

QUESTIONABLE CRITERION: THE HINDU EDITORIAL ON EWS QUOTA INCOME LIMIT

Relevant for: Indian Economy | Topic: Issues Related to Poverty, Inclusion, Employment & Sustainable Development

The [questions raised by the Supreme Court of India](#) about the criteria for identifying the 'Economically Weaker Sections' (EWS) for the purpose of granting reservation are quite apposite. Faced with sharp questions that it could not answer satisfactorily, the Union government has obtained time [to reconsider the criteria, especially the income norm](#) that only those from a family with annual income less than 8 lakh can avail of the 10% reservation earmarked for the EWS category. It is now a settled principle that quantifiable data or proof of a detailed study are required to justify any category of reservation, as well as the norms that determine which section gets it and which does not. In this backdrop, it is logical that the Court would want to know whether there was any study before the Centre prescribed the norms for identifying EWS beneficiaries based on indicators of economic disadvantage. The enquiry by the three-judge Bench is necessarily circumscribed by the fact that the validity of the [103rd Constitution Amendment](#), through which [the EWS quota was introduced in 2019](#), is before a Constitution Bench. In the ongoing proceedings, the Bench is considering the validity of the 27% quota for Other Backward Classes (OBC) and 10% for Economically Weaker Sections [introduced for admission to the All-India Quota \(AIQ\) of seats in medical admissions](#) throughout the country. It has clarified that it is not examining any policy issue, but wants to determine if constitutional requirements have been complied with.

The income criterion is undoubtedly an anomalous aspect of the EWS quota. An annual income of 8 lakh is the limit beyond which an OBC family would fall under the 'creamy layer' and will be denied reservation. The same income figure is being used as the ceiling for identifying EWS. The moot question is whether those who do not face the impediments that come with social and educational backwardness can be equated with those who do. However, the current proceeding will only decide the validity of OBC and EWS reservation in admissions under the AIQ. It must be noted that the introduction of OBC quota in AIQ only brings the admission norms in line with prevailing policy. OBC reservation is applicable to admissions done separately by the Union and State governments in their respective medical institutions, but it was not implemented all these years for all-India quota seats. This pool is formed by the surrender of 15% of undergraduate seats and 50% of PG seats by the States. The absence of OBC quota in this category was an anomaly that has now been rectified. The larger issue that remains is whether reservation can be treated as a poverty alleviation measure and those not well-off but belonging to socially advanced communities can be given a share of the reservation pie. The Constitution Bench should resolve this question early.

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