the year of application. Also persons whose family owns or possesses any of the following assets shall be excluded from being identified as EWS, irrespective of the family income: -i. 5 acres of agricultural land and above; ii. Residential at 1000 sq. ft. and above; iii. Residential plot of 100 sq. yards and above in notified municipalities; iv. Residential, plot of 200 sq. yards and above in areas other than the notified municipalities. A fundamental system challenge is the only feasible court challenge to the validity of the 103rd Amendment. In the striking situation of *Kesavananda Bharati vs State of Kerala*, The Supreme Court held that the authority of the Government to amend the Constitution pursuant to Article 368 was not complete and that even a constitutional amendment could be abolished if it destroyed or abrogated the 'basic structure' of the Constitution. The sentence is not discovered in the Constitution and is an invention of the judiciary. The "doctrine of fundamental structure," also known as the "doctrine of constitutional identity," argues that there are some systemic and structural principles such as democratic type of government, republican form of government, federalism, equality, liberty, secularism, judicial independence, power of judicial review, and so on, constitutes the nucleus or core of the Constitution and gives it a specific 'identity.' They go beyond the words of any specific article and underpin and link several associated constitutional articles. They are components of constitutional law even though in the form of regulations they are not expressly mentioned. They are beyond Parliament's amending authority because amending them would mean destroying the constitution's very identity. In *Indira Nehru Gandhi v. Raj Narain*, the Supreme Court held that, for each case once it, the Court would decide the statement that any specific characteristic of the Constitution was 'a fundamental characteristic.' Until now, various judges have proclaimed a variety of characteristics 'basic' separately, in distinct instances.

However, in several instances, this absence of unanimity did not impede the Supreme Court's application of the basic structure doctrine. It should be noted that of the 72 Constitutional Amendment Acts passed since 1973, excluding latest, the Supreme Court invoked the doctrine of "basic structure" to overturn only seven of them, mostly in instances where a constitutional amendment endangered the authority of judicial review or the independence of the judiciary. While only some sections of the Amendment Acts were hit in six of these cases, the new Constitution (99th Amendment) Act, 2015 relating to the substitute of the Collegium scheme by the National Judicial Appointments Commission, was the first time an entire Amendment Act was struck down. That it does, the Court was reluctant to negate constitutional amendments, particularly those pertaining to reservations. Thus, in order to be successful in the legal challenge against the 103rd amendment, it must be shown that it has over-recognized the right to equality, which is a component of the constitution's Basic Structure. The Main Aim of the study is to analyze on the reservation for economically weaker section in India

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## OBJECTIVES

- To study about the Reservation for the economically weaker section and study whether it's an affirmative action to provide social justice.
- To study about the basic structure of the Indian constitution.
- To study about the effect of the 103rd Amendment on the spirit of the constitution of India.
- To study about the consequences faced by the people in society by reservation for the economically weaker section.

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## Review of Literature

(Singh, n.d.; 2022) A Study on Reservations in the Educational Sector for the Economically Weaker Sections Of the reservation of appointments or posts in favor of any economically weaker sections. This paper talks about the history of reservations in India, recommendations of the Mandal commission. (Sengupta, Roy, and Guha 2018). Economically Weaker Section Quota in India: Realistic Target Group and Objective Criteria for Eligibility. Indian parliament introduced a policy of providing quotas or reservations to 'economically weaker sections' (or EWS) through the Constitution (One Hundred and Twenty-Fourth amendment). (Panda, Sahu, and Afzal, n.d. 2019) Reservation for Economically Weaker Section Children in Unaided-Private Schools: Policy and Practice that the 25 percent reservation for EWS in reservation for economically weaker section children in private schools till the enactment of RTE was non-existent in any of the state in India. (Pathak and Vashist 2022). Reservation system in India: advantages and disadvantages: In 2019 the bill for reservation of 10% to the Economically Weaker section as a general category has been passed. If implemented, the reservation will increase to a total of 60%. (Wankhede 2022) Affirmative Action for Economically Weaker Sections and Upper-Castes in Indian Constitutional Law: Context, Judicial Discourse, and Critique of reservations for Indian constitutional law. Further, it highlights key contradictions, incoherence, and internal tension in the design of the reservations for Economically Weaker Sections. (Rastogi and Gupta 2022). Reservation Debate: To Question the constitutionality of reservation to Economically Weaker Section In India where reservation to the marginalized sections was regarding reservation, as provided in the Indian Constitution, Gandhi promised political reservation to the economically weaker section leads 'untouchables'. (Singh, n.d. 2013) Constitutional Validity in the Economically Weaker Section Reservation: The perilous legal history of reservations in India indicates that from 1951 onwards, once the Supreme Court issued a negative decision on some aspect of education or public. (S. Yadav 2016). 124th Constitutional Amendment: Reworking Reservation System, the reservation system and whether it is good news for the 'Economically Weaker Section of the Nonetheless, reservations in substantial form were drafted into India's Constitution. (Verma, and Singh 2006). Reservation of 25% of economically weaker section and disadvantaged groups in public school: problems and in Conclusion 25% reservation for Economically Weaker Section and Disadvantaged Group is in Indian schooling and promotes an environment of knowledge sharing between different classes. (Sonmez n.d. 2008). Prejudice against reservation policies; the relatively economically weak among the SES in rural areas that weaker sections benefited less from reservation to extend

reservation to the private sector in India.(Subramanian 2019)Caste and Reservation in India;The contentious EWS Act has thus, raised the storm around the debate on the reservation by providing inclusion and incorporation of economically weak sections.(Chalam and Chalam 2007).Reservation in India: Social Justice or Political Agenda?Reservation quotas through amendments and the inclusion of new groups like Other Backward Classes (OBC) and Economically Weaker Sections.(Gadbois 2018).Evolution for reservation in india;for reservation under article 16 (4)". Article 46 speaks of "weaker sections, whose economic" Those sections, which are merely economically weak or backward, would not qualify.(Hasan 2011).Reservation in private schools: Model for implementation level class from children belonging to economically weaker and disadvantaged groups. For Weaker Sections a Family below a specified annual income would qualify for reservation.(G. Yadav 2022).Reservation Policy in India: Need for Re-Look of job employment to the socially and economically weaker sections economic condition of the weaker section of the society? If not, what will be the alternative to the existing reservation.(Wankhede 2022)Reservation and the Republic: One Constitution, Two Amendments and Seven Decades "economically weaker sections" shall be such as may be notified by the State from time to time on the basis of family income and other indicators of economics.(Arun et al. 2021).A Study on Reservation;In simple words, the reservation system in India consists of a new reservation category termed the "economically weaker section that will uplift the weaker sections of the general section.(Patel and Jha 2020).Reservation policy revisited;The anti-reservation agitations which began in the late 1970s in Bihar and spread to other, weaker sections of society—a policy embedded in the Constitution of India.(Koyande et al. 2021).India's Constitution Amendment Bill for 10% Quota for Economically Weaker Sections and its Realities?It tries to bring to light the background of the old caste-based reservation system and the realities of the present system of special quota for the economically weaker sections.(Singh, n.d.2015).Reservation For Economically Weaker Section (Ews): Paradigm Shift In Policy To Achieve Equality,development of any economically weakened areas of people of reservation would be in addition to the existing reservations and Article 16 in with economically weaker sections reservation.

### Methodology:

The research method followed here is empirical research. The sample size is 200 and the samples were selected through convenient sampling technique. The research problem was identified through the review of literature. The sample frame taken by the researcher through online mode of survey under the limit. Data collection included both primary and secondary resources. Primary data was collected through questionnaires. Secondary sources included published information from ,research articles,journals, reports and newsletters. The analysis was done by using the SPSS 21 version. The independent variable is Age, gender,educational qualification, working sector. Data was analyzed using graphical representation through simple and complex bar charts. Comparisons were done across the demographic variables using these bar charts and the percent value of the ratings received from the survey.

### Analysis

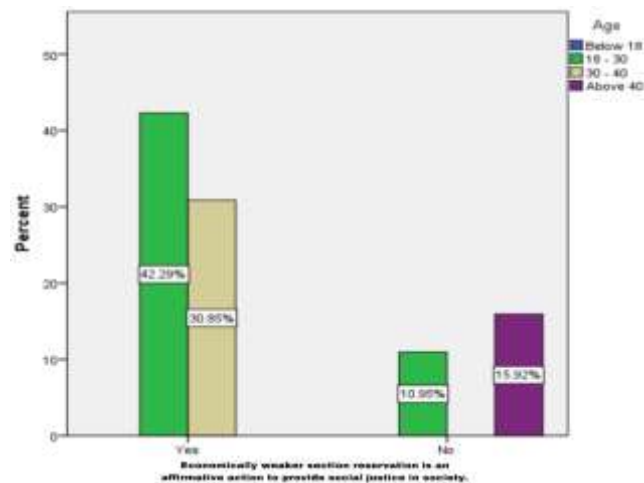


Fig:1

**Legend:** Graph representing the Age of the respondents and their opinion on Reservation as an affirmative section to provide social justice in society

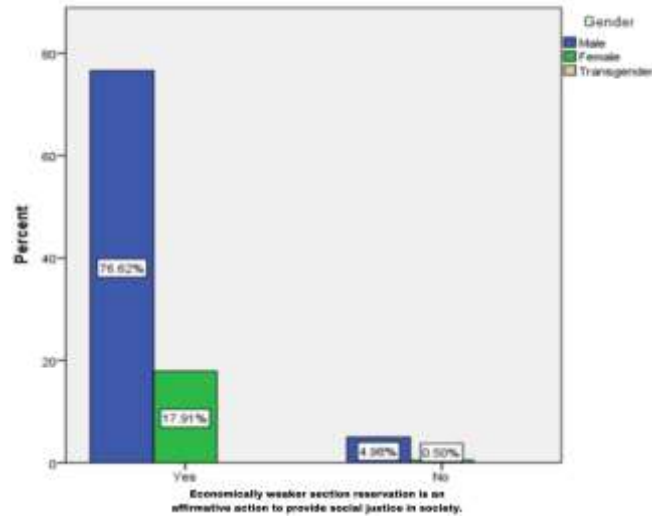


Fig:1.1

Legend: Graph representing the gender of the respondents and their opinion on Reservation as an affirmative section to provide social justice in society

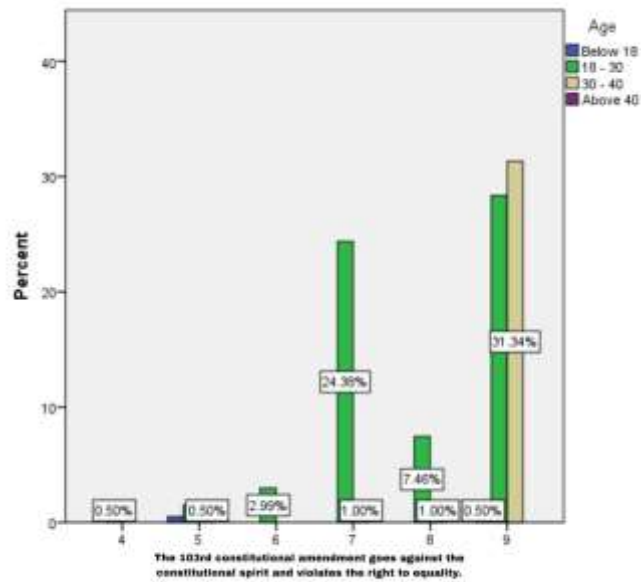


Fig:2

Legend: Graph representing the Age of the respondents and their rating on rating scale 1-10, whether 103rd constitutional amendment goes against the spirit of constitution of India.

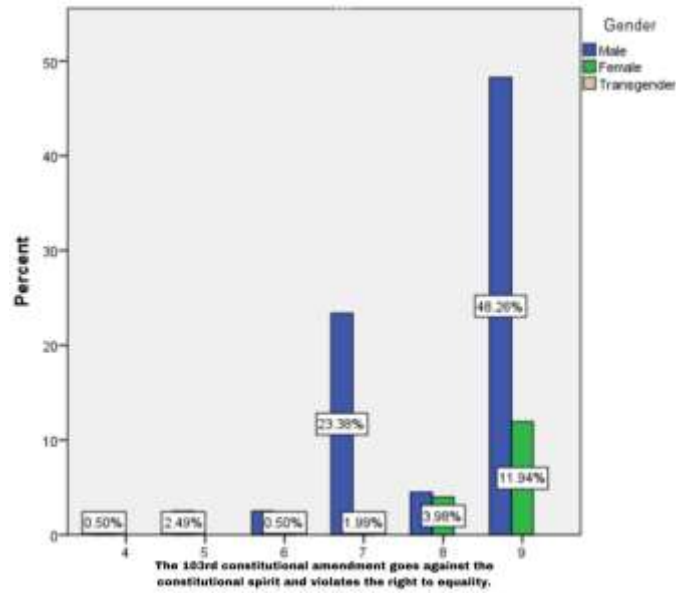


Fig:2.1

Legend: Graph representing the gender of the respondents and their rating on rating scale 1-10, whether 103rd constitutional amendment goes against the spirit of constitution of India.

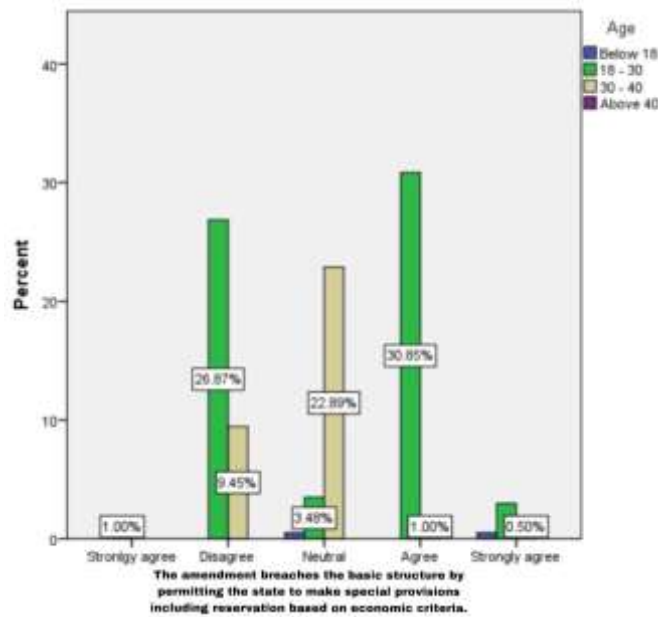
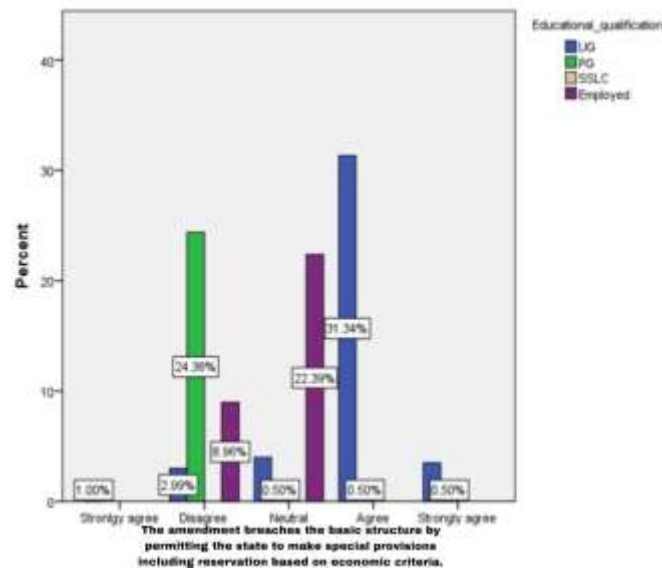


Fig:3

Legend: Graph representing the Age of the respondents and their opinion on whether the 103rd amendment breaches the basic structure of the Indian constitution.



**Fig:3.1**

**Legend:** Graph representing the gender of the respondents and their opinion on whether the 103rd amendment breaches the basic structure of the Indian constitution.

## Findings

In fig.1, The respondents with age 18-30 are 42.29% and 30-40 are 30.85% and above 40 are 15.92% have responded higher for the questionnaire. In fig.1.1, The respondents of gender 76.2% of male and 17.91% of female has stated yes and 4.98% of male and 0.50% of female have stated no. In fig.2, The maximum number of respondents with the age group of 30-40 have given the highest rating of 9 and the maximum number of respondents with the age group of 18-30 nearly 24.38% have given the rating of 7. In fig.2.1, The respondents with the gender of male 48.26% have given the highest rating of 9 and 11.9% of female has given the rating of 9. In fig.3, The respondents of age 18-30 are 30.85% and age of 30-40 is 22.34% have responded higher Agreed and maximum number respondents with age group of 30-40 nearly 22.89% have stated neutral. In fig.3.1, The respondents with educational qualification of 31.34% of UG have stated agree, 22.39% of employed has stated neutral, 24.38% of PG has stated disagree to the questionnaire.

In fig.1, the maximum number of respondents with age group of 18-30 and 30-40 have responded yes that economically weaker section reservation is an affirmative action to provide social justice in society and very less number of respondents with age of above 40 have responded as no to the questionnaire. In fig.1.1, the maximum number of male respondents nearly 76.62% have responded higher as yes the economically weaker section reservation is an affirmative action to provide social justice in society and minimum number of female has stated yes due to their lack of Awareness in this reservation policy. In fig.2, the maximum number of respondents with the age group of 30-40 have given the highest rating of 9 on the 103rd constitutional amendment goes against the spirit of constitution of India and violates the right to equality and majority of the respondents with the age group of 18-30 have given the rating of 7 as they responded that as neutral. In fig.2.1, the maximum number of the male respondents nearly 48.26% have given the rating of 9 to the 103rd constitutional amendment goes against the spirit of constitution of India and violates the right to equality and minimum number of female has given the rating of 9 to the questionnaire.

In fig.3, the maximum number of respondents with the age group of 18-30 have agreed that the 103rd amendment breaches the basic structure of the Indian constitution and the 26.87% of respondents with the age group of 18-30 have disagreed that the 103rd amendment not breaches the basic structure of the Indian constitution and the majority of the respondents with the age group 30-40 have responded neutral to the questionnaire. In fig.3.1, the maximum number of respondents preferring with UG have agreed that 103rd amendment breaches the basic structure of the Indian constitution and the majority of the respondents preferring with employed has responded as neutral to the questionnaire and 24.36% of the respondents preferring with PG have disagreed that that the 103rd amendment does not breaches the basic structure of the Indian constitution

## Conclusion

The fact of the matter is despite such reservations, the major challenge which is still looming is that the government jobs are not growing, overall employment is shrinking. The unemployment rate is on inclining mode and therefore its time that such issues are addressed on an alarming basis as what is the logic of reservation when there are no jobs on the palate for the youth. The Preamble of the Constitution of India which is based on social, economic and political justice and clearly mentions about equality of status and opportunity from which the economic criteria has flown out, It is a good step forward on the road of equality and the time is ripe enough to get rid of such caste based reservations which is not a good medicine for the health of our country.

There is a continuous debate going on since the law has been passed regarding the family income criteria which is set at Rs 8 lacs or less and the agricultural land of 5 acre or less etc. for claiming reservation which is too high for a developing country like India where, according to a fair estimate 80-90 percent people are earning below 8 lacs per annum and having land less than the limit set and as a result a good percentage of population would fall into this bracket and which will undermine the purpose of this reservation and which needs to be reset in the future. The output comes even though the government introduced reservation for Economically Weaker Sections to uplift the people who are economically poor, the legislation still remained to be challenging on account of various constitutional and judicial grounds. Observationally, it doesn't appear to be legitimate as applicants from Economically Weaker Sections are as of now all around spoken to in higher education institutions. The introduction of reservation was implemented as an instrument to ensure equality & justice and to eliminate discrimination. It is this political propensity that Dr. B.R. Ambedkar cautioned earlier about the exploitation of the reservation policy. It would nullify the first point of conceding reservation as imagined by the establishing fathers of our constitution, that of revising the antagonistic impacts of the caste system.

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