



EWS Quota: Supreme Court Ruling

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In News: The Supreme Court recently upheld the 103rd amendment to the Constitution introducing a 10 percent reservation for the Economically Weaker Sections (EWS).

What is the Economically Weaker Section (EWS) Quota?

- The 10% EWS quota was introduced under the 103rd Constitution (Amendment) Act, 2019 by amending Articles 15 and 16. It inserted Article 15 (6) and Article 16 (6).
- It is for economic reservation in jobs and admissions in educational institutes for Economically Weaker Sections (EWS).
- It was enacted to promote the welfare of the poor not covered by the 50% reservation policy for Scheduled Castes (SCs), Scheduled Tribes (STs) and Socially and Educationally Backward Classes (SEBC).
- It enables both the Centre and the States to provide reservations to the EWS of society.

What is Socially and Educationally Backward Classes (SEBC)?

- Other Backward Class (OBC) is the collective term used by the Government of India to classify castes which are educationally or socially disadvantaged.
- It is one of several official classifications of the population of India, along with General Class, Scheduled Castes and Scheduled Tribes (SCs and STs).
- In the Constitution of India, OBCs are described as socially and educationally backward classes (SEBC)
- A definition of 'SEBCs' was added to the Constitution under article 342A through 102nd Constitution Amendment

What are all the concern about EWS?

- Reduction within general category: The EWS quota remains a controversy as its critics say it reduces the size of the open category, besides breaching the 50% limit on the total reservation.
- Arbitrariness over income limit: The court has been intrigued by the income limit being fixed at ₹8 lakh per year. It is the same figure for excluding the 'creamy layer' from OBC reservation benefits.
- Socio-economic backwardness: A crucial difference is that those in the general category, to whom the EWS quota is applicable, do not suffer from social or educational backwardness, unlike those classified as the OBC.
- Metropolitan criteria: There are other questions as to whether any exercise was undertaken to derive the exceptions such as why the flat criterion does not differentiate between metropolitan and non-metropolitan areas.
- OBC-like criteria: The question the court has raised is when the OBC category is socially and educationally backward and, therefore, has additional impediments to overcome.
- Not based on relevant data: In line with the Supreme Court's known position that any reservation or norms for exclusion should be based on relevant data.
- Breaches reservation cap: There is a cap of 50% on reservation as ruled in the Indira Sawhney Case. The principle of balancing equality ordains reservation.