

**"ECONOMIC CRITERIA IN RESERVATION POLICY: A SHIFT
FROM SOCIAL JUSTICE TO ECONOMIC JUSTICE?"**

AMIT KUMAR

Research Scholar

Department of Law

Kurukshetra University

Kurukshetra (Haryana)

EMAIL- amitsihag18@gmail.com

ABSTRACT

The Indian reservation policy has traditionally served as a mechanism to promote social justice by addressing historical caste-based discrimination and empowering marginalized communities. Rooted in the ideals of equality and affirmative action enshrined in the Constitution, reservation has primarily focused on social and educational backwardness. However, the enactment of the 103rd Constitutional Amendment Act, 2019, introducing 10% reservation for Economically Weaker Sections (EWS) from non-reserved categories, signifies a critical shift in the philosophy underpinning affirmative action—from social justice based on caste to economic justice based on financial status.

This paper critically examines the constitutional, legal, and socio-political dimensions of this transformation. It evaluates the rationale behind introducing economic criteria as a basis for reservation, the judicial validation in *Janhit Abhiyan v. Union of India*, and the broader implications on the existing framework of social equity. By juxtaposing the ideals of social and economic justice, the paper explores whether the EWS reservation complements or contradicts the original objectives of India's reservation policy.

In doing so, the study engages with questions of equality, representation, and the evolving meaning of justice in contemporary India. It aims to assess whether economic weakness can be an independent criterion for affirmative action or if this move risks overshadowing the continuing socio-structural disadvantages faced by caste-based communities. The paper ultimately reflects on the future trajectory of affirmative action in India and whether the EWS reservation represents an inclusive reform or a constitutional compromise.

Keywords: Discrimination, economically, prioritizing, constitutional principles, institutionalized, transparency.

INTRODUCTION

India's reservation policy, historically rooted in the imperative to correct historical injustices and caste-based oppression, has been a cornerstone of its social justice framework. Originating from the constitutional vision of equality and affirmative action, reservation has predominantly been based on social and educational backwardness. However, the introduction of the **103rd Constitutional Amendment Act, 2019**, which provides **10% reservation to Economically Weaker Sections (EWS)** of society regardless of caste, marks a significant paradigm shift. It

signals a move from caste-based affirmative action toward **economic criteria**, inviting both acclaim and critique.

The Amendment represents an attempt to realign the objectives of affirmative action with changing socio-economic realities, where poverty and economic disparity are recognized as critical impediments to equality. Proponents argue that this change reflects the need for **inclusive economic justice**, acknowledging that financial deprivation, regardless of caste, also demands state support. On the other hand, critics question whether this move dilutes the original purpose of reservation — **to redress systemic caste discrimination** — and whether it risks undermining the constitutional principles of social justice.

This paper explores this fundamental shift in policy: from a focus on historically oppressed communities to economically weaker segments among forward castes. It analyzes whether the EWS reservation upholds or challenges the Constitution's original vision, particularly in light of the **Supreme Court's judgment** upholding the amendment. The paper also delves into the socio-legal implications of separating economic weakness from social and educational backwardness in the Indian context.

India's reservation policy has long been a cornerstone of its constitutional commitment to social justice, designed to correct deep-rooted historical inequalities perpetuated by the caste system. The rationale for affirmative action has traditionally centered on the structural marginalization and social exclusion of communities such as the Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). These groups were not only denied access to education and employment but were also subjected to centuries of discrimination, indignity, and subjugation. The Indian Constitution, inspired by egalitarian ideals and led by the vision of Dr. B.R. Ambedkar, recognized the need for positive discrimination to ensure substantive equality for these historically disadvantaged communities. The enactment of the 103rd Constitutional Amendment Act in 2019, introducing 10% reservation for Economically Weaker Sections (EWS) among the general category (excluding SCs, STs, and OBCs), marks a paradigm shift in the framework of reservations in India. For the first time, economic criteria alone—unconnected to social or educational backwardness—have been made the basis for state-sponsored affirmative action. This development has sparked a significant debate across legal, political, and academic domains regarding the validity, necessity, and consequences of prioritizing economic weakness over entrenched social discrimination.

Proponents of the EWS reservation argue that poverty and financial hardship can be just as limiting as caste-based exclusion, and that the state has a duty to ensure opportunities for all citizens facing economic deprivation, regardless of their social background. In this view, the amendment is seen as a progressive step towards inclusive growth, aligned with Article 46 of the Directive Principles of State Policy, which mandates the state to promote the economic interests of weaker sections.

On the other hand, critics argue that the introduction of economic-based reservation undermines the very foundation of the original policy, which was rooted not in poverty per se but in the need to dismantle centuries of systemic discrimination and caste hierarchy. They

question whether economic disadvantage alone creates the same level of institutional exclusion, stigma, and lack of social capital that caste does. There is also concern that EWS reservation may shift the focus away from the long-standing goal of caste-based social justice, potentially leading to a rollback of protections for marginalized communities under the guise of economic reform.

Furthermore, this development raises significant constitutional questions: Can economic criteria alone justify reservation under the equality framework of Articles 15 and 16? Does it challenge the basic structure doctrine, which upholds equality as a core feature of the Constitution? And crucially, does it represent a broadening of affirmative action or a redefinition of its purpose?

This paper seeks to critically analyze the introduction of EWS reservation as a departure from the traditional goals of social justice and examine whether this shift signifies a legitimate move towards economic justice or a dilution of the constitutional vision for equity. By exploring legal judgments, constitutional principles, historical context, and socio-political consequences, the study aims to assess the impact and implications of redefining the criteria for reservation in 21st-century India.

Historical Background of Reservation Policy in India

The roots of India's reservation system lie deep within the nation's historical struggle against social stratification and caste-based oppression. The caste system, a rigid social hierarchy institutionalized over centuries, resulted in the systemic exclusion of certain communities, particularly the Scheduled Castes (SCs), Scheduled Tribes (STs), and later, the Other Backward Classes (OBCs), from access to education, employment, land ownership, and political participation.

The idea of reservations as a corrective measure emerged during the British colonial period. The **Government of India Act, 1909** (Morley-Minto Reforms) introduced the concept of separate electorates, and by **1935**, reservations in education and public services for the depressed classes became part of legislative frameworks. **Dr. B.R. Ambedkar**, one of the principal architects of the Indian Constitution and a lifelong advocate for the rights of the oppressed, envisioned reservation not as a tool of charity but as a measure of **historical justice and substantive equality**.

The **Constitution of India (1950)** institutionalized reservations under **Articles 15(4), 16(4), and later 46**, which allow the state to make special provisions for the advancement of socially and educationally backward classes and for the SCs and STs. These provisions were framed not merely to offer opportunities but to challenge entrenched power structures and promote **equitable representation** in state services, education, and governance.

Over time, the need to extend affirmative action beyond SCs and STs was recognized. The **Mandal Commission Report (1980)**, implemented in 1990, extended reservation benefits to the OBCs, identifying them as socially and educationally backward classes. The policy faced significant political and societal resistance, but it also marked a reaffirmation of the state's commitment to **social justice**.

Thus, reservation in India has historically been anchored in **social disadvantage and discrimination**, not economic status. It is grounded in the understanding that certain communities have been **structurally marginalized** due to their caste identity, and only through positive discrimination can the playing field be leveled.

Until the 103rd Constitutional Amendment, **economic criteria were explicitly excluded** from the framework of reservation, largely based on the rationale that poverty, though a serious concern, does not necessarily result in systemic exclusion akin to caste-based discrimination. The idea that reservation should compensate for lack of economic resources rather than historical social exclusion was considered outside the purview of constitutional affirmative action.

The introduction of the **EWS quota in 2019** has therefore challenged the traditional foundation of the reservation policy. It reflects an evolving understanding of inequality in India, wherein economic hardship is also viewed as a significant barrier to access and opportunity. Yet, it has also triggered debates on whether such a shift dilutes the **original social justice mandate** or represents a necessary expansion to include **economic justice** within the constitutional framework.

UNDERSTANDING SOCIAL JUSTICE AND ECONOMIC JUSTICE

Social Justice and **Economic Justice** are foundational ideals enshrined in the Preamble and Directive Principles of the Indian Constitution. Although interrelated, the two concepts are grounded in distinct philosophical and practical frameworks.

Social Justice: A Historical and Constitutional Framework

Social justice in India is intrinsically linked to the **eradication of caste-based hierarchies**, systemic oppression, and unequal access to rights, dignity, and resources. It recognizes that **historically marginalized communities**, particularly Dalits, Adivasis, and backward classes, have been subjected to structural barriers in education, employment, and public life, not merely due to poverty, but because of **deep-rooted social exclusion**.

The Indian constitutional commitment to social justice is evident in provisions such as:

- **Article 15(4) and 15(5):** Allowing special provisions for the advancement of socially and educationally backward classes.
- **Article 16(4):** Permitting reservation in public employment for backward classes not adequately represented in the services.
- **Article 46:** Mandating the state to promote the educational and economic interests of the weaker sections, particularly SCs and STs.

Social justice thus aims to achieve **substantive equality** by acknowledging **unequal social starting points**. It is not a compensatory tool for poverty alone, but a **corrective mechanism for historical wrongs**, focusing on groups subjected to systemic and intergenerational disadvantage.

Economic Justice: The Emerging Paradigm

Economic justice, on the other hand, concerns itself with the **equitable distribution of wealth, income, and opportunities** among individuals, regardless of caste or religion. It assumes that

economic hardship alone can be a valid ground for state intervention to ensure access to education, jobs, and public goods.

The growing discourse around economic justice is driven by the realization that **poverty is not exclusive to any one caste group**. There are economically disadvantaged individuals within the so-called "forward castes" who, despite lacking financial resources, have been excluded from the benefits of affirmative action due to their social classification.

Advocates of economic justice argue that focusing solely on caste **ignores a rising class of impoverished citizens** who, though not facing social stigma, experience economic deprivation. In this light, economic criteria-based reservation is seen as a means of ensuring **horizontal equity**, where all poor citizens, regardless of social identity, receive state support.

The Intersection and Tensions Between the Two

While both concepts aim to **ameliorate inequality**, the nature of disadvantage they address differs:

- **Social justice is group-centric**, targeting historically excluded communities.
- **Economic justice is individual-centric**, focusing on income and material deprivation.

This divergence raises several questions:

- Can economic hardship replicate the **institutional discrimination and social alienation** faced by marginalized castes?
- Does prioritizing economic justice dilute the **original intent of the reservation policy**?
- Can both forms of justice co-exist within the same affirmative action framework without undermining each other?

In practice, blending the two may lead to **policy incoherence**. While social justice seeks to compensate for **non-merit-based social disadvantages**, economic justice often leans on **meritocratic notions** wherein only the poor deserve assistance. This tension creates the risk of **pitting poverty against caste-based marginalization**, rather than addressing them as intersecting axes of disadvantage.

Moreover, there is concern that economic criteria may become a **politically convenient tool**, allowing dominant groups access to benefits historically reserved for the underprivileged, thereby **restructuring reservation from a tool of empowerment to one of appeasement**.

CONSTITUTIONAL AND JUDICIAL PERSPECTIVE ON EWS RESERVATION

The introduction of **10% reservation for Economically Weaker Sections (EWS)** through the **103rd Constitutional Amendment Act, 2019** marked a paradigm shift in India's reservation policy. Historically, affirmative action was rooted in **social and educational backwardness**, as articulated in Articles **15(4)** and **16(4)** of the Constitution. The EWS quota, by contrast, was justified solely on the basis of **economic disadvantage**, introducing a new dimension to the discourse on equality and justice.

The 103rd Constitutional Amendment: A New Framework

The Amendment added two new clauses:

- **Article 15(6)**: Allows the state to make special provisions, including reservation in educational institutions, for economically weaker sections of citizens other than those mentioned in Article 15(4) and 15(5).

- **Article 16(6):** Permits the state to provide up to 10% reservation in initial appointments in government jobs to economically weaker sections.

What sets this apart is its **exclusion of SCs, STs, and OBCs** from the EWS category, making it **solely for non-reserved (general) category economically weaker persons**. This move shifted the constitutional emphasis from **social group-based affirmative action** to **individual income-based considerations**.

Judicial Scrutiny in *Janhit Abhiyan v. Union of India* (2022)

The constitutionality of the 103rd Amendment was challenged in the landmark case of *Janhit Abhiyan v. Union of India*, (2022) 10 SCC 1. The primary contentions were:

- Whether economic criteria alone can be a valid basis for reservation.
- Whether the exclusion of SCs/STs/OBCs from EWS violates the equality code under Articles 14, 15, and 16.
- Whether the 50% cap on reservations, as established in *Indra Sawhney v. Union of India* (1992), could be breached.

Majority View (3:2 Verdict)

The **majority upheld the constitutional validity** of the Amendment:

- **Economic criteria** was recognized as a legitimate basis for affirmative action.
- The exclusion of SCs/STs/OBCs from EWS was not deemed discriminatory, as these groups already enjoy reservation under other clauses.
- The 50% cap was held to be a **flexible rule**, not a rigid ceiling.

Justice Dinesh Maheshwari stated:

"Reservation is an instrument of affirmative action and not necessarily a right. The Constitution does not bar classification on economic criteria if it serves the cause of equality."

Dissenting View

Justice Ravindra Bhat (joined by CJI U.U. Lalit) dissented:

- Argued that exclusion of socially disadvantaged groups from EWS was **constitutionally impermissible** and struck at the heart of the equality code.
- Warned that EWS reservation **distorted the logic of social justice** by shifting focus from structural discrimination to economic poverty alone.

Constitutional Implications

The judgment has far-reaching implications:

- It **redefines the scope of affirmative action** in India by officially endorsing **class-based reservation** alongside **caste-based reservation**.
- It opens the door to a **dual-track reservation policy**: one for social backwardness and the other for economic hardship.
- However, it raises a critical concern: whether such a move would **dilute the historical and structural rationale** behind reservations in India, which was not based merely on poverty but on **cumulative disadvantage and exclusion**.

This constitutional shift marks a **new phase in Indian equality jurisprudence**, and it remains to be seen how it impacts future policy-making and litigation.

Here is a **critical analysis** of the **103rd Constitutional Amendment** and the **Janhit Abhiyan v. Union of India (2022)** judgment that upheld EWS reservation:

CRITICAL ANALYSIS OF EWS RESERVATION

- **Departure from Social Justice Philosophy**

Traditionally, reservations in India were grounded in **social and educational backwardness**, aimed at **remedying historical injustices** against marginalized communities like SCs, STs, and OBCs. The introduction of **purely economic criteria** as the basis for reservation marks a **paradigm shift** from the **social justice model to an economic justice model**. Critics argue that this shift dilutes the original intent of affirmative action, which was not meant to alleviate poverty per se but to address entrenched caste-based oppression and systemic exclusion.

- **Exclusion of SC/ST/OBCs: A Constitutional Paradox**

The **exclusion clause** — which bars SCs, STs, and OBCs from availing EWS benefits — is one of the most contested aspects of the amendment. It creates a **reverse discrimination** scenario. Although these communities may also suffer from economic disadvantage, they are categorically **excluded based on their caste identity**, raising serious concerns about **violation of Article 14** (Right to Equality). The dissenting judges in the Janhit Abhiyan case rightly argued that this exclusion fragments the equality principle and is constitutionally suspect.

- **Breach of 50% Reservation Ceiling**

The Supreme Court's decision in *Indra Sawhney v. Union of India* (1992) laid down the **50% ceiling limit** on reservations, stating that exceeding this cap would undermine merit and efficiency in administration. By allowing an additional **10% quota**, the EWS reservation takes total reservations in some states **above 60-70%**, thereby eroding the constitutional commitment to **meritocracy** and fairness. The majority opinion in *Janhit Abhiyan* interpreted the 50% limit as **not absolute**, creating a precedent that may invite **further expansion of quotas**, potentially harming institutional integrity.

- **Economic Criteria and Its Fluidity**

Unlike caste, which is a **relatively static social identity**, **economic status is fluid** and may change over time. Designing a robust and verifiable system to determine **economic weakness** is administratively complex and prone to manipulation. Questions have been raised about the **lack of transparency** in the ₹8 lakh annual income threshold and the uniformity of economic benchmarks across diverse states and regions, which may result in **exclusion errors** and benefit more dominant groups.

- **Undermining the Basic Structure Doctrine?**

The **basic structure doctrine**, laid down in *Kesavananda Bharati v. State of Kerala* (1973), prevents Parliament from altering the Constitution's foundational principles, including **equality, secularism, and social justice**. Critics argue that the **EWS amendment violates the basic structure** by:

- Permitting exclusion based on caste.
- Redefining the very **foundation of affirmative action**.
- Creating **economic classification** without historical or systemic justification.

Although the majority in *Janhit Abhiyan* upheld the amendment, the dissent viewed it as a **direct assault on constitutional morality and social equity**.

- Practical Challenges in Implementation

Since EWS reservation is extended to **non-backward upper castes**, there are concerns about:

- **Overlapping claims** with general category seats.
- **Administrative burden** in distinguishing genuinely poor individuals.
- Potential **stigma reversal**, where backward class students face greater scrutiny or resentment due to perceptions of unfair advantage.

Moreover, states like Tamil Nadu and Kerala, where existing reservations are already over 60%, face a **policy conflict** in adopting EWS quotas.

- Political Dimensions

The 103rd Amendment and its judicial validation also reflect a **political shift** — it caters to **upper-caste, economically weaker segments**, a powerful electoral base. Critics see this as a **vote-bank strategy**, undermining the constitutional objective of protecting the most structurally disadvantaged. This introduces **populism** into the reservation discourse, moving away from principle-based affirmative action.

While the **intent to address economic hardship** through reservation is laudable, the **methodology** adopted raises fundamental constitutional, ethical, and administrative concerns. The **EWS quota redefines affirmative action**, shifts the focus from historical discrimination to economic disadvantage, and opens new debates on the **future of social justice** in India. The judiciary's validation of this framework in *Janhit Abhiyan* indicates an evolving interpretation of equality, but also signals potential **constitutional dilution** if not carefully regulated.

IMPACT ON MARGINALISED COMMUNITIES AND SOCIAL EQUITY

The introduction of the EWS reservation through the 103rd Constitutional Amendment has stirred an intense debate about its potential consequences for India's deeply stratified society. While it seeks to address economic deprivation among upper castes, its implications for marginalized communities — particularly Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs) — are far-reaching and, in many ways, concerning.

1. Reinforcement of Social Hierarchies

Historically, reservations were conceptualized as a **remedial measure** for communities that suffered **centuries of caste-based discrimination**. The shift toward an **economic-based quota** — especially one that **excludes SCs/STs/OBCs** — risks reinforcing existing **upper-caste dominance** in power structures. This exclusion appears to normalize the belief that caste-based reservations have outlived their relevance, potentially delegitimizing the **struggles for dignity and representation** by marginalized groups.

2. Dilution of Social Justice Framework

By redefining eligibility for affirmative action solely on **economic grounds**, the EWS quota departs from the **social justice philosophy** that underpins India's reservation policy. It implicitly assumes that poverty is the **sole axis of disadvantage**, overlooking **institutional discrimination, social exclusion, and cultural marginalization** — realities that continue to affect Dalits, Adivasis, and backward classes, regardless of their economic status.

This **narrow construction of disadvantage** may further marginalize those whose primary deprivation stems not from income but from their **social identity**, thereby undermining efforts to promote **real equality**.

3. Potential Reduction in Political and Policy Focus

The institutionalization of an upper-caste quota could shift **political attention and policy focus** away from marginalized groups. The narrative of “economically poor among upper castes” being deserving of affirmative action may erode the **legitimacy of caste-based claims**, leading to decreased public support and even calls for the **removal or reduction of SC/ST/OBC quotas**. This shift can weaken the **collective bargaining power** of oppressed communities and dilute mechanisms meant to correct structural injustice.

4. Threat of Resource Redistribution

The allocation of 10% of seats in educational institutions and public employment for EWS groups — in addition to existing reservations — has led to **reduction in the overall unreserved seats**, intensifying competition for general-category SC/ST/OBC candidates. Though legally distinct from their quotas, this additional reservation may indirectly limit **upward mobility opportunities** for marginalized individuals within the general category who may not fall under their respective reservation umbrellas due to creamy layer exclusion or regional variations.

This redistribution of finite opportunities could lead to **resentment, fragmentation**, and even **intra-minority tensions**, which may ultimately weaken the solidarity among oppressed communities.

5. Undermining of Constitutional Morality

The principle of **constitutional morality**, as invoked in several landmark judgments, emphasizes **fraternity, inclusivity, and substantive equality**. The EWS amendment’s categorical **exclusion of historically disadvantaged castes**, even if they are economically poor, is in tension with these values. It sends a message that **poverty among SCs/STs/OBCs is less deserving of redress** if it is already addressed through existing reservations, creating a hierarchy within the disadvantaged.

This not only **disregards intersectionality** — where caste and poverty compound — but also **undermines the inclusive spirit** of constitutional justice.

6. Emotional and Psychological Impact

Marginalised communities have long viewed reservations as a symbol of **recognition and reparation** for historical wrongs. The creation of a separate quota for the economically poor among dominant castes, without addressing ongoing caste discrimination, risks generating a **perception of equivalence** between social and economic backwardness. This can lead to **emotional alienation** and a sense of **betrayal**, particularly among youth from oppressed communities who continue to face discrimination despite upward mobility.

While the EWS quota may succeed in addressing some forms of economic hardship, its **structural and symbolic consequences** for marginalized communities are profound. It raises critical concerns about the **future of caste-based affirmative action**, the **direction of India’s social justice agenda**, and the **moral obligations of the state** toward its most oppressed

citizens. Unless accompanied by renewed commitment to **protecting and strengthening caste-based reservations**, EWS may not only **reconfigure the discourse of equity**, but also deepen **existing social fault lines**.

ARGUMENTS FOR AND AGAINST EWS RESERVATION

The implementation of the **10% reservation for Economically Weaker Sections (EWS)** of society, introduced by the 103rd Constitutional Amendment, has triggered significant legal, political, and ethical discourse in India. Proponents hail it as a progressive reform addressing income-based inequality, while critics view it as a dilution of the core principle of social justice grounded in historical disadvantage. The following section provides a detailed account of both sets of arguments:

Arguments in Favour of EWS Reservation

1. Recognition of Economic Deprivation as a Valid Form of Disadvantage

Supporters argue that poverty, regardless of caste, limits access to quality education, healthcare, and employment. EWS reservation is seen as an attempt to address this **economic marginalization**, particularly among upper castes who were previously excluded from affirmative action despite facing financial hardship.

2. Promotion of Equality Among Equals- Advocates maintain that the reservation promotes **economic equality** without disturbing the existing quota system for SCs, STs, and OBCs. It adds a new layer of inclusivity and ensures that economically weaker individuals from non-reserved categories also benefit from state support.

3. Correcting Historical Imbalance in Policy- It is argued that upper-caste poor were **historically overlooked** in the reservation discourse. EWS reservation provides them **social mobility** through educational and job opportunities, thereby **rebalancing the benefits of welfare policy** that have long been skewed toward certain caste groups.

4. Constitutional Mandate of Inclusive Development- The EWS reservation is defended on the ground that it aligns with **Article 46** of the Constitution, which mandates the state to promote the educational and economic interests of weaker sections. The argument is that caste should not be the sole criterion of backwardness in a dynamic, evolving society.

5. Judicial Approval and Legislative Competence- The Supreme Court's majority decision in *Janhit Abhiyan v. Union of India* (2022) upheld the amendment, affirming that **economic criteria are valid grounds** for affirmative action and that Parliament has the power to legislate new categories of reservation.

Arguments Against EWS Reservation

1. Violation of the Basic Structure Doctrine- Critics argue that the amendment **violates the equality code** of the Constitution. By reserving 10% exclusively for upper-caste poor and excluding SCs/STs/OBCs, the amendment is seen as **discriminatory and antithetical to the principle of substantive equality**.

2. Undermining the Purpose of Reservation- Reservation in India was never meant to be a poverty alleviation program but a **remedial measure to address social exclusion and caste-based discrimination**. By introducing an income-based quota, the EWS policy **shifts the focus away from social justice** to economic redistribution, thereby **diluting the original objective**.

3. False Equivalence Between Economic and Social Backwardness- Opponents emphasize that **poverty is temporary and can change with time**, but **social stigma and discrimination** rooted in caste are enduring. Economic disadvantage does not necessarily imply **systemic oppression**, and therefore should not be equated with historical marginalization.

4. Inadequate Empirical Basis- Critics also highlight the **lack of a detailed socio-economic study** or data justifying the need for a separate reservation. The criteria for defining “economically weaker” (e.g., ₹8 lakh income ceiling) are **arbitrary and overly broad**, risking inclusion of the relatively well-off and thereby **defeating the purpose** of affirmative action.

5. Opens the Door to Further Fragmentation of Reservation- EWS is seen as the beginning of **reservation based on various non-discriminatory identities**, such as religion or regional identity, which can **erode the coherence** of the policy framework. It sets a precedent for **over-expansion** of quotas without addressing core structural issues.

6. Potential Adverse Impact on Marginalised Communities- Since the total reservation now amounts to **59.5%** (exceeding the 50% ceiling laid down in *Indra Sawhney v. Union of India*), EWS reservation is feared to **reduce opportunities** for SC/ST/OBC candidates in the unreserved category and **strain the reservation system** as a whole.

The EWS reservation introduces a new paradigm in India's affirmative action discourse one that moves beyond caste to include economic backwardness. While this shift may appear inclusive and equitable at first glance, it raises serious concerns regarding its **constitutional validity, structural coherence, and long-term implications** for India's pursuit of **social justice**. The debate reflects a larger ideological contest between **welfare egalitarianism** and **historical reparative justice**, requiring careful navigation by lawmakers, courts, and society at large.

CONCLUSION: THE WAY FORWARD AND APPLICABILITY IN HARYANA

The introduction of the 10% reservation for Economically Weaker Sections (EWS) through the 103rd Constitutional Amendment marks a significant evolution in India's social justice jurisprudence. It reflects an attempt by the Indian state to adapt the affirmative action framework to contemporary economic realities, broadening the scope of welfare benefits to include economically disadvantaged individuals from non-reserved categories. While this progressive shift in policy discourse is commendable for acknowledging that poverty can be a barrier regardless of caste, it simultaneously invites a deeper examination of its constitutional, ethical, and practical foundations.

From a constitutional standpoint, the EWS quota challenges long-established principles of reservation that were rooted in the historical injustices and social discrimination faced by marginalized castes. By reserving seats exclusively for the economically poor among forward castes, and explicitly excluding SCs, STs, and OBCs from its ambit, the amendment arguably deviates from the principle of substantive equality enshrined in Articles 14 and 16. Moreover, it risks blurring the distinction between economic welfare schemes and structural corrective measures, thereby diluting the purpose of affirmative action in India.

However, the **Supreme Court's majority opinion in *Janhit Abhiyan v. Union of India* (2022)** upheld the constitutionality of the EWS reservation, thereby legitimizing its policy

framework. This judicial endorsement gives the amendment legal certainty, even as academic and policy debates around its social and moral legitimacy continue.

Practical Aspects of Applicability in Haryana

In the context of **Haryana**, the implementation of EWS reservation has encountered both administrative enthusiasm and social complexities. Haryana was among the first few states to adopt the EWS quota in government jobs and educational institutions following the central law. The **Haryana Staff Selection Commission (HSSC)** and **state universities** have already operationalized EWS reservation in recruitment and admissions.

However, several **practical challenges** persist:

- **Eligibility Verification:** EWS certification in Haryana requires proof of income and property limits. There have been concerns about **non-standardized procedures**, **lack of transparency**, and **possibility of misuse** through false declarations, which may affect genuine beneficiaries.
- **Caste Dynamics and Social Backlash:** Haryana's social structure is deeply caste-driven, with dominant castes like **Jats** demanding inclusion in OBC or EWS categories. The state has witnessed multiple **agitations over reservation**, indicating that EWS may become a politically volatile category if perceived as skewed or unfair by powerful caste groups.
- **Overlap with Existing Schemes:** There is a growing concern about **overlapping benefits**, where certain forward caste individuals may avail of EWS advantages along with other welfare schemes meant for the poor, thereby **overburdening the system** and reducing opportunities for marginalized caste groups.
- **Institutional Readiness:** There remains **institutional ambiguity** in fully integrating EWS reservation within the framework of higher education and public employment. Many rural institutions in Haryana still struggle with digital infrastructure, awareness campaigns, and procedural clarity, which limits the full realization of EWS benefits.

The Way Forward

For EWS reservation to serve its intended purpose without undermining the ethos of social justice:

- The **criteria for EWS eligibility must be revisited** to ensure better targeting of truly deserving candidates.
- There must be **robust mechanisms for certification and grievance redressal**, especially in states like Haryana where administrative capacity varies significantly across districts.
- Most importantly, the policy must function **in harmony with existing reservations** and welfare schemes, without eroding the gains made by historically marginalized communities.

In conclusion, while the EWS quota is a bold and timely intervention in addressing economic inequality, its effectiveness will depend on the **state's ability to implement it with integrity, sensitivity, and inclusiveness**. For a state like Haryana, which grapples with a complex social

fabric and competing caste aspirations, the **success of EWS reservation lies not just in legal validation but in social acceptance and administrative fairness.**

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