

**GOVERNMENT OF INDIA  
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT  
LOK SABHA**

**UNSTARRED QUESTION NO.2287  
TO BE ANSWERED ON 15.03.2022**

**RESERVATION POLICY**

**2287. SHRI THIRUMAAVALAVAN THOL:**

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

- (a) whether the Government still has the policy of not exceeding 50% reservation in the admissions to the Education and employment in the light of 10% reservation given to the Economically Weaker Section of the General category;
- (b) if so, whether 10% reservation to Economically Weaker Section will be within the maximum limit of 50% reservation; and
- (c) if not, the steps taken by the Government for legally protecting the reservation limit exceeding 50%?

**ANSWER**

**MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT  
(SUSHRI PRATIMA BHOUMIK)**

(a) & (b): Hon'ble Supreme Court in its judgment dated 16<sup>th</sup> 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 103<sup>rd</sup> 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).

(c): The 10% reservation give to EWS under the provisions of Articles 15(6) and 16(6) are distinct from the reservation given to SC, ST & OBC under Articles 15(4) and 16(4) and these are legally protected.

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