The EWS Quota in NEET Admissions

What is the issue?

The government has informed the Supreme Court that it will review the criteria for determining economically weaker sections (EWS) for reservation in NEET admissions for post-graduate medical courses**.**

What is the 103rd Constitutional Amendment?

- The 103rd Constitutional Amendment, 2019 amended the Articles 15(6) and 16(6) to provide 10% reservation to EWS in admission to educational institutions and government jobs.
- The criteria for the reservation is that
    1. The annual income of the person should be less than 8 lakh.
    2. The person should not own more than 5 acres of farmland.
    3. People who have a house but less than 1000 square feet in a town.
    4. Residential plot of less than 100 sq yards in notified municipalities
    5. Residential plot of less than 200 sq yards in areas other than the notified municipalities

Article 15 prohibits discrimination on grounds of religion, race, caste, sex or place of birth. Article 16 guarantees equal opportunity in matters of public employment.

What is the creamy layer concept in OBC reservation?

- Based on the recommendation of the Second Backward Classes Commission (Mandal Commission), 27% reservation for OBCs has been provided in government jobs and higher educational institutions.
- The Supreme Court in 1992 (Indira Sawhney case) upheld 27% reservation for OBCs, subject to exclusion of the creamy layer.
- It is a concept that sets a threshold within which OBC reservation benefits are applicable and those falling within the “creamy layer” cannot get the benefits of this quota.
- The criteria for the reservation is that
    1. For those not in government, the current threshold is an income of Rs

8 lakh per year.
2. For children of government employees, the threshold is based on their parents' rank and not income.

What is the All-India Quota scheme?

- The All-India Quota (AIQ) scheme was introduced in 1986 under the directions of the Supreme Court.
- AIQ is the portion of seats in the medical colleges under the state that is given to the union government.
- States are required to give 15% medical UG seats and 50% PG seats to the Centre.
- When the reservation for scheduled castes (SC) and scheduled tribes (ST) was implemented in this AIQ, there was no OBC quota.
- In 2021, 27% reservation for OBCs and 10% quota for the EWS in the AIQ were provided in the AIQ scheme including State medical and dental colleges.

What's the case now?

- The apex court is hearing a batch of petitions challenging the government and a medical counselling committee notice that provides 10% quota for the EWS category in NEET admissions.
- The petitions argued several issues like
    1. Breach of 50% quota threshold directed by a 1992 Supreme Court ruling
    2. Lack of study and justification on the EWS reservation criteria
    3. The government decision on EWS reservation in admission through NEET.
    4. The question on how could the income ceiling for OBC reservation and the EWS quota be the same at Rs 8 lakh
- **Rs 8 lakh ceiling** - The Rs 8 lakh ceiling for OBC and EWS is different.
- OBC creamy layer is an exclusionary provision, while EWS is an inclusionary provision.
- The one for EWS is more stringent as it includes income from all sources including "salary", while the income ceiling for OBC does not include "salary" and "agricultural income".
- The Supreme Court questioned the government about the parity between the OBC and EWS, and asked if there was any study done to arrive at Rs 8 lakh for the EWS.
- The government has decided to revisit the criteria for determining the

EWS within a period of four weeks.

- The Constitution Bench should resolve the issue of 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.

Reference

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