Syllabus subtopic: Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Prelims and Mains focus: About the 10% reservation introduced by the Constitution 103rd Amendment Act and related issues

News: The Centre on Tuesday informed the Supreme Court that it would be the States’ prerogative to provide 10% economic reservation in government jobs and admission to education institutions.

Context: The Centre was responding to a writ petition from Supreme Court advocate G.S. Mani complaining that the economic reservation law was not being implemented in Tamil Nadu and Karnataka.

Centre’s response: Whether or not to provide reservation to the economically weaker section in appointment to State government jobs and admission to State government educational institutions, as per provisions of the newly inserted Articles 15(6) and 16(6) of the Constitution, is to be decided by the State government concerned.

However, the Centre said its Department of Social Justice and Empowerment “has no role in deciding the reservation policy of any State government”.

About the reservation under EWS

- As per the notification issued by the Department of Personnel and Training on January 19, 2019, persons whose family has a gross annual income below Rs.8 lakh are identified as those belonging to the economically weaker section.
- It said the 10% reservation law was enacted to promote the welfare of the poor not covered by the 50% reservation policy for the Scheduled Castes and the Scheduled Tribes and the Socially and Educationally Backward Classes.
It has been nearly six months since a Bench, led by Justice Sharad A. Bobde, now the Chief Justice of India, has reserved orders on the preliminary question that whether a bunch of writ petitions challenging the economic reservation law should be referred to a Constitution Bench.

- The court had refused to pass any interim order to stay or hamper the implementation of the Constitution (103rd Amendment) Act, which provides for the 10% reservation.

**Key changes made by the 103rd CAA**

**Amendment of Article 15:**

In Article 15 of the Constitution, after clause (5), the following clause shall be inserted, namely:

“(6) Nothing in this article or sub-clause (g) of clause (1) of Article 19 or clause (2) of Article 29 shall prevent the State from making,—

(a) any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5); and

(b) any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5) in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of Article 30, which in the case of reservation would be in addition to the existing reservations and subject to a maximum of ten per cent. of the total seats in each category.”

**Amendment of Article 16:**

In Article 16 of the Constitution, after clause (5), the following clause shall be inserted, namely:

“(6) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any economically weaker sections of citizens other than the classes mentioned in clause (4), in addition to the
existing reservation and subject to a maximum of ten per cent of the posts in each category.”

For the purposes of Article 15 and Article 16, “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 economic disadvantage.