

India: Statement on the Legalisation of the Economically Weaker Sections (EWS) Quota

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Radical Socialist (RS) strongly opposes the Supreme Court (SC) judgement upholding the BJP government's policy proposal to enable 10% quota reservations for Economically Weaker Sections (EWS) in Central government public sector employment and for access in its higher educational institutions.

This judgement further enables state governments to do the same if they wish. Given that a host of non-BJP parties – one of the few exceptions being the DMK – have welcomed this judgement, the states they rule will try and implement the new policy. Any individual not of the SC, ST or OBC categories having a parental income under Rs. 8 lakhs annually is now eligible. The immediate electoral-political benefit will likely be to the BJP in the coming polls in Gujarat, where Brahmins and upper castes are around 33% of the population, and in HP where Brahmins and upper castes are around 50%. This demand for EWS quota has also been raised by Marathas.

Why does the RS oppose this policy? To begin with, let us understand the basic moral rationale for affirmative action for particular groups. Affirmative action – of which reservation quotas are the strongest form – is to be given to those communities that have been socially oppressed historically. The enduring character of caste and tribal stigmatization/oppression and its ascription by birth makes it different from economic deprivation of individuals (and to an extent even for groups), for whom there can be, and often is, escape and exit within a lifetime. A better-off Dalit Adivasi or lower caste is still a Dalit, Adivasi, lower caste even as the broader overlap between the class poor and these sections of Indian society remains in place.

- The new quota specifically excludes SCs, STs, OBCs which means that the principal beneficiaries – and this is the intended aim of the BJP – will be Brahmins and upper castes, the very sections guilty of perpetuating caste discrimination against their 'inferiors'. No matter how poor individual members of SCs, STs, OBCs are, they cannot apply for EWS reservation.
- As things stand, it is more difficult for the class-wise poorest sections among SCs, STs, OBCs to corner most of the allotted vacancies as compared to those better-off among them who do. There is no mechanism for ensuring that the most 'degraded' sub-castes within the SCs or the poorest Adivasis benefit from subsequent placement rounds.
- In the case of OBC reservations, there is a "creamy-layer" cut-off barring those whose parental income is at or above Rs. 8 lakhs annually. But this is a ridiculously high level since some 90% or thereabouts of the whole Indian population come below it. What this means is that of the 27% quota for OBCs, most are taken up not by the lower OBCs or by the Most Backward Castes (MBCs) but by its upper ranks. The original creamy layer cut-off for OBCs was RS. 4.5 lakhs annually. In 2013 the Congress-led UPA government raised this to Rs. 6 lakhs and the Modi government in 2017 pushed this up to Rs. 8 lakhs. In 2020 a Committee (which has not so far arrived at a decision) was set up to consider raising it to Rs. 12 lakhs annually.

- Since the OBC category at an all-India level is between the range 45% to 55%, its quota unlike those for SCs, STs, is not in proportion to its weight in the overall population. The justification for keeping the quota at 27% was that the total quota for all reservations must not exceed 50% or half the total population. Now reservations are exceeding this but not for OBCs who suffer from this disproportion but for Brahmins and upper castes. Technically, Muslim and Christian SCs who are not eligible or recognised as coming under the SC quota, could apply under the EWS category. But one would have to be extraordinarily naive, politically speaking, to think that they will benefit from this policy supervised by Indian governments that are committed to either hard or soft Hindutva. No, this new quota is to electorally-politically win over Hindu Brahmins/upper castes who are angry with the existing system of caste-based quotas. They too can now get their share of the overall 'pie' and keep their caste prejudices and hatreds intact.
- Is there a case for reservations based on economic criteria alone? Any serious, even if not definitive case in favour of this, could only be considered if the cut-off level is much lower than the currently stipulated and now legally sanctioned Rs. 8 lakhs annually. This is clearly not the case. And it would have to be available to all castes, religious groups, ethnicities.
- Whether the SC, ST and OBC communities in part or whole will now take umbrage at this new pro-upper caste policy remains to be seen.

The existing policy of caste reservations is necessary and must be supported. But we need to note two other points. First of all, there is a clear hypocrisy at work: this government is systematically pursuing a neoliberal policy of greater privatization thereby cumulatively reducing the overall number of jobs available in the public sector for all who are eligible for reservations while pretending to be committed to helping the oppressed castes and the poor. Secondly, in the absence of crucially needed structural reforms like land redistribution, democratic forms of collective ownership of farms/factories/firms, generation of universally available and quality public welfare measures, and various other measures; reservations remain a stop-gap practice that tends to reinforce caste divisions rather than being part of a wider process of steadily eroding and eventually destroying the caste system itself.

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P.S.

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