



COMMUNIST PARTY OF INDIA (MAOIST)

Central Committee

Press Release

14 November, 2022

Oppose the Brahmanical judgement of EWS reservation by the Supreme court! Revolt against the intention of the Brahmanical Hindutva Fascism to murder the Reservation policy for SC, ST and OBC communities

The Central Committee of the Communist party of India (Maoist) strongly opposes the Supreme court judgement of five constitutional bench on reservation for Economically weaker section (EWS) and upholding the constitutional validity of 103rd Constitutional amendment of 2019. Judgement on 7th November, on reservation for EWS by the supreme court is in the direction of abolishing affirmative action for SCs, STs and OBCs in the name of providing reservation for Economically weaker section. In spite of providing alternative measures for empowerment of economic weaker sections, BJP government intention is to deny status of social equality to SCs, STs and OBC by bringing 10 percent reservation for EWS. It is one of the programs of RSS- BJP for "New India" which is nothing but Hindu- Rashtra.

On November 7, 2022 Supreme court constituted a constitutional bench of five judges headed by the then Chief Justice of India, Justice U Lalit, to hear the 40 petitions filed against the 103rd amendment brought by the BJP government in 2019 to provide 10 percent reservation for Economically weaker section. The constitutional bench in its 3:2 judgement uphold the constitutional validity of the 103rd amendment act and said in the judgement that giving 10 percent reservation for the Economically weaker section does not goes against the basic structure of the constitution. However, in the mainstream media it has been propagated that the judgement as a split judgement but the fact is otherwise. In fact, the two so called dissent judgements of Justice U Lalit and Justice S Ravindra Bhat was not a dissent at all. They were not against the 103rd Amendment act in principle, but differed only on the ground that it failed to include economically weaker sections from the SCs , STs and OBCs communities. Through this judgement the future of Affirmative action based on social backwardness stands on doldrum.

Reservation based on social backwardness is an essential means to remove long- aged discrimination inflicted upon social backward castes and communities by the Brahmanical society. What the Supreme court judgement precisely does is that it changes the discourse of reservation from social backwardness which is vertical and hereditary in nature to economic deterministic approach to reservation which is transient and no necessarily hereditary in nature. The judgement and 103rd Amendment Act clearly exclude SCs, STs and OBCs under Article 15(4), 15(5) and Article 16(4) as beneficiaries under 10 percent reservation for Economically backward sections. In Indira Sawhney judgement of 1992, Supreme court in larger constitutional bench of nine judges held that 10 percent reservation based on economic backwardness stands unconstitutional and further stated that reservation should not breach the 50 percent criteria. November 7 judgement of Supreme court is going to make the implementation of reservations for SCs, STs and OBCs obscure and ineffective. Even the present reservation policy for the social backward communities is not sufficient according to their population. They are neither proportionally represented nor adequately represented in the public sphere. In SCs the representation is 4.6 percent low, in STs it is below 1.5 percent and in OBCs it is 53 to 54 percent. With EWS reservation policy, the selections in government jobs and educational institutions from marginalized communities will be drastically come down. Right from the inception of reservations policy for marginalized communities there has been lot of loop holes in implementing the reservation policy to its spirit This judgement is totally against the Ideas of social justice and social equality as propounded by Dr BR Ambedkar. This government has brought all anti- people policies and has turned the country into graveyard. Now this government is shedding crocodiles' tears for the economic backward sections. Instead of having numerous programs for economic weaker sections, poverty in India is on the rise and the government whole heartedness in not implementing those policies and programs for economic empowerment is not a hidden fact.

Communist party of India (Maoist) strongly opposes the brahmanisation of reservation policy and the destruction of the safeguard available for the SCs, STs and OBCs against Social discriminations. Central Committee (CC) of the Communist party of India (Maoist) calls all progressive, democratic , tribals, mass organizations, Dalits organizations, BC organizations and Ambedkarite organizations for mass protests against this anti- Ambedkar, anti- Dalits, anti BC and anti- tribals fascist government decision to liquidate reservation policy for socially marginalized communities.



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