



## Economically weaker Section (EWS) Quota

**For Prelims:** Reservation, Attorney-General of India, Scheduled Castes, Scheduled Tribes, Other Backward Classes, affirmative action, Basic Structure Doctrine.

**For Mains:** Implications of Economically weaker Section (EWS) Quota.

### Why in News?

Recently, the **Attorney-General of India** articulated that the **10% quota for Economically Weaker Sections (EWS)** of society does not erode the rights of the **Scheduled Castes, the Scheduled Tribes or the Other Backward Classes**.

### What are the Government's Views?

- **Doesn't Harm Quota of Other Classes:** The [EWS quota](#) was given independently of the already **existing 50% reservation granted for the backward classes**, that is, the scheduled communities and the OBCs.
  - The [Attorney general](#) rejected arguments by petitioners that the exclusion of backward classes from the EWS quota amounted to discrimination, as they have been **loaded with benefits by way of affirmative actions**.
    - For example, the members of the Scheduled Caste and Scheduled Tribe communities have been given several benefits under the Constitution, including **Article 16(4)(a)** (special provision for promotion), **Article 243D** (reservation in panchayat and municipality seats), **Article 330** (reservation in the Lok Sabha) and **Article 332** (reservation in state legislative assemblies).
- **Necessary to Uplift the Weaker Section:** The reservation for the backward classes, and now the EWS quota, should be considered by the court as “one single approach of the state intended for the upliftment of the weaker sections of the society”.
  - Altogether **18.2% of the total population in the general category belonged to EWS** and referred to the **Multi-dimensional Poverty Index** used by the **Niti Ayog**, which would be about 350 million (3.5 crores) of the population.
- **Confer the Constitution:** The **reservation** for OBCs, SCs and STs fall under different silos other than the EWS quota and it does not violate the basic structure of the Constitution.
- **Examples:** As per the written submissions submitted by government referred to how the top court had stood by the validity of the [Right of Children to Free and Compulsory Education Act, 2009](#).
  - The court had held that the 2009 Act **seeks to remove all barriers, including financial and psychological barriers** which a child belonging to the weaker section and disadvantaged group has to face while seeking admission and therefore upheld it **under Article 21 of the Constitution**.

### What are the Opponent's views?

- The amendments **run contrary to the constitutional scheme**, where no segment of available

seats/posts can be reserved, only on the basis of economic criteria.

- The amendments also run contrary to the judgment pronounced in the [Indra Sawhney V. Union of India 1992 case](#), that a **backward class cannot be determined only and exclusively with reference to economic criteria**.
- The amendments **alter the 50% quota limit** set up in **Indra Sawhney V. Union of India 1992 case**, which according to the petitioner is a part [Basic Structure of the Constitution](#).

## What is Economically Weaker Section (EWS) Quota?

- **About:**
  - The **10% EWS quota** was introduced under the **103<sup>rd</sup> 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**.
- **Significance:**
  - **Addresses Inequality:**
    - The **10% quota is progressive** and could **address the issues of educational and income inequality in India** since the **economically weaker sections of citizens** have **remained excluded** from attending higher educational institutions and public employment due to their financial incapacity.
  - **Recognition of the Economic Backwards:**
    - There are many people or classes other than backward classes who are **living under hunger and poverty-stricken conditions**.
    - The proposed reservation through a constitutional amendment would **give constitutional recognition to the poor from the upper castes**.
  - **Reduction of Caste-Based Discrimination:**
    - Moreover, it will **gradually remove the stigma associated with reservation because reservation has historically been related to caste** and most often the upper caste looks down upon those who come through the reservation.
- **Concerns:**
  - **Unavailability of Data:**
    - The Union or state governments have **no such data to prove that 'upper' caste individuals**, who have less than Rs 8 lakh annual income, **are not adequately represented in government jobs** and higher educational institutions. There is a strong possibility that they are actually over-represented in these places.
  - **Arbitrary Criteria:**
    - The criteria used by the government to decide the eligibility for this reservation is vague and is not based on any data or study.
    - Even the SC questioned the government whether they have checked the **GDP per capita for every State** while deciding the monetary limit for giving the EWS reservation.
      - Statistics show that the **per capita income in states differs widely** - Goa is the state having the highest per capita income of almost Rs. 4 lakhs whereas Bihar is at the bottom with Rs.40,000.

## UPSC Civil Services Examination Previous Year Question (PYQ)

### Prelims

**Q. Which of the following are regarded as the main features of the "Rule of Law"? (2018)**

1. Limitation of powers
2. Equality before law

- 3. People's responsibility to the Government
- 4. Liberty and civil rights

**Select the correct answer using the code given below:**

- (a)** 1 and 3 only
- (b)** 2 and 4 only
- (c)** 1, 2 and 4 only
- (d)** 1, 2, 3 and 4

**Ans: (c)**

- The 'Rule of Law' may be defined as a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with human rights norms and standards.
- It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.
- **Key Tenets of Rule of Law**
  - **Equality before law, hence, 2 is correct.**
  - Equal protection of law,
  - Existence and preservation of liberty and civil rights, **hence, 4 is correct.**
  - Limitation of powers of executive and legislature, **hence, 1 is correct.**
  - Responsibility of government towards masses. **Therefore, option (c) is the correct answer.**

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### **Mains**

**Q.** Whether National Commission for Scheduled Castes (NCSC) can enforce the implementation of constitutional reservation for the Scheduled Castes in the religious minority institutions? Examine. **(2018)**

**Source: TH**

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