



COMMITTEE AIPPM



STUDY GUIDE

AGENDA

Assessing the Impact of the Reservation
Policy in India during the NDA
Government's tenure

Letter from the Executive Board

Greetings Members!

It gives us immense pleasure to welcome you to this simulation of All India Political Parties'

Meet at Mayo College Girls' School Model United Nations. We look forward to an enriching and rewarding experience.

The agenda for the session was "Assessing the impact of the reservation policy in India during the NDA government's tenure." This study guide is by no means the end of research, we would very much appreciate it if the leaders are able to find new realms in the agenda and bring it forth in the committee. Such research combined with good argumentation and a solid representation of facts is what makes an excellent performance. In the session, the executive board will encourage you to speak as much as possible, as fluency, diction or oratory skills have very little importance as opposed to the content you deliver. So just research and speak and you are bound to make a lot of sense.

We are certain that we will be learning from you immensely and we also hope that you all will have an equally enriching experience. In case of any queries feel free to contact us. We will try our best to answer the questions to the best of our abilities.

We look forward to an exciting and interesting committee, which should certainly be helped by the all-pervasive nature of the issue. Hopefully we, as members of the Executive Board, do also have a chance to gain from being a part of this committee. Please do not hesitate to contact us regarding any doubts that you may have.

All the Best!

Muskan Ajitsaria

Chairperson

Ayushman Choudhary

Vice- Chairperson

The Committee

With more than 2000 registered political parties in India. The politics of the nation has been constantly changing. Typically called before the session of the parliament or introduction of the bill the All India Political Party Meets are conventions that allow the diverse political groups of India to reach a consensus on decisions of national importance, before sessions began.

With the absence of legislative power of the parliament the initial purpose of the forum was for unrestricted political debate, discussion and deliberation which may not be allowed in parliament due to time constraints but this body now aids in providing a better insight into national issues.

The AIPPM committee in MUN aims to mimic this reality by reproducing the stages of policies and jurisdiction, with delegates representing personalities from the divergent group of Indian political parties. While stepping into the shoes of assigned politician the AIPPM committee expects its representatives to be well versed, with their political party's ideology, manifesto and beliefs which helps the representatives grasp the multi-layered processes that go behind policy-making and governance in India, providing them with a explicit experience to the hitches and hurdles that political parties accost in modern times.

The AIPPM committee, unlike other conventional MUN committees characterized by heated debates, cross talks, high levels of negotiations and political democracy, echoes hopes of change and evolution!

Assessing the impact of the reservation policy in India during the NDA government's tenure

The Indian constitution is derived from features from the world. One of these features also includes the reservation system existing in the law and the Constitution. The reservation system is a form of affirmative action taken to uplift the weaker sections of the society to bring them at par in areas of power, education and job opportunities. However with time, we have gone way beyond from the frameworks of reservation to include several other sections of the society in this affirmative action.

Simply speaking, reservation means that a certain percentage of seats are retained or held to be filled by only the people belonging to a certain section of the society. This policy is applied in various forms including seats in the public sector, union and state civil services, union and state government and in all public and private educational institutions (with some exceptions).

The agenda, herewith, is to analyse the developments and safeguarding of the reservation policy during the last 10 years of the NDA government while keeping in mind the historical/current importance and necessity of such a system.

Constitutional Provisions

The Constitutional provisions that govern the reservation of SC/STs and other sections in our nation are as follows:

- **Article 14 Equality before law:** The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India
- **Article 15: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth**
 - i. **Article 15 (4):** Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.
 - ii. **Article 15 (5):** Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.
 - iii. **Article 15 (6):** Nothing in this article or sub-clause (g) of clause (1) of article 19 or clause (2) of article 29 shall prevent the State from making,—

- a. any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5); and
- b. any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5) in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30, which in the case of reservation would be in addition to the existing reservations and subject to a maximum of ten per cent. of the total seats in each category.

● **Article 16: Equality of opportunity in matters of public employment**

- i. **Article 16 (4):** Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.
 - A. Nothing in this article shall prevent the State from making any provision for reservation 3 [in matters of promotion, with consequential seniority, to any class] or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.]
 - B. Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent. reservation on total number of vacancies of that year.]
- ii. **Article 16 (6):** Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any economically weaker sections of citizens other than the classes mentioned in clause (4), in addition to the existing reservation and subject to a maximum of ten per cent. of the posts in each category.]

Part XVI of the Indian Constitution lists the Special Provisions Relating to Certain Classes:

- **Article 330:** Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People
- **Article 332:** Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.
- **Article 335:** Claims of Scheduled Castes and Scheduled Tribes to services and posts

Article 243D and Article 233T provides reservation of seats for SCs and STs in every Panchayat and Municipality respectively. The recent 104th amendment has extended the cessation of reservation of seats for SC/STs in the Lok Sabha and state legislative assemblies till 2030 but has abolished the reservation for the Anglo-Indian community in the same.

Historical Background

The notion of who holds the authority to implement reservations in India is commonly attributed to William Hunter and Jyotirao Phule, who initially conceptualised a caste-based reservation system in 1882. Upon the establishment of the Hunter Commission in the same year, Mahatma Jyotirao Phule advocated for universal free education and government employment for all citizens.

In 1902, a notification was issued in the state of Kolhapur, reserving 50% of government service positions for economically disadvantaged individuals, marking India's inaugural instance of reservation to uplift the underprivileged. Reservation policies were further developed in 1908 to support castes and communities involved in British administration. The Morley Minto Reforms, also known as the Government of India Act of 1909, included provisions for reservation. The Government of India Act of 1919 introduced additional measures for reservation.

In 1921, a Government Order issued by the Madras Presidency allocated reservations as follows: 44% for non-Brahmins, 16% for Muslims, 16% for Anglo-Indian Christians, and 8% for Scheduled Castes. The Government of India Act 1935 also incorporated provisions for reservation.

Present Status of reservation policy in India and facts about reservation system in India

After introducing the provision for reservation once, it got related to vote bank politics and the following governments and the Indian Parliament routinely extended this period, without any free and fair revisions. Later, reservations were introduced for other sections as well.

- The Supreme Court ruling that reservations cannot exceed 50% (which it judged would violate equal access guaranteed by the Constitution) has put a cap on reservations. The central government of India reserves 27% of higher education for Other Backward Castes, and individual states may legislate further reservations.
- Reservation in most states is at 50%, but certain Indian states like Rajasthan have proposed a 68% reservation that includes a 14% reservation for forward castes in services and education.
- However, there are states laws that exceed this 50% limit, and these are under litigation in the Supreme Court. For example, the caste-based reservation fraction stands at 69% and is applicable to about 87% of the population in the state of Tamil Nadu.

A way forward

- De-reservation Policy: While caste may continue to be the mainstay of reservation policies, the benefits should flow to the vast majority of underprivileged children from deprived castes; not to a few privileged children with a caste tag. Families of public officials of a certain rank certain high-income professionals and others above a certain income should be de-reserved. In other words, once they have received a significant advantage of reservations, they should be able to ensure opportunities for their children and vacate the space for the truly disadvantaged children in their own caste groups.

- Affirmative steps: We have to address the anger and aspirations of poor families among unreserved communities. With the Supreme Court ruling of 50 per cent ceiling on reservation quotas, no further reservation is possible. But intelligent, creative, fair and practical ways of giving the poorer children among OBCs a helping hand are possible and necessary. For instance, parental education and the school the child attended, are two sure indicators of poverty and the backwardness of a family. If parents have not had education beyond school, and if the child goes to a government school or a low-end, ramshackle private school, it is a sure sign of a lack of adequate opportunity.

- Make education mandatory and free for all till age of 17

- Instead of introducing reservations for these backward classes what is required is to bring about revolutionary changes in our education system at the grass-root level. When proper education is not provided to children belonging to such categories during the primary stage itself then on what basis are the reservations provided at a subsequent stage.

- Reservations on the basis of caste and not on the basis of other conditions are unacceptable. Fair and just reservations to uplift the people with poor conditions of life, those who don't have meals to eat, clothes to wear and no home to live in. They shall be made on the basis of factors such as gender as women are more disadvantaged than men since primitive times, domicile, family education, family employment, family property, family income and if any disabilities and traumas. The process of reservation should be such that it filters the truly economically deprived individuals and bring them all to justice.

Our Constitution ensures equity and fairness of chance to everyone and so it turns into an obligation of state to make a move to accomplish this goal. Constitution also recognizes that equal opportunity means competition between equals and not unequal's. The constitution creators perceived the disparity in our social framework and contended that the weaker area (the individuals who are unequal's) have to be dealt with on a preferential footing by the state.

So different article of constitution forces this obligation and offers capacity to the state to make law for the assurance and advancement of the weaker and backward sections of the society.

Impact of Reservation policy in reducing caste inequality

Various cases of violence have been reported against Dalits in recent years. They are subject to exploitation since earlier times. A famous incident was of Phoolan Devi's exploitation by the upper caste people. Phoolan Devi was born in a small town of Uttar Pradesh where girls were like a burden. Like every low caste girl who has to work for the upper caste families, she was married at an age of eleven years to a heartless man in his thirties in return for a bovine.

In the wake of being assaulted by her husband for many years, she somehow or another figured out how to escape from her spouse and joined a gang of bandits. Later, after a battle she was assaulted by upper caste bandits. She was secured up in Behmai, a village of Thakurs. For about fourteen days, a gathering of Thakur assaulted Phoolan, on numerous occasions until the point that she lost her consciousness. Later she herself became the gang leader and took the revenge. This shows her story of courage by not getting suppressed by upper caste people.

So, the crime against Dalits has not yet stopped but reservation system has contributed to a large extent in reducing caste inequality and changing the mentality of the society. Reservation is considered a Positive discrimination. As in the olden days, lower castes were badly harassed and discriminated. To uplift the lower castes and give them equal opportunities reservations are a must. When there are two parties which are not equal then it is not fair to treat them equally. The existing situation of inequality has to be removed first.

Poor people cannot afford to send their children to school because the opportunity cost of sending the children to school is very high as they make valuable contributions to the household economy. These children since their birth have seen financial problems in their families and they also want to provide a good standard of living to their family. They can't even afford coaching or give fees to big institutions. So, the reservation policy has given hope to such a category to pursue good education by getting seats reserved for them at various job and college entrances thereby they can improve the economic status of their families. It has been effective also as there are many citizens who are Dalits or OBCs and are excelling in various fields like Kalpana Saroj, Ilaiyaraja.

This policy is framed for the betterment of backward classes, but no one can ignore its disadvantage because it defeats meritocracy that is accessibility of options to the most capable and deserving candidate. So, the reservation system is an affirmative action but only to the extent, it is not exploited. But with the passage of time, we have deviated from our initial goal of introducing the reservation policy.

Reservation policy was initiated for the upliftment of lower caste people and so it is a positive discrimination. It has been effective to a great extent but with the passage of time, this policy has been exploited by the politicians, creamy layer among lower caste people. So, this policy to be an affirmative action needs to be reviewed. By giving reservations, the members of the constituent assembly wanted to bring changes in the way lower caste people are treated in the society so that they can avail equal opportunities like upper caste people. So, it was adopted as

an affirmative action. But now, the scenario has changed, and amendment are needed in this policy for the betterment of the society as a whole.

Discrimination on the basis of residence

Article 16(3) says that only the parliament can make any law prescribing employment or appointment for a government job on the basis of residence. This means that if parliament finds it suitable, it can discriminate on the ground of residence. Here, you should note that parliament is empowered to make a recruitment within a state or union territory in which person may get preference. But at the same time, the State Governments are NOT allowed to make such a recruitment in which residence of a person gets preference in state government jobs. For example, in October 2011, the Bengal Police had given a recruitment notification in which provides for jobs for not only specific districts but even particular areas. This was against the article 16(3) of the constitution.

Reservation for OBC

Mandal Commission On 20 December 1978 India's prime minister, Morarji Desai of the Janata Party, announced the formation of a second Backward Classes Commission whose chairman was B. P. Mandal, a former member of Parliament. The commissions assignments were to determine criteria for defining India's socially and educationally backward classes to recommend steps to be taken for the advancement of those classes to examine the desirability of reserving state- and central-government jobs for those classes and to present a report to the president of India.

On 31 December 1980 the Mandal Commission submitted its report to President N. S. Reddy, recommending ways to advance India socially and educationally backward classes. The Mandal Commission concluded that India's population consisted of approximately 16 percent non-Hindus, 17.5 percent Brahmins and forward castes, 44 percent other backward classes and 22.5 percent scheduled castes and tribes. However, since the 16 percent non-Hindus presumably included approximately the same proportion of other backward classes as did the Hindus (i.e., another 8%), the total proportion of other backward classes (Hindu and nonHindu) came to 52 percent (44% + 8%) of India population, therefore 27% government jobs should be reserved for them.

The Mandal Commission developed eleven indicators of social, educational, and economic backwardness. One indicator was being considered backward by other castes or classes. Other indicators included depending mainly on manual labour for livelihood and having an average value of family assets at least 25 percent below the state average. In addition to identifying backward classes among Hindus, the Mandal Commission identified backward classes among non-Hindus (e.g., Muslims, Sikhs, Christians, and Buddhists) if they had belonged to untouchable castes before they converted to a non- Hindu religion, or if Hindu castes with the same occupational names, such as dhobi (launderer), lobar (iron worker), nai (barber), or teli (oil presser), were considered backward. In February 1980 the Mandal Commission conducted a

nationwide socioeconomic field survey in which it gathered interview data from two villages and one urban block in 405 of the nation 406 districts. The field survey data, combined with information from the 1961 census, various states lists of their backward classes, and personal knowledge of Commission members and others, enabled the Mandal Commission to generate an all-India other backward classes (OBC) list of 3,743 castes and a more underprivileged depressed backward classes list of 2,108 castes. On 7, August 1990 Prime Minister V. P. Singh announced in the Parliament that his government would implement the Mandal Commission recommendations. This was followed by the violent objections in northern part of India.

Indra Sawhney Case 1992:

The 27% reservation quota for backward classes and the government notification reserving 10% government jobs for economically backward classes among the higher castes was challenged in the Supreme Court in the Indra Sawhney Case of 1992. On 16 November 1992 the Supreme Court upheld the Mandal Commission 27 percent quota for backward classes as well as the principle that the combined scheduled-caste, scheduled-tribe, and backward-class beneficiaries should not exceed 50 percent of India population. At the same time, court also struck down the government notification reserving 10% government jobs for economically backward classes among the higher castes.

The opinion of the Supreme Court in the Indra Sawhney case is summarized as below:

Backward Classes of the Citizens of in Article 16(4) can be identified on the basis of caste and not only on the economic basis. Article 16(4) is not an exception to Article 16(1) The backward classes in Article 16(4) are not similar to as socially backward classes in Article 15(4) i.e. SC and ST Creamy layer can be and must be eliminated from the Backward Classes. Article 16(4) permits the classification of backwards classes into more backward classes. Reservation shall not exceed 50%. The court said that this rule should be applied every year. However, it may be relaxed in favor of people from far flung and remote areas because of their peculiar conditions.

However, extreme caution should be exercised in doing so. Carry forward rule is valid, but it is subject to 50%. There should be NO reservation in the Promotions.

Women Reservation Bill, 2023

The Women's Reservation Bill 2023, also known as the Nari Shakti VandanAdhiniyam (Act in Celebration of Woman Power), is a landmark legislation in India that aims to increase women's representation in political decision-making.

Key Provisions:

Reservation: The Act reserves one-third of all seats in the following legislative bodies for women:

- i. Lok Sabha (Lower House of Parliament)
- ii. State Legislative Assemblies
- iii. Legislative Assembly of the National Capital Territory of Delhi

This reservation applies to seats already reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs).

The Act outlines a rotation system to ensure different communities within women get a fair chance at the reserved seats.

Legislative Journey:

The bill was introduced in the Lok Sabha on September 19, 2023, and passed both houses of Parliament with near-unanimous support in September 2023. As a Constitutional Amendment, it required ratification by at least half of the state legislatures, which is ongoing.

Significance:

This Act is expected to significantly increase women's participation in politics in India. Currently, women hold less than 15% of seats in the Lok Sabha and State Legislative Assemblies. Increased women's representation in politics is expected to:

- i. Advance gender equality: Promote women's voices and address issues relevant to them.
- ii. Strengthen democracy: Enhance diversity of perspectives in policy-making.
- iii. Empower women: Encourage greater participation in public life.

Challenges and Concerns:

- i. Implementation: Operationalizing the rotation system and ensuring smooth implementation across states.
- ii. Reservations vs. Reservations: Potential concerns of double reservation for women belonging to SCs and STs.
- iii. Alternative Approaches: Debating if reservation is the most effective way to increase women's representation.

Suggested sub-topics for research

1. Historic development and purpose for reservation
2. Reservation in jobs and employment 3. Reservation in the education sector
4. Amendments in the Constitution
5. Recent 10% Economic Reservation and Women Reservation Bill, 2023
6. Mandal Commission
7. Supreme Court on reservation policy
8. Merits and demerits of reservation
9. Concept of creamy layer
10. Different types of reservation