

GOVERNMENT OF INDIA
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
RAJYA SABHA
UNSTARRED QUESTION NO – 1248
ANSWERED ON - 13/12/2023

AMENDMENT IN OBC RESERVATION

1248. SHRI SUBHAS CHANDRA BOSE PILLI

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:-

(a) whether Government plans to alter the existing Other Backward Classes (OBCs) quota of 27% restricted due to 50% reservation cap, consequent upon implementation of 10% EWS reservation when 50% reservation ceiling gets breached and the same was upheld by the Supreme Court of India.; and

(b) if so, the details thereof and if not, the reasons therefor?

ANSWER

MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT

(SUSHRI PRATIMA BHOUMIK)

(a) & (b) Hon'ble Supreme Court in its judgment dated 16th November, 1992 in the Indra Sawhney case W.P. (C) No.930 of 1990, has decided that reservation under Articles 15(4) and 16(4) of the Constitution should not exceed 50%. The total reservation given to SC, ST and OBC under these Articles does not exceed 50%. The reservation given to the Economically Weaker Sections (EWS) has been provided by the Government under provisions of Articles 15(6) and 16(6), which were inserted vide the Constitution 103rd Amendment Act 2019. Thus the 10% reservation given to EWS, does not violate the 50% limit on reservations given under Articles 15(4) and 16(4).
